

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

**FILED**

**MAR 11 2020**

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-19-134
	)	
Plaintiff,	)	Yellowstone County District Court
	)	Montana Thirteenth Judicial District
	)	
-vs-	)	<b>DECISION</b>
	)	
WILLIAM EUGENE KENNEY,	)	
	)	
Defendant.	)	

On September 20, 2019, the Defendant was sentenced to the Montana State Prison for twenty (20) years, for the offense of Count I: Negligent Homicide (With Weapons Enhancement), a Felony, in violation of §45-5-104, MCA. For the use of a weapon during the offense, the Defendant was sentenced to ten (10) years to the Montana State Prison, to run consecutive to Count I. The Court further imposed a ten (10) year parole restriction on Count I, and Five (5) year parole restriction on the Weapons Enhancement to run consecutively. The Defendant was ordered to pay restitution in the amount of \$2,186.28. The Defendant was given credit for time served from February 1, 2019 through September 20, 2019.

On February 20, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conference from Dawson County Correctional Facility and was represented by Stephanie DeBoer, Defense Counsel. The State was represented by Brett Linneweber, Yellowstone County Senior Deputy Attorney, who appeared by video conference from the Yellowstone County Courthouse. Also present for the hearing were the victim's mother, Michele Norton, and her friend, Lori Ann Swanson, who both gave statements. The Defendant's mother, Lisa Miller, also attended 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.

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**.

Done in open Court this 20<sup>th</sup> day of February, 2020.

DATED this 11<sup>th</sup> day of March, 2020.

SENTENCE REVIEW DIVISION

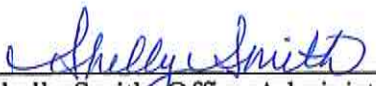
  
\_\_\_\_\_  
Hon. Dan Wilson, Chairperson

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

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

Copies mailed this 11<sup>th</sup> day of March 2020, to:

- Clerk of District Court (Original)
- William Eugene Kenney #3027152, Defendant (2)
- Hon. Donald Harris
- Stephanie DeBoer, Defense Counsel
- Brett Linneweber, Esq.
- Board of Pardons and Parole
- MSP - Records Dept.

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