

IN THE CIRCUIT COURT OF SEARCY COUNTY, ARKANSAS  
5th DIVISION



STATE OF ARKANSAS

PLAINTIFF

VS.

NO. CR- 19-165

Nathaniel Lee Rowe

DEFENDANT

GUILTY PLEA STATEMENT

PLEA AGREEMENT: X Guilty

Courts 1, 2, 6.  
Community Service; Fine \$ 500 ; Court Cost \$ 150 ; Warrant Fee \$ 50.00  
Booking Fee \$ 40 ; DNA Sample Fee \$250.00; Restitution \$ 7000  
Public Defender Fees \$ 250 ; Drug Crime Assessment Fee \$ \_\_\_\_\_ ; Other \_\_\_\_\_  
Recommended sentence = 48 mos. SSP; \$500 Fine + CC. Restitution = \$7000.  
offense # 3, 4, 5

ACKNOWLEDGEMENT OF CIRCUMSTANCES AND EFFECT OF GUILTY PLEA:

I state and acknowledge that:

- (a) I am not under the influence of drugs, alcohol or controlled substances and have never been treated for or diagnosed with any mental disease or defect which might constitute a defense hereto;
- (b) I have fully read and understand this statement and it has been explained to me by my attorney to my satisfaction;
- (c) My attorney and I have fully discussed all the facts and circumstances of my case, including the elements of each charge together with any available avoidances or defenses; and
- (d) I understand that I am charged with the following offenses and that if I am convicted, each sentence may be imposed on a concurrent or consecutive basis, in the discretion of the Court:

OFFENSE	CLASS	PUNISHMENT RANGE
<u>Theft of Property 5-36-103(b)(3)(A)</u>	<u>FD</u>	<u>Up to 6 yrs ADC; Up to \$10,000 Fine</u>
<u>Crim. Mischief 5-38-209(b)(2)</u>	<u>FD</u>	<u>" "</u>
<u>Failure to Appear</u>	<u>FC</u>	<u>3-10 years ADC for no more than \$10,000</u>



**I understand that I have the right to:**

- (a) Remain silent and make no statements;
- (b) Be represented by counsel at all stages of the proceedings;
- (c) A speedy, public trial by jury, which jury must unanimously find me guilty beyond a reasonable doubt on each element of the charge;
- (d) Be found guilty of a lesser included offense, resulting in lesser punishment than the original charge, if applicable;
- (e) Personally confront and cross-examine witnesses and call witnesses to testify on my behalf;
- (f) Question all facts, circumstance and evidence, and raise all legal issues and theories;
- (g) Appeal on the basis of judicial or other errors of law.

**I understand that if I plead guilty:**

- (a) I waive all my rights as set forth herein except the right to remain silent as to acts outside of the specific facts of the plea;
- (b) If the plea is accepted by the Court, it cannot be withdrawn, unless the Court in its discretion shall determine that in order to correct a manifest injustice it is fair and just to allow withdrawal. After entry of judgment, the plea may not be withdrawn unless the Court lacked jurisdiction, the sentence was imposed in violation of law, or it is otherwise subject to collateral attack;
- (c) The Court will not enter a judgment upon a plea of guilty without making such inquiry as will establish that the plea is voluntary, and that a factual basis for the plea exists. I will be required to testify under oath, or acknowledge acts or omissions by me or such other conduct, facts and circumstances which constitute a factual basis for the plea;
- (d) If the offense charged is one for which a different or additional punishment is authorized because I have previously been convicted of an offense or offenses one or more times, the previous conviction or convictions may be established after entry of my plea in the present action, thereby subjecting me to such different or additional punishment, unless such enhanced sentencing is waived by the Prosecuting Attorney;
- (e) The Prosecuting Attorney will make a sentence recommendation to the Court based on the plea agreement, but the plea agreement is not binding on the Court and if I plead guilty the disposition may be different from that contemplated by the agreement. Once a guilty plea is accepted by the Court, the Judge has the authority to sentence me to any sentence authorized by law.
- (f) All discussions had or information which has been furnished to me by counsel with regard to parole or release eligibility is based on estimates and assumptions only. Minimum time to serve for parole eligibility is defined by statute, but the date of parole eligibility and the date of release on parole may not correspond. The Court has no control over parole or programs such as boot camp or work release, classification of inmates, credit for meritorious good time, institutional placement, furlough, visitation or eligibility for parole or release. The incarceration, supervision, parole and release of inmates are governed by statute, rules and regulations of the Arkansas Department of Correction (the "ADC"), the Department of Community Correction, the Post Prison Transfer Board, the Board of Corrections and other factors, including, without limitation, meritorious good time, conduct while incarcerated, good discipline, good behavior, work practices, job responsibilities, involvement in rehabilitative activities and performance in institutional placement and programs. Any prior or subsequent convictions, incarcerations or disciplinary actions may increase time to be served or otherwise negatively impact the qualification of inmates for parole eligibility or grant of parole. Parole is not granted automatically and involves various factors, some of which include an acceptable parole plan, a face to face interview with the Parole Board, and a conclusion by the Board that the applicant is able and willing to fulfill the obligations of a law-abiding citizen;
- (g) When any convicted felon, while on parole, is convicted of another felony, the felon is to be committed to the Department of Correction to serve the remainder of his or her original sentence, including any portion suspended, with credit for good-time allowances. Upon conviction for the





