



The Supreme Court of Montana  
SENTENCE REVIEW DIVISION

**Frequently Asked Questions**

*Revised May 6, 2025*

**Q: What is the Sentence Review Division?**

**A:** The Sentence Review Division consists of three District Court Judges and one alternate Judge appointed by the Chief Justice of the Montana Supreme Court, and an Office Administrator and a part time Administrative Assistant to the Boards and Commissions is hired by the Montana Supreme Court, Court Administrator's Office. Each Judge serves a three-year term. One Judge is designated as the presiding officer or Chairperson. The Division processes and reviews all Applications for Review of Sentence. Section 46-18-901, MCA.

**Q: When is a Defendant eligible to file an Application for Review of Sentence?**

**A:** A person sentenced to a term of One (1) year or more in the state prison or to the custody of the Montana Department of Corrections may file an Application. Section 46-18-903(1), MCA. This includes when a Defendant's deferred or suspended sentence is revoked and the Defendant is sentenced to custody of One (1) year or more; a Defendant granted conditional release from a custodial sentence who is still subject to such custodial sentence; a Defendant who receives a different sentence resulting from Appeal and sentence is One (1) year or more; and a Defendant who receives One (1) year or more on a *misdemeanor* charge if sentenced to state prison or custody of the Dept. of Corrections. If in doubt, contact the Division for assistance.

**Q: When is a Defendant not eligible to file an Application for Review of Sentence?**

**A:** A Defendant sentenced to commitment at the Montana State Hospital is not eligible. A Defendant under the supervision of Probation and Parole serving a suspended or deferred sentence is not eligible. If in doubt, contact the Division for assistance.

**Q: What is the proper provision of the Notice of Right to Apply for Review of Sentence to a Defendant?**

**A:** Section 46-18-903(1), MCA, states that Notice is provided upon "imposition of the sentence". Whenever possible, Notice and Application forms are given to the Defendant and Defense Counsel the same day as the sentencing hearing—usually served by the court's or Clerk's representative; **OR**, Notice, Application forms and Judgment are served

by mail to the Defendant and Defense Counsel within a few days of the sentencing hearing.

The Notice is filed with the Clerk's office the same day it is served on the Defendant and Defense Counsel.

Notice is also required if a Defendant's sentence has been changed as a result (for example) of an Appeal, new trial/hearing, or amended judgment, and the new sentence imposed is One (1) year or more to a state prison or custody of the Montana Department of Corrections.

**Q: Does the Clerk serve the original Notice of Right to Apply for Review of Sentence on the Defendant, or a copy?**

**A:** The Clerk shall file the *original* Notice of Right to Apply for Review of Sentence and provide a *conformed copy* to the Defendant with the Applications and Judgment.

**Q: What is the deadline for filing an Application for Review of Sentence?**

**A:** Rule 2, Rules of the Sentence Review Division of the Montana Supreme Court, provides that a Defendant seeking review of the sentence must file an Application within Sixty (60) days from the date sentence was imposed. Section 46-18-903(1), MCA. The filed Notice and Application forms are typically personally served upon the Defendant at the sentencing hearing or on the day of sentencing, or mailed within a few days after sentencing. Therefore, the Division uses the date the Clerk *filed* the Notice of Right to Apply as its guideline to begin counting the 60 days.

Rule 2, also provides, "If an appeal to the Supreme Court or petition for post conviction relief is filed, the 60-day period commences when the appeal or petition is complete." When the appeal or petition has been decided, it is the Defendant's responsibility to notify the Clerk of Court that he/she wishes to proceed with an Application that has already been filed, or Defendant may file an Application after the appeal or petition is decided. The Clerk proceeds as usual. *It is not the Clerk's responsibility to track an Application while there is a pending appeal or petition. The Clerk does not notify the Division that an appeal or petition has been decided and initiate the Application process, unless a request or Application has been received from the Defendant.*

**Q: When will the Sentence Review Division have its new standardized forms available to use?**

**A:** The new forms were revised and approved by the Sentence Review Division in March 2014 and Updated in October 2017. The IT Department completed the conversion of the new forms in FullCourt for the Clerks on March 21, 2014. The forms in FullCourt are titled:

- Sentence Review Acknowledgment [*optional use*]
- Sentence Review Application
- Sentence Review Clerk Certificate
- Sentence Review Notice

**Q: Can a Clerk or anyone other than the Sentence Review Division revise or customize the forms?**

**A:** No. All forms used by the Clerk must be approved by the Sentence Review Division, ***NO EXCEPTIONS***. The forms are standardized, specifically created to comply with Orders of the Montana Supreme Court, Statutes and Rules governing the Sentence Review Division.

