



Based upon the foregoing facts, the State of North Carolina hereby agrees on this Friday, October 31, 1997, that in the event that the defendant, Patrick Roy Pardee, agrees to continue to cooperate with officers of the Guilford County Sheriff's Department, the State Bureau of Investigation and the Greensboro Police Department, and testifies if called upon, in a truthful manner, consistent with his previous statements to the Guilford County Sheriff's Department and Greensboro Police Department, the State of North Carolina will recommend that he receive a probationary sentence. It is the understanding of the parties that the defendant, through counsel, will at the appropriate time, request the sentencing court to consider the first offender program for the defendant, if he is otherwise eligible.

In return, the defendant, Patrick Roy Pardee, agrees:

1. That he will voluntarily appear and testify in any trial related to the death of Patricia Kimble.
2. That he will voluntarily appear and testify in any trial related to breaking and entry or larceny crimes involving Theodore Kimble or Robert H. Nicholes.
3. That he will continue to assist law enforcement officers in identifying, recovering and returning property stolen by Theodore Mead Kimble to the rightful owners of said property.
4. That said testimony shall be truthful, complete and not inconsistent with the prior statements of the defendant to the Greensboro Police Department, the Guilford County Sheriff's Department and the State Bureau of Investigation.

The defendant, Patrick Roy Pardee, understands that if he fails to cooperate as set forth in this agreement the State of North Carolina shall have the option of moving to set aside this plea agreement, and prosecute the defendant to the fullest extent allowed by the law. That the defendant consents and agrees that the State of North Carolina shall have the right to move to set aside his plea agreement and sentence in the event that the defendant willfully fails to comply with this agreement.

Further the Defendant, Patrick Roy Pardee, agrees to take a polygraph or participate in other law enforcement activities designed to corroborate his testimony. A

The defendant, Patrick Roy Pardee, understands that he must be totally truthful in his cooperation with the State of North Carolina, and that if the defendant, Patrick Roy Pardee lies or intentionally omits or misstates the facts of the death of Patricia Kimble, or his knowledge of the facts leading up to the death of Patricia Kimble, or if he refuses to testify or intentionally submits false testimony, the State of North Carolina will not be bound by this agreement and that the State of North Carolina will use his statements to prosecute him to the fullest extent of the law.

B The Defendant understands that this agreement is limited to property crimes, and that if in the course of the investigation it is determined that he has participated as a principle or an accessory in any crime against a person, this agreement does not protect the defendant from prosecution for that crime against a person. Further, if in the course of the investigation it is determined that he has participated as a principle or an accessory in any crime against a person, his statements and any information gained or uncovered as a result of his statement is can be used to prosecute him to the fullest extent of the law.

Further, this agreement only binds the District Attorney's Office of Guilford County and is not intended to bind or affect or hinder the decision of any other prosecutorial agency, state or federal to indict and prosecute the Defendant, Patrick Roy Pardee and that this agreement does not prohibit said prosecution.

A - Are we entitled to the results?

How about our own test?

B - Note how the threat of prosecution is involved

Patrick feared they would charge him for the crime.

He told me so.