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司法通譯語言風格如何影響國民法官對被告的印象

How the Speech Style of Court Interpreters Impacts

Citizen Judges' Perceptions of the Defendant

湯立婷

Li-Ting Tang

指導教授：范家銘 博士

Advisor: Damien Chiaming Fan, Ph.D.

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國民法官對被告的印象

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Citizen Judges' Perceptions of Defendants

本論文係湯立婷君(R07147010)在國立臺灣大學翻譯碩士學位學程完成之碩士學位論文，於民國 112 年 7 月 25 日承下列考試委員審查通過及口試及格，特此證明

口試委員：

(指導教授)

誌謝



寫論文的過程是一場無止盡的自我懷疑，「我真的有辦法完成嗎」這個念頭時常在腦中盤旋不去。但現在回首來時路，只有滿滿的感激，感激自己決定在中年回到學校，感激自己走完最後這一哩路。更重要的是，感激好多人的幫忙。

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摘要



《國民法官法》於 2023 年 1 月 1 日正式施行後，臺灣司法自此進入新紀元。由於臺灣近年來外籍犯罪人數增加，對司法通譯的需求也與日遽增。多數外籍犯罪被告教育程度較低，說話風格可能也有較多閃躲語或停頓等特徵，學者 O'Barr 將其稱為無力風格(powerless style)。司法通譯和被告的語言風格如有不一致，究竟會對國民法官產生什麼影響，在國民法官新制上路之際，實為值得研究的議題。

本研究旨在了解國民法官如何透過司法通譯來評價被告，以及如通譯的語言風格與被告語言風格不一致時，會如何對國民法官產生影響。本研究採用「假冒配對測試法」(matched guise technique)，讓受試者分為無力風格組和有力風格組聆聽模擬法庭錄音。無力風格組聆聽的錄音中，通譯說話時具有較多無力風格，而有力風格組則無此風格。受試者在聽完錄音後，針對他們對被告的智力程度、可信賴度、及證詞可信度做出評分，並給予建議量刑。研究結果顯示，無力風格組的受試者給予被告的可信賴度和證詞可信度評分較有力風格組低，給予被告的平均建議量刑也比有力風格組較重。相關性分析也顯示，受試者給予被告可信賴度和證詞可信度的分數越低，給予被告的建議刑期就越重。另外，兩組受試者在研究訪談中，對通譯的表現普遍感到滿意。有力風格組的受試者多半認為通譯在翻譯時不帶情緒是適合法庭的說話風格，因此給予正面評價，而無力風格組的受

試者反而認為通譯能表達出被告的情緒忠實翻譯才是適合法庭的翻譯風格，也因此給予通譯正面評價。顯示受試者在聽不懂源語的情況下，可能基於對司法制度的信任，而傾向信任通譯。

本研究期望透過實驗及訪談研究，了解司法通譯的語言風格是否會對國民法官產生影響。在國民法官制度實施後，本研究希望能對於外籍被告在我國司法制度的人權保障議題拋磚引玉，並能為未來司法通譯制度的完善方向提供指引。

關鍵字：國民法官、司法通譯、法庭口譯、語言風格、陪審團、量刑

Abstract



With the implementation of the Citizen Judges Act on January 1st, 2023, Taiwan's judicial system entered a new era. As the number of foreign criminal offenders in Taiwan increases, so does the demand for court interpreters. Many foreign defendants have lower education levels and may exhibit speech styles characterized by hedges or hesitations, which O'Barr refers to as “powerless style”. Whether the inconsistency between the speech style of court interpreters and foreign defendants has an impact on citizen judges is now a relevant issue in Taiwan, particularly in light of the new citizen judges system.

This study investigates how citizen judges evaluate defendants through court interpreters and how the inconsistency between the speech styles of court interpreters and defendants impacts citizen judges' perceptions. The matched guise technique was employed, and participants were divided into two groups: the “Powerless Group” and the “Powerful Group”. The Powerless Group listened to mock trial recordings with interpretations featuring more powerless style features, while the Powerful Group listened to interpretations without such features. After listening to the recordings, participants rated the defendant's intelligence, trustworthiness, and convincingness, and provided sentencing recommendations. The results showed that participants in the Powerless Group rated the defendant lower in trustworthiness and convincingness

compared to the Powerful Group, and they also suggested harsher sentences on average.

Correlation analysis revealed that lower ratings for trustworthiness and convincingness

were associated with heavier recommended sentences. In post-experiment interviews,

participants expressed overall satisfaction with the interpreters' performance.

Participants in the Powerful Group believed that interpreters should be emotionally

neutral, as they considered it suitable for the courtroom. On the other hand, participants

in the Powerless Group believed that interpreters should faithfully convey the

defendant's emotions, also considering it appropriate for the courtroom. This suggests

that participants, without understanding the source language, tend to place trust in

interpreters based on their confidence in the judicial system.

Through experiments and interviews, this study aims to investigate the potential impact of court interpreters' speech style on citizen judges. With the implementation of the citizen judge system, this study hopes to contribute to the human rights protections for foreign defendants within Taiwan's judicial system, while also providing insights for the future enhancement of the court interpreter system.

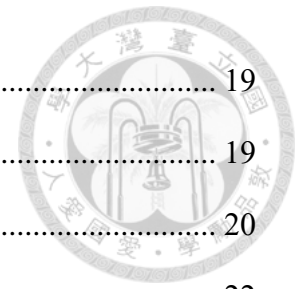
Keywords: citizen judge, court interpreter, speech style, jury, sentencing

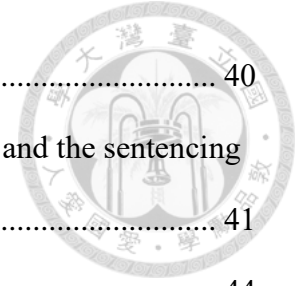
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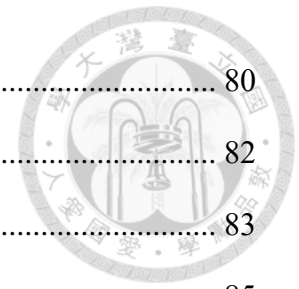
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Chapter 1 Introduction



