**1.06B Credibility of Witnesses – Witness Who Testifies Using American Sign Language**

In this case, one of the witnesses presented [his] [her] testimony using American Sign Language through an interpreter. American Sign Language uses facial expressions and body movement in combination with hand signs to convey information. These facial expressions and body movements have specific meanings in American Sign Language which can be different that what you would ordinarily assume if you saw them used by an English speaker. In addition, when describing past events, people who use American Sign Language act out the situation, showing the actions and emotions of each person involved. This can be misunderstood as the person testifying being unnecessarily emotional or out of control. You should bear this information in mind when evaluating this testimony. Regardless of your familiarity with American Sign Language, you should avoid personally attempting to interpret the signs of a deaf person or an interpreter, as your guess about what is intended to be communicated by a sign, gesture, or facial expression may be inaccurate.

Use Note

The mid-trial version of this instruction (1A.20) should be given before the witness testifies so that jurors do not form impressions about the witness or the witness’ testimony that may be difficult to overcome. However, the court may find it helpful to repeat the instruction at the end of the case.