
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

[Defendant Name],

Defendant.

**ORDER EXCLUDING TIME
UNDER SPEEDY TRIAL ACT AND
CONDITIONAL ORDER TRANSFERRING
DEFENDANT TO UACT PROGRAM
JUDICIAL OFFICER**

Case No.

District Judge _____

Defendant submitted an application to participate in the Utah Alternatives to Convictions Track program (UACT). Counsel for the Defendant filed a motion to continue the trial date to permit application for UACT and to exclude time under the Speedy Trial Act to allow sufficient time for the UACT Selection Committee to determine whether the Defendant will be accepted into UACT.

THE COURT FINDS AND ORDERS AS FOLLOWS:

EXCLUSION OF TIME PENDING ACCEPTANCE

1. A period of up to 45 days from the date of this order is necessary for the UACT Selection Committee to determine whether Defendant will be admitted into UACT and to so notify the UACT Judicial Officer. The process and basis for this determination is outlined in the UACT Interagency Agreement. Pursuant to 18 U.S.C. § 3161(h)(1)(G), (h)(2), and (h)(7)(A), with respect to Defendant, 45 days from the date of this order (or such shorter time as may elapse until preliminary acceptance is granted or denied) shall be excluded from the time within which the trial of this case must commence based on the following findings:

a. Pursuant to 18 U.S.C. § 3161(h)(1)(G), this period results from consideration by the court of a proposed plea agreement to be entered into by the Defendant and the United States as a condition of Defendant's participation in UACT ;

b. By analogy to 18 U.S.C. § 3161(h)(2), this period is one during which Defendant and United States will determine whether to enter into a written agreement for post-guilty plea diversion pursuant to which, as part of UACT, should Defendant demonstrate good conduct during a specified period of time, the Defendant would receive significant benefits; and

c. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by excluding this period outweigh the interest of the public and the Defendant in a speedy trial because the failure to provide Defendant with the time required for determination that might enable Defendant to participate in UACT would result in a miscarriage of justice.

2. If Defendant is not accepted into UACT, counsel shall file a motion for status conference before the undersigned District Judge presiding in the case.

**CONDITIONAL TRANSFER OF DEFENDANT'S CASE
UPON PRELIMINARY ACCEPTANCE AND FURTHER EXCLUSION OF TIME**

3. Upon Defendant's acceptance into UACT, and pending preparation of a pre-sentence report and entry of plea, which shall signify final acceptance into UACT, the UACT Judicial Officer shall enter an order or file a letter of acceptance and

a. The Clerk of Court shall transfer case — as to this Defendant only — to the UACT Program Judicial Officer, for all purposes, subject to entry of a plea and final determination that the Defendant a participant in UACT by entry of the plea.

b. Pursuant to 18 U.S.C. § 3161(h)(1)(G), (h)(2), and (h)(7)(A), with respect to Defendant, the time from that acceptance to the entry of plea to enter into UACT shall be excluded from the time within which the trial of this case must commence based on the findings made in paragraphs 1. a.-c. above.

c. If Defendant elects not to enter into the plea agreement or is otherwise not finally selected for participation in UACT, this case shall be transferred to the undersigned Judge for all further proceedings.

DATED: _____

BY THE COURT

United States District Judge