

STATE OF MINNESOTA  
COUNTY OF DOUGLAS

Filed in District Court  
State of Minnesota  
DEC 17 2021

DISTRICT COURT  
SEVENTH JUDICIAL DISTRICT

State of Minnesota,

Plaintiff,

v.

**PETITION TO ENTER  
PLEA OF GUILTY IN A  
MISDEMEANOR CASE  
PURSUANT TO RULE 15**

Court File No.: 21-CR-21-2097

David Paul Hutchinson,

Defendant.

TO THE ABOVE NAMED COURT:

**David Paul Hutchinson**, the Defendant in the above-entitled action respectfully represents and states as follows:

1. I am the Defendant in this case, my full name is **David Paul Hutchinson**, and my date of birth is May 30, 1980.

2. I am charged with:

Count One: 4<sup>th</sup> Degree Driving While Impaired, in violation of Minn. Stat. § 169A.27.1;

Count Two: 4<sup>th</sup> Degree Operating with a BAC of .08% within 2 hours, in violation of Minn. Stat. § 169A.20.1(5);

Count Three: 4<sup>th</sup> Degree Operating with a BAC of .08% or higher, in violation of Minn. Stat. § 169A.20.1(1); and

Count Four: Carrying a pistol while under the influence of alcohol, in violation of Minn. Stat. § 624.7142.1(4)

3. I hereby plead guilty to an Count Two, : 4<sup>th</sup> Degree Operating with a BAC of .08% within 2 hours, in violation of Minn. Stat. § 169A.20.1(5)

4. I am pleading guilty because on or about December 8, 2021, on I-94 EB in Hudson Township, Douglas County, Minnesota, I did the following: I operated a motor vehicle in a when my alcohol measured .13% within 2 hours following an accident I was involved in.

5. I understand that the maximum possible sentence for any misdemeanor offense to which I am pleading guilty is 90 days jail and/or a fine of \$1,000.

6. RIGHT TO AN ATTORNEY. I understand that I have the right to be represented by an attorney and that an attorney will be appointed to represent me without cost to me if I cannot afford to pay for an attorney.

7. I have fully discussed the above charge(s), my constitutional rights, and this petition with my attorney, who is Frederic Bruno, Bruno Law, PLLC.

8. I understand that I also have the following constitutional rights which I knowingly and voluntarily give up:

- a. The right to a trial to the court or to a jury in which I am presumed innocent until proven guilty beyond a reasonable doubt and in which all jurors in a jury trial must agree I am guilty before the jury could find me guilty.
- b. The right to confront and cross-examine all witnesses against me.
- c. The right to remain silent or to testify for myself.
- d. The right to subpoena and present witnesses to testify for me in my defense.
- e. The right to a pretrial hearing to contest the admissibility at trial of any confessions or admissions or of any evidence obtained from a search and seizure.

9. I am entering my plea of guilty freely and voluntarily and without any promises except as indicated in number 10 below.

10. I am entering my plea of guilty based on the following plea agreement with the prosecutor:

**PG Ct. 2**

- **90 days stayed**
- **Up to 2 years probation to the court**
- **Fine\$ 500, plus applicable surcharges**
- **CUA, follow recs, VIP- proof of completion to be provided to prosecution**
- **No alcohol, dl or ins violations**
- **No IC petition to be filed**
- **abstain from alcohol and non-prescribed controlled substances; subject to random testing**

**Continuance for dismissal on Ct 4, on same conditions as Ct 2 probation**

**Dismiss Cts. 1 & 3**

11. I understand that if the court does not approve this agreement, I have the right to withdraw my plea of guilty and have a trial.

12. I understand that if this plea of guilty is accepted, I have the right to be present at the time of sentencing and to speak and to present evidence on my behalf.

13. I hereby knowingly and voluntarily give up my right to be present when my plea is entered; I further agree that this petition may be submitted by mail or ECF filing and I waive my presence at all appearances, including sentencing. In the alternative, I agree that any and all appearances required by the Court, if any, may be held via Zoom.

14. I hereby knowingly and voluntarily give up my right to be present at the time of sentencing and request that the court sentence me in my absence, but according to any plea agreement that might be contained in this petition.

