

# **WASHINGTON STATE COURT INTERPRETER PROGRAM**



**WASHINGTON  
COURTS**

**ADMINISTRATIVE OFFICE OF THE COURTS**

## ***COURT INTERPRETER ORIENTATION***

# **Certified Candidates: Overview of Oral Certification Exam**

## PREPARING FOR THE COURT INTERPRETER ORAL CERTIFICATION EXAM

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- ### Learning Objectives
- List the steps for completing the certification requirements.
  - Distinguish the processes for testing the three interpreting modes.
  - Summarize what "Scoring Units" are, and their role in the oral exam.
  - Organize a study plan to effectively study/practice for the oral exam.

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- ### When and Where
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- September
  - Bellevue College **North** Campus.
  - Registration will open by early July.
  - Info will be posted at: [www.courts.wa.gov/interpreters](http://www.courts.wa.gov/interpreters)
  - One-hour, individually scheduled appointments.

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### Who Created the Test?

- Consortium for Language Access in the Courts.
- Association of 44 State Judiciaries.
- Developing & administering oral interpreting exams since 1995.
- [www.ncsc.or/Education-and-Careers/State-Interpreter-Certification.aspx](http://www.ncsc.or/Education-and-Careers/State-Interpreter-Certification.aspx)

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### What Is *In* The Test?

1. Sight Translation.
2. Consecutive Interpretation.
3. Simultaneous Interpretation.



You must score 70% on each section to pass.

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### Sight Translation

- Both languages.
- Each document is 200 – 225 words.
- Six minutes per document. Up to two of those minutes may be used for reading.




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### Consecutive Interpretation

- Audio recording, 850-950 words.
- Approx. eight minutes.
- Q & A of English speaking attorney and non-English speaking witness.



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### Consecutive Interpretation

- Utterance Length = 1-50 words.
- Conversational rate of speech.
- Two repetitions permitted.



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### Simultaneous Interpretation

- Audio recording of 800-850 words.
- From English into non-English language only.
- Listen with headphones.



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### Simultaneous Interpretation

- Average of 120 words per minute.
- Approximately 7 minutes.
- Simulated attorneys opening or closing statement to a judge or jury.



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### Example Excerpt: Sight Translation

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### EXAMPLE

- One of the alleged perpetrators was arrested after a routine traffic stop, when a computer check found an open warrant for failure to appear in court on drug charges. When the suspect was taken to the county jail, he became belligerent and threatened to kill the officer who was taking his mug shot. In order to finish processing the individual, the officers had to handcuff him. He will be taken in front of a county judge for his initial appearance.

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**How are the Tests Rated?**

**Scoring Units**

- a. Grammar
- b. Language Interference
- c. General Vocabulary
- d. Legal Terms and Phrases
- e. Idioms and Sayings

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**How are the Tests Rated?**

**Scoring Units**

- f. Register
- g. Numbers & Names
- h. Markers, Intensifiers, Emphasis and Precision
- i. Embeddings and Position
- j. Slang & Colloquialisms

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**EXAMPLE**

One of the alleged perpetrators was arrested after a routine traffic stop, when a computer check found an open warrant for failure to appear in court on drug charges. When the suspect was taken to the county jail, he became belligerent and threatened to kill the officer who was taking his mug shot. In order to finish processing the individual, the officers had to handcuff him. He will be taken in front of a county judge for his initial appearance.

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**EXAMPLE**

Markers, Intensifiers, Emphasis and Position      Register

One of the alleged perpetrators was arrested after a routine traffic stop,

Markers, Intensifiers, Emphasis and Position      General Vocabulary

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**EXAMPLE**

Embeddings and Position      Legal Terms/Phrases

when a computer check found an open warrant for failure to appear in court on drug charges. When the suspect was taken to the county jail, he became belligerent and threatened to kill the officer who was taking his mug shot.

General Vocabulary      Idioms and Sayings

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**EXAMPLE**

Grammar      Grammar

In order to finish processing the individual, the officers had to handcuff him. He will be taken in front of a county judge for his initial appearance.

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Legal Terms/Phrases

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### Who Grades My Test?

- All tests are recorded, no "live" testing.
- Two trained, approved national raters.




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### What Do I Bring on Testing Day?

- Government-issued photo ID.
- No bags, purses, food or cell phones in the testing room.
- We provide water, paper & pencils.




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### Exam Results

- Typically available by December.
- Next steps after passing:
  - Criminal background check.
  - Class on professional conduct.
  - Take Oath of Interpreter.
  - Receive badge, name posted on web site.
  - Continuing education.




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### Reciprocity with Other States?

- Same oral exam is used by many other states.
- But no *automatic* reciprocity.
- Contact that state to find out about standards.




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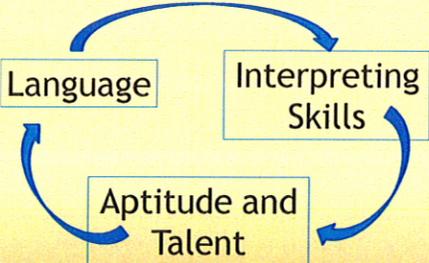
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### What's the *Secret* to Passing?




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### How to Prepare for the Exam?

- Observe court.
- Study Legal Systems.
- Work on memory exercises and note taking techniques.
- Make an audio or video recording of yourself interpreting. Evaluate your strengths/weaknesses.




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### How to Prepare for the Exam?

- Develop a study regimen.
- Train everyday, even if for short periods.
- Form/join a study group.
- Take classes.
- Make glossaries.
- Increase your vocabulary in both languages. Incorporate new vocabulary in everyday conversations.



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# **Introduction to the Interpreting Modes**

## INTRODUCTION TO SIMULTANEOUS INTERPRETING

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**Simultaneous interpreting** is used when relating court proceedings to defendants. The interpreter gives an exact rendition of everything being said at virtually the same time it is being spoken. Thus, interpreters should speak in a soft voice for the benefit of the defendant only, and should neither summarize, simplify, nor explain the proceedings.

This interpretation relies on how well the interpreter understands a message. This requires *intellectual listening* – that is, *listening for ideas*. Therefore, the interpreter makes instantaneous decisions about which ideas are central and which are supporting or minor. It takes practice to develop the concentration, listening skills, analytical skills, and proficiency in dual tasking that simultaneous interpretation requires.

This session is designed to give you practice in simultaneous interpretation skills. Because immediate feedback will hone your skills, you should practice these as often as possible with others.

## EXERCISES

### *Simultaneous Interpretation*

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These paragraphs are intended to include homonyms, and words with multiple meanings. Pay attention – do not jump to conclusions about what will be said.

1. This hearing is called an arraignment. You are being charged with a crime. I am advising you of your rights. You have the right to a lawyer. You have the right to buy lotto tickets. If you win, you will not be entitled to a public defender. You will be entitled to a red convertible. You have the right to have a trial. At your trial, if you want to, you can testify and tell your side of things, but you might not want to spill your guts, so you can decide to just sit there and rest on your laurels, rest your case and cite the authorities for your position, even if it is untenable, or play tennis, or quote Tennyson.
2. Do you understand that if you plead guilty you are giving up your right to have a trial? You can be sentenced up to 10 years, but the standard range is 4 to 6 months. If you hear that she is here, we can go to the store and buy some potatoes. Then you can appeal to the court of last resort, and the resort is at Lake Chelan. The challenge to change the tone and meaning of this passage is one that can be seen by any literary critic writing for the Seattle Times, published in Volume 1, number 128.



## EXERCISES: *Practice Scripts*

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**Directions:** One partner reads this script, both the question and answer, and another partner repeats it simultaneously, exactly as it was read. You do not need to identify who is speaking, just pause briefly between speakers. Repeat, only this time, interpret the script into the target language.

Repeat with the next script, being sure to switch roles. Pay attention to accuracy, inflection and tone.

### Script #1 – Arraignment

Judge: The first matter on the calendar today is State v. Garcia. Is Garcia your true and correct name?

Def: It is.

Judge: Mr. Garcia, you are being charged with the crime of a violation of the uniform controlled substance act. You are here today to receive copy of the Information and enter a plea. Do you understand the charge?

Def: Yes.

Judge: Do you understand the rights that were read to you earlier?

Def: Yes.

Judge: Will you be entering a plea of guilty or not guilty today?

Def: Guilty. I just want to get this over with.

Judge: Mr. Garcia, you are not represented by counsel at this arraignment. Is your waiver voluntary, competently made, and with knowledge of the consequences?

Def: What? Oh, yes.

Judge: Mr. Garcia, do you wish to hear the Information read?

Def: No.

Judge: How do you wish to plead?

Def: guilty.

Judge: Guilty it is.



## EXERCISES: *Practice Scripts*

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### Script # 2 – Arraignment

Pros: Your honor, James Trinh on behalf of the State, for the arraignment calendar today.

Def: Good morning, your Honor, Joanne Moore for the public defenders office.

Pros: Your Honor, the first matter on the calendar today is State v. Garcia.

Judge: Is Garcia your true and correct name?

Garcia: It is.

Judge: Mr. Garcia, you are being charged with the crime of a violation of the uniform controlled substance act. I am handing your attorney a copy of the Information and ask that she acknowledge receipt thereof, waive formal reading and enter a plea on your behalf.

Def: Your Honor, on behalf of Mr. Garcia, I acknowledge receipt of the Information, waive formal reading and ask the Court to enter a plea of not guilty.

Judge: A plea of not guilty is entered on behalf of the defendant.

Def: Your Honor, I also object to the date of arraignment and file written notice of that objection.

Judge: Objection noted, counsel.

## EXERCISES: *Practice Scripts*

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### Script #2 - Arraignment – Continued

Def: As to the matter of bail, your Honor, I would note that according to Court Services, Mr. Garcia's residence and employment have been confirmed. He has resided in the City of Seattle for nine years and has several family members who live in the area. Although he does have a few prior misdemeanor convictions, he has only one FTA, or failure to appear. Mr. Garcia advises me that the FTA resulted from a driving while suspended charge where he had moved and failed to receive the notice to appear in court. He assures me and the Court that if he is released on this charge he will fulfill all of his court obligations. I ask that he be released on his personal recognizance.

Pros: Your Honor, the amount of drugs seized in this incident was fairly large and there is some suggestion that the defendant has a drug problem which could provide some incentive to flee and would affect his reliability. I would ask the Court to set a surety bond of \$5,000.

Judge: I am concerned about the apparent drug problem. If Court Services will consider supervising him, I'll P.R. him.

Def: Your Honor, Court Services is already overwhelmed. It could take days before they could interview him for supervised release. In that time he'll lose his job. He does have a wife and two children for whom he is the sole support. They are in court if the Court would like to hear from them. They will vouch for his reliability. And as I mentioned, Court Services has already said they do not object to a P.R.

Judge: Well, counsel, I am inclined to release him unless there are other considerations.

Pros: Would the Court consider an appearance bond of \$5,000. I'm simply reluctant to allow the man out with no conditions.

Judge: I'm going to P.R. Mr. Garcia on the condition that he maintain his current address and employment, stay in contact with his attorney and submit weekly UAs, urinalysis at TASC.

Def: Thank you, your Honor.

## EXERCISES: *Practice Scripts*

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### Dialog Preceding Closing Statement

- Court: Anything further with respect to evidence?
- DA: Just a few more questions on cross, Your Honor.
- Officer Delmonico, you used a term in your explanation, in your testimony, "high narcotics area." What did you mean by that?
- Officer: There's a lot of traffic that goes down to purchase narcotics from street dealers in that area.
- DA: But you haven't personally observed that area, isn't that right?
- Officer: Well, yes, I've been on a foot beat down there for, at that point, about a year.
- DA: Is it usual for you and your partner to exit the car and draw your weapons?
- Pros: Objection, your Honor. It's irrelevant whether or not it's usual.
- Court: I'll sustain that objection. Anything more?
- DA: No, your Honor. I'm finished with this witness.
- Court: If not, we'll proceed with the prosecutor's closing statement.



## EXERCISES: *Practice Scripts*

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### Closing Statement

Defense counsel has come before you and tried to cast doubt on a certain piece of evidence. But, the defendant himself told you that he did not know any one of these people. And yet, you will have with you in the jury room five different photo montages where witnesses chose the defendant's photograph. And you have the identifications that were made in court. If these people don't know the defendant, how come they recognize him? Why do they recognize him if he's never been in their businesses?

Because he was there on the night of these robberies and when you think about those things, you can honestly say deep down inside that you don't believe that the defendant committed these crimes? Further, the defendant can be tied by circumstantial evidence to these separate counts, and to the sunglasses. Can you honestly say that when you consider the circumstantial evidence, plus the identifications made, that this guy didn't commit these crimes?

## SUGGESTED SKILL – ENHANCING EXERCISES: *Simultaneous Interpretation*

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It is essential that you enhance your listening and concentration capabilities. Therefore, before taking the Court Interpreter Exam, you must:

- practice your ability to listen to information through earphones (or by other audio devices) and interpret at the same time, and
- learn to concentrate on what is being communicated to the person for whom you are interpreting. You should concentrate on the actual communication without being distracted by external factors, such as physical appearance, gestures, emotional outbursts, etc.

The exercises outlined below will help you develop skills in simultaneous interpretation. They build on each other, so start slowly, step by step. Practice them **daily**, for a half hour. Start with just the source language, and then interpret the source language into the target language.

1. Use television and radio broadcasts as interpreting materials. Interpret them aloud simultaneously.
2. Attend as many different kinds of court proceedings as possible. While you listen, render them silently to yourself simultaneously with the speaker. Alternatively, make your own recordings, reading from some legal texts. Start with texts that are not too technical.
3. **Shadowing:** This exercise familiarizes the interpreter with performing two basic tasks – listening and speaking – simultaneously.
  - a. Have someone record several paragraph-length passages in English, or record a television talk show. Choose texts in a variety of areas, but nothing too technical for now.
  - b. Listen to each passage without taking notes.
  - c. Play them again and repeat everything you hear, staying as close to the speaker's words and pacing as possible (shadowing).
  - d. Pay attention to key words and phrases that hint at what comes next (e.g., On the other hand..., once upon a time..., there was opportunity and motive..., etc.)
4. **Dual-Tasking:** Once you feel comfortable talking and listening at the same time, and are not leaving out too much, begin performing other tasks.
  - a. Listen to the above passages again, interpreting simultaneously, AND, while focused on this activity, write the numbers 1 – 100.
  - b. Repeat this exercise AND write the numbers 100 – 1 (backwards).



- c. Repeat the exercise, only this time, write the numbers 1 – 100 by 5's. Then write them by 3's. (Note what happens whenever numbers are mentioned in the text that you are shadowing!)
  - d. When you are able to do this exercise with very few errors, move on to writing your address and phone number and your friends' addresses and phone numbers, while simultaneously shadowing the recorded texts.
  - e. Repeat the exercise while copying a short poem (have it written out in front of you – do not write it from memory).
  - f. Finally, repeat the exercise while simultaneously writing out the Pledge of Allegiance from memory.
5. **Analytical Listening:** Interpreters must listen to a message and instantly decide which ideas are relevant, and which are less important or distracting.
- a. Have someone record a variety of short passages from newspapers or magazines (essays or op-eds work well).
  - b. Listen to each passage, without taking notes. Turn off the recorder after each passage, and then write down the main idea of the passage.
  - c. Listen to each passage again, turning off the recorder after each one, and write down any additional specific information that supports the main idea.
  - d. Continue this procedure until you have written a complete summary of each passage.
  - e. Pay attention to key words or phrases that can lead you astray, such as nonessential embedded clauses (e.g., My uncle, *who is sixty years old*, called me) and dangling participles (e.g., *While walking home*, a tree fell in front of me – the tree was NOT walking home). Learn to skip over those distractions to get to the main idea.
6. When you are comfortable shadowing and dual-tasking, try exercises 3, 4 and 5 but interpret the passages from the source language into the target language. You may want to record texts from law books or record actual court proceedings.

Again, this type of interpreting takes a lot of time and practice to become proficient. Practicing with a partner to get immediate feedback is *strongly* recommended.

## Exercises

These paragraphs are intended to include homonyms, and word with multiple meanings. Pay attention – do not jump to conclusions about what will be said.

1. This hearing is called an arraignment. You are being charged with a crime. I am advising you of your rights. You have the right to a lawyer. You have the right to buy lotto tickets. If you win, you will not be entitled to a public defender. You will be entitled to a red convertible. You have the right to have a trial. At your trial, if you want to, you can testify and tell your side of things, but you might not want to spill your guts, so you can decide to just sit there and rest on your laurels, rest your case and cite the authorities for your position, even if it is untenable, or play tennis, or quote Tennyson.
2. Do you understand that if you plead guilty you are giving up your right to have a trial? You can be sentenced up to 10 years, but the standard range is 4 to 6 months. If you hear that she is here, we can go to the store and buy some potatoes. Then you can appeal to the court of last resort, and the resort is at Lake Chelan. The challenge is change the tone and meaning of this passage is one that can be seen by any literary critic writing for the Seattle Times, published in Volume 1, number 128.



# Exercises

## Closing Statement

Defense counsel has come before you and tried to cast doubt on a certain piece of evidence. But, the defendant himself told you that he did not know any one of these people. And yet, you will have with you in the jury room five different photo montages where witnesses chose the defendant's photograph. And you have the identifications that were made in court. If these people don't know the defendant, how come they recognize him? Why do they recognize him if he's never been in their businesses?

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## INTRODUCTION TO CONSECUTIVE INTERPRETATION

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**Consecutive interpreting** occurs where there is actual dialogue including the non-English speaker. Interpreters may only interrupt a speaker if it is necessary to achieve complete accuracy in a very lengthy statement. If a word or phrase is not heard or understood, the interpreter must ask the judge for permission to ask the witness to repeat or rephrase the statement, and then continue with the interpretation. It is a very good idea for interpreters to carry a comprehensive dictionary when reporting to an assignment.

Not only are good language skills for each language required, the interpreter must also be *bicultural* in order to understand subtle differences in meaning. Remember, interpreters must convey the exact meaning, tone and register as used by the person being interpreted without showing their own emotional reactions.

Practice is needed to remember what was said and how it was said. This session will give you practice in consecutive interpreting skills.

## CONSECUTIVE EXERCISES: *Verbatim Recall*

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**Directions:** One partner reads the passage, and another partner repeats it exactly as it was read. Be sure to switch roles. Pay attention to accuracy, inflection and tone.

1. Had you ever been to the residence at 2953 Bradley St. prior to the incident that occurred on January 12, 1991, when you were stabbed with a knife?
2. No, that was the first time I had ever been there. John had invited me before, but I never went there until the night of the party, when I was stabbed.
3. Did you recognize any of the individuals who were present at the party at John's house, at 2953 Bradley St., that night of January 12?
4. Well, there was one fellow I knew from work, and of course, John and his wife, and then there was the guy who stabbed me. I had seen him before with John playing soccer after work.
5. What about the person you were acquainted with from your job, can you tell us his name and describe him?
6. Yes, his name is Fred Bridges and he's about, well, I would say about six feet tall, and he has reddish blond hair, and he's kind of a burly fellow, you know, pretty big and muscular.
7. Now, what about the person you say allegedly stabbed you at the party on January 12? Can you give us his name, and/or describe him for the record?
8. Well, I know his name now, but I didn't at the time. He's sitting over there at the defense table. He has long blond hair in a pony tail, and he's wearing a suit and tie. That night he had on a leather outfit.
9. I'd like you to tell us about the events that led up to the stabbing that night at the party on January 12. Did the defendant say anything to you, or did you say anything to him?
10. No, man, I didn't say or do anything to him. He was raging around the place, probably high on something, he was yelling at everyone. Then he suddenly pulled this knife, and since I was the closest person to him, he stabbed me.
11. What was your reaction to – strike that. What part or parts of your body, if any, were touched by the knife when he allegedly stabbed you?
12. First, he got me in the upper arm, here, in the biceps of my right arm. Then, as I tried to dodge him, he stabbed me again in the left shoulder area and down lower, in the left kidney area. I'm lucky I'm still alive to tell you.

## CONSECUTIVE EXERCISES: *Verbatim Q & A*

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**Directions:** One partner reads both the question and answer, and another partner repeats it exactly as it was read. Be sure to switch roles. Pay attention to accuracy, inflection and tone.

1. **QUESTION: What happened at about 7:15 p.m. that night?**

At about 7:15 p.m., a blue station wagon, maybe a 1981 Ford, southbound, approached the intersection of 35<sup>th</sup> Ave NE and N27<sup>th</sup>. There was a stop sign, I think, but the driver did not stop. Then he turned left and speeded away. Just before the stop sign, I could make out his license plate. I believe it was WKH392.

2. **QUESTION: Describe who was in the car on March 3<sup>rd</sup>?**

There were three passengers in the car, northbound. The driver seemed to be a tall red-haired man. Mr. Taylor was sitting in the passenger seat, and right behind him was the woman I also at the pharmacy the day before. They were going about 35 miles per hour.

3. **QUESTION: What is your income?**

My income varies a great deal... Er,... I can earn \$2,500 a month, but, well, some months I earn less. Last year I made over \$30,000, but with the car payment and rent, insurance, food, I'm lucky if I can save \$60 to \$70 per month.

4. **QUESTION: Describe who was at the house on June 22<sup>nd</sup>?**

First, there was just Mr. Johnson. Then about 11 that morning, two women arrived. One was kind of fat and she had short blonde hair and a lot of earrings. She was helping the other one. That one had her left leg in a cast. She had several tattoos and skinny gold bracelets on her arms.

## CONSECUTIVE EXERCISES: *Verbatim Recall*

**Directions:** Partner A reads the first 3 paragraphs, pausing for Partner B to repeat verbatim, first in English, then in your target language. Switch roles for paragraphs 4 through 6. Note any words or phrases that you do not know.

### Affidavit

I, Sandra Whitman, am employed as a teller at the Beech St. branch of the Bank of American in Albany. On March 12, 1989, I witnessed the following incident:

A caucasian male, approximately 5'10" tall, with brown, shoulder-length curly hair, striking blue eyes, and a ruddy complexion, entered the bank through the Main St. entrance at about 10:30 a.m. He approached the window where I was working and told me that the automatic teller was "on the blink," and that someone from the bank staff should take a look at it. Because he was acting suspiciously – nervous, shifty-eyed – and because I detected the odor of alcohol on his breath, I buzzed my supervisor using the button that is concealed under the counter.

Just at that moment, a short Hispanic male, approximately 5'6" in height, with short dark hair, brown eyes, and a mustache, burst into the bank from the Beech St. entrance, shouting "All right, all you assholes, get over there, on the double! This is a hold-up! Just do as we say, and we won't have to blow you away!" He and the caucasian man proceeded to herd everyone, customers and bank employees alike, into the bank vault.

Then two more men, both short and dark, their faces covered with nylon stockings, entered the bank, brandishing submachine guns, and began stuffing cash from the tellers' drawers into what looked like large flour or meal bags. The two masked men and the Hispanic appeared to take orders from the caucasian, who barked commands at them as he waved a gun at us. I could not see the weapon clearly, but it had a short barrel and was a dark metallic blue color.

