IN THE IOWA DISTRICT COURT FOR POLK COUNTY

|  |  |
| --- | --- |
| **STATE OF IOWA,**  |  |
| Plaintiff | **Criminal No**:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| V. |  |
|  | **PETITION TO PLEAD GUILTY TO** |
| , | **DRIVING WHILE BARRED** |
| Defendant |  |

**NOW ON**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Defendant appears in person and with counsel,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

to plead guilty to charge(s) of Driving While Barred as a Habitual Offender in violation of Iowa Code Section(s) 321.561. 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;

Ihave 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 **two (2) years** and a fine of $**8,540**. The minimum sentence for this charge is a fine of **$855.**

In addition to the fine, the Department of Transportation, upon receiving the record of conviction of a person under 321.561, upon a charge a driving motor vehicle while the license of the person was barred, shall extend the period of bar 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**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*