

MUSSELHELL COUNTY

MIKE GOFFENA
MICHAEL TURLEY
ROBERT S. PANCRATZ
COUNTY COMMISSIONERS
506 Main Street
406-323-1104

CHERYL TOMASSI
CLERK & RECORDER
506 Main Street
406-323-1104
Fax: 406-323-3303

DARCIE L. HETRICK
TREASURER
SUPT. OF SCHOOLS
ASSESSOR
506 Main Street
406-323-2504
Fax: 406-323-3127



ROUNDUP, MONTANA 59072

SHAWN L. LESNIK
SHERIFF
CORONER
820 Main Street
406-323-1402
Fax: 406-323-2566

KEVIN R. PETERSON
COUNTY ATTORNEY
506 Main Street
406-323-2230
Fax: 406-323-3458

BARB HALVERSON
CLERK OF DISTRICT COURT
506 Main Street
406-323-1413
Fax: 406-323-1710

BRAD MARKING
JUSTICE OF THE PEACE
P.O. Box 565
406-323-1078

MEDIA RELEASE

May 6, 2021

RE: Michael McClure

There have been some published stories about Michael McClure who died of a self-inflicted gunshot wound ending an all-day standoff with the Billings law enforcement authorities on April 23, 2021. As part of the media reporting, Sheriff Shawn Lesnik was quoted as stating he was disappointed that the Musselshell County Attorney had let Michael McClure go after McClure entered pleas of guilty at his trial on March 18, 2021. The misleading statement is completely refuted by the public record. McClure was jailed pending sentencing and was in jail 10 days prior to the tragic events in Billings on April 23, 2021. The omission of these key facts that are of public record show that Musselshell County and Powell County officials had no role in Michael McClure's decisions on April 23, 2021 which tragically resulted in two homicides.

On April 11, 2021, the Billings Police Department arrested McClure on a Musselshell County warrant pending his sentencing hearing in Musselshell County. McClure was incarcerated at the Yellowstone County Detention Facility. McClure remained in jail until he was able to raise \$2,500.00 to pay a bail bonding company the 10% fee to be bonded out of jail on the \$25,000 bail set by the District Court. McClure left the jail facility on April 13, 2021 on conditions of release imposed by the District Court. No decision remained to be made by the Court, County Attorney or anyone else in the criminal justice system after the warrant with bail set issued from the Court.

As a brief history, Michael McClure was arrested for minor property offenses concerning stolen vehicles and also an attempt to escape out of an open door at the Musselshell County jail. After some time in the Musselshell County jail, Sheriff Shawn Lesnik asked the County Attorney to obtain the release of Michael McClure on his own recognizance (O.R. release) through the District Court because McClure was a difficult inmate. The District Court signed the release Order on February 14, 2019.

This release sent McClure back to Montana State Prison. However, because the prison required the O.R. release in order to take McClure back in to the prison environment, McClure completed his prison sentence and was discharged from the Montana State Prison on Musselshell County's O.R. release with conditions found on the Order releasing McClure.

Subsequently, McClure was jailed by Powell County on a felony charge of robbery and he was housed at

the Butte-Silverbow Detention Facility for some time. McClure was released from that facility by the District Court on conditions including wearing an ankle GPS tracker.

McClure's case came to trial in Musselshell County on March 17, 2021. On the second day of trial, he failed to appear at trial. He was arrested and returned to Musselshell County for his trial. McClure entered open pleas later on the second day of his trial. An open plea means no plea bargain agreement existed governing McClures sentencing recommendation by the State. The County Attorney was limited only by the maximum statutory penalties for sentencing purposes.

McClure was not remanded in to custody after his guilty pleas on property crimes on March 18, 2021. This is the usual and common practice across Montana in the District Courts for non-violent offenses where the prospect of a sentence including prison time is unlikely and restitution will be owed by a defendant. Sentencing criteria imposed on the Montana District Courts by law for non-violent offenses essentially only allow incarceration as a last resort and incarceration in prison must be justified in the Sentencing Order. These considerations are part of pre-trial and post-trial proceedings daily across the State and explain why non-violent offenders do not go to prison in most cases. This was a consideration on March 18, 2021 as well.

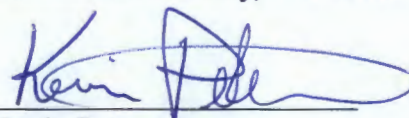
The Fourteenth Judicial District Court ordered McClure to participate in the pre-sentence investigation process that defendants undergo in advance of sentencing as a condition of his release and this is standard procedure in all district courts. The Order released McClure on March 18, 2021 with that condition.

McClure failed to comply as ordered by the District Court. The Musselshell County Attorney filed for a Petition to Revoke the conditional release of Michael McClure. The Petition was granted and the District Court issued a warrant for McClures arrest on April 5, 2021. The Warrant set bail fixed in the amount of \$25,000 on the non-violent offenses.

On April 11, 2021, the Billings Police Department arrested McClure on the outstanding warrant. McClure was incarcerated at the Yellowstone County Detention Facility pending sentencing. McClure left the jail facility on April 13, 2021 after bonding out of jail. Bonding out of jail on bail is a Constitutional right for everyone unless no bail is set in extremely serious cases. The District Court set bail in advance of sentencing in Musselshell County and this is the regular practice across the state.

The tragic incidents that resulted in the deaths of two people in Billings, Montana occurred on April 23, 2021, ten days after McClure bonded out of jail. McClure's sentencing date had not yet been set by the District Court.

The Musselshell County Attorney, Kevin Peterson, the Fourteenth Judicial District Court and the Powell County Attorney had absolutely nothing to do with the homicides committed by Michael McClure nearly two weeks after he was jailed in the Yellowstone County Detention Facility pending sentencing in Musselshell County. Michael McClure is responsible for his own actions. All of the true and known facts are of public record in the Clerk of Court's offices in Musselshell County, Yellowstone County and Powell County.



Kevin Peterson,
Musselshell County Attorney