



**Court Interpreter Services
U.S. District Court, Central District of California**

**Orientation for Contract Court Interpreters
THE TRIAL**

The sixth amendment to the U.S. Constitution guarantees the right to a jury trial to all defendants in a criminal case, with the exception of petty offenses. The defendant may waive the jury and ask to be tried by the judge sitting without a jury. Both the prosecution and the defense have to consent to the waiver, and it has to be approved by the judge.

A trial is a relatively rare occurrence in the district court, as the majority of criminal matters are disposed of by the defendant's change of plea (guilty plea). In many instances the change of plea is entered the day before, or even during the morning of the first day of trial.

In those instances where the case does proceed to jury trial, a panel of prospective jurors is called to the courtroom for the jury selection process. The judge conducts the *voir dire* ("to speak the truth"), a preliminary examination to determine the suitability of the prospective juror to sit on the jury in a particular case. It is typical in the federal court for the judge to conduct the *voir dire*, with each side having a certain number of peremptory challenges that they may exercise to excuse any of the prospective jurors without having to give the reason for the request. The attorneys may also challenge for cause, meaning that they have to give a reason for their request to have a juror excused from the jury. The trial jury will consist of twelve panel members who are not excused from the case by the exercise of challenges. Two alternate jurors will also be seated.

The trial will normally begin with the opening statements of the attorneys. The opening statement is a general description of the evidence to be presented in the case. The defense will frequently reserve its opening statement until after the government has rested.

The law presumes that a defendant is innocent until proven guilty beyond a reasonable doubt. The government has the burden of proof, meaning that the prosecutor must try to overcome the presumption of innocence by convincing the jury that the defendant is guilty as charged. This has to be done by the presentation of legally obtained evidence through the testimony of witnesses and the introduction of physical evidence that point to the defendant's guilt.

The defense does not have to put on any witnesses, including the defendant, who may avail himself of his fifth amendment right against self-incrimination by not testifying during trial. The questioning of a witness by an attorney who calls the witness is referred to as direct examination. According to the sixth amendment, the defendant has the right to confront and cross-examine a



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prosecution witness. Questions posed to the adverse witness usually serve to highlight evidence favorable to the cross-examining party, or may be an attempt to show that the testimony of the witness on direct examination was not true.

Once the government rests, the defense may choose to give an opening statement and put on witnesses, if any. Upon the conclusion of the defense case, the government may present rebuttal witnesses to refute part or all of the defendant's evidence. Closing arguments follow the evidence phase of the trial, and since the government has the burden of proof, it gets to present two closing arguments, one before and one after the defense argument. In the closing argument, each side summarizes the evidence and tries to persuade the jury to return the verdict it wants. The jury begins its deliberations after it is instructed by the court on the applicable principles of law.

Given the high likelihood of a change of plea, only one interpreter is assigned at the beginning of a trial. If the trial proceeds as scheduled, a second interpreter will be assigned for the afternoon session, unless the interpreter is on stand-by, in which case just one interpreter will be present throughout the trial. When two interpreters are assigned to a trial, both must remain in the courtroom while the court is in session. Interpreting equipment should be used, with the interpreters taking 30-minute turns at the microphone. The interpreter who is not on the microphone must remain in the courtroom to be available to defense counsel should they wish to speak privately with their clients while court is in session. Do not interrupt the proceedings by walking out of the courtroom while the judge is on the bench.

There is an expectation that interpreters who are contracted for a trial stay with the trial throughout, unless arrangements have been made ahead of time with the manager of the department. During deliberations, it is customary to rotate the trial interpreters, unless otherwise agreed upon.

The trial interpreters should make every effort to maintain a professional distance from any witnesses, family members, counsel, etc. Do not engage in conversation with the defendant outside the presence of the attorney. Do not express any opinions regarding the case to anyone. If defense counsel needs to speak at length with the client after proceedings are adjourned, ask counsel to contact interpreter services regarding after-hours interviews.



