

1 **14-6022. Pre-deliberation instruction to jury.**

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

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

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

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

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

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

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

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

1 USE NOTES

2 1. This instruction must be read before deliberations whenever a non-English
3 speaking juror or hearing-impaired juror is serving on the jury.

4 2. Use only the applicable alternative or alternatives.

5 [Approved by Supreme Court Order No. 07-8300-031, effective December 17, 2007; as amended
6 by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending or filed on or
7 after December 31, 2025.]

8 **Committee commentary.** — This instruction is modeled on Appendix B to *State v. Pacheco*,
9 2007-NMSC-009, 141 N.M. 340, 155 P.3d 745.