

THE IOWA DISTRICT COURT FOR CARROLL COUNTY

STATE OF IOWA,
Plaintiff,

NO. FECR013636

v.

CASSIDY SUE KRAUS,
Defendant.

PLEA AGREEMENT

The parties set forth for the Court the terms of their plea agreement:

1. The Defendant shall enter a plea of guilty to the offense COUNT 1, **Sexual Abuse in the Third Degree** in violation of Iowa Code §709.4, a Class C Felony, with a person, Victim 1, fourteen or fifteen years of age and the Defendant is four or more years older than the other person in January 2023 in Carroll, County, Iowa:
 - a. by committing a sex act with a 15-year-old
 - b. Defendant is a mandatory reporter of child abuse

While Defendant was a mandatory reporter under Iowa Code §232.69 and a Deferred judgment, deferred sentence, or suspended sentence is not a sentencing option under Iowa Code §907.3 Deferred judgment, deferred sentence, or suspended sentence. Pursuant to section 901.5, the trial court may, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction may be rendered, exercise any of the options contained in this section. However, **this section does not apply to a forcible felony or to a violation of chapter 709 committed by a person who is a mandatory reporter of child abuse** under section 232.69 in which the victim is a person who is under the age of eighteen.

2. The Defendant shall enter a plea of guilty to the offense COUNT 2, **Lascivious Acts with a Child** in violation of Iowa Code §709.8, a Class C Felony, with a person, Victim 1, under the age of fourteen in May 2023 in Carroll, County, Iowa.
 - a. It is unlawful for any person sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:
 1. Fondle or touch the pubes or genitals of a child.

2. Permit or cause a child to fondle or touch the person's genitals or pubes.
3. Cause the touching of the person's genitals to any part of the body of a child.
4. Defendant is a mandatory reporter of child abuse

While Defendant was a mandatory reporter under Iowa Code §232.69 and a Deferred judgment, deferred sentence, or suspended sentence is not a sentencing option under Iowa Code §907.3 Deferred judgment, deferred sentence, or suspended sentence. Pursuant to section 901.5, the trial court may, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction may be rendered, exercise any of the options contained in this section. However, **this section does not apply to a forcible felony or to a violation of chapter 709 committed by a person who is a mandatory reporter of child abuse** under section 232.69 in which the victim is a person who is under the age of eighteen.

3. The Defendant shall enter a plea of guilty to the offense COUNT 3, **Lascivious Acts with a Child** in violation of Iowa Code §709.8, a Class C Felony, with a person, Victim 1, under the age of fourteen in May 2022 in Carroll, County, Iowa.
 - a. It is unlawful for any person sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them:
 1. Fondle or touch the pubes or genitals of a child.
 2. Permit or cause a child to fondle or touch the person's genitals or pubes.
 3. Cause the touching of the person's genitals to any part of the body of a child.
 4. Defendant is a mandatory reporter of child abuse

While Defendant was a mandatory reporter under Iowa Code §232.69 and a Deferred judgment, deferred sentence, or suspended sentence is not a sentencing option under Iowa Code §907.3 Deferred judgment, deferred sentence, or suspended sentence. Pursuant to section 901.5, the trial court may, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction may be rendered, exercise any of the options contained in this section. However, **this section does not apply to a forcible felony or to a violation of chapter 709 committed by a person who is a mandatory reporter of child abuse** under section 232.69 in which the victim is a person who is under the age of eighteen.

4. The Defendant shall enter a plea of guilty to the offense COUNT 4, **Disseminate Obscene Material to Minors** in violation of Iowa Code §728.2, a Serious Misdemeanor, by knowingly disseminating obscene material to a minor by Snap Chat during 2022 in Carroll County, Iowa to Victim 1.
5. The Defendant shall enter a plea of guilty to the offense COUNT 5, **Disseminate Obscene Material to Minors** in violation of Iowa Code §728.2, a Serious Misdemeanor, by knowingly disseminating obscene material to a minor by Snap Chat during 2023 in Carroll County, Iowa to Victim 2.
6. The Defendant shall enter a plea of guilty to the offense COUNT 6, **Disseminate Obscene Material to Minors** in violation of Iowa Code §728.2, a Serious Misdemeanor, by knowingly disseminating obscene material to a minor by Snap Chat during 2023 in Carroll County, Iowa to Victim 3.
7. Defendant will fully and truthfully allocute to the charges and provide a complete factual basis during the guilty plea. This agreement does not contemplate an *Alford* type plea. The Court, in determining whether there is a factual basis for this plea of guilty may make such a determination by examining the Minutes of Testimony, and by asking me or counsel to recite and summarize the material facts that would be offered at trial.
8. A Pre-Sentence Investigation will be ordered. The Defendant and State of Iowa may offer evidence and argument in support of the imposition of any lawful sentence.
9. Defendant agrees to not appeal.

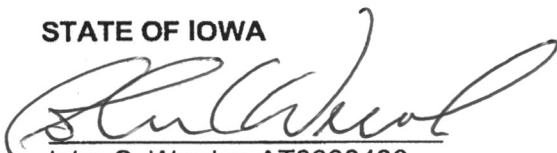
Signed on the 18th day of October 2023.



Kevin Hobbs, Attorney for Defendant



Cassidy Kraus, Defendant

STATE OF IOWA


John C. Werden AT0008430
1-11-24

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