

**IN THE SUPREME COURT OF THE STATE OF MONTANA**

No. DA 18-0661

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AGUSTIN RAMON, on behalf of himself and all others similarly situated,

Appellant,

v.

DARREN SHORT, in is individual capacity and his official capacity as Sheriff of Lincoln County and administrator of Lincoln County Detention Center,

Appellee.

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**MONTANA ASSOCIATION OF CRIMINAL DEFENSE LAWYERS'S  
MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE**

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Appearances:

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ATTORNEYS FOR THE MONTANA ASSOCIATION OF  
CRIMINAL DEFENSE LAWYERS

COMES NOW, the Montana Association of Criminal Defense Lawyers, and respectfully moves this Court for leave to participate as *amicus curiae* in this matter pursuant to M. R. App. P. 12(7), and provides the following:

### **Statement of Interest**

The Montana Association of Criminal Defense Lawyers (MTACDL) is the Montana affiliate of the National Association of Criminal Defense Lawyers, a nationwide network of more than 10,000 dedicated criminal defense attorneys. MTACDL formed to ensure justice and due process for persons accused of crimes in Montana, to foster the integrity, independence, and expertise of the criminal defense profession, and to promote the proper and fair administration of criminal justice. MTACDL, and its membership, believe that continued recognition and adherence to the rule of law by the judicial, legislative, and executive branches of government is necessary to sustain the quality of the American justice system. To accomplish this mission, MTACDL provides practical and informative continuing legal education to attorneys; files amicus briefs behalf of members and at the request of courts; and offers guidance on pressing ethical questions for our members.

### **The Issues on Which MTACDL Wishes to Submit an *Amicus* Brief**

The Montana Association of Criminal Defense Lawyers wishes to submit an *amicus* brief on the following issues: (1) the proper interpretation of MCA § 7-32-

2203, regarding the use of Montana's Detention Centers to hold federal prisoners; and (2) the historical limitations on Montana sheriffs' authority to arrest individuals for civil violations.

### **Reasons Why the MTACDL *Amicus* Brief is Desirable**

An *amicus* brief from MTACDL provides the Court with a detailed historical analysis of the use of the state's detention centers and requirements for jail administrators to hold state residents on federal, civil charges.

### **Identity of the Party Whose Position MTACDL Supports**

MTACDL supports the position of the Appellant, Agustin Ramon, in this matter.

### **The Proposed Date for Filing MTACDL *Amicus* Brief**

If the Motion for Leave is granted, MTACDL proposes to file an *amicus* brief by July 19, 2019, the date Appellant's merits brief is due.

### **Contact with Appellee**

Attempts were made to contact Counsel for Appellee, Maureen Lennon, to ascertain MACO's position on this motion. No response was received. Therefore, the Appellee's position is **unknown**.

### **Conclusion**

The Montana Association of Criminal Defense Lawyers respectfully request this Court grant their Motion for Leave to Appear as *amicus curiae* in this matter.

Respectfully submitted this 11th day of July, 2019.

/s/ Colin M. Stephens  
Colin M. Stephens  
Vice-President of MTACDL  
Smith & Stephens, P.C.

### **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing motion complies with Rule 16(3) of the Montana Rules of Appellate Procedure, as it contains 577 words, excluding caption, signature block, and certificate of compliance.

/s/ Colin M. Stephens  
Colin M. Stephens  
Vice-President of MTACDL  
Smith & Stephens, P.C.

## CERTIFICATE OF SERVICE

I, Colin M. Stephens, hereby certify that I have served true and accurate copies of the foregoing Motion - Amicus - Leave to Participate to the following on 07-11-2019:

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