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

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| **State of Iowa,** *Plaintiff*,v.**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, *Defendant*. |  **Criminal No:****Defendant’s Stipulation****to Prior Convictions** |

**Comes Now the Defendant On** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in person and with counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and with an interpreter, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and knowingly, voluntarily and intelligently agrees:

* I am of sound mind and clear-headed. I am not under the influence of any substance that would hurt my ability to make decisions or to clearly understand the matters in this document.
* I am charged with a crime or crimes and the State also claims I am subject to enhancement(s) which, if applicable, can increase my punishment.

**WITHOUT** the enhancement, I would be subject to:

A MAXIMUM of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A MINIMUM of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WITH** the enhancement, I will be subject to:

A MAXIMUM of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A MINIMUM of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* This enhancement only applies to me if, at the time of each earlier conviction, I had an attorney, or I knowingly and voluntarily gave up my right to an attorney.
* I do not have to agree that the enhancement applies to me.
* If I do not agree that the enhancement applies to me, I have the right to a separate trial on just the question of my earlier convictions and, in that trial, I would have the right to:
	+ - * + A speedy and public trial by jury and the right to be represented by an attorney;
	+ A court appointed attorney at state expense, if I could not afford an attorney on my own;
	+ A separate trial about whether I had the correct earlier conviction(s) for the enhancement to apply;
	+ Hear the evidence against me from the witnesses and subject them to cross examination;
	+ Be presumed innocent unless and until the State proved, beyond a reasonable doubt, that I did have the earlier convictions;
	+ Testify or to refuse to testify, and my refusal would not reflect on my guilt or innocence;
* A unanimous verdict, in other words, before I could be found guilty, the entire jury of twelve people would have to agree that the evidence proved me guilty, beyond a reasonable doubt.
	+ Produce witnesses, subpoena them to trial, and have them testify on my behalf.
* I give up all of these trial rights. I give up my right to a trial about my earlier convictions.
* I agree that the conviction(s) listed below are my convictions and that, at the time of each case, I either had an attorney or I knowingly and voluntarily gave up my right to an attorney:

Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_ Crime: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_ Crime: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Case Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_ Crime: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

* I give up my right to have the State prove the enhancement. I agree that I have the earlier convictions as claimed by the State. I agree that, under Iowa law, the enhancement applies to me. I agree the judge can legally sentence me to the *enhanced* maximum provided by law. I am not agreeing to these matters because of any threats or promises.
* If I am not a citizen of the United States, then my agreement to this enhancement could result in my deportation, could make it illegal for me to re-enter this country or could have other harmful immigration consequences under federal law.
* To challenge any defects in the proceeding about the enhancement, I must file a Motion in Arrest of Judgment within 45 days and at least 5 days before sentencing. Failure to file this motion on time means I cannot ever challenge any defects in the proceedings about the enhancement.
* I ask the court to accept the Minutes of Testimony as true to further show that I am, in fact, subject to the enhancement.

***I knowingly, voluntarily and intelligently agree to all statements in this document and ask the court to accept this stipulation.***

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**Defendant Reviewed with (Defendant’s Attorney)**