1.1 Jury Trial

On August 12th, 2020, the Citizen Judges Act was promulgated, and most of the articles became effective on January 1st, 2023. This new Citizen Judges Act has marked the beginning of a new era in Taiwan's judicial system because this new system is unusual in a civil law country like Taiwan. As the jury system is the foundation of most common law countries, many civil law countries like Taiwan entrust professional judges to make judicial decisions. However, there had been dissatisfaction with professional judges being the sole party making judicial decisions, and confidence in Taiwan's judicial system waned (Huang & Lin, 2013). To enhance people's faith in the judicial system, President Tsai Ing-Wen convened the National Conference on Judicial Reform in 2017 (Ministry of Justice, 2021). After heated debates and discussions among the government, academia, and civil groups about how to overhaul the judicial system, a consensus was reached, and the lay judge system was introduced in Taiwan.

According to the Citizen Judges Act (2020), participation of citizen judges is required in some of the criminal cases, which include: 1) cases where the accused has committed an offense punishable with a minimum punishment of imprisonment for not less than ten years; or 2) cases where the accused has intentionally committed an offense that caused death (§5). Such cases will be judged by a panel consisting of six citizen

judges and three professional judges (§3), and a guilty verdict is determined by the agreement of two-thirds of the panel, which must include one citizen judge and one professional judge (§83).



1.2 Implications for Taiwan

As citizen judges are required to participate in trials if the accused committed a felony or an offense that caused death as mentioned above (Citizen Judges Act of R.O.C, §5), defendants involved in those violent crimes will be questioned and given their testimonies in front of citizen judges. This indicates that past research regarding the jury's role in a trial have become relevant to Taiwan. A relevant area of study is factors impacting jurors' perception of trial participants. Ideally, jurors are expected to make decisions based on the evidence presented in a trial alone. However, jurors sometimes made decisions based on certain characteristics of people involved in trials. Among these studies, defendants' physical attractiveness, remorse, prior criminal records, and socioeconomic status have been proven to impact jury decisions (Devine, D. J. et al., 2001). The speech style of a witness in a courtroom is also another factor that will impact the juror's perception of the witness (Hale, 2002). O'Barr argued that the speech style of the witness would affect the power of the testimony, and jurors tend to believe the witnesses to be more credible and trustworthy when they speak in a powerful style of

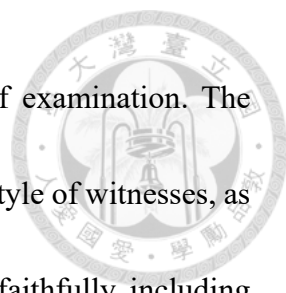
language (O'Barr, 1982).



Research regarding the impact from the speech style of the witness or defendant will also be relevant for Taiwan because most defendants in cases with citizen judges might speak in a style different from other participants in the courtroom. According to Article 14 of the Citizen Judges Act, only citizens who have completed compulsory education are eligible to serve as citizen judges. Further, according to Article 5 of the same act, citizen judges are required to participate in cases involving certain violent crimes. However, according to the statistics from the Ministry of Justice (2022), most prisoners of violent crimes have not received tertiary education. As 48% of Taiwan's population holds a university degree (Ministry of the Interior, 2023), defendants with limited formal education who may speak with distinct features found in the speech of people with lower social status (Erickson et al., 1978) may speak in a different style from citizen judges. Therefore, it is important to explore whether different speech styles of defendants with limited education will impact citizen judges' perception of these defendants.


1.3 Speech Style of the court interpreter as a factor impacting juror's perception

In addition to the speech style of the defendants, another factor that has been the focus of research is the speech style of court interpreters. Since the speech style of the witnesses will impact jurors' perception in the courtroom, whether the speech style of



court interpreters will also do the same is another issue worthy of examination. The speech style of court interpreters should ideally replicate the speech style of witnesses, as court interpreters are expected to give their renditions accurately and faithfully, including faithfully reproducing both the content and the style of the speaker's message (Hale, 2002). Many jurisdictions also have a code of ethics for court interpreters with explicit fidelity requirements. However, court interpreters sometimes fail to fulfill their undertaking (Hale, 2007). Hale's study showed that court interpreters tended to omit the seemingly trivial features of witnesses' speech styles that would affect how others would evaluate witnesses. Furthermore, court interpreters tended to add more hesitations that had not existed in the original speech into their renditions. These changes in speech style may impact how jurors perceive witnesses. Berk-Seligson (2017) showed that a mock jury may evaluate a witness's credibility and trustworthiness based on the register and form of speech of the court interpreter.

As more and more defendants need interpreters to help them in judicial proceedings, it is important to examine whether the court interpreter's speech style will impact the jury's perception of the defendants. This is because since the 1990s, Taiwan has welcomed more migrant workers to help with major infrastructure projects. Consequently, the number of foreigners has surged over the past decades, so has the number of foreign criminal offenders. According to the National Police Agency (National Police Agency,



2022), more than 3,000 foreigners were accused of crimes in the first eight months of 2022, increasing the demand for court interpreters. However, the educational background and socioeconomic status of court interpreters may differ from those of the foreign defendants, as may their speech styles and registers. The impact of different speech registers between the interpreter and the defendant in the judicial setting in Taiwan has yet to be explored. The impact on the citizen judges, who will participate in the trials, has yet to be discovered.

1.4 Research Questions

This study aims to investigate the impact of citizen judges' perception on the speech style of court interpreters and wishes to explore the following research questions:

1. How do citizen judges evaluate the defendant through the interpretation of court interpreters?
2. What are the impacts on citizen judges if the court interpreters used speech styles different from those used by defendants?

