

IOWA DISTRICT COURT FOR STORY COUNTY

STATE OF IOWA, :  
Plaintiff, : Case No. OW CRO29800  
v. : JUDGMENT ENTRY  
FLORIN VASILE CITU, : Charge - OWI  
Defendant. : Section - 321J.2

The defendant appears personally and with counsel, Gerald Moothart, at the time of sentencing, March 26, 2001. The State was represented by Assistant Story County Attorney, Mary Howell Sirna. The Court received the evidence and argument of the parties, and the defendant is given an opportunity to provide a statement. The parties indicate no legal cause why the Court should not proceed.

The Court made findings as more fully set out in the verbatim record included herein.

The defendant is adjudged guilty of operating while intoxicated in violation of Section 321J.2 of the Iowa Code.

The defendant is sentenced to serve two days in the Story County Jail, to be given credit for time previously served, if any, as shown by the records of this county. The defendant is

ordered to pay a \$1,000 fine, a \$300 surcharge, a \$5 Drug Abuse Resistance Education surcharge, and the costs of this action. The defendant is granted to July 27, 2001, to pay the fine, surcharge, and costs to the Story County Clerk of Court. The defendant shall contact to the Story County Sheriff's Office no later than April 4, 2001, to make arrangements for service of his jail sentence which shall be served in a consecutive fashion no later than May 4, 2001. The defendant is

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DISTRICT COURT  
STORY CO., IOWA  
MAY 26 2001  
4:56 PM  
DANE T. GILBERT  
CLERK  
IOWA

informed he may be required to pay room and board fees as provided for at Section 356.7 of the Iowa Code.

The defendant is informed that the Court may waive up to \$500 of the fine when the defendant presents to the Court at the end of any minimum period of ineligibility a temporary restricted license issued pursuant to Section 321J.20 of the Iowa Code.

The Court notes the defendant has secured a substance abuse evaluation and participated in any recommended treatment. The defendant has also attended and successfully completed a school for Drinking Drivers facilitated by an area community college.

The defendant was informed of his right of appeal. Appeal bond is set in the amount of \$2,500.

  
\_\_\_\_\_  
THOMAS R. HRONEK  
DISTRICT ASSOCIATE COURT

Clerk to furnish copies to:  
Story County Attorney  
Gerald Moothart  
DOT  
Story County Sheriff

  
ALEPH NEWS

COPY HEREOF MAILED OR  
DELIVERED TO \_\_\_\_\_  
\_\_\_\_\_  
3-26-01  
OFFICE OF THE CLERK OF DISTRICT COURT  
STORY COUNTY, IOWA

6. With regard to the name by which I am charged in the Information:

a. The name shown on the Information is my true name. I have been advised and understand that I am now precluded from objecting to the Information upon the ground I am improperly named.

b. The name shown on the Information is not my true name. My true name is \_\_\_\_\_. I request that an entry be made in the Minutes showing my true name. I have been advised and understand further proceedings will be had against me by that name, the indictment/information will be amended accordingly, and when the indictment/information is so amended, I will be precluded from objecting upon the ground I am improperly named.

7. I have been advised and understand that I may plead guilty, not guilty, or former conviction or acquittal.

8. For the purpose of this arraignment, I have had sufficient time to discuss my case with the above-named attorney, and I waive any further time in which to enter a plea.

9. I plead NOT GUILTY to the charge in paragraph 5 above.

10. I have been advised and understand that I have a right, under rule 27(2)(b) of the Iowa Rules of Criminal Procedure, to a trial within 90 days after the filing of the Information and:

a. I demand a speedy trial pursuant to rule 27.

b. I waive my right to a speedy trial pursuant to rule 27.

*Florin V. Citu*

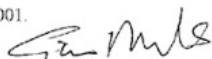
Florin Vasile Citu, Defendant

STATE OF IOWA }  
                          } SS:  
STORY COUNTY }

Subscribed, sworn to, and acknowledged before me by Florin Vasile Citu, this 6<sup>th</sup> day of January, 2000.

*Gerald A. Moothart*  
Gerald A. Moothart  
Notary Public in and for the State of Iowa  
My Commission expires 10 March 2003

Signed this 26 day of February 2001.



Timothy Meals  
Prosecuting Attorney

Signed this 23<sup>rd</sup> day of February 2001.



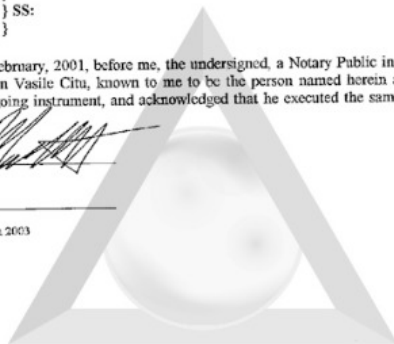
Florin Vasile Citu  
Defendant

STATE OF IOWA }  
                          } SS:  
COUNTY OF STORY }

On this, the 23<sup>rd</sup> day of February, 2001, before me, the undersigned, a Notary Public in and for the state of Iowa, personally appeared Florin Vasile Citu, known to me to be the person named herein and who, after being duly sworn, executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.



Gerald A.L. Moothart  
Printed name of Notary Public  
My commission expires 10 March 2003



ALEPH NEWS

Original:  
Filed.

