**In the Iowa District Court for Polk County**

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**State of Iowa, Criminal No:**

*Plaintiff*,

v.  **Stipulation (Driving While** **Barred/driving**

**while revoked Under 321J), Waiver of**

**Speedy Trial & Motion to continue**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**

*Defendant*. **** Defendant in custody.

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1. **Comes Now** the defendant and states and agrees:
   1. I understand that I have a right to a speedy trial as set out in Iowa Rule of Criminal Procedure 2.33(2)(b). By my signature below, **I waive and give up my right to a speedy trial.**
   2. **I request to have this case continued for twelve (12) weeks** because I believe I can get a valid driver’s license or temporary restricted license in my name *in that period of time*.
   3. The prosecutor agrees that if I get my license *in that period of time*, and if I have been charged with no new crime(s) the State will request the charge against me be dismissed. I understand that a judge – and not the prosecutor – will make the final decision about whether to grant a dismissal. If my case is dismissed, ***I agree that I have the reasonable ability to pay and will pay all court costs and all court-appointed attorney fees and expenses. I waive my presence at any proceeding where the case is dismissed and I am ordered to pay these costs, fees and expenses.***
   4. In order to help me get the continuance I want, the State has agreed to join in my request for a continuance.
   5. In exchange for the State joining in my request for a continuance, I agree that ***if I do not have a driver’s license or temporary restricted license in hand at my next scheduled court date in this case, for whatever reason, I will enter a guilty plea to the charge of Driving While Barred/Driving While Revoked Under 321J. I will not request another continuance. I agree I will not ask for and there will be no exceptions made to this agreement.***
   6. I agree that the following admission may be entered as evidence against me in any proceedings in this case for the charge of Driving While Barred/Driving While Revoked Under 321J:

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*I agree that this is a factual admission, given knowingly and voluntarily, and will be used against me at trial.*

1. **Comes Now** the State and agrees:
   1. *In exchange for Defendant’s agreement set out above*, I join in the Defendant’s request for a continuance.
   2. If, at the next scheduled court date, Defendant appears with a valid, physical driver’s license or temporary restricted license in Defendant’s name, I will recommend the Driving While Barred/Driving While Revoked Under 321J charge be dismissed – with all court costs & court-appointed attorney fees to be paid by Defendant.
2. **Come Now** the parties and both jointly agree:
   1. If a court finds probable cause to believe that Defendant has committed *any* criminal or traffic offense between today and the next scheduled court date, the State is not bound by the agreement to request dismissal of this case.
   2. If the Defendant pleads guilty as agreed upon in section 1(f) above the parties will be free to argue for any legal sentence or disposition of this case except the parties jointly agree that defendant will be required to pay restitution for property damage done or personal injury inflicted in the course of the commission of this crime.

**Wherefore** the parties hereby stipulate and agree to the matters set out above.

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Assistant Polk County Attorney Date

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Counsel for Defendant Date

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Defendant Date