

IN THE IOWA DISTRICT COURT FOR _____ COUNTY

STATE OF IOWA,

Plaintiff,

vs.

Defendant.

No. FECR _____

JUDGMENT AND SENTENCE

(Felonies)
(not Sex Abuse, not OWI 3rd)

APPEARANCES:

Attorney _____ for the State

Attorney _____ for the Defendant, and Defendant in person

On the _____ day of _____, 20____, Defendant

pled guilty

was found guilty following trial of the offense(s) shown in paragraph one (1) below.

PSI Pursuant to Iowa Code § 901.2-.4

A presentence investigation report is on file and has been distributed to counsel of record.

Defendant waived use of a presentence investigation, waived time for sentencing, waived the right to file a Motion in Arrest of Judgment and requested immediate sentencing. The Court hereby orders that the _____ Judicial District Department of Correctional Services prepare a presentence investigation report, file same with the Clerk of Court, and distribute copies as provided by law.

Based on the record made, and pursuant to Iowa Code § 901.6,

IT IS NOW ORDERED AND ADJUDGED as follows:

1. **Judgment.** Defendant is guilty and is convicted of the following crimes:

Count	Offense Date	Iowa Code Section	Offense

2. **Incarceration and Fine.** Pursuant to Iowa Code §§ shown in paragraph 1 above and the Iowa Code §§(s) shown below at *, the defendant is sentenced to an indeterminate term of confinement of not more than that shown below plus fine and surcharge as follows:

Count	Confinement	Fine	Surcharge

*Check all applicable Code §§ (The descriptive parentheticals are only to aid in preparing the document and are not substantive parts of this order.)

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> 911.1 (surcharge) | <input type="checkbox"/> 902.9(5) (5 yrs. + \$750-7500) | <input type="checkbox"/> 124.411 (2 nd off. up to 3x) |
| <input type="checkbox"/> 902.1 (life) | <input type="checkbox"/> 124.401(1)(a) (50 yrs+\$0-1mil.) | <input type="checkbox"/> 124.413 (1/3) min. |
| <input type="checkbox"/> 902.9(1) (99 yrs.) | <input type="checkbox"/> 124.401(1)(b) (25 yrs+\$5k-100k) | <input type="checkbox"/> 124.401A (1000 ft. + 5 yrs.) |
| <input type="checkbox"/> 902.9(2) (25 yrs.) | <input type="checkbox"/> 124.401(1)(c) (10yrs.+\$1k-50k) | <input type="checkbox"/> 124.401B (1000 ft. + 100 hrs.) |
| <input type="checkbox"/> 902.9(3) (15 yrs.) | <input type="checkbox"/> 124.401(e) (firearm 2x) | <input type="checkbox"/> 124.401C (minors + 5 yrs.) |
| <input type="checkbox"/> 902.9(4) (10 yrs. + \$1k-10k) | <input type="checkbox"/> 124.401(f) (off. weap 3x) | <input type="checkbox"/> 124.401D (minors, 2 nd , life) |

Pursuant to Iowa Code § 901.7, the defendant is committed to the custody of the Director, Iowa Department of Corrections. The Sheriff of this county is ordered to transport the defendant (accompanied by a person of the same sex) to the Iowa Medical and Classification Center at Oakdale, Iowa.

3. **Consecutive/Concurrent.** Pursuant to Iowa Code §§ 901.5(9)(c) and 901.8, the above sentence(s) of confinement shall be served

- consecutively, or concurrently
 - to each other.
 - with the sentence imposed in Case No. _____.
 - with the sentence imposed in parole revocation case No. _____.
- This paragraph is not applicable.

4. **Mandatory Minimum.** A mandatory minimum sentence of incarceration

- is not applicable.
- is imposed for a term of _____ years in Count _____, pursuant to Iowa Code §§ (s):
 - 124.413 (1/3)
 - 901.10(1) (1st conviction)
 - 901.10(2) (meth reduction)
 - 902.10(3) (124.401D reduction)
 - 902.7(5 yrs. ff + weap.)
 - 902.8 (3 yrs. habit.)
 - 902.8A (10 yrs., 124.401D 1st)
 - 902.11 (1/2 if prior ff)
 - 901.12 (70% certain fel.)
 - Other:

5. **Credit for Time Served.** Pursuant to Iowa Code §§ 903A.5 and 901.6, the defendant shall be given credit for all time served in connection with this case.