Copies to:

Defendant; Florin Citu, 600 Squaw Creek, #118, Ames, IA 50010  
Defendant's attorney; Moothart & Owen Law Firm, 315 6<sup>th</sup> Street, Suite 300, Ames, IA 50010  
Story County Attorney's Office; Timothy Meals, 900 6<sup>th</sup> Street, Nevada, IA 50201



ALEPH NEWS

**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above-captioned cause by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record and other parties at the addresses described above, or by hand delivery, on 27 December 2000.

A handwritten signature in black ink, appearing to be "E. M. Meals", is written over a horizontal line.

Original:  
Filed.

Copies to:

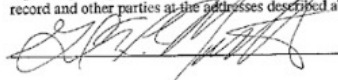
Defendant; Florin Citu, 600 Squaw Creek, #118, Ames, IA 50010  
Defendant's attorney, Moothart & Owen Law Firm, 315 6<sup>th</sup> Street, Suite 300, Ames, IA 50010  
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ALEPH NEWS

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 21

become of benefit to the Defendant in preparing for or presenting the merits of the defense of innocence at trial. This request includes all facts and information of whatever source or nature which the State, its agents, representatives, or cooperating investigating agencies has in its possession or has access to which is or may be calculated to become of benefit to Defendant either on the merits of the case or on the question of credibility of witnesses. This includes all statements or admission of whatever form by any alleged co-participants or conspirators which tend to exculpate the Defendant or which do not inculpate the Defendant.

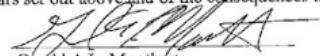
8. Any results or reports of physical or mental examinations.
9. Any results of scientific tests or experiments made in connection with the particular case.
10. All raw data of any nature used to compile or reach the results of any physical or mental examination or scientific tests or experiments, made in connection with this particular case, and any other raw data available or utilized by any agent or representative of the State.
11. All documentation relating to or purported to relate to the calibration of the Preliminary Breath Test device used in connection with the arrest of this Defendant.
12. All documentation relating to or purported to relate to the "datamaster" intoxilyzer which is described in the Trial Information.
13. Any and all police incident, investigatory, or other reports pertaining to the within charge prepared by any law enforcement officers, their representatives or agents.
14. All officer's notes used or made in connection with police incident, investigatory or other reports prepared by any law enforcement officers, their representatives or agents.
15. Any documentation pertaining to any purported waiver by Defendant of Miranda Rights.
16. The content of any agreement between the State and any witnesses, any co-defendant or other person, including but not limited to confidential informants, which involves a plea bargain or agreement between the State and such witness or other person, including, without limitation, an agreement by the State to dismiss, reduce, or not file any charge against such witness or other person, wherein such agreement is related to the incident out of which the Defendant's charge arose.
17. The names and addresses of all confidential informants used in connection with the investigation of the Defendant, whether or not said confidential informants actually met with the Defendant.
18. Any and all search warrant documents prepared in connection with this case.
19. Any and all arrest warrant documents prepared in connection with this case.

20. The names and addresses of any co-participants, whether or not mentioned in the County Attorney's Information and Minutes of Testimony, known to the State, its agents or representatives, and their statements, if taken, and if no written statements were obtained, the investigating officer's interview report relating to any co-participants statements and activities.
21. Tape recordings or transcripts of such recordings of any and all police radio transmissions concerning the charges against the Defendant.
22. Videotape recordings of the arrest of the Defendant.
23. Videotape recordings of the processing of the Defendant at the Iowa State University Department of Public Safety office.
24. Videotape recordings of the processing of the Defendant at the Story County Jail.
25. Any and all other videotape recordings relating to the crimes charged in the Trial Information.
26. All items of physical evidence seized by the State in connection with the alleged crime, and for each item state:
  - a. The time, date and exact location from which each item of physical evidence was obtained;
  - b. The name and address of each person who obtained the evidence;
  - c. The manner of seizure of each item, whether by consent, search warrant, or otherwise.
  - d. All results and reports of scientific or laboratory results and experiments made in connection with each item of physical evidence.
  - e. Dates and times for defense counsel to inspect and copy all items of physical evidence.
27. If fingerprints were examined by the State, the following information should be provided:
  - a. The location where each latent print was found;
  - b. The person by whom each was obtained;
  - c. The date and time when each print was obtained;
  - d. The number of points for each latent print, if a positive comparison was made.
  - e. The reason why positive comparison could not be made for each latent print and a statement of whether each latent print was identifiable or not.



**ATTORNEY VERIFICATION**

I have advised the Defendant of all particulars set out above and of the consequences thereof.

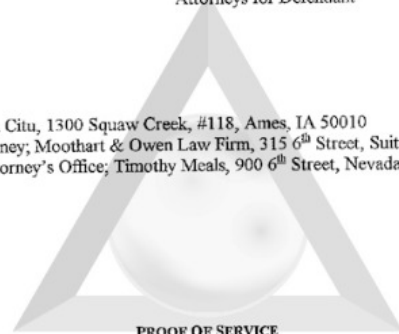


Gerald A.L. Moothart  
MA1011173  
Moothart & Owen Law Firm  
315 6<sup>th</sup> Street, Suite 300  
Ames, Iowa 50010  
Telephone: 515-663-9515  
Facsimile: 515-663-9517

Attorneys for Defendant

Original:  
Filed.

