

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-17-556
)
Plaintiff,) Yellowstone County District Court
)
-vs-) Montana Thirteenth Judicial District
)
ERIN GABRIELLE WORTH,) **DECISION**
)
Defendant.)

On January 10, 2020, the Court revoked the Defendant's deferred sentence for violation of the conditions, and sentenced the Defendant to a term of three (3) years to the Department of Corrections for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The Court recommended the Defendant be screened for treatment with the Elkhorn Treatment Center and she apply for Drug Court when finished with treatment at Elkhorn if accepted.

The Defendant was given credit for time served for pre-trial incarceration/detention time served from July 31, 2018 through August 20, 2018; October 28, 2018 through November 14, 2018, and November 25, 2019 through January 10, 2020.

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 David Maldonado of Maldonado Law, PLLC, Missoula, MT, who appeared by videoconference from the Missoula County Courthouse. 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 3rd day of April, 2020.

DATED this 28th day of April, 2020.

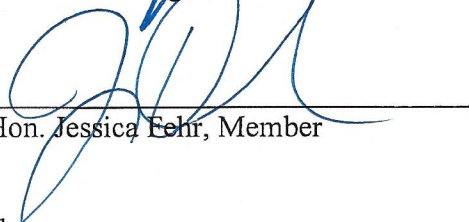
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



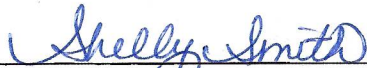
Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

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

Yellowstone Co. Clerk of District Court
Erin Gabrielle Worth #3023804, Defendant (2)
Hon. Donald Harris
David Maldonado, Defense Counsel
Ann Marie McKittrick, Esq.
Board of Pardons and Parole
MWP - Records Dept.



Shelly Smith, Office Administrator
Sentence Review Division