

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

STATE OF MONTANA,	)	Cause No. DC-21-2007-0000079-IN
	)	
Plaintiff,	)	Hill County District Court
-vs-	)	
	)	Montana Twelfth Judicial District
KIM A. NORQUAY, JR, aka BUGGZ	)	
IRONMAN-WHITECOW,	)	<b>DECISION</b>
	)	
	)	
Defendant.	)	

On April 3, 2009, the Defendant was sentenced as follows:

Count I: Sixty-Five (65) years to the Montana State Prison for the offense of Deliberate Homicide by Accountability, a Felony, in violation of §§45-5-102 and 45-2-301, MCA.

Count II: Ten (10) years to the Montana State Prison to run concurrently with Count I for the offense of Tampering with Physical Evidence, a Felony, in violation of §45-7-207, MCA.

The Court ordered that the Defendant not be eligible for parole consideration for twenty (25) years. The Defendant was ordered to pay restitution in the amount of \$6,000.00 to the victim’s family, Joyce Metcalf. The Court ordered the Defendant to register as a Violent Offender in compliance with §46-5-23, MCA, and give notice of any address change. The Defendant was given credit for 581 days served in the Cascade County Detention Center pending final disposition of the matter.

The State filed a Motion to Amend Sentence and Judgment which was granted, August 17, 2019, by the Court to amend the first sentence of paragraph 12, on page 6 as follows:

*The Defendant shall be required to pay restitution in the amount of \$6,000.00 joint and severally with Co-Defendant James Main in Cause DC-06-163, Montana Twelfth Judicial District Court, Hill County. Joyce Metcalf shall receive \$2,500.00 of this amount and Montana Crime Victim’s Compensation, Claim No. 70270, shall receive \$3,500.00.*

On May 2, 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 Rufus Peace, Defense Counsel. The State was represented by Assistant Attorney General, Daniel Guzynski. Joyce Metcalf, sister of the victim, was present and gave a statement. 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.

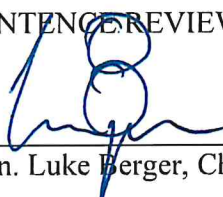
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 31st day of May, 2024.

SENTENCE REVIEW DIVISION

  
\_\_\_\_\_  
Hon. Luke Berger, Chair

  
\_\_\_\_\_  
Hon. Jessica Fehr, Member

  
\_\_\_\_\_  
Hon. Matthew Cuffe, Member

Copies mailed or emailed this 31<sup>st</sup> day of May, 2024, to:

Clerk of District Court – *via email*

Kim A. Norquay, Jr., aka Buggz Ironman-Whitecow #3001240, Defendant

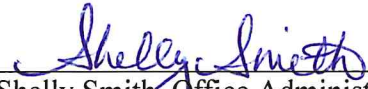
Hon. Kadydee Snipes-Ruiz – *via email*

Rufus Peace, Defense Counsel – *via email*

Daniel Guzyski, Assistant Attorney General – *via email*

Board of Pardons and Parole – *via email*

MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division