

IN THE COURT OF APPEALS OF IOWA

No. 8-024 / 07-0844
Filed January 30, 2008

STATE OF IOWA,
Plaintiff-Appellee,

vs.

BRADFORD JOHN GOOD,
Defendant-Appellant.

Appeal from the Iowa District Court for Black Hawk County, James D. Coil (plea and motion in arrest of judgment) and Joseph Moothart (sentencing), District Associate Judges.

A defendant appeals the district court's order denying his motion in arrest of judgment. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Robert P. Ranschau, Assistant Appellate Defender, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Darrel Mullins, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Brett Schilling, Assistant County Attorney, for appellee.

Considered by Mahan, P.J., and Eisenhauer and Baker, JJ.

MAHAN, P.J.

Bradford Good appeals the district court's order that denied his motion in arrest of judgment. We conclude the district court did not abuse its discretion in denying the motion in arrest of judgment and affirm.

I. Background Facts and Proceedings.

Following a traffic accident in July 2006, Good was charged by trial information with Operating While Intoxicated (first offense) in violation of Iowa Code section 321J.2 (2005), when THC was detected in a blood sample obtained shortly after the accident. On September 25, 2006, Good entered a written guilty plea to the offense pursuant to a plea agreement. Good then filed a motion to withdraw his guilty plea and a motion to suppress on November 30, 2006, arguing that he is dyslexic, could not read the written plea although he signed it, and was not read the plea by his attorney at the time. He later amended the motion to a motion in arrest of judgment, which was denied by the district court following hearing on February 20, 2007. Judgment was entered and Good was sentenced in April 2007, and he now appeals the denial of his motion to arrest judgment.

II. Scope and Standard of Review.

We review the district court's denial of Good's motion in arrest of judgment for an abuse of discretion, *State v. Myers*, 653 N.W.2d 574, 581 (Iowa 2002), and will reverse only if the ruling was based on reasons that are clearly unreasonable or untenable. *State v. Speed*, 573 N.W.2d 594, 598 (Iowa 1998).

III. Issue on Appeal.

Good argues that he entered into his written guilty plea without full knowledge and understanding of its consequences. This occurred, Good contends, because he is dyslexic and his attorney during the plea process failed to read the written plea to Good or explain its consequences. As the State indicates in its brief, the record contradicts Good's assertions concerning his knowledge and assent to the written plea. Good signed the three-page plea, initialing each paragraph as indication of his understanding of its terms, which included a colloquy on constitutional and statutory rights, the range of possible punishments, and possible legal defenses. The written plea even contained the following statement, initialed by Good, "I cannot read and write. However, I do understand the English language and have had this Plea of Guilty read to me." The plea also contained a verified statement by Good's counsel at the time that he had explained Good's constitutional rights, reviewed the trial information, elements of the crime and any possible defenses. The only evidence proffered by Good to support his claim was his testimony at the motion in arrest of judgment hearing. In light of this record before us, we conclude the district court did not abuse its discretion in denying Good's motion in arrest of judgment and affirm.

AFFIRMED.