

Sentence Review Division
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FILED

FEB 22 2022

**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-17-009
)	
Plaintiff,)	Carbon County District Court
)	
-vs-)	Montana Twenty-Second Judicial District
)	
GREGORY LOUGHNEY,)	DECISION
)	
Defendant.)	

On February 28, 2018, the Defendant was sentenced as follows:

Count I: Ten (10) years in a prison designated by the Department of Corrections, with five (5) years suspended, and \$5000 fine, all suspended, for the offense of Criminal Endangerment, a felony, in violation of §45-5-207, MCA;

Count II: Ten (10) years in a prison designated by the Department of Corrections, with five (5) years suspended, and \$5000 fine, all suspended, to run consecutively to Count I, for the offense of Criminal Endangerment, a felony, in violation of §45-5-207, MCA;

Count III: Five (5) years in a prison designated by the Department of Corrections, none suspended, and a \$5000 fine, all suspended, to run consecutively to Counts I and II, for the offense of Criminal Endangerment, a felony, in violation of §45-5-207, MCA;

Count IV: Ten (10) years in in a prison designated by the Department of Corrections, all suspended, and a \$5000 fine, all suspended, to run concurrently with Counts I-III, for the offense of Criminal Endangerment, a felony, in violation of §45-5-207, MCA;

Count V: Ten (10) years in in a prison designated by the Department of Corrections, all suspended, and a \$5000 fine, all suspended, to run concurrently with Counts I-IV, for the offense of Criminal Endangerment, a felony, in violation of §45-5-207, MCA; and

Count VI: Ten (10) years in in a prison designated by the Department of Corrections, all suspended, and a \$5000 fine, all suspended, to run concurrently with Counts I-V, for the offense of Criminal Endangerment, a felony, in violation of §45-5-207, MCA.

The Court's intention was to impose a twenty-five (25) year prison term, with ten (10) years suspended. In addition, the Defendant shall not be eligible for parole for a term of five (5) years.

The Court imposed restitution in the amount of four hundred twenty-eight thousand seven-hundred and twenty-six dollars and eighty cents (\$428,726.80), payable to the appropriate parties. In addition, the Court ordered the Defendant to pay ongoing and continuing counseling therapy for the victims in this case needing such therapy.

On February 10, 2022, 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 Dawson County Correctional Facility and was represented by Steven Thuesen, Defense Counsel. The State was not represented. Kristofer Stewart and Naomi Stewart, victims of the offense, were present but did not provide statements. A written statement was provided by victim, Sarah Stewart, prior to the hearing.

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. The Defendant gave a statement.

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 21st day of February, 2022.


SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed or emailed this 22nd day of February, 2022, to:

Clerk of District Court – *via email*
Gregory Loughney #3023597, Defendant (2)
Hon. Matthew Wald – *via email*
Steven Thuesen, Defense Counsel – *via email*
Alex Nixon, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division