After the men had gathered all the cash they could find, the Hispanic man shouted, "So long, suckers!" and they all rushed out the Main St. door. They must have had an accomplice waiting outside in a get-away car, because as soon as they were out the door, I heard a vehicle accelerate and pull away. The driver must have kept the motor running, as I did not hear the engine actually start. Judging by the sound the car made, I would guess it had a diesel engine. After the robbers were gone, the bank manager phoned the police.

I swear under penalty of perjury that the foregoing statement is true and correct to the best of my knowledge and belief. If called to testify in a court of law, my testimony would be essentially the same as this affidavit. Signed this 13<sup>th</sup> day of March, 1989.

Sandra Whitman, Assistant Teller



## CONSECUTIVE EXERCISES: *Interpreting into Target Language*

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**Directions:** Select one of the following scripts. Take turns reading a page of questions and answers, pausing for the interpretation into your target language.

Groups of three work well: one asks the question in English, the second *sight translates* into the target language, and the third person can interpret the question into the target language and the answer into English. It would go like this:

- 1 – reads Question in English
- 3 – interprets Question into target language
- 2 – sight translates Answer into target language
- 3 – interprets Answer into English

Again, alternate roles every page.

Remember, DO NOT ALLOW YOUR OPINIONS to color your rendition of a speaker's words. The subject matter may be one about which you have strong opinions. Pay close attention to your reaction to the text while listening, and maintain the same level of language (register) as the speaker.

Also pay attention to accuracy, inflection, and tone. Jot down any words you did not know.

## SUGGESTED SKILL-ENHANCING: *LISTENING*

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The exercises described below will provide both the novice and the experienced interpreter with methods to improve skills for consecutive interpreting, as well as for simultaneous interpreting and sight translation.

**Note:** improving your listening and memory skills is an ongoing and lifelong endeavor. As you gain experience and confidence, your skills will increase.

### Effective Listening

1. Observe conversations conducted outside of earshot (e.g., across a room, with the volume turned down on the TV, in a crowded area such as an airport or shopping center). Note how facial expressions, gestures, body movements, posture, and eye contact – or lack of it – reveal what the speakers may be saying. What do you think they are talking about? Which nonverbal cues suggest the nature of the conversation? What language do you think the participants speaking? How do you know? Try this exercise in all your working languages. How do the cues differ in each language?
2. Listen closely to someone you cannot see, such as a telephone caller or radio broadcaster, and analyze the person's manner of speaking: voice, pitch, tone, and volume (loudness) as well as other sounds, such as stutters, sighs, hesitations, and tongue clicking. Do this exercise in all your working languages and compare the differences among them.
3. Analyze words and their meanings by asking others what they mean when they use a particular word or phrase. Write them down. How does their word usage differ from yours?
4. Go to a store with a friend (who will run a small cassette recorder) and ask the clerk about a product. Five minutes later, try to repeat exactly what the clerk said. Play back the tape recording to see how accurately you recited the original message.
5. Ask someone for directions to a place you know how to get to, then ask for directions to an unfamiliar place. What happens in your mind in each situation? Do you lose your train of thought or do you jump ahead?
6. The next time you have a conversation with someone and miss part of what was said, analyze what went wrong. How did you lose your concentration? Were you daydreaming? Were you distracted by an unfamiliar word or a physical interference? Did a previous, unresolved conversation or thought intervene?



7. As you listen to long speeches (e.g., watching C-SPAN or attending a city council meeting), try to condense it into a few meaningful units. Organize the information into groups. For example, if a person were to list the schools she had attended and the subjects studied, you could group the schools by location and the course names by topics. Numbers can be grouped the way people recite phone or social security numbers – in groups of two, three or four numbers, rather than as a string of unrelated numbers. **Please note** that when interpreting testimony, you should maintain the speaker's word sequence as spoken, except to accommodate the syntax of the target language.

## INTRODUCTION TO MEMORY SKILLS

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How well do you remember? Interpretation requires an excellent ability to remember *exactly* long passages of verbal information, along with their tone, register, and other emotional nuances. Your short-term memory capacity is normally limited to between five and nine bits of information (units of memory) and your ability to accurately recall depends on how well you can organize what you have heard.



## MNEMONIC TECHNIQUES

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The following techniques can be used to facilitate memorization. They are most useful as mind-limbering exercises rather than court-related activities. Practice them whenever you can.

1. **Acrostics:** These are helpful when you need to remember a specific order of a list, but they do not help in understanding.

> How: Use the *first letters* from a group of words to form a sentence. For example, living organisms are categorized by their kingdom, phylum, class, order, family, genus, and species. This can be turned into the acrostic: King Phil Climbed over Famous Genie's Special.

2. **Rhymes and Songs:** Rhythm, repetition, melody and rhyme can aid memory. Storytellers often use this technique. Again, this is useful for rote memory and not for understanding.

> How: A word or the rhythm of a statement may mimic that of a song or poem, so replace the song's words with the statement. (Think how you may have learned the alphabet to the tune of "Twinkle, Twinkle, Little Star.") Thus, "Blue Moon" helped recall "There was a full moon, and I saw him standing alone by the car

4. **Method of Locations:** This is a combination of organization, visual memory, and association. It is used often by orators to remember their speeches.

> How: First, identify a common path you walk – around your house or neighborhood – and be sure you have a vivid visual memory of the path and objects along the way. Then, identify objects and landmarks in the order you pass them. Finally, mentally associate each piece of information that you need to remember with one of the landmarks. For example, walking through your living room may include passing a TV, a recliner, and a window. Now, if a witness said the defendant yelled several obscenities and threw a chair at her before running out the door, you might visualize walking by a TV program featuring yelling, the recliner flying through the air, and a jogger outside the window.

5. **Chunking:** This is very useful for remembering numbers. It is based on the notion that people can remember about seven items at a time.

> How: Break up large items into a few chunks. Instead of 92745587 (eight items), chunk it into four: 92 74 55 87.

**Strategies to improve memory are based on a few key ideas:**

- Organize the information into relevant patterns (especially in note-taking).
- Make intentional associations – your walking path, for example.
- Make vivid visual associations – they do not have to make sense – for instance, if Dennis Holland's name is mentioned in the middle of a story, you might visualize Dennis the Menace standing in a field of tulips.
- Use other mental visual aids to organize the information – maps, diagrams or cartoons

## MEMORY EXERCISES

### *English*

---

Directions: Have one partner read one of the paragraphs below in English. The other partner is to repeat it back in English. There are six paragraphs, so take turns, or divide the paragraphs between partners.

1. On January 7, at about 3:15 p.m., three men, wearing brown leather jackets with blue fabric sleeves, entered the house located at the corner of Sixth and NE 43<sup>rd</sup> Street. None of them wore a hat, but the light conditions were poor. No witnesses could see their features clearly.
2. Two cars approached the intersection of Central Avenue and Myrtle at the same time. The one on the left was trying to make a right turn, but it skidded and hit the other car's left rear door. Fortunately, there was only one passenger in the car, sitting on the right hand side.
3. My name is Yvonne DeLarue. I am 28 and I work as a dental hygienist for several area dentists. I know the man sitting at the table as Delano Camden. I first met him at the Rain City Restaurant about three and a half months ago. He offered me a ride home. Later, I saw him again, by chance, at one of my jobs. This was, I believe, last month, on April 17.
4. Mr. Tremble, would you say that it is possible that you were present the night of September 29, 1996, at approximately 11:45 p.m., when your wife, Lenora, threatened her childhood friend, Isabella, with committing her to a hospital for the mentally ill?
5. Police reports indicate that there were too many passengers in the car, possibly up to eight. The driver's seat was occupied by two people – a fairly small person was at the wheel. In the back, there were three children behind the driver and there seemed to be two adults on the right, but occasionally another head would bob up and down. The front passenger seat definitely carried two children and a small dog.
6. Randy and I were going to a midnight show downtown, so we left the bar about 11:30 at night, Saturday, October 4. The movie theater was only four blocks down the street on Lakeview Dr., so we decided to walk there instead of getting the car, which was parked three blocks up the other way, on Valmont.

## MEMORY EXERCISES

### *Target Language*

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Directions: Have one partner read one of the paragraphs below in English. The other partner is to repeat it back in the target language. There are six paragraphs, so take turns, or divide the paragraphs between partners.

1. My name is Celia Calderon. I live at 3430 East Woodvale. The house across the street, number 3427, had been "for sale" for seven months, and vacant for four months. About 1:00 a.m. on May 2, I saw lights in two of the upstairs windows, so I called the police.
2. The blue and white F150 truck accelerated to run the yellow light, but it turned red before he got to the intersection. I think he saw the motorcyclist at the last second, because the skid marks were at least 30 feet and he swerved right, but he still hit that motorcycle and sent it flying into the red van.
3. Dr. Yamada's office is next to the pharmacy, so I went to ask him if he could write me the prescription. He said I would have to get it from Dr. Harrison or Dr. Berger. But they were both out and their answering service referred me to the Eastside Orthopedic Center, across from the hospital.
4. The police report indicated that at 10:30 p.m., both men were at home in the den when the suspect kicked in the basement door. They heard the noises and went upstairs, where a woman and four children were sleeping in two bedrooms. Three of the children locked themselves in a bathroom with their cat, while the adults and the other child went into a third bedroom to call for help. They reported hearing the suspect banging around the kitchen.
5. Mrs. Brownlee, you stated in your deposition that your son was expelled from Edwards Middle School, and that you then enrolled him briefly at Emerson Junior High before switching to St. Catherine's Prep. Is that where he and Erik Swift, Kyle Mitchell, and David McDougall got into the fight?
6. Both Jamal and Chandra work at the nursery. They wear those green polo shirts and the green baseball caps with gray stitching of the nursery's name on it – Hawthorne Hills Greenery. He usually drives the forklift on weekends and Monday, and she's on the afternoon shift Friday and Saturday, working the cash register.



## SUGGESTED SKILL ENHANCING EXERCISES: *Memory Skills*

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1. Practice visualizing your "familiar path" for using the Method of Locations. Then have someone *slowly* read you a list of 10 random words. Visualize and associate the words on your path. Recall the list. With practice, you will quickly recall all words listed.
2. Pick out someone riding the escalator in the opposite direction from you. Look at the person briefly, then recall what was worn, hair color and style, and what was being carried. Before you pass, look again to check the accuracy of your recall.
3. Listen to a short (15 second) advertisement on the radio. Try to repeat what was said. Use chunking to remember the telephone number, and visual association for other information. Is there a memorable logo phrase? (For example, Nike's "Just do it.")
4. Ask someone for directions to an intersection on a city map (they use the map, you listen to the directions). Use an acronym or acrostic to remember the street names (and turns).
5. Select a short speech or soliloquy from a play. Using chunking and visualization, try to memorize it in less than three tries.

***Remember***, memory skills are developed with LOTS of practice.  
*You are basically trying to keep your mind flexible.*

## INTRODUCTION TO NOTE TAKING

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The purpose for taking notes, primarily during consecutive interpretation, is to help the interpreter remember everything that was said. Note taking is meant to *supplement* memory, *not substitute* for it. The very act of taking notes seems to aid in the processing and retention of information, as well.

Because notes can be viewed as a means of storing that information, they should be EASY TO READ and as VISUAL as possible. Interpreters should not capture all the information verbatim; notes should rely on symbols, pictures and abbreviations.

Generally, to take quick notes, interpreters should:

- Omit certain non-essential information
- Concentrate on the key concepts (those which give the most information) and on the important words (nouns, sometimes verbs and adjectives)
- Use common symbols, signs, and abbreviations

## SHORTHAND AND PICTORIAL SYMBOLS

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### PEOPLE:

-  Defendant, defense
-  Everybody, whole world
-  Man, husband, male
-  People, person
-  Ladies and gentlemen, men and women
-  Police, policeman
-  Police woman
-  Prosecutor, prosecution
-  Somebody, someone
-  Woman, wife, female

### OBJECTS:

-  Car, vehicle, automobile
-  Church, pray
-  Fight, conflict
-  House, residence
-  Stairs, staircase
-  Thing
- W.E.** Weapon
- W** Work, job

## TIME:

→	After, forth, later
P.M.	Afternoon
∞	Always
←	Before, prior to, back
d.	Day
mo.	Month
m↓	This
←m	Last, ago
m→	Next
∞	Never
⊠	Night
φ	Now
~ x	Sometimes
X	Time, times
d↓	Today
d→	Tomorrow
w or wk.	Week
w↓	This
←w	Last, ago
w→	Next
y or yr.	Year
y↓	This
←y	Last, ago
y→	Next
←d	Yesterday



## PREPOSITIONS:

- Around
- ↔ Back and forth
- ÷ Between, among
- ↓ Down, downstairs, decrease
- Inside, within
- ∩ Over
- ∪ Under
- ↑ Up, upstairs, increase
- ⌢ With
- ⊄ Without

## QUESTIONS:

- σ → How many?
- σ of How often?
- σ L How long?
- ~ ? Isn't it, didn't it?
- TR? True, isn't it?
- √ What?
- σ or Q When?
- ou Where?

## COMMON PHRASES and VERBS:

<i>R</i>	Answer, to; to Reply
B <i>~</i>	By the way
<i>~</i>	Change, to
!	Command, order
E	Hear, to, heard
↕	Help, to
O.C.	Of course
?	Question, to ask, problem
N <i>~</i>	See, now let me
<i>~</i>	See, to
?!	Surprise, to
∴	Therefore, thus
TR	True
w	Well

## TENSES and ENDINGS:

<i>g</i>	g -ing (swimmING)
<i>d</i>	d past tense (kickED)
<i>n</i>	n -tion (educaTION)
<i>p</i>	p -ship (friendSHIP)
<i>l</i>	l -ly (dangerousLY)
<i>r</i>	r -er, or (realtOR)

## **SYMBOLS of EXPRESSION\_(four types):**

### **1. THOUGHT :**

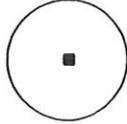
example: believe, think, feel, is of the opinion that, etc.

### **2. SPEECH //** example: says, state, mention, declare, speak, etc.



statement, declaration, conversation, interview, etc.

### **3. DISCUSSION**



example: meeting, hearing, proceedings, conference, debate, etc.

### **4. EMPHASIS**

a. favorable, emphatic, extreme (underlined)

b. ~~negative, unfavorable~~ (line drawn through)

c. more or less, sort of (wavy underline)

d. doubt, questionably, maybe, possible (dotted underline)

## **SYMBOLS of ORIENTATION or MOVEMENT:**

These designate stability, instability, loss, gain, etc. – the status of something

↔ Balance, stability, no change, stagnation

→ Tendency towards, movement towards, cause and effect

← Consequence of, due to, movement away from

↗ Increase, success, improvement, gain

↘ Decrease, failure, loss, slow down

↶ Return, go back, give back, retreat, withdraw

## RELATIONSHIPS:

These are used to designate the links between people, ideas, things, etc.

- ✓ Relationship, with regard to, about, belonging to, based on
- = Equality, comparison, analogy, same as
- !! Exactly
- ≠ Inequality, different, not the same, other
- > — Superiority, advantage, more than, victory, anterior to, better than
- < — Inferiority, disadvantage, not as good as, defeat, less than, posterior to
- // Parallel, at the same time, goes hand in hand with, similarly
- [ ] Limitation, is limited to according to, in conformity with

## ABBREVIATIONS

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Ct.	Court, judge
LX.	Law, statutes
C.A.	City Attorney
D.A.	District Attorney
Gty	Guilty
P.D.	Police, police department
d.	Day
Mo.	Month
Wk.	Week
Rx	Drug, prescription
O.R.	Own Recognizance
Bk.	Black
Wh.	White
Lat.	Latino
i.e.	That is, such as
e.g.	For example
coz. or b/c	Because

- Use standard abbreviations, such as st. (street), ave. (avenue), Sept. (or 9), etc.
- Abbreviations and symbols can be combined:
  - PDs ♀ (Police officers – female)
  - Lat. ♂ PD (Latino male police officer)
- Make up or use abbreviations for specialized contexts, such as traffic court:
  - Alc: alcohol, liquor 4ws: four-way stop
- Code sections are also useful: 484, 664/187, § 231.4, etc.

## SUGGESTED SKILL ENHANCING EXERCISES: *Note Taking Skills*

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1. Have someone read twenty of the common terms from the list in this section. Draw the shorthand and pictorial symbols for it. Compare what you wrote down with what is shown on the list. Repeat with twenty more terms.
2. Listen to several TV programs. What words did you hear repeated frequently? Is there a corresponding symbol for those words? If not, create one that you can comfortably use.
3. Ask someone to read a short passage from a newspaper, magazine, or book. Take notes as needed, and then interpret what the passage said back to your friend for feedback. Do this in both English and your non-English language.
4. Listen to a radio or TV news program or interview (short segments) and record the program, too. Take notes on what is said, and then compare your summary of what was said to what actually was said.
5. Repeat #3 and #4 with longer programs and passages.



## CONSECUTIVE I

**Chamness:** Today's date is February 28th, 1993, and the time is 8:15 am. This is in reference to Seattle Police case 93-250819. Conducting the interview is Detective M. Chamness of the Seattle Police Department Special Assault Unit, and the person being interviewed at this time is Rebecca Downey. Rebecca, do you understand our conversation is being recorded at this time?

**Downey:** Certainly.

**Chamness:** And do I have your permission to do so?

**Downey:** Thank you, yes.

**Chamness:** OK, Rebecca, would you please spell your name and give me your address?

**Downey:** Yes, my name is Rebecca, first name Rebecca -R E B E C C A; middle initial L; last name, Downey - D O W N E Y. I presently reside at; have resided at 236 19th.Ave NE in Seattle, for the last eight years.

**Chamness:** OK and you're familiar with an individual known to you or known by several names -- Carlos Espinoza. Do you know his true name?

**Downey:** When I first was introduced to Ramón, he told me his name was Carlos, and it was sometime after that I learned that in fact it was "Ramón", and I believe, and in fact have seen an official document to this effect that his real given name is Ramón Gonzáles Gómez.

**Chamness:** OK, and how did you meet Mr. Gómez?

**Downey:** I met him through a friend, just briefly at the Pike Place Market area, in... in the Market, in the park area, probably about a year and a half ago.

**Chamness:** OK, and so you've carried on some type of at least contact with him for that year?

**Downey:** Well, I knew him just briefly. That was about July, and then he was arrested for selling drugs on the street in about October, I believe, of... would have been '90, and I maintained contact in terms of corresponding with him, sending him money and visiting him from time to time.

**Chamness:** OK. Did he make contact with you when he got out of jail?

**Downey:** The first time, are we talking about?

**Chamness:** Yeah, the time he went in for the drugs.

**Downey:** When he got out... yes...I'm trying to think. He definitely made contact. It was already as if by that time he had become totally fixated on me, because he... I think there were two things going on -- one, he... he thought he was in love with me; and two, sort of as a separate issue, he could see that I was a supportive person and that in a sense I wasn't easily offended. You know, I would see that flip side of him where he would be very negative and... and... and talk very abusively, but I'd also seen that sweet side of him by that time, and... and wanted to concern... wanted to believe that that was the true Ramón, and.. and I think he could see that that's the part of him that I had



faith in and that seeing what a good support person I was, he... he said many times he didn't want to lose that, that I would be a big loss.

**Chamness:** OK, now, did he ever live with you for a brief time?

**Downey:** Briefly when he came back after that initial incarceration, or arrest and incarceration that lasted about nine, ten months. He came back and was in my home, oh, roughly a week before another incident occurred.

**Chamness:** OK and you also live there with a thirteen-year-old daughter?

**Downey:** Right, uh huh. She was eleven or twelve at that time.

**Chamness:** All right, was there another incident then about a week after he stayed there.

**Downey:** Right. When he came out of jail, he was somewhat different, as one might expect, and... and I could see that he was under a lot of pressure, had a lot of expectations of me to provide for him in certain ways, even though I had tried to make it very clear to him that my resources were very limited, that I was... I would remind him again and again that I was a single parent with my only income, which is a secretarial income, and that it... it was extremely limited, that I had a number of bills to absorb, since I'd been diagnosed with breast cancer just the year before, and...in... in fact, it was...it was that summer that I'd just undergone this radical mastectomy and was undergoing chemotherapy at the time, so in addition, he knew that my health was not very good.

**Chamness:** OK, and was there... what was that incident that took place?

**Downey:** OK, he... he came to my home and he kept talking about joining a martial arts kind of club, or taking a course in martial arts, and he wanted me to pay for this, and I told him...well, I subscribe to the idea of him doing something constructive like that where he could, you know, utilize his Physical energy. I...I told him I didn't have the funds to do it, and...and one day I came home after work and he was...he seemed very anxious and angry and...and asked me just the moment I walked in the door, you know, why dinner wasn't ready and it was just ludicrous. I mean, I even laughed, although it...at the ludicrousness of...of his expectation, and...although I...I can...went ahead and I made dinner because I, too, was hungry.

**Chamness:** Ok, did an assault take place? I...I don't mean to cut you off...

**Downey:** Yes, it did. It...it did. He refused dinner. He was sulky. I sat down to ask him what was going on, and he just flew off the handle. He started hitting me, slugging me around the head and upper body, knocked me down and started kicking me fiercely.

**Chamness:** Ok. Were police called?

**Downey:** And after a few minutes he...he let up the attack and I managed to get to the door, out of it with him in hot pursuit. I got into a neighboring apartment. That person went out and hailed the policeman who came and arrested him.

**Chamness:** All right. Now, after that assault did your relationship with him continue?

**Downey:** Well, he was incarcerated then for another three months, and I foolishly corresponded with him, although I continued to tell him not to come back, not to come back.



**Chamness:** OK, did he come back?

**Downey:** And he came back anyway. I said, "This is against my better judgment." I said, "You're putting yourself in a very, you know, compromising position to do this." I was very clear with him that he should not return, and...

**Chamness:** But he did return?

**Downey:** He returned anyway and I... you know, while he stayed a few nights on occasion in my apartment, he never took up residence with me again. In... instead, he lived on the street, in var... various motels, moving from one to... to another.

**Chamness:** Do you know if he was dealing drugs at this time?

**Downey:** I..I know he was. I know he would bring quantities to my apartment and cut them up.

**Chamness:** All right, so you knew he was dealing at that time?

**Downey:** Uh huh, uh huh.

**Chamness:** All right, now, this latest situation where you were assaulted...

**Downey:** Mm hm.

**Chamness:** OK, did he come uninvited to your apartment?

**Downey:** Right. I didn't know that he was coming. I...

**Chamness:** OK, did... was your daughter there at the time?

**Downey:** No, she was not on this occasion.

**Chamness:** OK, and then while he was there, you pretty clearly described it in a Faxed statement to me, but just briefly, he... he attempted to have sex with you against your will?

**Downey:** Exactly. He came in and again he was very anxious and angry and it was apparent to me right away that he had been drinking. In fact, he even had a six-pack in hand and I said, "Please don't continue to drink here. I'm just getting ready to go to bed. I cannot..." and.., and... and after that he offered me some cocaine. I said "no" I said "I'm a straight person. You know that. I cannot..." I had a kidney infection. I said "I'm ill. I have to go to bed."

**Chamness:** And then the assault took place as you described?

**Downey:** Right. He... he... he started.., he started.., he took a hold of my hands and pulled my... well, by that time he had already taken my shirt off and cut it up, and... and then... you're right, the... the assault itself started, just a physical... a physical wrestling match that lasted until he passed out, over three hours later.

