

July 23 2015

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: ~~DA~~ 05-0283

TIMOTHY C. FOX
Montana Attorney General
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COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 15-0243

STATE OF MONTANA,

Plaintiff and Appellee,

v.

GARY DENNIS BARRETT,

Defendant and Appellant.

**PERMISSION TO PERMIT STUDENT PRACTICE UNDER
THE MONTANA STUDENT PRACTICE RULE**

Pursuant to the Montana Student Practice Rule (Rule), the State of Montana, by and through the undersigned counsel for the Montana Attorney General's Office, requests this Court to allow Mr. Nicholas VandenBos to practice before this Court in the above-entitled case, subject to the restrictions of the Rule. As

grounds for this Petition, the undersigned counsel submits supporting documents, attached herein, and states:

1. I am an attorney admitted to practice in this Court, and am the attorney of record for the State of Montana in the above-entitled case.

2. I am requesting Mr. Nicholas VandenBos, of Missoula, Montana, be permitted to appear and practice in this case pursuant to the Rule. *See* Rule § II. B (student appearance in a criminal matter of behalf of the State), § II. E. 2 (preparation of briefs to be filed in appellate courts), and § II. F (participation in oral argument in the Montana Supreme Court).

3. I certify that Mr. VandenBos:

a. is duly enrolled at the University of Montana School of Law, a law school approved by the American Bar Association (*see* attached Letter of Good Standing from the University of Montana School of Law);

b. has completed his second year of law school and, thus, has completed legal studies amounting to at least two-thirds of the total credit hours required for graduation (*see* attached Letter of Good Standing from the University of Montana School of Law);

c. has been certified by the Dean of the law school as being of good moral character and competent legal ability, and as being adequately trained to perform as a legal intern (*see* attached Letter of Good Standing from the University of Montana School of Law); and

d. has certified in writing that he has read and is familiar with and will abide by the Montana Rules of Professional Conduct. (*See attached Student Certification.*)

4. I will assist and counsel Mr. VandenBos in all work performed in this case.

5. I accept full personal and professional responsibility for this case and for all of Mr. VandenBos' work.

6. I will ensure that at least one supervising attorney is present in person throughout Mr. VandenBos' presentations in open court and will introduce Mr. VandenBos in such appearances.

7. I have explained to Mr. Jed Fitch, Beaverhead County Attorney, whose office handled the State's case in the district court, the terms under which Mr. VandenBos will participate in this case, and Mr. Fitch has indicated his approval.

Respectfully submitted this 23rd day of July, 2015.

TIMOTHY C. FOX
Montana Attorney General
P.O. Box 201401
215 North Sanders
Helena, MT 59620-1401

By: /s/ Micheal S. Wellenstein
MICHEAL S. WELLENSTEIN
Assistant Attorney General

CERTIFICATE OF SERVICE

I, Micheal S. Wellenstein, hereby certify that I have served true and accurate copies of the foregoing Motion - Other to the following on 07-23-2015:

John S. Warren (Attorney)
122 E. Glendale
P.O. Box 28
Dillon MT 59725
Representing: Gary Dennis Barrett
Service Method: Conventional

Jed C. Fitch (Prosecutor)
2 S. Pacific Street
Dillon MT 59725
Representing: State of Montana
Service Method: Conventional

Electronically filed by Kimberly Wollitz on behalf of Micheal S. Wellenstein
Dated: 07-23-2015