

IN THE IOWA DISTRICT COURT FOR LINN COUNTY

STATE OF IOWA,)	
Plaintiff,)	NO. OWCR112901
vs.)	
MICHAEL JOHN EGLIN,)	PLEA OF GUILTY AND
Defendant.)	WAIVER OF RIGHTS
)	
)	

COMES NOW, The Defendant, and states the following:

1. PLEA AGREEMENT:

This Plea of Guilty conforms to an agreement with the attorney for the State. This agreement, in its totality, is as follows:

Defendant pleads guilty to Operating While Intoxicated, First Offense, a serious misdemeanor, two days jail or successful completion of 48-Hour OWI Weekend Program, fine of \$1,250 plus costs and surcharges (to be reduced by 50% upon filing of TRL), completion of substance abuse evaluation and any recommended treatment.

2. DISPOSITION OF SIMPLE MISDEMEANORS:

STA0201970 – Violating One-Way Traffic Designation – Dismissed at Defendant’s Cost.

ATTORNEY FOR THE STATE OF IOWA

MARK THOMPSON
ATTORNEY FOR DEFENDANT

3. WAIVER OF PRESENCE AT SENTENCING:

My attorney may appear for me and enter this guilty plea. I agree that the Court may accept my Plea of Guilty and/or impose sentence without me being present and without a formal record being made by a court reporter. I have read the complaint, the Trial Information and the Minutes of Testimony. I give up my right to have judgment entered no less than fifteen days after the entry of my plea. I give up my right to address the court personally at sentencing and to challenge or appeal any irregularities or errors in the taking of my guilty plea. I give up my right to file a Motion in Arrest of Judgment.

4. My name is Michael John Eglin. My birth date is 9/27/1969. I am literate and understand the English language.
5. I ask permission of the Court to withdraw my previous plea of Not Guilty in this case and I now wish to plead Guilty to the offense of: Operating While Intoxicated, First Offense, a violation of § 321J.2, of the Code of Iowa. This offense is a serious misdemeanor. The Court has the ability to impose a maximum sentence of: 1 year jail, \$1,250.00 fine. The Court is required to impose a minimum sentence of: 2 days jail, \$1,250.00 fine.
6. I understand that the Court is not a party to this agreement and that this agreement does not bind the Court in any manner.

7. Apart from the Plea Agreement, no one has made promises or threats to influence or force me to plead guilty. I make this plea voluntarily.
8. My attorney is Mark Thompson, of Iowa City, Iowa, and I have had sufficient opportunity to discuss my case with him.
9. I understand this plea may affect my immigration status.
10. I understand that I have the right to remain silent and that anything I say, or admit in this document, will be used against me in a court of law.
11. I understand that I have the right to be represented by an attorney before, during, and after trial; and if I cannot afford to hire an attorney, the Court will appoint an attorney for me. The costs of this attorney will be paid by the State. However, the Court can require me to repay these costs.
12. I understand that I can continue with my plea of not guilty and require that a jury of 12 decide my case, or I can elect to have a judge decide my case. If I continue in my plea of not guilty, I would keep the following rights:
 - a. To confront and have the opportunity to cross-examine any witness that the State calls to testify against me.
 - b. To present witnesses who would give testimony in my favor and to force those witnesses to appear with a subpoena.
 - c. To demand a speedy trial.
 - d. To testify or to remain silent. No one can force me to testify. If I remain silent, the attorney for the State cannot comment to the jury or judge regarding my refusal to testify. My right to remain silent cannot be used against me.
 - e. To have a presumption of innocence until such a time as the State establishes my guilt, to the satisfaction of the jury or judge, by competent evidence, beyond a reasonable doubt.
 - f. To have the members of the jury be unanimous in their verdict.
13. The elements for this plea are as stated in the State's Trial Information.
14. The factual basis for this plea is as stated in the Minutes of Testimony.
15. I admit to the Court that the State can prove all of the elements of this charge so that there remains no reasonable doubt, and that there is a basis in reality that establishes my guilt. I understand that I lose my above-stated trial rights and I understand that this case will not be presented to a judge or jury for trial.
16. I declare that I am guilty to the offense of: Operating While Intoxicated, First Offense, which is in violation of §: 321J.2 of the Code of Iowa, and I ask the Court to accept this plea.

DEFENDANT

I, Mark Thompson, a regular practicing attorney, as an officer of the court, state that I represent the above-named Defendant; that I have advised the Defendant of all his/her legal rights and defenses with regard to this case; and that the Defendant has read and signed this plea; and I have answered all his/her questions. This plea is knowingly, voluntarily and intelligently made, and there is a factual basis for the charge.

Dated this _____ day of _____, 20__.

ATTORNEY FOR DEFENDANT