

Sentence Review Division  
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**FILED**

**AUG 17 2023**

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-24-2019-0000071-IN  
)  
Plaintiff, ) Lake County District Court  
)  
-vs- ) Montana Twentieth Judicial District  
)  
ROBERT EARL STAUDENMAYER, ) **DECISION**  
)  
Defendant. )

On September 11, 2019, the Defendant was sentenced to the Montana State Prison for ten (10) years, none suspended, for the offense of Count I: Bail Jumping, a Felony, under §45-7-308, MCA. The Defendant was declared ineligible for parole. The Defendant was given credit for time served in DC-19-071 of 281 days, and in DC-20-097 given credit for 180 days, with 461 days total credit time served for both sentences. The Court ordered the sentence to run consecutively to the sentence imposed in DC-20-097 in the Lake County Detention Facility for the offense of Assault, a Misdemeanor.

On August 3, 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 Tyler Dugger, Defense Counsel. The State was not represented. Sandy Staudenmayer, mother of the Defendant, was present but did not provide a statement. 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 concludes that the sentence imposed by the District Court is clearly excessive in that its imposition of the ten (10) year parole restriction is not supported by any of the findings specified in §46-18-202 and §46-18-225, MCA.

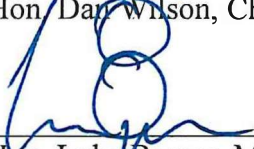
Therefore, it is the unanimous decision of the Division that the sentence shall be **DECREASED** to ten (10) years to the Montana State Prison, with five (5) years suspended, and striking the ten (10) year parole restriction removed.

The terms and conditions imposed in the Judgment of September 11, 2019 are not clearly excessive and are affirmed.

DATED this 17<sup>th</sup> day of August, 2023.

SENTENCE REVIEW DIVISION

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

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

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

Copies mailed or emailed this 17<sup>th</sup> day of August, 2023, to:

Clerk of District Court – *via email*  
Robert Earl Staudenmayer #2076968, Defendant  
Hon. Deborah Kim Christopher – *via email*  
Tyler Dugger, Defense Counsel – *via email*  
Benjamin Anciaux, Chief Deputy Co. Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

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