

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

STATE OF IOWA, Plaintiff, vs. _____ Defendant.	Criminal No.  <b>PLEA OF GUILTY</b>
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I, \_\_\_\_\_, state to the Court that I am charged with:  
\_\_\_\_\_, code §: \_\_\_\_\_ a(n) aggravated/serious misdemeanor;  
\_\_\_\_\_, code §: \_\_\_\_\_ a(n) aggravated/serious misdemeanor;  
\_\_\_\_\_, code §: \_\_\_\_\_ a(n) aggravated/serious misdemeanor;

and I now wish to plead guilty to this (these) charge(s).

1. I have discussed my guilty plea with my attorney; I am satisfied with the services of my attorney; and I have been advised and understand that by pleading guilty I am giving up the following rights:

- A. The right to a speedy and public jury trial on this (these) charge(s).
- B. The right to ask questions of the State's witnesses, the right to subpoena or call my own witnesses to testify on my behalf, and the right to take depositions.
- C. The right to have my attorney with me throughout the entire trial, if I cannot afford an attorney, the Court would appoint one for me at State expense. If I receive a court-appointed attorney, I understand I may be ordered to repay the State for my attorney's fees.
- D. The right to have my case decided by a jury of 12 people whose verdict would have to be unanimous.
- E. The right to require the State to prove my guilt beyond a reasonable doubt.
- F. The right to testify on my own behalf or refuse to testify. If I chose not to testify, the county attorney would not be allowed to say anything about that fact in front of the jury.

2. By pleading guilty, I am asking the Court to accept my guilty plea. I am admitting there is a factual basis for the charge(s), and I admit at the time and place charged in the Trial Information I

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3. Additionally, I accept the minutes of testimony as substantially true as to the elements of these charges, with the exclusion of the following statements: \_\_\_\_\_

\_\_\_\_\_.

4. \_\_\_\_\_ A plea agreement in my case exists as evidenced by a memorandum of plea agreement which I have signed. I understand any plea agreement is not binding on the Court and unless the judge's acceptance of my plea is contingent upon acceptance of the plea agreement, I know the judge may sentence me up to the maximum penalties provided by law.

5. I understand that on a plea of guilty to:

\_\_\_\_\_ O.W.I. First Offense, the Court can sentence me to jail for up to one year, with a mandatory minimum of not less than 48 hours, and fine me \$1250.00. I must complete the drinking drivers program, a substance abuse evaluation and any recommended treatment.

\_\_\_\_\_ O.W.I. Second Offense, the Court can sentence me to prison not to exceed two years with a mandatory minimum jail sentence of 7 days, and fine me between \$1875.00 and \$6250.00. I must complete the drinking drivers program, a substance abuse evaluation and any recommended treatment.

\_\_\_\_\_ A serious misdemeanor, the Court can sentence me to jail for up to one year, and fine me between \$315.00 and \$1875.00. If the charge is a 1<sup>st</sup> offense possession of marijuana, the maximum sentence is six months in jail and a fine of up to \$1,000.00.

\_\_\_\_\_ An aggravated misdemeanor, the Court can sentence me to prison not to exceed two years and fine me between \$625.00 and \$6250.00.

\_\_\_\_\_ I agree that I will comply with Iowa Code Section 81.2 and provide a DNA sample, if required.

\_\_\_\_\_ Driving While Revoked, the Court can sentence me to jail for up to one year, and fine me \$1000.00. An additional period of license suspension, denial, revocation or bar will be imposed.

\_\_\_\_\_ Domestic Abuse Assault, the Court must impose a minimum jail sentence of two consecutive days and order me to successfully complete a batterer's education program. Upon conviction, I cannot possess, ship, transport, or receive a firearm, offensive weapon, or ammunition.

\_\_\_\_\_ Possession of a controlled substance, the Court must order the Iowa Department of Transportation to revoke my operating privileges for 180 days unless judgment is deferred.

\_\_\_\_\_ A Sex Offender Registry violation, I understand I will have to register as a sex offender for an additional 10 years. I understand a conviction of a Sex Offender Registry violation will count as a prior violation for enhancement purposes if I am later charged with another Sex Offender Registry violation and it can be used to make the later charge a felony.

\_\_\_\_\_ On a misdemeanor violation of Iowa Code Chapter 709 or §728.12, I may be sentenced to a 10 year special sentence pursuant to Iowa Code §903B.2. I understand I will have to register as a sex offender for at least 10 years and possibly for my lifetime even if I receive a deferred judgment. I have had an opportunity to discuss the requirements of the sex offender registry including the annual registration fee of \$25.00 and a civil penalty of \$250.00 which will be assessed and I may be subject to exclusion zones and employment restrictions. I have also discussed any special sentence under §903B.2 with my attorney. If I am subsequently convicted of a second offense under Iowa Code Chapter 709 or §728.12, it will result in lifetime registration pursuant to §692A.106(5). Enhanced punishment pursuant to §901A.2 can also be imposed for subsequent violations defined in §901A.1 because of this guilty plea.