Chapter 2 Literature review

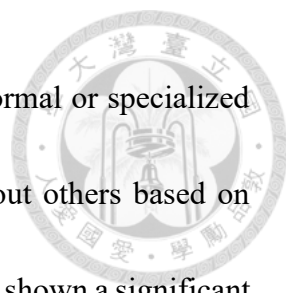


2.1 Speech in the courtroom

In an adversarial court system, which has been adopted in Taiwan, there are two opposing parties. Each party will present their version of stories and evidence favorable to themselves for the jury or the judge to make the judgment and decide whose story is "true" (Hale, 2004). As Maley & Fahey put it intriguingly, "truth or reality becomes the story which is accepted by the jury. Obviously, it may or may not correspond to the events in the extra-court context" (Maley & Fahey, 1991). As evidence must be presented orally, language is a crucial tool for attorneys from both sides to direct and control the power in the courtroom (Hale, 2004). The equally important factor in an adversarial system is the way a language is spoken. Participants in courtroom proceedings can maneuver the way they speak to help them appear more credible and competent while making their opposing parties seem more unreliable and incompetent (Berk-Seligson, 2017). The way a speech is delivered by the speaker will be referred to as the "style" of the speech in this study.

2.2 Speech style as a factor impacting jury perception in the courtroom

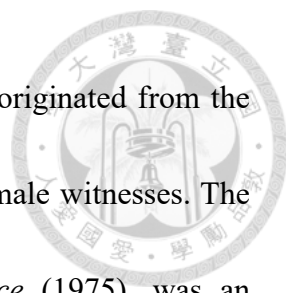
Sociolinguistics generally agrees that a variety of factors will influence the way in which a person speaks at a given time. Some of the factors are related to the social characteristics of the speaker, such as educational background or occupation, while others



are related to whether the setting where the speaker is speaking is formal or specialized (Berk-Seligson, 2017). To determine if people make judgments about others based on their speech styles, a number of studies have been conducted and have shown a significant relationship between the way people speak and the impressions they make on their listeners regarding the speaker's social status, personality, intelligence, trustworthiness, and competence (Hale, 2004).


Despite the importance of the power of language, relatively little research has been done on the language spoken in a courtroom in the past. In the 1970s, O'Barr and his colleagues at Duke University conducted a series of pioneering studies and found that some speech features were found in most women at that time and men who had lower social status. These features included intensifiers (such as “very” and “surely”), hedges (such as “kinda,” “I think,” and “I guess”), hyper-formal grammar (the use of bookish grammatical forms), hesitation forms (such as “well” and “you know”), gestures (e.g., using hands and expressions while speaking), questioning forms (e.g., using rising, question intonation in declarative contexts), and polite forms (such as “please” and “thank you”) (Erickson et al., 1978). The research team categorized and termed these features as “powerless,” while speeches without these features were termed as powerful speech (O'Barr, 1982).

2.2.1 Powerful versus Powerless speech



O'Barr's research on the powerful and powerless speech style originated from the research of the distinction between the speech style of male and female witnesses. The research by Lakoff and her book, *Language and Woman's Place* (1975), was an inspiration for many researchers who are curious about why women and men speak differently. According to Lakoff (1975), women and men exhibit different features in their speech. Although she did not list the key features of what she referred to as women's language, certain features were believed to occur more frequently among women. These features include hedges, polite forms, tag questions, speaking with intonational emphasis, empty adjectives, hypercorrect grammar, pronunciation, etc. O'Barr and his colleagues at Duke University later discovered that what Lakoff called Women's Language ("WL") was not used only by women but also by people from a lower socioeconomic status. (Berk-Seligson, 2017)

O'Barr and his colleagues analyzed what they observed from the court hearing and came to their conclusion and explanation about why the WL's features were found in the language spoken by some men and why there were no WL features in the language spoken by some women. It was discovered that all the women who used relatively few WL features had high social status, which was unusual for women at that time, and were typically well-educated, professional women of middle-class background. Compared to men who were recorded high in WL features, most of them held either job with lower



social status or were unemployed. Based on their findings, the Duke University team concluded that variation in WL features might be related more to social powerlessness than to gender and renamed these discourse styles as "powerful versus powerless" speech styles.

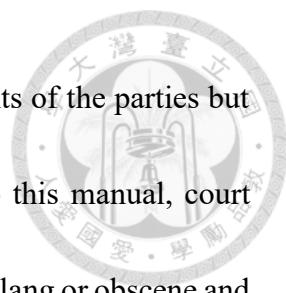
2.2.2 The effect of powerless speech style in a courtroom

O'Barr (1982) further conducted experiments to verify their hypotheses about the significance of speech style used in court based on their observations in court. They presented two sets of recordings of testimonies with the same factual information to participants. In these two recordings, one had retained all the powerless styles - the hedges, hesitation forms, intensifiers, etc., and the other one had excluded all the powerless features to produce a powerful style of speech. The result of the experiment clearly demonstrated that testimonies with powerful style constantly received more favorable responses from the participants than those with powerless style. Most participants thought the witness testifying in the powerful style was more competent, more intelligent, and more trustworthy. Hence, the results of this experiment showed that the speech style of the witness had a significant impact on how positively the witness was perceived and implied that these kinds of differences may also have an impact on the legal proceeding.



2.3 Requirements for faithful interpretation

There has been an increasing number of research into the realm of interpreting in legal settings for the past decades, and more attention has been focused on not only the content of court interpreting but also the speech style of court interpreting. Court interpreters are expected to deliver their interpretations accurately and faithfully. Many jurisdictions, including Australia (Hale, 2007) and Taiwan (Judicial Yuan of R.O.C., 2022), have codes of conduct for court interpreters that require them to abide by their duties to produce faithful renditions. In Australia, court interpreters in the New South Wales Court system are required to take an oath to "truly interpret the evidence that will be given and all matters and things that are required in this case to the best of your ability." (Hale, 2007) The Judicial Yuan in Taiwan also established the "Code of Conduct for Court Interpreters" (Judicial Yuan of R.O.C., 2013), which stipulates that interpreters shall accurately interpret statements made by parties in the courtroom without altering the original meaning of the statement. Court interpreters in Taiwan will even face being charged with perjury if they interpret falsely after taking an oath in court (Criminal Code of R.O.C., § 168 & 189). Although the Code of Conduct for Court Interpreters has remained unchanged for the past 10 years, the Manual for Court Interpreters (Judicial Yuan, 2022), a document providing guidance and examples for court interpreters, was updated as recently as September 2022. According to this manual, court interpreters in

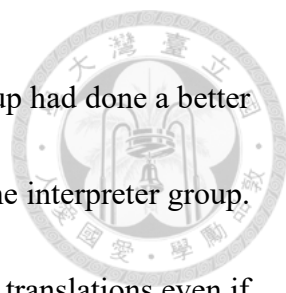


Taiwan are expected to interpret not only the content of the statements of the parties but also the style and attitude of the utterance. Moreover, according to this manual, court interpreters should interpret everything said by the parties, including slang or obscene and vulgar terms, and should also not simplify or modify the content of the statements before interpreting.