**Chamness:** Now, you... you indicated to me prior to this assault which took place on... on May 20th. that you received a call from him on February 20th at about 11:00 am, and it was a threatening phone call, and it created enough fear in you that you had planned to move out of your apartment, is that not correct?

**Downey:** Definitely. I'd given... I gave notice on my apartment. I spirited my daughter out of the home that night.



**Chamness:** OK, and so you sought alternative residency because of this threat?

**Downey:** Exactly. I could tell that he was extremely inebriated and I was sure, based on past observation of him, that he was full of dope.

**Chamness:** OK and you were afraid of this individual?

**Downey:** Right, definitely.

**Chamness:** OK and it was the situation on the 20th, the night of the assault that you reported again to us...

**Downey:** Mm hm...

**Chamness:** ... that you were afraid of this individual and in fact feared for your safety?

**Downey:** Definitely, no question about it, but I thought that I could get him under control, but it was apparent that nothing that I said or did, I couldn't reason with him. He was totally out of control.

**Chamness:** OK, now, you were able to flee your apartment eventually the next morning, and then you returned two days later...

**Downey:** N... OK...OK, what I did that night was, I stayed with a friend from my job, 'cause I was trying to get into a shelter, and so on Monday night I couldn't get into a shelter, so I was with... I... I left my friend's home and decided to go back home to pick up a few things, and at that point found him barricaded in my apartment.

**Chamness:** And you called police?

**Downey:** And I got... went and found a policeman and.., who ca... who agreed to come with me to the apartment. He... he called another man who accompanied us, and I finally persuaded Ramón to open the door, at which point we arrested him. I told him... or, he was arrested. I told him the night before. He had been ca... he called me the night before, tried to act like nothing was wrong, and I told him... I told him, I said, "I'm not coming back to the apartment, but", I said, "if I do, I will be bringing police with me."

**Chamness:** OK, very good, and I think that most of what happened in the apartment that night is pretty well covered in your statement to me.

**Downey:** Right. One thing that's really important, I think, to point out is that he threatened me again if I screamed that night or if I notified the police, he said that it's true, he possibly could go to jail, but that he could put me in the hospital first, and I.. I know that he's fully capable of doing that. When... because he feels so threatened in terms of... of his own activities on the street.

**Chamness:** OK, very good. I appreciate your assistance on this. The time is 8:28; I'm going to conclude this recording.

## Introduction to Sight Translation

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**Sight translation** means reading written materials in one language, and translating them *aloud* into another language, without having practiced, prepared or seen the materials before.

Mental agility is extremely important in sight translating – in your vocabulary and phrasing, and in your flexibility to switch registers, language, and intonation.

This session is designed to give you practice to develop your sight translation skills. It will also help you heighten your awareness of language usage by giving you practice in skills like paraphrasing and expanding the content. In actual sight translation, however, **the interpreter does NOT paraphrase, summarize or change the register of the original text.**



## Paraphrasing

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**Paraphrasing**, as a preparatory exercise, means to replace as many words as possible with other words or phrases, while conserving the same meaning. Thus, "He ambled leisurely, and halted to inhale the perfume of the roses" can become "He strolled, and stopped to smell the roses." To paraphrase well requires a large vocabulary in your languages and knowledge of idioms.

Paraphrasing exercises help you comprehend the source and stretch your vocabulary. Remember, **do NOT paraphrase** text you are sight translating for actual legal purposes.

**Directions:** As you read the following passages out loud, replace each word (except for numbers and proper names) with others – synonyms, antonyms, or phrases – keeping the meaning intact.

1. A federal mediator ordered US West and its employees' union, the Communications Workers of America, to return to the bargaining table today as the strike affecting the phone company's service in 14 states enters a second week.
2. Talks broke up before noon yesterday.
3. The strike began last Sunday morning, affecting more than 34,000 workers in Washington, Oregon and 12 other states. Major sticking points are forced overtime, health benefits, and a plan to tie pay to job performance.
4. Early today, workers at Southern New England Telecommunications went on strike, after hours of negotiations failed to bring a deal on higher wages for 6,300 workers.
5. SNET is the nation's oldest independent telephone company, serving nearly all of Connecticut's 3 million residents.

*Now try it with this passage:*

A hideous scourge is reappearing all across America. It is heroin – but a sinister new kind, known throughout the drug culture as "China White." It comes from the opium poppy-fields of the so-called Golden Triangle in Southeast Asia, where Burma (Myanmar), Laos and Thailand come together. And now secret Chinese criminal societies based in Hong Kong are flooding the US with it. In earlier times, heroin generally had a purity of 5 percent to 10 percent. But the new heroin is so pure – up to 90 percent pure – that it can be snorted or smoked just like cocaine.



## Changing Register

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The level of language used, called the **register**, changes in response to a specific social setting. Chatting at a party means talking in a lower-level or informal register, for example. Applying for a job usually requires a higher level or more formal register.

**Directions:** Read the following paragraphs aloud and alter the register (higher or lower), being careful *not to stray* from the original meaning. For example:

As I was driving to work in the morning, I noticed that the stop sign which used to be on the corner of Main and 1<sup>st</sup> had been removed.

Higher level: Upon transporting myself to my place of employment in my automobile at some point in time prior to noon, I observed that the insignia which had formerly been positioned at the intersection of the thoroughfares known as Main and 1<sup>st</sup> to cause motorists to bring their vehicles to a stationary position had been displaced.

Lower level: On my way to work in the morning, I saw that they took out the stop sign that used to be a Main and 1<sup>st</sup>.

1. Hey, man, I never stole no fucking wheels! Watch what you are telling me! It ain't that way, I tell ya. The bitch was sick, was in need – you know what I'm telling ya? So, I took 'er to the detox center, ya know. She says to me, she says, "You drive, baby, I'm too sick, I'm gonna crash." Next thing I know after we get to the center, she's gone. Man comes out and says, "Your friend is a goner." I don't even know her name, see, just her street name, Lula. An' I end up with her stuff that she had in there and had to take the car someplace. And then the cop comes up and say's he's puttin' me in the cooler for stolen property or somethin'? Man, I don't get it. I was just trying to be good to her.

2. If counsel finds his case to be wholly frivolous, after a conscientious examination of it, he should so advise the court and request permission to withdraw. That request must, however, be accompanied by a brief referring to anything in the record that might arguably support the appeal. A copy of counsel's brief should be furnished the indigent and time allowed him to raise any points he chooses; the court – not counsel – then proceeds, after a full examination of all the proceedings, to decide whether the case is wholly frivolous. If it so finds, it may grant counsel's request to withdraw and dismiss the appeal. On the other hand, if it finds any of the legal points arguable on their merits (and therefore not frivolous) it must, prior to decision, afford the indigent the assistance of counsel to argue the appeal.

## Intonation

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**Intonation** means changing pitch to convey grammatical meaning. Questions, for example, usually end with the voice going up, right? Emphasis (such as italicized and bolded words), and punctuation (where commas indicate pauses, for example) are parts of intonation.

**Directions:** Read these paragraphs with *proper* intonation. Punctuation has been eliminated, so think quickly where it should be. This type of exercise reflects your comprehension of the text.

1. Most health care professionals have three words to say about using fireworks don't do it but they know from experience that people *will* celebrate the fourth of July with fireworks and they know from experience that some of those celebrants *will* suffer injuries ranging from burns to loss of fingers and loss of vision a few words of advice keep buckets of water immediately available these come in handy not only for submerging burned hands and fingers besides cooling the burn water helps dilute the chemicals involved but also for dousing unexpected fires if any chemicals get in your eye it is *critical* that you flush the eye for at least 20 minutes with running water this is more difficult than it sounds and usually requires at least two people to aid the victim one to aim and control the water the other to physically hold the eye open call a consulting nurse.
2. As members of the Thurston County food community we make personal decisions each day that affect and define the unique character of our county this is particularly apparent when it comes to choosing how and where we spend our money every dollar spent is the equivalent of a vote for the goods and services that we purchase so what are we voting for economic sustainability means a dollar spent at a local farm or business will circulate *within* the community many times over "direct sales" means that the farm receives *100%* of each dollar spent on its products other farmers can expect to see as little as 18 cents for each dollar spent on their products at a large chain store local food tastes better the next time



strawberries are in season in Thurston County compare their mouthwatering taste to California strawberries *local* food is fresher and more nutritious the faster food goes from farm to plate, the fewer vitamins and nutrients are lost farm goods purchased from local sources travel short distances using little fossil fuel the average bite of not-local food has traveled 1300 miles before reaching our mouth contributing greatly to air pollution and depleting a non-renewable resource.



## Expansion

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**Expansion** is another exercise to stretch your vocabulary and agility with language. “No shirt, no shoes, no service” can be expanded into “Not wearing either a shirt or shoes means you will not be served by the staff.” **Do NOT expand** texts that you are translating in actual legal situations.

**Directions:** Expand the following passages. Do not change the meaning or add any information.

1. In spite of what you may have heard, scientists are just like other people.  
A scientist walking down the street may look like an insurance agent or a car salesman – no wild mane of hair, no white lab coat.
2. Another tool gaining acceptance in education is the electronic whiteboard. It is an updated version of the board-on-easel. Educators can electronically write over computer images projected onto the whiteboard, control the computer applications by touching the board, save and print the notes written on it and more.
3. Identity theft occurs so frequently that the FBI cites it as "America's fastest growing crime problem". Thieves steal and fraudulently use the names, addresses, social security numbers, bank account information, credit card numbers and other personal information of some 10 million Americans each year, according to the Federal Trade Commission. Learning about how thieves get your personal information is the first step toward protecting yourself from this devastating attack on your financial well-being.
4. We are the regional leader in high quality technology training. Using state-of-the-art PCs, Cisco networking equipment, a telecommunications lab, and a staff of trainers drawn from local consulting firms and industry, we offer students training opportunities seven days a week. In addition, open lab computer space is available for students to pursue studies, homework, and technical issues outside of class.





### MUNICIPAL PROBATION SERVICE

Dexter Horton Building, Suite 1490  
710-2nd Avenue, Seattle, WA 98104, (206) 684-7850

#### PRE-TRIAL DIVERSION AGREEMENT

I understand that I have been charged with the offense of:

\_\_\_\_\_, the maximum penalty for which is one year in jail and a \$5000 fine.

I certify that I have no previous citations or arrests for criminal law violations.

I understand that I have the right to confer with and be represented by a lawyer. I have been given the opportunity to confer with a lawyer before entering into this agreement and have been given a copy of the Advice of Rights.

I acknowledge my rights and confirm that I fully understand them. I have read the citation/police report and agree substantially with it. I give up my right to a jury trial. I understand that this is a final decision, and I cannot change my mind in the future.

I understand that I have the right to a trial within 90 days of my arraignment. I give up my right to a timely arraignment, and I give up my right to a speedy trial for an additional 180 days.

I understand that if my participation in the pre-trial diversion program is satisfactorily completed, the charges against me will be dismissed by the court.

I further understand that if at any time my participation in such program becomes unsatisfactory to myself or the court (i.e., new offense [criminal arrest/citation] or failure to complete program conditions or failure to pay costs), that the program will terminate, and I will appear in court on the pending charges. I agree that my case will be determined by the judge reading the citation/police report (rather than the testimony of witnesses) and deciding whether I am guilty or not guilty based entirely upon the police report.

I agree that I will participate in the program determined for me by the Municipal Probation Service as stated below:

- 1) No new Criminal Offenses for ninety (90) days. \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

\_\_\_\_\_  
Counselor

\_\_\_\_\_  
Case Number

I declare, under penalty of perjury under the laws of the State of Washington, that the foregoing is true and correct.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

## Suggested Skills-Enhancing Exercises: Public Speaking and Vocabulary Building

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The exercises outlined below will help you develop skills in sight translation. They are designed to build mental agility, linguistic flexibility, and analytical skills. Practice them in ALL your working languages.

### Exercises in Public Speaking

1. **Reading Aloud:** Stand in front of a mirror and read passages aloud from any book, newspaper, or magazine – a legal textbook, code book, or other legal texts are useful for familiarizing yourself with legal language. Record or videotape yourself, then analyze the outcome critically. Pay attention to your voice, pitch (whether you sound squeaky high or rumbling low), tone (emotional quality), hesitations, sighs, projection (how far your voice is heard), enunciation (how clearly you say the words), and posture.
2. **Controlling Emotions:** Practice controlling your emotions while reading aloud texts with high emotional content, such as fear, anger, humor, etc. Make sure you convey the author's intended emotions and NOT your personal reaction to the subject matter.
3. **Public Speaking:** Practice speaking before a group of people at every opportunity. People you know will constitute a less threatening audience, allowing you to ease your way into public speaking and build confidence. Court interpreting is an ongoing exercise in public speaking.

### Vocabulary Building

1. **Extensive Reading:** Build up your reading vocabulary and, as a bonus, your fluency, by reading as much as possible in books (legal texts especially), newspapers and magazines. Read a passage aloud, and then read it again but more quickly.
2. **Vocabulary Lists:** Keep a list of words you hear or read, but do not know their meaning. Look them up in both English and non-English dictionaries, including the pronunciation. Review the word list until you are very familiar with the words, translations and pronunciations.
3. **Rewriting:** Rewrite a paragraph from a book, changing the register or paraphrasing what is said. Use as many synonyms and antonyms as possible. Read the paragraph aloud.



# **Overview of the Washington Courts**

## Introduction to the Washington Courts



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## Learning Objectives

- 1 Differentiate between general and limited jurisdiction.
- 2 Identify the types of cases occurring in each court category.
- 3 Contrast the role of Therapeutic Courts against "regular" courts.
- 4 List the individuals commonly found at court.



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## Three Categories of WA Trial Courts

Municipal Courts: Limited Jurisdiction

District Courts: Limited Jurisdiction

Superior Courts: General Jurisdiction



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## Municipal Courts

- City Courts of Limited Jurisdiction
- Criminal – ordinance violations, infractions, misdemeanors & gross misdemeanors
- Traffic
- Domestic violence protection



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## District Courts

- County Courts of Limited Jurisdiction
- Criminal – misdemeanors and gross misdemeanors, preliminary hearings for felony cases
- Domestic Violence & Anti-harassment Protection
- Civil – up to \$75,000
- Small Claims – up to \$5,000



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## Superior Courts

- County Courts of General Jurisdiction
- Criminal
- Civil (including family law)
- Juvenile Court
- Appeals from Courts of Limited Jurisdiction



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## Therapeutic Courts

- Adult Drug Courts
- Juvenile Drug Courts
- Family Treatment Courts
- Mental Health Courts
- Veterans Treatment Courts
- DUI Courts
- Domestic Violence Courts



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## Some of the People at Court

- Judge (Bench, Court)
- Commissioner, Magistrate, Pro Tem Judge
- Plaintiff, Respondent/Defendant
- County Prosecutor, City Attorney (The State)
- Defense Attorney



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## Some of the People at Court

- Bailiff
- Courtroom Clerk
- Court Reporter
- Court Facilitator
- Probation Officer
- Court Administrator



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# **Criminal Procedure and Terminology**

## Introduction to the Criminal Procedure and Terminology



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## Learning Objectives

- 1 Define commonly used legal vocabulary.
- 2 List the order of hearings for criminal cases from start to finish.
- 3 Recognize commonly argued legal issues in criminal cases.
- 4 Identify the factors contributing to a defendant's sentence.



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## Four Levels of Offenses

1. Infraction Punishable by fine only. Civil Action. Burden of proof is a preponderance of the evidence. Example: speeding.



2. Misdemeanor Punishable by up to 90 days / \$1000 fine. Examples: no valid operators license 1<sup>st</sup> degree, possession of marijuana, and driving while license suspended.



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### Four Levels of Offenses

3. Gross Misdemeanor Punishable by up to 364 days in jail / \$5000 fine.

Examples: theft, assault 4<sup>th</sup> degree, DUI, driving while suspended 1<sup>st</sup> and 2<sup>nd</sup> degree



4. Felony Punishable by more than one year imprisonment. Examples: murder, rape, burglary, drugs.



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### Basic Criminal Law Principals

The prosecuting attorney charges the accused person (defendant) on behalf of the government (State).



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### Basic Criminal Law Principals

The State has the burden of proof.  
The defendant need not testify or prove his/her innocence.



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## Basic Criminal Law Principals

The State must prove to a judge or jury that the defendant is guilty beyond a reasonable doubt.



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## The Basic Steps in Criminal Cases



Preliminary Hearing / Arraignment

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## Preliminary Hearing / Arraignment

- The Defendant is advised of his/her rights.
- The Defendant is advised of the allegations charged, and the potential sanctions.

### Terminology:

Information  
Complaint  
Probable Cause  
Advisement of Rights  
Citation



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## Preliminary Hearing / Arraignment

- The Defendant enters a plea.
- The Judge sets conditions of release.

### Terminology:

Bail  
Bond  
Booking



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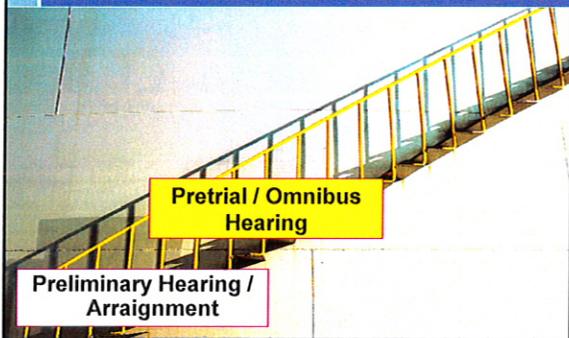
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## The Basic Steps in Criminal Cases



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## Issues at a Pretrial/Omnibus Hearing

1. Was defendant provided appropriate access to counsel?
2. Have parties complied with discovery?
3. Motions from either party?

### Terminology:

Discovery  
Motions



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## Issues at a Pretrial/Omnibus Hearing

4. Procedural or constitutional issues?
5. Set time for a pretrial conference.
6. Permit defendant to change not guilty plea.

### Terminology:

Suppression of Evidence  
Probable Cause  
Search & Seizure



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## Common Constitutional Issues

Motion to Dismiss for lack of probable cause

Motion to Suppress Evidence: Fourth Amendment violation (illegal search & seizure), illegal arrest or search warrant, Miranda violation, etc.



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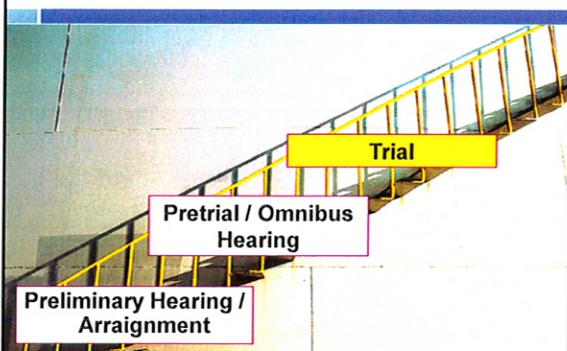
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## The Basic Steps in Criminal Cases



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## Trial – Two Types

1) Bench Trial / Court Trial



2) Jury Trial

Superior Court: 12 jurors

District/Municipal Court: 6 jurors



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## Criminal Jury Trial Overview

1. Motions in Limine
2. Voir dire (jury selection)
3. Opening statement. Plaintiff first, defendant second (optional).

### Terminology

Motions in Limine  
Challenge for Cause  
Peremptory Challenge



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## Criminal Jury Trial Overview

4. Plaintiff's Case in Chief
5. Defendant's Case in Chief (optional)

### Terminology

- Testimony
- Direct Examination
- Cross Examination
- Re-direct & Re-cross
- Exhibits
- Publish to the Jury
- Objections
- Sustained / Overruled
- Hearsay
- Impeachment

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## Criminal Jury Trial Overview

6. Closing Arguments (plaintiff, then defendant and rebuttal by plaintiff)
7. Jury Instructions
8. Jury Deliberations
9. Verdict



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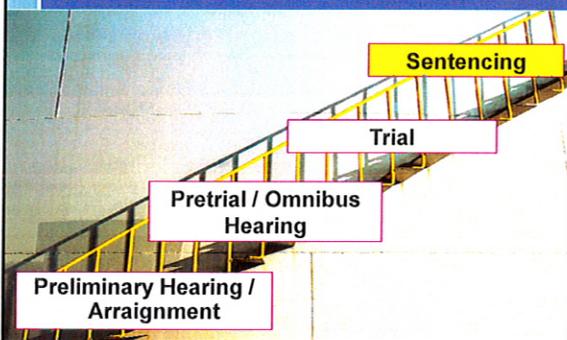
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## The Basic Steps in Criminal Cases



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## Before the Sentencing Hearing...

In felony cases, after a plea, finding of guilt, or verdict of guilt the court may order a risk assessment or presentence investigation and report.

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### At the Sentencing Hearing...

- The victim has a right to speak.
- The defendant has a right of allocution.
- The judge states the precise terms of the sentence.
- The defendant is provided with a judgment of conviction.

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### At the Sentencing Hearing...

In felonies, the sentencing guidelines identify a range of prison/jail time based on:

- (1) the seriousness of the crime, and
- (2) the defendant's criminal history.

#### Terminology:

Standard Range  
Enhancements  
Community Custody  
Consecutive/Concurrent



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### Legal Terminology & Procedure How Do I Prepare?

- Observe court proceedings. Ask questions.
- Research the U.S. court system, find legal glossaries or dictionaries.
- Learn about legal systems in countries with your target language.
- Review forms at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)
- Form a language-specific study group.

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# **Sample Criminal Forms**



**Superior Court of Washington  
County of Kitsap**

STATE OF WASHINGTON,

Plaintiff,

vs.

Defendant.

NO. \_\_\_\_\_

**ACKNOWLEDGMENT OF ADVICE  
OF RIGHTS (AKAR)**

1. My true name is: \_\_\_\_\_ I am also known as: \_\_\_\_\_

2. My age is: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

3. I understand that I am accused of:

(a) The crime of: \_\_\_\_\_

(b) The crime of: \_\_\_\_\_

4. I also understand that I have all the following rights:

- (a) To be represented by a lawyer, and if I cannot afford to pay for a lawyer, to have one provided at public expense;
- (b) To have my lawyer present during questioning;
- (c) To stop answering questions at any time, even though I have started to answer questions without asking for a lawyer, but any statement I make to anyone, including court personnel, may be used at trial against me;
- (d) To a speedy and public trial by an impartial jury in the county where the crime(s) with which I am charged (is)(are) alleged to have been committed;
- (e) To remain silent before and during trial and not to testify against myself;
- (f) To hear and question witnesses at trial who testify against me;
- (g) To call witnesses to testify for me at trial. These witnesses can be made to appear at no expense to me;
- (h) To testify on my own behalf;
- (i) To be presumed innocent until any accusation is proved by evidence beyond a reasonable doubt, or I decide to enter a plea of guilty; and
- (j) To appeal after a finding of guilty after trial.

5. I understand that if I decide to plead guilty, I will have no right to a trial on any charge to which I plead guilty. All that will remain for the court to do will be to sentence me. I will not be able to appeal the question of my guilt on the charge to which I plead.

