



U.S. District Court, Central District of California

**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



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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



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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



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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



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