

DEC 29 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAFAEL MARQUEZ-SANCHEZ,

Defendant - Appellant.

No. 07-30477

D.C. No. CR-07-00007-EJL

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
Edward J. Lodge, District Judge, Presiding

Submitted December 17, 2008**

Before: GOODWIN, TROTT, and RYMER, Circuit Judges.

Rafael Marquez-Sanchez appeals from his jury-trial conviction for conspiracy to possess with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Marquez-Sanchez contends that his right to due process under the Fifth Amendment and his right to confrontation under the Sixth Amendment were violated because he was unable to understand the court-appointed translator and did not receive a full translation during a portion of his trial in which three government witnesses testified. This contention fails because Marquez-Sanchez has failed to identify any deficiencies or omissions in the translation he received. *See United States v. Shin*, 953 F.2d 559, 561 (9th Cir. 1992). Moreover, we generally view interpreter problems within the context of an entire trial and Marquez-Sanchez was able to respond to the government's witnesses through his own testimony. *See United States v. Long*, 301 F.3d 1095, 1105 (9th Cir. 2002). Further, even assuming that there was a lapse in the continuous word-for-word translation, an occasional lapse does not necessarily contravene an individual's constitutional rights. *See id.*

AFFIRMED.