

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-18-006
	)	
Plaintiff,	)	Chouteau County District Court
	)	
-vs-	)	Montana Twelfth Judicial District
	)	
FRANKIE LEIGH RAININGBIRD,	)	<b>DECISION</b>
	)	
Defendant.	)	

On October 15, 2019, the Defendant was sentenced as follows: Count I: Twenty (20) years to the Montana Women’s Prison, with all but ten (10) years suspended, for the offense of Negligent Homicide, a Felony, in violation of §45-5-104(1) MCA.

Pursuant to §46-18-202(2), MCA, the Court imposed a parole restriction for the first five (5) years of the sentence. The Defendant’s parole eligibility is contingent upon completion of a chemical dependency course deemed appropriate by the Department.

Count IV: Six (6) months in the County Jail, for the offense of Driving While Under the Influence of Drugs or Alcohol, a Misdemeanor, in violation of §61-8-401(1)(b).

Counts I and IV were ordered to run concurrently with each other. The Defendant was given credit for 201 days of time previously served.

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 represented by Steve Gannon, Chouteau County Attorney, who appeared by videoconference from the Choteau County Courthouse.

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.

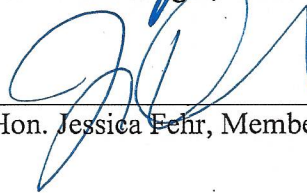
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



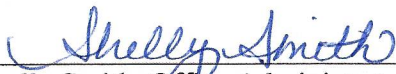
Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

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

Chouteau Co. Clerk of District Court  
Frankie Leigh Rainingbird #3027309, Defendant (2)  
Hon. Kaydee Snipes Ruiz  
David Maldonado, Defense Counsel  
Stephen A. Gannon, Esq.  
Board of Pardons and Parole  
MWP - Records Dept.



Shelly Smith, Office Administrator  
Sentence Review Division