

FILED

MAY 31 2024

SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

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

STATE OF MONTANA,)	Cause No. DC-15-2016-0000280-IN
)	
Plaintiff,)	Flathead County District Court
-vs-)	
)	Montana Eleventh Judicial District
ROBERT MATTHEW WITTAL,)	
)	DECISION
)	
Defendant.)	

On January 17, 2017, the Defendant was sentenced to a term of One Hundred (100) years to the Montana State Prison for the offense of Count I: Deliberate Homicide, a Felony, in violation of §45-5-102(1), MCA; and a consecutive Ten (10) year sentence to the Montana State Prison for the weapons enhancement. The Court ordered that the Defendant not be eligible for parole for a period of Forty-Five (45) years.

The Defendant was given credit for Two Hundred Eighteen (218) days (06/14/2016 to 01/17/2017) served in custody pending final disposition in the matter. The Defendant was further ordered not to have contact with Co-Defendants: Melissa Ann Crone, Christopher Michael Hansen, and David Vincent Toman.

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"). The Defendant appeared from the Crossroads Correctional Center and was represented by Rufus Peace, Defense Counsel. The State was represented by John Donovan, Deputy County Attorney. Tomi Rautio, mother of the victim, was present and gave a statement. The following family members and friends of the victim were present but did not give a statement: Billi Heigh (aunt); Tammy Whitney (friend); Emma Adams (stepdaughter); Chuck Heigh (cousin); and Scott Bentley (friend). 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.

DATED this 31st day of May, 2024.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



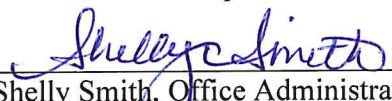
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

Copies mailed or emailed this 31st day of May, 2024, to:

Clerk of District Court – *via email*
Robert Matthew Wittal #3020193, Defendant
Hon. Robert Allison – *via email*
Rufus Peace, Defense Counsel – *via email*
John Donovan, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division