

HANDOUT FOR CONTRACT COURT INTERPRETERS

SENTENCING before a U.S. District Judge

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, by the judge after a bench trial, or he/she 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.

When the case is called, the interpreter should accompany the defendant to the lectern and remain standing next to him or her or remain sitting while using the interpreter translating equipment. 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 presentence report, the position papers submitted by the parties, and any letters submitted on behalf of the defendant. The defendant will be asked whether the presentence 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 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)....." Reference will be made to restitution payments, special assessments, and fines.

After imposing sentence, the court will advise the defendant of his or her appellate rights, including the right to appeal the sentence. 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.

Frequently used terms or phrases

Acceptance of responsibility	Addendum to the report
Adjudication of sentence	Advisory guideline range of
Adversarial testing	Afford adequate deterrence to criminal conduct
Allocution, right to	Appeal <i>in forma pauperis</i>
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	Confined in a jail-type institution
Consecutive/concurrent sentence	Continuing criminal enterprise
Costs of imprisonment & supervision	Counts of the indictment
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	Guideline table
Guideline provisions	Guideline sentencing range
Guidelines are advisory	History and characteristics of the defendant
Home detention	Illegal reentry of a deported alien
Jointly and severally liable with co-participant	Judgement of conviction
Juvenile adjudications	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
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
Release from custody/imprisonment	Remaining counts
Restitution payment	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)	Unlawful use of a controlled substance
Unwarranted sentencing disparities	Upward/downward departure
Variance based on various 3553 characteristics	Verdict or findings
Victim-related adjustments	