Copies to:  
Defendant; Florin Citu, 1300 Squaw Creek, #118, Ames, IA 50010  
Defendant's attorney; Moothart & Owen Law Firm, 315 6<sup>th</sup> Street, Suite 300, Ames, IA 50010  
Story County Attorney's Office; Timothy Meals, 900 6<sup>th</sup> Street, Nevada, IA 50201



**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above-captioned cause by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record and other parties at the addresses described above, on the 26<sup>th</sup> day of February, 2001.



Original:  
• Filed.

Copies to:

Defendant; Florin Citu, 600 Squaw Creek, #118, Ames, IA 50010  
Defendant's attorney; Moothart & Owen Law Firm, 315 6<sup>th</sup> Street, Suite 300, Ames, IA 50010  
Story County Attorney's Office, 900 6<sup>th</sup> Street, Nevada, IA 50201



**ALEPH NEWS**

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A handwritten signature in black ink, appearing to be "E. M. ...", is written over a horizontal line.

f. The name of all persons other than the Defendant whose known prints were compared to latent prints in this case.

28. These requests are continuing in nature.

WHEREFORE, the Defendant, Florin Vasile Citu, by counsel, respectfully requests the Court enter an order such that the State be required to produce and allow the Defendant to inspect, copy, or photograph or, where appropriate, subject to scientific tests each of the above items. The State is requested to file any resistance to this request in the form of written objection or contest. Until such time as the State elects to resist all or part of this request, the Defendant does not seek hearing on this request.

Florin Vasile Citu, Defendant

By:

  
Gerald A.L. Moothart  
MA1011173  
Moothart & Owen Law Firm  
315 6<sup>th</sup> Street, Suite 300  
Ames, Iowa 50010  
Telephone: 515-663-9515  
Facsimile: 515-663-9517

Attorneys for Defendant

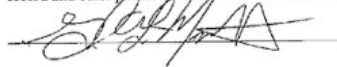
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IN THE IOWA DISTRICT COURT FOR STORY COUNTY

STATE OF IOWA,  
Plaintiff,

vs.

FLORIN CITU,  
Defendant.

CASE NO. OWCR029800

FILED  
DISTRICT COURT  
STORY COUNTY, IOWA  
2011 FEB 26 PM 2:01  
DIANE L. JOY, CLERK  
NEWADA, IOWA

WRITTEN PLEA OF GUILTY

COMES NOW, the undersigned Defendant, Florin Vasile Citu, and requests the Court allow me to change my plea of Not Guilty to a plea of Guilty, and in support of this Written Plea of Guilty respectfully states that I have carefully read and understand the following:

1. I am charged in my true name with the crime of Operating While Intoxicated (1<sup>st</sup> Offense), in violation of section 321J.2, Iowa Code (1999); This is a Serious Misdemeanor. It is my intent to withdraw my prior plea of Not Guilty and to now plead Guilty to the charge of Operating While Intoxicated (1<sup>st</sup> Offense). I ask the Court to accept this plea.
2. The maximum punishment for this offense is incarceration of up to 1 year, a fine of not more than \$1000.00 plus statutory surcharge on any fine, or both such incarceration and fine, plus Court costs.
  - a. For the charge of Operating While Intoxicated (1<sup>st</sup> Offense), there is a mandatory minimum fine of \$1000.00 which is immediately due on the date of my sentencing. I realize if I agree to install an ignition interlock device and submit proof of such installation, the Court may waive up to \$500.00 of the fine. In addition, the Court may order unpaid community service for all or part of my fine, plus Court costs.
  - b. There is a minimum penalty of imprisonment in jail or a community corrections facility for not less than 48 hours which must be imposed unless I am eligible for a Deferred sentence or suspended sentence with probation.
  - c. The Court must order me to attend a course for drinking drivers.
  - d. The Court must order me to undergo a substance abuse evaluation and to follow the recommendations.
  - e. The Court may order me to participate in a reality education substance abuse prevention program.

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FVC

- f. The Court may order restitution to any victim of my offense. In addition, the Court may order restitution up to \$500.00 each to any public agency (fire fighting, law enforcement, ambulance, medical or any other emergency services) which responded as a result of my violation.
- g. Unless the Department of Transportation has already revoked my license or driving privileges, I understand my license or driving privileges will be revoked a minimum of 180 days.
3. If I plead not guilty, I would be entitled to the following rights. I give up these rights by pleading guilty:
- a. The right to a speedy and public trial by a jury of twelve people.
  - b. The right to have an attorney represent me at trial and, if the Court found I was unable to afford an attorney, the Court would, at public expense, appoint an attorney to represent me.
  - c. At trial, I would be presumed innocent until such time, if ever, the State established my guilt beyond a reasonable doubt by producing competent evidence.
  - d. At trial, a jury verdict of guilty would have to be unanimous.
  - e. At trial, I would have the privilege against self-incrimination, that is, I can not be forced to testify, and if I choose not to testify, the State may not comment in the fact of my failure to testify and, at my request, I would be entitled to a jury instruction stating the jury could not infer guilt from my failure to testify.
  - f. At trial, the State would have to confront me with witnesses upon whose testimony it relied to obtain conviction, and I would have the right to cross-examine those witnesses.
  - g. At trial, I would be entitled to present witnesses to testify on my behalf and to compulsory process to secure their attendance.
4. By pleading guilty, there will not be a trial of any kind. By pleading guilty I have waived all of the above rights with the exception of my right to counsel at these or any later proceedings; That I will not have a trial, and; That this procedure waives my right to present to the Court evidence on my behalf as relates to my guilt or innocence. I waive my right to trial, and will be treated as if I had been tried and found guilty by a jury.
5. I am represented by Moothart & Owen Law Firm, Gerald A.L. Moothart, attorney-at-law, and I am satisfied with his representation of me.

