

Sentence Review Division
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FILED
OCT 06 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-21-031
)
Plaintiff,) Lincoln County District Court
-vs-)
) Montana Nineteenth Judicial District
TARRYNE JOANN GALLOWAY,)
) **DECISION**
)
Defendant.)

On May 17, 2021, the Defendant was sentenced as follows:

Count I: A commitment to the Montana Department of Corrections for a period of ten (10) years, with five (5) years suspended, for the offense of **Criminal Endangerment, a felony, in violation of § 45-5-207 MCA;**

Count II: A commitment to the Lincoln County Jail for a period of 180 days, with 180 days suspended, for the offense of **Obstructing a Peace Officer, a misdemeanor, in violation of § 45-7-302 MCA;** and

Count III: A commitment to the Lincoln County Jail for a period of 180 days, with 179 days suspended, for the offense of **Driving Under the Influence of Alcohol or Drugs, a misdemeanor, in violation of § 61-8-401 MCA.**

The sentences for Counts II and III were ordered to run concurrently with the sentence in Count I. The Court did not oppose the sentences in this case running concurrent with any sentence ordered in the Defendant's pending case in Missoula County District Court Cause No. DC-18-1621. The Defendant received credit of time served of 52 days.

On September 24, 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 by video from the Montana Women's Prison and was represented by Teal Mittelstadt. 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 she understood this and stated that she 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 6th day of October, 2021.

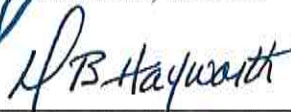
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Acting Chair



Hon. Jessica Fehr, Member



Hon. Michael B. Hayworth, Substitute Member

Copies mailed or emailed this 6th day of October, 2021, to:

Clerk of District Court – *via email*
Tarryne Joann Galloway #3030593, Defendant
Hon. Matt Cuffe – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Jeff Zwang, Esq. – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division