6. I understand that if I am not a citizen of the United States who has been charged with a crime, I may wish to notify my country's consular representatives here in the United States of my situation. A consular official from my country may be able to help me obtain legal counsel, and may contact my family and visit me in detention, among other things. If I am in custody or need assistance in locating my country's consular representatives, I may request such assistance now, or at any time in the future. After my consular officials are notified, they may call or visit me.

7. I have read or have had read to me and I understand all of the numbered paragraphs above (1 through 6) and have received a copy of this Advice of Rights. I have no further questions to ask of the court.

\_\_\_\_\_  
Defendant

**JUDGE'S CERTIFICATE**

The foregoing statement was signed by the defendant in the presence of:

\_\_\_\_\_  
Deputy Prosecuting Attorney

\_\_\_\_\_  
Defense Attorney

and the undersigned Judge in open court.

DATED: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

Original - Court File  
cc: Yellow - Defendant

IN THE WAHAKIYAKUM COUNTY SUPERIOR COURT

STATE OF WASHINGTON,	)	
	)	No. 05-1-01333-2
Plaintiff,	)	
	)	INFORMATION
v.	)	
	)	(Total Counts Filed – 4)
JIM JAMES BROWN,	)	
Age: 36; DOB: 08/09/1970	)	
	)	
Defendant.	)	

Comes Now the Plaintiff, STATE OF WASHINGTON, by and through its attorney, Robert Cranberry, WSBA No. 71816, Deputy Prosecuting Attorney, and hereby alleges that contrary to the form, force and effect of the ordinances and/or statutes in such cases made and provided, and against the peace and dignity of the STATE OF WASHINGTON, the above-named Defendant did commit the following offense(s)-

**COUNT I**

**Assault in the Second Degree**

On or about August 1, 2006, in the County of Wahkiakum, State of Washington, the above-named Defendant did, intentionally assault another and recklessly inflict substantial bodily harm and/or assault another with a deadly weapon, to wit: LESTER ANTHONY SMITH; contrary to the Revised Code of Washington 9A.36.021(1)(a) and/or (c).

(Maximum Penalty—Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(28), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.570)

JIS Code: 9A.36.021.2A Assault-2

CHARGING DOCUMENT; Page 1 of 6

For Training Purposes Only

**COUNT I**

**Special Allegation—Domestic Violence**

AND FURTHERMORE, the Defendant did commit the above crime against a family or household member; contrary to Revised Code of Washington 10.99.020.

**COUNT I**

**Special Allegation—Armed With Deadly Weapon**

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an accomplice was armed with a deadly weapon other than a firearm; contrary to the Revised Code of Washington 9.94A.602.

(MINIMUM PENALTY—If the Defendant is found to have been armed with a deadly weapon other than a firearm at the time of the commission of the crime, an additional twelve (12) months is added to the presumptive range of confinement for a first offense and an additional twenty-four (24) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(4)(b) and (d).)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(28), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment with the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.570.)

**Count II**

**Assault in the Second Degree**

On or about August 1, 2006, in the County of Wahkiakum, State of Washington, the above-named Defendant did assault another to wit: ANN SMITH, with a deadly weapon, contrary to the Revised Code of Washington 9A.36.021(1)(c).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(28), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.570)

JIS Code:           9A.36.021.2A           Assault-2

CHARGING DOCUMENT; Page 2 of 6

For Training Purposes Only

**Count II**

**Special Allegation—Domestic Violence**

AND FURTHERMORE, the Defendant did commit the above crime against a family or household member; contrary to Revised Code of Washington 10.99.010.

**Count II**

**Special Allegation—Armed With Deadly Weapon**

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an accomplice was armed with a deadly weapon other than a firearm; contrary to the Revised Code of Washington 9.94A.602.

(Minimum Penalty—If the Defendant is found to have been armed with a deadly weapon other than a firearm at the time of the commission of the crime, an additional twelve (12) months is added to the presumptive range of confinement for a first offense and an additional twenty-four (24) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(4)(b) and (d).)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(28), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.570.)

**Count III**

**Burglary in the First Degree**

On or about August 1, 2006, in the County of Wahkiakum, State of Washington, the above-named Defendant, with intent to commit a crime against a person or property therein, did enter or remain unlawfully in a building, and in entering or while in the building or in immediate flight there from, the Defendant or another participant in the crime was armed with a deadly weapon and/or did assault any person therein, to wit: Lester Anthony Smith; contrary to the Revised code of Washington 9A.52.020.

(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.52.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(28), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.570.)

JIS Code:        9A.52.020    Burglary 1

**Count III**

**Special Allegation—Domestic Violence**

AND FURTHERMORE, the Defendant did commit the above crime against a family or household member; contrary to Revised Code of Washington 10.99.020.

**Count III**

**Special Allegation—Armed With Deadly Weapon**

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an accomplice was armed with a deadly weapon other than a firearm; contrary to the Revised Code of Washington 9.94A.602.

(Minimum Penalty—If the Defendant is found to have been armed with a deadly weapon other than a firearm at the time of the commission of the crime, an additional twenty-four (24) months is added to the presumptive range of confinement for a first offense and an additional forty-eighth (48) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(4)(a) and (d).)

**Count IV**

**Assault in the Fourth Degree**

On or about August 1, 2006, in the County of Wahkiakum, State of Washington, the above-named Defendant did intentionally assault Cindy Jones; contrary to Revised code of Washington 9A.36.041(1).

(Maximum Penalty—one (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.36.041(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

JIS Code:           9A.36.041    Assault 4<sup>th</sup> Degree

**Count IV**

**Special Allegation—Domestic Violence**

AND FURTHERMORE, the Defendant did commit the above crime against a family or household member; contrary to Revised Code of Washington 10.99.020.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that I have probable cause to believe that the above-name Defendant committed the above offense(s), and that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: August 10, 2006

State of Washington

PLACE: Cathlamet, WA

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ROBERT CRANBERRY, WSBA No. 71816  
Deputy Prosecuting Attorney

All suspects associated with this incident are—

Jim James Brown

CHARGING DOCUMENT; Page 5 of 6

For Training Purposes Only

**DEFENDANT IDENTIFICATION INFORMATION**

JIM JAMES BROWN  
111 POINT SW  
South Bend, WA 98105

Alias Name(s), Date(s) of Birth, and SS Number  
JAKE JAMES BROWN 08/09/1970

[Address source—(1) Wahkiakum County Jail records if Defendant in custody, or law enforcement report noted below if Defendant not in custody, or (2) Washington Department of Licensing abstract of driving record if no other address information available]

RACE: WHITE                      SEX: MALE                      DOB: 08/09/1970      AGE: 36  
D/L: BROWNJJ123XX      D/L STATE: WASHINGTON      SID: WA                      HEIGHT: 507  
WEIGHT: 189                      JUVIS: UNKNOWN                      EYES: BLUE                      HAIR: BLONDE  
DOC: UNKNOWN                      SSN: 112-11-1212                      FBI: 491011W11

**LAW ENFORCEMENT INFORMATION**

Incident Location: 111 Point SW, South Bend, WA 98105

Law Enforcement Report No.: W05010199

Law Enforcement Filing Officer: Matt R. Homes #82

Law Enforcement Agency: Wahkiakum County Sheriff's Office

Motor Vehicle Involved? No

Domestic Violence Charge(s)? Yes

Law Enforcement Bail Amount: \$1,000,000

**CLERK ACTION REQUIRED**

IN CUSTODY

**PROSECUTOR DISTRIBUTION INFORMATION**

Superior Court	District and Municipal Court
<b>Original Charging Document—</b> Original +3 copies to Clerk 1 copy to file 1 copy to DOC <b>Amended Charging Document(s)—</b> Original +3 copies to Clerk 1 copy to file	<b>Original Charging Document—</b> Original +2 copies to Clerk 1 copy to file <b>Amended Charging Document(s)—</b> Original +2 copies clipped inside file on top of left side 1 copy to file

Prosecutor's File Number—00-000000-4

CHARGING DOCUMENT, Page 6 of 6

For Training Purposes Only

**CERTIFICATE OF PROBABLE CAUSE**

REPORT NUMBER: W05-010199 CLERK CODE: \_\_\_\_\_  
*(Required for all probable cause arrests and all cases submitted for criminal prosecution)*

SUSPECT NAME: Jim James Brown BIRTH DATE: 08/09/1970

COURT:  SUPERIOR COURT  DISTRICT COURT  JUVENILE COURT  
 MUNICIPAL COURT \_\_\_\_\_  
*(Name of City)*

ARREST CRIMES: REVISED CODE OF WASHINGTON  
(1) Assault 1 9A.36.011.1.A  
(2) Assault 2 9A.36.021  
(3) Assault 4 DV 9A.36.041

ARREST DATE: August 1, 2006 ARREST TIME: 2046

LOCATION OF CRIME: 111 Point SW, South Bend, Washington, Wahkiakum County

**STATE OF PROBABLE CAUSE**

*Summarize the facts showing probable cause of the arrest and for each element of every offense committed. If a witness can be identified, please include that witness' name if the witness has supplied you with information supporting your determination of probable cause. If the full name of the witness should not be disclosed, please use the initials and date of birth to identify the witness.*

The E-911 Center advised of a dispute involving a knife at 111 Point SW in South Bend Washington, Wahkiakum County. The E-911 Center advised the male with the knife, Jim BROWN has stabbed himself and fled into the woods towards Buffet Park.

We then went to 111 Point SW and located a male subject on the front porch with a towel over a wound to his right inner thigh and towel over his left chest. Both towels were soaked with blood.

The male advised he was Lester SMITH and that he had been stabbed by the suspect Jim BROWN who had fled into the woods.

I made contact at the residence with three females. One was id'd as Cindy JONES the girlfriend of the suspect BROWN, the second as Ann SMITH the mother of Lester SMITH and the third as Ronda NEX, Lester Smith's girlfriend.

Cindy JONES advised Jim BROWN has been acting strange all day. She stated they had been in a verbal dispute, and BROWN was accusing her of stealing money from him and threatening to kill himself (this occurred in the Camper they share behind the residence).

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

\_\_\_\_\_  
Deputy Matt R. Holmes/Wahkiakum County Sheriff's Office #82  
Date: August 6, 2006  
Place: Wahkiakum County, Washington

For Training Purposes Only

## CERTIFICATE OF PROBABLE CAUSE

Cindy told me BROWN came into the residence and asked her for the registration and bill of sale to the car. She thought he was going to just leave so she gave it to him. She said he came back and threw the paperwork at her, accused her of stealing \$80.00 and struck her in the head. At this time, Ann SMITH got up and told BROWN to leave. BROWN went to Ann with a knife and her son Lester physically removed BROWN from the residence. BROWN then came back into the residence, came at Ann again with the knife, then Lester and BROWN started wrestling around, then BROWN ran out the door.

Ann SMITH advised she had been sitting at the computer. After BROWN struck Cindy she got up and told him to leave. She stated he then slashed at her with a knife. Her son Lester intervened, getting into a physical with him, trying to remove him from the house. She said Lester got BROWN outside and she called 911. While she was on the phone to 911, BROWN came back in and lunged at her again with the knife. She said Lester intervened again ending up into another physical, both ending up outside. She stated she did not know during which incident her son was stabbed.

I re-contacted Sgt. BENNY and briefed him on the statements from the females, advising him there was PC to arrest BROWN on Assault 1 (victim Lester SMITH), Assault 2 (victim Ann SMITH) and DV Assault 4 (victim Cindy JONES).

Upon K-9 Deputy LANE'S arrival, a track was started and the suspect located, and taken into custody. (see Deputy LANE'S and MARL'S supplemental).

Forward to the Prosecutors Office.

HOLMES, Matt R. #82

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Deputy Matt R. Holmes/Wahkiakum County Sheriff's Office #82

Date: August 6, 2006

Place: Wahkiakum County, Washington

N:\Programs & Organizations\Interpreter Program\Education & Training\Interpreter Training\Orientation 2009\Materials\Superior Court Case\IN THE WHAKIAKUM COUNTY SUPERIOR COURT.doc

For Training Purposes Only

**Superior Court of Washington  
for**

State of Washington,

Plaintiff

vs.

\_\_\_\_\_

Defendant

No.

**Statement of Defendant on Plea of  
Guilty to Non-Sex Offense  
(Felony)  
(STTDFG)**

1. My true name is: \_\_\_\_\_.

2. My age is: \_\_\_\_\_.

3. The last level of education I completed was \_\_\_\_\_.

4. **I Have Been Informed and Fully Understand That:**

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with: \_\_\_\_\_.

The elements are: \_\_\_\_\_.

\_\_\_\_\_.

5. **I Understand I Have the Following Important Rights, and I Give Them All Up by Pleading Guilty:**

(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;

(f) The right to appeal a finding of guilt after a trial.

6. **In Considering the Consequences of my Guilty Plea, I Understand That:**

(a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000 For crimes committed prior to July 1, 2000, see paragraph 6(f) )	MAXIMUM TERM AND FINE
1						
2						
3						

\*(F) Firearm, (D) Other deadly weapon, (V) VUCSA in protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude.

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If the total period of confinement is more than 12 months, and if this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. The actual period of community placement, community custody, or community supervision may be as long as my earned early release

period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months, but only if the crime I have been convicted of falls into one of the offense types listed in the following chart. For the offense of failure to register as a sex offender, regardless of the length of confinement, the judge will sentence me to 36 to 48 months of community custody. If the total period of confinement ordered is more than 12 months, and if the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.728 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer.
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer.
Crimes Against Persons as defined by RCW 9.94A.411(2)	9 to 18 months or up to the period of earned release, whichever is longer.
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	9 to 12 months or up to the period of earned release, whichever is longer.

Certain sentencing alternatives may also include community custody.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, including additional conditions of community custody that may be imposed by the Department of Corrections. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(g) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_

\_\_\_\_\_

The prosecutor will recommend as stated in the plea agreement, which is incorporated

by reference.

- (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless there is a finding of substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:
- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
  - (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
  - (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
  - (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a contested hearing, either the State or I can appeal the sentence.

- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (j) I may not possess, own, or have under my control any firearm unless my right to do so is restored by a superior court in Washington State, and by a federal court if required. I must immediately surrender any concealed pistol license. RCW 9.41.040.
- (k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
- (l) Public assistance will be suspended during any period of imprisonment.
- (m) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100.00 DNA collection fee.

**Notification Relating to Specific Crimes: If Any of the Following Paragraphs Do Not Apply, They Should Be Stricken and Initialed by the Defendant and the Judge.**

- (n) This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal

court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

- (o) The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.
- (p) If this crime involves a kidnapping offense involving a minor, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.
- (q) If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.
- (r) If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.
- (s) The judge may sentence me under the drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. Even if I qualify, the judge may order that I be examined by a licensed or certified treatment provider before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative.

If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of at least one-half of the midpoint of the standard range.

If the judge imposes the **residential chemical dependency treatment-based alternative**, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency treatment program for a period of *three to six months*, as set by the court.

As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715.

During the term of community custody for either sentencing alternative, the judge could

prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(e). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.

- (t) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- (u) If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, a mandatory methamphetamine clean-up fine of \$3,000 will be assessed. RCW 69.50.401(2)(b).
- (v) If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.
- (w) If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked.
- (x) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(13).
- (y) If I am pleading guilty to felony driving under the influence of intoxicating liquor or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with ignition interlock device requirements.
- (z) The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[n].
- (aa) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts \_\_\_\_\_ and \_\_\_\_\_ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

- (bb) The offense(s) I am pleading guilty to include(s) a Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture enhancement. I understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.
- (cc) The offense(s) I am pleading guilty to include(s) a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.
- (dd) The offense(s) I am pleading guilty to include(s) both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.
- (ee) If I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.
- (ff) The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than twelve months and less than thirty-six months, I cannot currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I cannot have a current or prior conviction for a sex or violent offense.

7. I plead guilty to:  
 count \_\_\_\_\_  
 count \_\_\_\_\_  
 count \_\_\_\_\_  
 in the \_\_\_\_\_ Information. I have received a copy of that Information.

- 8. I make this plea freely and voluntarily.
- 9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.
- 10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.
- 11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_

[ ] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

\_\_\_\_\_  
Defendant

I have read and discussed this statement with the defendant. I believe that the defendant is competent and fully understands the statement.

\_\_\_\_\_  
Prosecuting Attorney

\_\_\_\_\_  
Defendant's Lawyer

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
WSBA No.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
WSBA No.

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is included below.

**Interpreter's Declaration:** I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands, and I have translated this document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) \_\_\_\_\_, (state) \_\_\_\_\_, on (date) \_\_\_\_\_.

\_\_\_\_\_  
Interpreter

\_\_\_\_\_  
Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**Judge**

State of Washington  
Department of Corrections

**PRE-SENTENCE INVESTIGATION**

To: The Honorable Presiding Judge  
Wahkiakum County Superior Court

DATE OF REPORT: 01/06/07

Name: **BROWN, Jim James**

ALIAS(ES): **BROWN, Jake James**

DOC NUMBER: 905119  
COUNTY: Wahkiakum

CRIMES: Ct. 1: Assault 3-DV  
Ct.2: Assault3-DV  
Ct.3: Residential Burglary-DV  
Ct.4: Assault 4-DV

CAUSE #: 05-1-01333-2

DATE OF OFFENSE: 8/1/06  
PRESENT ADDRESS: Wahkiakum County Jail

SENTENCING DATE: 2-2-07  
DEFENSE ATTORNEY:

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**I. OFFICIAL VERSION OF OFFENSE:**

The following is taken from several Wahkiakum County Sheriff's Department incident reports:

The 911 Center advised of a dispute involving a knife at 111 Point SW in South Bend, Washington, Wahkiakum County. The 911 Center advised the male with the knife, Jim Brown, had stabbed himself and fled into the woods towards Buffet Park.

Officers then went to 111 Point SW and located a male subject on the front porch with a towel over a wound to his right inner thigh and a towel over his left chest. Both towels were soaked with blood.

The male advised he was Lester Anthony Smith and that he had been stabbed by the suspect, Jim Brown, who had fled into the woods.

Officers made contact at the residence with three females. One was identified as Cindy Jones, the girlfriend of the suspect Jim Brown, the second as Ann Smith the mother of Lester Anthony Smith and the third as Ronda Nex, Lester Anthony Smith's girlfriend.

Cindy told Deputies that Brown, who had been acting strangely all day, came into the residence and asked her for the registration and bill of sale to a car. She thought he was going to just leave so she gave it to him. She said he came back and threw the paperwork at her, accused her of stealing \$80.00 and struck her in the head. At this time Ann Smith got up and told Brown to leave. Brown went at Ann with a knife and her son Lester physically removed Brown from the residence. Brown then came back into the residence, came at Ann again with the knife, then Lester and Brown started wrestling around; Brown then ran out the door.

Ann Smith advised deputies that she had been sitting at the computer. After Brown struck Cindy she got up and told him to leave. She stated he then slashed at her with a knife, missing her. Her son Lester intervened, getting into a physical with him, trying to remove him from the house. She said Lester got Brown outside and she called 911. While she was on the phone to 911, Brown came back in and lunged at her again with the knife. She said Lester physically intervened again, both ending up outside. She stated she did not know during which incident her son was stabbed.

Upon arrival, deputies launched a canine search as Brown had fled into the woods. He was soon located. It was immediately noted that blood had soaked through the front of the defendant's shirt. Search incident to arrest revealed Brown had in his pockets two 2-inch folding knives and one 3-inch folding knife. Brown's assertion upon arrest was that he had been stabbed in an altercation about "tools." He also said at this time that he had stabbed someone in the shoulder and had almost been shot. No firearm was found and indeed this is the only reference to a firearm in the file material.

Brown was helped out of the woods into a waiting ambulance.

Brown has been in Wahkiakum County Jail since 08-01-2006 pending adjudication of this crime and has been to Western State Hospital seven times during the same period.

## **II. VICTIM CONCERNS:**

The victim of the felony assaults, Lester Anthony Smith during a taped interview, disclosed that he had been cut with a knife by the defendant in the "right upper inner thigh, upper left shoulder, upper left arm and on the outside of the left wrist." He said the wounds were in the nature of "stabs, slices and twists." Hospitalization was required and he is reportedly suffering from post-traumatic stress symptoms. It is not known if surgery was required or if mental health counseling is involved.

There are collateral victims of this crime: the victim's children who were exposed to the aftermath and the victim's mother who witnessed the crime. By report, the victim is taking medication for anxiety subsequent to this incident and is very worried the defendant will come after him and/or his family if he is released.

During my interview of the defendant on 01-03-2007 he expressed no animosity toward the victim and his family and expressed no intent to retaliate.

### III. DEFENDANT'S STATEMENT REGARDING OFFENSE:

The defendant's statement regarding the offense must be considered with skepticism given his psychiatric history and deeply ingrained criminality.

On 01-03-2007, I interviewed Jim James Brown in the Wahkiakum County Jail.

Upon introducing myself to Brown and stating the purpose of my presence, he declined to participate, saying that anything he said regarding the offense would be considered by other inmates as "snitching," and would cause him problems with other convicts in prison in the future. After some discussion around prison life the offender gave the following extremely brief account which I have paraphrased:

Brown said the event was all about money and vehicle titles. Brown said the victim, Mr. Smith, told him something to the effect, "Sign these titles over to me and I'll make the aliens leave you alone." In an aside, Brown told me that "I'm bent but I'm not crazy; threaten me and I'll attack you." Brown told me he declined to sign the indicated vehicle titles. Brown said Mr. Smith then brandished a knife which Brown says he grabbed with his hands which were protected by welding gloves. Brown says that during the struggle he himself was stabbed in the abdomen twice; he showed me two healed scars above the navel. He admitted to taking control of the knife and stabbing Mr. Smith several times.

Brown says Mr. Smith took the title to several automobiles and one Harley Davidson motorcycle. He also says his girlfriend, Cindy Jones, took \$80 from him and an unknown person(s) took \$1500 from a hiding place in his camper.

I was unable to obtain other relevant information from Brown.

### IV. CRIMINAL HISTORY:

For the purpose of this report I will consider only the felony-level offenses in Washington and Ohio. The juvenile and misdemeanor behavior is superfluous for the purpose of scoring.

