

Spanish Translation Examples for *Plea & Plea Bargain* *by Sandro Tomasi*

The translation of the term *plea bargain* into Spanish is extremely difficult and it is imperative to know the full meaning of the source legal (SL) terminology, the target legal (TL) terminology and, the most difficult part, how to translate between the two. This paper is intended to provide guidance on how to translate *plea bargain* into Spanish as well as *plea*. To learn about the SL and TL terminology you may read my definitions of *plea* and *plea bargain*, including comparative laws, in *An English-Spanish Dictionary of Criminal Law and Procedure*. You may download the definitions by accessing the following links:

www.BilingualLawDictionary.com/plea.pdf;

www.BilingualLawDictionary.com/pleabargain.pdf.

At law, the terms *plea agreement*, *plea bargain* and *negotiated plea* all mean the same. However, there are times when slight semantic differences are made, e.g., *plea bargain* as a process; *plea agreement* as the disposition thereof.

The English-Spanish translation examples for the term *plea bargain* (below) are based on the natural equivalent *conformidad del imputado*, which has existed in Spain, Cuba and Puerto Rico since the 19th century. The term *conformidad del imputado* is currently used in relation to a defendant's agreement to accept a reduced sentence in the following countries: Argentina, Chile, Costa Rica, Cuba, Honduras, Nicaragua, Puerto Rico and Spain (possibly more).

It is important to understand that the term *conformidad del imputado* would appear as such in a criminal procedure code, legal treatise or law dictionary and that the term is usually used differently in a court decision or in a courtroom in any number of ways. For interpreting or translation purposes, a court interpreter or legal translator has many options to get the message across based on natural equivalency. You may use the basic translation formula (below) as your primary color, but feel free to use the other examples of natural equivalents as secondary or tertiary colors to get the message across, much in the way an artist uses a palette of colors to make a painting come to life.

Basic Translation Formula:

plea	=	contestación
plea agreement	=	conformidad

PLEA

plead guilty ➤ contestar culpable
➤ confesarse culpable
➤ reconocerse culpable
➤ admitir su culpabilidad

plead not guilty ➤ contestar inculpable
➤ contestar no culpable

Since *plea* is such a recognized legal term in the English language and *contestar* is such a basic word that also happens to be used in legal Spanish, interpreters and translators may have to use the compensation technique when converting the overall message into Spanish.

How do you plead? ➤ ¿Cómo contesta, culpable o inculpable?

Compensation example of non-legal language into English:

Chau. ¡Suerte! ➤ Bye. Good luck!

Sometimes an interpreter or a translator may have to add words in order to lock in the true meaning of the source-language message. The compensation technique enables a translation to make sense or sound natural in the target language, fully conveying the original message in the source language.

PLEA BARGAIN

All terms below are synonymous at law (English and Spanish), hence even plea agreement (1st ex.) = *pena negociada* (last ex.). Semantically, there may be different shades of color depending on context.

plea agreement: ➤ conformidad del acusado
➤ conformidad con la acusación

= =

plea bargain: ➤ conformidad del acusado
➤ conformidad con la acusación

= =

negotiated plea: ➤ pena conformada
➤ pena negociada

The term *plea bargain* is written with a hyphen when used as a verb: *plea-bargain*. This can be translated into Spanish in a number of ways, e.g., *tramitar la conformidad*, *negociar la pena*, *acordar la calificación*.

ELLIPTICAL USAGE

He took the plea.

- (meaning)... ➤ He took the plea offer.
➤ He took the plea bargain.
➤ He took the plea agreement.
➤ He took the negotiated plea.
➤ He took the plea offer to a reduced charge.

When translating an elliptical phrase, there is a choice as to whether the phrase should stay in its elliptical form or if compensation is warranted so that the communication makes sense in the target language.

He took the plea.

- Prestó su conformidad.
- Prestó su conformidad con la acusación.
- Prestó su conformidad con la pena negociada.
- Prestó su conformidad con la pena.
- Prestó su conformidad con la calificación jurídica.
- Prestó su conformidad con la negociación.
- Prestó su conformidad con el cargo reducido.
- Prestó su conformidad con la pena reducida.
- Prestó su conformidad a confesarse culpable al cargo reducido.
- Prestó su conformidad a reconocerse culpable a cambio de una pena negociada.
- Prestó su conformidad a admitir su culpabilidad de los hechos atribuidos.

The judge accepted the plea agreement.

- El juez homologó la conformidad entre las partes.
- El juez homologó la conformidad.
- El juez aceptó la conformidad de las partes.

You are under no obligation to take the plea.

- Usted no está obligado a prestar su conformidad con la acusación.
- Usted no está obligado a prestar su conformidad con la calificación negociada.
- Usted no está obligado a prestar su conformidad con la pena reducida.
- No está obligado a reconocerse culpable a cambio de una pena negociada.
- No está obligado a contestar culpable bajo dichas condiciones.
- No está obligado a confesarse culpable del cargo reducido.
- No está obligado a aceptar la calificación jurídica.

TRANSLATION EXAMPLES IN CONTEXT

The following examples demonstrate how to blend primary, secondary and tertiary terms together and the use of compensation to achieve a natural-sounding translation.

The state's assistant attorney general announced that plea negotiations are underway, but said there has been no agreement.

El fiscal adjunto del Estado anunció que se está negociando la pena, pero que aún no hay conformidad entre las partes.

Both attorneys said they expect to enter a plea agreement on the next court date.

Ambos abogados dijeron que esperan presentar la conformidad del acusado en la próxima comparecencia.

Many criminal cases are resolved out of court by having both sides come to an agreement. This process is known as negotiating a plea or plea bargaining.

Muchas acciones penales se resuelven extrajudicialmente mediante un acuerdo entre las partes. Este proceso se conoce como la conformidad del acusado o la negociación de la pena.

Plea bargaining usually involves the defendant's pleading guilty to a lesser charge, or to only one of several charges. It also may involve a guilty plea as charged, with the prosecution recommending leniency in sentencing.

La conformidad del acusado implica que este conteste culpable a un cargo reducido o a solo uno de varios cargos. También puede implicar la admisión de culpabilidad al cargo imputado y que la fiscalía recomiende una menor severidad en la condena.

Your lawyer and the prosecutor can discuss the possibility of settling your case without going to trial. They can negotiate a plea bargain which you may choose to accept or reject. Talk with your attorney about if you should accept any plea bargain.

- a) Su abogado y el fiscal pueden dialogar acerca de la posibilidad de llegar a una pena negociada sin tener que celebrar un juicio oral. Ellos pueden negociar que usted conteste culpable a un o más cargos a cambio de una pena reducida, por lo que usted puede prestar su conformidad con la pena negociada o rechazarla. Consulte con su abogado sobre la conveniencia de prestar su conformidad.
- b) Su abogado y el fiscal pueden dialogar sobre la posibilidad de terminar la acción anticipadamente sin tener que celebrar un juicio oral. Pueden negociar una calificación, y usted podrá prestar su conformidad o rechazarla. Consulte con su abogado para determinar si debe prestar su conformidad con la pena negociada.