

IN THE IOWA DISTRICT COURT FOR WINNESHIEK COUNTY

STATE OF IOWA, Plaintiff, Vs. _____, Defendant.	CASE NO. _____ WRITTEN GUILTY PLEA AND WAIVER OF RIGHTS
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Comes now the Defendant, «Matter Client Sort», and after consultation with counsel, makes the following statements:

1. I am not represented by an attorney.
2. I am pleading guilty to:

OFFENSE(S)	IOWA CODE SECTION(S)

3. I admit that on or about «Case Info Offense Start Date and Time: July 4, 1996», while in Winneshiek County, Iowa, I did the following things that constitute the criminal offense:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

4. I have received a copy of the trial information and the minutes of testimony attached to it. I am correctly identified in the trial information. I understand the nature of the charge(s) against me. I have had an opportunity to review the minutes of testimony, and to discuss them with my attorney. I agree that the Court may also rely upon those minutes as a factual basis for this guilty plea.

5. I understand that the maximum punishment that could be imposed in my sentence is:

- Two years in prison and a fine of \$6,250.00 (aggravated misdemeanor)

One year in jail and a fine of \$1,875.00 (serious misdemeanor)

6. I understand that the minimum punishment which must be imposed in my sentence is:

A fine of \$625.00 (\$1,875.00 and 7 days in jail if this is an OWI, 2d offense charge)

A fine of \$315.00 (\$1,250.00 and 2 days in jail if this is an OWI, 1st offense charge)

A \$125.00 Law Enforcement Initiative Surcharge.

A \$10.00 DARE Surcharge.

All fines carry a 35% surcharge.

7. By entering this guilty plea I give up the following rights:

- a. A speedy and public trial by jury, and participation in jury selection;
- b. A unanimous jury verdict;
- c. Representation by an attorney at all times throughout the jury trial process, and at public expense if I cannot afford one;
- d. The privilege against self-incrimination, including the right to remain silent at trial. By entering this guilty plea I am admitting the charge(s) and waive my right against self-incrimination;
- e. The presumption of innocence unless and until the state proved my guilt. If I chose to not testify at my trial, the state would not be allowed to comment on my silence, and no inference of guilt could be drawn from my decision to not testify;
- f. The right to have the state prove its case beyond a reasonable doubt;
- g. The right to confront and cross examine the witnesses that the state would use to prove my guilt beyond a reasonable doubt to the jury;
- h. The right to have the court compel witnesses to testify on my behalf if I chose to have witnesses testify for me;
- i. The right to raise any defense to the charge(s) that I might have.

8. AGREEMENTS AS TO CHARGES OR SENTENCE.

- a. This guilty plea is entered without any agreement with the state's attorney in regards to the charges against me or my sentence.
- b. This guilty plea is entered pursuant to Iowa Rule of Criminal Procedure 2.10 based upon an agreement with the state's attorney in regards to the charges against me and/or my sentence. I understand the agreement is binding on the Court unless the court specifically tells me otherwise. I also understand that the entire agreement as to the charges and/or sentence to be as follows:

- Defendant would receive a deferred judgment with probation on the terms set forth below.
 - I consent to the entry of a deferred judgment and ask the Court to defer judgment.
 - I will pay a civil penalty of \$_____
 - I will perform ____ hours of community service work for a non-profit organization other than a governmental entity.

- Jail/Prison
 - A two year prison sentence, with credit for time previously served.
 - The prison sentence will be suspended.
 - ____ day jail sentence, credit for time previously served. I will pay the \$50.00 per day jail fee for room and board on any jail sentence I serve.
 - All but ____ days of the sentence will be suspended and I will be placed on probation on the terms set out below.
 - The jail sentence will be served
 - successively
 - on successive weekends
 - with work release privileges subject to the rules of the Sheriff

- \$_____.00 fine, 35% surcharge of \$_____, all court costs, and
 - A \$125.00 Law Enforcement Initiative Surcharge.
 - A \$10.00 DARE Initiative
 - The fine and 35% surcharge will be suspended during my good behavior.

- I will pay victim restitution to _____ in the amount of \$_____.00.

- Probation
 - Supervised by Department of Correctional Services for ____ year(s) on such terms and conditions deemed appropriate by my probation officer and previously approved and the Conditions set forth below
 - Unsupervised Probation for ____ year(s). I will obey all local, state and federal laws and comply with Conditions set forth below.

