

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-56-2023-0000110-IN
)	
)	Plaintiff,
)	Yellowstone County District Court
-vs-)	
)	Montana Thirteenth Judicial District
BOBBY JAMES LANEY,)	
)	DECISION
)	
Defendant.)	

On October 5, 2023, the Defendant was sentenced as follows:

Count I: Ten (10) years to the Montana State Prison, with five (5) years suspended, for the offense of Negligent Vehicle Assault, a Felony, in violation of §45-5-205(1) and (3), MCA.

Count II: One (1) year in jail, for the offense of Negligent Vehicle Assault, a Misdemeanor, in violation of §45-5-205(1), MCA, to run concurrent with Count I.

Count III: One (1) year in jail, for the offense of Negligent Endangerment, a Misdemeanor, in violation of §45-5-208, MCA, to run concurrent with Counts I and II.

The Defendant was given credit for time spent in pre-trial incarceration as follows: February 2, 2023 through February 8, 2023. The Court ordered the Defendant pay restitution in the total amount of Eighteen Thousand Three Hundred Seventy-Four Dollars and Twenty Cents (\$18,374.20) to Barbara Tuell. The Court further ordered that pursuant to §46-18-202(2) a five (5) year parole restriction was imposed.

On May 2, 2024, 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"). Member, Hon. Jessica Fehr, recused herself from all participation in this matter. The Defendant appeared from the Montana State Prison and was represented by Teal Mittelstadt, Defense Counsel. The State was represented by Christopher Morris, Deputy County Attorney. 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 by the members of the Division participating that the sentence is AFFIRMED.

DATED this 3rd day of June, 2024.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



Hon. Matthew Cuffe, Member

Copies mailed or emailed this 3rd day of June, 2024, to:

Clerk of District Court – *via email*
Bobby James Laney #2114432, Defendant
Hon. Brett Linneweber – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Christopher Morris, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division