Utah Alternatives to Conviction Track (UACT) Referral, Application, and Transfer Procedures

REFERRAL and APPLICATION

Referral to UACT from:
U. S. District Court Judge
U. S. Magistrate Judge
United States Attorney's Office
Federal Defender's Office, CJA, or other
Defense Counsel
United States Probation Office

APPLICATION BY DEFENDANT

Application filed with UACT Judicial Officer

Judicial Officer sends letter to Defense Counsel

via UACT@utd.uscourts.gov

Speedy Trial Motion filed with presiding

District Court Judge

Judicial Officer obtains an order from presiding
District Court Judge excluding time under the
Speedy Trial Act and conditional order
transferring the case to the Judicial Officer if
applicant is accepted to UACT

Selection Committee (which does not include the Judicial Officer) reviews Application

Selection Committee interviews select defendant

Selection Committee notifies Judicial Officer of decision; Judicial Officer notifies defendant

Rejection

Acceptance

Defautant remains with original presiding District Court Judge; Counsel moves for status conference before presiding District Court Judge.

ACCEPTANCE and CHANGE OF PLEA

Judicial Officer issues acceptance letter

Status Conference held. Change of plea date set and a Presentence Report is ordered

Defendant begins attending UACT and any required treatment or classes under modified Pretrial Release Conditions

Defendant violates pretrial release conditions or opts out of UACT USAO and defense counsel negotiate an 11(c)(1)(C) plea agreement with a success outcome and a failure outcome.

Successful Track 1 participants have no conviction and successful Track 2 participants have probation. Program duration varies by defendant.



Parties fail to finalize a plea agreement Parties finalize a plea agreement

Change of plea hearing is held

Judicial Officer rejects the plea agreement Judicial Officer accepts the plea

UACT Judge; transferring defendant back to original District Court Judge; Counsel moves for status conference before that judge.

The participant formally begins the UACT Program