- Conditions. If on Probation, the checked items are conditions of probation. If Defendant is not on probation, the checked items are conditions of the sentence and failure to follow the conditions may subject the Defendant to contempt proceedings.
 - Obtain a substance abuse/mental health evaluation and follow all recommendations.
 - Complete a course for drinking drivers

- Be placed in the Corrections Continuum and assessed by the Department of Correctional Services to determine the appropriate level of supervision, which may / will include residential placement.
 - Complete a cognitive restructuring program
 - Complete a money management course
 - Complete Batterers' Education Program [call 1-800-485-8151 to register for BEP within 10 days and arrange to start the program within 60 days of the date of this Order], and file proof of completion with the clerk.
 - Complete the Sexual Offender Treatment Program
 - Other
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- Pay supervision fee
- IDOT will suspend my driver's license for _____ days.
 - The no contact Order previously issued in this case will be extended for ___ years / will be cancelled.
 - Reimburse the State of Iowa for court appointed attorney fees, when submitted.
 - Defendant is subject to the Special Sentence provisions of Iowa Code § 903B.2, committing Defendant to the custody of the director of the Iowa department of corrections for a period of ten years, with eligibility for parole as provided in chapter 906.
 - State of Iowa further agrees to dismiss any other charges related to this incident at Defendant's cost.

i. If the court does not accept the sentencing agreement, I withdraw my guilty plea and ask that the case be rescheduled for trial.

ii. If the court does not accept the sentencing agreement, I still wish for the court to accept my guilty plea without a sentencing agreement, and ask that the case be set for a sentencing hearing.

iii. I certify that I am reasonably able to pay all costs associated with surcharges, court costs, the \$50.00 per day jail fee and reimburse the State for County Attorney fees up to \$_____ toward said fees.

9. Other than the agreement stated in paragraph no. 8 above, there is no other agreement that has been used to get me to enter this guilty plea. No one has threatened me or made any promises to me to get me to enter this guilty plea. I am pleading guilty voluntarily and with an understanding of my rights.

10. WAIVER OF RIGHT TO HAVE JUDGE TALK TO ME REGARDING THIS GUILTY PLEA.

I understand that, pursuant to Iowa Rule of Criminal Procedure 2.8, the court is required to address me personally regarding the nature of the charge(s); maximum and minimum punishment; the effect of the plea on my status under federal immigration laws; and the trial rights outlined in paragraph no. 7 above. I also understand that I can waive the right to have the court address me personally in open court about these things, and I want to waive this right, and ask the court to accept this guilty plea in my absence. I do not want to appear in court for the purpose of submitting this guilty plea and having it accepted by the court.

11. RIGHT TO FILE MOTION CHALLENGING OR WITHDRAWING THIS GUILTY PLEA.

I understand that when the court accepts my guilty plea that the only way I could try to withdraw it, or to challenge it for being somehow legally insufficient, is to file a motion in arrest of judgment. I also understand that a motion in arrest of judgment must be on file within 45 days of the date this plea is accepted, and at least five days prior to a sentence being entered in my case. I understand that the failure to file this motion means that I waive the right to challenge the guilty plea, including the right to appeal the taking of the guilty plea. Knowing these things I:

Waive my right to file a motion in arrest of judgment; or

Maintain my right to file a motion in arrest of judgment and request that the case be set for sentencing at a later date and time.

12. RIGHT TO DELAY IN SENTENCING.

I understand that when the court accepts my guilty plea that I am automatically entitled to a delay in sentencing for at least fifteen days. I also understand that I may waive the delay in my sentencing hearing. Knowing these things I:

Waive my right to a delay in sentencing, and request that the court go to sentencing immediately upon accepting my guilty plea; or

Maintain my right to a delay in sentencing, and request that the case be set for a sentencing hearing at a later date and time.

13. RIGHT TO BE PRESENT IN COURT FOR SENTENCING AND TO PERSONALLY ADDRESS THE COURT REGARDING MY SENTENCE.

I understand that I have the right to be personally present in court for purposes of sentencing. My presence in court also includes the right to personally address the court in regards to this case and in regards to what my sentence should be. Knowing these things, I:

Waive my right to be present in court for purposes of sentencing and waive my right to personally address the court in regards to this case as well as in regards to my sentence; or

Maintain my right to be present in court for purposes of sentencing and my right to personally address the court.

14. I have had adequate time to consult with my attorney regarding this guilty plea. I believe that my lawyer has done all that anyone could do to counsel and assist me, and I am satisfied with the advice and help my lawyer has given me.

15. I know that the Court will not permit anyone to plead guilty who maintains they are innocent and, with that in mind, and because I am guilty and do not believe that I am innocent, I wish to plead guilty and respectfully request the Court to accept my plea of guilty. _____ **(initials)**

16. Notice of Immigration Consequences.

Are you a United States Citizen?

_____ **(initials)** Yes

_____ **(initials)** No. I have discussed this with my attorney. I understand and acknowledge that there may be adverse immigration consequences as a result of entering into this plea of guilty, that could include deportation consequences.

17. **Appeal.** I am advised pursuant to Iowa Code Section 814.6 that I do not have a right to appeal this guilty plea unless I can demonstrate good cause exists to allow an appeal.

Pursuant to these provisions, I hereby enter my plea of **GUILTY**.

Dated this _____ day of _____ 20__.

_____, Defendant

I, _____ Winneshiek County Attorney consent to the form of this written guilty plea and further state that the terms of the plea negotiations as stated in paragraph eight (8) is correct and acceptable to the State of Iowa.

Dated this the ___ day of _____, 20__.
