

IN THE IOWA DISTRICT COURT FOR BUCHANAN COUNTY

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STATE OF IOWA,	*	
	*	CRIMINAL CASES: FECR082431,
Plaintiff,	*	FECR082467, NTA0058526, STA0059003,
	*	STA0058514, STA0058701, STA0058702
v.	*	
	*	MEMORANDUM OF PLEA AGREEMENT
JAMES KEELEY REUTHER,	*	
	*	
Defendant.	*	

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COMES NOW the State of Iowa, by Buchanan County Attorney Shawn M. Harden, and Defendant personally and with counsel, Laura Gavigan, and advises the Court as to the contents of the plea agreement reached between the parties with respect to the charges and/or sentencing. Defendant's admissions and pleas of guilty will be entered pursuant to Iowa Rule of Criminal Procedure 2.10 and the plea agreement will be binding upon the Court unless the Court specifically informs Defendant otherwise. The entire agreement as to the charges and/or sentencing is as follows:

1. Defendant is charged in case FECR082431 by Trial Information with:
  - a. Count I: Commission of Specified Unlawful Activity, a Class B Felony, in violation of Iowa Code Section 706A.2(4);
  - b. Count II: Burglary in the Third Degree, Enhanced as a Habitual Offender, a Class D Felony, in violation of Iowa Code Sections 713.1, 713.6A, 902.8, 902.9(1)(c);
  - c. Count III: Theft in the Second Degree, Enhanced as a Habitual Offender, a Class D Felony, in violation of Iowa Code Sections 714.1(1), 714.2(2), 902.8, 902.9(1)(c);

- d. Count IV: Burglary in the Third Degree, Enhanced as a Habitual Offender, a Class D Felony, in violation of Iowa Code Sections 713.1, 713.6A, 902.8, 902.9(1)(c);
  - e. Count V: Burglary in the Third Degree, 1st Offense, an Aggravated Misdemeanor, in violation of Iowa Code Sections 713.1, 713.6A(2);
  - f. Count VI: Theft in the Second Degree, Enhanced as a Habitual Offender, a Class D Felony, in violation of Iowa Code Sections 714.1(1), 714.2(2), 902.8, 902.9(1)(c);
  - g. Count VII: Burglary in the Third Degree, Enhanced as a Habitual Offender, a Class D Felony, in violation of Iowa Code Sections 713.1, 713.6A, 902.8, 902.9(1)(c);
  - h. Count VIII: Theft in the Third Degree, an Aggravated Misdemeanor, in violation of Iowa Code Sections 714.1(1), 714.2(3);
  - i. Count IX: Theft in the Second Degree, Enhanced as a Habitual Offender, a Class D Felony, in violation of Iowa Code Sections 714.1(4), 714.2(2), 902.8, 902.9(1)(c);
  - j. Count X: Theft in the Third Degree, an Aggravated Misdemeanor, in violation of Iowa Code Sections 714.1(4), 714.2(3)
2. Defendant is charged in case FECR082467 by Trial Information with:
- a. Count I: Theft in the Second Degree, Enhanced as a Habitual Offender, a Class D Felony in violation of Iowa Code Sections 714.1(4), 714.2(2), 902.8, 902.9(1)(c);

- b. Count II: Theft in the Second Degree, Enhanced as a Habitual Offender, a Class D Felony in violation of Iowa Code Sections 714.1(4), 714.2(2), 902.8, 902.9(1)(c);
- c. Count III: Theft in the Second Degree, Enhanced as a Habitual Offender, a Class D Felony in violation of Iowa Code Sections 714.1(4), 714.2(2), 902.8, 902.9(1)(c);
- d. Count IV: Theft in the Second Degree, Enhanced as a Habitual Offender, a Class D Felony in violation of Iowa Code Sections 714.1(4), 714.1(2), 714.2(2), 902.8, 902.9(1)(c);
- e. Count V: Theft in the Second Degree, Enhanced as a Habitual Offender, a Class D Felony in violation of Iowa Code Sections 714.1(4), 714.2(2), 902.8, 902.9(1)(c);
- f. Count VI: Possession of Burglar Tools, an Aggravated Misdemeanor in violation of Iowa Code Section 713.7;
- g. Count VII: Possession of Burglar Tools, an Aggravated Misdemeanor in violation of Iowa Code Section 713.7;
- h. Count VIII: Possession of Burglar Tools, an Aggravated Misdemeanor in violation of Iowa Code Section 713.7;
- i. Count IX: Theft in the Third Degree, an Aggravated Misdemeanor in violation of Iowa Code Sections 714.1(4), 714.2(3);
- j. Count X: Theft in the Third Degree, an Aggravated Misdemeanor in violation of Iowa Code Sections 714.1(4), 714.2(3);

