

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>STATE OF IOWA</p> <p>Plaintiff,</p> <p>Vs.</p> <p>EDIN NAPRELJAC,</p> <p>Defendant.</p>	<p>CASE NO. FECR 206215</p> <p>PROBATION SENTENCING ORDER (SEXUALLY PREDATORY OFFENSE)</p>
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Now on this 1st day of August, 2007, the defendant appears in open Court in person and with his/her attorney, James Piazza, Sr.. The State is present and represented by Assistant Polk County Attorney, Nan Horvat. This is the time and date for sentencing.

The record shows the defendant pled guilty on the 13th day of June, 2007 to the charge(s) of Assault With Intent to Commit Sexual Abuse in violation of Iowa Code section(s) 709.11.

The Court has received and studied the pre-sentence report and afforded counsel an opportunity to examine the report.

On inquiry made, no legal cause has been shown why sentence should not be pronounced.

**IT IS THE JUDGMENT OF THE COURT** that Defendant is adjudged guilty of the crime(s) of Assault With Intent to Commit Sexual Abuse in violation of Iowa Code section(s) 709.11. Defendant shall be imprisoned for a period not to exceed two (2) years as provided in Iowa code Section(s) 902.9 and 902.3. 903B.2

**IT IS FURTHER ORDERED** that such sentence is suspended and defendant is placed on probation for a period of two (2) years to be supervised by the Fifth Judicial District Department of Correctional Services on terms and conditions of probation as required by the Department under the Intermediate Criminal Sanctions Program.

In determining that defendant's sentence should be suspended and probation granted, the Court has determined that probation will provide reasonable protection of the public and maximum opportunity for rehabilitation of the defendant.

As a condition of this probation, if defendant is not in custody, defendant is ordered to report to the Fifth Judicial District Department of Correctional Services, Room B-40 of the Polk County Courthouse to sign a probation agreement and to otherwise submit to the supervision of the Department. A violation of this paragraph is a violation of probation.

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Defendant is ordered to make restitution. The amounts of restitution are not available at this time. At such time as the amounts are available, a supplemental order will follow.

If defendant was represented by court-appointed counsel, the defendant must pay restitution for attorney fees, to the extent defendant is reasonably able to do so, pursuant to section 815.9, and judgment is entered for the same.

Defendant is also assessed minimum fines, and 32% surcharge. ~~Said fines are suspended and defendant shall complete \_\_\_\_\_ hours of community service within the period of probation.~~ ~~\$1625.00~~

**Further as added conditions of probation, Defendant shall comply with and complete any and all drug/alcohol evaluations and treatment requirements. Additionally, the defendant must comply with and complete any sex offender treatment recommendations.**

This probation is subject to revocation by the Court under Chapter 908 of the Code of Iowa, on notice and an opportunity for hearing and a finding that the Defendant has fairly failed to live within the terms of this probation and the law.

Upon revocation, defendant's term of incarceration may be reduced from the maximum sentence because of statutory earned time, work credits and program credits. The defendant may be eligible for parole before the sentence is discharged, subject to statutory restrictions or sentence reductions.

**IT IS FURTHER ORDERED** that defendant shall register as a sex offender within five days of this order and keep his registration current and correct as provided in Iowa Code Chapter 692A. Defendant shall pay the \$200.00 civil penalty for sex offender registration under Iowa Code Section 692A.6(2). Further, defendant is advised that the offense of conviction is a sexually predatory offense within the meaning of Chapter 901A of the Iowa Code. This conviction will be used to enhance any future convictions for any sexually predatory offense as described in Iowa Code section 901A.2. The Defendant must at a minimum, annually submit to being photographed by the Sheriff of the county of the Defendant's residence, pursuant to Iowa Code section 692A.4(3).

The Defendant is convicted of a felony. Pursuant to Iowa Code section 81.2, the Defendant shall submit a DNA sample to the supervising agency, pursuant to Iowa Code section 81.4 (2). Failure to comply with this order may constitute contempt, pursuant to Iowa Code section 81.4(3).

**IT IS FURTHER ORDERED** that upon release, the Defendant shall be supervised by an electronic tracking and monitoring system because the Defendant committed a  Criminal offense against a minor  An "aggravated offense" as defined in Iowa Code section 692A.1(1) involving a minor  A "sexually violent" offense as

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defined in Iowa Code section 692A.1(9) involving a minor  Other "relevant offense" as defined in Iowa Code section 692A.1(7), that involved a minor.

**IT IS FURTHER ORDERED** pursuant to Iowa Code Section 903B.1 or 903B.2,  Defendant has been convicted of a Class "C" felony or greater under Chapter 709 or Section 728.12, and is sentenced to an additional period of supervision by the Department of Corrections for the rest of his/her life, to commence upon completion of the sentence imposed in this order.  Defendant has been convicted of a misdemeanor or Class "D" felony under Chapter 709, Section 726.2, or Section 728.12, and is sentenced to an additional period of supervision by the Department of Corrections for a period of ten years, to commence upon completion of the sentence imposed in this order.

Bond on appeal is set at \$6500 ds -

The Court has no objection to probation being transferred to the State of Hawaii provided that they have similar programs and protections in place for sex offenders on probation as set out by this order. Costs are taxed to the defendant.

**SO ORDERED** this 1st day of August, 2007.

*Eliza Ovrom*

Eliza Ovrom, JUDGE  
Fifth Judicial District of Iowa

Copies to: *glt KB*

- County Attorney - Horvat
- Defense Attorney - Piazza
- Defendant
- Department of Correctional Services - PSI
- ~~Polk County Jail~~
- Polk County Sheriff
- Criminal Case Coordinator
- B40/Probation

*OS*

CERTIFICATE  
I, Randy Osborn, Clerk of the District Court of the State of Iowa, in and for Polk County, do hereby certify that this is a true and complete copy of the Original Instrument filed in this office.  
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office in Des Moines, Iowa this *20th* day of *October* 2007.  
RANDY OSBORN  
District Court  
*BRDA* County

Clerk	J	C	<input checked="" type="checkbox"/>	X
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