

D-START DEFENSE ATTORNEY FLOW CHART

Application	Assess whether your client may benefit from and be eligible for D-Start. Follow the D-Start application procedures on or.fd.org
Acceptance	You will be notified by a D-START team member if your application is conditionally accepted. Once this happens, start this process.
Needs Assessment	You should get your client a “D-START Needs Assessment” from Beacon Hill Recovery (https://beaconhillrecovery.com/contact-us). Beacon Hill is charging a fixed fee of \$350 for a needs assessment if there is no substance abuse issue and \$400 for a needs assessment including the substance abuse ASAM component. CJA attorneys should follow ordinary authorization requirements.
D-START Prospectus	Review the D-START program material in the prospectus and review a copy with your client.
Individualized Success Plan	Once you have received the needs assessment, meet with your client to fill out the Individual Program Success Plan. Please try to develop a plan that will help your client be successful.
Pretrial Review	After completing the Individual Program Success Plan with your client, send the Success Plan and needs assessment to Mercedes Kolbe Mercedes_Kolbe@orpt.uscourts.gov at pretrial for her and the D-START team to review. Pretrial or the D-START team members (including the judge) may have edits or suggestions.
Plea Agreement	You should receive a plea offer from the AUSA with D-START language included. The parties should work out the anticipated length of participation in the D-START program (6 months to 24 months, but this time period can be adjusted pursuant to the D-START terms). The parties should also negotiate what the sentence will be upon graduation for any D-START participant who is not receiving a dismissal upon graduation. There are three possible outcomes after successful completion of D-START: dismissal, misdemeanor, or non-incarceration sentence. If your client is receiving a misdemeanor or non-incarceration sentence, you should negotiate with the AUSA about how long any post-D-START supervision will be.
Schedule Plea	AFTER your D-START success plan is approved by Pretrial and the D-START team, schedule a with your assigned Article III judge. You should let the CRD know that this will be a D-START plea.
Enter Plea	When your client enters the plea, the parties will submit the following documents to the Court for filing: plea agreement, plea petition, D-START Notice of Participation, and other necessary documents (e.g., waiver of indictment). The D-START Notice (attached) helps ensure that the Clerk’s Office docket D-START pleas appropriately.
Orientation	Schedule a short zoom orientation meeting with pretrial (through Mercedes Kolbe Mercedes_Kolbe@orpt.uscourts.gov) and the representative from the Federal Defender’s Office (through Jessica Snyder Jessica_Snyder@fd.org).

Begin D-START	Once you have entered your plea, you will be given a D-START court date. Your client will have D-START court between once and twice a month, depending on whether they assessed to be low or high risk. Defense attorneys should plan to attend the first court date. After the first court date, defense attorneys can check in with the D-START representative from the FPD's office the day before court to determine whether they need to attend moving forward. Defense attorneys are responsible for checking in with their client's regularly, and will continue to be responsible for assisting their clients and advocating for their clients if things go wrong during D-START.
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