



## APPLICATION

Accountability, Treatment, and Leadership Court (ATL Court)

Northern District of Georgia

### MISSION STATEMENT

The ATL Court will provide the opportunity to avoid some of the consequences of aberrant criminal conduct to certain individuals charged with non-violent crimes in the Northern District of Georgia who would most greatly benefit from intense supervision, education, or treatment.

**THIS IS NOT A "GET OUT OF JAIL FREE" CARD.**

The program will require a lot of work.

### THE APPLICATION

Counsel for each applicant must submit a letter to the ATL Court. We strongly encourage each applicant to provide records, documents, photographs, letters of recommendation, and any other evidence they believe will support the application. The letter should acknowledge the ATL Court Mission Statement above and explain how it applies to his or her case. The most successful applications will also cover the topics listed below. We suggest that the letter be signed by counsel, rather than the applicant, but note that the letter must be accurate and honest.

- **Please begin with an introductory section that includes enumerated answers to the items on this checklist:**
  1. Defendant/applicant's full name, address, and phone number
  2. Case number, including the judges' initials
  3. Date of indictment, information, target letter, or CVB ticket
  4. List of charges, complete with citations to statutes
  5. Defense counsel's name and contact information

6. Does the Federal Defender Program have a conflict of interest (if you know)?
7. Does this case fit on the presumed-ineligible list? If so, which category?
8. Who is the AUSA assigned to the case?
9. Give a brief description (one or two paragraphs) of the Government's version of the facts and of the applicant's role in the offense(s).

- **What issue or issues led the person to commit this federal crime?**

The applicant's criminal activity must be aberrant, that is, atypical or abnormal for the applicant. An applicant will be suitable for this program only if he or she has a problem or problems that the ATL Court can help the applicant solve, including, for example, low self-esteem, unemployment, substance-abuse addiction, a mental health diagnosis, or housing insecurity.

Please include documentary evidence to illustrate the issue or issues to be addressed, including, for example, medical records, reference letters, treatment records, police reports, school records, housing records, etc.

- **What treatment or services has the applicant sought in the past?**

Describe any programs that the applicant has tried in the past, such as drug counseling, mental health treatment, and housing support. If the applicant did not succeed in those past programs or services, explain why not. What does the applicant hope to gain by the opportunity in the ATL Court to engage in structured programs, classes, treatment, or education?

- **How do the issues described here relate to the crime, and how will treatment or education prevent future crimes?**

We would like to know how the issue(s) the applicant told us about above relates to the criminal conduct in this federal case. Identify ways in which the treatment and education opportunities offered through the ATL Court will help the applicant avoid future criminal behavior.

We will consider only those applicants who have done the soul-searching needed to identify the problem(s) that led to the commission of this crime and to be ready to change. How does the applicant think the ATL Court structure will help them achieve recovery or stability?

- **How is the applicant's prior criminal history related to the issue(s) identified above?**

If the applicant has a prior criminal history, including arrests and/or convictions, tell us whether that history relates to the issue(s) identified above. If it does, explain.

- **What is the applicant's education and work history?**

Describe the applicant's education, including high school diploma, GED, and college. Tell us what the applicant does for work and whether they hold any special skills or certificates. If the applicant does not work, explain why not.

- **What are the applicant's family responsibilities, if any?**

If the applicant is responsible for the care and support of children, spouse or partner, or parents, include that information.

- **Is the applicant willing to admit her guilt, freely and completely?**

Each participant in the program will be required to plead guilty and to openly and consistently talk about his or her criminal behavior throughout his or her time in the program. If an applicant would like to talk about his or her guilt in the application, we suggest the lawyer do so on the applicant's behalf, so long as the statement is accurate and honest. We suggest that the applicant not write or sign a statement himself or herself.

- **If the case falls on the list of cases *presumed ineligible* for the ATL Court, why should we make an exception in your case?**

There are no fixed criteria for selecting individuals for participation in the program; however, the following are presumed ineligible for the program:

1. Defendants whose current offense conduct includes personally committing, or directing others to commit, acts of violence. An act of violence means the use, attempted use, or threatened use of physical force against the person of another, whether with or without a weapon or an object;
2. Defendants with more than minor involvement in large-scale fraud or narcotics distribution;
3. Defendants who would be safety valve-ineligible, as defined in the First Step Act and pursuant to 18 U.S.C. § 3553(f);

4. Defendants who are charged with possession of a firearm during the offense in violation of 18 U.S.C. §§ 924(c) or 922(j), or in which the charge itself is a prohibited person in possession or receipt of a firearm in violation of 18 U.S.C. §§ 922(g) or 922(n);
5. Defendants who are charged with a human trafficking offense;
6. Defendants who are charged with sexual offenses that would classify as either Tier II or Tier III under 34 U.S.C. § 20911(3) and (4);
7. Defendants with a prior conviction for a sexual offense if the offense would (A) classify as a Tier II or a Tier III under 34 U.S.C. § 20911(3) and (4); and (B) earn criminal history points under the U.S. Sentencing Guidelines;
8. Defendants charged with child exploitation, including possession or distribution of child pornography;
9. Defendants charged with crimes related to terrorism under Title 18, United States Code, Chapter 113B; and,
10. Defendants who were subject to removal by immigration authorities prior to committing the charged conduct.

