



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

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. 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 22nd
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	