However, even though there is consensus among participants in the legal settings that faithful rendition is paramount for court interpreting, court interpreters face various challenges that may prevent them from following their duty of faithful interpretation (Hale, 2007). Researchers have been trying to discover the obstacles facing court interpreters in order to help mitigate these challenges. Some of the obstacles include the translatability of speech style, as well as the attitudes of the courts and confusion about the role of court interpreters.

2.3.1 Translatability of speech style

Lee (2011) tried to examine the translatability of speech style by comparing the interpreted and translated texts from real court proceedings done by a group of interpreters and translators. It was found that the interpreter group generally failed to deliver the speech style of witnesses, such as repetitions, false starts, hesitations, inexplicitness, slang, or vulgar language. When interviewing the interpreters, she found that the interpreters had different interpretations and reasons about whether they should convey the meaning



and style of the original utterance. By comparison, the translator group had done a better job in translating the meaning and style of the original speech than the interpreter group. However, deviations from the source texts can still be found in those translations even if they are not pressured by time and the court settings as the interpreters. Furthermore, when the translators attempted to reproduce the styles of the original texts, the ungrammatical and incoherent parts of the texts were accentuated, resulting in awkward syntax. Lee's study highlights the challenges of achieving faithful interpretation and offers valuable insights into the complexities of this process.

2.3.2 Attitudes from the court

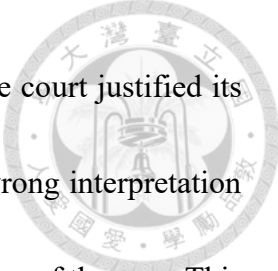
Another challenge arises from the court itself. Judicial bodies may establish codes of ethics or standards for court interpreters to adhere to, but in practice, they may act contrary to these codes by being unwilling to overturn their decisions even when court interpreters fail to comply with the code of ethics. In Australia, it is difficult for appeals on the ground of poor interpretation to succeed since the higher courts in Australia are not convinced by the linguistic arguments unless the interpreting errors are related to an issue of specific importance to the case (Hayes, 2009). In the United States, appellate judges generally reject appeal claims of poor interpretation because most appellants cannot provide concrete evidence of poor interpreting quality. Moreover, the reason why the appellant cannot provide the evidence is that interpreter-mediated proceedings are

transcribed in the court record in English alone, and foreign language testimonies do not exist in court records (Berk-Seligson, 2017).



The difficulties of appealing based on poor interpretation have also been exacerbated by the absence of foreign languages in court records in Taiwan. In one court ruling (Taiwan Taipei District Court Shen Zi No. 249, 2022), an applicant wished to ensure the correctness of the interpretation of a witness's testimony and applied for the recording of the court proceeding. Unfortunately, the application was denied because the court held that the applicant failed to specify any omissions in the content of the court transcripts. The court further clarified that the purpose of court recordings was solely to facilitate the production of transcripts, and the court proceedings were exclusively based on these transcripts. Ironically, identifying any omissions in the court transcript due to poor interpretation is a nearly impossible task. The reason is that the court transcript only includes the interpreter's interpretation of the testimony, with no documentation of the original testimony in the source language. Consequently, errors or omissions in the interpretation may not be immediately apparent, posing challenges in addressing concerns about its accuracy. This, in turn, raises the question of how any omissions in the interpretation of the court transcript could be identified if the court proceedings were not recorded.

A similar paradox can also be found in another Supreme Court decision, where an



appeal based on the ground of wrong interpretation was rejected. The court justified its decision by asserting that the appellant failed to prove whether the wrong interpretation had any significant consequences in determining the factual information of the case. This illustrates the challenge of demonstrating the direct impact of an interpretation error on the outcome of a legal proceeding, further complicating the pursuit of justice in cases involving interpretation issues. (Supreme Court of R.O.C, Criminal Judgement Tai Shen Zi No.2634, 2021).

2.3.3 Confusion about the role of court interpreters

Another challenge arises from the confusion surrounding the role of court interpreters in the judicial system. At times, court interpreters may face pressure from legal officials to expedite their interpretation and omit certain details spoken by foreign defendants, even if they wish to faithfully abide by their duties to provide accurate interpretation. Court interpreters may face difficult decisions when deciding whether to follow their code of ethics or the instructions from legal officials. (Chien, 2016; Chen, 2018). Furthermore, interpreters who share a cultural or linguistic background with defendants may experience internal conflicts between fulfilling their duty to remain neutral in their interpretation and providing support to their compatriots. This situation can create a challenging and delicate balancing act for court interpreters, as they strive to maintain professional integrity while being mindful of the potential impact of their

cultural or linguistic ties on the interpretation process (Chien, 2016).




2.4 Interpreter's speech style as a factor impacting jury perception

When defendants or witnesses cannot speak the courtroom's language, court interpreters will be recruited to interpret for them. Hewitt (1995) highlights the pivotal role of interpreters in the judicial process. He emphasizes the necessity of removing communication barriers to ensure equal justice access for all, regardless of language proficiency. Interpreters allow non-English speakers to fully participate in court proceedings and understand their legal rights.

The research conducted by O'Barr and his colleagues (O'Barr, 1982) showcased that jurors tended to evaluate testimony delivered in a powerful style more positively than in a powerless style. Given the potential impact of witness speech styles on juror perceptions in the courtroom, interpreting scholars have been intrigued by whether court interpreters' speech styles would yield similar results.

