FILED
JAN 31 1978
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Appellee,	)	Filed January 31, 1978
vs.	)	
CURTIS ALAN VOSHELL,	)	384/60643
Appellant.	)	

Appeal from Polk District Court - Ray Hanrahan, Judge.

Defendant appeals his guilty plea conviction of rape and kidnapping, in violation of §§ 698.1 and 706.1, The Code 1975, asserting that the district court improperly accepted his plea of guilty. AFFIRMED.

Philip F. Miller, of Des Moines, counsel for appellant.

Richard C. Turner, Attorney General of Iowa, Dan Johnston, Polk County Attorney, counsel for appellee.

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

DONIELSON, J.

Defendant-Curtis Alan Voshell alleges that his plea of guilty to charges of rape and kidnapping, in violation of §§ 698.1 and 706.1, The Code 1975, was improperly accepted by the trial court. He contends that the record failed to establish that the charges were adequately explained to him and that he understood the nature of those charges, that an adequate factual basis for the plea existed, and that he expressly waived various constitutional rights by electing to plead guilty.

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 whether (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. The extent of the trial judge's explanation and inquiry necessarily varies with the circumstances in each case. These circumstances include the complexity of the charge, the accused's education and experience, and other factors involved in the particular case. **Id.** at 714; Michels v. Brewer, 211 N.W.2d 293, 296 (Iowa 1973).

With regard to the duty to explain the charge, the court has, in certain instances, held that the name given the offense was sufficiently descriptive of its nature to obviate further explanation. State v. York, 210 N.W.2d 608, 609 (Iowa 1973); Brainard v. State, supra, at 714. It is not necessary for the court to explain all elements of the crime to the defendant if, under all the circumstances, it is apparent that defendant understands the nature of the charges against him. Hoskins v. State, 246 N.W.2d 266, 268 (Iowa 1976); State v. Townsend, 238 N.W.2d 351, 355 (Iowa 1976); State v. Hansen, 221 N.W.2d 274, 276 (Iowa 1974). However, the better practice is for the trial court to explain the elements of the charge. Brainard v. State, supra, at 714.

Furthermore, in order to satisfy the first **Sisco** requirement, the judge must inquire into the defendant's understanding of the charge. The requisite understanding can best be determined by an inquiry in which the judge relates the elements of the charge to basic acts required to constitute the offense, in order to ascertain whether the defendant understands the law in relation to the facts. Brainard v. State, supra, at

714; State v. Buhr, 243 N.W.2d 546, 549-550 (Iowa 1976). Finally, the court has held that, in general, 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). However, meaningful compliance means substantial compliance. Brainard v. State, supra, at 714; see generally State v. Reaves, 254 N.W.2d 488 (Iowa 1977).

Defendant contends that the trial court did not adequately explain the charges or inquire into his understanding of them, and that no factual basis existed for the plea. We have reviewed the record in this case and conclude that the trial judge meaningfully complied with **Sisco** with regard to the explanation of the charges and determination that the defendant understood the nature of them.[1] Having decided that, we also hold 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, Ft. Madison, 218 N.W.2d 616, 618-620 (Iowa 1974); State v. Lemberg, 257 N.W.2d 39, 43 (Iowa 1977).

Finally, defendant contends that the trial judge did not comply with the second **Sisco** requirement by failing to determine that defendant knew that by pleading guilty, he was expressly waiving several important federal constitutional rights. After reviewing the record in light of the recommended procedure for advising a defendant of the constitutional rights he waives by pleading guilty set forth in Brainard v. State, supra, at 716-718, we further hold that the trial judge meaningfully complied with this **Sisco** requirement as well. Finding no error, we affirm the acceptance of defendant's guilty plea by the district court.[2]

AFFIRMED.

[1] We are not unmindful that defendant alleges that the trial judge committed error by failing to explain that "by force" is an element of the offense of rape. We conclude that his reliance upon State v. Gray, 216 N.W.2d 306, 307 (Iowa 1974) is misplaced. In **Gray**, the court held that the elements of rape are defendant's carnal knowledge with complainant by force and against her will, citing State v. Banks, 213 N.W.2d 483, 485 (Iowa 1973) as authority for that proposition. However, both **Banks** and § 698.1, The Code 1975, indicate that the elements are carnal knowledge by force or against her will. We believe that the use of the word "and" in **Gray** was merely an oversight.. Consequently, the trial judge's inquiry into whether defendant acted against the complainant's will was sufficient under the statute.

[2] We wish to note that our resolution of this case finds even stronger support in the supreme court's most recent expression on guilty pleas, State v. Reaves, 254 N.W.2d 488 (Iowa 1977).