


AOC-495 Doc Code: GPF Rev. 4-22 Urupapuro rwa 1 muri 2 Commonwealth of Kentucky Urukiko rw'ubutabera www.kycourts.gov RCr 8.08, 8.10 KRS 189A.010, .070, .085	 <b>DUI (Guilty Plea)</b> <b>Gutwara imodoka wasinze (Kwemera icyaha)</b>	Dosiye Nomero. _____ Urukiko _____ Intara _____ Ihamagara# _____ Itariki icyaha cyakoreweho _____
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COMMONWEALTH OF KENTUCKY  
HAMWE

UREGA

UREGWA

Aderesi: \_\_\_\_\_

Uregwa yariyiziye ubwe  afite umwunganizi CYANGWA  nta mwunganizi afite, maze asaba urukiko kumwemerera kwemera "ICYAHA" nk'uko bisobanuye ahakurikira. Mu gushyigikira iki gitekerezo, Uregwa yavuze ibikurikira:

- Ni nje muntu uvugwa haruguru mu ihamagara rinshinje Gutwara nasinze  inshuro ya mbere  iya kabiri  n'ya gatatu  icyaha cya kane gikurikirana. Nemeze icyaha cyo \_\_\_\_\_.
- Icyemezo cyanjye kuri ubu ntabwo kibangamiwe n'ibiyobyabwenge, inzoga cyangwa imiti.
- Nasuzumye kopi y'ihamagazwa.
- Nabwiye umwunganizi wanjye mu by'amategeko ibimenyetso byose nzi birebana n'ibyo nshinjwa. Nizera ko afite amakuru yuzuye kuri dosiye yanjye. Twaganiriyeho bihagije kandi nsobanukiwe ibyo nshinjwa ndetse n'uburyo bushoboka bwo kubyireguraho. Nyuzwe n'inama umwunganizi mu by'amategeko yampaye.
- Nsobanukiwe kandi nshobora "KUTEMERA ICYAHA" cyangwa "KWEMERA ICYAHA" ku byo nshinjwa byose. Nsobanukiwe ko itegeko nshinga rimpa ubu burenganzira: (a) uburenganzira bwo kutishinje; (b) uburenganzira bwo kuburanishwa byihuse kandi mu ruhamwe n'inteko y'abacamanza, mfite umpagararira mu mategeko, aho Commonwealth igomba kwemeza ko mpamwa n'icyaha ku buryo budashidikanywaho; (c) uburenganzira bwo guhabwa umwunganizi mu by'amategeko iyo ntashobora kumwiyishyurira; (d) uburenganzira bwo kutemera no gusuzuma abatangabuhama bose bahamagajwe ngo baze kunshinje; (e) uburenganzira bwo gutanga ibimenyetso byose, harimo abatangabuhama, banshinjura; (f) uburenganzira bwo kujuririra urubanza rwanjye mu rukiko rwisumbuye; n' (g) uburenganzira bwo gutanga ingwatiramubiri. Nsobanukiwe ko iyo nemeze "ICYAHA," ba nkuyeho ubu burenganzira kandi ntakaza uburenganzira bwo gutwara imodoka muri Commonwealth ya Kentucky. Nsobanukiwe kandi ko nimpamwa n'ibyaha byo gutwara nasinze cyangwa ibyaha byo gukoresha uruhushya rwo gutwara rwahagaritswe, ibihano bizongerwa kuri buri cyaha kimpamye.**
- Nsobanukiwe ko ninemera "ICYAHA," Urukiko rushobora kumpa igihano cyose kiri mu biteganywa n'amategeko kandi ko nubwo rushobora guha agaciro inama za Commonwealth, Urukiko rushobora kutazigenderaho. Ibihano bigenerwa uwatwaye imodoka yasinze birimo:

