

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

STATE OF IOWA,
Plaintiff,
v.
TYSON ALAN TEUT,
Defendant.

CRIMINAL NO: FECR308554

SENTENCING ORDER
(SERIOUS MISDEMEANOR)

Defendant in custody.

Defendant appears in person on the charge of Non-Felonious Misconduct in Office in violation of Iowa Code Section(s) 721.2. The State is represented by Dan Voogt.

- Defendant has knowingly, voluntarily and intelligently waived the right to counsel.
- Defendant appeared personally and with counsel, Monty Brown for these proceedings.
- Defendant also appears with interpreter: _____.
- Defendant waives court reporting and any record or transcription of this Sentencing Hearing.
- Defendant **PLEADS GUILTY** to the offense set out above. The Court has reviewed the signed petition to plead guilty and considered the statements of the Defendant. The Court finds the Defendant understands the charge, the penal consequences and the constitutional rights being waived. Based on the statements of the Defendant, statements of the prosecutor, and the minutes of testimony accepted as true by the Defendant and considered by the Court, the plea has a factual basis and is knowingly, voluntarily and intelligently made. **DEFENDANTS PLEA IS ACCEPTED.**

Defendant **PLEADS GUILTY** to the offense set out above pursuant to North Carolina v. Alford, 400 U.S. 25 (1970). The Court has reviewed the signed petition to plead guilty and considered the statements of the Defendant. The Court finds the Defendant understands the charge, the penal consequences and the constitutional rights being waived. The Court further **FINDS** that the Defendant has concluded that his/her interests require entry of a guilty plea and Defendant received a substantial benefit in return for the entry of the guilty plea. The Defendant has nothing to gain by a trial and much to gain by entry of the plea. By reviewing the Trial Information, Minutes of testimony, police reports and considering statements of Counsel, the Court **FINDS** that there is strong evidence of Defendant's guilt which substantially negates Defendant's claim of innocence. **DEFENDANT'S PLEA IS ACCEPTED.**

- Defendant **SEEKS IMMEDIATE SENTENCING** and waives time before sentencing and a presentence investigation report.
- Defendant **APPEARS FOR SENTENCING** having previously pled guilty to the offense set out above.
- Defendant was **found guilty** following a trial to the Court by a trial jury.
- A presentence investigation report has been completed and reviewed by the Court, the Defendant, the Defendant's attorney and the County Attorney. Any exceptions and/or corrections were set forth on the record or on the face of the presentence investigation report.

On inquiry, no legal cause has been shown to prevent sentencing on this date. Defendant was given an opportunity to speak in mitigation of the sentence. The following sentence is based on all of the available **SENTENCING CONSIDERATIONS** set out in Iowa Code section 907.5. The court finds the following factors the most significant in determining this particular sentence:

- | | | |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> The nature and circumstances of the crime | <input checked="" type="checkbox"/> Statutory sentence requirements | <input type="checkbox"/> Victim impact statement |
| <input checked="" type="checkbox"/> Protection of the public from further offenses | <input type="checkbox"/> Defendant's statement | <input checked="" type="checkbox"/> Defendant's age and character |
| <input checked="" type="checkbox"/> Defendant's criminal history | <input type="checkbox"/> Defendant's mental health history | <input type="checkbox"/> Defendant's employment |
| <input type="checkbox"/> Defendant's substance abuse history | <input type="checkbox"/> Defendant's family circumstances | <input checked="" type="checkbox"/> The Plea Agreement |
| <input type="checkbox"/> Defendant's propensity for further criminal acts | <input checked="" type="checkbox"/> Maximum opportunity for rehabilitation | <input type="checkbox"/> _____ |

JUDGMENT IS DEFERRED. The Court Orders the Clerk of Court to expunge Defendant's record in this matter and any other related dismissed charges resulting in the deferred judgment upon successful completion of all terms of probation and discharge from probation and when all financial obligations are paid in full. Defendant shall pay a \$315 civil penalty which, in addition to any other surcharges imposed, is due immediately and is considered delinquent after 30 days.