#### SOURCES:

1. FBI
2. WACIC
3. California Criminal Information Center
4. DISCS
5. Informal DOC Records

<b>Juvenile Felony:</b>	Time does not permit researching Brown's juvenile criminality but informal records indicate a first arrest at age nine. Old DOC file material indicates that the majority of time between 1982-1988 was spent in juvenile institutions where his history includes assault custody staff.
-------------------------	--

**Adult Felony:**  
**Date of Offense:** 11-29-99  
**Crime:** Ct. 1 Robbery 1  
Ct. 2 Robbery 1  
**County / Cause No.:** Pierce / 92-1-01110-4  
**Date of Sentence:** 1-27-2000  
**Disposition:** 144 Months Prison Score 2

**Adult Felony:**  
**Date of Offense:** 11-10-97  
**Crime:** Ct. 1 Burglary 2  
Ct. 2 Unlawful Possession of a Firearm 2<sup>nd</sup> Degree  
**County / Cause No.:** Pierce / 92-1-04410-9  
**Date of Sentence:** 12-03-1997  
**Disposition:** 51 Months Prison Score 3

**Adult Felony:**  
**Date of Offense:** 8-3-95  
**Crime:** Burglary 2  
**County / Cause No.:** Snohomish 89-1-00010-5  
**Date of Sentence:** 10-25-1995  
**Disposition:** 43 Months Prison Score 2

**Adult Felony:**  
**Date of Offense:** 10-7-94  
**Crime:** Ct. 1 Burglary 2  
Ct. 2 Burglary 2  
Ct. 2 Burglary 2  
**County / Cause No.:** Snohomish / 87-1-0000-3  
**Date of Sentence:** 1-29-1995  
**Disposition:** 18 Months Prison Score 6

**Adult Felony:**  
**Date of Offense:** 12-15-92  
**Crime:** Ct. 1 Assault 2  
Ct. 2 Assault 2  
**County / Cause No.:** Snohomish / 94-1-0008-1  
**Date of Sentence:** 2-18-1993  
**Disposition:** 20 Months Prison Score 2

**Adult Felony:**  
**Date of Offense:** 11-20-90  
**Crime:** Aggravated Trafficking in Marijuana  
**County / Cause No.:** Dayton, OH / 90CR1999823  
**Date of Sentence:** 2-10-91  
**Disposition:** 1-5 years Confinement Score 1

<b>Adult Felony:</b>			
<b>Date of Offense:</b>	11-3-89		
<b>Crime:</b>	Escape		
<b>County / Cause No.:</b>	Dayton, OH / 89CR551118		
<b>Date of Sentence:</b>	12-12-89		
<b>Disposition:</b>	1-5 years Confinement	Score	1

**Misdemeanor(s):** Brown's misdemeanor history includes two domestic violence Convictions, one DUI and numerous driving charges.

<b>V. SCORING:</b>			
	<b>SERIOUSNESS LEVEL</b>	<b>OFFENDER SCORE</b>	<b>STANDARD RANGE</b>
Count I	III	14	From 51 to 60 Months
Count II	III	14	From 51 to 60 Months
Count III	IV	19	From 63 to 80 Months
Count IV	Unranked	Unranked	From 0 to 365 Days

<b>VI. COMMUNITY CUSTODY (If applicable):</b>			
	<b>SERIOUSNESS LEVEL</b>	<b>OFFENDER SCORE</b>	<b>STANDARD RANGE</b>
Count I	III	14	From 9 to 18 Months
Count II	III	14	From 9 to 18 Months
Count III		14	None
Count IV	Unranked	Unranked	2 Years Probation

<b>VII. COMMUNITY CUSTODY BOARD (If applicable):</b>			
	<b>SERIOUSNESS LEVEL</b>	<b>OFFENDER SCORE</b>	<b>STANDARD RANGE</b>
	N/A		

**VIII. RISK / NEEDS ASSESSMENT:**  
 A risk / needs assessment interview was completed with the offender. The following risk / needs area(s) and strengths have implications for potential risk, supervision, and interventions. Unless otherwise noted, the following information was provided by the offender and has not been verified.

**Criminal History:**  
 Please see the above and the Conclusion Section.

**Education / Employment:**

Brown reports leaving school in the ninth grade when he hitchhiked to Ohio and was arrested for, he thinks, fighting. He claims to have General Equivalency Diplomas from OH, CA and WA. He also reports having two years college in the Arts and Science Program while incarcerated at the Washington state Penitentiary in Walla Walla. He says his grade point average was 4.0. I have no way to verify this.

He reports no significant employment history.

**Financial:**

The defendant's only reported legitimate income is when he worked as a roofer for one week. Brown says he has supported his lifestyle by stealing, selling drugs, public assistance and by relying on friends and family. He reports collecting Social Security Income (SSI) sporadically.

**Family / Marital.**

Brown describes a family history of mental illness including a sister, brother (deceased) and father (deceased), all with schizophrenia. He describes his mother as unsupportive during his early years and during his adult years she has actively cheated him out of his SSI income. He reports she blames him for his siblings' death as well as the death of his father. He says his mother is not aware of his current situation.

**Accommodation:**

Brown reports spending nearly all his adult years, except while in prison or jail, living in a "tent in the woods" or couch-hopping with family or friends, and staying in various homeless shelters. Of all these housing options, he liked the shelters least, saying he found them too limiting.

**Leisure / Recreation:**

Brown says he spends his leisure time while incarcerated reading and drawing. When I clarified that I was inquiring into his leisure activities in the community he responded that he likes automotive work and welding.

**Companions:**

All of Brown's known companions have criminal records.

**Alcohol / Drug Use:**

Brown has a long history of drug abuse although he has a surprising lack of drug-or-alcohol-related arrests. His claim to have only used drugs while in prison seems improbable. He provided no information regarding his 2005 DUI.

**Emotional / Personal.**

Brown's psychiatric history is well-documented. His hospitalizations at Western State Hospital began in March of 1990 with the most recent hospital stay in October, 2006. A review of numerous psychiatric evaluations reveals a pervasive history of symptoms pointing to a diagnosis of a psychotic disorder. These evaluations also point to a history

of Brown regaining competency or psychiatric stability when he is on an appropriate medication. The evaluations also make consistent reference to the possibility of Brown inventing or exaggerating his symptoms in order to achieve some purpose. Please note that he has been sent to Western State Hospital no less than seven times while incarcerated for this instant offense.

I have no information regarding psychiatric hospitalizations in other states.

It should be noted that when I interviewed Brown on 01-03-07 he was well-compensated on appropriate medications. He expressed that for the first time in his adult life he feels "clear" and able to participate in his surroundings. I understand from jail mental health staff that for the first time in their experience with Brown he is appropriate and cooperative. Interestingly, he wanted to know if I could arrange for him to be housed at the Special Offenders Unit at Monroe where he may be monitored for his mental illness and medications. He specifically asked for a "foundation of help so when I go off my meds and get nutty there's something in place to catch me." I believe this institution would be extremely beneficial to him.

**Attitude / Orientation:**

My discussion with Brown was very reminiscent of my years working in prisons. I found him to be profoundly criminal as his history would lead one to expect. Please note that every DOC conviction resulted in prison sentence. His tattoos are all one would expect from a career criminal. His initial reaction to my presence at the interview for this report was very telling of his criminal orientation. All of Brown's known associates have some criminal history.

**IX. CONCLUSIONS.**

I believe this offender would benefit from incarceration at one of the special housing options DOC has for inmates with psychiatric disorders, particularly the Special Offenders Unit (SOU) at Monroe. This institution houses and treats mentally ill offenders, providing opportunities to develop the skills necessary to exist safely in the community. I spoke with the Unit Supervisor at SOU and was told that if Brown were classified for Close or Maximum custody he could spend the bulk of his sentence there in the main living unit and the last two years on the Therapeutic Community unit where specialized socialization occurs with group and individual therapy, medication monitoring and psychiatric oversight.

In reviewing the Prosecutor's scoring of the defendant's criminal history I find a discrepancy. It may be that the criminal convictions from Ohio were missed. The Prosecutor finds a total of 168 months for the top of the sentencing range. I find a total of 200 months for the top of the range. While the Court is certainly free to use the 200 month total I believe the difference of 32 months inconsequential given all the details of this case.

The only alternative to following the Plea Agreement is to sentence this offender to concurrent terms of confinement rather than consecutive. I don't feel this would adequately hold the defendant accountable.

It is my belief that the Plea Agreement provides a good balance of holding the defendant accountable while providing for community safety. This sentencing package also provides Brown with the opportunity to make some changes in his life with regard to his psychiatric disorder and to acquire some necessary skills in order to exist safely outside prison. Close monitoring by DOC for the two years following release from prison will further enhance community safety.

**X. SENTENCE OPTIONS:**

- Confinement within the Standard Range Sentence
- Work Ethic Program
- Exceptional Sentence
- First-time Offender Waiver (FTOW)
- Drug Offender Sentencing Alternative (DOSA)
- Special Sex Offender Sentencing Option (MIOSO)
- Mentally Ill Offender Sentencing Option (MIOSO)
- Community Custody Board (CCB) RCW 9.94A.712

**XI. RECOMMENDATIONS:**

I recommend the Court follow the Plea Agreement recommendation of forty-two months each for Counts I and II and eighty-four months for Count III, to be served consecutively for a total of 168 months (14 years). I recommend 365 days on Count IV remain suspended.

I further recommend the Court follow the Plea Agreement and order a period of nine to eighteen months Community Custody on Counts I and II to be served following release from DOC confinement. Please note that Count IV should include a period of twenty-four months probation to commence upon release from confinement. Note also that when the Court orders a range of Community Custody, by DOC policy, supervision will be in place to the top of the range. This is important because, should Brown violate the terms of his supervision, he will be held accountable by not only a DOC Hearings Officer but a Superior Court Judge as well.

I also recommend a No Contact Order be imposed upon Count III for ten years naming Lester Anthony Smith and Ann Smith as the protected parties.

**Sentence Type / Option:** Standard range

**Confinement:** 168 months

**OAA Cases:** Yes

**Community Custody Board:** No

**Conversions:** None

**Supervision Type & Duration:** Ct. I: 9-18 months Community Custody  
Ct. II: 9-18 months Community Custody  
Ct. III: None  
Ct. IV: 24 months supervised probation

**Conditions of Supervision:**

See Appendices H and F

## XII. MONETARY

<b>Restitution:</b>		<b>Court Costs:</b>	\$200.00	<b>Other:</b>	\$100.00
<b>Victim Penalty:</b>	\$500.00	<b>Attorney Fees:</b>	\$1100.00		
<b>Drug Fund:</b>		<b>Fine:</b>			

Submitted by:

Approved By:

---

Community Corrections Officer      Date  
1616 Port St  
Cathlamet, WA 98616  
(360) 808-1212

---

Community Corrections Supervisor      Date  
1616 Port St  
Cathlamet, WA 98616  
(360) 808-1211

Distribution:      ORIGINAL – Court

**COPY-** Prosecuting Attorney, Defense Attorney, File,  
WCC / RC (Prison)

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF WAHKIAKUM**

State of Washington )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 BROWN, Jim James )  
 )  
 Defendant. )  
 )  
 DOC No. 905119 )  
 \_\_\_\_\_ )

**Cause No.: 05-1-01333-2**

**JUDGMENT AND SENTENCE (FELONY)  
APPENDIX H  
COMMUNITY CUSTODY**

**The court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.**

**COMMUNITY PLACEMENT/CUSTODY:** Defendant additionally is sentenced on convictions herein, for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150(1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violet offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150(1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

**Community placement/custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.**

**(a) MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community placement/custody:

- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
- (2) Work at Department of Corrections' approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances;
- (5) Pay supervision fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location;

For Training Purposes Only

- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9.94A.120(13));
- (8) Notify community corrections officer of any change in address or employment; and
- (9) Remain within geographic boundary, as set forth in writing by the Community Corrections Officer.

**WAIVER:** The following above-listed mandatory conditions are waived by the court:

- (b)
  - (9) **Defendant shall comply with mental health treatment recommendations including any and all medications, case management and treatment planning. This compliance is to include while incarcerated and while in the community under active supervision with DOC.**
  - (10) **Defendant to have no contact with Lester Anthony Smith and Ann Smith for a period of ten years from release from confinement.**
  - (11) **Defendant to comply with the lawful directives of DOC including participation in a Domestic Violence Perpetrators Program or any course of counseling or treatment deemed appropriate.**
  - (12) **Defendant to comply with all standard conditions of supervision with DOC upon release from custody.**

---

DATE

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JUDGE/WAHKIAKUM COUNTY SUPERIOR COURT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF WAHKIAKUM

State of Washington )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 BROWN, Jim James )  
 )  
 Defendant. )  
 )  
 DOC No. 905119 )  
 \_\_\_\_\_ )

Cause No.: 05-1-01333-2  
  
JUDGMENT AND SENTENCE  
(GROSS MISDEMEANOR)  
APPENDIX F  
ADDITIONAL CONDITIONS OF PROBATION

- (a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of supervised probation:
- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
  - (2) Work at Department of Corrections' approved education, employment, and/or community service;
  - (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
  - (4) Obey all laws;
  - (5) Pay supervision fees as determined by the Department of Corrections;
  - (6) Receive prior approval for living arrangements and residence location;
  - (7) Notify community corrections officer of any change in address or employment; and
  - (8) Remain within geographic boundary, as set forth in writing by the Community Corrections Officer.

OTHER CONDITIONS: Defendant shall comply with the following other conditions during the term of probation:

- (9) **Defendant shall comply with mental health treatment recommendations including any and all medications, case management and treatment planning. This compliance to include while incarcerated and while in the community under active supervision with DOC.**
- (10) **Defendant to have no contact with Lester Anthony Smith and Ann Smith for a period of ten years from release from confinement.**
- (11) **Defendant to comply with the lawful directives of DOC including participation in a Domestic Violence Perpetrators Program or any course of counseling or treatment deemed appropriate.**

(12) Defendant to comply with all standard conditions of supervision with DOC upon release from custody.

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DATE

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JUDGE, WAHAKIAKUM COUNTY SUPERIOR COURT

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For Training Purposes Only

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,	)	
	)	
	)	Plaintiff,
	)	No.
vs.	)	NOTICE OF INELIGIBILITY TO
	)	POSSESS FIREARM AND
	)	LOSS OF RIGHT TO VOTE
	)	
	)	Defendant.
	)	
	)	

Pursuant to RCW 9.41.047, **you are not permitted to possess a firearm** until your right to do so is restored by a court of record. You are further notified that you must immediately surrender any concealed pistol license.

If you have been convicted of a felony, the following **VOTING RIGHTS NOTICE** (RCW 10.64.140) applies: I acknowledge that **my right to vote has been lost** due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the Indeterminate Sentence Review Board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a crime, and after January 1, 2006, is a class C felony, RCW 92A.84.660.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge, King County Superior Court

\_\_\_\_\_  
DEFENDANT

White - Court  
Yellow - Defendant  
Pink - Prosecutor

**TABLE 1  
SENTENCING GRID  
FOR CRIMES COMMITTED AFTER JUNE 30, 1990**

SERIOUSNESS LEVEL	OFFENDER SCORE							
	0	1	2	3	4	5	6	7
XV Life Sentence without Parole/Death Penalty								
XIV	23y 4m 240 - 320	24y 4m 250 - 333	25y 4m 261 - 347	26y 4m 271 - 361	27y 4m 281 - 374	28y 4m 291 - 388	30y 4m 312 - 416	32y 10m 338 - 450
XIII	12y 123 - 164	13y 134 - 178	14y 144 - 192	15y 154 - 205	16y 165 - 219	17y 175 - 233	19y 195 - 260	21y 216 - 288
XII 9y	9y 11m 93 - 123	10y 9m 102 - 136	11y 8m 111 - 147	12y 6m 120 - 160	13y 5m 129 - 171	15y 9m 138 - 184	17y 3m 162 - 216	20y 3m 178 - 236
XI	7y 6m 78 - 102	8y 4m 86 - 114	9y 2m 95 - 125	9y 11m 102 - 136	10y 9m 111 - 147	11y 7m 120 - 158	14y 2m 146 - 194	15y 5m 159 - 211
X 5y	5y 6m 51 - 68 57 - 75	6y 62 - 82	6y 6m 67 - 89	7y 72 - 96	7y 6m 77 - 102	9y 6m 98 - 130	10y 6m 108 - 144	12y 6m 129 - 171
IX	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	5y 51 - 68	5y 6m 57 - 75	7y 6m 77 - 102	8y 6m 87 - 116
VIII	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	6y 6m 67 - 89	7y 6m 77 - 102
VII	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	5y 6m 57 - 75	6y 6m 67 - 89
VI 13m	18m 12+ - 14	2y 15 - 20	2y 6m 21 - 27	3y 26 - 34	3y 6m 31 - 41	4y 6m 36 - 48	5y 6m 46 - 61	6y 6m 57 - 75
V	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 41 - 54	5y 51 - 68
IV 6m	9m 3 - 9 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 2m 53 - 70
III	2m 1 - 3	5m 3 - 8	8m 4 - 12	11m 9 - 12	14m 12+ - 16	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43
II 0 - 90	4m Days 2 - 6	6m 3 - 9	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43
I	0 - 60 Days	0 - 90 Days	3m 2 - 5	4m 2 - 6	5m 3 - 8	8m 4 - 12	13m 12+ - 14	16m 14 - 18



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**Superior Court of Washington  
County of Kitsap**

STATE OF WASHINGTON,

Plaintiff,

vs.

Defendant.

NO. \_\_\_\_\_

**ACKNOWLEDGMENT OF ADVICE  
OF RIGHTS (AKAR)**

1. My true name is: \_\_\_\_\_ I am also known as: \_\_\_\_\_
2. My age is: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_
3. I understand that I am accused of:
  - (a) The crime of: \_\_\_\_\_
  - (b) The crime of: \_\_\_\_\_
4. I also understand that I have all the following rights:
  - (a) To be represented by a lawyer, and if I cannot afford to pay for a lawyer, to have one provided at public expense;
  - (b) To have my lawyer present during questioning;
  - (c) To stop answering questions at any time, even though I have started to answer questions without asking for a lawyer, but any statement I make to anyone, including court personnel, may be used at trial against me;
  - (d) To a speedy and public trial by an impartial jury in the county where the crime(s) with which I am charged (is)(are) alleged to have been committed;
  - (e) To remain silent before and during trial and not to testify against myself;
  - (f) To hear and question witnesses at trial who testify against me;
  - (g) To call witnesses to testify for me at trial. These witnesses can be made to appear at no expense to me;
  - (h) To testify on my own behalf;
  - (i) To be presumed innocent until any accusation is proved by evidence beyond a reasonable doubt, or I decide to enter a plea of guilty; and
  - (j) To appeal after a finding of guilty after trial.
5. I understand that if I decide to plead guilty, I will have no right to a trial on any charge to which I plead guilty. All that will remain for the court to do will be to sentence me. I will not be able to appeal the question of my guilt on the charge to which I plead.
6. I understand that if I am not a citizen of the United States who has been charged with a crime, I may wish to notify my country's consular representatives here in the United States of my situation. A consular official from my country may be able to help me obtain legal counsel, and may contact my family and visit me in detention, among other things. If I am in custody or need assistance in locating my country's consular representatives, I may request such assistance now, or at any time in the future. After my consular officials are notified, they may call or visit me.
7. I have read or have had read to me and I understand all of the numbered paragraphs above (1 through 6) and have received a copy of this Advice of Rights. I have no further questions to ask of the court.

\_\_\_\_\_  
Defendant

**JUDGE'S CERTIFICATE**

The foregoing statement was signed by the defendant in the presence of:

\_\_\_\_\_  
Deputy Prosecuting Attorney

\_\_\_\_\_  
Defense Attorney

and the undersigned Judge in open court.

DATED: \_\_\_\_\_

\_\_\_\_\_  
JUDGE

Original - Court File  
cc: Yellow - Defendant



**COUNT I**

**Special Allegation—Domestic Violence**

AND FURTHERMORE, the Defendant did commit the above crime against a family or household member; contrary to Revised Code of Washington 10.99.020.

**COUNT I**

**Special Allegation—Armed With Deadly Weapon**

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an accomplice was armed with a deadly weapon other than a firearm; contrary to the Revised Code of Washington 9.94A.602.

(MINIMUM PENALTY—If the Defendant is found to have been armed with a deadly weapon other than a firearm at the time of the commission of the crime, an additional twelve (12) months is added to the presumptive range of confinement for a first offense and an additional twenty-four (24) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(4)(b) and (d).)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(28), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment with the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.570.)

**Count II**

**Assault in the Second Degree**

On or about August 1, 2006, in the County of Wahkiakum, State of Washington, the above-named Defendant did assault another to wit: ANN SMITH, with a deadly weapon, contrary to the Revised Code of Washington 9A.36.021(1)(c).

(MAXIMUM PENALTY—Ten (10) years imprisonment and/or a \$20,000.00 fine pursuant to RCW 9A.36.021(2) and RCW 9A.20.021(1)(b), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(28), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.570)

JIS Code:           9A.36.021.2A           Assault-2

CHARGING DOCUMENT; Page 2 of 6

For Training Purposes Only

**Count II**

**Special Allegation—Domestic Violence**

AND FURTHERMORE, the Defendant did commit the above crime against a family or household member; contrary to Revised Code of Washington 10.99.010.

**Count II**

**Special Allegation—Armed With Deadly Weapon**

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an accomplice was armed with a deadly weapon other than a firearm; contrary to the Revised Code of Washington 9.94A.602.

(Minimum Penalty—If the Defendant is found to have been armed with a deadly weapon other than a firearm at the time of the commission of the crime, an additional twelve (12) months is added to the presumptive range of confinement for a first offense and an additional twenty-four (24) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(4)(b) and (d).)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(28), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.570.)

**Count III**

**Burglary in the First Degree**

On or about August 1, 2006, in the County of Wahkiakum, State of Washington, the above-named Defendant, with intent to commit a crime against a person or property therein, did enter or remain unlawfully in a building, and in entering or while in the building or in immediate flight there from, the Defendant or another participant in the crime was armed with a deadly weapon and/or did assault any person therein, to wit: Lester Anthony Smith; contrary to the Revised code of Washington 9A.52.020.

(MAXIMUM PENALTY—Life imprisonment and/or a \$50,000.00 fine pursuant to RCW 9A.52.020(2) and RCW 9A.20.021(1)(a), plus restitution and assessments.)

(If the Defendant has previously been convicted on two separate occasions of a "most serious offense" as defined by RCW 9.94A.030(28), in this state, in federal court, or elsewhere, the mandatory penalty for this offense is life imprisonment without the possibility of parole pursuant to RCW 9.94A.030(32) and 9.94A.570.)

JIS Code:        9A.52.020    Burglary 1

**Count III**

**Special Allegation—Domestic Violence**

AND FURTHERMORE, the Defendant did commit the above crime against a family or household member; contrary to Revised Code of Washington 10.99.020.

**Count III**

**Special Allegation—Armed With Deadly Weapon**

AND FURTHERMORE, at the time of the commission of the crime, the Defendant or an accomplice was armed with a deadly weapon other than a firearm; contrary to the Revised Code of Washington 9.94A.602.

(Minimum Penalty—If the Defendant is found to have been armed with a deadly weapon other than a firearm at the time of the commission of the crime, an additional twenty-four (24) months is added to the presumptive range of confinement for a first offense and an additional forty-eighth (48) months is added to the presumptive range of confinement if the Defendant has previously been sentenced for any deadly weapon enhancements after July 23, 1995; pursuant to RCW 9.94A.533(4)(a) and (d).)

**Count IV**

**Assault in the Fourth Degree**

On or about August 1, 2006, in the County of Wahkiakum, State of Washington, the above-named Defendant did intentionally assault Cindy Jones; contrary to Revised code of Washington 9A.36.041(1).

(Maximum Penalty—one (1) year in jail or \$5,000 fine, or both, pursuant to RCW 9A.36.041(2) and RCW 9A.20.021(2), plus restitution, assessments and court costs.)

