

IN THE IOWA DISTRICT COURT FOR FAYETTE COUNTY

STATE OF IOWA

Plaintiff

VS

KELLI JO MICHAEL

Defendant

Case No: 01331 FECR070084

ORDER

JUDGMENT AND SENTENCE

APPEARANCES:

Attorney Lien and Hammerhand for the State

Attorney Allison for the Defendant, and Defendant in person

On the 24th day of May 2021, the Defendant
pled guilty to Count I.

A presentence investigation report is on file and has been distributed to counsel of record.

The Defendant's guilty plea was found to be voluntarily and intelligently entered and as having a basis in fact. The Defendant was informed of the right to challenge the entry of the plea of guilty by filing a Motion in Arrest of Judgment. Such a motion must be filed within forty-five (45) days of pleading guilty and no later than five (5) days before the imposition of sentence. If these deadlines are not met, the Defendant loses the right to challenge the guilty plea on appeal.

Based on the record made, and pursuant to Iowa Code Section 901.6,

IT IS NOW ORDERED AND ADJUDGED as follows:

1. **Judgment.** Defendant is guilty and is convicted of the following crimes:
Count 1 Homicide by Vehicle, in violation of Section(s) 707.6A(2)(a). Date of offense: June 28 2018
2. **Incarceration and Fines.** Pursuant to Iowa Code Section(s) in paragraph 1 above and 902.9, the defendant is sentenced to an indeterminate term of confinement of not more than that shown below plus fine and surcharge as follows:
Count 1: 10 years, \$1,000.00 plus 15% surcharge, fine and surcharge are suspended,
3. **Sentence of Incarceration.** The above term of incarceration

Other: Sentence is not suspended. Pursuant to Iowa Code Section 901.7, the defendant is committed to the custody of the Director, Iowa Department of Corrections. The Sheriff of this county is ordered to transport the defendant to the Iowa Correctional Institution for Women in Mitchellville, Iowa.

4. Consecutive/Concurrent. Pursuant to Iowa Code Section(s) 901.5(9) (c) and 901.8, the above sentence(s) of confinement shall be served

5. Mandatory Minimum. A mandatory minimum sentence of incarceration is not applicable.

6. Credit for Time Served. Pursuant to Iowa Code Section(s) 903.A5 and 901.6, the defendant shall be given credit for all time served in connection with this case.

7. Category A Restitution: means fines, penalties, and surcharges. Judgment is imposed against the defendant for all of the above fines, penalties, and surcharges.

7(a). Victim Restitution. Pursuant to Iowa Code Section 910.2, the defendant shall pay and judgment is imposed against the defendant for pecuniary damages (determined at a later time) to the victim(s): \$150,000.00 to the Estate of Kaiden Estling..

7(b). Category B Restitution: means contribution of funds to a local anticrime organization which provided assistance to law enforcement in an offender's case, the payment of crime victim compensation program reimbursements, payment of restitution to public agencies pursuant to Section 231J.2(13)(b), court costs, court-appointed attorney fees ordered pursuant to Section 815.9, including the expense of a public defender, and payment to the medical assistance program pursuant to Chapter 294A for expenditures paid on behalf of the victim resulting from the offender's criminal activities including investigative costs incurred by Medicaid fraud control unit pursuant to Section 294A.50. Category B restitution will be ordered to the extent defendant is found to have a reasonable ability to pay.

With regard to the restitution set forth in this paragraph, the Court finds the following:

Pursuant to Iowa Code Section 910.2 and 910.2A the Defendant is presumed to have the reasonable ability to make restitution payments for the full amount of category "B" restitution and is therefore Ordered to pay those amounts pursuant to a plan of payment below.

7(c) Plan of Payment. With regard to the fines and penalties imposed in paragraph 2, any victim restitution imposed in paragraph 7 and restitution imposed in paragraph 7a, the defendant shall pay as set forth below. The judgment shall be paid at the office of any Clerk of Court, online at www.iowacourts.gov, or by phone with the Statewide Payment Center by calling (515) 348-4788.

8. Reduction of Term. Pursuant to Iowa Code Section 901.5(9)(a), (b), the court publicly announced that the defendant's term of incarceration may be reduced from the maximum sentence because of statutory earned time, work credits and program credits; and defendant may be eligible for parole before the sentence is discharged. In conformance with Section 901.9, the Court recommends that the Parole Board release defendant when satisfied that defendant can conform to lawful restrictions, be self-supporting, and be a contributing member of society.

9. Reasons for Sentence. The Court determines that the above sentence is most likely to protect society and rehabilitate the defendant based upon the nature of the offense, defendant's prior record, and the recommendation of the parties and for the reasons stated in the PSI, if any.

10. Additional Orders.

There are no additional Orders.

11. DNA Profiling. The Defendant shall submit a physical specimen for DNA profiling, pursuant to Iowa Code Section(s) 81.2 and 901.5(8A)(a).

12. Related charges. If there exist any related charges requiring disposition, the parties shall inform the Court, and the Court will address those related charges by separate order in each applicable case.

13. Appeal and Bond. The Defendant is advised of the right to appeal to the extent provided by law. Defendant may have the right to appeal the sentence and verdict to the Iowa Supreme Court. Appeal is started by filing a written Notice of Appeal with the Clerk of this District Court. Copies of the Notice must be mailed to the County Attorney and the Attorney General of the State of Iowa. The Notice of Appeal must be filed within 30 days of this date or the right of appeal is lost.

Count 1 \$10,000.00

14. Notice Re: Court-Appointed Appellate Attorney Fees. The Defendant is advised that if he/she determines to appeal this ruling, he/she may be entitled to court-appointed counsel to represent him/her on appeal. The defendant is advised that if he/she qualifies for court-appointed appellate counsel, he/she can be assessed the cost of the court-appointed appellate attorney when a claim for such fees is presented to the Clerk of Court following the appeal. A hearing will be scheduled upon

the filing of a claim and the defendant will be given the opportunity to be heard concerning his/her reasonable ability to pay court-appointed appellate attorney fees.

15. Bonds Exonerated. All outstanding bonds are exonerated.

Other.

A review hearing as to Count II is set for the 26th day of July, 2021 at 9:30 a.m.

JUDGMENT IS ENTERED ACCORDINGLY THIS 21st day of June, 2021.

Copies:
Counsel



State of Iowa Courts

Case Number

FECR070084

Type:**Case Title**STATE OF IOWA VS MICHAEL, KELLI JO
ORDER OF DISPOSITION

So Ordered

Richard D. Stochl, District Court Judge,
First Judicial District of Iowa

Electronically signed on 2021-06-21 11:31:39