

Sentence Review Division
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FILED
2/25/2026
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-56-2024-0001250
)
Plaintiff,) Yellowstone County District Court
-vs-)
) Montana Thirteenth Judicial District
ELVIS WAYNE LONE ELK,)
) **DECISION**
)
Defendant.)

On August 12, 2025, 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 Criminal Endangerment, a Felony, in violation of §45-5-207, MCA. Count II: Fifteen (15) years to the Montana State Prison, with five (5) years suspended, for the offense of Assault with Weapon, a Felony, in violation of §45-5-213(1)(a), MCA, to run consecutively to Count I. Count VIII: One (1) year Yellowstone County Detention Facility, for the offense of Driving Under the Influence of Alcohol and / or Drugs, 3rd Offense, a Misdemeanor, in violation of §61-8-1002(a), MCA, to run concurrently with Counts I and II. The Defendant received credit for time spent in pre-trial incarceration as follows: September 10, 2024, through August 12, 2025. The Court further ordered the Defendant to pay restitution in the total amount of Six Thousand Eight Hundred Fifty Dollars and Thirty-Nine Cents (\$6,850.39) to Audra Jane Bintz and also assessed a 10% administration fee on all restitution. The Defendant was designated as a Persistent Felony Offender for sentencing under §§46—18-501 and 46-18-502, MCA. The Defendant was not to knowingly have any contact, oral, written, electronic or through a third party with PL, ADM, AB, JG and SS, the victims, unless such contact was voluntarily initiated by the victim(s) through the Department of Corrections. The Court granted the States’s oral motion to dismiss Counts III, IV, V, VI and VII.

On February 6, 2026, 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 Rufus Peace, Defense Counsel. The State was not represented. 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 26th day of February 2026.

SENTENCE REVIEW DIVISION



Hon. Matthew Cuffe, Chair



Hon. Christopher Abbott, Member



Hon. Jeffrey Dahood, Member

Copies mailed or emailed this 26th day of February 2026, to:

Clerk of District Court – *via email*
Elvis Wayne Lone Elk #43213, Defendant
Hon. Thomas Pardy – *via email*
Rufus Peace, Defense Counsel – *via email*
Ingrid Rosenquist, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Dia C. Lang, Office Administrator
Sentence Review Division