6. The Court, in determining whether there is a factual basis for this plea of guilty, may make such a determination by examining the Minutes of Testimony attached to the Trial Information, by reviewing the investigative reports of law enforcement agents who have investigated this offense, or by asking me or counsel to recite and summarize the material facts that would be offered at trial. I agree that without testimony on my part there is sufficient evidence in the Minutes of Testimony for the Court to find me guilty of the charge of Operating While Intoxicated (1<sup>st</sup> Offense).
7. I understand that there can be no deferral of judgment or sentence if any of the following apply:
  - a. My blood alcohol concentration was in excess of 0.150, or;
  - b. I refused an implied consent test, or;
  - c. I have been convicted of OWI or received a deferred judgment or sentence for OWI in Iowa or any other state, or;
  - d. If another person was injured by this OWI offense.

**I am not eligible for a deferred judgment.**
8. I understand that I must complete a substance abuse evaluation at my own expense before I can be sentenced.
9. My decision to enter a plea of guilty is voluntary and is the product of the Plea Agreement described below. There have been no promises made to get me to agree to this submission to the Court except those described in the Plea Agreement. There have been no threats made to get me to agree to this submission to the Court.
10. Plea Agreement:

**FLORIN VASILE CITU**

1. Plead GUILTY to the charge of Operating While Intoxicated (1<sup>st</sup> Offense);
2. Concur with the State's recommendations, as outlined below.

**STATE**

1. Recommend imposition of a fine of \$1000.00, plus statutory surcharge of 30%;
  2. Recommend 48 hours incarceration, with credit for time served;
  3. Recommend imposition of \$5.00 D.A.R.E. surcharge;
  4. Recommend obtaining and complying with all terms contained in a Substance Abuse Evaluation;
  5. Recommend Defendant be required to pay all court costs.
11. The foregoing paragraph reflects the entire agreement between the State and myself. I am knowingly and intelligently entering into this Plea Agreement. I understand the Court is not bound by the terms of this Plea Agreement and may sentence me to the maximum penalties allowed by law.

12. I understand that in order for the State to convict me of this charge at trial it would be necessary for the State to prove beyond a reasonable doubt that:

- a. On or about 03 December 2000, in the County of Story and State of Iowa, I, Florin Vasile Citu did, operate a motor while;
  1. Under the influence of an alcoholic beverage or other drug or a combination of such substances, and/or;
  2. Having an alcohol concentration of 0.10 or more.

13. I have discussed all possible legal defenses should these matters be submitted to the Court for determination of my guilt or innocence with my attorney and I know of no legal defense to this charge and I am pleading guilty to the charge of Operating While Intoxicated (1<sup>st</sup> Offense) because I did in fact commit this crime. I now state to the Court that I am, in fact, GUILTY of the charge of Operating While Intoxicated (1<sup>st</sup> Offense), in violation of section 321J.2(2)(a), Iowa Code (1999).

14. I understand that if I am currently on probation or parole my plea of guilty to this offense could result in the State filing an application to revoke my probation or parole and could result in subsequent revocation of any probation or parole.

15. I am knowingly and intelligently pleading guilty to the charge of Operating While Intoxicated (1<sup>st</sup> Offense) because I am guilty. The present charge against me was committed by me as follows:

- a. On or about 03 December 2000, in the County of Story and State of Iowa, I, Florin Vasile Citu did, operate a motor while;
  1. Under the influence of an alcoholic beverage or other drug or a combination of such substances, and/or;
  2. Having an alcohol concentration of 0.10 or more.

16. If the Court accepts my plea of guilty, I realize:

- a. The Court will set a sentencing date not less than fifteen days after the date of its acceptance of this Guilty Plea, unless I waive that right. In order to contest this plea of guilty, I must file a Motion in Arrest of Judgment at least 5 days prior to sentencing. The right to file a Motion in Arrest of Judgment will be waived by having the Court impose a sentence today.

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b. Since this is a violation of section 321J.2, Iowa Code, I understand that I can not be sentenced until I have completed a substance abuse evaluation and provided the results to the Court.

I have completed a substance abuse evaluation. I have read the evaluation and the recommendations it contains. I have previously provided the results of the substance abuse evaluation to the Court in an envelope marked "Confidential."

17. I ask the Court to accept this plea of guilty. I waive the preceding rights and my right to have the Court address me personally for purposes of accepting my plea of guilty to the offense of Operating While Intoxicated (1<sup>st</sup> Offense).

Signed on this 23<sup>rd</sup> day of February 2001.

