
STATE OF MONTANA

Plaintiff and Appellee,

v.

KATHERINE ANNE PROCTOR,

Defendant and Appellant.

**UNOPPOSED MOTION FOR LEAVE OF THE INNOCENCE
NETWORK TO PARTICIPATE AS *AMICI CURIAE***

On Appeal from the Montana First Judicial District Court, Lewis and
Clark County, the Honorable Kathy Seeley, Presiding

APPEARANCES:

Karl Pitcher
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Local Counsel for Proposed Amici Curiae,
The Innocence Network

MOTION FOR LEAVE

The Innocence Network (the “Network”) respectfully requests leave to submit a brief as *amicus curiae* in the above-captioned matter, pursuant to Montana Rule of Appellate Procedure 12(7).

INTEREST OF AMICUS CURIAE

The Innocence Network (the “Network”) is an association of independent organizations dedicated to providing pro bono legal and/or investigative services to prisoners for whom evidence discovered post-conviction can provide conclusive proof of innocence. The current president of the Innocence Network is Anna Vasquez of the Texas Innocence Project. The 71 current members of the Network represent hundreds of prisoners with innocence claims in 50 states, the District of Columbia, and Puerto Rico, as well as Argentina, Australia, Brazil, Canada, Ireland, Israel, Italy, Japan, the Netherlands, Taiwan, and the United Kingdom. The Innocence Network and its members are also dedicated to improving the accuracy and reliability of the criminal justice system in future cases. Drawing on the lessons from cases in which the system convicted innocent persons, the Network advocates study and reform designed to enhance the truth-seeking functions of the

criminal justice system to ensure that future wrongful convictions are prevented.

Amicus seeks the opportunity to submit a brief regarding the admission of expert testimony related to Shaken Baby Syndrome and/or Abusive Head Trauma and whether such testimony meets the standards required by Montana Rule of Evidence 702. Amici's proposed brief will support the position made by Defendant and Appellant.

PROPOSED DATE OF FILING

If this Motion for Leave to Participate is granted, *amici* proposes to file a Brief of Amicus Curiae no later than 30 days after Defendant and Appellant's opening brief is submitted. Amici have contacted both parties in this action and both parties have stated that they do not oppose this motion.

A proposed order is included with this filing.

Respectfully submitted this 13th day of December, 2024.

By: /s/ Karl Pitcher
Attorney for Amicus Curiae,
The Innocence Network

CERTIFICATE OF SERVICE

I, Karl Pitcher, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 12-13-2024:

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Electronically Signed By: Karl Pitcher

Dated: 12-13-2024