If the applicant falls within one of these categories, the letter must explain why this presumption should not apply here. For example, you may argue that the case does not involve “large-scale fraud,” that the applicant does not have “more than minor involvement” in narcotics distribution, or that she is, in fact, safety valve-eligible. Or you may argue, for example, that although the applicant is charged with violation of 18 U.S.C. § 922(g), she is an exception to the general rule of exclusion.

- **Which remedy would you like the applicant to receive when he or she successfully completes the program, and why?**

When the committee admits an applicant into the program, it will specify which benefit the applicant will earn upon graduation. The chosen benefit will be one of the following: (1) felony conviction with a sentence of probation; (2) misdemeanor conviction with a sentence of probation; or (3) dismissal of charges. We would like the applicant’s input on this topic. The application letter should include a paragraph explaining which remedy you believe the applicant should earn at the end of the program and why.

## THINGS YOU SHOULD KNOW ABOUT THE APPLICATION

- **The CM/ECF filing process is straight-forward.**

We have provided CM/ECF instructions on the ATL Court's website, which you'll find here: <https://www.gand.uscourts.gov/atl-court-filing-instructions>.

- **We will admit a small number of people.**

This is a pilot program. We will accept only a limited number of applicants. We will be very selective.

- **An applicant must live within the district and be able to attend meetings with the Court and with local service providers.**

A participant must live within the boundaries of the Northern District of Georgia, and must be willing and able to appear in person at bi-weekly ATL Court meetings at the Atlanta courthouse. The applicant must have transportation to the courthouse, and also to any and all treatment and counseling sessions required by the ATL Court.

- **We will exclude persons who were indicted before January 1, 2022.**

Only defendants who have been indicted beginning in calendar year 2022 are eligible to apply. This rule is inflexible. However, we will consider persons who were indicted before 2022, but were later charged through an information filed in 2022.

- **We will accept applications for some persons who have not been indicted for felony offense(s).**

We will accept applications from persons who have received a formal target letter from the United States Attorney's Office of the Northern District of Georgia. We will also accept applications from persons charged only with a Class A or B misdemeanor. (Please include with the application a copy of the target letter or misdemeanor citation/information.) On the other hand we will not accept applications from persons charged through a complaint. Those persons must wait until they have been indicted.

- **Who may write and submit the application?**

Anyone may file an application, including the applicant himself or herself, the United States Probation Office, or even the United States Attorney's Office. However, we encourage the lawyer who represents the applicant to file the application and sign the letter. We also urge each applicant to speak with their

lawyer about the application before filing it, including the benefits, the risks, and the rules of confidentiality we outline below.

- **When should an applicant apply to the ATL Court?**

Following the arrest, indictment, or target letter, applicants should submit the application as soon as possible. We recognize that it will take time to make this decision and to collect supporting documents, but the applicant must file the application promptly. An applicant is less likely to be accepted into the program when their original case has passed the pretrial-conference stage.

- **The application is confidential.**

Because we want each applicant to be honest and complete in their responses to our questions, the ATL Court agrees not to share the application with anyone other than ATL Court committee and providers. That means, for example, that the application will not be shared with the line prosecutor in the applicant's original case. We will share this information only if the applicant later consents to that disclosure or as required by court order or by law. The application, and all related documents, will be filed on CM/ECF under seal and will not be viewable to anyone but members of the ATL Court committee.

With this in mind, the application should include a statement that the application is being submitted for the purpose of plea negotiations and is confidential per Fed. R. Evid. 410 and Fed. R. Crim. P 11(f).

- **By filing the application, the applicant agrees to share private information with the ATL Court Committee.**

The applicant necessarily waives the confidentiality of his or her pretrial services report, if one exists, and agrees to allow the members of the ATL Court to acquire and review his or her criminal history report. In some cases, the Committee's Probation Officers will conduct a personal interview with the applicant (without counsel) in order to measure the applicant's fitness for the program. If the Committee requests such an interview of the applicant, it will be mandatory.

- **Review the ATL Court Participant Handbook and ATL Court Contract.**

The Handbook sets forth the basic tenets and requirements of the program. If accepted into the ATL Court program, the applicant will be required to abide by these rules. Once a person joins the program, they will be required to sign the ATL Court Contract. By submitting this application, the applicant confirms that they

have discussed the requirements in the Contract with defense counsel and, if accepted into the program, are willing to abide by all those requirements.

- **How is ATL Court different than the district's long-standing Pre-trial Diversion program?**

The district's Pre-trial Diversion program, long operated by the United States Attorney's Office and United States Probation Office, will continue to exist in its present form. A person and their lawyer may continue to seek diversion through the United States Attorney's Office. The ATL Court is a separate program.