

Sentence Review Division  
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**FILED**

**JUN 07 2021**

**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-18-379
	)	
Plaintiff,	)	Lake County District Court
	)	
-vs-	)	Montana Twentieth Judicial District
	)	
ROBERT EARL STAUDENMAYER,	)	<b>DECISION</b>
	)	
Defendant.	)	

On February 3, 2021, the Defendant was sentenced to a commitment to the Montana State Prison for ten (10) years, with none suspended, for the offense of Count I: Theft, a Felony, in violation of §45-6-301, MCA. The sentence was ordered run consecutive to all other current sentences including Lake County Cause Number DC-19-071. The Court ordered a parole restriction for the entire sentence. The Defendant was ordered to pay restitution of \$1,038,035.00, in addition to the fine and/or other financial obligations in Conditions, paragraph 13, of the Pre-Sentence Investigation Report. The Defendant was given credit of ninety (90) days for time served.

On May 20, 2021, 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 Crossroads Correctional Facility in Shelby, Montana, and was represented by Dan Biddulph, Defense Counsel. The State was not represented. 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.

June  
DATED this 7th day of ~~May~~, 2021.

SENTENCE REVIEW DIVISION

  
\_\_\_\_\_  
Hon., Luke Berger Chairperson

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

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

Copies mailed or emailed this 7th day of June, 2021, to:

- Clerk of District Court – *via email*
- Robert Earl Staudenmayer #2076968, Defendant (2)
- Hon. James A. Manley – *via email*
- Dan Biddulph, Defense Counsel – *via email*
- Steven Eschenbacher, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*

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