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IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed June 28, 1979
vs.	)	
DANNY LEE BEASON,	)	145
Defendant-Appellant.	)	61252

Appeal from Poweshiek District Court - Ira F. Morrison and L. R. Carson, Judges.

Defendant appeals judgment entered on plea of guilty to assault with intent to commit rape in violation of section 692.4, The Code 1977. Affirmed.

Joel W. Bittner, of Des Moines, for appellant.

Thomas J. Miller, Attorney General of Iowa, and Ann Fitzgibbons, Assistant Attorney General, for appellee.

Heard by Oxberger, C. J., Donielson, Snell, Carter and Johnson, JJ.

DONIELSON, J.

Defendant appeals from judgment and sentence imposed on his guilty plea to a charge of assault with intent to commit rape in violation of section 698.4, The Code 1977. Defendant was charged by county attorney's information filed June 14, 1977 with the rape of a 15-year-old girl, and plead to the lesser included offense of assault with intent to commit rape. After hearing, a motion in arrest of judgment filed by defendant was denied September 6, 1978. We affirm.

Defendant first contends that the trial court did not adequately determine if he understood the nature of the charge against him. There are two aspects of the requirement that defendant understand the charge: the judge must explain the charge to the defendant and he must inquire into the defendant's understanding of it. Hoskins v. State, 246 N.W.2d 266, 267 (Iowa 1976).

As a result of a plea bargain, the information was orally amended at the guilty plea hearing to charge defendant with assault with intent to commit rape. The transcript records the following portions of the colloquy between defendant and trial court:

MR. CHARNETSKI: [defense counsel] ... the proceedings today are to enter a plea of guilty to the charge of assault with intent to commit rape.

* * *

THE COURT: Do you understand what this case is now involved in?

THE DEFENDANT: Yes, sir.

* * *

THE COURT: Mr. Beason, do you understand the nature of the charge against you?

THE DEFENDANT: Yes, I do, Your Honor.

Q. Do you also understand the nature and extent of the penalty in relation to which I have just informed you?

A: Yes, sir.

Q: Do you understand the Court need not accept your tendered plea of guilty to this charge unless I am satisfied of your guilt and that you fully understand your rights?

A: Yes, sir.

* * *

Q: You understand the nature and essential elements of the charge to which you are tendering your plea? What did you do?

A: Assault with intent--to commit a rape.

Q: Did that happen here in Poweshiek County, Iowa?

A: Yes, sir.

Q. That on or about the date of May 14, 1977?

A: Yes, sir.

Q. Did you assault the young lady with the intent to commit rape on her person?

A: Yes, sir.

Q. Very well. Have you had opportunity to fully and completely discuss the facts of this case with your attorneys?

A: Yes, sir.

Q: And have you discussed the charge made against you and the matter of your plea with your attorneys?

A: Yes, sir.

* * *

Q: Is this your own personal and voluntary decision to enter a plea of guilty to the crime of assault with intent to commit a rape in violation of Section 698.4 of the Code of Iowa as charged?

A: Yes, sir.

Q: Bearing in mind that the Court will not permit any person to plead guilty who claims to be innocent, what is your plea in this case for the record?

A: I plead guilty.

It is not necessary that the trial court grill defendant as to the charge he faces; the required level of a defendant's understanding of the charge obviously cannot demand an ability to write a bar exam question on the subject. State v. Reaves, 254 N.W.2d 488, 491 (Iowa 1977). The identification of the offense charged by its name is a sufficient explanation of the nature of the charge. There are no terms not easily understood by a lay person. State v. Vick, 205 N.W.2d 727, 730 (Iowa 1973). See State v. Sargent, 210 N.W.2d 656 (Iowa 1973) (uttering a forged instrument and assault with intent to inflict great bodily injury); State v. York, 210 N.W.2d 603 (Iowa 1973) (attempting to break and enter); State v. Hackett, 201 N.W.2d 487 (Iowa 1972) (receiving stolen property over \$20). But see Hoskins v. State, (uttering a false check not sufficiently self-explanatory).

Defendant was represented by counsel who assured the trial court that they had discussed the plea with defendant, that they knew of no reason the defendant should not plead guilty, and that the trial court had not overlooked any of defendant's rights or any required proceedings. The trial court was justified in relying on defense counsel's assurances, particularly when they reiterated those of defendant. Manley v. State, 278 N.W.2d 1, 3 (Iowa 1979); State v. Reaves, 254 N.W.2d at 493. The record clearly shows that defendant understood the charge against him when he entered his plea.

Defendant also contends that the trial court failed to make adequate inquiries to establish a factual basis for the plea. The requirement of State v. Sisco, 169 N.W.2d 542 (Iowa 1969), that trial court determine that a factual basis exists for the plea may be met at any time prior to judgment and may be based on information other than defendant's testimony. Ryan v. Iowa State Penitentiary, Ft. Madison, 218 N.W.2d 616,

619 (Iowa 1974). The defendant was aware of statements contained in the minutes of testimony attached to the information and a deposition taken of complaining witness at which he was present. He gave an incriminating written statement to the police, and this was discussed at hearing. Defense counsel informed the court that they knew of no reason why defendant should not plead guilty. The record clearly supports the trial court's determination that there was a factual basis for the guilty plea.

Finally, defendant contends that his guilty plea was not voluntarily entered because of the defects in the Sisco requirements urged above. See Brainard v. State, 222 N.W.2d 711 (Iowa 1974). A review of the whole record discloses that defendant's guilty plea was entered voluntarily and with an understanding of its consequences. Reliance by the trial court on statements by defense counsel was appropriate. Manley v. State. Defendant's contention is without merit.

AFFIRMED.