

### 3.23

#### Testimony through Interpreter

You [(are about to hear) (heard)] testimony from a witness who [(will be speaking) (spoke)] in the \_\_\_\_\_ language. Witnesses who do not speak English or are more proficient in another language testify through an official court interpreter. You must not make any assumptions about a witness or party based solely on the fact that an interpreter was used. You should give this testimony the same consideration you would give it had the witness himself testified in English.

Although some of you may know the \_\_\_\_\_ language, it is important that all jurors consider the same evidence. Therefore, you must accept and rely only on the English interpretation of this testimony. Disregard any perceived different meaning. Do not comment to fellow jurors on what you heard in the \_\_\_\_\_ language. Do not reinterpret for other jurors testimony that has been interpreted by the court interpreter because that would be providing information not admitted in court.

#### Committee Note

This instruction should be given both before a witness testifies in a language other than English and an interpreter translates that testimony as well as at the conclusion of the case in the final instructions to the jury.

The instruction is premised on the principle that a juror must “be capable of disregarding his or her impressions or opinions and decide the case based solely upon the evidence presented in court.” *People v. Kirchner*, 194 Ill. 2d 502, 529, 743 N.E. 2d 94, 108 (2000); IPI - Criminal Instruction No. 1.01[3] (“It is your duty to determine the facts and to determine them only from the evidence in this case.”). Accordingly, courts have held that it constitutes juror misconduct for a juror to retranslate testimony that has been translated by the interpreter. *People v. Cabrera*, 230 Cal.App.3d 300, 303, 281 Cal.Rptr. 238 (1991).

Insert in the blanks the non-English language used by the witness.

Use applicable bracketed material.