1.07 Duty to Use Official Translation

You are about to hear testimony from _____ who will be testifying in [language
<div align="center">Name of witness</div>
to be used] through the interpreter.   Although some of you may know [language to be used], it is

important that all jurors consider the same evidence.   Therefore, you must accept the English

translation of [his] [her] testimony.

[If, however, you believe the interpreter translated incorrectly, let me know immediately

by writing a note and giving it to the [clerk] [bailiff] [deputy]. You should not ask your question

or make any comment about the translation in front of the other jurors, or otherwise share your

question or concern with any of them.   I will take steps to see if your question can be answered

and any discrepancy can be addressed.   If, however, after such efforts a discrepancy remains, you

must rely only on the official English translation as provided by the interpreter.]

<div align="center">**Notes on Use**</div>

This instruction may be given before a witness testifies in a language other than English

and an interpreter translates that testimony for those in the courtroom, including the jury.

The bracketed second paragraph may be given at the discretion of the court.

<div align="center">**Comment**</div>

This instruction is premised on the principle that jurors have to decide the case based on

the evidence presented in court and cannot add their own specialized knowledge to the evidence

presented.   *See* IPI 1.01[11] ("[Y]our verdict must be based only on the evidence presented in

this courtroom . . . .").

It is misconduct for a juror to retranslate for other jurors testimony that has been

translated by the interpreter.   *People v. Cabrera*, 230 Cal.App.3d 300, 303, 281 Cal.Rptr. 238

(1991). "If [the juror] believed the court interpreter was translating incorrectly, the proper action would have been to call the matter to the trial court's attention, not take it upon herself to provide her fellow jurors with the 'correct' translation." *Id.* at 304.

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