JIS Code:           9A.36.041    Assault 4<sup>th</sup> Degree

**Count IV**

**Special Allegation—Domestic Violence**

AND FURTHERMORE, the Defendant did commit the above crime against a family or household member; contrary to Revised Code of Washington 10.99.020.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that I have probable cause to believe that the above-name Defendant committed the above offense(s), and that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: August 10, 2006

State of Washington

PLACE: Cathlamet, WA

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ROBERT CRANBERRY, WSBA No. 71816  
Deputy Prosecuting Attorney

All suspects associated with this incident are—

Jim James Brown

CHARGING DOCUMENT; Page 5 of 6

For Training Purposes Only

**DEFENDANT IDENTIFICATION INFORMATION**

JIM JAMES BROWN  
111 POINT SW  
South Bend, WA 98105

Alias Name(s), Date(s) of Birth, and SS Number  
JAKE JAMES BROWN 08/09/1970

[Address source—(1) Wahkiakum County Jail records if Defendant in custody, or law enforcement report noted below if Defendant not in custody, or (2) Washington Department of Licensing abstract of driving record if no other address information available]

RACE: WHITE                      SEX: MALE                      DOB: 08/09/1970      AGE: 36  
D/L: BROWNJJ123XX      D/L STATE: WASHINGTON      SID: WA                      HEIGHT: 507  
WEIGHT: 189                      JUVIS: UNKNOWN              EYES: BLUE                      HAIR: BLONDE  
DOC: UNKNOWN                      SSN: 112-11-1212              FBI: 491011W11

**LAW ENFORCEMENT INFORMATION**

Incident Location: 111 Point SW, South Bend, WA 98105

Law Enforcement Report No.: W05010199

Law Enforcement Filing Officer: Matt R. Homes #82

Law Enforcement Agency: Wahkiakum County Sheriff's Office

Motor Vehicle Involved? No

Domestic Violence Charge(s)? Yes

Law Enforcement Bail Amount: \$1,000,000

**CLERK ACTION REQUIRED**

IN CUSTODY

**PROSECUTOR DISTRIBUTION INFORMATION**

Superior Court	District and Municipal Court
<b>Original Charging Document—</b> Original +3 copies to Clerk 1 copy to file 1 copy to DOC <b>Amended Charging Document(s)—</b> Original +3 copies to Clerk 1 copy to file	<b>Original Charging Document—</b> Original +2 copies to Clerk 1 copy to file <b>Amended Charging Document(s)—</b> Original +2 copies clipped inside file on top of left side 1 copy to file

Prosecutor's File Number—00-000000-4

CHARGING DOCUMENT, Page 6 of 6

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**CERTIFICATE OF PROBABLE CAUSE**

REPORT NUMBER: W05-010199 CLERK CODE: \_\_\_\_\_  
*(Required for all probable cause arrests and all cases submitted for criminal prosecution)*

SUSPECT NAME: Jim James Brown BIRTH DATE: 08/09/1970

COURT:  SUPERIOR COURT  DISTRICT COURT  JUVENILE COURT  
 MUNICIPAL COURT \_\_\_\_\_  
*(Name of City)*

ARREST CRIMES: REVISED CODE OF WASHINGTON  
(1) Assault 1 9A.36.011.1.A  
(2) Assault 2 9A.36.021  
(3) Assault 4 DV 9A.36.041

ARREST DATE: August 1, 2006 ARREST TIME: 2046

LOCATION OF CRIME: 111 Point SW, South Bend, Washington, Wahkiakum County

**STATE OF PROBABLE CAUSE**

*Summarize the facts showing probable cause of the arrest and for each element of every offense committed. If a witness can be identified, please include that witness' name if the witness has supplied you with information supporting your determination of probable cause. If the full name of the witness should not be disclosed, please use the initials and date of birth to identify the witness.*

The E-911 Center advised of a dispute involving a knife at 111 Point SW in South Bend Washington, Wahkiakum County. The E-911 Center advised the male with the knife, Jim BROWN has stabbed himself and fled into the woods towards Buffet Park.

We then went to 111 Point SW and located a male subject on the front porch with a towel over a wound to his right inner thigh and towel over his left chest. Both towels were soaked with blood.

The male advised he was Lester SMITH and that he had been stabbed by the suspect Jim BROWN who had fled into the woods.

I made contact at the residence with three females. One was id'd as Cindy JONES the girlfriend of the suspect BROWN, the second as Ann SMITH the mother of Lester SMITH and the third as Ronda NEX, Lester Smith's girlfriend.

Cindy JONES advised Jim BROWN has been acting strange all day. She stated they had been in a verbal dispute, and BROWN was accusing her of stealing money from him and threatening to kill himself (this occurred in the Camper they share behind the residence).

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

\_\_\_\_\_  
Deputy Matt R. Holmes/Wahkiakum County Sheriff's Office #82  
Date: August 6, 2006  
Place: Wahkiakum County, Washington

For Training Purposes Only

## CERTIFICATE OF PROBABLE CAUSE

Cindy told me BROWN came into the residence and asked her for the registration and bill of sale to the car. She thought he was going to just leave so she gave it to him. She said he came back and threw the paperwork at her, accused her of stealing \$80.00 and struck her in the head. At this time, Ann SMITH got up and told BROWN to leave. BROWN went to Ann with a knife and her son Lester physically removed BROWN from the residence. BROWN then came back into the residence, came at Ann again with the knife, then Lester and BROWN started wrestling around, then BROWN ran out the door.

Ann SMITH advised she had been sitting at the computer. After BROWN struck Cindy she got up and told him to leave. She stated he then slashed at her with a knife. Her son Lester intervened, getting into a physical with him, trying to remove him from the house. She said Lester got BROWN outside and she called 911. While she was on the phone to 911, BROWN came back in and lunged at her again with the knife. She said Lester intervened again ending up into another physical, both ending up outside. She stated she did not know during which incident her son was stabbed.

I re-contacted Sgt. BENNY and briefed him on the statements from the females, advising him there was PC to arrest BROWN on Assault 1 (victim Lester SMITH), Assault 2 (victim Ann SMITH) and DV Assault 4 (victim Cindy JONES).

Upon K-9 Deputy LANE'S arrival, a track was started and the suspect located, and taken into custody. (see Deputy LANE'S and MARL'S supplemental).

Forward to the Prosecutors Office.

HOLMES, Matt R. #82

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

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Deputy Matt R. Holmes/Wahkiakum County Sheriff's Office #82

Date: August 6, 2006

Place: Wahkiakum County, Washington

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For Training Purposes Only

**Superior Court of Washington  
for**

State of Washington,

Plaintiff

vs.

\_\_\_\_\_

Defendant

No.

**Statement of Defendant on Plea of  
Guilty to Non-Sex Offense  
(Felony)  
(STTDFG)**

1. My true name is: \_\_\_\_\_.

2. My age is: \_\_\_\_\_.

3. The last level of education I completed was \_\_\_\_\_.

4. **I Have Been Informed and Fully Understand That:**

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with: \_\_\_\_\_.

The elements are: \_\_\_\_\_.

5. **I Understand I Have the Following Important Rights, and I Give Them All Up by Pleading Guilty:**

(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;

(f) The right to appeal a finding of guilt after a trial.

6. **In Considering the Consequences of my Guilty Plea, I Understand That:**

(a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000 For crimes committed prior to July 1, 2000, see paragraph 6(f))	MAXIMUM TERM AND FINE
1						
2						
3						

\*(F) Firearm, (D) Other deadly weapon, (V) VUCSA in protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (CSG) Criminal street gang involving minor. (AE) Endangerment while attempting to elude.

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.
- (f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If the total period of confinement is more than 12 months, and if this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. The actual period of community placement, community custody, or community supervision may be as long as my earned early release

period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months, but only if the crime I have been convicted of falls into one of the offense types listed in the following chart. For the offense of failure to register as a sex offender, regardless of the length of confinement, the judge will sentence me to 36 to 48 months of community custody. If the total period of confinement ordered is more than 12 months, and if the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.728 is longer, that will be the term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer.
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer.
Crimes Against Persons as defined by RCW 9.94A.411(2)	9 to 18 months or up to the period of earned release, whichever is longer.
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	9 to 12 months or up to the period of earned release, whichever is longer.

Certain sentencing alternatives may also include community custody.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, including additional conditions of community custody that may be imposed by the Department of Corrections. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005(6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

(g) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_

\_\_\_\_\_

[ ] The prosecutor will recommend as stated in the plea agreement, which is incorporated

by reference.

- (h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless there is a finding of substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:
  - (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
  - (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
  - (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
  - (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a contested hearing, either the State or I can appeal the sentence.

- (i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
- (j) I may not possess, own, or have under my control any firearm unless my right to do so is restored by a superior court in Washington State, and by a federal court if required. I must immediately surrender any concealed pistol license. RCW 9.41.040.
- (k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.
- (l) Public assistance will be suspended during any period of imprisonment.
- (m) I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100.00 DNA collection fee.

**Notification Relating to Specific Crimes: If Any of the Following Paragraphs Do Not Apply, They Should Be Stricken and Initialed by the Defendant and the Judge.**

- (n) This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal

court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

- (o) The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.
- (p) If this crime involves a kidnapping offense involving a minor, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.
- (q) If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.
- (r) If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.
- (s) The judge may sentence me under the drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. Even if I qualify, the judge may order that I be examined by a licensed or certified treatment provider before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative.

If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of at least one-half of the midpoint of the standard range.

If the judge imposes the **residential chemical dependency treatment-based alternative**, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency treatment program for a period of *three to six months*, as set by the court.

As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715.

During the term of community custody for either sentencing alternative, the judge could

prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(e). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if I have violated the conditions of the sentence. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.

- (t) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.
- (u) If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, a mandatory methamphetamine clean-up fine of \$3,000 will be assessed. RCW 69.50.401(2)(b).
- (v) If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.
- (w) If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked.
- (x) If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(13).
- (y) If I am pleading guilty to felony driving under the influence of intoxicating liquor or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with ignition interlock device requirements.
- (z) The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[n].
- (aa) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts \_\_\_\_\_ and \_\_\_\_\_ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

- (bb) The offense(s) I am pleading guilty to include(s) a Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture enhancement. I understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.
- (cc) The offense(s) I am pleading guilty to include(s) a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.
- (dd) The offense(s) I am pleading guilty to include(s) both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.
- (ee) If I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.
- (ff) The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than twelve months and less than thirty-six months, I cannot currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I cannot have a current or prior conviction for a sex or violent offense.

7. I plead guilty to:  
 count \_\_\_\_\_  
 count \_\_\_\_\_  
 count \_\_\_\_\_  
 in the \_\_\_\_\_ Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[ ] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

\_\_\_\_\_  
Defendant

I have read and discussed this statement with the defendant. I believe that the defendant is competent and fully understands the statement.

\_\_\_\_\_  
Prosecuting Attorney

\_\_\_\_\_  
Defendant's Lawyer

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
WSBA No.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
WSBA No.

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is included below.

**Interpreter's Declaration:** I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands, and I have translated this document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) \_\_\_\_\_, (state) \_\_\_\_\_, on (date) \_\_\_\_\_.

\_\_\_\_\_  
Interpreter

\_\_\_\_\_  
Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**Judge**

State of Washington  
Department of Corrections

**PRE-SENTENCE INVESTIGATION**

To: The Honorable Presiding Judge  
Wahkiakum County Superior Court

DATE OF REPORT: 01/06/07

Name: **BROWN, Jim** James  
ALIAS(ES): BROWN, Jake James

DOC NUMBER: 905119  
COUNTY: Wahkiakum

CRIMES: Ct. 1: Assault 3-DV  
Ct.2: Assault3-DV  
Ct.3: Residential Burglary-DV  
Ct.4: Assault 4-DV

CAUSE #: 05-1-01333-2

DATE OF OFFENSE: 8/1/06  
PRESENT ADDRESS: Wahkiakum County Jail

SENTENCING DATE: 2-2-07  
DEFENSE ATTORNEY:

---

**I. OFFICIAL VERSION OF OFFENSE:**

The following is taken from several Wahkiakum County Sheriff's Department incident reports:

The 911 Center advised of a dispute involving a knife at 111 Point SW in South Bend, Washington, Wahkiakum County. The 911 Center advised the male with the knife, Jim Brown, had stabbed himself and fled into the woods towards Buffet Park.

Officers then went to 111 Point SW and located a male subject on the front porch with a towel over a wound to his right inner thigh and a towel over his left chest. Both towels were soaked with blood.

The male advised he was Lester Anthony Smith and that he had been stabbed by the suspect, Jim Brown, who had fled into the woods.

Officers made contact at the residence with three females. One was identified as Cindy Jones, the girlfriend of the suspect Jim Brown, the second as Ann Smith the mother of Lester Anthony Smith and the third as Ronda Nex, Lester Anthony Smith's girlfriend.

Cindy told Deputies that Brown, who had been acting strangely all day, came into the residence and asked her for the registration and bill of sale to a car. She thought he was going to just leave so she gave it to him. She said he came back and threw the paperwork at her, accused her of stealing \$80.00 and struck her in the head. At this time Ann Smith got up and told Brown to leave. Brown went at Ann with a knife and her son Lester physically removed Brown from the residence. Brown then came back into the residence, came at Ann again with the knife, then Lester and Brown started wrestling around; Brown then ran out the door.

Ann Smith advised deputies that she had been sitting at the computer. After Brown struck Cindy she got up and told him to leave. She stated he then slashed at her with a knife, missing her. Her son Lester intervened, getting into a physical with him, trying to remove him from the house. She said Lester got Brown outside and she called 911. While she was on the phone to 911, Brown came back in and lunged at her again with the knife. She said Lester physically intervened again, both ending up outside. She stated she did not know during which incident her son was stabbed.

Upon arrival, deputies launched a canine search as Brown had fled into the woods. He was soon located. It was immediately noted that blood had soaked through the front of the defendant's shirt. Search incident to arrest revealed Brown had in his pockets two 2-inch folding knives and one 3-inch folding knife. Brown's assertion upon arrest was that he had been stabbed in an altercation about "tools." He also said at this time that he had stabbed someone in the shoulder and had almost been shot. No firearm was found and indeed this is the only reference to a firearm in the file material.

Brown was helped out of the woods into a waiting ambulance.

Brown has been in Wahkiakum County Jail since 08-01-2006 pending adjudication of this crime and has been to Western State Hospital seven times during the same period.

## **II. VICTIM CONCERNS:**

The victim of the felony assaults, Lester Anthony Smith during a taped interview, disclosed that he had been cut with a knife by the defendant in the "right upper inner thigh, upper left shoulder, upper left arm and on the outside of the left wrist." He said the wounds were in the nature of "stabs, slices and twists." Hospitalization was required and he is reportedly suffering from post-traumatic stress symptoms. It is not known if surgery was required or if mental health counseling is involved.

There are collateral victims of this crime: the victim's children who were exposed to the aftermath and the victim's mother who witnessed the crime. By report, the victim is taking medication for anxiety subsequent to this incident and is very worried the defendant will come after him and/or his family if he is released.

During my interview of the defendant on 01-03-2007 he expressed no animosity toward the victim and his family and expressed no intent to retaliate.

### III. DEFENDANT'S STATEMENT REGARDING OFFENSE:

The defendant's statement regarding the offense must be considered with skepticism given his psychiatric history and deeply ingrained criminality.

On 01-03-2007, I interviewed Jim James Brown in the Wahkiakum County Jail.

Upon introducing myself to Brown and stating the purpose of my presence, he declined to participate, saying that anything he said regarding the offense would be considered by other inmates as "snitching," and would cause him problems with other convicts in prison in the future. After some discussion around prison life the offender gave the following extremely brief account which I have paraphrased:

Brown said the event was all about money and vehicle titles. Brown said the victim, Mr. Smith, told him something to the effect, "Sign these titles over to me and I'll make the aliens leave you alone." In an aside, Brown told me that "I'm bent but I'm not crazy; threaten me and I'll attack you." Brown told me he declined to sign the indicated vehicle titles. Brown said Mr. Smith then brandished a knife which Brown says he grabbed with his hands which were protected by welding gloves. Brown says that during the struggle he himself was stabbed in the abdomen twice; he showed me two healed scars above the navel. He admitted to taking control of the knife and stabbing Mr. Smith several times.

Brown says Mr. Smith took the title to several automobiles and one Harley Davidson motorcycle. He also says his girlfriend, Cindy Jones, took \$80 from him and an unknown person(s) took \$1500 from a hiding place in his camper.

I was unable to obtain other relevant information from Brown.

### IV. CRIMINAL HISTORY:

For the purpose of this report I will consider only the felony-level offenses in Washington and Ohio. The juvenile and misdemeanor behavior is superfluous for the purpose of scoring.

#### SOURCES:

1. FBI
2. WACIC
3. California Criminal Information Center
4. DISCS
5. Informal DOC Records

<b>Juvenile Felony:</b>	Time does not permit researching Brown's juvenile criminality but informal records indicate a first arrest at age nine. Old DOC file material indicates that the majority of time between 1982-1988 was spent in juvenile institutions where his history includes assault custody staff.
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**Adult Felony:**  
**Date of Offense:** 11-29-99  
**Crime:** Ct. 1 Robbery 1  
Ct. 2 Robbery 1  
**County / Cause No.:** Pierce / 92-1-01110-4  
**Date of Sentence:** 1-27-2000  
**Disposition:** 144 Months Prison Score 2

**Adult Felony:**  
**Date of Offense:** 11-10-97  
**Crime:** Ct. 1 Burglary 2  
Ct. 2 Unlawful Possession of a Firearm 2<sup>nd</sup> Degree  
**County / Cause No.:** Pierce / 92-1-04410-9  
**Date of Sentence:** 12-03-1997  
**Disposition:** 51 Months Prison Score 3

**Adult Felony:**  
**Date of Offense:** 8-3-95  
**Crime:** Burglary 2  
**County / Cause No.:** Snohomish 89-1-00010-5  
**Date of Sentence:** 10-25-1995  
**Disposition:** 43 Months Prison Score 2

**Adult Felony:**  
**Date of Offense:** 10-7-94  
**Crime:** Ct. 1 Burglary 2  
Ct. 2 Burglary 2  
Ct. 2 Burglary 2  
**County / Cause No.:** Snohomish / 87-1-0000-3  
**Date of Sentence:** 1-29-1995  
**Disposition:** 18 Months Prison Score 6

**Adult Felony:**  
**Date of Offense:** 12-15-92  
**Crime:** Ct. 1 Assault 2  
Ct. 2 Assault 2  
**County / Cause No.:** Snohomish / 94-1-0008-1  
**Date of Sentence:** 2-18-1993  
**Disposition:** 20 Months Prison Score 2

**Adult Felony:**  
**Date of Offense:** 11-20-90  
**Crime:** Aggravated Trafficking in Marijuana  
**County / Cause No.:** Dayton, OH / 90CR1999823  
**Date of Sentence:** 2-10-91  
**Disposition:** 1-5 years Confinement Score 1



**Education / Employment:**

Brown reports leaving school in the ninth grade when he hitchhiked to Ohio and was arrested for, he thinks, fighting. He claims to have General Equivalency Diplomas from OH, CA and WA. He also reports having two years college in the Arts and Science Program while incarcerated at the Washington state Penitentiary in Walla Walla. He says his grade point average was 4.0. I have no way to verify this.

He reports no significant employment history.

**Financial:**

The defendant's only reported legitimate income is when he worked as a roofer for one week. Brown says he has supported his lifestyle by stealing, selling drugs, public assistance and by relying on friends and family. He reports collecting Social Security Income (SSI) sporadically.

**Family / Marital.**

Brown describes a family history of mental illness including a sister, brother (deceased) and father (deceased), all with schizophrenia. He describes his mother as unsupportive during his early years and during his adult years she has actively cheated him out of his SSI income. He reports she blames him for his siblings' death as well as the death of his father. He says his mother is not aware of his current situation.

**Accommodation:**

Brown reports spending nearly all his adult years, except while in prison or jail, living in a "tent in the woods" or couch-hopping with family or friends, and staying in various homeless shelters. Of all these housing options, he liked the shelters least, saying he found them too limiting.

**Leisure / Recreation:**

Brown says he spends his leisure time while incarcerated reading and drawing. When I clarified that I was inquiring into his leisure activities in the community he responded that he likes automotive work and welding.

**Companions:**

All of Brown's known companions have criminal records.

**Alcohol / Drug Use:**

Brown has a long history of drug abuse although he has a surprising lack of drug-or-alcohol-related arrests. His claim to have only used drugs while in prison seems improbable. He provided no information regarding his 2005 DUI.

**Emotional / Personal.**

Brown's psychiatric history is well-documented. His hospitalizations at Western State Hospital began in March of 1990 with the most recent hospital stay in October, 2006. A review of numerous psychiatric evaluations reveals a pervasive history of symptoms pointing to a diagnosis of a psychotic disorder. These evaluations also point to a history

of Brown regaining competency or psychiatric stability when he is on an appropriate medication. The evaluations also make consistent reference to the possibility of Brown inventing or exaggerating his symptoms in order to achieve some purpose. Please note that he has been sent to Western State Hospital no less than seven times while incarcerated for this instant offense.

I have no information regarding psychiatric hospitalizations in other states.

It should be noted that when I interviewed Brown on 01-03-07 he was well-compensated on appropriate medications. He expressed that for the first time in his adult life he feels "clear" and able to participate in his surroundings. I understand from jail mental health staff that for the first time in their experience with Brown he is appropriate and cooperative. Interestingly, he wanted to know if I could arrange for him to be housed at the Special Offenders Unit at Monroe where he may be monitored for his mental illness and medications. He specifically asked for a "foundation of help so when I go off my meds and get nutty there's something in place to catch me." I believe this institution would be extremely beneficial to him.

**Attitude / Orientation:**

My discussion with Brown was very reminiscent of my years working in prisons. I found him to be profoundly criminal as his history would lead one to expect. Please note that every DOC conviction resulted in prison sentence. His tattoos are all one would expect from a career criminal. His initial reaction to my presence at the interview for this report was very telling of his criminal orientation. All of Brown's known associates have some criminal history.

**IX. CONCLUSIONS.**

I believe this offender would benefit from incarceration at one of the special housing options DOC has for inmates with psychiatric disorders, particularly the Special Offenders Unit (SOU) at Monroe. This institution houses and treats mentally ill offenders, providing opportunities to develop the skills necessary to exist safely in the community. I spoke with the Unit Supervisor at SOU and was told that if Brown were classified for Close or Maximum custody he could spend the bulk of his sentence there in the main living unit and the last two years on the Therapeutic Community unit where specialized socialization occurs with group and individual therapy, medication monitoring and psychiatric oversight.

In reviewing the Prosecutor's scoring of the defendant's criminal history I find a discrepancy. It may be that the criminal convictions from Ohio were missed. The Prosecutor finds a total of 168 months for the top of the sentencing range. I find a total of 200 months for the top of the range. While the Court is certainly free to use the 200 month total I believe the difference of 32 months inconsequential given all the details of this case.

The only alternative to following the Plea Agreement is to sentence this offender to concurrent terms of confinement rather than consecutive. I don't feel this would adequately hold the defendant accountable.

It is my belief that the Plea Agreement provides a good balance of holding the defendant accountable while providing for community safety. This sentencing package also provides Brown with the opportunity to make some changes in his life with regard to his psychiatric disorder and to acquire some necessary skills in order to exist safely outside prison. Close monitoring by DOC for the two years following release from prison will further enhance community safety.

