



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

***ORIENTATION FOR CONTRACT COURT INTERPRETERS***

**CHANGE OF PLEA**  
***Before a United States District Judge***

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A change of plea is a guilty plea in a criminal case. It is referred to as a “change” because the defendant had pled “not guilty” to the charges during a previous proceeding, usually during the post indictment arraignment, and now has decided to plead guilty to the charges instead of going to trial.

In many instances, the defendant has accepted and signed a plea agreement prior to his appearance in court for the change of plea. The plea agreement is a multi-page document, frequently containing complex legal language. It should already have been sight-translated to the defendant prior to the change-of-plea hearing; if not, you may be asked by defense counsel to sight-translate the document to the defendant before the proceedings begin. Once you start to sight-translate, you should be able to continue without lengthy pauses. For purposes of an estimate, it should take approximately 3 minutes to sight-translate one double-spaced page of text. The judge will make reference to the plea agreement during the change-of-plea hearing; so unless you’re asked to sight-translate the document, or have seen it beforehand, ask defense counsel to show it to you to familiarize yourself with the contents.

You should also review the indictment prior to the hearing. Indictments and plea agreements can be obtained from PACER (Public Access to Court Electronic Records.) Upon request, a staff member can e-mail them to you ahead of time, or ask defense counsel to show you the documents prior to the change-of-plea proceeding.

The judge will ask the defendant a series of questions to determine whether there is a factual basis for the defendant’s guilty plea, whether the defendant is pleading voluntarily and with full knowledge of the consequences of his guilty plea, etc. The judge’s questions should be interpreted simultaneously; the defendant’s answers should be interpreted consecutively.

The assistant United States attorney (AUSA) will be asked to recite the evidence that would be introduced if the case were to proceed to trial, and the defendant will be told to listen carefully.



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This needs to be interpreted simultaneously. The defendant will then be asked whether he agrees with the statement of facts as presented by the prosecutor. He will again be asked how he pleads to the charges in the indictment. If the judge accepts his guilty plea, a date for the sentencing hearing is set, and the preparation of a pre-sentence report is ordered.

The change of plea can be a lengthy proceeding. The simultaneous mode of interpreting should be used while the judge recites the defendant's constitutional rights and during all colloquy between court and counsel. The statements made by the AUSA and the defense attorney should also be interpreted simultaneously. All answers by the defendant should be interpreted consecutively. *Everything* that is said during the change-of-plea hearing has to be interpreted to the defendant. He has to be placed in the same situation as though he were English-speaking. 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. A judge should always be addressed 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 U.S. attorney," or, "Your Honor, defense counsel is speaking too fast for *the interpreter*."

On occasion, a defendant speaks and understands enough English to get by, but an interpreter has been requested by the court. If the defendant or his attorney asks you not to interpret, tell defense counsel to inform the court, on the record, that the interpreter is on "stand-by." Only the judge can place the interpreter on stand-by. Once it has been stated on the record that you are on stand-by, you are relieved of your obligation to interpret everything that is said during the proceedings. You should remain in close proximity to the defendant so that you can start interpreting if the defendant indicates that he does not understand a word or an expression in English.



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***FAST TRACK:*** in some illegal re-entry cases [i.e., 8 U.S.C. § 1325 (a): Improper Entry by Alien], a fast-track plea agreement may be offered to the defendant under certain circumstances. Under such an agreement, the defendant agrees to waive indictment, plead guilty to an information, and waive appellate rights. The fast-track agreement is a multi-page document setting forth the nature of the offense, penalties, factual basis, waiver of constitutional rights, sentencing factors, obligations of the defendant and the United States attorney's office under the agreement, waiver of appeal and collateral attack on the convictions or sentence, results of any reversals, etc. This written agreement should already have been sight-translated to the defendant during an out-of-court meeting between the attorney and the defendant. If an interpreter has not signed the plea agreement, it is likely that you may be asked to sight-translate the document prior to the hearing. Please inform defense counsel or the court, if addressed directly by the court, that it will take approximately 3 minutes per page to sight-translate the document. As with a regular change of plea, a sentencing date is set, and the preparation of a modified pre-sentence report is ordered, except where the district judge will not agree to this approach.