subsequent felony, the court shall require the sentence for the subsequent felony to be served consecutively with the sentence for the previous felony.

(h) Any person found guilty of a felony and placed on probation or suspended sentence therefor who is subsequently found guilty of another felony committed while on probation or suspended sentence is to be committed to the Department of Correction to serve the remainder of his or her suspended sentence plus the sentence imposed for the subsequent felony. The sentence imposed for the subsequent felony is to be served consecutively with the remainder of the suspended sentence.

(i) For parole eligibility purposes, consecutive sentences by one (1) or more courts or for one (1) or more counts are to be considered as a single commitment reflecting the cumulative sentence to be served.

(j) Clemency, pardon and restoration of rights are separate functions of the executive branch of state government, the request for which must be made by direct application and are not a part of the correction, parole, transfer or release process;

(k) If my plea involves a probated sentence or suspended sentence and I violate the terms and conditions of probation or suspension at any time prior to completion of the period of probation or suspension, a Petition for Revocation may be filed against me and if the Court determines that I have violated the terms and conditions of probation or suspension, my probation or suspended sentence may be revoked and I may be sentenced to any punishment or disposition which could have been entered at the time I was placed on probation or suspended sentence;

(l) If my plea involves a plea of guilty to the Court without a recommended sentence by the prosecuting attorney, I understand that in imposing sentence, the Court may be guided by, but is not bound by the Sentencing Standards promulgated by the Arkansas Sentencing Commission (the "Standards"). Departures from the Standards are discretionary and lie within the judgment of the Court and the full statutory range of sentences for the offense(s) to which I am entering a plea of guilty is available to the Court. Any departure from the Standards is based on aggravating and mitigating factors which may apply and which are determined by the Court in its discretion;

(m) I understand that if I enter the guilty or nolo contendere plea contemplated hereunder, I may be subjected to certain collateral consequences as a result of the conviction which will result from my guilty plea. Examples of such collateral consequences may include, but not be limited to, registration as a sex offender, loss of certain civil rights, disqualification from voting, prohibition from running for office, exclusion from certain types of employment, including military service, ineligibility for certain licenses, permits, or jobs, temporary or permanent administrative suspension of driving privileges, loss of entitlement to federal or state benefits such as public housing or educational scholarships or aid, civil forfeiture of property, and inability to legally possess a firearm.

(n) If I am not a U.S. citizen, a conviction may also result in my deportation, removal, or exclusion from admission to the United States, denial of citizenship or a change in my immigration status. Additional information on federal benefits which may be affected or my immigration status may be obtained from <http://www.dhs.gov/index.shtm>, <http://www.abanet.org/cecs/internalexile.pdf>, and [www.ice.gov](http://www.ice.gov).

(o) I understand that a plea of guilty or nolo contendere is generally not subject to direct appeal, except when the plea is conditional under A.R.Cr.P. Rule 24.3, when evidentiary errors occurred that arose after the plea but during sentencing, or when a post judgment motion to amend an incorrect or illegal sentence is denied.

(p) Post-conviction relief is only available if a petitioner is in custody and the sentence was imposed in violation of the Constitution and laws of the United States or Arkansas, or the court imposing sentence was without jurisdiction to do so, or the sentence was in excess of the maximum authorized by law, or the sentence is otherwise subject to collateral attack, such as ineffective assistance of counsel. A petition for relief must be filed within 90 days from the date of entry of judgment, must meet certain procedural requirements, and is governed by A.R.Cr.P. Rule 37.

