

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------|-----------------------------------|
| ANGEL PASTRANA, | § |
| | § |
| Defendant Below, | § |
| Appellant, | § No. 283, 2000 |
| | § |
| v. | § Court Below: Superior Court |
| | § of the State of Delaware in and |
| STATE OF DELAWARE, | § for New Castle County |
| | § Cr. A. No. 9904006747 |
| Plaintiff Below, | § |
| Appellee. | § |

Submitted: September 17, 2001

Decided: September 28, 2001

Before WALSH, HOLLAND, and BERGER, Justices.

O R D E R

This 28th day of September 2001, upon consideration of the briefs of the parties, it appears that:

(1) The appellant, Angel L. Pastrana (“Pastrana”), was indicted on a charge of Murder First Degree and Possession of a Deadly Weapon During the Commission of a Felony. After a bench trial in the Superior Court, he was convicted of Manslaughter and the related weapon offense. Pastrana’s original counsel filed an appeal to this Court and a Rule 26(c) brief, essentially conceding that there was no merit to the appeal. This Court determined, *sua sponte*, however, that new counsel should be appointed for

Pastrana to brief the question of whether Pastrana was denied the effective use of an interpreter at his trial.

(2) Upon review of the record, we conclude that while the use of Spanish-English interpreters at Pastrana's trial did not comply with the standards announced by this Court in *Diaz v. State*, Del. Supr., 743 A.2d 1166 (1999) and mandated by Administrative Directive No. 107 of the Delaware Supreme Court dated April 4, 1996, any departure did not rise to the level of plain error. The trial judge made specific factual findings that Pastrana had an adequate comprehension of the English language and Pastrana is unable to point to any inaccuracy or mistranslation which prejudiced his ability to understand the evidence presented against him or to present evidence on his own behalf. The defendant made no objection to the manner or content of the translations at trial and we find no basis for concluding that any deficiencies in translation affected the fairness or integrity of Pastrana's trial. *Wainwright v. State*, Del. Supr., 504 A.2d 1096, 1100, *cert. denied*, 479 U.S. 869 (1986).

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court be and the same hereby is,

AFFIRMED.

BY THE COURT:

s/Joseph T. Walsh
Justice