

CRIMJIG 2.05

USE OF INTERPRETER

[[Name of language] may be used during this trial.]

Minnesota law provides that a defendant who cannot fully understand or participate in legal proceedings because of a difficulty speaking or comprehending English must be provided a qualified interpreter.¹ This is because a defendant who lacks an understanding of the legal proceedings surrounding [her] [his] case cannot assist in the defense, challenge the accusers, and make informed choices regarding [her] [his] fundamental rights.² It is through the use of qualified interpreters that defendants who cannot fully understand English are afforded the same fair treatment and opportunities in their defense as English speaking defendants.³

[The state policy is to use [interpreters] [translators] where it is the judgment of the court that it is necessary to ensure fairness in a trial.]

[(Name of person) speaks and understands some English, but it is my judgment that (his)(her) understanding of English is not sufficient to ensure that (he) (she) has a full understanding of the proceedings. I have therefore authorized the use of [an interpreter] [a translator] in this case.]

[The decision to use [an interpreter] [a translator] is my decision.]

[[An interpreter] [A translator] is necessary for a defendant to understand everything that is said in the courtroom. The court instructs the [interpreter] [translator] to interpret every word that is said.]

[The use of [an interpreter] [a translator] may make the case take longer than it would without [an interpreter] [a translator]. You should not hold this against the defendant.]

USE NOTE

All or part of this instruction may be given in cases where translators or interpreters are used. The purpose of the instruction is to ensure that the jury understands the reason for using an interpreter or translator, that the decision to use an interpreter or translator is the court's decision and that the jury should not view any party adversely for needing an interpreter or translator.

¹ Minn. Stat. §§ 611.30 to 611.34 (2001).

² *State v. Marin*, 541 N.W.2d 370, 373 (Minn. Ct. App. 1996) (citing *Ton v. State*, 878 P.2d 986, 987 (Nev. 1994) holding that a language-impaired defendant enjoys a due process right to the aid of an interpreter at all crucial stages of the criminal process, which is necessary to a meaningful exercise of the defendant's constitutional rights).

³ *Marin*, 541 N.W.2d at 373; *State v. Mitjans*, 408 N.W.2d 824, 829 (Minn. 1987).

CIVJIG 10.15

[Interpreters]

[[Name of language] may be used during this trial.]

[The state policy is to use [interpreters] [translators] where it is the judgment of the court that it is necessary to ensure fairness in a trial.]

[(Name of person) speaks and understands some English, but it is my judgment that (his)(her) understanding of English is not sufficient to ensure that(he) (she)has a full understanding of the proceedings. I have therefore authorized the use of [an interpreter] [a translator] in this case.]

[The decision to use [an interpreter] [a translator] is my decision.]

[[An interpreter] [A translator] is necessary for a party to understand everything that is said in the courtroom. The court instructs the [interpreter] [translator] to interpret every word that is said.]

[The use of [an interpreter] [translator] may make the case take longer than it would without [an interpreter] [translator]. You should not hold this against any party.]

[The evidence you are to consider is only that provided through the official court [interpreters] [translators]. Although some of you may know the [language used], it is important that all jurors consider the same evidence. Therefore, you must accept the English [interpretation] [translation]. You must disregard any different meaning.]

USE NOTE

All or part of this instruction may be given in cases where translators or interpreters are used. The purpose of the instruction is to ensure that the jury understands the reason for using an interpreter or translator, that the decision to use an interpreter or translator is the court's decision, that the jury should not view any party adversely for needing an interpreter or translator, and that the jury should accept only the official translation as evidence. The instruction may be given as part of CIVJIG 10.15, which covers preliminary instructions before trial, and also as part of CIVJIG 10.20, which covers post-trial instructions.

AUTHORITIES

The considerations set out in the second through fifth paragraphs of the instruction are based on recommendations of the Implementation Committee on Multicultural Diversity and Racial Fairness in the Courts. The sixth paragraph is based on the Ninth Circuit Manual of Model Jury Instructions-Criminal § 1.13 (2000 ed.).