(q) I understand that my attorney may destroy my file after the passage of five (5) years after the conclusion of my case, unless the sentence imposed in my case was life in prison.





**SUMMARY OF POTENTIAL SENTENCES**

<u>Classification</u>	<u>Potential ADC Time</u>	<u>Potential Fine</u>	<u>Lower Habitual</u>	<u>Upper Habitual</u>
Y Felony	10-40 years or life	None	10-60 or life	10-life
A Felony	6-30 years	\$0-\$15,000	6-50 yrs	6-60 yrs
B Felony	5-20 years	\$0-\$15,000	5-30 yrs	5-40 yrs
C Felony	3-10 years	\$0-\$10,000	3-20 yrs	3-30 yrs
D Felony	0-6 years	\$0-\$10,000	0-12 yrs	0-15 yrs
U Felony	Sentence set forth in statute defining the felony			
A Misd.	0-1 year county jail	\$0-\$2,500	n/a	n/a
B Misd.	0-90 days county jail	\$0-\$1,000	n/a	n/a
C Misd.	0-30 days county jail	\$0-\$500	n/a	n/a
U Misd.	Sentence set forth in statute defining the misdemeanor			

**NOTE REGARDING ADDITIONAL SENTENCES:**

Increased penalties and sentence enhancements may apply for a variety of offenses, including, without limitation, commission of certain felonies in the presence of, or upon a minor or child, drug offenses within proximity of certain facilities, drug offenses involving minors, use of a firearm in the commission of a felony, crimes involving gang violence, possession of controlled substances in a detention facility, rape of a minor under the age of 14, terrorism with injury, theft of a generator or certain other devices during a state of emergency, felonies committed by certain public officials, and second offenses of domestic battery, certain drug offenses, crimes involving use of a firearm, and furnishing alcohol to a minor. Increased fines and prison time may apply for certain drug crimes involving large amounts of drugs, and property owned by a defendant and found to be associated with, or used for, illegal drug purposes, may be subject to civil forfeiture.

The sentences for habitual offenders may increase if crimes of violence are involved in either the prior or current felonies.



**STATEMENT OF PROSECUTING ATTORNEY:**

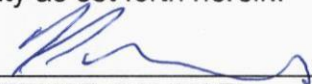
Pursuant to the laws of the State of Arkansas, and in the interest of the public in the effective administration of justice, the Prosecuting Attorney may recommend a plea agreement to the Court, the substance of which is set forth above. All plea discussions and the plea agreement have been made through defense counsel, except when the defendant has waived or refused his right to be represented by appointed or retained counsel.

  
\_\_\_\_\_  
PROSECUTING ATTORNEY

DATE 8/21/23

**ACKNOWLEDGEMENT BY COUNSEL FOR DEFENDANT:**

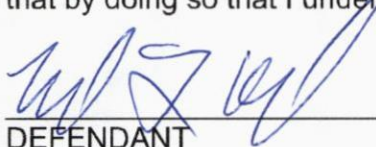
Counsel for the Defendant states that the Defendant signed where indicated. Counsel represents to the Court that the Guilty Plea Statement was explained to the defendant and any questions by the defendant in connection therewith were answered. The merits of the case and any defenses were considered, and all matters were fully discussed which might aid the defendant. The decision whether to enter a plea of guilty was ultimately made by the defendant. To the knowledge of counsel, no reason exists why it would not be in the best interest of the Defendant to enter a plea of guilty as set forth herein.

  
\_\_\_\_\_  
DEFENSE COUNSEL

DATE 8/21/23

**GUILTY PLEA BY DEFENDANT:**

The decision whether to enter a guilty plea has ultimately been made by me after adequate consultation with counsel. My actions in entering a plea of guilty are entirely voluntary and are the result of a negotiated plea agreement. No force or threats, or any promises apart from the plea agreement were practiced against me in order to induce my plea. I am entering a plea of guilty because I am guilty and I am not admitting or alleging guilt in order to protect, or in place of any other person. I hereby plead guilty to having committed the herein stated offenses and state that I understand that by doing so that I understand and waive my rights as set forth herein.

  
\_\_\_\_\_  
DEFENDANT

DATE 8/21/23