(a) **Icyaha cya mbere mu myaka 10:**

- Ibihano** - Amande kuva \$200 kugeza kuri \$500 na/cyangwa amasaha 48 kugeza ku minsi 30 y'igifungo. Gukora imirimo ifitiye igihugu akamaro mu gihe cy'amasaha 48 kugeza ku minsi 30 gishobora gusimbura amande cyangwa gufungwa. Iyo hagaragajwe impamvu nkomezacyaha mu gihe cyakorwaga, hari itegeko ryo gufungwa iminsi (4).
- Ikiguzi n'amafaranga** - Amagarama y'urukiko, Amafaranga ahabwa serivisi ipima abatwaye imodoka basinze, Amafaranga ya gahunda yo kugorora abanyamakosa, Amafaranga y'intara, Amafaranga ya Leta.
- Gahunda yo kugorora ababaswe n'ibiyobyabwenge cyangwa inzoga** - Iminsi 90.
- Guhagarikwa kw' uruhushya rwo gutwara** - Mu gihe kitarenga amezi 6 (cyangwa iyo Uregwa atagejeje ku imyaka 18, kugeza Uregwa yujuje imyaka 18, cyangwa ayirengeje) -yo Azemererwa gusaba guhabwa agakoresho gashyirwa kuruhushya rwe rwahagaritswe kandi ashobora kwemererwa gusaba uburenganzira bwo gutwara buhabwa uwahagarikiwe uruhushya mu gihe hari imbogamizi afite iyo icyaha cyakozwe kiboneka mu Mategeko (KRS 189A.010(1)(c) cyangwa (d). Purake ishobora gufatarwa igihe uruhushya rwo gutwara ibinyabiziga rusimbura urwahagaritswe cyangwa uruhushya rwo gutwara ibinyabiziga ruhabwa abafite ibibazo rudatanzwe.

(b) **Icyaha cya kabiri mu myaka 10:**

- Ibihano** - Amande kuva \$350 kugeza kuri \$500 n'iminsi 7 kugeza ku mezi 6 by'igifungo. Urukiko rushobora gutegeka iminsi 10 kugeza ku mezi 6 y'imirimo nsimburagifungo. Agomba gufungwa mu gihe runaka kandi/cyangwa agakora imirimo nsimburagifungo. Iyo hari impamvu nkomezacyaha, igihano gitegetswe cyo gufungwa kiba iminsi 14.
- Ikiguzi n'amafaranga** - Amagarama y'urukiko, Amafaranga ahabwa serivisi ikurikirana abatwara imodoka basinze, Amafaranga ya gahunda yo kugorora abanyamakosa, Amafaranga y'intara, Amafaranga ya Leta.
- Gahunda yo kugorora ababaswe n'ibiyobyabwenge n'inzoga** - Umwaka 1.
- Guhagarikwa kw' uruhushya rwo gutwara** - Mu gihe kitarenga amezi 18 (cyangwa iyo Uregwa atagejeje ku myaka 18, kugeza Uregwa yujuje imyaka 18, cyangwa ayirengeje). Azemererwa gusaba guhabwa agakoresho gahabwa umuntu kagashyirwa ku ruhushya rwe rwahagaritswe kandi ashobora kwemererwa gusaba uburenganzira bwo gutwara buhabwa uwahagarikiwe uruhushya mu gihe hari imbogamizi afite iyo icyaha cyakozwe kiboneka mu Mategeko (KRS 189A.010(1)(c) cyangwa (d). Purake ishobora gufatarwa igihe uruhushya rwo gutwara ibinyabiziga rusimbura urwahagaritswe cyangwa uruhushya rwo gutwara ibinyabiziga ruhabwa abafite ibibazo rudatanzwe.