Florin V. Citu  
Florin Vasile Citu  
Defendant

STATE OF IOWA        }  
                                  } SS:  
COUNTY OF STORY    }

On this, the 23<sup>rd</sup> day of February, 2001, before me, the undersigned, a Notary Public in and for the state of Iowa, personally appeared Florin Vasile Citu, known to me to be the person named herein and who, after being duly sworn, executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Gerald A. L. Moothart  
Signature of Notary Public

Gerald A. L. Moothart  
Printed name of Notary Public  
My commission expires 10 March 2003

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**WAIVER OF MOTION IN ARREST OF JUDGMENT**

If the Court accepts my plea of guilty, I wish to be sentenced now. I understand:

1. In order to contest this plea of guilty, I must file a Motion in Arrest of Judgment no later than 45 days after a plea of guilty and no later than 5 days prior to pronouncement of judgment, and that the Court will set a sentencing date not less than 15 days after the date of its acceptance of this guilty plea unless I waive this right, and the right to file a Motion in Arrest of Judgment will be waived by having the Court impose sentence now.
2. By having the Court impose my sentence now, I will never be able to challenge this plea of guilty and I will be giving up my right to directly appeal my guilty plea.

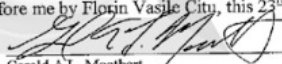
I hereby request the Court sentence me now, and I waive any time to which I may be entitled for sentencing at a later date.

Signed on this 23<sup>rd</sup> day of February, 2001.

  
\_\_\_\_\_  
Florin Vasile Citu  
Defendant

STATE OF IOWA        }  
                              } SS:  
STORY COUNTY        }

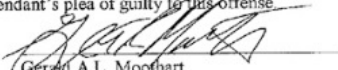
Subscribed, sworn to, and acknowledged before me by Florin Vasile Citu, this 23<sup>rd</sup> day of February, 2001.

  
\_\_\_\_\_  
Gerald A.L. Moothart  
Notary Public in and for the State of Iowa  
My Commission expires 10 March 2003

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FVC

ATTORNEY VERIFICATION

As attorney for the Defendant, I state to the Court that I have explained to my client, the Defendant herein, each of his Constitutional rights in relation to the crime charged in the Trial Information; That I have reviewed with the Defendant the elements of that crime and all possible defenses thereto; That the Defendant has acknowledged guilt of the crime charged; That the Defendant has reviewed and executed in my presence the foregoing Plea of Guilty, and; That I recommend the Court now accept the Defendant's plea of guilty to this offense.



Gerald A.L. Moothart  
MA1011173  
Moothart & Owen Law Firm  
315 6<sup>th</sup> Street, Suite 300  
Ames, Iowa 50010  
Telephone: 515-663-9515  
Facsimile: 515-663-9517

Attorneys for Defendant

Original:  


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FVC  
\_\_\_\_\_  
FVC

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

STATE OF IOWA,  
Plaintiff,

vs.

FLORIN VASILE CITU,  
Defendant.

CASE NO. OWCR029800

FILED  
CLERK  
STATE COURT  
2000 DEC 27 PM 1:43  
JANIE L. TOTT, CLERK  
NEVADA, IOWA

MOTION TO CONTINUE ARRAIGNMENT

COMES NOW the Defendant in the above criminal cause, by and through the undersigned counsel, and respectfully requests the Court enter an Order Continuing the Arraignment in this matter and in support of this Motion respectfully states:

1. That Arraignment is currently scheduled for 1:30 PM, 27 December 2000.
2. That the Defendant is a graduate student at Iowa State University and has returned to his native Romania for the Christmas holidays.
3. That the Defendant is scheduled to return to the United States on or about 02 January 2001.
4. That it is in the interest of justice for the Court to enter an Order Continuing the Arraignment in this matter until Monday, 08 January 2001.

WHEREFORE the Defendant in the above criminal cause, by and through the undersigned counsel, respectfully requests the Court enter an Order Continuing the Arraignment in this matter until Monday, 08 January 2001.

Florin Vasile Citu, Defendant

By: 

Gerald A.L. Moothart  
MA1011173  
Moothart & Owen Law Firm  
315 6<sup>th</sup> Street, Suite 300  
Ames, Iowa 50010  
Telephone: 515-663-9515  
Facsimile: 515-663-9517

Attorney for Defendant

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

STATE OF IOWA,  
Plaintiff,

vs.

FLORIN VASILE CITU,  
Defendant.

CASE NO. OWCR029800

FILED  
DIST. COURT  
STORY CO., IOWA  
2001 JAN -8 AM 8:34  
DIANE L. TOLIT, CLERK  
NEVADA, IOWA

REQUEST FOR PRODUCTION AND DISCLOSURE

COMES NOW the Defendant, Florin Vasile Citu, by counsel, pursuant to Rule 13, Iowa Rules of Criminal Procedure, and respectfully states the following are necessary for trial preparation and hereby respectfully requests the State be required to produce and allow the Defendant to inspect, copy, or photograph or, where appropriate, subject to scientific tests the following items:

1. Any written or recorded statement made by the Defendant or any prosecution witness, within the possession, custody or control of the State.
2. The substance of any oral statement by the Defendant, including any voice recordings.
3. A copy of the prior criminal record of the Defendant.
4. A copy of the certified prior driving record of the Defendant.
5. Any written or recorded statement of a co-defendant which the State intends to offer in evidence at the trial and the substance of any oral statement which the State intends to offer in evidence at the trial made by a co-defendant, whether before or after arrest, in response to interrogation by any person known to the co-defendant to be a State agent.
6. Any items seized by the State in connection with the alleged crime, and any books, papers, documents, statements, photographs, or tangible objects which are within the possession, custody or control of the State and which are in any manner material to the preparation of the movant's defense, or are intended for the use by the State as evidence at the trial, or were obtained from or belong to the Defendant.
7. All information, of whatever form, source or nature, which tends to exculpate the Defendant, either through an indication of innocence or through the potential impeachment of any of the State's witnesses, and all information which may be or may



