

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-25-2017-0000020-IN
)	
Plaintiff,)	Lewis & Clark County District Court
-vs-)	
)	Montana First Judicial District
KALEB EDWARD DANIELS,)	
)	DECISION
)	
Defendant.)	

On September 30, 2017, the Defendant was sentenced as follows:

Count I: Sixty (60) years to the Montana State Prison for the offense of Attempt (Deliberate Homicide), a Felony, in violation of §§ 45-6-204(2)(i) MCA and 45-5-102(1)(a) MCA.

Count II: Forty (40) years to the Montana State Prison for the offense of Aggravated Burglary, a felony, in violation of § 45-6-204(2)(i) MCA.

Count IV: Twenty (20) years to the Montana State Prison, for the offense of Tampering with or Fabricating Physical Evidence, a felony, in violation of § 45-7-207(1)(a) MCA.

The Court ordered the sentences to run consecutively to each other. The Defendant was granted 259 days credit for time served prior to sentencing (December 28, 2016 – September 13, 2017). The Court further ordered the Defendant to pay restitution in the amount of \$1,580.00, plus a 10% administrative fee.

On August 1, 2024, 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 the Montana State Prison and was represented by Teal Mittelstadt, Defense Counsel. The State was not represented. The Defendant gave 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 he understood this and stated that he wished to proceed.

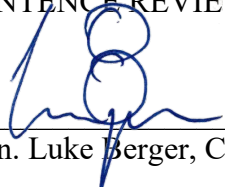
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 13th day of August, 2024.


SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



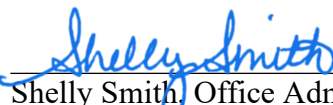
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

Copies mailed or emailed this 13th day of August, 2024, to:

Clerk of District Court – *via efile*
Kaleb Edward Daniels #3011312, Defendant
Hon. Michael McMahon – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Mary Barry, Deputy Co. Attorney – *via eservice*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division