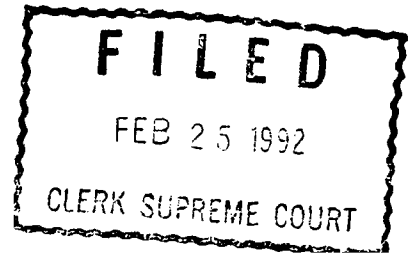


IN THE COURT OF APPEALS OF IOWA

No. 1-566 / 91-692



843

STATE OF IOWA,

Appellee,

vs.

MICHAEL REED TAYLOR,

Appellant.

Appeal from the Iowa District Court for Black Hawk County, Peter Van Metre, Senior Judge, and Joseph C. Kæefe, Judge.

Taylor appeals his judgment and sentence following his guilty plea to first-degree theft. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Andi S. Lipman, Assistant State Appellate Defender, for appellant.

Bonnie J. Campbell, Attorney General, Martha E. Boesen, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Shawn Nehde and Linda A. Hall, Assistant County Attorneys, for appellee.

Considered by Oxberger, C.J., and Hayden and Habbab, JJ.

HAYDEN, J.

In January 1990 Taylor was charged with one count of first-degree theft. Pursuant to a plea agreement, the State agreed not to resist the granting of a deferred sentence if recommended by the presentence investigation report. In exchange, Taylor agreed to plead guilty. Taylor entered his plea as an Alford plea on July 6, 1990.

Subsequent to the plea, the district court determined Taylor qualified for court-appointed counsel and appointed a public defender to represent him. On August 16, 1990, Taylor filed a motion in arrest of judgment challenging the validity of the plea. Taylor argued he was not aware of his right to court-appointed counsel. The district court denied the motion. Taylor was sentenced to ten years with the sentence suspended. Taylor was placed on probation for two to five years.

Taylor appeals, contending the trial court failed to inform him counsel could have been appointed to defend him. As such, Taylor asserts his guilty plea was not voluntarily or intelligently entered. We affirm.

When constitutional safeguards are involved, we make an independent evaluation of the totality of the relevant circumstances shown by the entire record. State v. Boone, 298 N.W.2d 335, 337-38 (Iowa 1980). Thus, we review the evidence de novo. Id.

A defendant who enters a plea of guilty waives several constitutional rights. Id. at 337. For the waiver to be

valid, due process requires a guilty plea must be made voluntarily and there must be an intentional relinquishment of known rights or privileges. Id.; State v. Fluhr, 287 N.W.2d 857, 863 (Iowa 1980). Iowa Rule of Criminal Procedure 8(2)(b) details what a court must do to ensure a guilty plea is made voluntarily and intelligently. The record in the present case indicates Taylor's plea was both voluntary and intelligent.

Taylor was represented by private counsel during the plea proceeding. The trial court was hesitant to accept Taylor's Alford plea and requested reasons in support of the plea. Those reasons included the large amount of time required of both the defendant and the State if the case proceeded to trial because of the number of documents involved, the plea agreement was favorable to the defendant, the financial burden for defendant to continue to retain private counsel, and the difficulty in proving the amount of money at issue. The trial court then proceeded to comply with Iowa Rule of Criminal Procedure 8(2)(b) and informed Taylor of his constitutional rights. Taylor was explicitly informed "you are entitled to have an attorney, and if you're indigent, we appoint the attorney for you." Taylor stated he understood his constitutional rights and by pleading guilty he waived those rights. Taylor also stated he had no questions.

Given these circumstances, we conclude defendant was adequately informed of his right to be represented by

counsel appointed by the court if he was indigent. Taylor voluntarily and intelligently entered a guilty plea and at no time was misled by the court.

AFFIRMED.