

13-110A. Instruction to jury.¹

Ladies and gentlemen, we have at least one [non-English-speaking] [hearing-impaired]² juror who is participating in this case. New Mexico law permits all citizens to serve on a jury whether or not [English is their first language] [they are hearing-impaired].² You must include this [these] juror(s) in all deliberations and discussions on this case. To help you communicate, the juror(s) will be using the services of the official court interpreter. The following rules govern the conduct of the interpreter and the jury:

1. The interpreter's only function in the jury room is to interpret between [English and [the non-English-speaking juror(s)' native language]] [speech and sign language].²

2. The interpreter is not permitted to answer questions, express opinions, have direct conversations with other jurors or participate in your discussions or deliberations.

3. The interpreter is only permitted to speak directly to a member of the jury to ensure that the interpreter's equipment is functioning properly and to advise the jury foreperson if a specific interpreting problem arises that is not related to the factual or legal issues in the case.

4. No gesture, expression, sound or movement made by the interpreter in the jury room should influence your opinion or indicate how you should vote.

5. If you can speak both English and [the language of the non-English speaker] [read sign language],² you must speak only English in the jury room so the rest of the jury is not excluded from any conversation.

6. Leave all interpretations to the official court interpreter. The interpreter is the only person permitted to interpret conversations inside the jury room and testimony in the courtroom.

7. You must immediately report any deviation from these rules by submitting a note identifying the problem to the judge or court personnel.

USE NOTES

1. For cases filed before March 1, 2005, this instruction must be read before deliberations whenever a non-English-speaking juror or hearing-impaired juror is serving on the jury. For cases filed after March 1, 2005, this instruction must be read with the preliminary instructions whenever a non-English-speaking juror or hearing-impaired juror is serving on the jury.

2. Use only the applicable alternative or alternatives.

[Adopted by Supreme Court Order No. 08-8300-043, effective December 31, 2008.]