IN THE IOWA DISTRICT COURT FOR POLK COUNTY

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| **STATE OF IOWA,** |  |
| PLAINTIFF | **CRIMINAL NO**: |
| V. | **PETITION TO PLEAD GUILTY TO** |
| ,, | **DRIVING WHILE LICENSE** IS **REVOKED** |
| DEFENDANT |  |

**NOW ON** Defendant appears in person and with counsel, to plead guilty to charge(s) of Driving While License Revoked in violation of Iowa Code Section(s) 321J.21.

The State is present and represented by:

[ ] Defendant appears with an interpreter: [ ] I waive (give up) my right to be represented by an attorney.

I am charged in my true and correct name and I wish to plead guilty to the charge(s) in the above matter. I plead guilty. There have been no promises or threats to get me to plead guilty.

I am, at this time, of sound mind. I am not under the influence of any drug, medication or alcohol that would hurt my ability to make decisions.

I understand the nature of the charge against me and that:

I am considered innocent until the State proves my guilt by evidence beyond a reasonable doubt;

I have a right to a speedy and public trial by jury and a right to be represented by an attorney at that trial; If I cannot afford an attorney to represent me, the Court will appoint one at the State's expense;

I have a right to hear the evidence against me from the witnesses and subject them to cross examination;

I have the right to testify in my defense, or refuse to testify, and my refusal would not reflect on my guilt or innocence; I have the right to produce witnesses, subpoena them to appear at trial, and have them testify on my behalf;

By pleading guilty I give up all of these rights; I know that the judge may sentence me up to the maximum provided by law.

The maximum sentence for this charge is both imprisonment for not more than **12 months** and a fine of $**1,000**. The minimum sentence for this charge is a fine of **$1,000.**

In addition to the fine, the Department of Transportation, upon receiving the record of conviction of a person under 32J.21, upon a charge a driving motor vehicle while the license of the person was revoked, shall extend the period of revocation for an additional like period and the Department of Transportation shall not issue a license during the additional period.

A fine and/or jail time cannot be imposed if I receive a deferred judgment. I understand a civil penalty will be imposed.

# I understand that if I am not a citizen of the United States that a criminal conviction or deferred judgment may result in Deportation and affect re-entry into the United States or have other adverse immigration consequences under federal immigration laws.

I am knowingly and intelligently pleading guilty to this charge because I am guilty. I ask the Court to accept my guilty plea.

I understand that I have the right of allocution, which means I have the right to speak to the Judge regarding punishment/sentencing, and I knowingly and intelligently waive (give up) that right.

I understand that to challenge this guilty plea based on alleged defects in the plea proceedings I must file a Motion in Arrest of Judgment not later than 45 days after my plea of guilty but no later than *5* days prior to sentencing. I further understand that failure to file the motion precludes my right to assert any challenge to the guilty plea on appeal. I also waive the preparation and use of a pre-sentence investigation report.

The plea agreement is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Note: The Court is not bound by the plea agreement and may impose the maximum sentence as allowed by law.

[ ] I waive my right to have a verbatim record of these proceedings.

[ ] I understand and agree to pay full restitution for all charged offenses including any counts or cases dismissed in this order.

In order to establish a factual basis I ask the court to accept as true the minutes of testimony, the date of offense is and I admit I did the following:

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# By signing below, I acknowledge that I have read and understand the above petition to plead guilty and all statements therein are true and correct

Defendant's Signature Defendant's Attorney

*Revised 01/07/2013*