

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-9-2022-0000010-IN
	)	
Plaintiff,	)	Custer County District Court
	)	
-vs-	)	Montana Sixteenth Judicial District
	)	
BRANDON ALAN KUHN,	)	<b>DECISION</b>
	)	
Defendant.	)	

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On August 15, 2022, the Defendant was sentenced as follows: Count I: a commitment to the Custer County Jail for a term of one (1) year, none suspended, for the offense of Fleeing from or Eluding Peace Officer, a Misdemeanor, in violation of §61-8-316(1), MCA, to run concurrently with the sentence imposed for Counts IV and V; Count IV: a commitment to the Montana State Prison for a term of ten (10) years, none suspended, for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207(1), MCA, to run concurrently with the sentence imposed for Counts I and V; Count V: a commitment to the Montana State Prison for a term of three (3) years, none suspended, for the offense of Theft, a Felony, in violation of §45-6-301(1)(b), MCA, to run concurrently with the sentence imposed for Counts I and IV. The Court ordered the Defendant given credit for time served of 178 days of incarceration prior to sentencing. The Court further order that the Defendant’s driver license/ability to obtain a driver license suspended and Counts II and III dismissed with prejudice per the Plea Agreement.

On May 4, 2023, 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 Center and was represented by Teal Mittelstadt, 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. The Defendant gave a statement.

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 25th day of July, 2023.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



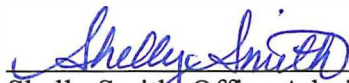
Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 25th day of July, 2023, to:

Clerk of District Court – *via email*  
Brandon Alan Kuhn #3032951, Defendant  
Hon. Michael B. Hayworth – *via email*  
Teal Mittelstadt, Defense Counsel – *via email*  
Office of the Public Defender – *via email*  
Wyatt A. Glade, County Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator  
Sentence Review Division