

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

STATE OF IOWA,	Plaintiff,	NO. FECR051811
vs.		COUNT I
PATRICK HENRY WHETSTONE,		PLEA AGREEMENT
Defendant.		

**COME NOW**, Assistant Attorneys General, Coleman J. McAllister and Rob Sand, representing the State of Iowa; the Defendant; and Rick Olson and Angela Campbell, the attorneys for the Defendant herein, and pursuant to Iowa R. Crim. Pro. 2.10(3) jointly agree as follows:

**COUNT I**  
**ASSAULT WITH INTENT TO COMMIT SEXUAL ABUSE**  
**AN AGGRAVATED MISDEMEANOR**

1. The Defendant will plead guilty to the amended offense of **ASSAULT WITH INTENT TO COMMIT SEXUAL ABUSE**, an aggravated misdemeanor, in violation of Iowa Code §709.11(3) and does so waiving all rights that the Defendant may have in this matter.

2. The State and the Defendant agree that the Defendant shall be placed in the custody of the Director of the Iowa Department of Corrections for an indeterminate term not to exceed two years. The Iowa Medical and Classification Center at Oakdale, Iowa, is designated as the reception center to which the Defendant shall be delivered by the Story County Sheriff. The Defendant shall be accompanied to the Iowa Medical and Classification Center by a person of the same sex. The Story County Sheriff shall have temporary custody of the Defendant pending the Defendant's transfer to the custody of the Director of the Iowa Department of Corrections. Story County shall pay the costs of temporarily confining the Defendant and of transporting the Defendant to the Iowa Medical and Classification Center. Defendant shall receive credit for time previously served in the Story County Jail. This sentence shall be suspended and the Defendant shall be placed on probation to the Second Judicial District Department of Correctional Services for a period of two (2) years subject to rules and conditions imposed by the department, plus the following special conditions of probation:

a. As a specific condition of probation, the Defendant shall pay a \$300.00 statutory probation supervision fee as directed by the Defendant's probation officer.

b. As a specific condition of probation, the Defendant shall obtain a sex offender evaluation as recommended by his probation officer, and follow all recommended treatment as recommended by said evaluation and the Defendant's probation officer.

3. In addition to any sentence received in this case, pursuant to Iowa Code §903B.2, Defendant will be sentenced to a special sentence committing him into the custody of the Director of the Iowa Department of Corrections for 10 years with eligibility for parole as provided in Chapter 906 of the Iowa Code. This special sentence shall commence upon the completion of the sentence imposed in paragraph 2 herein and the Defendant shall begin the sentence under supervision as if on parole. The Defendant shall be placed on the corrections continuum of Chapter 901B of the Iowa Code.

4. From the date of Defendant's release on parole, work release, or any other release from custody, the Defendant shall immediately register as a Sex Offender in the State of Iowa as required by Iowa Code Chapter 692A and shall further comply with all of the registration requirements of Iowa Code Chapter 692A.

5. Pursuant to Iowa Code §692A.124, upon Defendant's release on parole or placement in a work release program, Defendant may be supervised for a period of at least five (5) years by an electronic tracking and monitoring system in addition to any other conditions of release if so directed by the Iowa Department of Corrections. The Defendant shall pay a civil penalty of \$250 pursuant to Iowa Code §692A.110(2).

6. Pursuant to Iowa Code §§901.5(8A)(a) and 81.2(1) Defendant shall be required to submit a DNA sample for DNA profiling to the Iowa Division of Criminal Investigation or their authorized agent.

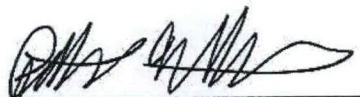
7. The Defendant shall pay a fine of \$625.00, statutory surcharge and court costs.

8. At the time of sentencing, pursuant to Iowa Code §664A.5, the No Contact Order then currently in place shall remain in full force and effect for five years from the date of the Judgment Entry and may be further extended if proper application is made pursuant to Iowa Code §664A.8.


9. The State shall be seeking at the time of sentencing that Defendant make restitution to the Story County Clerk of Court to be paid to the State of Iowa Department of Justice Crime Victim Assistance Division but only if any crime victim funds have been paid out. The amount of such claimed restitution, if any, shall be submitted by the State at the time of sentencing. In addition, the State may be requesting at the time of sentencing that the State shall have the right to file any supplemental restitution requests as such amounts, if any, become available.

10. The State shall dismiss Counts II and III, with costs taxed to the Defendant.


If the Court disapproves the Plea Agreement at any time prior to sentencing, the Defendant will be permitted to withdraw the Defendant's plea of guilty and trial will be set as soon as practical thereafter. The State shall likewise be permitted to withdraw from this Plea Agreement if the Court does not accept the terms and conditions of this Plea Agreement.

  
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Patrick Whetstone  
Defendant

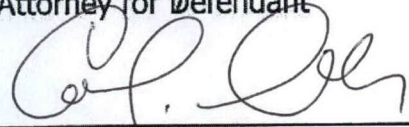
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Rick Olson  
Attorney for Defendant


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Angela Campbell  
Attorney for Defendant

9/21/16  
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Date

  
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Coleman J. McAllister  
Assistant Attorney General

9/21/16  
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Date

  
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Rob Sand  
Assistant Attorney General

9/21/16  
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