

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

**FILED**  
**3/4/2026**  
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-29-2024-0000015  
)  
Plaintiff, ) Madison County District Court  
-vs- )  
) Montana Fifth Judicial District  
BARRY JOSEPH KLOSE, )  
) **DECISION**  
)  
Defendant. )

---

On May 5, 2025, the Defendant was sentenced to ten (10) years to the Montana State Prison for the offense of Count I: Negligent Vehicle Assault, a Felony, in violation of §45-5-205, MCA, with a recommendation for the NEXUS program. The Defendant was ordered to pay restitution in the amount of \$605.94 with a 10% restitution fee, which pursuant to §46-18-241(2)(a), MCA, was waived. The Defendant was given credit for 187 days previously served.

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 Teal Mittelstadt, Defense Counsel. The State was represented by Russell Michaels. 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 4th day of March 2026.

SENTENCE REVIEW DIVISION



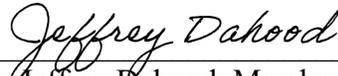
---

Hon. Matthew Cuffe, Chair



---

Hon. Christopher Abbott, Member



---

Hon. Jeffrey Dahood, Member

Copies mailed or emailed this 4th day of March 2026, to:

Clerk of District Court – *via email*  
Barry Joseph Klose #3038715, Defendant  
Hon. Luke Berger – *via email*  
Teal Mittelstadt, Defense Counsel – *via email*  
Russell Michaels, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*



---

Dia C. Lang, Office Administrator  
Sentence Review Division