

Sentence Review Division  
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**FILED**

**MAY 17 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-21-048               |
|                            | ) |                                   |
| Plaintiff,                 | ) | Richland County District Court    |
|                            | ) |                                   |
| -vs-                       | ) | Montana Seventh Judicial District |
|                            | ) |                                   |
| PETER MARK KALLIGHER, JR., | ) | <b>DECISION</b>                   |
|                            | ) |                                   |
| Defendant.                 | ) |                                   |

On November 1, 2021, the Defendant was sentenced as follows: Count I: A commitment to the Montana Department of Corrections for a term of ten (10) years, with five (5) years suspended for the offense of Criminal Endangerment, a felony in violation of §45-5-207, MCA. The Defendant shall pay restitution to Children’s Hospital Colorado in the amount of \$6,442.25. Count II: A commitment to the Montana Department of Corrections for ten (10) years, all suspended, for the offense of Tampering a Witness, a felony, in violation of §45-7-206, MCA. The Court ordered the sentences in Count I and II run consecutive to each other. The Defendant was given credit for time served in the amount of 132 days.

On May 5, 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 Connections Corrections Facility and was represented by Dan Biddulph, Defense Counsel. The State was not represented. The Defendant did not provide 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.

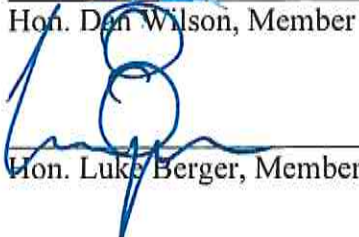
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 17th day of May, 2022.

SENTENCE REVIEW DIVISION

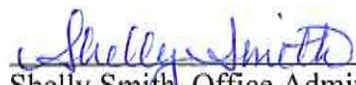
  
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Hon. Jessica Fehr, Chair

  
\_\_\_\_\_  
Hon. Dan Wilson, Member

  
\_\_\_\_\_  
Hon. Luke Berger, Member

Copies mailed or emailed this 18th day of May, 2022, to:

- Clerk of District Court – *via email*
- Peter Mark Kalligher, Jr. #3031233, Defendant (2)
- Hon. Katherine Bidegaray – *via email*
- Dan Biddulph, Defense Counsel – *via email*
- Charity McLarty, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*

  
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Shelly Smith, Office Administrator  
Sentence Review Division