IN THE IOWA DISTRICT COURT IN AND FOR Story 85 COUNTY

THE STATE OF IOWA  
THE CITY / COUNTY OF Story 85  
Florin Vasile <sup>DOB: 4-1-72</sup>  
600 Squaw Creek #118 Ames, IA 50014

Before Magistrate  
Criminal Number CWCRO27800  
ISU# 00-11502  
COMPLAINT AND AFFIDAVIT

The defendant is accused of the crime of Operating While Intoxicated 1st  
(Serious Misdemeanor) in violation of Section  
321.2 1a, 1b of the Iowa Criminal Code 1999 in that the defendant  
on or about the 3 day of December, 2000, (at approximately 0208 o'clock  
A M.) at Lincoln Way at the Squaw Creek Bridge Ames, IA 50010  
(Location as definitely as known)  
in Story County, did operate a motor vehicle while under the influence  
of an alcoholic beverage and while having a BAC of above 0.100

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release where applicable,  
(1) be arrested or that other lawful steps be taken to obtain Defendants appearance in court, or  
(2) be detained, if already in custody, pending further proceedings;  
and that said Defendant otherwise be dealt with according to law.

Complainant [Signature]  
Signature of Complainant

STATE OF IOWA, County of Story 85 ss. AFFIDAVIT

I, the undersigned, being duly sworn, state that the following facts known by me or told to me by other reliable persons form the basis for my belief that the Defendant committed this crime.  
I saw the defendant driving a red Ford Probe with Iowa plate 675CMG on it east on Lincoln way in the outside lane. As the Probe traveled east it was noticeably weaving from side to side within its lane of travel. The Probe did not maintain a steady speed (fluctuated between 20 and 35 mph). The defendant had the odor of an alcoholic beverage on his breath and he admitted to drinking. The defendant had bloodshot and watery eyes. The defendant failed sobriety tests. The defendant took a PBT that indicated a BAC of above 0.100. The defendant took the Datamaster odm test and registered a BAC of above 0.100.

[Signature]  
Signature of Affiant

Subscribed and sworn to before me by the person(s) signing this Complaint (and affidavit(s)) on this the 3 day of December, 2000

COPY HEREOF MAILED OR DELIVERED TO [Signature]

[Signature]  
Signature of Notary

Complaint and affidavit(s) filed and probable cause found that the defendant committed the offense charged.

ON 12/4/00

[Signature]  
Magistrate

OFFICE OF THE CLERK OF DISTRICT COURT  
KCCB BROTHERS, DEPT MOORE BLDG  
EAST DES MOINES, IOWA 50319

WHITE COURT, YELLOW PROSECUTOR, PINK DEFENDANT

FILED  
CLERK  
9:24  
DEC 4 2000

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

STATE OF IOWA,  
Plaintiff,

vs.

FLORIN VASILE CITU,  
Defendant.

CASE NO. OWCR029808

FILED  
DIST. COURT  
STORY CO., IOWA  
2001 JAN -8 AM 8:35  
DIANE L. TOLLE, CLERK  
NEVADA, IOWA

WRITTEN ARRAIGNMENT  
AND  
PLEA OF NOT GUILTY

COMES NOW the Defendant in the above criminal cause and states under oath:

1. I am represented by Moothart & Owen Law Firm, attorneys at law, whose address is Moothart & Owen Law Firm, 315 6<sup>th</sup> Street, Suite 300, Ames, Iowa 50010; Whose telephone number is 515-663-9515 and whose facsimile number is 515-663-9517.
2. My current address is 600 Squaw Creek, #118, Ames, IA 50010; My current telephone number is 515-232-7180.
3. I am 28 years old, having been born on 01 April 1972; I can read and understand the English language and have completed the following level of education: College graduate, currently a doctoral candidate at Iowa State University.
4. I have been advised by the above-named attorney and I understand that I have a right to arraignment in open court, and I hereby voluntarily waive that right, choosing instead to sign this written arraignment and plea of not guilty. I understand that times for further proceedings which are computed from the date of arraignment will be computed from the date of this written arraignment and plea of not guilty is filed.
5. I have received a copy of the Information which charges me with the crime Operating While Intoxicated (1<sup>st</sup> Offense), in violation of section 321J.2, Iowa Code (1999), a Serious Misdemeanor. I have read the Information and I have familiarized myself with its contents.

IOWA DISTRICT COURT FOR STORY COUNTY

STATE OF IOWA, : Case No. OW CRO29800  
Plaintiff, : ORDER ACCEPTING PLEA  
v. : AND SETTING SENTENCING  
FLORIN VASILE CITU, : Charge - OWI  
Defendant. : Section - 321J.2

NOW on the 26<sup>th</sup> day of February, 2001, the defendant submits his verified Written Plea of Guilty. The defendant is charged with operating while intoxicated in violation of Section 321J.2 of the Iowa Code.

The defendant states that he is ready to plead and enters a plea of guilty. The written plea of guilty shows that the defendant's plea is voluntary, being freely and intelligently made, with an understanding of the charge, with knowledge of the penal consequences of the plea, with full knowledge of his constitutional rights, and that said rights are waived by a plea of guilty, without any threats, improper inducements or persuasion, and the Court finds there is a factual basis for the defendant's plea of guilty.