(c) **Icyaha cya gatatu mu myaka 10:**

(1) **Ibihano** - Amande kuva \$500 kugeza ku \$1000 n'iminsi 30 kugeza ku mezi 12 y'igifungo, kandi urukiko rushobora gutegeka iminsi 10 kugeza ku mezi 12 by'imirimo nsimburagifungo. Agomba gufungwa mu gihe runaka kandi/cyanga agakora imirimo nsimburagifungo. Iyo hari impamvu nkomezagihano, igihano ntarengwa cy'igifungo kikaba iminsi 60.

(2) **Ikiguzi n'amafaranga** - Amagarama y'urukiko, Amafaranga ahabwa serivisi ipima abatwaye imodoka basinze, Amafaranga ya gahunda yo kugorora abanyamakosa, Amafaranga y'intara, Amafaranga ya Leta.

(3) **Gahunda yo kugorora ababaswe n'ibiyobyabwenge n'inzoga** - Umwaka 1.

(4) **Guhagarikwa kw'uruhushya rwo gutwara** - Mu gihe kitarenga amezi 36 (cyangwa iyo Uregwa atagejeje ku myaka 18, kugeza Uregwa yujuje imyaka 18, cyangwa ayirengeje). Azemererwa gusaba guhabwa agakoresho gahabwa umuntu kagashyirwa ku ruhushya rwe rwahagaritswe kandi ashobora kwemererwa gusaba uburenganzira bwo gutwara buhabwa uwahagarikiwe uruhushya mu gihe hari imbogamizi afite iyo icyaha cyakozwe kiboneka mu Mategeko (KRS 189A.010(1)(c) cyangwa (d). Purake ishobora gufatirwa igihe uruhushya rwo gutwara ibinyabiziga rusimbura urwahagaritswe cyangwa uruhushya rwo gutwara ibinyabizigaruhabwa abafite ibibazo rudatanzwe.

(d) **Icyaha cya kane cyangwa gikurikirana mu myaka 10:**

(1) **Ibihano** kuva ku mwaka 1 kugeza kuri 5 (Icyiciro cya D cy'icyaha cy'ubugome). Agomba gukora igihano mu minsi 120. Iyo hari impamvu nkomezacyaha, igihano gitegetswe cyo gufungwa kiba iminsi 240.

(2) **Ikiguzi n'amafaranga** - Amagarama y'urukiko, Amafaranga ahabwa serivisi ipima abatwaye imodoka basinze, Amafaranga ya gahunda yo kugorora abanyamakosa, Amafaranga y'intara, Amafaranga ya Leta.

(3) **Gahunda yo kugorora ababaswe n'ibiyobyabwenge cyangwa inzoga** - Umwaka 1.

(4) **Guhagarikwa kw'uruhushya rwo gutwara** - Mu gihe kitarenga amezi 60 (cyangwa iyo Uregwa atagejeje ku myaka 18, kugeza Uregwa yujuje imyaka 18, cyangwa ayirengeje). Zemererwa gusaba guhabwa agakoresho gahabwa umuntu kagashyirwa kuruhushya rwe rwahagaritswe kandi ashobora kwemererwa gusaba uburenganzira bwo gutwara buhabwa uwahagarikiwe uruhushya mu gihe hari imbogamizi afite iyo icyaha cyakozwe kiboneka mu Mategeko KRS 189A.010(1)(c) cyangwa (d). Purake ishobora gufatirwa igihe uruhushya rwo gutwara ibinyabiziga rusimbura urwahagaritswe cyangwa uruhushya rwo gutwara ibinyabizigaruhabwa abafite ibibazo rudatanzwe.

