**IN THE IOWA DISTRICT COURT IN AND FOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY**

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| **STATE OF IOWA,****Plaintiff,****vs.****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,****Defendant.** |  **Case No. FECR \_\_\_\_\_\_\_\_****DEFENDANT’S WAIVER AND REQUEST FOR IMMEDIATE SENTENCING WITHOUT HEARING** |

Pursuant to the temporary exemption enacted by the Iowa Supreme Court, the parties do hereby request immediate sentencing and waive formal hearing. In support of this request, the parties expressly state as follows:

\_\_\_\_\_\_ The parties have filed a written guilty plea or a plea memorandum which includes all terms of the plea agreement and a waiver of the rights given up by the Defendant in pleading guilty. The Defendant has signed that document.

\_\_\_\_\_\_ The Defendant understands he/she has the right to be present during the imposition of sentence under Iowa R. Crim. P. 2.27(1). The Defendant (and counsel) waives the Defendant’s right to be personally present for sentencing.

\_\_\_\_\_\_ The Defendant understands he/she has the right of allocution under Iowa R. Crim. P. 2.23(3)(d). Meaning, the Defendant has the right to make a statement to the Court prior to sentencing in mitigation of punishment. The Defendant waives the right of allocution. The Defendant acknowledges the right to submit a written statement in the form of the allocution, which must be filed together with this form.

 \_\_\_\_\_\_ The Defendant waives the right to allocution, OR

 \_\_\_\_\_\_ Attached is the written form of allocution.

\_\_\_\_\_\_ The Defendant states he/she is not under the influence of any substance, whether legal or not, nor does he/she suffer from any mental or physical defect that inhibits his/her ability to understand these waivers of rights.

\_\_\_\_\_\_ The Defendant knows of no legal cause why judgment should not be pronounced.

\_\_\_\_\_\_ The Defendant acknowledges that the Court will proceed with immediate sentencing, in the absence of the parties, only if the Court accepts the parties’ plea negotiations. The Defendant asks the Court to accept these waivers and to impose judgment and sentence pursuant to the plea agreement.

\_\_\_\_\_\_ The Defendant further understands that if he/she wishes to challenge the guilty plea, he/she must file a Motion in Arrest of Judgment not later than forty-five days after entry of the plea and also at least five days before the date set for sentencing, and that failure to so file such challenges precludes the right to assert them on appeal. Since the Defendant seeks to be sentenced immediately, he/she cannot comply with those timelines. The Defendant also understands he/she has the right to a fifteen-day delay before being sentenced. The Defendant waives these rights and requests that judgment and sentence be pronounced upon receipt of this plea.

\_\_\_\_\_\_ The Defendant further understands that he/she has the right to the preparation of a presentence investigation report prepared by the Department of Correctional Services (DCS). The report would contain a significant amount of personal history relative to the Defendant and sentencing. DCS would also provide a recommendation to the Court regarding sentencing. The Defendant waives this right and the preparation and use of such a report.

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

Defendant

I certify that I have consulted with my client about these waivers, and that my client has been provided the opportunity to ask any questions that he/she may have in regard to the waiver/sentence. It is my opinion that these waivers are being entered knowingly and voluntarily as those terms are understood in legal proceedings.

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

Defendant’s Attorney

\_\_\_\_\_\_ The State of Iowa waives the right to be personally present for sentencing.

\_\_\_\_\_\_ The State of Iowa affirms that no victim wishes to be heard at the time of sentencing.

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Attorney for the State of Iowa