6. If I am pleading guilty to more than one charge, I understand the judge can run each sentence consecutive or concurrent to any other. The sentence for a charge of escape or absence from custody under §719.4 or for a crime committed while confined in a detention facility or penal institution shall begin at the end of any existing sentence. My attorney has explained consecutive and concurrent to me.

7. I understand a 35% surcharge will be added to all fines that are not suspended. I will be required to pay court costs and in addition to the above possible sentences, I will be assessed the following for each applicable charge: a \$10.00 Drug Abuse Resistance Education Surcharge for violations of Iowa Code Chapters 321J and 124 division IV (not assessed if charge is deferred or suspended); a \$125.00 Law Enforcement Initiative (LEI) Surcharge for violations of Iowa Code Chapters 124, 155A, 453B, 713, 714, 715A, 716, and §719.7, 719.8, 725.1, 725.2, and 725.3; a \$1,000 human trafficking surcharge for violations of Iowa Code §725.1(2), 710A.2, 725.2, or 725.3; a \$100 domestic/sexual abuse/stalking surcharge for violations of Iowa Code §708.2A, 708.11, 710A.2, and Chapter 709.

8. I understand a conviction for Possession of a Controlled Substance, Harassment, Theft, Burglary, or Public Intoxication will count as a prior violation for enhancement purposes if I am later charged with another such charge and can be used to make the later charge more serious. I understand a conviction or deferred judgment for Operating While Intoxicated, Domestic Abuse Assault, Aggravated Theft, or Stalking will count as a prior violation for enhancement purposes if I am later charged with another such charge and can be used to make the later charge more serious.

9. If granted probation, I understand as a condition of my probation I am to fulfill all terms as set forth by the Sentencing Order. If I fail to do so, the suspended sentence could be imposed and I may be found in contempt of court which may be punished by up to 6 months in jail and a fine of up to \$500.00.

10. If I claim there are any irregularities or errors in these plea proceedings, I must file a Motion in Arrest of Judgment not later than 45 days after this plea of guilty and not later than five days before the day of sentencing. Failure to do so will preclude my right to assert any defects in this plea in any appeal.

11. If I am not a United States Citizen, I understand a criminal conviction, deferred judgment, or a deferred sentence may result in my deportation or have other adverse immigration consequences under federal immigration laws. I have had the opportunity to discuss this with my attorney and consulate.

12. If I am on parole or probation, I understand this plea of guilty may be grounds for revocation. I have discussed this with my attorney and probation or parole officer and I wish to plead of guilty.

No one has made any promises or inducements to make me plead guilty, nor has anyone threatened me to cause me to plead guilty. My decision to plead guilty is voluntary and intelligently made. I am not under the influence of any drug, medication or alcohol that would hurt my ability to make decisions.

I understand I must pay all court ordered fines, civil penalties, restitution, surcharges, and court costs in full. If I am granted probation, this will be a condition of my probation.

\_\_\_\_\_ I expressly waive my right to be present and participate in an in-court plea colloquy, and I waive my right to have a verbatim record of these proceedings.

\_\_\_\_\_ I expressly waive my right to be personally present and address the Court at the time of sentencing. I agree the Court may impose sentence without my being present. I understand I have a right of allocution, which allows me to address the Court personally and make a statement in mitigation of my punishment in this case. I understand if I am represented by counsel in this case, my attorney may

address the Court on my behalf and make a statement in mitigation of my punishment in this case. I waive the right to have a verbatim record of the sentencing procedures.

\_\_\_\_\_ I am waiving my right to file a Motion in Arrest of Judgment as described in #10 above, my right to wait 15 days for my sentencing and I wish to be sentenced today. I know of no legal cause why judgment should not be entered and there are no pending motions.

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

I STATE TO THE COURT I FULLY UNDERSTAND ALL OF MY FOREGOING RIGHTS; I GIVE UP THOSE RIGHTS; AND I ENTER MY PLEA OF GUILTY TO THE CHARGES LISTED ABOVE.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

I, \_\_\_\_\_, a regular practicing attorney at law, as an officer of the Court, state that I represent the above-named defendant, I have advised the defendant of all his/her legal rights; I have advised the defendant of the consequences of signing this document; and I have answered all questions regarding the plea of guilty. I further state that, to the best of my knowledge and belief, this plea is knowingly, voluntarily, and intelligently made by the defendant and there is a factual basis for the charge.

Signature of Attorney \_\_\_\_\_ Date: \_\_\_\_\_