The written plea indicates the defendant's informed understanding of his rights contemplated in the cases of State v. Sisco, 169 N.W.2d 542; Brainard v. State, 222 N.W.2d 711; and State v. Reaves, 254 N.W.2d 488, all as shown in the defendant's written plea of guilty, which plea is made a part hereof by this reference.

The Court, therefore, accepts the defendant's plea of guilty, and it is entered of record.

Sentencing is set for 9 a.m. on March 26, 2001, at the District Associate Court, Story County Courthouse, Nevada, Iowa.

Clerk to furnish copies to:  
Story County Attorney  
Gerald Moothart

  
THOMAS R. HRONEK  
DISTRICT ASSOCIATE COURT

COPY HEREOF MAILED OR  
DELIVERED TO  
all parties  
ON 2-28-01  
JDN  
OFFICE OF THE CLERK OF DISTRICT COURT  
STORY COUNTY, IOWA

FILED  
DISTRICT COURT  
STORY CO., IOWA  
2001 FEB 27 PM 3:32  
DIANE L. JOHNS, CLERK  
NEVADA, IOWA



IOWA DISTRICT COURT FOR STORY COUNTY

STATE OF IOWA, :  
Plaintiff, : Case No. OW CRO29800  
v. :  
FLORIN VASILE CITU, : ORDER SETTING ARRAIGNMENT  
Defendant. :

IT IS HEREBY ORDERED that the defendant herein appear before the Story County District Associate Court for arraignment on charge(s) of operating while intoxicated in violation of Section(s) 321J.2 of the Iowa Code at 1:30 p.m. on December 27, 2000, at the District Associate Court, Story County Courthouse, Nevada, Iowa.

  
STEVEN P. VAN MAREL  
DISTRICT ASSOCIATE COURT

Clerk to furnish copies to:  
Story County Attorney  
Gerald Moothart

ALEPH NEWS

COPY HEREOF MAILED OR  
DELIVERED TO  
Co. atty Moothart  
ON 12-18-00  
OFFICE OF THE CLERK OF DISTRICT COURT  
STORY COUNTY, IOWA

FILED  
DIST. CLERK  
STORY CO., IOWA  
2000 DEC 15 PM 3:35  
DIANE L. JOLI, CLERK  
NEVADA, IOWA

IN THE 174A DISTRICT COURT FOR STORY COUNTY

STATE OF IOWA,

Plaintiff,

vs.

FLORIN VASILE CITU

Defendant.

Case No. EWCR029800

INITIAL APPEARANCE

Date 12/3/00

OWI 1ST

Defendant appears (in custody) with/without counsel \_\_\_\_\_.

The Court appoints as counsel \_\_\_\_\_.

fw Application for Court-appointed counsel denied WAIVED

Defendant granted until \_\_\_\_\_ to have an attorney appear of record.

Initial appearance is continued to \_\_\_\_\_ at \_\_\_\_\_, Iowa.

Defendant is informed of the charge and his/her rights and receives a copy of the Complaint.

fw Preliminary hearing is set for DEC. 13, 2000 at 1:30 p.m.

Preliminary hearing waived in writing/on the record. MISS. ASSOC. CT. NEVADA, IA

Bail is set as follows:

fw \_\_\_\_\_ cash or surety.  
0 % to be posted.

Defendant is placed under the supervision of the Department of Correctional Services for the Pretrial Release Program.

Defendant has a right to have bail reviewed within 24 hours.

NOTES: COPY HEREOF MAILED OR DELIVERED TO \_\_\_\_\_

ON 12/14/00  
OFFICE OF THE CLERK OF DISTRICT COURT  
STORY COUNTY, IOWA

James H. ...  
DISTRICT ASSOCIATE JUDGE  
STORY COUNTY

cc: Defendant fw  
County Attorney fw  
Dept. of Correctional Services fw  
Sheriff's Office or Police Dept. fw

If you require the assistance of auxiliary aids or services to participate in Court because of a disability, immediately call your district ADA coordinator at 1-515-421-0990 (If you're hearing impaired, call Relay Iowa at 1-800-735-2942)

FILED  
2000 DEC - 4 AM 9:24  
SHANE L. 1011 CLE  
NEVADA, IOWA

THE IOWA DISTRICT COURT IN AND FOR STORY COUNTY

THE STATE OF IOWA,  
Plaintiff,  
v.

Criminal No. OW-CR029800

FLORIN VASILE CITU,  
Defendant.


INFORMATION

Comes now Timothy C. Meals, Assistant County Attorney of Story County, State of Iowa, and in the name and by the authority of the State of Iowa accuses FLORIN VASILE CITU, of the crime of Operating While Intoxicated, 1st Offense, committed as follows:

The said FLORIN VASILE CITU on or about December 3, 2000, in the County of Story and State of Iowa, in violation of Section 321J.2 of the Iowa Criminal Code, 1999, did:

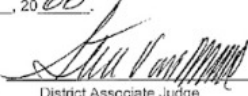
operate a motor vehicle in the State of Iowa while under the influence of an alcoholic beverage, narcotic, hypnotic, or other drug, or a combination of such substances, or while having an alcohol concentration of .10 (ten one-hundredths) or more.

