IN THE IOWA DISTRICT COURT IN AND FOR BUENA VISTA COUNTY

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| STATE OF IOWA, |  | No.  |
| Plaintiff, | **ADMISSION OF PRIOR CONVICTION(S) FOR PURPOSES OF FUTURE ENHANCEMENT** |
| v. |
|  |
| , |
| Defendant. |

I, the undersigned defendant, have carefully read and fully understand the following:

1. I understand that the offense I am pleading guilty to has enhanced penalties as a result of my prior criminal conviction(s).
2. I have been informed of what the minimum and maximum punishment is for this offense with and without the enhancement.
3. I understand that in order to be sentenced to the enhanced penalties, the State must prove beyond a reasonable doubt that the convictions indicated in the Minutes of Testimony were convictions entered against me.
4. I understand that if I plead not guilty, I would be entitled to the following rights and that by admitting my prior convictions I am giving up, or waiving the following rights:
	* 1. At trial, I would be entitled to present witnesses to testify on my behalf and to compulsory process to secure their attendance.
		2. The right to a speedy and public trial by jury.
		3. The right to have an attorney represent me at trial and, if the Court found I was unable to afford an attorney, the Court would, at public expense, appoint an attorney to represent me.
		4. At trial, I would be presumed innocent until such time, if ever, the State established my prior convictions beyond a reasonable doubt.
		5. At trial, a jury verdict of guilty would have to be unanimous.
		6. At trial, I would have the privilege against self-incrimination, that is, I cannot be forced to testify, and if I choose not to testify, the State may not comment on the fact of my failure to testify and, at my request, I would be entitled to a jury instruction stating that the jury could not infer guilt from my failure to testify.
		7. At trial, the State would have to confront me with witnesses upon whose testimony it relied to obtain conviction, and I would have the right to cross examine those witnesses.
5. I understand that by stipulating to my previous convictions, there will not be a trial on this issue. By stipulating, I waive my right to trial, and will be treated as if I had been tried and found guilty by a jury.
6. I agree that the Court, may determine whether there is a factual basis for this stipulation to my prior convictions, by examining the Minutes of Testimony, by reviewing the investigative reports of law enforcement agents who have investigated the offense, or by asking me or counsel to recite and summarize the material facts that would be offered at trial.
7. I affirm that my stipulation to my convictions is knowing and voluntary. No one made any promises or inducements to make this stipulation, other than the plea agreement described below. The decision to stipulate to my prior conviction(s) is my decision, and not anyone else’s decision.
8. The prior conviction that the State has relied upon as the basis of an enhanced penalty are as follows:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was convicted of the crime(s) of:

* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in violation of Iowa / (Other State) Iowa Code Section \_\_\_\_\_\_\_\_\_\_\_\_\_\_, a/an \_\_\_\_\_\_\_\_\_\_\_\_\_\_, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, State, in case number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for an offense that was committed by me on the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

At the time I was convicted of this offense,

[ ]  I was represented by attorney \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or

[ ]  I knowingly and voluntarily waived my right to be represented by an attorney.

1. I ask the Court to accept this stipulation. I waive the preceding rights and my right to have the Court address me personally regarding this plea.
2. I further waive all other rights as outlined in the “Waiver of Rights and Plea of Guilty,” including but not limited to my right to be sentenced not less than fifteen (15) days after my plea of guilty and my right to file a motion in arrest of judgment.

**THIS SECTION INTENTIONALLY LEFT BLANK**

**DEFENDANT CERTIFICATION:** I ask the Court to accept this stipulation, and admission of my prior offense(s). I certify that my admission is knowingly and voluntary and that there is a factual basis for my admission. I read and understood the text attached to every blank where I wrote my initials and every box that was checked.

Defendant’s Signature:

Defendant’s Printed Name:

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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

Notary Public

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_

**ATTORNEY CERTIFICATION**: As an Officer of the Court, I hereby certify that I have consulted with my client in regard to this stipulation and that I have provide my client with sufficient opportunity to ask any questions he/she may have. I have advised the defendant of all his/her legal rights and have adequately researched the issues presented. To the best of my knowledge, and in my professional opinion, this stipulation is made knowingly and voluntarily and the stipulation is supported by a factual basis.

Attorney Signature:

Printed Name:

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_