

Simultaneous Interpreting

Exercise 14

Simultaneous interpreting: Monologue

Audio recording. In this exercise you will hear a speech from one speaker. You will need to start interpreting from English to the test language as soon as they begin speaking.

While you are listening to the evidence I urge you to pay close attention to what each witness says and how he or she behaves while giving evidence. As you know, if you consider it, people do not communicate simply by means of the words they choose. Often tone of voice, facial expression, pauses, manner, form a part of the communication of what you understand from that witness.

You must eventually decide which witnesses to believe and what evidence you accept. In exercising your role as the judges of the facts you need not accept or reject all of a witness's testimony. A witness's testimony is not a package that you accept or reject as a whole. The following guide-lines may help you to decide which evidence to believe and which to reject: Consider the witness's attitude and demeanour in the witness box, while remembering that some people may be nervous about testifying in court. Consider the ability and opportunity of the witness to observe the things referred to in his or her testimony. Assess the ability of the witness to express himself or herself, to understand the questions, and to answer those questions. Ask yourself if the witness has any interest in the outcome of this case.

From time to time during the trial as you discovered yesterday it may be necessary for you to retire to the jury room or to be excused so that counsel may argue points of law or points of evidence. I told you earlier about the division of functions. You are the judges of the facts, I am the judge of the law. At times I must make rulings so this trial can proceed properly before you. Please do not speculate on any reason why you are excused. All admissible and proper evidence will be put before you in this courtroom. If

any documents or objects become part of the evidence in this trial you will have them with you in the jury room when you retire to consider your verdict. During the course of the trial counsel may refer to a Preliminary Hearing. Before this trial began a Preliminary Hearing was held before a judge and a number of witnesses were examined under oath before that judge. Nothing is decided at that type of inquiry regarding the guilt or innocence of the accused. Where any reference is made to the transcript of evidence at the Preliminary Hearing you should know that the transcript is the written record of the testimony of the witnesses who testified under oath before the judge. I would like to say something to you about note-taking. Some of you may also wish to take notes during the trial. Indeed I see many of you have note pads with you. But I must remind you that your primary duty is to observe the witnesses when they testify so you will be able to understand the evidence and decide on the credibility or trustworthiness of each witness. The Clerk will keep a record of what each witness says. There is a procedure to read back the evidence to you if that becomes necessary, but your memory will be your only guide as to the manner in which each witness testifies. Therefore, you must be very careful and not get distracted from your primary duty if you decide to take notes.

There are three other general matters I wish to discuss with you. The first concerns confidentiality. People will naturally be interested in the trial and in your experiences as a juror. During the course of the trial you are not allowed to discuss this trial with anyone who is not on the jury. Do not discuss the evidence even among yourselves until you've heard all of the evidence on this case. Once the trial is over and you reach your verdict you may discuss what occurred in this courtroom with anyone you choose, however, you must never talk about what happened in the jury room. To do so is a criminal offence under our Criminal Code. That may sound a little peculiar to you, but that Criminal Code offence is there to protect the confidentiality of jury deliberations and each of you so that you may freely and carefully deliberate on the case.

The second matter concerns things you may hear outside the courtroom. Under our system of law an accused person can only be found guilty of an offence on the basis of evidence presented in open court. Things you see or hear in the media are not evidence and you must ignore them.

Finally, the same thing applies to any rumours that might circulate about this case. There is a good reason for the rule. You see, Bryan David Paterson has no opportunity to reply to rumours or accusations in the media. Indeed, nothing that occurs outside this courtroom must influence your deliberations. Let me summarise what I've told you so far. You and I are working together as a team on this trial. You are the exclusive judges of the facts, I am the exclusive judge of the law. Throughout this trial you must presume that Bryan David Paterson is innocent, that he is not guilty of the charge against him. You may only return a verdict of guilty at the end of the trial if you are satisfied that the Crown proved each and every element of the offence beyond a reasonable doubt. You should pay close attention to the testimony, attitude and behaviour of witnesses so that you can decide which evidence to believe or accept. You must avoid discussing the trial with anyone except your fellow jurors. You must avoid discussing the trial among yourselves until you have heard all of the evidence and you retire to the jury room to reach your verdict. You must never tell anyone what takes place in the jury room. In reaching your verdict you must consider only the evidence that was presented here in the courtroom. You must ignore rumours and accusations or coverage in the media. Finally, do not go out and collect evidence on your own. Counsel will present all the relevant and admissible evidence for you to consider here in this courtroom.

Before calling on Crown counsel I want to tell you something about the offence with which the Crown has charged Bryan David Paterson. I do this so you will better understand the evidence as it is presented.

Yesterday you heard the charges in the indictment read to Mr. Paterson and his plea of not guilty which he made to that charge. The indictment is one of the documents you will have in the jury room when you retire to consider your verdict. The Crown has charged Bryan David Paterson with the offence of second-degree murder causing the death of Robert Taylor on October 10th. Before you can return a guilty verdict you must be satisfied that the Crown has proven each of the following elements beyond a reasonable doubt. The Crown must prove:

One: The identity of the accused as the offender.

Two: The time and place of the offence as it is set out in the indictment.

Three: That Bryan David Paterson caused the death of Robert Taylor.

Four: That Bryan David Paterson caused the death by means of an unlawful act.

Fifth: That Bryan David Paterson either meant to cause the death or meant to cause bodily harm that he knew was likely to cause death and was reckless about whether or not it caused death.

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