DEFENDANT IS ADJUDGED GUILTY of the above charge in violation of the above stated code section(s). **Defendant is fined \$315 plus surcharge**, which, in addition to any other surcharges imposed, is due immediately and is considered delinquent

- 30 days after due date. Fine is suspended due to Defendant's incarceration.
- Defendant shall be **INCARCERATED FOR ONE YEAR. This sentence is suspended except for 0 days.** Credit Defendant with all days served.
- Defendant shall be incarcerated for _____ days. Credit Defendant with _____ days served.
- Defendant shall serve from _____ at _____ am pm to _____ at _____ am pm in jail.
- The Sentence entered herein is **Consecutive** **Concurrent** to the sentence imposed in _____.
- Probation is denied based on the sentencing considerations set out above.
- Defendant is **PLACED ON PROBATION** beginning from the date of this order, or, if a term of incarceration is imposed, immediately upon defendant's release from custody, for a period of one year to be supervised by the Department of Correctional Services (DCS). The length of probation is based on the sentencing considerations set out above. The level of supervision shall be determined by DCS. Defendant is to comply with all term of probation as set forth herein and any terms imposed by DCS as required by the Intermediate Criminal Sanctions Program. Defendant is ordered to obey all federal, state or city laws or ordinances while on probation. Defendant is to notify his/her probation supervisor immediately upon any arrest or change of address. Defendant shall pay any probation administration fees. A violation of this paragraph or this order is a violation of probation. This probation is subject to revocation by the Court under Iowa Code Chapter 908, on notice and an opportunity for hearing and a finding that the Defendant has failed to fairly live within the terms of probation and the law. Such a finding may result in revocation of probation and incarceration or a finding of Contempt of Court under Iowa Code Section 665.4 for which Defendant could receive up to six months in jail, a \$500 fine, or both.
- Defendant is ordered to report to Room 414 of the Polk County Courthouse immediately following sentencing to enter into a probation agreement. If the probation office is closed, Defendant shall report to Room 414 by 10:00 a.m. of the next business day.
- Defendant is ordered to report to Room 414 of the Polk County Courthouse between 8:00 a.m. and 10:00 a.m. on the first business day after released from incarceration to enter into a probation agreement.
- D.A.R.E SURCHARGE.** Pursuant to Iowa Code section 911.2 the defendant is assessed a D.A.R.E. surcharge (\$10) for each above-listed violation of Iowa Code Chapter 321J or 124 division IV. However, this surcharge is not assessed for any offense for which the court deferred sentence or judgment, or suspended the sentence.
- LAW ENFORCEMENT INITIATIVE SURCHARGE.** Pursuant to Iowa Code section 911.3, the defendant is assessed a law enforcement initiative surcharge (\$125) for each above-listed violation of Iowa Code Chapter 124, 155A, 453B, 713, 714, 715A, or 716, or section 719.7, 719.8, 725.1, 725.2 or 725.3.
- DOMESTIC ABUSE ASSAULT, SEXUAL ABUSE, STALKING, AND HUMAN TRAFFICKING VICTIM SURCHARGE.** Pursuant to Iowa Code section 911.2B, the defendant is assessed a domestic abuse assault, sexual abuse, stalking, and human trafficking victim surcharge (\$100) for each above-listed violation of Iowa Code Chapter 709, or section 708.2A, 708.11 or 710A.2.
- Defendant has received a substance abuse evaluation. If a recommendation was received, Defendant shall pay for, cooperate with and **COMPLETE THE RECOMMENDED PROGRAMMING.** Defendant shall begin programming within 30 days of this order. Defendant shall file proof of compliance and completion with his/her probation officer.
- Defendant shall be placed on **COLOR CODE** (substance abuse monitoring by urine analysis (U.A.) during the term of probation. Defendant shall cooperate with this program in all respects.
- Pursuant to Iowa Code Section 901.5, the Court hereby orders the Iowa Department of Transportation to **REVOKE DEFENDANT'S PRIVILEGE TO OPERATE** a motor vehicle for a period of one hundred eighty (180) days after the Defendant is eligible for a motor vehicle license. If the person's operating privileges are suspended or revoked at the time of sentencing this order provides that one hundred eighty day revocation period shall not begin until other suspensions or revocations have terminated.
- Defendant is ordered to make **RESTITUTION** in the amount of \$ _____. Payment(s) shall be made to the Clerk of Criminal Court, Polk County Courthouse, Fifth & Mulberry Streets, Des Moines, IA 50309. The Clerk shall forward payment(s) to _____ "TBD" indicates "to be determined" which means that the final, accurate restitution amounts are not available. When such amounts of restitution are available, the State may file an application for restitution and a supplemental restitution order may follow. Defendant has 30 days to contest the amount of restitution. **DEFENDANT SHALL NOT BE DISCHARGED FROM PROBATION UNTIL ANY RESTITUTION DUE IS PAID IN FULL.**
- Defendant is ordered to participate in, cooperate with and **COMPLETE A VORP SESSION** with each victim who so desires, including the victims of any dismissed charges, to discuss the crime, restitution amounts, and/or to establish a restitution payment

plan. If victim restitution amounts are not determined/ resolved in the VORP, the State may file an application for restitution and a supplemental restitution order may follow. Defendant is ordered to call **286-3057** within **three** working days of this Order or release from jail to register for the VORP. Any No-Contact Order currently in effect shall be temporarily suspended for the VORP session. No-Contact Order shall be in full force and effect upon conclusion of VORP session.

