

Sentence Review Division
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FILED
4/10/2026
SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
OF THE STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-16-2017-0000360
)
Plaintiff,) Gallatin County District Court
)
) Montana Eighteenth Judicial District
-vs-)
) **DECISION**
VALARIE MCCLAIN,)
)

Defendant.

On April 14, 2020, the Court found the Defendant violated the terms and conditions of her suspended sentence, revoked the suspended sentence, and sentenced her in Count I per the plea agreement of 04/13/2020, including recommended placement in Passages, and that the Defendant does not operate a daycare or be a caretaker for children, whether paid or unpaid, regulated or unregulated / licensed or unlicensed. The Defendant may have contact with any child less than 18 years of age, only if the Defendant was supervised by an adult approved by the Defendant's supervising officer and the child's parent or guardian had knowledge of the offense, for the period of one (1) year from the date of the Order. The Defendant was ordered to pay restitution in the amount of \$2,839.98 and a 10% restitution fee in the amount of \$283.99, with credit to be given for any prior payments. The Defendant received no credit for time served on probation due to failure to follow conditions of probation and being cited for new charges. The Defendant received credit for 393 days of incarceration

On April 3, 2026, the Defendant's Application for review of that sentence came on for hearing by Zoom videoconference before the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared from Passages Women's Correctional and was represented by Dave Merchant, Esq., Defense Counsel. The State was not represented. The Defendant provided a statement.

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.

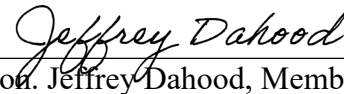
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 10th day of April, 2026.

SENTENCE REVIEW DIVISION



Hon. Matthew Cuffe, Chair



Hon. Jeffrey Dahood, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 10th day of April, 2026, to:

Clerk of District Court – *via email*

Valarie McClain #3026140, Defendant

Hon. Peter B. Ohman – *via email*

Dave Merchant, Esq., Defense Counsel – *via email*

State Office of the Public Defender Scott Johnson, Deputy Co. Attorney – *via email*

Board of Pardons and Parole – *via email*

Montana Women’s Prison – Records Dept. – *via email*



Dia C. Lang, Office Administrator
Sentence Review Division