

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

| | |
|------------------------------------------------------------|------------------------------------|
| STATE OF IOWA, Plaintiff, vs. _____ Defendant. | Criminal No. PLEA OF GUILTY |
|------------------------------------------------------------|------------------------------------|

I, _____, state to the Court that I am charged with:
_____, code section: _____ a(n) aggravated/serious misdemeanor;
_____, code section: _____ a(n) aggravated/serious misdemeanor;
_____, code section: _____ a(n) aggravated/serious misdemeanor;

and that I now wish to plead guilty to that (those) charge(s). I also state I have discussed my guilty plea with my attorney; that I am satisfied with the services of my attorney; and that I have been advised and understand that:

1. When I plead guilty, I give up my right to have a jury trial on this charge.
2. When I plead guilty, I give up my right to have the opportunity to ask questions of the State's witnesses, and I also give up the right to subpoena or call my own witnesses to testify.
3. Should I have a trial, I would be entitled to have my attorney with me throughout the entire trial, and if I cannot afford an attorney, the Court would appoint one for me.
4. If I had a trial on this charge, the State would be required to prove me guilty to a jury of 12 persons, unanimously, and beyond a reasonable doubt; however, by pleading guilty I am giving up that right.
5. If I had a trial, no one could force me to testify against myself; however, I would have the right to testify on my own behalf. I give up these rights by pleading guilty.
6. By pleading guilty, I am admitting that there is a factual basis for the charge(s), and admitting that at the time and place charged in the Trial Information I _____

_____.

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

8. _____ A plea agreement in my case exists as evidenced by a memorandum of plea agreement which I have signed. I understand that any plea agreement is not binding on the Court.

9. 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 between \$1250.00 and \$1875.00, plus surcharge and court costs. I must complete a substance abuse evaluation and any recommended treatment. I must also complete the drinking drivers program.

___ 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, plus surcharge and court costs. I must complete a substance abuse evaluation and any recommended treatment. I must also complete the drinking drivers program.

___ An aggravated misdemeanor, the Court can sentence me to prison not to exceed two years and fine me between \$625.00 and \$6250.00, plus surcharge and court costs.

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

___ A serious misdemeanor, the Court can sentence me to jail for up to one year, and fine me between \$315.00 and \$1875.00, plus surcharge and court costs. If the charge is a 1st offense possession of marijuana, the maximum jail sentence is six months and a fine up to \$1,000 plus surcharge and court costs.

___ Driving While Revoked, the Court can sentence me to jail for up to one year, and fine me between \$1000.00 and \$1875.00, plus surcharges and court costs.

___ A domestic 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 a conviction of Domestic Assault in violation of Iowa Code Section 708.2A, I shall not possess, ship, transport, or receive a firearm, offensive weapon, or ammunition.

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

10. A 35% surcharge will be added to all fines.

11. A \$10.00 Drug Enforcement Surcharge will be assessed for each charge under Iowa Code Chapters 321J and 124, if the sentence is not suspended.

12. A \$125.00 Law Enforcement Initiative (LEI) Surcharge will be assessed for each charge under Iowa Code Chapters 124, 155A, 453B, 713, 714, 715A, 716, 719.7, 719.8, 725.1, 725.2, and 725.3.

13. I understand that 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, I may be found in contempt of court which may be punished by up to 6 months in jail and/or a fine of up to \$500. 00 or the suspended sentence could be imposed.

14. If I claim there are any irregularities or errors in this guilty plea, I must file a Motion in Arrest of Judgment not later than 45 days after this plea of guilty or in any case, 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 to the Iowa Supreme Court.

15. For persons who are not U.S. citizens: I understand that a criminal conviction or deferred judgment may result in my deportation or have other adverse immigration consequences if I am not a U.S. Citizen. I have had the opportunity to discuss this with my attorney and consulate.

16. If I am on parole or probation I understand that this plea of guilty may be grounds for revocation. I have discussed this with my attorney and probation or parole officer and wish to proceed with the plea(s) of guilty.

I further state that no one has made any promises or inducements to make me plead guilty, nor has anyone threatened me to cause me to plead guilty. The decision to plead guilty is my own voluntary decision.

I understand I must pay the fine, restitution, surcharge, and costs in full as a condition of my probation.

I STATE TO THE COURT THAT 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.

Signed at _____, Iowa, Date: _____.

Defendant 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 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 that there is a factual basis for the charge.

Date: _____ Signature of Attorney _____

Consent to Waive Presence:

_____ I expressly waive my right to be present and participate in an in-court plea colloquy.

_____ I expressly waive my right to be personally present and address the court at the time of sentencing. I further agree that the court may impose sentence without my being present. I understand that 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 further understand that 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 hereby waive this right to address the Court personally at sentencing.

Signature of Defendant: _____ Date: _____

I have fully advised my client of the consequences of this document. My client's decision to sign this document and waive the rights described above is knowing and voluntary.

Defendant's Attorney: _____

Waiver of Motion in Arrest of Judgment:

If the Court accepts my plea of guilty, I wish to be sentenced today.

_____ I understand that any challenges to a plea of guilty based on alleged defects in the plea proceedings must be made in a Motion in Arrest of Judgment, and failure to so raise such challenges shall preclude the right to assert them on appeal.

_____ I understand that a Motion in Arrest of Judgment must be made not later than 45 days after a plea of guilty but in any case not later than five days before the day set for sentencing.

_____ I understand that a failure to make such a Motion in Arrest of Judgment not later than 45 days after today and at least five days before the day set for sentencing will preclude me from asserting any alleged defects in the plea proceedings on any appeal to the Iowa Supreme Court.

_____ I understand that I may ask for and receive a continuance prior to sentencing and I wish to be sentenced today.

_____ I understand and give up my right to challenge or appeal from any irregularities, defects, or errors in the taking of my guilty plea by the filing of a Motion in Arrest of Judgment. I also give up my right to have sentencing and judgment entered at least fifteen days after the entry of my guilty plea.

_____ My attorney has advised me as to what a Motion in Arrest of Judgment is and its effect and I wish the Court to waive that right and proceed with sentencing today.

Signature of Defendant: _____ Date: _____

I have fully advised my client of the consequences of this document. My client's decision to sign this document and waive the rights described above is knowing and voluntary.

Defendant's Attorney: _____