

Sentence Review Division
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FILED
11/20/2025
SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
OF THE STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-24-2015-0000355
)	
Plaintiff,)	Lake County District Court
-vs-)	
)	Montana Twentieth Judicial District
BRANDON KALE BAGNELL,)	
)	DECISION
)	
Defendant.)	

On January 31, 2018, the Defendant was sentenced as a Persistent Felony Offender to twenty (20) years to the Montana State Prison, with no time suspended, for the offense of Count I: Stalking, a Felony, in violation of §45-5-220, MCA. The Court ordered the sentence to run consecutive to all existing sentences. The Defendant was given zero (0) credit for time served. On April 22, 2018, the Defendant filed an appeal to the Montana Supreme Court, DA-18-0160, from the final judgment or order entered on February 1, 2018. In the Opinion and Order, the Supreme Court reviewed the Twentieth Judicial District Court order denying Defendant's petition for postconviction relief (PCR). In the opinion of the Supreme Court, the case presents a question controlled by settled law, or by the clear application of applicable standards of review and Affirmed the District Court's decision.

On November 6, 2025, 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 Tyler Dugger, Defense Counsel. The State was represented by James Lapotka. The Defendant did give 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 19 day of November, 2025.

SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair




Hon. Matthew Cuffe, Member



Hon. Jeffrey Dahood, Member

Copies mailed or emailed this _____ day of November, 2025, to:

Clerk of District Court – *via email*
Brandon Kale Bagnell #30886, Defendant
Hon. Molly Owen – *via email*
Tyler Dugger, Defense Counsel – *via email*
Brendan McQuillan, Chief Deputy Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Dia C. Lang, Office Administrator
Sentence Review Division