- k. Count XI: Theft in the Fourth Degree, a Serious Misdemeanor in violation of Iowa Code Sections 714.1(4), 714.1(2), 714.2(4);
  - l. Count XII: Theft in the Fourth Degree, a Serious Misdemeanor in violation of Iowa Code Sections 714.1(4), 714.2(4).
3. Defendant will withdraw his previous pleas of not guilty and enter pleas of guilty to the following offenses in FECR082431:
- a. Count III: Theft in the Second Degree, Enhanced as a Habitual Offender, a Class D Felony, in violation of Iowa Code Sections 714.1(1), 714.2(2), 902.8, 902.9(1)(c).
    - i. Defendant will provide a factual basis consistent with taking possession or control of the property of Benjamin Britcher with the intent to deprive Benjamin Britcher of the same, the property having a value in excess of \$1,000 but not exceeding \$10,000.
    - ii. Defendant will provide a factual basis consistent with the Habitual Offender Enhancement that he was previously convicted of Burglary in the Third Degree, a Class D Felony, in Buchanan County Case FECR076496 on August 19, 2011; and Conspiracy to Manufacture Methamphetamine, a Class C Felony, in Black Hawk County Case FECR131307 and Burglary in the Second Degree, a Class C Felony, in Black Hawk County Case FECR128961, both on October 7, 2005.
  - b. Count VI: Theft in the Second Degree, Enhanced as a Habitual Offender, a Class D Felony, in violation of Iowa Code Sections 714.1(1), 714.2(2), 902.8, 902.9(1)(c).

- i. Defendant will provide a factual basis consistent with taking possession or control of the property of Floyd Engler with the intent to deprive Floyd Engler of the same, the property having a value in excess of \$1,000 but not exceeding \$10,000.
  - ii. Defendant will provide a factual basis consistent with the Habitual Offender Enhancement that he was previously convicted of Burglary in the Third Degree, a Class D Felony, in Buchanan County Case FECR076496 on August 19, 2011; and Conspiracy to Manufacture Methamphetamine, a Class C Felony, in Black Hawk County Case FECR131307 and Burglary in the Second Degree, a Class C Felony, in Black Hawk County Case FECR128961, both on October 7, 2005.
- c. Count VII: Burglary in the Third Degree, Enhanced as a Habitual Offender, a Class D Felony, in violation of Iowa Code Sections 713.1, 713.6A, 902.8, 902.9(1)(c).
  - i. Defendant will provide a factual basis consistent with breaking or entering an occupied structure without persons present, without a right, license or privilege to do so, while having the intent to commit a felony, assault, or theft therein upon the property of JD Wolf.
  - ii. Defendant will provide a factual basis consistent with the Habitual Offender Enhancement that he was previously convicted of Burglary in the Third Degree, a Class D Felony, in Buchanan County Case FECR076496 on August 19, 2011; and Conspiracy to Manufacture Methamphetamine, a Class C Felony, in Black Hawk County Case



FECR131307 and Burglary in the Second Degree, a Class C Felony, in Black Hawk County Case FECR128961, both on October 7, 2005.

d. Count IX: Theft in the Second Degree, Enhanced as a Habitual Offender, a Class D Felony, in violation of Iowa Code Sections 714.1(4), 714.2(2), 902.8, 902.9(1)(c);

i. Defendant will provide a factual basis consistent with exercising control over stolen property, to-wit: a 2013 Utility Trailer with VIN# 1YGUS1019DB087130 belonging to Todd Allen Clausen, having a value in excess of \$1,000 but less than \$10,000, knowing or having reasonable cause to believe that the property was stolen.

ii. Defendant will provide a factual basis consistent with the Habitual Offender Enhancement that he was previously convicted of Burglary in the Third Degree, a Class D Felony, in Buchanan County Case FECR076496 on August 19, 2011; and Conspiracy to Manufacture Methamphetamine, a Class C Felony, in Black Hawk County Case FECR131307 and Burglary in the Second Degree, a Class C Felony, in Black Hawk County Case FECR128961, both on October 7, 2005.

4. Defendant will withdraw his previous pleas of not guilty and enter pleas of guilty to the following offenses in FECR082467:

a. Count I: Theft in the Second Degree, a Class D Felony in violation of Iowa Code Sections 714.1(4), 714.2(2).

i. Defendant will provide a factual basis consistent with exercising control over stolen property, to-wit: household goods and

miscellaneous yard decorations belonging to Judy Clendenen, having a value in excess of \$1,000 but less than \$10,000, knowing or having reasonable cause to believe that the property was stolen.

- ii. State will dismiss the Habitual Offender Enhancement in violation of Iowa Code Sections 902.8, 902.9(1)(c).

- b. Count III: Theft in the Second Degree, a Class D Felony in violation of Iowa Code Sections 714.1(4), 714.2(2).

