

## Interpreter For Defendant, Witness, or Juror

### (1) Defendant, Participating with an Interpreter:

The defendant is participating with the aid of

Select appropriate alternative:

an interpreter of (identify the language)

sign language interpreter

a reporter who will be recording the proceedings by a shorthand system and the recorded words will simultaneously appear on a computer screen for the defendant to read; that is known as Computer Assisted Real-time Translation.

(specify, e.g. a reader for a blind person; a lip reader, etc.)

The interpreter/reporter/(specify) is specially trained for such translation.

That the defendant is participating with the aid of an interpreter/reporter/(specify) is not evidence of anything, and you are not to draw any negative inference against the defendant or the People because of the defendant's use of an interpreter/reporter/(specify).

### (2) Defendant, Testifying with the Aid of an Interpreter

**Note:** *If the defendant is the witness and the instruction above for a "defendant, participating with an interpreter" was given to the jury at the commencement of the trial, the court need only further instruct the jury as follows:*

"That the defendant is testifying with the aid of an interpreter/reporter/(specify) is not evidence of anything, and you are not to draw any negative inference against the defendant or the People because of the defendant's use of an interpreter / reporter / (specify). Under our law, jurors must accept and rely only on the translation even if a juror understands the language being spoken."

**(3) Witness, Other Than the Defendant, Testifying with an Interpreter:**

You are about to hear a witness testify with the aid of

Select appropriate alternative:

an interpreter of (identify the language)

sign language interpreter

a reporter who will be recording the proceedings by a shorthand system and the recorded words will simultaneously appear on a computer screen for the witness to read; that is known as Computer Assisted Real-time Translation.

(specify, e.g. a reader for a blind person; a lip reader, etc.)

The interpreter/reporter is specially trained for such translation.

That the witness is participating with the aid of an interpreter/reporter/(specify) is not evidence of anything, and you are not to draw any negative inference against the witness, the defendant, or the People because of the witness's use of an interpreter/reporter/(specify). Under our law, jurors must accept and rely only on the translation even if a juror understands the language being spoken.

#### **(4) Juror, Participating with Interpreter:**

Juror number (specify), Mr./Ms. (specify) will be participating with the aid of

Select appropriate alternative:

sign language interpreter

a reporter who will be recording the proceedings by a shorthand system and the recorded words will simultaneously appear on a computer screen for the juror to read; that is known as Computer Assisted Real-time Translation.

(specify, e.g. a reader for a blind person; a lip reader, etc.)

The interpreter/reporter/(specify) is specially trained for such translation.

The interpreter/reporter/(specify) will be present during the trial and during deliberations. During your deliberations, however, the interpreter/reporter/(specify) is prohibited from participating in the jury's deliberations, and any attempt to do so must be promptly reported to me.<sup>1</sup>

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<sup>1</sup> See *People v Guzman*, 76 NY2d 1 (1990). The Court also stated: "the signer should be sworn to keep the confidences of the jury room." *Id* at 7.