

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA, <i>Plaintiff,</i> v. NERY LOPEZ MORALES, <i>Defendant.</i>	CRIMINAL NO: FECR352352 ORDER (PLEA TO PSI ORDER) <input checked="" type="checkbox"/> Defendant in custody.
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NOW ON 2/15/2023, the State is represented by *James Hathaway and Kevin Bell*. Defendant appears in person through counsel. The defendant is represented by *Amy Kepes and Wendy Samuelson*, on the charge(s) of:

Case Number	Count	Crime	In violation of Iowa Code Section(s):
FECR352352	I	Voluntary Manslaughter (Class C Felony) (Dangerous Weapon Enhancement)	707.4
	II	Burglary in the First Degree (Class B Felony) (Dangerous Weapon Enhancement)	713.1 and 713.3
	III	Intimidation with a Dangerous Weapon (Class C Felony) (Dangerous Weapon Enhancement)	708.6(1)
	IV	Assault while Participating in a Felony (Class D Felony) (Dangerous Weapon Enhancement)	708.3

Defendant also appears with an Interpreter, .

ALL PARAGRAPHS CHECKED BELOW APPLY:

- Defendant has filed a **WRITTEN PETITION TO PLEAD GUILTY** to the crime(s) set out above. By review of the petition, the court finds that defendant understands the charge(s), the penal consequences, and the rights being waived. Based upon the parties' and attorneys' statements and the minutes of testimony as applicable, the court finds that there is a factual basis for the plea and that the plea is knowing and voluntary. **Defendant's guilty plea is accepted.**
- Defendant **PLEADS GUILTY** to the crime(s) set out above. By direct conversation with the defendant on the record, the court finds that defendant understands the charge(s), the penal consequences, and the rights being waived. Based upon defendant's statements, the prosecutor's statements and the minutes of testimony as applicable, the court finds that there is a factual basis for the plea and that the plea is knowing and voluntary. **Defendant's guilty plea is accepted.**
- ALFORD PLEA.** Defendant enters a plea to the crime(s) set out above pursuant to North Carolina v. Alford, 400 U.S. 25 (1970) and State v. Knight, 701 N.W.2d 83 (Iowa 2005). By direct conversation with the defendant on the record, the court finds that defendant understands the charge(s), the penal consequences, and the rights being waived. The court finds that there is a factual basis for the plea and that the plea is knowing and voluntary. The Court further finds that the defendant has acknowledged: 1) that it is in defendant's best interest to enter this plea, 2) that defendant has nothing to gain at trial and will gain much more by pleading, 3) that there is strong evidence of actual guilt, and 4) that defendant wishes to take advantage of the State's plea offer. **Defendant's plea is accepted.**
- PRE-SENTENCE INVESTIGATION (PSI) REPORT.** Except where the defendant is in custody, *defendant is ordered to call the Department of Correctional Services (DCS), at 242-6602* within two work days to schedule a presentence investigation (PSI) interview. If the defendant is in custody, he/she shall be retained by the Polk County Sheriff until the Fifth Judicial Department of Correctional Services has completed the PSI interview. DCS shall submit a PSI report by (at least three days before sentencing).
- SENTENCING IS SET FOR April 20, 2023 at 8:30 a.m.** in Courtroom 310, Polk County Criminal Court Building. *Defendant is ordered to appear in person for sentencing.*
- Defendant is ordered to participate in and cooperate with a VORP session to allow the victim to inform the defendant of the consequences of the crime, to determine the amount of restitution owed, and to establish a payment schedule. If restitution

cannot be resolved in the VORP session, the County Attorney is ordered to file a statement of damages and the defendant shall have 30 days from the date of the filing to contest the amount of damages claimed. Defendant shall call 286-3057 within three (3) working days to make arrangements for this VORP session. (Session required only if victim wishes to participate.)

- BOND** is continued pending sentencing, or .
- BOND** is unavailable pending sentencing pursuant to Iowa Code Section 811.1(1).
- Barring any new criminal activity or violation of this order, at sentencing the parties will recommend: **Consecutive prison sentences, for a total term not to exceed fifty years, with a mandatory minimum of 20 years; \$150,000 restitution and any other statutory requirements**. The State will recommend dismissal of **n/a**. On any new criminal charge or violation of this order, established by a preponderance of evidence, the State is not bound by this agreement.
- Defendant is hereby notified that the Court will decide the defendant's reasonable ability to pay restitution of court appointed attorney fees at sentencing.
- Defendant has a right to contest the guilty plea. To contest the guilty plea, Defendant must file a Motion in Arrest of Judgment. This motion must be filed within 45 days after the guilty plea but no later than 5 days before sentencing (whichever occurs first). If Defendant fails to timely file the Motion in Arrest of Judgment, Defendant forever gives up the right to challenge the plea or to attack the plea on direct appeal to the Iowa Supreme Court.

SO ORDERED.

- The Defendant was personally served with a copy of this order.
- PCJ was personally served with a copy of this order.
- In addition to all other persons entitled to a copy of this order, the clerk shall provide a copy to the following: Felony Criminal Case Coordinator, JAIL CC



State of Iowa Courts

Case Number
FECR352352
Type:

Case Title
STATE VS NERY ARNOLDO LOPEZ MORALES
ORDER TO ACCEPT PLEA

So Ordered

A handwritten signature in black ink, appearing to read 'Heather Lauber', with a long horizontal flourish extending to the right.

Heather Lauber, District Judge,
Fifth Judicial District of Iowa

Electronically signed on 2023-02-16 09:39:52