**X. SENTENCE OPTIONS:**

- Confinement within the Standard Range Sentence
- Work Ethic Program
- Exceptional Sentence
- First-time Offender Waiver (FTOW)
- Drug Offender Sentencing Alternative (DOSA)
- Special Sex Offender Sentencing Option (MIOSO)
- Mentally Ill Offender Sentencing Option (MIOSO)
- Community Custody Board (CCB) RCW 9.94A.712

**XI. RECOMMENDATIONS:**

I recommend the Court follow the Plea Agreement recommendation of forty-two months each for Counts I and II and eighty-four months for Count III, to be served consecutively for a total of 168 months (14 years). I recommend 365 days on Count IV remain suspended.

I further recommend the Court follow the Plea Agreement and order a period of nine to eighteen months Community Custody on Counts I and II to be served following release from DOC confinement. Please note that Count IV should include a period of twenty-four months probation to commence upon release from confinement. Note also that when the Court orders a range of Community Custody, by DOC policy, supervision will be in place to the top of the range. This is important because, should Brown violate the terms of his supervision, he will be held accountable by not only a DOC Hearings Officer but a Superior Court Judge as well.

I also recommend a No Contact Order be imposed upon Count III for ten years naming Lester Anthony Smith and Ann Smith as the protected parties.

**Sentence Type / Option:** Standard range

**Confinement:** 168 months

**OAA Cases:** Yes

**Community Custody Board:** No

**Conversions:** None

**Supervision Type & Duration:** Ct. I: 9-18 months Community Custody  
Ct. II: 9-18 months Community Custody  
Ct. III: None  
Ct. IV: 24 months supervised probation

**Conditions of Supervision:**

See Appendices H and F

## XII. MONETARY

<b>Restitution:</b>		<b>Court Costs:</b>	\$200.00	<b>Other:</b>	\$100.00
<b>Victim Penalty:</b>	\$500.00	<b>Attorney Fees:</b>	\$1100.00		
<b>Drug Fund:</b>		<b>Fine:</b>			

Submitted by:

Approved By:

\_\_\_\_\_  
Community Corrections Officer                      Date  
1616 Port St  
Cathlamet, WA 98616  
(360) 808-1212

\_\_\_\_\_  
Community Corrections Supervisor                      Date  
1616 Port St  
Cathlamet, WA 98616  
(360) 808-1211

Distribution:                      **ORIGINAL** – Court

**COPY**- Prosecuting Attorney, Defense Attorney, File,  
WCC / RC (Prison)

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF WAHKIAKUM**

State of Washington )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 BROWN, Jim James )  
 )  
 Defendant. )  
 )  
 DOC No. 905119 )  
 \_\_\_\_\_ )

**Cause No.: 05-1-01333-2**

**JUDGMENT AND SENTENCE (FELONY)  
APPENDIX H  
COMMUNITY CUSTODY**

**The court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.**

**COMMUNITY PLACEMENT/CUSTODY:** Defendant additionally is sentenced on convictions herein, for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150(1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violet offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.150(1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

**Community placement/custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.**

- (a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community placement/custody:
- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
  - (2) Work at Department of Corrections' approved education, employment, and/or community service;
  - (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
  - (4) While in community custody not unlawfully possess controlled substances;
  - (5) Pay supervision fees as determined by the Department of Corrections;
  - (6) Receive prior approval for living arrangements and residence location;

For Training Purposes Only

- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9.94A.120(13));
- (8) Notify community corrections officer of any change in address or employment; and
- (9) Remain within geographic boundary, as set forth in writing by the Community Corrections Officer.

**WAIVER:** The following above-listed mandatory conditions are waived by the court:

(b)

**(9) Defendant shall comply with mental health treatment recommendations including any and all medications, case management and treatment planning. This compliance is to include while incarcerated and while in the community under active supervision with DOC.**

**(10) Defendant to have no contact with Lester Anthony Smith and Ann Smith for a period of ten years from release from confinement.**

**(11) Defendant to comply with the lawful directives of DOC including participation in a Domestic Violence Perpetrators Program or any course of counseling or treatment deemed appropriate.**

**(12) Defendant to comply with all standard conditions of supervision with DOC upon release from custody.**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE/WAHKIAKUM COUNTY SUPERIOR COURT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF WAHKIAKUM

State of Washington )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 BROWN, Jim James )  
 )  
 Defendant. )  
 )  
 DOC No. 905119 )  
 \_\_\_\_\_ )

Cause No.: 05-1-01333-2

JUDGMENT AND SENTENCE  
(GROSS MISDEMEANOR)  
APPENDIX F

ADDITIONAL CONDITIONS OF PROBATION

(a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of supervised probation:

- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
- (2) Work at Department of Corrections' approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) Obey all laws;
- (5) Pay supervision fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location;
- (7) Notify community corrections officer of any change in address or employment; and
- (8) Remain within geographic boundary, as set forth in writing by the Community Corrections Officer.

OTHER CONDITIONS: Defendant shall comply with the following other conditions during the term of probation:

- (9) **Defendant shall comply with mental health treatment recommendations including any and all medications, case management and treatment planning. This compliance to include while incarcerated and while in the community under active supervision with DOC.**
- (10) **Defendant to have no contact with Lester Anthony Smith and Ann Smith for a period of ten years from release from confinement.**
- (11) **Defendant to comply with the lawful directives of DOC including participation in a Domestic Violence Perpetrators Program or any course of counseling or treatment deemed appropriate.**

For Training Purposes Only

**(12) Defendant to comply with all standard conditions of supervision with DOC upon release from custody.**

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DATE

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JUDGE, WAHAKIYAKUM COUNTY SUPERIOR COURT

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For Training Purposes Only

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,	)	
	)	
	)	Plaintiff,
	)	No.
vs.	)	NOTICE OF INELIGIBILITY TO
	)	POSSESS FIREARM AND
	)	LOSS OF RIGHT TO VOTE
	)	
	)	Defendant.
	)	
	)	

Pursuant to RCW 9.41.047, **you are not permitted to possess a firearm** until your right to do so is restored by a court of record. You are further notified that you must immediately surrender any concealed pistol license.

If you have been convicted of a felony, the following **VOTING RIGHTS NOTICE** (RCW 10.64.140) applies: I acknowledge that **my right to vote has been lost** due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the Indeterminate Sentence Review Board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a crime, and after January 1, 2006, is a class C felony, RCW 92A.84.660.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge, King County Superior Court

\_\_\_\_\_  
DEFENDANT

White - Court  
Yellow - Defendant  
Pink - Prosecutor

**TABLE 1  
SENTENCING GRID  
FOR CRIMES COMMITTED AFTER JUNE 30, 1990**

SERIOUSNESS LEVEL	OFFENDER SCORE							
	0	1	2	3	4	5	6	7
XV Life Sentence without Parole/Death Penalty								
XIV	23y 4m 240 - 320	24y 4m 250 - 333	25y 4m 261 - 347	26y 4m 271 - 361	27y 4m 281 - 374	28y 4m 291 - 388	30y 4m 312 - 416	32y 10m 338 - 450
XIII	12y 123 - 164	13y 134 - 178	14y 144 - 192	15y 154 - 205	16y 165 - 219	17y 175 - 233	19y 195 - 260	21y 216 - 288
XII 9y	9y 11m 93 - 123	10y 9m 102 - 136	11y 8m 111 - 147	12y 6m 120 - 160	13y 5m 129 - 171	15y 9m 138 - 184	17y 3m 162 - 216	20y 3m 178 - 236
XI	7y 6m 78 - 102	8y 4m 86 - 114	9y 2m 95 - 125	9y 11m 102 - 136	10y 9m 111 - 147	11y 7m 120 - 158	14y 2m 146 - 194	15y 5m 159 - 211
X 5y	5y 6m 51 - 68 57 - 75	6y 62 - 82	6y 6m 67 - 89	7y 72 - 96	7y 6m 77 - 102	9y 6m 98 - 130	10y 6m 108 - 144	12y 6m 129 - 171
IX	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	5y 51 - 68	5y 6m 57 - 75	7y 6m 77 - 102	8y 6m 87 - 116
VIII	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	4y 6m 46 - 61	6y 6m 67 - 89	7y 6m 77 - 102
VII	18m 15 - 20	2y 21 - 27	2y 6m 26 - 34	3y 31 - 41	3y 6m 36 - 48	4y 41 - 54	5y 6m 57 - 75	6y 6m 67 - 89
VI 13m	18m 12+ - 14	2y 15 - 20	2y 6m 21 - 27	3y 26 - 34	3y 6m 31 - 41	4y 6m 36 - 48	5y 6m 46 - 61	6y 6m 57 - 75
V	9m 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 41 - 54	5y 51 - 68
IV 6m	9m 3 - 9 6 - 12	13m 12+ - 14	15m 13 - 17	18m 15 - 20	2y 2m 22 - 29	3y 2m 33 - 43	4y 2m 43 - 57	5y 2m 53 - 70
III	2m 1 - 3	5m 3 - 8	8m 4 - 12	11m 9 - 12	14m 12+ - 16	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43
II 0 - 90	4m Days 2 - 6	6m 3 - 9	8m 4 - 12	13m 12+ - 14	16m 14 - 18	20m 17 - 22	2y 2m 22 - 29	3y 2m 33 - 43
I	0 - 60 Days	0 - 90 Days	3m 2 - 5	4m 2 - 6	5m 3 - 8	8m 4 - 12	13m 12+ - 14	16m 14 - 18



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# **Code of Conduct**

# WA Supreme Court General Rule 11.2 Code of Conduct for Court Interpreters

With State Court Interpreter Task Force Comments (1986)

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Preamble. All language interpreters serving in a legal proceeding, whether certified or uncertified, shall abide by the following Code of Conduct:

**(a) A language interpreter, like an officer of the court, shall maintain high standards of personal and professional conduct that promote public confidence in the administration of justice.**

*Comment – Court Interpreter Task Force (1986)*

*The Code of Judicial Conduct (CJC) Canons 1 and 3(B)(2) require high standards of conduct by judges and their staff and court officials. As officers of the court, such standards apply to interpreters as well. Interpreters are the vital link in communications between litigants and the court. Conflicts of interest may consciously or subconsciously affect the quality or substance of an interpretation or translation. The need for unquestioned integrity among interpreters is obvious. These canons apply to interpreters and translators for both the hearing-impaired and for individuals who speak a language other than English. CJC 3(B)(2) requires court personnel and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge.*

**(b) A language interpreter shall interpret or translate the material thoroughly and precisely, adding or omitting nothing, and stating as nearly as possible what has been stated in the language of the speaker, giving consideration to variations in grammar and syntax for both languages involved. A language interpreter shall use the level of communication that best conveys the meaning of the source, and shall not interject the interpreter's personal moods or attitudes.**

*Comment – Court Interpreter Task Force (1986)*

*The interpreter should utilize the same level of language used by the speaker. This means that the interpreter will interpret colloquial, slang, obscene or crude language as well as sophisticated and erudite language, in accordance with the exact usage of the speaker. It is not the interpreter's task to tone down, improve or edit phrases.*

*Unless the interpreter is faithful to this concept of accurate interpretation, he or she may act as a filter or buffer in the communication process. This could damage the integrity of the trial process which is based on an adversarial system with vigorous examination and cross-examination. Consequently, the substance of questions posed and answers given during*

*the testimony should not be altered more than absolutely necessary to assure comprehension.*

*The interpreter should not assume that it is his or her duty to simplify statements for a witness or defendant whom the interpreter believes cannot understand the speaker's statements. Like witnesses who do not use an interpreter, interpreted witnesses can and should request counsel or the court to explain or simplify matters if necessary.*

*An interpreter should never characterize or give a gratuitous explanation of testimony. The court or attorneys will request clarification from the speaker if necessary. The court and counsel should be sensitive to possible confusion by the witness. During testimony, the interpreter may volunteer to the court his or her belief that the witness does not understand a particular question or comment.*

*Idioms, proverbs and sayings rarely can be interpreted literally. The interpreter should seek an equivalent idiom or relate the meaning of the original idiom or saying.*

*While interpreting a non-English spoken language, the interpreter should not offer an explanation or repeat a witness' gesture or grimace which has been seen by the trier of fact.*

*Interpreters for the deaf or hearing-impaired should use the method of interpreting most readily understood by the deaf or hearing-impaired witness. For example, the witness may be more articulate in American Sign Language than in Manually Coded English or finger-spelling.*

**(c) When a language interpreter has any reservation about ability to satisfy an assignment competently, the interpreter shall immediately convey that reservation to the parties and to the court. If the communication mode or language of the non-English speaking person cannot be readily interpreted, the interpreter shall notify the appointing authority or the court.**

*Comment – Court Interpreter Task Force (1986)*

*A court interpreter or legal translator is often faced with new technical terms, slang, regional language differences, and other problems posing difficulty in accurate interpretations or translations.*

*The interpreter or translator must take time, and be given appropriate time by the court, to determine an appropriate and accurate interpretation or translation of the materials. If unable to interpret or translate the material, the parties and the court must be advised so the court can take appropriate action. When necessary, another, better qualified interpreter should be substituted. Before such substitution, the court may determine whether another linguistic approach can be used for the same result in communication. For example, a different choice of words to be interpreted may solve the problem.*

**(d) No language interpreter shall render services in any matter in which the interpreter is a potential witness, associate, friend, or relative of a contending party, unless a specific exception is allowed by the appointing authority for good cause noted on the record. Neither shall the interpreter serve in any matter in which the interpreter has an interest, financial or otherwise, in the outcome. Nor shall any language interpreter serve in a matter where the interpreter has participated in the choice of counsel.**

*Comment – Court Interpreter Task Force (1986)*

*The purpose of this canon is to avoid any actual or potential conflict of interest. CJC Canon 3(C) requires similar disqualification of a judge because of a conflict of interest. Interpreters should maintain an impartial attitude with defendants, witnesses, attorneys and families. They should neither conceive of themselves nor permit themselves to be used as an investigator for any party to a case. They should clearly indicate their role as interpreters if they are asked by either party to participate in interviews or prospective witnesses outside of the court. Interpreters should not “take sides” or consider themselves aligned with the prosecution or the defense.*

*See comments to Canon 6 which discusses the use of interpreters in client and witness interviews. Care must be taken to avoid exposing an interpreter unnecessarily to the conflict of becoming a potential witness on the merits.*

*Both court interpreters and jurors should be apprised of the identity of each during voir dire to help determine whether any juror knows the interpreter.*

*The fees and remuneration of a court interpreter or legal translator shall never be contingent upon the success or failure of the cause in which she or he has been engaged.*

*Interpreters and translators shall not interpret in any matter in which his or her employer has an interest as an advocate, litigant or otherwise.*

*Interpreters shall be limited to the role of communication facilitators.*

*No interpreter who has served as an investigator assisting in preparation for litigation shall serve as a court interpreter in that cause.*

**(e) Except in the interpreter's official capacity, no language interpreter shall discuss, report, or comment upon a matter in which the person serves as interpreter. Interpreters shall not disclose any communication that is privileged by law without the written consent of the parties to the communication, or pursuant to court order.**

*Comment – Court Interpreter Task Force (1986)*

*To promote the trust and integrity of the judicial system, it is important that court officials, including interpreters and translators, refrain from commenting publicly regarding an action. Interpreters and translators shall not offer an opinion to anyone regarding the credibility of witnesses, the prospective outcome of a case, the propriety of a verdict, the conduct of a case, or any other matter not already available by public record.*

**(f) A language interpreter shall report immediately to the appointing authority in the proceeding any solicitation or effort by another to induce or encourage the interpreter to violate any law, any provision of the rules which may be approved by the courts for the practice of language interpreting, or any provisions of this Code of Conduct.**

**(g) Language interpreters shall not give legal advice and shall refrain from the unauthorized practice of law.**

*Comment – Court Interpreter Task Force (1986)*

*The interpreter shall never give legal advice of any kind to the non-English speaking person or to any other person, whether solicited or not. In all instances, the non-English speaking person should be referred to counsel. The interpreter may give general information to a non-English speaking person regarding the time, place and nature of court proceedings. However, in matters requiring legal judgment, the individual should be referred to an attorney.*

*The interpreter should never function as an individual referral service for any particular attorney or attorneys. This kind of activity has the appearance of impropriety. When asked to refer a non-English speaking person to a particular attorney, the interpreter should refer such individual to the local bar association or to the Office of the Public Defender.*



National Association of Judiciary Interpreters & Translators

## NAJIT POSITION PAPER SUMMARY INTERPRETING IN LEGAL SETTINGS

The information provided in NAJIT position papers offers general guidance for court administrators, judiciary interpreters and those who rely on interpreting services in legal settings. This information does not include or replace local, state or federal court policies. For more information, please contact: National Association of Judiciary Interpreters & Translators, 206-267-2300, or visit the NAJIT website at [www.najit.org](http://www.najit.org).

### ■ Introduction

Approved modes of interpreting in judiciary settings<sup>1</sup> include consecutive interpreting and simultaneous interpreting as well as sight translation — verbally rendering in a target language the contents of a document written in a source language. Modern professional standards forbid summary interpreting in the courtroom and other legal settings in almost all instances. The purpose of this paper is to explain why all interpreters and users of interpreter services should refrain from using summary interpreting in legal settings.

### ■ What is summary interpreting?

When an interpreter summarizes, she renders what has been spoken aloud in a shorter and more condensed form, regardless of the actual words used by the speaker. The National Center for State Courts gives the following explanation in its publication *Court Interpretation: Model Guides for Policy and Practice in the State Courts*:

Interpretation means the unrehearsed transmitting of a spoken or signed message from one language to another. Interpretation is distinguished from “translation,” which relates to written language. Two modes of interpreting are used in court by qualified interpreters — “simultaneous” and “consecutive.” A third common mode is “summary” interpreting, which should not be used in court settings.<sup>2</sup>...

Summary interpreting is paraphrasing and condensing the speaker’s statement. Unlike simultaneous and consecutive interpreting, this method does not provide a precise rendering of everything that is said into the target language.<sup>3</sup>

### ■ Why is summary interpreting unacceptable in legal settings?

By its very definition, “summary” implies condensing and necessarily omitting some of what is said. The nature of summarizing goes against the grain of standard rules and canons of judiciary interpreting. The judiciary interpreter’s duty is to convey accurate and complete messages between or among parties. Summarizing, whether from spoken or written communication, requires an interpreter to participate in creating part of the message. With the very few exceptions noted below, summary interpreting does not enter into the acceptable practices of a professional judiciary interpreter. When an interpreter is allowed to summarize, she is being permitted to decide or evaluate what portion of testimony or statements given by the parties is relevant. An interpreter is not qualified to make such determinations. A defendant or litigant has the right to hear everything taking place. Finally, by using summary interpretation, an interpreter is no longer an impartial communicator but becomes a participant in the proceedings.

The landmark decision deeming summary interpreting inadequate to ensure due process arose from the case: *US ex rel. Negron v. New York*, 434 F.2d 386 (1970).<sup>4</sup> During a murder case, the prosecution’s interpreter provided the Spanish-speaking defendant with summaries of witness testimony in sessions lasting from ten to twenty minutes. “However astute [the interpreter’s] summaries may have been, they could not do service as a means by which Negron could understand the precise nature of the testimony against him.”<sup>5</sup>

Interpreters working in legal settings run the risk of compromising their code of ethics and canons of professional conduct if they opt to summarize the message from one party to the other. An interpreter has no personal knowledge of the events leading up to a lawsuit or criminal case. Moreover, an interpreter does not have access to all documents or written information surrounding a case. If an interpreter evaluates the weight of any statements, he becomes a party to the case and assumes a role far beyond that of the professional interpreter. If this occurs, adherence to the tenets of neutrality and impartiality is compromised. The final opinion of the National Center's *Guide* is: "[Summary interpretation] is a mode of interpreting that should not be used in court settings."<sup>6</sup>

The standard reference work for judiciary interpreting, *Fundamentals of Court Interpretation*, makes only one reference to summary interpreting: "In the past, summary interpretation (informing the defendant of the gist of testimony or arguments at the trial) was occasionally provided when interpreters were untrained non-professionals who were unable to keep up with the rapid pace of courtroom discourse; and, therefore, this mode is not recommended for use during witness testimony into either language."<sup>7</sup>

#### ■ **Minor exceptions**

There are a few situations in which summary interpreting may safely be employed as follows:

##### UNRELATED COURT ACTION

When courtroom personnel – judges, attorneys, clerks, probation officers or court officers (bailiffs) – discuss the details of a case not involving the defendant, summary interpreting can serve a limited purpose to inform a defendant that the current discussion does not involve her case.

##### OVERLAPPING CONVERSATIONS

Some attorneys, court personnel and judges have telegraphic, overlapping conversations. If an interpreter were to repeat the fragments such as: "I think I have; On what page; Let me look at; Where are those references," the rendition would be unnecessarily confusing. An acceptable rendition would be: "Looking for the correct page (reference, exhibit)." Any doubts are generally clarified immediately after by the parties.

##### SIGHT TRANSLATION IF REQUESTED

On the web site of the U.S. District Court for the

Southern District of New York, there is only one mention of summary interpreting in five pages of guidelines. In the section covering "Sight Translation of Documents" the author indicates, "You may give a summary [of the document's contents] only if the judge requests one."<sup>8</sup>

#### ■ **Technical note: Economizing is not summarizing**

To some extent, condensing a statement or economizing words occurs occasionally when interpreters are working between source and target languages, as interpreter trainers readily point out, but this is different from summarizing. Interpreter trainers speak of "economizing" words from the source to the target language. For example, if there is a more concise means of transmitting the *same message* with all its subtleties from the source to the target language, then the shortest phrasing could be chosen by the interpreter.

Redundancy is frequent in legal language. Due to the blending of Norman and Anglo-Saxon terminology, many phrases employ one word from each source language to convey the same meaning. Sometimes there are three words used to convey the same meaning. In this case, the message does not suffer by using two adjectives with the same meaning instead of three, or indeed only one, while keeping in mind that "our goal is to make a full and faithful interpretation of courtroom speech."<sup>9</sup>

#### ■ **Modern practice has evolved**

In the past anyone able to speak two languages (English and a foreign language) and willing to help out in court was considered to be an interpreter. No professional guidelines or rules were in place. Over the last 40 years, the role of an interpreter in court has received judicial and legislative attention. It is now recognized that an accurate, unbiased interpreter is necessary to protect the legal right of a non- or limited-English speaking defendant to participate fully in his or her own defense. And the services of an interpreter, logically, have been extended also to victims and witnesses.

In other words, the principal purpose of providing an interpreter in the courtroom is to put the defendant, litigant or witness on an equal footing with English speakers of a similar education and background. Starting from this concept, everything said in the courtroom that can be heard and understood by an English speaker must be interpreted for the non-English speaker. Conversely, anything said audibly by

non-English speakers must be interpreted to the court. This concept is the basis of the profession of judiciary interpreting as practiced today.

### ■ Recommendations

Canon 1 (Accuracy) of NAJIT's Code of Ethics and Professional Responsibilities explicitly bans omitting or paraphrasing speech that is to be interpreted:

Source-language speech should be faithfully rendered into the target language by conserving all the elements of the original message while accommodating the syntactic and semantic patterns of the target language. The rendition should sound natural in the target language, and there should be no distortion of the original message through addition or omission, explanation or paraphrasing

NAJIT recommends that summary interpreting be excluded from interpreter-assisted exchanges in legal settings. The following guidelines are intended to help interpreters and the other participants in the judicial process comply with professional standards:

#### JUDGES

- Judges should specifically prohibit summary interpreting during interpreter-assisted proceedings.
- If it seems necessary to direct that a summary sight translation of a document be provided, judges should take into account the difficulty of the task and the possibility that an important detail of the document may be omitted through inadvertence or time pressure.

