

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

THE STATE OF IOWA,

Plaintiff,

CRIMINAL NO. FECR092421

vs.

ROSE AUTUMN MOUW,

Defendant.

PLEA AGREEMENT

COMES NOW the State of Iowa, by Michelle Venable-Ridley, Assistant Woodbury County Attorney, and the Defendant, in person and by the Defendant's attorney, David L. Reinschmidt, and hereby enter into the following plea agreement:

1. This plea agreement is entered into on the condition that the court will accept this plea agreement and will agree to be bound by all of its terms.
2. The Defendant is charged in this case as follows:

Count 1: INVOLUNTARY MANSLAUGHTER, a Class D Felony
Count 2: DELIVERY OF A CONTROLLED SUBSTANCE, a Class C Felony

3. The Defendant will enter a plea of guilty to the charges in Count 1 and Count 2 of the Trial Information.

4. At sentencing on the charge of INVOLUNTARY MANSLAUGHTER, a Class D Felony, in Count 1 of the Trial Information, the sentence shall remain open and in the discretion of the Court. The parties shall have the opportunity to present evidence and argument to the Court concerning the sentence to be imposed.

5. At sentencing on the charge of DELIVERY OF A CONTROLLED SUBSTANCE, a Class C Felony, in Count 2 of the Trial Information, the sentence shall remain open and in the

discretion of the Court. The parties shall have the opportunity to present evidence and argument to the Court concerning the sentence to be imposed.

6. The one-third minimum period of incarceration required by Iowa Code § 124.413 SHALL NOT be imposed pursuant to Iowa Code § 901.10 on the basis that mitigating circumstances exist in that by pleading guilty, the Defendant is admitting responsibility for her actions.

7. The Court shall order that if a sentence of imprisonment is imposed for Count 2 said sentence shall run CONCURRENTLY to the term of incarceration imposed for Count 1 for a total term of incarceration not to exceed TEN (10) years. Mittimus shall issue at the time judgment is pronounced.

8. The Defendant understands that if she is not a citizen of the United States that the decision to go to trial or to enter into a plea agreement will likely have immigration consequences. Specifically, the Defendant understands that pleading guilty to a crime will likely affect the Defendant's immigration status even if the case is later expunged. The Defendant understands that a plea of guilty will likely result in (1) deportation or removal from the United States, (2) prevention of the Defendant from ever being able to get legal status in the United States and (3) prevention of the Defendant from ever becoming a United States citizen.

9. Should the Defendant appeal the plea-taking or the sentencing, or should the Defendant file an action for post-conviction relief or habeas corpus, the State of Iowa may prosecute the Defendant without regard to the rules on speedy trial or the statute of limitations for (1) any charges which were dismissed as a result of this plea agreement, (2) any charges which were reduced in penalty as a result of this plea agreement, (3) any charges not filed as a

result of this plea agreement and/or (4) any sentencing enhancements deleted or not filed as a result of this plea agreement.

10. Pursuant to Iowa Code § 902.4, the Defendant shall have the right to file within one (1) year of her sentence a motion to reconsider her sentence, or the court may independently order a motion to reconsider hearing. In either event, a reconsideration of the Defendant's sentence will not trigger the consequences of the filing of a post-conviction/post-sentencing motion as envisioned by paragraph nine (9).

11. The Defendant shall receive credit for the days spent in confinement pending disposition of this case, pursuant to Iowa Code § 903A.5.

11. The Court shall order the Defendant to pay court costs. The Defendant shall be responsible for the costs of her court-appointed counsel.

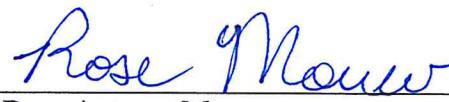
12. The concurrence of the Court to this agreement is a condition of the acceptance of the plea.



Michelle Venable-Ridley
Assistant Woodbury County Attorney



David L. Reinschmidt
Attorney for the Defendant



Rose Autumn Mouw
Defendant

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