2.4.1 The research by Berk-Seligson in a bilingual courtroom

Berk-Seligson (2017) conducted a series of experiments to investigate the impact of the interpreter on mock juror's evaluations of witnesses. She picked the research topics based on her observations of interpreter-mediated court proceedings from several courts in the United States. Recurring features in the language used by interpreters that she



observed became the focus of her research attention. Among these features, she conducted experiments on politeness, hyperformality, and hedging. These experiments discovered one variable that was not existent in the experiments of O'Barr's team – the interpreter.

The results of her experiments revealed that mock jurors evaluated the interpreted testimony more favorably when a politeness marker was present or when the testimony was presented in a hyperformal style. Interestingly, even though politeness is typically associated with the characteristics of the powerless speech style, it was observed that the mock jurors' evaluation of the witness was still enhanced through the interpreted version of the testimony. Her other experiment on hyperformality (Berk-Seligson, 2017) found that mock jurors perceived the witness to be more convincing, more competent, more intelligent, and more trustworthy when they had heard the interpretation rendered in the hyperformal register. This was different from O'Barr (1982), where mock jurors found the witness testifying in the hypercorrect style to be less convincing, less competent, and less qualified. Nevertheless, the results from Berk-Seligson's study on the language feature of hedging aligned with O'Barr's theory on powerless speech. In Berk-Seligson's study, mock jurors evaluated the witness negatively when they heard interpretations with instances of hedging. These examples suggest that the interpreter, as a variable, can have a distinct impact on the juror's perception of the witness. In other words, depending on the interpreter's approach and speech style, jurors may form different perceptions of the

witness and the testimony presented. This observation underscores the significance of the interpreter's role in the courtroom and highlights the need for additional research to fully understand how interpreters can influence juror perceptions in legal proceedings.




2.5 The lay judge system in Japan

2.5.1 Similarities between the lay judge system in Japan and Taiwan

In May 2009, the lay judge system was introduced in Japan. This new judicial system in Japan served as the main reference for Taiwan's legislature when drafting the Citizen Judges Act. As a result, there are significant parallels between the citizen judge systems in Taiwan and Japan. The Japanese system requires six citizens to serve as lay judges and collaborate with three professional judges to make decisions. In Japan, lay judge trials involve felonies that carry the death penalty or indefinite imprisonment. Similarly, the involvement of citizen judges in Taiwan is mandatory in criminal cases when the accused has committed a crime with a minimum sentence of ten years or deliberately committed an offense resulting in death. Another similarity between the lay judge system in Japan and Taiwan is the duty of sentencing of citizen judges. While the role of juries in common law countries is generally limited to determining the guilt or innocence of the defendant, and it is the responsibility of the judge to decide the appropriate sentence, the lay judges in both Japan and Taiwan also participate in determining the sentences with the

professional judges.

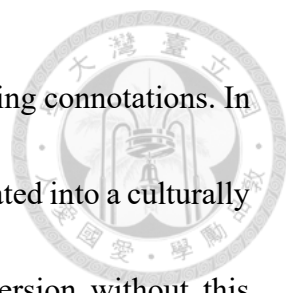


The implementation of this new system has presented fresh challenges for court interpreting. In Japan, statistics indicate a surge in migrant workers arriving in the past decade, leading to a rapid increase in criminal cases involving non-Japanese speakers. Consequently, the demand for court interpreting services has risen accordingly. This societal context mirrors the situation in Taiwan, where the influx of migrant workers has also led to a rise in the number of foreign criminal offenders. Like Japan, Taiwan is facing a similar situation where the demand for court interpreters has grown due to an increase in the foreign population involved in criminal cases.

2.5.2 Perception of Citizen Judges on the speech style of court interpreters

As evidence is presented orally in Japan's lay judge system, the speech style of the evidence has become a crucial factor and has garnered attention for research in the country. In order to find out the importance of accurate interpreting and whether inaccurate interpreting affects the decision-making of the court, Japanese researcher Mizuno (2018) conducted two experiments. These experiments aimed to identify the importance of accurate interpreting and its potential effects on the decision-making process.

In one experiment, the vocabulary used by the interpreter was manipulated into two versions. One version used words with incriminating connotations, and the other used neutral expressions. It was found that most of the mock lay judges felt the defendant was




more guilty when listening to the version with words with incriminating connotations. In another experiment, the vocabulary used by the interpreter was translated into a culturally adjusted version to reflect the defendant's remorse and another version without this characteristic. Again, the manipulated version influenced lay judges' evaluation of the defendants, in which they tend to believe that the defendant expressed remorse when listening to the culturally adjusted interpretation.

2.6 Implications for Taiwan

2.6.1 Preparation for the new citizen judge system

To prepare for potential challenges in the new citizen judge system, the judicial institutions in Taiwan have implemented a series of comprehensive measures. These measures include conducting dozens of mock trials across all district courts, launching promotional campaigns in various areas, and recruiting celebrities for promotional videos on the Judicial Yuan's YouTube channel. The judicial institutions have been working tirelessly to ensure that everything runs smoothly once the system is implemented.

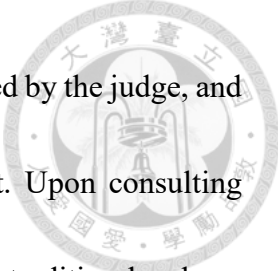
With the impending new citizen judge system in Taiwan, the court interpretation system is expected to face new challenges. Although the Judicial Yuan reformed the court interpretation system in 2006 to meet the increased demand for court interpreters, little has been considered for court interpreting in the new citizen judge system. To date, only



one mock trial with a foreign defendant who spoke English was conducted in Taiwan Taipei District Court (Taiwan Taipei District Court Guo Mo Su Zi No.3, 2022). No foreign defendant from Vietnam, Thailand, or Indonesia, which are the three countries that account for the majority of foreign criminals in Taiwan (National Police Agency, 2022), was involved in these mock trials. Furthermore, according to panel discussion records of the aforementioned mock trial, a grievance from the actor who played the foreign defendant can be detected because of a lack of support to the court interpreter in the mock trial (Taiwan Taipei District Court, 2022). Little has been explored about the challenges court interpreters might face in the citizen judge system.

