

Sentence Review Division  
301 S. Park Ave., Suite 328  
P.O. Box 203005  
Helena, MT 59620-3005  
Phone: (406) 841-2976  
Email: [shellysmith@mt.gov](mailto:shellysmith@mt.gov)

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-9-2018-0000070-IN
	)	
Plaintiff,	)	Custer County District Court
-vs-	)	
	)	Montana Sixteenth Judicial District
BANNER LEE BOYD,	)	
	)	<b>DECISION</b>
	)	
Defendant.	)	

On February 1, 2022, following the Supreme Court Remittitur and Remand issued on January 13, 2022, the Court sentenced the Defendant as Ordered.

On October 1, 2019, the Court sentenced the Defendant to a commitment to the custody of a Montana State Prison, for a term of ten (10) years, with no time suspended, for the offense of Count I: Assault on Peace Officer, a Felony, in violation of §45-5-210(1)(a), MCA.

As to Count II: Attempted Deliberate Homicide, a felony, the Court vacated the conviction and the charged offense dismissed with prejudice.

The Defendant was given credit of 431 days pre-sentence/pre-conviction incarceration served through October 1, 2019, pursuant to §46-18-403(1), MCA. The pretrial release conditions and requirements were vacated, except as adopted as conditions of supervision. The Court further recommended that the Defendant be under the supervision of Montana Department of Corrections, Adult Probation and Parole, and subject to the standard rules, regulations and requirements during supervision as well as special requirements as established by the Court.

On August 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 David Merchant, Defense Counsel. The State was represented by Shawn Quinlan, Custer County Attorney. 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.

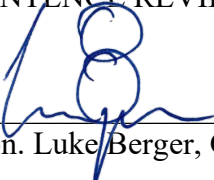
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 email*  
Banner Lee Boyd #3026250, Defendant  
Hon. Michael B. Hayworth – *via email*  
David Merchant, Defense Counsel – *via email*  
Shawn Quinlan, County Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

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