

Sentence Review Division
301 S. Park, Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2976
Email: shellysmith@mt.gov

FILED

FEB 08 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-19-149
)	
Plaintiff,)	Gallatin County District Court
)	
-vs-)	Montana Eighteenth Judicial District
)	
WILLIAM FREDRICK BAILEY,)	DECISION
)	
Defendant.)	

On May 6, 2020, the Defendant was sentenced to a commitment of seventy-five (75) year to the Montana State Prison, for the offense of Count I: Deliberate Homicide, a Felony, in violation of §45-5-102, MCA; and a five (5) year consecutive sentence of to the Montana State Prison for the use of a weapon in commission of the offense. The Defendant was ordered to pay restitution in the amount of \$3,500.00 + 10% restitution fee. The Defendant was given 399 days of credit for time served prior to sentencing.

On February 4, 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 from the Montana State Prison and was represented by Teal Mittelstadt, Defense Counsel. The State was represented by Martin Lambert, Gallatin 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 of the Division that the sentence is AFFIRMED.

DATED this 8th day of February, 2021.

SENTENCE REVIEW DIVISION



Hon., Luke Berger Chairperson



Hon. Jessica Fehr, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 9th day of February, 2021, to:

Clerk of District Court – *via email*
William Fredrick Bailey #3028587, Defendant (2)
Hon John C. Brown – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Martin Lambert, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division