15. I understand that if I am not a citizen of the United States, my plea of guilty may result in deportation, exclusion from admission to the United States, or denial of naturalization as a United States citizen.

12/15/21

Date

David Hutchinson  
David Richard Hutchinson, Defendant

I, Frederic Bruno, state that I am the attorney for the defendant in the above-entitled criminal action and that I personally explained the contents of the petition to the defendant.

Dated:

**APPROVED**

By Fred Bruno at 12:46 pm, Dec 15, 2021

Frederic Bruno

Frederic Bruno, Attorney for Defendant  
bruno@brunolaw.com

I, Chad Larson, Attorney Douglas County, Minnesota, approve of this Petition in form and content, and I hereby request the Court apply the agreement of the Parties as outlined herein.

12/16/2021  
Date

Chad Larson  
Douglas County Attorney

## PETITION AND PLEA OF GUILTY ACCEPTED BY

12/17/21

Date

Judge of District Court

ADDENDUM TO PETITION - FOR GUILTY PLEAS TO DWI OR  
QUALIFIED DOMESTIC VIOLENCE-RELATED OFFENSES**A. DWI- DRIVING WHILE IMPAIRED OFFENSES. (169A.20)**

If I am pleading guilty to a DWI, I understand that this conviction may be used to increase the penalty if I am convicted of another DWI in the future, as follows:

- a. **Gross Misdemeanor Driving While Impaired conviction**, subject to a maximum fine of \$3000 and jail for up to one year, including mandatory jail under Minn. Statute 169A.275, drivers license revocation, long term electronic alcohol monitoring, and intensive supervision or probation, and I have one or more "aggravating factors" present at the time of the future offense. This conviction constitutes an "aggravating factor" if I commit another offense within ten years.
- b. **Felony Driving While Impaired conviction**, subject to a maximum fine of \$14,000 and 7 years in prison, and minimum imprisonment of three years, if:
  1. I commit a new violation within ten years of the first of three or more qualified prior impaired driving incidents, including this offense; or
  2. This offense is a First degree (felony) Driving While Impaired conviction.
- c. This conviction may also affect the future cancellation of, or restrictions upon, my driver's license, forfeiture of my motor vehicle, and impoundment of my vehicle license plates.

**B. QUALIFIED DOMESTIC VIOLENCE-RELATED OFFENSES. (609.02 Subd.16)**

Qualified Domestic violence related offenses include:

1. Violation of Domestic Abuse Orders for Protection – 518B.01, Subd.14;
2. Violation of Domestic Abuse No Contact Orders – 629.75;
3. Assault (1<sup>st</sup> thru 5<sup>th</sup> degree) – 609.221; 609.222; 609.223; 609.2231; 609.224
4. Domestic Assault (Domestic Assault by Strangulation or Female Genital Mutilation) – 609.2242; 609.2247; 609.2245
5. Criminal Sexual Conduct (1<sup>st</sup> thru 4<sup>th</sup> degree) - 609.342; 609.343; 609.344; 609.345
6. Malicious Punishment of a child - 609.377;
7. Terroristic Threats – 609.713;
8. Violation of Harassment Restraining Order - 609.748 subd. 6;
9. Harassment/Stalking – 609.749;
10. Interference with an Emergency Call – 609.78, Subd. 2;

If I am pleading guilty to one of the above Qualified Domestic Violence-Related crimes, I understand that this conviction may be used in the future to make any of the following offenses more serious: Violation of an order for Protection; Violation of Domestic Abuse no Contract Orders; Fifth Degree Assault; Domestic Assault; Malicious Punishment of a child; and Violation of Harassment Restraining Order (see citations above).

For example, a conviction for 5<sup>th</sup> degree assault may make a later conviction for domestic assault more serious. It is not necessary that the violation involve the same victim. Generally, a second violation will be a Gross Misdemeanor, carrying a maximum penalty of one year in jail and a \$3000 fine; a third offense will be a felony with a potential penalty of up to 5 years in prison and a fine of \$10,000.

Date: 12/15/21

David Hutchinson

Defendant Signature