- Defendant is ordered to comply with the **NO CONTACT ORDER** entered herein.
- Defendant is ordered to contact Des Moines Area Community College at **964-6800**, (8:00 am to 4:00 pm Mon - Fri) or at ce.dmacctraining.com within **three** working days of this Order or release from jail to enroll in the program checked below. Defendant shall pay the class fee at the time of registration and complete class within 90 days. There is no same day registration.
 - FIRST-TIME OFFENDER** Class
 - REPEAT OFFENDER** Class
 - DRINKING DRIVER'S** Class
 - ASSAULTIVE BEHAVIOR** Class
 - LICENSE UNDER SUSPENSION** Class
 - DRIVER IMPROVEMENT** Class

Defendant is ordered to complete _____ hours of **COMMUNITY SERVICE** within _____ days of the date of this order. Defendant shall sign up for community service at the time of entering into the probation agreement.

Pursuant to the plea agreement and upon the recommendation of the State, **THE FOLLOWING COUNTS/CASES ARE DISMISSED: Count II**. Pursuant to the plea agreement Defendant is ordered to pay court costs on these counts/cases and if restitution is due on any of these counts/cases, Defendant is ordered to pay such restitution Iowa Code Section 901C.1 allows a defendant to file a motion to request that a dismissed case be expunged from the Clerk of Court's public records. Before the expungement may be granted, all of the following must be true:

- 1) All charges in the case are dismissed.
- 2) At least 180 days have passed since the case was dismissed or the defendant proves, and the court finds, good cause to expunge the records sooner.
- 3) The dismissal was not based on a finding that the defendant was incompetent to stand trial nor was the defendant found not guilty by reason of insanity.
- 4) All court costs, fees, or other financial obligations ordered by the court have been paid.

Case Number(s) _____ being dismissed by this order are related cases to the charge for which Defendant is receiving a deferred judgment.

RECALL WARRANT

Pursuant to Iowa Code Section 815.9(5), if the Defendant is receiving court appointed legal assistance, the Court finds upon inquiry, review of the case file and any other information provided by the parties, the Defendant has the reasonable ability to pay restitution of fees and costs in the amount approved by the State Public Defender or \$ _____ whichever is less.

Defendant is ordered to immediately pay any and all restitution, civil penalties, fines, surcharges and court costs. All payments shall be made to the Clerk of Court, Room 103, Polk County Courthouse, 500 Mulberry, Des Moines, Iowa 50309 or online at www.iowacourts.gov. Defendant shall call the Clerk of Court at 286-3760 to verify amounts owed. **These amounts are considered delinquent 30 days after their due date.** NOTICE: If the Defendant fails to pay the total financial obligation due, the obligation will be transferred for collection and an additional fee up to 25% of the financial obligation owed may be assessed. The State of Iowa may withhold any State income tax refund, vehicle registration and/or driver's license for unpaid court ordered financial obligations.

If judgment was not deferred, Defendant has a **right to appeal** this judgment to the Iowa Supreme Court. To perfect an appeal, Defendant must file a written Notice of Appeal with the Clerk of Court no later than 30 days from the date of this Order. If Defendant fails to file the Notice of Appeal, Defendant waives and gives up his/her right to appeal this judgment. A copy of Defendant's Notice of Appeal must be delivered to the Iowa Attorney General with proof of service. If Defendant cannot afford an attorney or the cost of an appeal and qualifies for court appointed counsel, an attorney and necessary documents will be furnished at State expense.

Bond on appeal is set at **\$1,000.00** Cash Only. Court costs are taxed to the Defendant.

Mittimus on any remaining jail days shall issue immediately.

- Defendant was personally served with a copy of this order.
- _____ 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: DAJCC, _____



State of Iowa Courts

Case Number
FECR308554
Type:

Case Title
STATE VS TYSON ALAN TEUT
ORDER FOR DISPOSITION

So Ordered

A handwritten signature in cursive script that reads 'Robert B. Hanson'. The signature is written in black ink and is positioned above a horizontal line.

Robert B. Hanson, District Court Judge,
Fifth Judicial District of Iowa

Electronically signed on 2018-06-21 14:56:25