



**FROM THE COMMITTEE  
ON MODEL CRIMINAL  
JURY INSTRUCTIONS**

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The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by December 1, 2020. Comments may be sent in writing to Samuel R. Smith, Reporter, Committee on Model Criminal Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to [MCrimJI@courts.mi.gov](mailto:MCrimJI@courts.mi.gov) .

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**PROPOSED**

The Committee proposes adding a new instruction, M Crim JI 5.15, to address the use of a foreign language interpreter during court proceedings before a jury.

**[NEW] M Crim JI 5.15 Interpreter**

This court seeks a fair trial for everyone, regardless of the language they speak or how well it is spoken. An interpreter will be assisting the court during these proceedings. Keep in mind that a person might speak some English without speaking it fluently. That person has the right to the services of an interpreter, too. Therefore, you may not give greater or lesser weight to a person's interpreted testimony based on your conclusions, if any, regarding the extent to which that person speaks English.

The interpreter is not associated with any party, and [his / her] only function is to provide unbiased assistance in helping [the defendant / a witness] to communicate effectively in court during the trial and to understand the proceedings.

[The interpreter will not be asked questions or give answers, but will only interpret them. (He / she) may speak in the first person using words such as "I," "me," or "mine," but that is only to ensure that the court record accurately reflects what was said by (the defendant / a witness).]\*

Do not allow the fact that the court is using an interpreter to help [the defendant / a witness] to influence how you decide the facts or the case in any way.

[Some of you may know the non-English language being used. If you have a question as to the accuracy of the English translation of a witness's testimony, you may bring this matter to my attention by raising your hand. You should not ask your

question or make any comment about the translation in the presence 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 resolved. If, however, after such efforts a discrepancy remains in your mind, I emphasize that you must rely only upon the official English translation as provided by the official court interpreter and disregard any other contrary interpretation.]\*

*Use Note*

\*These paragraphs are only necessary if the interpreter is used for a witness (including the defendant).