- i. Defendant will provide a factual basis consistent with exercising control over stolen property, to-wit: 11 acetylene tanks belonging to Rydell of Independence, having a value in excess of \$1,000 but less than \$10,000, knowing or having reasonable cause to believe that the property was stolen.

- ii. State will dismiss the Habitual Offender Enhancement in violation of Iowa Code Sections 902.8, 902.9(1)(c).

- c. Count V: Theft in the Second Degree, a Class D Felony in violation of Iowa Code Sections 714.1(4), 714.2(2).

- i. Defendant will provide a factual basis consistent with exercising control over stolen property, to-wit: a Stihl pole saw, a Stihl chainsaw, a John Deere Torpedo Heater, and a JumpPack Battery Charger belonging to Harry Scott, having a value in excess of \$1,000 but less than \$10,000, knowing or having reasonable cause to believe that the property was stolen

- ii. State will dismiss the Habitual Offender Enhancement in violation of Iowa Code Sections 902.8, 902.9(1)(c).

5. Defendant will be sentenced as follows:

a. In FECR082431 on Count III, Count VI, Count VII and Count IX:

- i. An indeterminate term of incarceration not to exceed 15 years with a mandatory minimum sentence of incarceration of three (3) years, which shall be imposed and not suspended.
- ii. \$125.00 Law Enforcement Initiative Surcharge, which cannot be suspended.
- iii. Submission of DNA sample.

b. In FECR082467 on Count I, Count III and Count V:

- i. An indeterminate term of incarceration not to exceed five (5) years, which shall be imposed and not suspended.
- ii. \$750.00 fine, which shall be suspended.
- iii. \$125.00 Law Enforcement Initiative Surcharge, which cannot be suspended.
- iv. Submission of DNA sample.

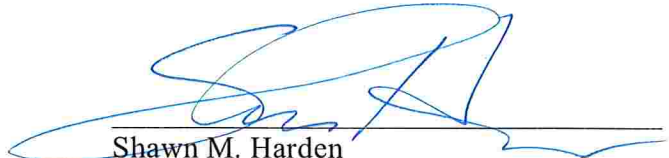
c. The sentences in FECR082431 on Count III, Count VI, Count VII and Count IX shall run concurrent with each other for a total indeterminate term of incarceration not to exceed 15 years with a mandatory minimum sentence of incarceration of three (3) years.



- d. The sentences in FECR082467 on Count I and Count V shall run consecutive to each other but concurrent with Count III for a total indeterminate term of incarceration not to exceed 10 years.
  - e. The total indeterminate term of incarceration not to exceed 15 years with a mandatory minimum sentence of incarceration of three (3) years in case FECR082431 shall run consecutive to the total indeterminate term of incarceration not to exceed 10 years in case FECR082467 for a total combined indeterminate term of incarceration not to exceed 25 years.
6. State will dismiss the following offenses:
- a. Count I, Count II, Count IV, Count V, Count VIII and Count X in case FECR082431;
  - b. Case NTA0058526;
  - c. Case STA0058514;
  - d. Case STA0059003;
  - e. Case STA0058701;
  - f. Case STA0058702;
  - g. Habitual Offender Enhancement on Count I, Count III, and Count V in case FECR082467;
  - h. Count II, Count IV, Count VI, Count VII, Count VIII, Count IX, Count X, Count XI, and Count XII in case FECR082467.
7. Defendant shall be ordered to pay court costs and victim restitution on all counts and all cases encompassed by this plea agreement regardless of whether the disposition was conviction or dismissal.
8. If Defendant enters pleas and is sentenced pursuant to the plea agreement set forth herein and later files a motion for reconsideration, a motion in arrest of judgment, a

direct appeal, or a post-conviction relief action in any state or federal court regarding any of the charges or enhancements to charges disposed of in this plea agreement, such action will be deemed a breach of the plea agreement and the State will be free to file and pursue any of the charges and/or enhancements it could have pursued prior to the entry of any guilty plea made pursuant to the agreement.

Dated: 5/23/18

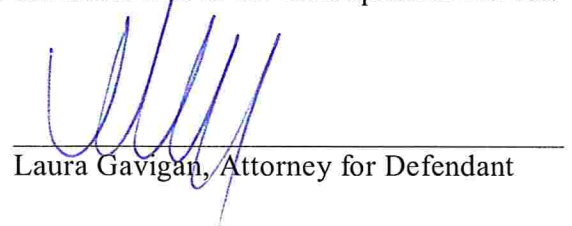
  
Shawn M. Harden  
Buchanan County Attorney

Dated: 05/23/18

  
James Keeley Reuther, Defendant

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

Dated: 5-23-18

  
Laura Gavigan, Attorney for Defendant