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At trial, interpreters may come across the transcribed translations of tape/CD recordings or other translated documents. Do not allow yourself to be turned into an instant witness by volunteering your opinion of a translation's accuracy during a trial. If asked by any party, state that you will give an opinion ***only if directed to do so by the court***. It is up to the attorneys, whether prosecution or defense, to establish the reliability of translated materials prior to the start of a trial. Please remember that the interpreter is never a party to the case. Your role in the courtroom is to ***interpret***. If in doubt, please contact the manager of the interpreter services department.

It is up to government counsel to contract a separate interpreter for prosecution witnesses. Please refer the AUSA (assistant United States attorney) to interpreter services, 213 894-4370 to make arrangements as needed. Defense witnesses who require the same language as the defendant are serviced by the proceedings interpreters. If a defense witness needs an interpreter in a different language, defense counsel or the courtroom deputy clerk should call interpreter services as soon as possible to make their needs known.

Request copies of evidentiary material such as transcripts from the prosecutor if there are going to be lengthy read-backs during the trial. Ask the CRD for a copy of the jury instructions so that you can follow along while the judge reads the instructions to the jury. Unless you have been placed on stand-by, ***everything*** that is said in the courtroom during the proceedings has to be interpreted to the defendant. If you cannot hear the speakers or if they are speaking too fast for you to be able to interpret, ask the judge to tell the speaker to speak in a louder voice or slow down so that you can interpret what is being said. Always address the judge as "Your Honor." The interpreter should refer to him/herself as "the interpreter," never in the first person, i.e., "Your Honor, *the interpreter* is not able to hear the witness," or, "Your Honor, counsel is speaking too fast for *the interpreter*."

Keep interpreter services informed of the progress of the trial. If the office is closed when you call, please leave voice-mail on 213 894-4370. If you need help with any aspect of your assignment, ask. Interpreter services personnel is always happy to assist you.



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GLOSSARY

General trial terminology, U.S. District Court

Accomplices to the crimes charged
Acquittal
Adverse witness
Aid and abet
Amendment to the U.S. Constitution
Applicable principles of law
Approach the bench
Avail himself of his fifth amendment right
Bias or prejudice
Burden of proof
Central District of California
Chain of custody
Chain of facts
Challenge for cause
Change of plea
Charges in the Indictment
Closing arguments
Confidential informant
Confront and cross-examine a witness
Consent to the waiver
Conspiracy
Contrary to law
Court is in session
Court is adjourned
Credibility/believability of witness
Criminal organization



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Cross-examination

Defendant’s character for honesty

Direct and circumstantial evidence

Direct examination

Disobey or disregard the law

Do you solemnly swear

Doubt based upon reason and common sense

Duress or coercion

Elements of the offense

Entrapment

Evidence presented in a case

Excluded or stricken testimony

Excuse a juror

Exercise a challenge

Exhibits received into evidence

Ferret out criminal activity

First superseding indictment

Forthwith release

Found guilty/not guilty

Fraudulent entry documents

Guilt beyond a reasonable doubt

Guilty as charged

Guilty plea

Hung jury

Immunity in exchange for testimony

Imposition of sentence

In furtherance of a conspiracy

Incorporated by reference



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Instruct the jury

Intent and motive are different concepts

Introduction of evidence

Introductory allegations

Jury deliberations

Jury selection process

Jury panel

Jury foreperson

Knowingly commit an illegal act

Knowingly and willfully with intent to defraud

Ladies and gentlemen of the jury

Law enforcement officials

Limiting instruction

Motion to continue the trial

Objection, your Honor

Objection granted/overruled

Objects of the conspiracy

On or about a certain date

Opening statements

Others known and unknown to the grand jury

Overcome the presumption

Overt acts

Pass for cause

Peremptory challenge

Plaintiff

Poll the jury

Predisposed to commit a crime

Presumption of innocence



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Prosecution witness
Prospective juror
Punishment provided by law
Raise your right hand to be sworn
Re-cross examination
Re-direct examination
Remanded to the custody of the Attorney General
Return a verdict
Right against self-incrimination
Rules of evidence
Sidebar conference
Specific intent
Stealth and deception
Strike from the record
Testimony of an eyewitness
The government rests
Trial testimony of witness
Unanimous verdict
Under oath
Undercover agents
Voir dire
Waive the right
Witness stand