

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 OF MONTANA  
SENTENCE REVIEW DIVISION  
OF THE SUPREME COURT  
STATE OF MONTANA

STATE OF MONTANA, ) Cause No. DC-18-072  
)  
Plaintiff, ) Dawson County District Court  
) Montana Seventh Judicial District  
)  
-vs- ) **DECISION**  
)  
BRANDON KENNETH KILGORE, )  
)  
Defendant. )

On July 30, 2019, the Defendant was sentenced as follows: Count I: A six (6) month commitment to the Dawson County Jail, for the offense of Violation of Order of Protection – First Offense, a misdemeanor, in violation of §45-5-626, MCA. The Defendant was given one hundred eighty (180) days credit for time served while in jail prior to conviction.

Count II: A six (6) month commitment to the Dawson County Jail, for the offense of Violation of Order of Protection – Second Offense, a misdemeanor, in violation of §45-5-626, MCA. The Court ordered Counts I and II to run concurrently with each other.

Count III: Two (2) years to the Montana State Prison, for the offense of Violation of Order of Protection – Third or Subsequent Offense, a felony, in violation of §45-5-626, MCA. The Defendant was given fifty-six (56) days credit for time served while in jail prior to conviction.

Count IV: Two (2) years to the Montana State Prison, for the offense of Violation of Order of Protection – Third or Subsequent Offense, a felony, in violation of §45-5-626, MCA.

Count V: Two (2) years to the Montana State Prison, for the offense of Violation of Order of Protection – Third or Subsequent Offense, a felony, in violation of §45-5-626, MCA.

The Court ordered the sentences for Count III, Count IV, and Count V to run consecutively to each other, and consecutively to the sentences imposed in Count I and Count II.

The Court ordered Counts VI, VII, VIII, IX, and X dismissed with prejudice.

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 conferencing from Crossroads Correctional Center and was represented by Stephanie DeBoer, Defense Counsel. The State was not represented.

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**.

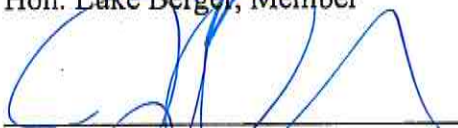
Done in open Court this 20<sup>th</sup> day of February, 2020.

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

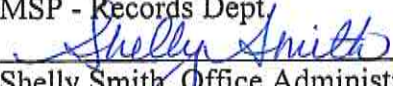
SENTENCE REVIEW DIVISION

  
\_\_\_\_\_  
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)  
Brandon Kenneth Kilgore #3027116, Defendant (2)  
Hon. Olivia Reiger  
Stephanie DeBoer, Defense Counsel  
Cody Lensing, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.  
  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division