

### 3.20

#### Use Of Transcripts Of Tape-Recorded English Conversations

[(A) (An)] [(electronic) (\_\_\_\_\_)] recording has been admitted into evidence. In addition to the [(electronic) (\_\_\_\_\_)] recording you are being given a transcript of the [(electronic) (\_\_\_\_\_)] recording. The transcript only represents what the transcriber believes was said on the [(electronic) (\_\_\_\_\_)] recording, and merely serves as an aid when you listen to the [(electronic) (\_\_\_\_\_)] recording. The [(electronic) (\_\_\_\_\_)] recording, and not the transcript, is the evidence. If you perceive a conflict between the [(electronic) (\_\_\_\_\_)] recording and the transcript, the [(electronic) (\_\_\_\_\_)] controls.

#### Committee Note

The jury should be instructed on the role of tape-recordings and other forms of recording including but not limited to video recording, and transcripts. See *People v. Hunley*, 313 Ill.App.3d 16, 37-38, 728 N.E.2d 1183 (2000); *People v. Criss*, 307 Ill.App.3d 888, 899-900, 719 N.E.2d 776 (1999). This instruction should be given during the trial when a tape-recording or other form of recording is admitted. While a tape-recording or other form of recording should not be treated differently than any other evidentiary exhibit, the question of whether a tape-recording or other form of recording and transcript should be sent to the jury along with other exhibits at the close of the case is a matter for the trial court's discretion. *Hunley*, 313 Ill. App. 3d at 38, 728 N.E. 2d 1183. If the court sends the tape or other form of recording and transcript to the jury at the close of the case, this instruction should be given along with the other instructions.

Insert in the blanks the non-electronic type of recording, as applicable.

Use this instruction only when the original recording is in English. Do not give Instruction 3.20B.

When applicable, give Instruction 3.20A.