

Sentence Review Division  
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**FILED**

**APR 28 2020**

**SENTENCE REVIEW DIVISION  
OF THE SUPREME COURT  
STATE OF MONTANA**

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-19-053
	)	
Plaintiff,	)	Lake County District Court
	)	
-vs-	)	Montana Twentieth Judicial District
	)	
KRISTINE JULIA ROZINKA,	)	<b>DECISION</b>
	)	
Defendant.	)	

On August 8, 2019, the Defendant was sentenced to a commitment to the Department of Corrections for thirteen (13) months, followed by a consecutive five (5) year suspended sentence, for the offense of Count I: Driving Under the Influence of Alcohol or Drugs, Fourth or Subsequent Offense, a Felony under §61-8-401, MCA. Count II was dismissed.

On April 3, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Due to the COVID-19 Shelter in Place Order imposed, the hearing was held via videoconference. The Defendant was present via videoconference from the Montana Women's Prison, and was represented by Julianne Hinchey, who appeared by teleconference from Bozeman, Montana. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

Done in open Court this 3<sup>rd</sup> day of April, 2020.

DATED this 28<sup>th</sup> day of April, 2020.

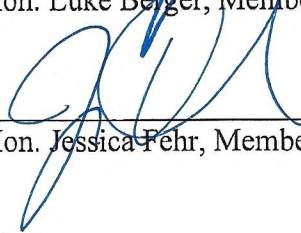
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



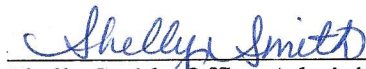
Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed and/or emailed, this 28<sup>th</sup> day  
of April, 2020, to:

Lake Co. Clerk of District Court (Original)  
Kristine Julia Rozinka #3023708, Defendant (2)  
Hon. Deborah Kim Christopher  
Julianne Hinchey, Defense Counsel  
Benjamin Anciaux, Esq.  
Board of Pardons and Parole  
MWP - Records Dept.



Shelly Smith, Office Administrator  
Sentence Review Division