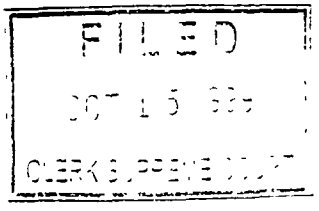
IN THE COURT OF APPEALS OF IOWA

No. 1999-286 (9-516) / 98-2129
Filed October 15, 1999



STATE OF IOWA,
Plaintiff-Appellee,

vs.

DEDRICK ARMON ROLAND,
Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, Linda R. Reade, Judge.

Dedrick Roland appeals from his conviction entered upon his guilty plea to the crime of forgery in violation of Iowa Code section 715A.2(1)(c) and 715A.2(2)(a)(3) (1997). He contends the court abused its discretion in not allowing him to withdraw his guilty plea because he entered the plea without a full understanding of the plea agreement. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Linda J. Hines, Assistant Attorney General, John P. Sarcone, County Attorney, Frank Severino, Assistant County Attorney, and John Heinicke, Assistant County Attorney, for appellee.

Considered by Huitink, P.J., and Mahan and Hecht, JJ.

HECHT, J.

Dedrick Roland appeals from his conviction and sentence entered upon his guilty plea to the crime of forgery based on his assertion that he entered into the plea agreement without a full understanding of the plea agreement. We affirm.

Background Facts. On July 22, 1998, Roland was charged with forgery and theft. He initially plead not guilty to all charges. Pursuant to a plea agreement, however, he subsequently entered a guilty plea on the forgery charge. At the plea proceeding, the State recommended probation, restitution and VORP (Victim Offender Reconciliation Program) on all the charges including the theft charge which was to be dismissed pursuant to the agreement.

The following colloquy was had at the plea proceeding:

> MR. HEINICKE (Prosecutor): It's my understanding that Mr. Roland will withdraw his plea of not guilty to forgery in 126977 and plead guilty to forgery in that cause. At the time and date set for sentencing in November, I believe November 23rd, the State will be recommending probation; specifically, five-year suspended sentence, two years probation, restitution, VORP on all the charges including the ones that are contemplated for dismissal, then dismissal will be (sic) the remaining charges against the defendant.
>
> THE COURT: All right. Mr. Jellineck.
>
> MR. JELLINECK (Defense counsel): All of that is correct, Your Honor. I have discussed with my client the offense, the maximum and minimum penalties involve (sic) and any other expenses to that. I think he understands. At this point he does wish to withdraw his previous plea of not guilty and enter a plea of guilty to the felony charge.
>
> . . .
>
> THE COURT: . . . Do you understand that's what you're accused of?

THE DEFENDANT: Yes.

THE COURT: And that's a Class D felony, which means that the maximum punishment provided by law is up to five years in prison, a fine of 500 to 7,500 dollars, or both a fine and imprisonment, restitution, and court costs. Do you understand, sir?

THE DEFENDANT: Yes.

The record of the plea-taking proceeding establishes that Roland had a high school education, and that he reads, writes and understands the English language.

Roland pled guilty to the forgery charge. He subsequently filed a timely motion in arrest of judgment requesting that he be allowed to withdraw his plea. He claimed that he did not, at the time of the entry of the plea, understand that restitution and VORP would be required on the theft charge which was to be dismissed pursuant to the plea agreement. The trial court denied the motion, sentenced Roland to prison for a period not to exceed five years, and imposed a $500 fine. Roland appeals.

Scope of Review. We review a trial court's decision to grant or deny a request to withdraw a guilty plea for abuse of discretion. Iowa R. App. P. 4; *see also State v. Speed,* 573 N.W.2d 594, 596 (Iowa 1998). We will not find an abuse of discretion unless the defendant shows that such discretion was exercised on grounds or for reasons clearly untenable or to an extent clearly unreasonable. *State v. Ramirez*, 400 N.W.2d 586, 588 (Iowa 1987).

Voluntary and Intelligent Plea. The trial court must "merely make an adequate analysis to ensure the plea was voluntary and knowing." *Speed,* 573 N.W.2d

at 594 (quoting *State v. Mattley*, 513 N.W.2d 739 (Iowa 1994)). We will uphold a refusal of permission to withdraw a plea of guilty where the defendant, with full knowledge of the charge against him and of his rights and the consequences of a plea of guilty, enters it understandably and without fear or persuasion. *Ramirez*, 400 N.W.2d at 588.

Roland does not contend that the district court failed to follow the provisions of Iowa Rule of Criminal Procedure 8(2)(b). He makes no contention that he was deceived by the prosecutor. He asserts simply that he did not understand the agreement at the time of the plea taking even though he was present at the time it was discussed on the record.

The facts amply support the conclusion that Roland understood the terms of the agreement. The prosecutor described the terms in open court in Roland's presence. Roland's attorney affirmed the prosecutor's expression of those terms on the record, and noted his belief that Roland understood the agreement before the plea was taken. Under these circumstances, the district court did not abuse its discretion; nor did it exercise its discretion on grounds that were clearly untenable or unreasonable in denying Roland's motion in arrest of judgment.

Having considered all issues properly before us on appeal, we affirm the judgment in this case.

AFFIRMED.