

Orientation for Contract Court Interpreters SENTENCING

A sentence is a judgment of the court imposing a punishment upon a defendant found guilty of a crime. The defendant may have been found guilty by a jury after a jury trial, may have been convicted by the judge after a bench trial, or may have pled guilty instead of going to trial.

At the sentencing hearing, the defendant, defense counsel, and the prosecutor appear before the court. The probation officer may also be present. Before the case is called, the interpreter should ask defense counsel for the position paper regarding sentencing, and, if available, a copy of the letter addressed to the judge with the sentence recommended by the probation officer. A quick review of the position paper and/or recommendation letter will be helpful to the interpreter.

On occasion, the probation report has not been sight-translated to the defendant prior to the sentencing hearing. If asked to translate the report in the courtroom, the interpreter should inform defense counsel that it will take approximately 3 minutes to sight-translate one page of the report, and depending on the number of pages, sufficient time has to be allowed for the interpreter to complete the translation.

When the case is called, the interpreter should accompany the defendant to the lectern and remain standing next to him or her. Everything that is said in the courtroom from that point on must be interpreted simultaneously to the defendant. Any statements made by the defendant should be interpreted consecutively.

The court will make reference to the probation report, the position papers submitted by the parties, and any letters submitted on behalf of the defendant. The defendant will be asked whether the probation report has been translated to him or her, and whether the report contains any factual errors. There may be lengthy discussions between court and counsel having to do with the advisory nature of the sentencing guidelines, the probation officer's calculations of the guideline range, and whether there is any reason for either an upward or a downward departure or variance from the sentencing guideline range. Both defense counsel and counsel for the government will address the court with their views as to an appropriate sentence. The court will address the defendant personally to ascertain whether the defendant wishes to make a statement on the defendant's own behalf and to present any information in mitigation of punishment. Some defendants pass on this opportunity to be heard, and instead rely on what their attorney has argued on their behalf. Others



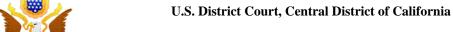
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may avail themselves of their right to allocution and make lengthy statements, quote from religious texts, or pull out a letter handwritten in their native language. If asked to sight-translate such a letter, the interpreter should request that the court allow the interpreter to first review the text to determine whether it is legible. Once sight-translation is attempted, the interpreter should be able to complete the translation without lengthy pauses. It may be preferable to ask the court to allow the defendant to read the letter out loud, one sentence at a time, with the interpreter rendering consecutive interpretation.

The imposition of the sentence will begin with wording similar to the following: "Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the court that the defendant (name) is hereby committed on counts (numbers) of the indictment to the custody of the Bureau of Prisons to be imprisoned for a term of (months). Upon release from imprisonment, the defendant shall be placed on supervised release for a term of (years)......the defendant shall comply with the rules and regulations of the U.S. Probation Office and General Order 318....." Reference will be made to restitution payments, special assessments, and fines. If the defendant is illegally in the country and subject to deportation, the court may inform the defendant of the consequences should the defendant re-enter the country illegally.

After imposing sentence, the court will advise the defendant of his or her appellate rights, including the right to appeal the sentence, within ten days. A defendant who has pled guilty to the charges does not have the right to file an appeal from the conviction, but may appeal the sentence, unless the defendant entered into a plea agreement which precludes any appeals. If the defendant so requests, the courtroom deputy clerk may prepare and file forthwith a notice of appeal on behalf of the defendant.

Once the sentencing hearing has concluded, the interpreter should check with defense counsel and/or the courtroom deputy clerk as to whether the interpreter may be excused. Be sure the clerk has signed the back of your claim form before leaving the courtroom. Please call interpreter services (213 894-4370) prior to leaving the courthouse.





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GLOSSARY

General sentencing terminology used in district courts

Acceptance of responsibility
Addendum to the report
Adjudication of sentence
Advisory guideline range of 77 to 96 months
Adversarial testing
Afford adequate deterrence to criminal conduct
Allocution, right to
Appeal in forma pauperis
Attorney General of the United States
Base offense level
Bench trial
Binding plea agreement
Bond is exonerated
Bureau of Immigration and Customs enforcement (ICE)
Bureau of Prisons inmate financial responsibility program
Career criminal
Co-defendants
Combined adjusted offense level
Committed to the custody of the Bureau of Prisons for a term of
Community supervision
Comply with the rules and regulations of the U.S. Probation Office and General Order 318
Confined in a jail-type institution
Consecutive/concurrent sentence
Continuing criminal enterprise
Costs of imprisonment & supervision
Counts of the indictment



Criminal forfeiture
Criminal history category
Criminal history computation
Criminal history is a factor in aggravation
Defense attorney
Discharged, entitled to be
Disclosure of the pre-sentence report
Disclosure of relevant sentencing facts
DNA samples, collection of
Educational or vocational training
Electronic monitoring
Enhancements
Execution of sentence is stayed
Explicit retroactive change
Factual errors
Failure to appear
Family and community ties are a factor in mitigation
Federal public defender
Forthwith release/remand/appeal
General Order No. 05-02
Guideline table
Guideline provisions
Guideline sentencing range
Guidelines are advisory
History and characteristics of the defendant
Home detention
Illegal reentry of a deported alien
Is your mind clear



Jointly and severally liable with co-participant
Judgement of conviction
Juvenile adjudications
Lectern
Minimal/minor role in the offense
Mitigation of punishment
Modified pre-sentence report
Narcotics conspiracy
Nature and circumstances of the offense
Nominal monthly restitution payments
Notice of appeal
Obstruction of justice
Offender characteristics
Penalties for default and delinquency
Perfect an appeal from the sentence
Plea agreement
Plead guilty
Pre-sentence/probation report
Precluded from argument
Present bond to continue as bond on appeal
Prior criminal record
Probation officer
Promote respect for the law
Pronouncement of judgement and imposition of sentence
Provide just punishment
Pursuant to 18 U.S.C. § 3553(a)
Racketeering enterprise
Release status



Release from custody/imprisonment
Remaining counts
Restitution payment
RICO statute
Right to appeal
Risk of recidivism
Role in the offense
Safety valve
Sentencing Commission
Sentencing guideline range
Sentencing guidelines are advisory
Sentencing memorandum
Sentencing Reform Act of 1984
Sentencing hearing
Sex offender registration requirements
Special assessment of \$100, due immediately
Specific offense characteristics
Statutory maximum/minimum
Subject to deportation
Term of incarceration
Three-level increase
Termination of supervision
Total offense level
Underlying indictment/information
United States attorney
United States v. Booker, 543 U.S. 220, 125 S. Ct. 738 (2005)
United States v. Evans-Martinez, No. 05-10280 (2008)
Unlawful use of a controlled substance



Unwarranted sentencing disparities
Upward/downward departure
Variance based on various 3553 characteristics
Verdict or findings
Victim-related adjustments