

REPUBLIC OF KENYA
IN THE _____ COURT AT _____

CRIMINAL CASE NO. _____ OF 20 _____

REPUBLIC
-VERSUS-

THE SUBJECT
PLEA AGREEMENT

Pursuant to Section 137A-O of the Criminal Procedure Code, Cap 75 Laws of Kenya, the Subject, _____ agrees as follows:

1. The Subject enters into this Plea Agreement and pleads guilty freely, voluntarily, without threat, force, intimidation, or coercion of any kind and without promise or benefit of any kind, other than as contained herein. Court : _____ Subject: _____ Interpreter: _____
2. The Subject knowingly, voluntarily and truthfully admits the facts contained herein. Court : _____ Subject: _____ Interpreter: _____
3. The Subject pleads guilty to the offence of _____ contrary to SECTION _____ of the PENAL CODE CAP _____ OF THE LAWS OF KENYA. Court : _____ Subject: _____ Interpreter: _____
4. The Subject understands every element of the offense to which the Subject is pleading guilty, and that the maximum potential penalty for that offense is _____. Court : _____ Subject: _____ Interpreter: _____
5. Upon acceptance by the Court, and fulfillment by the Subject of all terms and conditions of the Plea Agreement, the Republic agrees the Subject will face no other charges known to the Republic as a result of the instant investigation. Court : _____ Subject: _____ Interpreter: _____
6. The Subject understands and agrees this Plea Agreement is limited to the criminal charges listed herein and is not a waiver, settlement or compromise of any civil or administrative remedies that may be available to the victim, the government, or any other agency or authority and that if the Court rejects the plea of guilty, this Plea Agreement shall be rendered null and void and no party shall be bound by it. Court : _____ Subject: _____ Interpreter: _____
7. The Subject has been advised by his/her legal representative [initial here if applicable _____] and the Court, of his/her Constitutional rights, including the right to trial, the right to examine and cross-examine witnesses, and the Subject being well informed, has knowingly and voluntarily waived these rights, including the right to appeal, and agreed to enter a plea of guilty as set forth in this Plea Agreement. Court : _____ Subject: _____ Interpreter: _____
8. Had the case gone to trial, the Prosecution would have presented evidence sufficient to prove the following facts beyond a reasonable doubt:

_____ [Continued on Form 2
9. The Subject shall at all times give complete, truthful, and accurate information and testimony, and agrees not to undertake any act in furtherance of the instant offense, and understands this Plea Agreement does not protect him/her from prosecution related to any new offense. Failure by the Subject to comply with the terms and conditions of this Plea Agreement will permit the Republic to fully prosecute the Subject on all criminal charges that may be brought against him/her. Court : _____ Subject: _____ Interpreter: _____
10. The Prosecution may, before sentence is passed, submit a Victim Impact Statement or any such evidence pursuant to Section 329 of the Criminal Procedure Code as it deems fit in order to inform the Court as to the proper sentence to be passed, and the Prosecution shall also present to the Court any circumstances of the case including mitigating circumstances in favor of the Subject before sentence is passed. Court : _____ Subject: _____ Interpreter: _____
11. The Subject understands that the sentence to be imposed upon conviction on his/her plea of guilty is within the sole discretion of the Court. Court : _____ Subject: _____ Interpreter: _____
12. The Subject understands and agrees no promises, agreements and/or conditions have been entered into regarding the charges herein other than those expressly set out in this Plea Agreement and none shall be entered into, or shall be binding upon the Subject and/or the Prosecution, unless expressly set forth herein, in writing, and signed by the Subject (in the presence of his/her legal representative [initial here if applicable _____]) and the Prosecution. Court : _____ Subject: _____ Interpreter: _____

I admit the facts contained in the Plea Agreement, which has been explained to me in a language I understand, and fully understand the contents of the Plea Agreement. I plead guilty to the charge, and every element set out in the Plea Agreement, because I am guilty. I do this knowingly, freely and voluntarily, and without any threat, force, intimidation, or coercion of any kind.

Subject: _____ Representative: _____
Interpreter: _____ Date: _____

This Plea Agreement has been approved by the Office of the Director of Public Prosecutions after consultation with the investigating officer(s), any Victim(s), and is being done in the interests of justice after considering all the relevant facts and circumstances.

Prosecution Counsel: _____
Date: _____

CRIMINAL CASE NO. _____ OF 20 _____

REPUBLIC
-VERSUS-

THE SUBJECT
PLEA AGREEMENT

Pursuant to Section 137A-O of the Criminal Procedure Code, Cap 75 Laws of Kenya, the Subject, _____ agrees the following additional provisions are fully incorporated into the Plea Agreement entered into by the Subject in the above numbered case, on this date, _____ on the attached Form 1, as follows:

Continuation from Form 1: [Check if applicable:]

8. Had the case gone to trial, the Prosecution would have presented evidence sufficient to prove the following facts beyond a reasonable doubt:

Agreement to Cooperate: [Check if applicable:]

The Subject agrees to provide entirely truthful, complete and accurate information and agrees to fully cooperate with the Court. The cooperation required shall include:

- 1. The Subject submitting to an interview by a Children's Officer, Probation Officer, or any other officer as may be ordered by the Court pursuant to this agreement.
- 2. The Subject shall disclose any information and materials that may be in his possession that may lead to the fair determination of the matter herein.
- 3. The Subject shall demonstrate good behavior and shall remain arrest free at all times.
- 4. The Subject shall not possess or consume any alcoholic beverages or any substance or thing determined to be illegal under the law.
- 5. The Subject shall attend and meaningfully participate in any treatment and/or counseling as may be ordered by the Court.
- 6. The Subject shall not possess, transport and/or control any weapon, explosive device or firearm.
- 7. The Subject shall immediately inform his/her legal counsel or Probation Officer, of any subsequent arrest, summons and/or questioning by any law enforcement agency.
- 8. The Subject shall inform his/her legal counsel or Probation Officer of any change of address or telephone number within 24 hours of said change.
- 9. The Subject shall not associate himself/herself with any person or be in any place in violation of this Plea Agreement or in violation of the orders of the Court.
- 10. The Subject shall maintain good behavior at all times.
- 11. The Subject shall comply with all court orders.
- 12. The court may impose part or all of the conditions herein as well as other terms and conditions as the Court may deem appropriate.
- 13. Additional conditions: _____

I, _____, the Subject, understand the above noted conditions and freely and voluntarily agree to abide by the same.

Subject: _____ Interpreter: _____ Date: _____

Compensation/Restitution: [Check if applicable:]

The parties, both the Prosecution and the Subject, agree:

- 1. The victim of this offense is _____ who is the complainant herein.
- 2. The loss suffered by the victim as a result of the offense complained of amounts to _____ Kenya shillings (Ksh).
- 3. The Subject has agreed to compensate the victim \$ _____ Ksh being the financial loss sustained by the complainant.
- 4. Payment of the _____ Ksh shall be made in _____ (weekly/monthly/quarterly) installments until paid in full.

I, _____, the Subject, understand the above noted compensation/restitution agreement and freely and voluntarily agree to abide by the same.

Subject: _____ Interpreter: _____ Prosecution Counsel: _____

Complainant: _____ Date: _____