



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

Orientation for Contract Court Interpreters
PRETRIAL HEARINGS

There are several different types of pretrial hearings. Some are incident to the early stages of a case, such as detention hearings, bail hearings, Rule 20 or Rule 40 hearings, identity hearings, arrival of process hearings, and removal hearings. These types of hearings are usually presided over by a magistrate judge, who retains jurisdiction until a case is indicted, at which time it is assigned to a district judge.

The court applies the provisions of the Bail Reform Act of 1984 in deciding whether to release or detain a defendant. Under the Bail Reform Act, a **detention hearing** may be held in cases where defendants are charged with felonies or who are likely to flee or pose a serious danger to the community if released prior to trial. If the magistrate judge finds that there are no pretrial release conditions that will reasonably ensure the appearance of the defendant in court, the safety of the community or that of another person, the defendant may be ordered detained without bail pending trial. A **bail hearing** may be held if either the government or the defense seeks modifications to a bail previously set by the court, or if there is a renewed request to set bail in a case where bail was denied.

If a defendant/material witness is to be released on bail, the interpreter has to interpret the bond form (CR001) before leaving the courtroom. Both the defendant/material witness and the interpreter have to sign the form, which should then be given back to the courtroom deputy clerk.

In keeping with Rule 20, defendants who are arrested in a district other than where the alleged offense was committed may request permission to plead guilty to the charges in the district where the arrest occurred (**Rule 20 hearing**). For this to happen, the defendant has to state in writing his wish to plead guilty, waive trial in the district where the charges are pending, and consent to disposition of the case in the district where he was arrested. The U.S. attorneys for each district must approve of the transfer, and the clerk of the district court in which the charges are pending transmits the charging papers to the clerk of court for the district in which the arrest occurred (**arrival of process hearing**). The defendant can then enter a guilty plea in the district where he was arrested, and will be sentenced by a judge of that district.

Rule 40 also applies when a defendant is arrested in a district other than where the offense is alleged to have been committed. The defendant has the right to be taken without unnecessary



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delay before the nearest available federal magistrate, where a determination is made as to the defendant's identity (*I.D. hearing*). If it is determined that the defendant is the person who is being sought, the defendant is held to answer in the district court in which the prosecution is pending (*Rule 40 hearing*). A *removal hearing* may be held to accord safeguards to a defendant against an improvident removal to a distant point for trial if the place of the defendant's arrest is more than 100 miles distant from the district where the charges originated.

Pretrial conference:

After a case has been indicted, the district court judge may hold one or more *pretrial conferences*. A pretrial conference is a hearing where a court may consider motions, matters that will promote a fair and speedy trial, and matters related to the conduct of the trial itself. A *motion* is a request by the government or the defense for a ruling by the court on a matter in dispute. Federal Rules of Criminal Procedure allow the following pretrial motions to be made:

1. Discovery motion - a request for additional evidence
2. Suppression motion - a request to withhold some of the evidence
3. Severance motion - a request to separate one part of a case from another part
4. Motion based on defects in the indictment or information
5. Motion to dismiss the case

If the court must resolve questions of fact in order to rule on the motion, an *evidentiary hearing* may be held. Evidentiary hearings can be lengthy due to the introduction of evidence and witness testimony. The interpreter should consider using interpreting equipment. Check with interpreter services staff if you need help with the equipment. If the duration of the evidentiary hearing is estimated at more than 90 minutes, two interpreters may be assigned.

Mondays are called "Law and motion" days in this district court, and Mondays are the days when most pretrial conferences are held. Trials are typically set to begin on Tuesdays. It is not unusual for a defendant whose case is set for trial to plead guilty on the Monday preceding the trial date. When a case is set for a *status conference* on a Monday, there is a good chance that a guilty plea will be entered.



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The attached glossary of terms contains a selection of words and phrases that come up frequently during pretrial hearings. 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 the conditions of release

Affidavit in support of the complaint

Allegations in the complaint/indictment/information

Alleged offense

Appointed counsel

Arrest warrant

Arrival of process

Bail Reform Act

Bond form

Career criminal

Cash bail

Charging papers

Collateral bond in the amount of

Community ties

Conditions of release

Confidential informant

Continuing bond, including any proceeding on appeal or review

Corporate surety

Curfew

Danger to the community

Deeding of property

Deny the bail application

Detention hearing

Discovery motion

Disposition of the case

Electronic monitoring



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Evidentiary hearing
Equity (real estate)
Execution of judgement
Facts alleged in the complaint
Family ties
Fair market value of property
Felony
Financial affidavit
Firearms or destructive devices
Forfeit bond to the United States of America
Hold without bail
Home confinement/detention
Illegal alien/reentry
Interests and costs
Immigration status
Imprudent removal
Intensive pretrial services supervision
Intimidate any witness, juror, or officer of the court
Introduction of evidence
Issue an order of detention
Issues of fact
Joint tenancy/tenancy in common
Jointly and severally
Jump bail
Justification of surety
Law and motion day
Loiter or be found within 100 feet of
Make bail



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Material witness

Mental health counseling

Misdemeanor

Motion to dismiss the case

Obstruct a criminal investigation

On probation or parole

Ordered detained without bail

Personal recognizance bond

Pose a risk of flight

Post bail

Pre-conditions of release

Premises of any airport, seaport, or terminal

Pre-trial release conditions

Preponderance of the evidence

Presumption case

Pretrial conference

Pretrial report recommendation

Priors

Rap sheet

Real or personal property

Reasonably assure the appearance of the defendant in court

Release on bail

Removal hearing

Renew the request for bail

Reporting requirements

Residential drug/alcohol program

Retained counsel

Revocation of release



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Ruling by the court

Secure a bond with cash or property

Seek modifications to a bail previously set

Set aside the forfeiture

Severance motion

Signatories

Status conference

Strict pretrial supervision

Summary judgement

Supporting affidavit

Suppression motion

Surety agreements and affidavits

Surrender of passport and travel documents

Swear to the complaint

Tamper with, harass or retaliate against any alleged witness

Temporarily detained

Travel restrictions

Uncorroborated evidence

Undercover agent

Unsecured appearance bond

Verify information

Violate conditions of release

Vouch for the defendant

With/without prejudice