ACKNOWLEDGMENT OF UACT PROCEDURES   
AND WAIVER OF RIGHTS

The Utah Alternatives to Conviction Track program (“UACT”), depending on the track, provides a diversion or probation alternative to incarceration for persons convicted in the United States District Court for the District of Utah. UACT permits each participant to address past illegal, addictive, self-destructive, and unhealthy behaviors, as well as life patterns that have led the participant to be charged with federal crimes. Judicial Officers, UACT staff, and participants work together in a collaborative manner.

The collaborative approach employed in UACT is based on a cooperative and non-adversarial model, embodied in the UACT rules and procedures that require participants to waive certain Constitutional rights and protections that are involved in a more traditional, adversarial process.

All applicants must be aware that upon admission to UACT the following procedures and limitation of rights apply:

1. The UACT defense representatives from the Federal Public Defender Office are not appointed as counsel for participants. They serve in an advisory capacity. Consequently, a participant’s communications with the defense representatives are not protected by the attorney-client privilege, nor do participants enjoy a duty of undivided loyalty from these representatives.
2. Participants waive their right to counsel and are not represented by counsel during their time in UACT, including at meetings with Judicial Officers and UACT staff regarding possible sanctions, detention and revocation proceedings. Defense representatives can advise a participant who is subject to a possible sanction, detention or revocation proceeding but will not serve as the participant’s advocate.
3. A participant alleged to have committed a violation of UACT rules is entitled to advanced notice of the violation allegation(s).
4. A participant alleged to have violated UACT rules is entitled to respond in person to the allegation(s).
5. A participant found in violation of UACT rules may be subject to a variety of sanctions at the discretion of the presiding Judicial Officer, after consultation with UACT staff, ranging from an admonition from the Judicial Officer to a term of incarceration.
6. In the event of an allegation involving new criminal conduct, the participant retains the privilege against self-incrimination. However, invoking this privilege may result in revocation or termination from UACT. Consequently, the participant will face the imposition of the sentence agreed upon in their final written plea agreement.
7. The presiding Judicial Officer will make a determination as to whether a violation in fact occurred by a preponderance of the evidence.
8. A participant retains the right to withdraw from UACT at any time prior to graduation or termination. Any participant who opts to withdraw will be sentenced to the agreed upon terms in the participant’s final written plea agreement.
9. Decisions of the presiding Judicial Officer regarding sanction(s), detention or revocation are not appealable.
10. Participants cannot move to withdraw their plea agreement if they are removed from the program.

I acknowledge that I am aware of and have read, or had read to me, the above Acknowledgement of UACT Procedures and Waiver of Rights. I understand that my participation in UACT is completely voluntary and that I have no constitutional right to participate. I understand that I am waiving my right to counsel during UACT proceedings other than sentencing after revocation or withdrawal. I have reviewed this document with my attorney who has answered

my questions. I knowingly and voluntarily chose to enter UACT and agree to be bound by the procedures and waiver of rights set forth above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2019.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Prospective Participant

I have reviewed the Acknowledgement of UACT Procedures and Limitation of Rights with my client. I have answered all her/his questions about this document and participation in UACT. I affirm that she/he is entering into UACT with an understanding of the UACT program requirements and expectations.

DATED this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2019.

­­

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney for Prospective Participant