

IN THE COURT OF APPEALS OF IOWA

**FILED**

JUN 26 1984

CLERK SUPREME COURT

STATE OF IOWA,

)

Filed June 26, 1984

556

Plaintiff-Appellee,

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vs.

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4-227  
83-1369

BARBARA E. RHEA,

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Defendant-Appellant.

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Appeal from the Iowa District Court for Buena Vista County, Murray S. Underwood, Judge.

Defendant appeals from a conviction entered on a plea of guilty to a charge of operating a motor vehicle while intoxicated. REVERSED AND REMANDED.

Linda del Gallo, Assistant Appellate Defender, for the defendant-appellant.

Thomas J. Miller, Attorney General, and Rebecca L. Claypool, Assistant Attorney General, for the plaintiff-appellee.

Considered by Oxberger, C.J., and Donielson, and Schlegel, JJ.

**OXBERGER, C.J.**

The defendant filed a written plea of guilty to a charge of operating a motor vehicle while intoxicated, second offense. She appeals from the resulting conviction and sentence. She contends, and the State agrees, that the trial court denied her due process and violated Iowa Rule of Criminal Procedure 8(2)(b) by failing to address her personally in a plea proceeding and failing to determine on the record whether her guilty plea was voluntarily, knowingly, and intelligently entered. She also contends that the record does not show a factual basis for the guilty plea, that the trial court erred by failing to state reasons for its sentence and by imposing sentence without her personal presence, and that her trial attorney rendered ineffective assistance.

Iowa Rule of Criminal Procedure 8(2)(b) specifically provides:

... "[b]efore accepting a plea of guilty, the court must address the defendant personally in open court and inform the defendant of, and determine that the defendant understands... [t]he nature of the charge to which the plea is offered...; [t]he mandatory minimum punishment, if any, and the maximum possible punishment...; [t]hat the defendant has the right to be tried by jury..., the right to assistance of counsel, the right to confront and cross-examine witnesses..., and the right not to be compelled to incriminate... herself; [and that] by pleading guilty the defendant waives the right to a trial."

It is undisputed that the trial court failed to comply with Rule 8(2)(b) when it accepted defendant's guilty plea. We therefore reverse defendant's conviction and remand with instructions that defendant be permitted to plead anew. Because our decision on this issue is dispositive, we do not reach the merits of defendant's other allegations of error.

**REVERSED AND REMANDED.**