A TRUE INFORMATION

  
Timothy C. Meals MA1069534  
Assistant County Attorney

This Information and the minutes of testimony accompanying it have been examined by me and found to contain sufficient evidence, if unexplained, to warrant a conviction by a trial jury; the filing of this information is approved on this the 14 day of Dec, 2000.

Bail is approved as previously set.  
Bail is fixed in the amount of \_\_\_\_\_  
and the Clerk of Court ordered to issue a warrant.

  
District Associate Judge

For list of witnesses, see minutes of testimony.

FILED  
DISTRICT COURT  
STORY COUNTY, IOWA  
2000 DEC 15 P. 3:35  
CLERK  
DAVID L. HARRIS  
MA  
MA 1069534  
CN  
12-18-00  
PH  
OFFICE OF THE CLERK  
STORY COUNTY, IOWA

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

STATE OF IOWA,  
Plaintiff,

vs.

FLORIN CITU,  
Defendant.

CASE NO. OWCRO29800

FILED  
DISTRICT COURT  
STORY CO., IOWA  
2001 FEB 26 PM 1:16  
DIANE L. PAUL BIERM  
CLERK  
NEVADA, IOWA

MEMORANDUM OF PLEA AGREEMENT

COMES NOW the Defendant, Florin Vasile Citu, and the State of Iowa, pursuant to Rule 9.2, Iowa Rules of Criminal Procedure, and respectfully inform the Court of the plea agreement reached in this matter, and in support of this Memorandum respectfully state:

1. That on 15 December 2000 an Information was filed charging the Defendant with the offense of Operating While Intoxicated (1<sup>st</sup> Offense), in violation of section 321J.2, Iowa Code (1999). To this offense the Defendant has entered a plea of Not Guilty.
2. The Defendant and the State have reached the following plea agreement:

**FLORIN VASILE CITU**

1. Plead GUILTY to the charge of Operating While Intoxicated (1<sup>st</sup> Offense);
2. Concur with the State's recommendations, as outlined below.

**STATE**

1. Recommend imposition of a fine of \$1000.00, plus statutory surcharge of 30%;
  2. Recommend 48 hours incarceration, with credit for time served;
  3. Recommend imposition of \$5.00 D.A.R.E. surcharge;
  4. Recommend obtaining and complying with all terms contained in a Substance Abuse Evaluation;
  5. Recommend Defendant be required to pay all court costs.
3. Concurrence of the Court is not a condition to the acceptance of the plea.

WHEREFORE, the Defendant, Florin Vasile Citu, and the State of Iowa, respectfully request the Court consider the above Memorandum of Plea Agreement as it relates to the Information filed 15 December 2000.

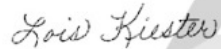


TO WHOM IT MAY CONCERN:

This letter is to verify that Florin V. Citu  
successfully completed the 12-hour Drinking Drivers Program,  
given through the Des Moines Area Community College, on  
January 18, 2001. A Course Completion Report will  
be issued to the student within the next month.

If there are any questions, please feel free to contact me.

Sincerely,



Lois Kiester, Coordinator  
Continuing Education

ALEPH NEWS

*Ankeny Campus*  
2055 S. Ankeny Boulevard  
Ankeny, Iowa 50021  
515-964-6200

*Boone Campus*  
1125 Harrock Drive  
Boone, Iowa 50036  
515-432-7203

*Carroll Campus*  
906 N. Grant Road  
Carroll, Iowa 51401  
712-792-1755

*Newton Polytechnic Campus*  
603 N. 2nd Avenue W.  
Newton, Iowa 50208  
515-791-3622

*Urban Campus*  
1100 7th Street  
Des Moines, Iowa 50314  
515-244-4226

IN THE IOWA DISTRICT COURT FOR STORY COUNTY

STATE OF IOWA,  
Plaintiff,

vs.

FLORIN VASILE CITU,  
Defendant.

CASE NO. OWCR029800

FILED  
DISTRICT COURT  
STORY CO., IOWA  
2001 JAN 24 PM 1:44  
DIANE L. TOLB, CLERK  
NEVADA, IOWA

NOTICE OF COMPLETION OF DRINKING DRIVER'S COURSE OF EDUCATION


COMES NOW the Defendant, Florin Vasile Citu, by Gerald A.L. Moothart, attorney-at-law, and respectfully informs the Court and all parties of his completion of the Drinking Driver's Course of Education and in support of this Notice respectfully states:

1. That on 15 December 2001 a Trial Information was filed charging the Defendant with the crime of Operating While Intoxicated (1<sup>st</sup> Offense), in violation of section 321J.2, Iowa Code (1999); To this charge the Defendant has plead not guilty.
2. That the Defendant has successfully completed the Drinking Driver's Course Of Education, as shown on the correspondence attached hereto and by this reference incorporated herein.

WHEREFORE, the Defendant, Florin Vasile Citu, by Gerald A.L. Moothart, attorney-at-law, respectfully informs the Court and all parties of his completion of the Drinking Driver's Course of Education.

Florin Vasile Citu, Defendant

By:

  
Gerald A.L. Moothart  
MA1011173  
Moothart & Owen Law Firm  
315 6<sup>th</sup> Street, Suite 300  
Ames, Iowa 50010  
Telephone: 515-663-9515  
Facsimile: 515-663-9517

Attorneys for Defendant