#### ATTORNEYS

- Attorneys should not request that interpreters summarize speech during interpreted exchanges.
- Outside the courtroom, if an attorney believes that a summary of a document is sufficient, it is up to the attorney to provide such summary. The interpreter will interpret the attorney's summary, not create a summary.

#### INTERPRETERS

- When asked to summarize speech, the interpreter should cite the legal precedent *U.S. ex rel. Negron vs. New York* and the canon of ethics as the basis for declining.

- When asked to give a summary sight translation by a judge or an attorney, the interpreter should be particularly careful to remain accurate despite the time pressure of the situation.

### ■ Conclusion

Summary interpreting makes the interpreter a participant in the interpreted exchanges, runs the risk of compromising due process, and violates the canon of ethics and professional responsibilities. Summary interpreting has no formal place in the courtroom and does not belong in the professional judiciary interpreter's choice of modes for interpreting speech. Summary sight translation must be practiced with extreme care for accuracy.

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### Footnotes

- 1 Established by Federal Statute 28 USC section 1827.
- 2 National Center for State Courts, *Court Interpretation: Model Guides for Policy and Practice in the State Courts* ([www.ncsconline.org/wc/publications/Res\\_Ctlnte\\_ModelGuideChapter2Pub.pdf](http://www.ncsconline.org/wc/publications/Res_Ctlnte_ModelGuideChapter2Pub.pdf)), pp. 31-32 (*Model Guides*). Alicia Edwards in *The Practice of Court Interpreting* (Philadelphia, PA: John Benjamins Publishing, 1995) never mentions summary interpreting.
- 3 NCSC, *Model Guides*, p. 33.
- 4 *Federal Reporter*, second series, Volume 434 F.2d: Cases Argued and Determined in the United States Courts of Appeals, United States Court of Claims and United States Court of Customs and Patent Appeals (St. Paul, MN: West Publishing Co., 1971), pp. 386-391.
- 5 *Ibid.*, p. 389.
- 6 *Model Guide*, p. 32.
- 7 González, Roseann Dueñas, Victoria F. Vásquez and Holly Mikkelson, *Fundamentals of Court Interpretation: Theory, Policy and Practice*, Durham, NC: Carolina Academic Press, 1991, p. 164.
- 8 Website <http://sdnyinterpreters.org/> for the United States District Court, Southern District of New York.
- 9 Edwards, op. cit., p. 63

## Additional references

Summit/Lorain Ohio Model LEP Program for Law Enforcement, pp. 37, 59, 97, 104  
[www.co.summit.oh.us/sheriff/LEP.pdf](http://www.co.summit.oh.us/sheriff/LEP.pdf)

Suggested Guide for Interpreter Proceedings  
[www.ccio.org/CCIO-SuggestedGuide.htm](http://www.ccio.org/CCIO-SuggestedGuide.htm)

“Interpreters as Officers of the Court: Scope and Limitations of Practice” This article provides additional background on summary interpreting with specific examples. [www.najit.proteus/back\\_issues/officers.htm](http://www.najit.proteus/back_issues/officers.htm)

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# **Registered Candidates: Overview of Oral Language Proficiency Testing**

**REGISTERED  
CANDIDATES:  
OVERVIEW OF  
ORAL LANGUAGE  
PROFICIENCY  
TESTING**

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**Certified Languages**  
Arabic (Egyptian), Arabic (Levantine),  
Bosnian/Croatian/Serbian, Cantonese,  
French, Korean, Laotian, Mandarin,  
Marshallese, Punjabi, Russian, Somali,  
Spanish, Tagalog, Vietnamese

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**Registered Languages**  
Afrikaans, Akan-Twi, Albanian, Amharic,  
Azerbaijani, Bengali, Bulgarian, Burmese,  
Cebuano, Chavacano, Czech, Dari, Dutch,  
Georgian, German, Greek(Modern), Gujarati,  
Haitian Creole, Hausa, Hebrew, Hindi,  
Hmong/Mong, Hungarian, Igbo, Indonesian, Iraqi,  
Italian, Japanese, Javanese, Kashmiri, Kazakh,  
Kurdish, Malay, Malayalam, Nepali, Norwegian,  
Pashto, Persian Farsi, Polish, Portuguese,  
Romanian, Sindhi, Sinhalese, Slovak, Swahili,  
Swedish, Tajik, Tamil, Tausug, Telugu, Thai,  
Tigrinya, Turkish, Turkmen, Uighur, Ukrainian,  
Urdu, Uzbek, Wolof, Wu, Yoruba

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### TRANSITIONING LANGUAGES

- From Registered to Certified:  
Bosnian/Croatian/Serbian, French,  
Punjabi and Tagalog

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### Language Proficiency Test

- English
- Non-English or Registered  
Languages
- Simple Telephonic Conversation
- Oral Proficiency Interview (OPI)
- Versant English Test

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### Proficiency Exams

- Administered in Olympia
- OPI Score– Superior to Pass
- Versant English Score– 49 to Pass
- Exam Fees



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**Steps to Become a  
Registered Court Interpreter**

- Orientation
- OPI and English Versant Exams
- Courtroom Protocol and Ethics
- Criminal Background Check
- Court Interpreter's Oath



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**THANK YOU**

You have completed Interpreter Orientation.  
Please remember to complete and e-mail or  
mail your OPI Availability Form.

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# WASHINGTON STATE ADMINISTRATIVE OFFICE OF THE COURTS COURT INTERPRETER PROGRAM

## ORAL PROFICIENCY INTERVIEW

An interpreter who passes the written examination and completes the mandatory Court Interpreter Orientation is eligible to take the Oral Proficiency Interview (OPI), an interview conducted by Language Testing International (LTI).

This is a 30-40 minute telephonic interview between a tester who is certified by the American Council for the Teaching of Foreign Languages (ACTFL) and the interpreter. The interview measures how well the interpreter speaks the language in which he/she is attempting to become registered. Each interview is digitally recorded. The recordings are the property of ACTFL/LTI and will not be shared with any outside party for any reason.

The OPI takes the form of a carefully structured conversation between a trained and certified interviewer and the person whose speaking proficiency is being assessed. The interview is interactive and continuously adapts to the speaking ability of the individual being tested. There is no script or prescribed set of questions; the topics discussed during the interview are based on the interests and experiences of the interviewer.

Through a series of personalized questions, the interviewer elicits from the test candidate examples of his/her ability to handle the communication tasks specified for each level of proficiency in order to establish a clear "floor" and "ceiling" of consistent functional ability. Often candidates are asked to take part in a role-play to prove linguistic functions not easily elicited through the conversational format.

Since the OPI is an assessment of functional speaking ability independent of any specific curriculum, it is irrelevant when, where, why and under what conditions the candidate acquired his/her speaking ability in the language.

### Administration of OPI

For exam security purposes, the Washington State Administrative Office of the Courts in Olympia is the test site for all Oral Proficiency Interviews.

On your scheduled test date, be sure to arrive 15 minutes prior to the time of your appointment. You will need two forms of ID to show the "test proctor." ***No telephonic interview will be conducted unless you present two forms of ID, one of which must be a United States government-issued photo ID; i.e., passport or driver's license.***

You may **not** bring pens, paper, dictionaries, recording devices, notes, or any other type of language references or aides into the testing area.

### OPI Fees

Official/Certified ACTFL OPI	\$143*
Missed Appointment/No Show	\$55*

*\*Fees established by LTI and are subject to change.*

*Note: Payment is due at the time of your appointment. Acceptable forms of payment are a money order or personal check. Please make checks or money orders payable to LTI.*

## **OPI Results**

The digitally recorded interview is rated by two ACTFL certified testers. If there is a variance in scores, the interview is rated by an arbitrator. The final rating will be reported to the Washington State Court Interpreter Program within two weeks of the interview.

## **Rescheduled or Missed Appointments**

In the event that an appointment needs to be rescheduled, please contact Tina Williamson at (360) 705-5279 immediately. There is no charge for appointments that are rescheduled prior to one day before the scheduled appointment. For missed appointments, there is a \$55 fee.

## **Retest Policy**

The ACTFL/LTI retest policy requires a minimum of 90 days between a test and a retest.

## **Preparing for an OPI**

The Washington State Court Interpreter Program has set the minimum proficiency level at Superior (see enclosed ACTFL Proficiency Guidelines for Speaking). This means that during the interview you must demonstrate the ability to:

- Speak the standard form of the language without using English or slang.
- Speak the language formally, as well as informally, from both concrete and abstract perspectives.
- Speak the language with a high level of accuracy and no pattern of error.
- State and support a point of view in extended discourse on topics of personal and general interest.
- Speculate and hypothesize about possible causes, outcomes, and/or occurrences in extended discourse.

## **Test Tips**

When taking the OPI, listen carefully to the questions asked by the interviewer before answering. When answering, give as detailed a response as possible. Saying little to avoid making mistakes will not improve your rating. Remember that the Tester's questions are not arbitrary; they are carefully framed to elicit the above communication tasks and functions. Therefore, if the Tester asks you your opinion on a topic, you should state and support that opinion. If you are asked to elaborate about a hypothetical situation, be sure to do so in hypothetical and not concrete terms. The Tester will NOT be evaluating the correctness of the content of your answers, opinions, statements or conclusions, but will only be assessing how well you express yourself in the target language.

## **Unavailability of OPI Exams in a Given Language**

In rare circumstances, Language Testing International discontinues administration of OPI exams in certain languages due to unavailability of qualified raters. These changes may be temporary or permanent, and are outside the control of the Administrative Office of the Courts (AOC). If this occurs for candidates who have passed the written exam, AOC staff will work to secure a foreign language speaking/comprehension exam from another accredited testing company so that the candidate(s) can complete the process of attaining the Registered credential.

## **ACTFL PROFICIENCY GUIDELINES - SPEAKING**

### **SUPERIOR**

Speakers at the Superior level are able to communicate in the language with accuracy and fluency in order to participate fully and effectively in conversations on a variety of topics in formal and informal settings from both concrete and abstract perspectives. They discuss their interests and special fields of competence, explain complex matters in detail, and provide lengthy and coherent narrations, all with ease, fluency, and accuracy. They explain their opinions on a number of topics of importance to them, such as social and political issues, and provide structured argument to support their opinions. They are able to construct and develop hypotheses to explore alternative possibilities. When appropriate, they use extended discourse without unnaturally lengthy hesitation to make their point, even when engaged in abstract elaborations. Such discourse, while coherent, may still be influenced by the Superior speaker's own language patterns, rather than those of the target language. Superior speakers command a variety of interactive and discourse strategies, such as turn-taking and separating main ideas from supporting information through the use of syntactic and lexical devices, as well as intonational features such as pitch, stress and tone. They demonstrate virtually no pattern of error in the use of basic structures. However, they may make sporadic errors, particularly in low-frequency structures and in some complex high-frequency structures more common to formal speech and writing. Such errors, if they do occur, do not distract the native interlocutor or interfere with communication.

### **ADVANCED HIGH**

Speakers at the Advanced-High level perform all Advanced-level tasks with linguistic ease, confidence and competence. They are able to consistently explain in detail and narrate fully and accurately in all time frames. In addition, Advanced-High speakers handle the tasks pertaining to the Superior level but cannot sustain performance at that level across a variety of topics. They can provide a structured argument to support their opinions, and they may construct hypotheses, but patterns of error appear. They can discuss some topics abstractly, especially those relating to their particular interests and special fields of expertise, but in general, they are more comfortable discussing a variety of topics concretely. Advanced-High speakers may demonstrate a well-developed ability to compensate for an imperfect grasp of some forms or for limitations in vocabulary by the confident use of communicative strategies, such as paraphrasing, circumlocution, and illustration. They use precise vocabulary and intonation to express meaning and often show great fluency and ease of speech. However, when called on to perform the complex tasks associated with the Superior level over a variety of topics, their language will at times break down or prove inadequate, or they may avoid the task altogether, for example, by resorting to simplification through the use of description or narration in place of argument or hypothesis.

## **ADVANCED MID**

Speakers at the Advanced-Mid level are able to handle with ease and confidence a large number of communicative tasks. They participate actively in most informal and some formal exchanges on a variety of concrete topics relating to work, school, home, and leisure activities, as well as to events of current, public, and personal interest or individual relevance. Advanced-Mid speakers demonstrate the ability to narrate and describe in all major time frames (past, present, and future) by providing a full account, with good control of aspect, as they adapt flexibly to the demands of the conversation. Narration and description tend to be combined and interwoven to relate relevant and supporting facts in connected, paragraph-length discourse.

Advanced-Mid speakers can handle successfully and with relative ease the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine situation or communicative task with which they are otherwise familiar. Communicative strategies such as circumlocution or rephrasing are often employed for this purpose. The speech of Advanced-Mid speakers performing Advanced-level tasks is marked by substantial flow. Their vocabulary is fairly extensive although primarily generic in nature, except in the case of a particular area of specialization or interest. Dominant language discourse structures tend to recede, although discourse may still reflect the oral paragraph structure of their own language rather than that of the target language.

Advanced-Mid speakers contribute to conversations on a variety of familiar topics, dealt with concretely, with much accuracy, clarity and precision, and they convey their intended message without misrepresentation or confusion. They are readily understood by native speakers unaccustomed to dealing with non-natives. When called on to perform functions or handle topics associated with the Superior level, the quality and/or quantity of their speech will generally decline. Advanced-Mid speakers are often able to state an opinion or cite conditions; however, they lack the ability to consistently provide a structured argument in extended discourse. Advanced-Mid speakers may use a number of delaying strategies, resort to narration, description, explanation or anecdote, or simply attempt to avoid the linguistic demands of Superior-level tasks.

## **ADVANCED LOW**

Speakers at the Advanced-Low level are able to handle a variety of communicative tasks, although somewhat haltingly at times. They participate actively in most informal and a limited number of formal conversations on activities related to school, home, and leisure activities and, to a lesser degree, those related to events of work, current, public, and personal interest or individual relevance.

Advanced-Low speakers demonstrate the ability to narrate and describe in all major time frames (past, present and future) in paragraph length discourse, but control of aspect may be lacking at times. They can handle appropriately the linguistic challenges presented by a complication or unexpected turn of events that occurs within the context of a routine situation or communicative task with which they are otherwise familiar, though at times their discourse may be minimal for the level and strained.

Communicative strategies such as rephrasing and circumlocution may be employed in such instances. In their narrations and descriptions, they combine and link sentences into connected discourse of paragraph length. When pressed for a fuller account, they tend to grope and rely on minimal discourse. Their utterances are typically not longer than a single paragraph. Structure of the dominant language is still evident in the use of false cognates, literal translations, or the oral paragraph structure of the speaker's own language rather than that of the target language.

Advanced-Low speakers contribute to the conversation with sufficient accuracy, clarity, and precision to convey their intended message without misrepresentation or confusion, and it can be understood by native speakers unaccustomed to dealing with non-natives, even though this may be achieved through repetition and restatement. When attempting to perform functions or handle topics associated with the Superior level, the linguistic quality and quantity of their speech will deteriorate significantly.

## **INTERMEDIATE HIGH**

Intermediate-High speakers are able to converse with ease and confidence when dealing with most routine tasks and social situations of the Intermediate level. They are able to handle successfully many uncomplicated tasks and social situations requiring an exchange of basic information related to work, school, recreation, particular interests and areas of competence, though hesitation and errors may be evident.

Intermediate-High speakers handle the tasks pertaining to the Advanced level, but they are unable to sustain performance at that level over a variety of topics. With some consistency, speakers at the Intermediate High level narrate and describe in major time frames using connected discourse of paragraph length. However, their performance of these Advanced-level tasks will exhibit one or more features of breakdown, such as the failure to maintain the narration or description semantically or syntactically in the appropriate major time frame, the disintegration of connected discourse, the misuse of cohesive devices, a reduction in breadth and appropriateness of vocabulary, the failure to successfully circumlocute, or a significant amount of hesitation.

Intermediate-High speakers can generally be understood by native speakers unaccustomed to dealing with non-natives, although the dominant language is still evident (e.g., use of code-switching, false cognates, literal translations, etc.), and gaps in communication may occur.

## **INTERMEDIATE MID**

Speakers at the Intermediate-Mid level are able to handle successfully a variety of uncomplicated communicative tasks in straightforward social situations. Conversation is generally limited to those predictable and concrete exchanges necessary for survival in the target culture; these include personal information covering self, family, home, daily activities, interests and personal preferences, as well as physical and social needs, such as food, shopping, travel and lodging.

Intermediate-Mid speakers tend to function reactively, for example, by responding to direct questions or requests for information. However, they are capable of asking a variety of questions when necessary to obtain simple information to satisfy basic needs, such as directions, prices and services. When called on to perform functions or handle topics at the Advanced level, they provide some information but have difficulty linking ideas, manipulating time and aspect, and using communicative strategies, such as circumlocution.

Intermediate-Mid speakers are able to express personal meaning by creating with the language, in part by combining and recombining known elements and conversational input to make utterances of sentence length and some strings of sentences. Their speech may contain pauses, reformulations and self-corrections as they search for adequate vocabulary and appropriate language forms to express themselves.

Because of inaccuracies in their vocabulary and/or pronunciation and/or grammar and/or syntax, misunderstandings can occur, but Intermediate-Mid speakers are generally understood by sympathetic interlocutors accustomed to dealing with non-natives.

## **INTERMEDIATE LOW**

Speakers at the Intermediate-Low level are able to handle successfully a limited number of uncomplicated communicative tasks by creating with the language in straightforward social situations. Conversation is restricted to some of the concrete exchanges and predictable topics necessary for survival in the target language culture. These topics relate to basic personal information covering, for example, self and family, some daily activities and personal preferences, as well as to some immediate needs, such as ordering food and making simple purchases. At the Intermediate-Low level, speakers are primarily reactive and struggle to answer direct questions or requests for information, but they are also able to ask a few appropriate questions.

Intermediate-Low speakers express personal meaning by combining and recombining into short statements what they know and what they hear from their interlocutors. Their utterances are often filled with hesitancy and inaccuracies as they search for appropriate linguistic forms and vocabulary while attempting to give form to the message. Their speech is characterized by frequent pauses, ineffective reformulations and self-corrections. Their pronunciation, vocabulary and syntax are strongly influenced by their first language but, in spite of frequent misunderstandings that require repetition or rephrasing, Intermediate Low speakers can generally be understood by sympathetic interlocutors, particularly by those accustomed to dealing with non-natives.

## **NOVICE HIGH**

Speakers at the Novice High level are able to handle a variety of tasks pertaining to the Intermediate level, but are unable to sustain performance at that level. They are able to manage successfully a number of uncomplicated communicative tasks in straightforward social situations. Conversation is restricted to a few of the predictable topics necessary for survival in the target language culture, such as basic personal information, basic objects and a limited number of activities, preferences and immediate needs. Novice-High speakers respond to simple, direct questions or requests for information; they are able to ask only a very few formulaic questions when asked to do so.

Novice-High speakers are able to express personal meaning by relying heavily on learned phrases or recombinations of these and what they hear from their interlocutor. Their utterances, which consist mostly of short and sometimes incomplete sentences in the present, may be hesitant or inaccurate. On the other hand, since these utterances are frequently only expansions of learned material and stock phrases, they may sometimes appear surprisingly fluent and accurate. These speakers' first language may strongly influence their pronunciation, as well as their vocabulary and syntax when they attempt to personalize their utterances. Frequent misunderstandings may arise but, with repetition or rephrasing, Novice-High speakers can generally be understood by sympathetic interlocutors used to non-natives. When called on to handle simply a variety of topics and perform functions pertaining to the Intermediate level, a Novice-High speaker can sometimes respond in intelligible sentences, but will not be able to sustain sentence level discourse.

## **NOVICE MID**

Speakers at the Novice-Mid level communicate minimally and with difficulty by using a number of isolated words and memorized phrases limited by the particular context in which the language has been learned. When responding to direct questions, they may utter only two or three words at a time or an occasional stock answer. They pause frequently as they search for simple vocabulary or attempt to recycle their own and their interlocutor's words. Because of hesitations, lack of vocabulary, inaccuracy, or failure to respond appropriately, Novice-Mid speakers may be understood with great difficulty even by sympathetic interlocutors accustomed to dealing with non-natives. When called on to handle topics by performing functions associated with the Intermediate level, they frequently resort to repetition, words from their native language, or silence.

## **NOVICE LOW**

Speakers at the Novice-Low level have no real functional ability and, because of their pronunciation, they may be unintelligible. Given adequate time and familiar cues, they may be able to exchange greetings, give their identity, and name a number of familiar objects from their immediate environment. They are unable to perform functions or handle topics pertaining to the Intermediate level, and cannot therefore participate in a true conversational exchange.

# Washington State Administrative Office of the Courts Court Interpreter Program

## English Proficiency Testing

In 2001, the Washington Court Interpreter Commission determined that all interpreters pursuing the Court Registered credential must test their English speaking skills in addition to their speaking skills in the non-English language.

The exam selected for this purpose is the Versant English Test. Complete details about the test, including a sample audio file of an actual test, can be found at [www.versanttest.com](http://www.versanttest.com).

The Versant tests are the result of years of research in speech recognition, statistical modeling, linguistics, and testing theory. Over the last 13 years, more than 52 million test questions have been delivered, responded to, and automatically scored for individuals from over 100 countries around the world.

The Versant English Test automatically evaluates the spoken English skills of non-native English speakers, using speech processing technology and the advanced science of linguistics. The Versant™ English Test has been used by corporations, call centers/BPOs, government agencies, and academic institutions throughout the world to evaluate the spoken English skills of staff, officers, or students.

Pursuant to standards established by the Consortium for Language Access in the Courts, a score of at least 49 must be earned for purposes of qualifying to become a Washington Court Registered Interpreter.

The cost for the exam is approximately \$40. The Versant English Test will be administered immediately following administration of the Oral Proficiency Interview in the non-English language.

Versant Pro - Speaking Test	
Purpose	<ul style="list-style-type: none"> <li>■ Screening candidates for hiring or promotion</li> <li>■ Screening of teachers or teaching assistants</li> <li>■ Overseas project assignment decisions</li> <li>■ Progress monitoring of English language training</li> </ul>
<b>Test Content</b>	
Language tested	English
Duration of test	~25 minutes
Test Delivery	Computer or telephone
Number of Questions	82
Sections included in the test	Readings, Repeats, Questions, Sentence Builds, Story Retellings, Response Selection, Conversations, Passage Comprehension
<b>Test Scoring</b>	
Score precision	Precise numeric score (on 20 to 80 point scale)
Scores Provided	Overall score with scores on core verbal communication skills and other skills <ul style="list-style-type: none"> <li>■ Sentence Mastery</li> <li>■ Vocabulary</li> <li>■ Fluency</li> <li>■ Pronunciation</li> <li>■ Listening Comprehension</li> </ul>
Detailed explanation of language capabilities	✓
Score mapping to other language scales	Available for TOEIC, TOEFL, TOEFL Speaking and CEFR