2.6.2 Observations from court hearings

Based on Article 41 of the Code of Criminal Procedure, testimonies given at court hearings should be thoroughly documented. However, it is noted by the researcher that this article has not always been followed faithfully in court practice based on the researcher's work experience as a judge's assistant in Taiwan Taipei District court and the researcher's own observations from court hearings recently. During court proceedings, many judges quoted Article 44 of the Code of Criminal Procedure, which stipulated that trial records shall be prepared by a clerk, but the presiding judge may, after consulting the persons concerned, order the inclusion of the principal point only if the judge deems proper. (Code of Criminal Procedure of R.O.C., § 44). After the clerk has been instructed



to only document the principal point, the testimony may be summarized by the judge, and the clerk documents the summarized version in the court transcript. Upon consulting multiple legal professionals, it was indicated that this long-standing tradition has been prevalent in the courtroom. As a result, it has allowed professional judges to become adept at summarizing the testimony of witnesses or defendants. It is no surprise that the speech style of the defendants or witnesses may have minimal influence on professional judges.

However, the speech style of participants in court proceedings can potentially affect the perception of citizen judges who have no experience in such court practice. Since little has been examined on how court interpreters will impact the perception of citizen judges, this study aims to explore how the speech style of court interpreters will impact citizen judges' perception of defendant testimony. An experiment was conducted to examine the evaluations of the defendant's testimony in an interpreter-mediated mock court hearing. Two groups of participants were assigned to listen to two versions of recordings in which the defendant testifies through an interpreter. They were asked to rate their impressions of the defendant. The experiment of this study aims to investigate whether the speech style of court interpreters can influence the way citizen judges evaluate defendants in court proceedings.

Chapter 3 Methodology

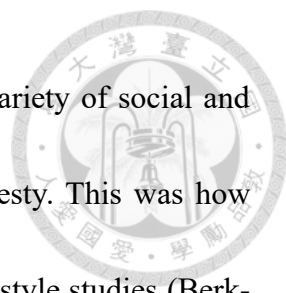


3.1 Research Design

This study adopted a between-groups experimental design to assess the evaluation of the defendant's testimony by two different groups. Two groups of participants were assigned to listen to two versions of recordings of a defendant testifying through an interpreter. After listening to the recordings, they were asked to rate their impressions of the defendant based on the testimony they had heard through an interpreter, and they were asked to rate the intelligence, trustworthiness, and convincingness of the defendant on a standardized questionnaire. The participants were also asked to suggest sentencing for the defendant. After they finished the questionnaire, they were invited to share their reasons behind their rating of the defendant, their sentencing of the defendant, and their opinions about the interpreter.

3.1.1 The matched-guise experiments

The "matched-guise technique" is an experimental method initially developed by Lambert and colleagues for gathering participants' reactions to various speech styles, accents, dialects, and languages (Lambert et al., 1960). This experimental technique is applied by asking the participants to listen to speakers reading the same passage in different linguistic varieties, such as styles or accents in a recording, and rate the speaker on a rating scale (Berk-Seligson, 2017; Loureiro-Rodriguez et al., 2013). Participants in

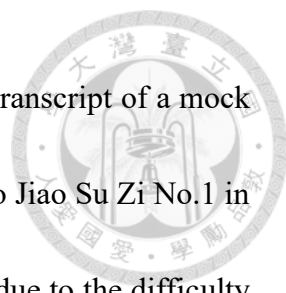


matched guise studies are usually asked to rate the speakers on a variety of social and psychological characteristics, such as intelligence, strength, or honesty. This was how O'Barr and his team conducted their powerful and powerless speech style studies (Berk-Seligson, 2017). The matched guise technique has been widely used in studies of language attitudes in a multilingual and multicultural context, which has raised concerns about the validity of the linguistic variables being measured and the content of the texts read in experiments. Therefore, to address the validity issue, open-ended questionnaires and interviews are employed along with matched-guise tests in some recent studies (Loureiro-Rodriguez et al., 2013).

This study adopted the matched-guise technique and asked participants to rate the intelligence, convincingness, and trustworthiness of the defendant on a questionnaire based on the social and psychological characteristics they heard in a recording. To address the validity concern over the linguistic variables being measured and the content of the texts read in matched-guise experiments (Loureiro-Rodriguez et al., 2013), this study also conducted interviews with the participants on their views on the defendant and the interpreter.

3.2 The text material used in the experiment

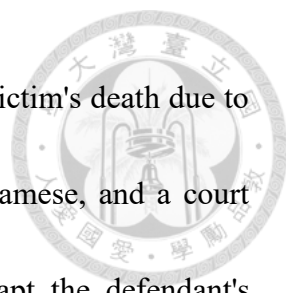
3.2.1 Adaptation from a mock trial



The material used in this experiment is adapted from the court transcript of a mock trial conducted by Taiwan Taipei District Court with case number Mo Jiao Su Zi No.1 in 2021. This study did not use text material from an actual court case due to the difficulty in accessing recordings and transcripts from real court proceedings, as recording court proceedings is strictly prohibited in Taiwan. Article 90 of the Court Organization Act states that persons attending a court session may not make audio or video recordings without the permission of the presiding judge. Despite legal restrictions in Taiwan preventing access to recordings or transcripts from real court proceedings, this study aimed to create a mock trial recording that closely resembles an actual court recording to better anticipate and predict the implications of the experiment for the judicial system.

Fortunately, district courts throughout Taiwan have conducted dozens of mock trials over the past two years in preparation for the forthcoming citizen judge system (Judicial Yuan of R.O.C., 2022). In order to create an authentic mock trial experience for future citizen judges, judicial institutions designed and developed the entire mock trial based on actual cases that have been tried. Transcripts of these mock trials are available on the Judicial Yuan's website for access and download. To ensure authenticity of the text material, this study has adopted one of the cases from these mock trials, as the transcripts were created by judicial institutions based on actual cases.

