

2.9 Foreign Language Testimony

You [are about to hear] [have heard] testimony of a witness who [will be testifying] [testified] in the [*specify foreign language*] language. Witnesses who do not speak English or are more proficient in another language testify through an official court interpreter. Although some of you may know the [*specify foreign language*] language, it is important that all jurors consider the same evidence. Therefore, you must accept the interpreter's translation of the witness's testimony. You must disregard any different meaning.

You must not make any assumptions about a witness, or a party based solely on the use of an interpreter to assist that witness or party.

Comment

As to the use of interpreters, see generally 28 U.S.C. § 1827.

See *United States v. Franco*, 136 F.3d 622, 626 (9th Cir. 1998) (holding that district court properly instructed jury that it must accept translation of foreign language tape-recording when accuracy of the translation is not in issue); *United States v. Rrapi*, 175 F.3d 742, 746 (9th Cir. 1999); *United States v. Fuentes–Montijo*, 68 F.3d 352, 355-56 (9th Cir. 1995). See also Instruction 2.6 (Transcript of Recording in English); Instruction 2.7 (Transcript of Recording in Foreign Language); Instruction 2.8 (Disputed Transcript of Recording in Foreign Language).