6. **Sentence of Incarceration.** The above term of incarceration

- is not suspended.
- is suspended pursuant to Iowa Code § 907.3(3), and the defendant is placed on probation pursuant to Iowa Code §§ 907.5, 907.6, 907.7 and 907.8, to the _____ Judicial District Department of Correctional Services ("Dept.") for a period of _____ (_____) years subject to rules and conditions of probation imposed by the Dept., plus the following special conditions of probation:

- Comply with evaluations and/or treatment recommended by the Dept.
- Abstain from all controlled substances. The defendant shall not enter taverns, liquor stores or establishments where the primary activity is the sale of alcoholic beverages.
- No association with persons known to have a criminal record, unless approved by the Dept., and no association with persons known to be engaged in criminal activity.
- Actively seek and maintain verifiable employment.
- Pay all restitution ordered herein.
- Submit to toxicology testing at the request of the Dept., and pay all costs associated with testing as directed by staff if found to be using drugs or alcohol.
- Reside at a residential treatment facility for a period of 180 days or until maximum benefits have been achieved as determined by the Dept.
- Other: _____

7. **Sentence of Fine and Surcharge.** The above fine and surcharge

- are not suspended.
- are suspended.

8. **LEIS Surcharge.** The Law Enforcement Initiative Surcharge

- is not applicable.
- is applicable. Pursuant to Iowa Code § 911.3, the defendant is ordered to pay \$125.00.

9. **DARE surcharge.** The Drug Abuse Resistance Education surcharge
 is not applicable.
 is not assessed per § 911.2(2) because sentence is suspended.
 is applicable. Pursuant to Iowa Code § 911.2, defendant is ordered to pay \$10.00.

10. **Restitution.** Pursuant to Iowa Code § 910.2, the defendant shall pay and judgment is imposed against the defendant as follows: (check all that apply)

- Pecuniary damages** (determined at this time) to the victim(s) as follows: _____. If no pecuniary statement of damages is available, or only a partial statement is available at sentencing, the County Attorney shall provide a statement no later than thirty (30) days after sentencing.
 Fines, penalties and surcharges to the Clerk of Court as set forth above.
 Crime victim assistance reimbursement in the amount of \$ _____.
 To public agencies pursuant to Iowa Code § 321J.2(9)(b).
 Court costs in the amount of \$ _____. (Clerk to assess.) (May later certify additional.)
 Correctional fees pursuant to Iowa Code § 356.7 in the amount of \$ _____.
 Court-appointed attorney's fees per Iowa Code § 815.9, including expense of a public defender.

11. **Driver's License Revocation.**

Is not applicable.
 Pursuant to Iowa Code § 901.5(10), the Iowa Department of Transportation ("IDOT") shall revoke defendant's driver's license or motor vehicle operating privilege for a period of 180 days, or shall delay the issuance of a driver's license for 180 days after defendant is first eligible if defendant has not been issued a driver's license. If defendant's operating privileges are suspended or revoked at the time of sentencing, then the 180-day revocation period shall not begin until all other suspensions or revocations have terminated. In the event defendant qualifies, the IDOT shall grant a temporary, restricted driver's license to defendant for the purposes of traveling to and from work, substance abuse counseling or treatment; and for any other travel requirements imposed as conditions of defendant's probation.

12. **Reduction of Term.** Pursuant to Iowa Code § 901.5(9)(a), (b), the court publicly announced that defendant's term of incarceration may be reduced from the maximum sentence because of statutory earned time, work credits and program credits; and defendant may be eligible for parole before the sentence is discharged.

13. **No Contact Order.** Pursuant to Iowa Code § 664A.5, a no contact order
 is not applicable.
 is applicable. Defendant shall have no contact with _____ for five (5) years. The Court will issue a separate order to further implement this paragraph.

14. **DNA Profiling.** The Defendant shall submit a physical specimen for DNA profiling, pursuant to Iowa Code §§ 81.2 and 901.5(8A)(a).

15. **Appeal Bond.** Defendant was informed of the right to appeal.

- Pursuant to Iowa Code § 811.1(2), Defendant is not eligible for bond on appeal
 Pursuant to Iowa Code § 811.1, bond on appeal is set as follows:

<u>Count</u>	<u>Amount</u>

16. **Bonds Exonerated.** All outstanding bonds are exonerated.

17. **Other.**

For an offense under Iowa Code ch. 124, pursuant to Iowa Code §§ 915.1(11), (12), Defendant is denied the following benefits: _____.

Defendant was in need of a language interpreter for these proceedings, and the Court now confirms appointment of _____ to provide interpreter services. If defendant is indigent, the claim for services shall be submitted to the Public Defender's Office. If defendant is not indigent, the claim for services shall be paid from the jury/witness fee fund, and shall be assessed as costs to defendant.

_____.

JUDGMENT IS ENTERED ACCORDINGLY this _____ day of _____, 20 _____.

Judge, _____ Judicial District

... Felonies-Not Sex or OWI-080707

CERTIFICATE OF SERVICE: The undersigned certifies that a true copy of this document was served on each person named (and checked) below, including attorneys of record, or the parties where no attorney is of record, by enclosing this document in an envelope addressed to each named person at the respective addresses disclosed by the pleadings of record herein, with postage fully paid, by depositing the envelope in a United States depository or hand delivered on:

- ____ County Attorney:
- ____ Defendant's Attorney:
- ____ Iowa Medical and Classification Center
- ____ County Sheriff
- ____ District D.O.C.
- ____ D.O.T.
- ____ Court Administration

Signed: _____
Clerk/Designee