

USE OF AN INTERPRETER

An interpreter will assist in this trial. The interpreter is here only to help us communicate. The interpreter is completely neutral, is not working for either party and is sworn to interpret truthfully and accurately.

The interpreter's role is to interpret what others say so that everyone understands everything that is said. Do not let your judgment be affected by a person's need for an interpreter.

If you understand the language of the witness, you must disregard completely what the witness says in that language. The evidence is the testimony as it is interpreted by the interpreter(s). Even if you think the interpreter has made a mistake, you must rely on the interpreter's English translation.

NOTES:

1. **The interpretation is the evidence.** It is the translation of the testimony that is to be considered as evidence. Jurors should be instructed that they are to follow the translation in English even if they have reason to believe it is not accurate. *Commonwealth v. Chicas*, 481 Mass. 316, 324 (2019), citing *Commonwealth v. Portillo*, 462 Mass. 324, 328 (2012).

2. **Sign Language Interpreter Assistance for Deaf Juror.** A judge may appoint interpreters for deaf jurors pursuant to G.L. c. 234A, § 69. If a deaf juror appears and wants to serve, but no interpreters are available, the Court may contact the Office of Language Access to inquire whether interpreters are immediately available. If not, or alternatively, the Court may contact the Office of the Jury Commissioner to arrange for a date for the juror to return because that office coordinates the assignment of interpreters for deaf jurors. Jurors with more limited hearing impairments may require other accommodations. See Criminal Model Jury Instruction 1.270 for use in this situation.