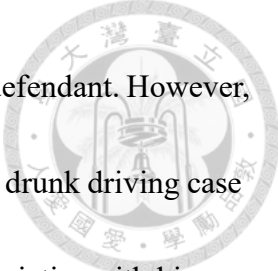
3.2.2 The story of the text material



The mock trial selected for adaptation was a case involving a victim's death due to drunk driving. The defendant in this case was adapted to be Vietnamese, and a court interpreter was created for the text material. The decision to adapt the defendant's nationality to Vietnamese and choose this specific case was based on statistics from the National Police Agency (“NPA”), Ministry of Interior Affairs. According to the statistics report on crimes committed by foreigners published by NPA, Vietnamese commit the most crimes among all foreign nationals in Taiwan (National Police Agency, 2022). Moreover, among all the crimes committed by foreigners, an offense against public safety (mostly drunk driving) is the most committed crime.

The text material pertains to the defendant's testimony about the incident. The defendant admitted during his testimony that he had previously driven drunk and was imposed a deferred prosecution. On the day of the incident, he received a text message from his wife asking for a divorce, which put him in a bad mood. He drank vodka with his friends to cope with his emotions and offered to drive his friend home so that they could continue talking on the way. Unfortunately, he hit the victim with his car while driving down from an expressway because he did not see the victim in the first place. He expressed remorse for his actions and promised not to drink again.

Selecting “drunk driving” as the case in the experiment is potentially contentious, as many Taiwanese have strong feelings about drunk driving, and some participants of this



study may already be biased before they form their perceptions of the defendant. However, there exists some value in selecting this case. The facts concerning the drunk driving case is not complicated, and the defendant had already admitted he hit the victim with his car after drinking alcohol. Therefore, participants would not be puzzled about whether the defendant has committed the crime or not. Instead, they could focus more on how the defendant testifies and form their perception of the defendant. Even if some participants are biased against drunk driving, it simply reflects how this scenario could happen in the real world since participants of this study are all potential citizen judges for future cases in the judicial system.

3.2.3 Creating the text material in the powerful and powerless style

After the basic story of the text material was set, two versions of the text, the powerless and the powerful version, were created following O'Barr's theory. The powerless version of the text includes features such as hedges and hesitation forms. In contrast, the powerful version of the text omits all the powerless features. In addition, there were fewer pauses between the end of a sentence and the beginning of the next sentence in some translated testimonies in the powerful version.

The powerless version of the text material included the following features:

- a. Hedges: According to O'Barr (1982), hedges are “forms that reduce the force of assertion allowing for exceptions or avoiding rigid commitments.” In this study,



Mandarin expressions that are equivalent to the definitions of hedges are employed, which include bā(吧), lā(啦), dà gài(大概), yīng gāi(應該), hǎo xiàng(好像), kě néng(可能). A total of 16 hedges are employed in the text material.

- b. Hesitations: According to O’Barr (1982), hesitations are “pause fillers such as uh, um, ah and meaningless particles.” In this study, Mandarin expressions that are equivalent to the definitions of hesitations are employed, which include ēn(恩), rán hòu(然後), wǒ xiǎng(我想), nǎ ge(那個), jiù shì(就是), ér qiě(而且), suǒ yǐ(所以). A total of 14 hesitations are employed in the text material.

Features in the powerless version and the powerful versions can be summarized as follows:

Table 1


Number of features in the text material

Features in the text material	Powerless style	Powerful style
Hedges	16	N/A
Hesitations	14	N/A

3.3 Making the experimental material

3.3.1 Translating the text material

After the powerless and powerful versions of the text are produced, the powerless version of the text will be translated into Vietnamese by a Vietnamese/Mandarin interpreter who has plenty of experience in court interpreting. The powerless style version




was used to produce the source language as people with lower social status tend to speak with features of the powerless style of speech. Since most Vietnamese tried in Taiwan courts are migrant workers who generally have lower social status, it can be inferred that their testimonies given in court proceedings may likely have more powerless language features than powerful ones.

3.3.2 Making the recording for the experiment

Five actors were recruited to play the roles of the judge, prosecutor, attorney, the court interpreter, and the defendant in the recording. The Vietnamese/Mandarin interpreter who translated the text into Vietnamese was also recruited to play the court interpreter in the experiment. The prosecutor's role was played by a prosecutor investigator with nearly two decades of experience working in a prosecution office and extensive experience working with interpreters to question suspects. The defendant was played by a student who studies in the Department of Southeast Asian Language and Culture in a university and was brought up in Vietnam. Additionally, two student interpreters who were trained to articulate clearly were recruited to play the roles of the judge and attorney.

The recording was made in a recording studio with the help of an audio engineer to ensure the sound quality. First, all the actors read the script of the powerless version. During the recording process, the prosecutor investigator and the court interpreter were




consulted to make necessary adjustments and ensure that the recording sounded authentic, similar to an actual court proceeding. After recording the powerless version, the interpreter read the script of the powerful version, and the audio engineer combined the soundtracks of the other four actors from the powerless version with the soundtrack of the interpreter reading the powerful version to produce the powerful version of the recording. This process ensured that the two versions of the recordings were almost identical except for the interpreter's part.

The audio recordings were approximately 13 to 14 minutes in length, with the powerless version slightly longer than the powerful version. The length of the recordings ensured that participants could listen to a more detailed story and have more time to form their perceptions of the defendant. However, the recordings' length may be too long for some participants with short attention spans, particularly as the parts read by the defendant in Vietnamese may be unintelligible to most participants. To help participants in focusing on the proceedings and identifying who was speaking in the recording, visual aids were provided with the recording.

3.4 Participants

3.4.1 Recruiting qualified participants

Sixty participants qualified to be selected as citizen judges participated in this study.



The participants were recruited through their personal connections with the researcher. They included family members, friends, and individuals referred by friends. All of them were nationals of R.O.C (Taiwan) and over 23 years old, as stipulated in Article 12 of the Citizen Judges Act, and without exclusions stipulated in Article 13 and 14 of the Citizen Judges Act, where citizens with specific identities, criminal records, or legal backgrounds cannot be appointed as a citizen judge. Participants were asked to fill out a questionnaire to determine if they met the exclusive conditions as stipulated in Article 13 and 14 of the Citizen Judges Act before listening to the experimental recording. All participants confirmed that they were clear from the exclusions and clicked the "negative" button on the questionnaire.

