

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 18-0242

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ROBERT GRAHAM KING,

Defendant and Appellant.

**VETERANS ADVOCACY CLINIC'S UNOPPOSED MOTION FOR
LEAVE TO APPEAR AS *AMICUS CURIAE***

CAITLIN BOLAND AARAB
Boland Aarab PLLP
11 5th Street North, Suite 207
Great Falls, MT 59401
(406) 315-3737
cbaarab@bolandaarab.com
*Attorney for Defendant and
Appellant*

HILLARY A. WANDLER
BRYCE BURKE, *student
practitioner*
Veterans Advocacy Clinic
University of Montana
32 Campus Dr.
Missoula, MT 59812
(406) 243-6788
Attorneys for Amicus

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

LEO JOHN GALLAGHER
Lewis and Clark County Attorney
228 Broadway
Helena, MT 59601

*Attorneys for Plaintiff and
Appellee*

The Veterans' Advocacy Clinic at the University of Montana ("VAC") respectfully requests leave to appear as *amicus curiae* in this case.

The VAC provides pro bono legal advocacy for veterans and their families across Montana. The clinic prioritizes claims that will provide veterans and their families with sustaining income, including: claims for increased disability rating with the VA, applications for discharge upgrade with the Department of Defense, and claims for service-connected disability compensation. In addition, the VAC works to further causes that impact veterans throughout the state of Montana, including issues related to justice-involved veterans.

We support Appellant's position in this matter. We seek to submit a brief in support of overturning the "prosecutorial veto" as an unconstitutional exercise of the prosecutor's power to impact judicial decisions in violation of the separation of powers in Mont. Const. Art. 3, § 1. Most importantly to the VAC and its clients, the "prosecutorial veto" does not further the holistic, interdisciplinary system designed to evaluate and assist justice-involved veterans who struggle with mental health and substance use issues related to their military service. When

veterans are unable to receive adequate treatment to address mental health and related substance issues, their conditions are aggravated in ways that can lead to criminal charges. The VAC has developed perspective through representing veterans suffering from these service-related co-occurring disorders that would assist the Court in understanding the issues raised in this case and the policies underlying the veterans treatment court process in Montana.

We have contacted both parties in this matter and neither object to this motion. If permitted leave to file an amicus brief, the VAC's brief could be filed by Monday, April 22, 2019, or whatever other date the Court orders.

Respectfully submitted this 5th day of April, 2019.

Veterans Advocacy Clinic
ABIII School of Law
University of Montana
32 Campus Drive
Missoula, Montana 59812
Telephone: 406-243-4174
Fax: 406-243-4349

By: /s/ Hillary Wandler
Attorney for Amicus

CERTIFICATE OF SERVICE

I, Hillary Anne Wandler, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed - Amicus - Leave to Participate to the following on 04-05-2019:

Chad M. Wright (Attorney)
P.O. Box 200147
Helena MT 59620-0147
Representing: Robert Graham King
Service Method: eService

Leo John Gallagher (Prosecutor)
Lewis & Clark County Attorney Office
Courthouse - 228 E. Broadway
Helena MT 59601
Representing: State of Montana
Service Method: eService

Timothy Charles Fox (Prosecutor)
Montana Attorney General
215 North Sanders
PO Box 201401
Helena MT 59620
Representing: State of Montana
Service Method: eService

Caitlin Boland Aarab (Attorney)
11 5th Street North, Suite 207
Great Falls MT 59401
Representing: Robert Graham King
Service Method: eService

Electronically Signed By: Hillary Anne Wandler
Dated: 04-05-2019