**Q: When and Why did the procedures change from mailing original District Court files to the Sentence Review Division to emailing District Court documents to the Division?**

**A:** In January and February 2014, the Sentence Review Division, IT Department and MACDC Automation Committee worked together to create an electronic filing process for the submission of filed Applications for Review of Sentence and related District Court documents. Sending documents electronically to the Division from the District Court Clerk's office eliminated the risk of an original District Court file getting lost in the mail, eliminated the postage expense mailing files back and forth, eliminated unnecessary copying and duplicate scanning of court documents, and saved personnel time. Beginning February 2014, all Clerks began electronically submitting Applications and court documents to the Division at [SRDApplication@mt.gov](mailto:SRDApplication@mt.gov) . *See* Procedures for the Clerk of District Court, *Revised 5/04/2018*.

**Q: With the new electronic filing process, how will the Sentence Review Division confirm with the Clerk that the Application and court documents it requested were received?**

**A:** The Office Administrator or Administrative Assistant of the Division will send an email to the Clerk acknowledging receipt of the Application.

**Q: What effect does an Appeal or Petition for Post-Conviction Relief have on the filing of an Application for Review of Sentence?**

**A:** Rule 2, Rules of the Sentence Review Division of the Montana Supreme Court, states that if an Appeal to the Supreme Court or Petition for Post-Conviction Relief is filed, the 60-day period commences when the Appeal or Petition is complete.

If a Defendant files an Application for Review of Sentence and then later files an Appeal or Petition, the Division will automatically withdraw the Application, and send a letter or Order to the Defendant (copy to the Clerk) stating the Application is withdrawn and Defendant has 60 days from date of the decision of the Appeal or Petition to file the Application.

If a Defendant files a Notice of Appeal or Petition and later files an Application for Review of Sentence, the Clerk must follow the Application procedures as usual.

Following the decision of an Appeal or Petition, it is not the Clerk's responsibility to remind the Defendant of the 60-day time period or to serve another Notice and Application

forms on the Defendant, *unless an amended judgment results from an Appeal*. It is the Defendant's responsibility to file the Application within the 60 days.

**Q: How often does the Sentence Review Division hold hearings?**

**A:** The Division holds hearings Six (6) times a year: Four (4) times (usually February, May, August, November) by Zoom Videoconference for the men's hearings; and Two (2) times (usually April and October) by Zoom Videoconference for the women's hearings. Each December, the Division sets the hearing dates for the coming year and subsequent year. Section 46-18-901(2), MCA.

**Q: How long does it take the Sentence Review Division to render a written Decision?**

**A:** Two to three weeks, depending on the court schedules of each Judge of the Sentence Review Division. Rule 13, Rules of the Sentence Review Division of the Montana Supreme Court, states the original Decision is filed with the Clerk of District Court. Section 46-18-905(1), MCA.

**Q: Can a Defendant appeal a Decision rendered by the Sentence Review Division?**

**A:** Decisions rendered by the Sentence Review Division are final. There is no appeal. Section 46-18-905(1), MCA.

**Q: What is the contact information for the Sentence Review Division?**

**A:** Sentence Review Division  
Montana Supreme Court  
301 S. Park, Suite 328  
P.O. Box 203005  
Helena, MT 59620-3005

Office Administrator:  
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Rosemary Madero  
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Sentence Review Division Website:  
[HTTP://COURTS.MT.GOV/COURTS/SUPREME/BOARDS/SRD](http://COURTS.MT.GOV/COURTS/SUPREME/BOARDS/SRD)