

FILED

MAR 22 1979

321

IN THE COURT OF APPEALS OF IOWA

CLERK SUPREME COURT

STATE OF IOWA,

)

Plaintiff-Appellee,

)

Filed March 22, 1979

vs.

)

ERNIE ANDREW DRAPER,

)

33
62060

Defendant-Appellant.

)

Appeal from Warren District Court - Maynard Hayden, Judge.

Defendant appeals from judgment on plea of guilty to obtaining money, goods or other property by false pretenses in violation of § 713.1, The Code 1977. Affirmed.

R. Earl Barrett, of Des Moines, for appellant.

Thomas J. Miller, Attorney General of Iowa, Kermit L. Dunahoo, Assistant Attorney General, and John Criswell, Warren County Attorney, for appellee.

Submitted to Oxberger, C. J., Donielson, Snell, Carter and Johnson, JJ.

DONIELSON, J.

Defendant Ernie Andrew Draper alleges that his plea of guilty to charges of obtaining money, goods or other property by false pretenses in violation of § 713.1, The Code 1977, was improperly accepted by the trial court. He contends that the record fails to establish that the charges were adequately explained to him and that he understood the nature of those charges, and that an adequate factual basis for the plea existed. Defendant further contends that the guilty plea should not have been accepted because he was under the influence of drugs at the time the plea was entered.

In State v. Sisco, 169 N.W.2d 542, 547-550 (Iowa 1969), the supreme court held that before a trial judge may accept a guilty plea, he must personally address the defendant to determine (1) he understands the charges made, (2) he is aware of the penal consequences of his plea, (3) the plea is entered voluntarily and (4) there is a factual basis for the plea. In Brainard v. State, 222 N.W.2d 711, 714-715 (Iowa 1974), the court indicated that, in order to satisfy the first Sisco requirement, the trial judge must explain the charge to the defendant and inquire into defendant's understanding of it. See Hoskins v. State, 246 N.W.2d 266, 268 (Iowa 1976); State v. Townsend, 238 N.W.2d 351, 355 (Iowa 1976).

No rigid formula need be followed by courts in accepting guilty pleas, but meaningful compliance with the Sisco guidelines is required. State v. Reppert, 215 N.W.2d 302, 304-305 (Iowa 1974). Meaningful compliance means substantial compliance. Brainard, 222 N.W.2d at 714; see generally State v. Reaves, 254 N.W.2d 488 (Iowa 1977).

We have reviewed the record in this case and conclude that the trial judge meaningfully complied with Sisco and Brainard with regard to the explanation of the charges and determination that the defendant understood the nature of them. We also find that an adequate factual basis existed in the record for the acceptance of the plea. See State v. Johnson, 234 N.W.2d 878, 879 (Iowa 1975); Ryan v. Iowa State Penitentiary, 218 N.W.2d 616, 618-620 (Iowa 1974); State v. Lemberg, 257 N.W.2d 39, 43 (Iowa 1977).

Finally, defendant contends that he was under the influence of drugs at the time his plea was entered. The record discloses the following exchange between the trial judge and defendant at the hearing on his motion in arrest of judgment:

Q. Were you aware of what was going on at the time you entered that plea [of guilty]? A. Was I aware?

Q. Were you aware of what was going on at that time? A. I didn't know what they was going to do. I could have been like a puppet, you know. My lawyer was telling me do this and do that, and I'm just, you know, whatever, shaking my head yes or no.

Q. Were you under the influence of drugs at that time? A. Not at that time, no. I quit. I was going down to that MIDAC, that drug abuse program.

To find that defendant was under the influence of drugs at the time his guilty plea was entered would require us to ignore defendant's own statement that he was not. Finding no error, we affirm the acceptance of defendant's guilty plea by the trial court.

AFFIRMED.