Once the hearing has concluded, the interpreter should check with defense counsel and/or the courtroom deputy clerk as to whether the interpreter may be excused. If you haven't already done so, ask the clerk to sign the back of your claim form before leaving the courtroom. Please call interpreter services (213 894-4370) to report your ending time prior to leaving the courthouse.

The attached glossary contains selected terms often used during change-of-plea hearings in federal court. Researching these terms ahead of time will be helpful to you and may improve your performance in the courtroom.



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*Glossary*

Abide by all sentencing stipulations . . . . .

Accept the plea . . . . .

Acceptance of responsibility . . . . .

Adjustments and departures . . . . .

Advisory nature of the sentencing guidelines . . . . .

Agreed-upon sentence . . . . .

Adversely affect any request to re-enter the country . . . . .

Advise you of your constitutional rights . . . . .

Affirmative defense . . . . .

Allege a violation . . . . .

Appeal a sentence . . . . .

Applicable sentencing guideline offense level/factors . . . . .

Assault with a deadly weapon . . . . .

Breach the agreement . . . . .

Burden of proof . . . . .

Calculations relevant to sentencing . . . . .

Case-in-chief . . . . .

Claim of pre-indictment delay . . . . .

Collateral attack . . . . .

Compelled to testify . . . . .

Competent to stand trial . . . . .

Confront and cross-examine witnesses . . . . .



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Court is not party to the agreement .....	
Criminal felony conviction .....	
Criminal history category .....	
Depart upward/downward .....	
Deportation, subject to .....	
Determine an appropriate sentence .....	
Dismiss the other counts .....	
Double jeopardy .....	
Due process .....	
Enter the plea freely and voluntarily .....	
Excludable time .....	
Factual basis for the plea .....	
Federal Rules of Criminal Procedure .....	
File new charges .....	
Freely and voluntarily .....	
Guilty as charged .....	
Immigration and Nationality Act .....	
Impose a custody sentence .....	
Indictment, a copy of the .....	
Inducements .....	
Ineffective assistance of counsel .....	
Join in the waivers and concur in the plea .....	
Knowing and willful breach of the agreement .....	



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Knowingly and voluntarily . . . . .

Mandatory minimum sentence . . . . .

Mandatory special assessment . . . . .

Maximum statutory sentence . . . . .

Motion to dismiss . . . . .

Natural-born or naturalized citizen or national of the U.S. . . . .

Nature of the offense . . . . .

Null and void . . . . .

Offense level . . . . .

On or about February 22<sup>nd</sup> . . . . .

Ongoing court order . . . . .

Parties to the case . . . . .

Persist in a plea of not guilty . . . . .

Place under oath . . . . .

Plea agreement, binding . . . . .

Port of entry . . . . .

Post-sentence report . . . . .

Post-conviction collateral attack . . . . .

Pre-sentence investigation and report . . . . .

Presumption of innocence . . . . .

Pre-indictment delay . . . . .

Pretrial motions filed in this case . . . . .

Proceed by information . . . . .



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Proof beyond a reasonable doubt . . . . .

Restitution . . . . .

Retroactive change in the Sentencing Guidelines . . . . .

Return a verdict . . . . .

Revoke probation . . . . .

Right of cross-examination . . . . .

Right of confrontation . . . . .

Right to be represented by counsel . . . . .

Right to a speedy and public trial . . . . .

Right to remain silent . . . . .

Right against self-incrimination . . . . .

Rule on the motions . . . . .

Safety valve provisions . . . . .

Sentencing guideline range . . . . .

Sentencing stipulations . . . . .

Specific offense characteristics . . . . .

Speedy Trial Act . . . . .

Speedy trial claim . . . . .

Split sentence . . . . .

Standard of proof . . . . .

Statute of limitations is tolled . . . . .

Subject to inspection by . . . . .

Subpoena a witness to testify . . . . .



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Supervised release, probation, or parole .....  
Trial by jury .....  
Trier of fact .....  
United States Sentencing Guidelines .....  
Vacatur, reversal or set-aside .....  
Violation of probation/parole .....  
Waive reading of the indictment .....  
Waiver of appeal .....  
Withdraw a previously entered plea .....