



**U.S. District Court, Central District of California**

**Orientation for Contract Court Interpreters  
SENTENCING**

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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. 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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