(e) **Impamvu nkomezagihano zavuzweho haruguru ni:** (1) Gutwara imodoka (**MV**) mayiro 30 ku isaha hejuru y'umuvuduko ntarengwa; (2) Gutwara imodoka mu cyerekezo kitari cyo mu muhanda mugari werekeza uruhande rumwe; (3) Gutwara imodoka yateza impanuka y'urupfu cyangwa gukomeraka bikomeye; (4) Gutwara imodoka wanyoye bigaragarira mu maraso cyangwa mu mwuka uhumeke ku gipimo cya 0,15 cyangwa birenze hakurikijwe ikindi gipimo cy'amaraso n'umwuka gikorwa amasaha abiri nyuma yuko uwanyoye ahagaritse gutwara. (5) Kwanga gukorerwa ikizami cyose cy' [amaraso, umwuka, cyangwa inkari] kiba cyasabwe n'umupolisi ufite impamvu zifatika zimwemeza ko uwo muntu yatwaraga imodoka arenga ku Mategeko Avuguruye ya Kentucky 189A.010(1), uretse icyaha gikozwe ku nshuro ya mbere nk'uko biteganywa n'Amategeko Avuguruye ya Kentucky 189A.010(5)(a); na (6) Gutwara imodoka itwaye umugenzi ufite muni y'imyaka 12.

7. Nsobanukiwe ko **iyu urukiko rwanze ubwumvikane bwo kwemera icyaha**, rugomba kubimenyeshya no kundeka nkaba nakomeza kwemera icyaha, aho nshobora guhabwa igihano cyoroheje ugereranyije n'icyo nasabye mu bwumvikane bwo kwemera icyaha, cyangwa se nkaba nahagarika ibyo kwemera icyaha bityo urubanza rugakomeza.

8. Kubera ko nemeye icyaha, **Commonwealth yemeye kugira inama** Urukiko ku bihano bikurikira by'umwimerere/bivuguruye: \_\_\_\_\_

Uretse iyo nama, nta muntu n'umwe, harimo n'umwunganizi wanjye mu by'amategeko wansezeranyije izindi nyungu ziturutse ku kwemera icyaha kwanjye, ndetse nta n'umuntu wigeze ampata cyangwa ngo ankange kugira ngo nemere **"ICYAHA."**

9.  Kubera ko **mpamwa n'icyaha kandi nkaba ntavuga ko ndi umwere**, Ndifuzza kwemera **"ICYAHA"** nshingiye ku nama iri haruguru. Ibi bimenyetso byemeza ko mpamwa n'icyaha: ku ya \_\_\_\_\_, 2\_\_\_\_\_, \_\_\_\_\_

**CYANGWA**

Hashingiwe ku rubanza rwa **North Carolina v. Alford, 400 U.S. 25 (1970)**, Ndifuzza kwemera **"ICYAHA"** nshingiye ku nama iri haruguru. Mu kubyemera ntyo, Simba nemeye icyaha ariko mba nizeye ko ibimenyetso binshinja bigaragaza ko mpamwa na cyo kandi inyungu zanjye zirengerwa neza no kwemera icyaha.

10. Nsobanukiwe ko kubera gukatirwa uyu muni, **Nshobora guhanishwa ibihano bikomeye basanze mpamwa n'icyaha kandi/cyangwa nkaba nahamwa ibyaha by'ubugome naramuka nkoze mu bihe biri imbere**. Nsobanukiwe ko niba ntari umuturage wa Leta Zunze Ubumwe z'Amerika, nshobora gusubizwa iwacu hashingiwe ku mategeko n'amabwiriza agenga Serivisi za Leta Zunze Ubumwe z'Amerika zishinzwe Abimukira no Gutanga ubwenegihungu.

11. Ntangaje ko kwemera **"ICYAHA"** kwanjye bikozwe mu bwisanzure, mbizi, nkoreshye ubwenge kandi ku bushake. Nsobanukiwe imiterere y'uru rubanza, amabwiriza yuzuye agenga uku kwemera icyaha, ndetse n'inshingano zose ntegekwa kubahiriza n'aya mabwiriza mabwiriza.

Yashyizweho umukono \_\_\_\_\_ kuri uyu muni wa \_\_\_\_\_, 2\_\_\_\_\_.

Umukono w'Uregwa

Umukono w'avoka w'Uregwa (niba ahari)

Izina ry'avoka mu nyuguti nkuru