3.4.2 Assigning the recording for participants

The set of numbers from 1 to 60 were randomly divided into two groups using the website <https://www.random.org/>. One group represented participants who were assigned to listen to the powerful version of the recording (hereinafter, the “Powerful Group”), while the other group represented participants who were assigned to listen to the powerless version (hereinafter, the “Powerless Group). Each participant was assigned a number according to the order in which they scheduled their session with the researcher, and this number was used by the researcher to determine the version of the recording they would listen to according to the above-mentioned randomly grouped number. This system

ensured that participants were randomly assigned to one of the two versions of the recording, and that the number of participants who listened to each version was equal.




3.5 Conducting the experiment

3.5.1 The pilot study

A pilot study was conducted with one qualified participant to test whether the experiment procedure could run smoothly and gather data as planned. The experiment conducted with Participant N1 followed all the experimental procedures described below. Some problems were found during the pilot study and was fixed in later studies, including the following issues:

- (1) Participant N1 had difficulty identifying the speaker in the recording, as she listened to the powerless version where the interpreter demonstrated some powerless features in line with the defendant's testimony. Both the interpreter and the defendant spoke in a low and soft voice, which added to the confusion about the speaker's identity. To address this issue, a detailed explanation of the identities of the speakers and the order of their speaking was given to all subsequent participants. No other instances of confusion about the identity of the speaker were reported in subsequent experiments.
- (2) Participant N1 did not provide much information during the interview regarding

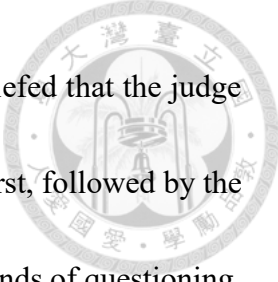


her rating of the defendant. To obtain more insights from the participants regarding their perceptions of the defendant, specific questions were asked based on each item that the participants were required to rate. In case of any confusion regarding the intelligence, convincingness, and trustworthiness of the defendant, explanations were provided to ensure their understanding.

3.5.2 Playing the experimental material

Each experiment was conducted through the video conferencing platform Google Meet. Upon joining the platform, participants were asked if they agreed to participate in the experiment after the researcher read the terms outlined in the research consent form. Participants were informed that the study aimed to understand the decision-making tendencies of citizen judges, as the citizen judge system had been launched on January 1st, 2023, and they were about to participate in a study to help understand how citizen judges may give verdicts in cases.

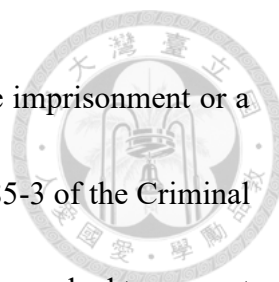
After agreeing to the terms on the research consent form, participants were asked to answer the first two questions on the questionnaire, which asked if they had any exclusive conditions stipulated in Article 13 and 14 of the Citizen Judges Act. Once they chose "negative" to confirm their eligibility as citizen judges, the content of the recording was explained to them before they listened to their assigned recording. They were informed that they were about to hear a mock trial recording concerning a defendant who had



caused the death of a victim due to drunk driving. They were then briefed that the judge in the recording would ask the prosecutor to question the defendant first, followed by the attorney. The prosecutor and the attorney would each conduct two rounds of questioning. Participants were also informed that the defendant in the recording was Vietnamese and would speak in Vietnamese, with an interpreter translating their words into Mandarin. They were advised that due to time constraints, the interpretation of Mandarin spoken by the judge, prosecutor, and attorney into Vietnamese was not included. Therefore, they would only hear the Vietnamese defendant's testimony in Vietnamese after being questioned by the prosecutor and the attorney in Mandarin. The interpreter would then translate the defendant's Vietnamese words into Mandarin.

3.5.3 The questionnaire

Participants were instructed to complete the remaining questions on the standardized questionnaire after listening to the recording. First, they were asked to provide basic information such as their gender, age, and education level. Next, they were asked to rate their perception of the defendant's intelligence, convincingness, and trustworthiness on a 5-point Likert scale, where 5 represented the highest rating and 1 represented the lowest. Following the rating scale, participants were asked whether they believed the defendant was guilty of committing drunk driving resulting in death. If they deemed the defendant guilty, they were asked to provide their preferred sentence. Participants were informed



that the crime committed by the defendant would result in either life imprisonment or a prison sentence of five to fifteen years, in accordance with Article 185-3 of the Criminal Code. Participants who chose the five to fifteen-year sentence were then asked to suggest a specific number of years of imprisonment for the defendant using a sliding scale.

3.5.4 Interviewing participants

After filling out the questionnaire, the participants were invited to share their views on the interpreter and the defendant in the recordings. They were asked the following questions:

- a. On the defendant's intelligence/convincingness/trustworthiness, why did you give this rating?
- b. Why did you pass this sentence to the defendant?
- c. What do you think about the interpreter's performance? Do you think the interpreter did a good job? Or do you have any opinion about the interpreter?

In the first question, participants were asked to provide a reason for their rating of the defendant based on each item: the defendant's intelligence, convincingness, and trustworthiness. If they were unsure about the differences between the three scales, they were provided with an explanation: intelligence referred to whether they believed the defendant had a clear mind when giving the testimonies; convincingness referred to whether they believed the testimonies given by the defendant could convince them about

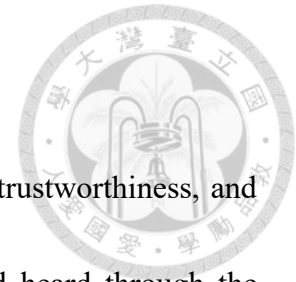
the truth of the matter, and trustworthiness referred to whether they believed they could trust the defendant.



For the second question, participants were asked to provide reasons for their sentencing decision. They were encouraged to share their thoughts on how to determine the appropriate sentence for the defendant and how they perceived the crime committed by the defendant that led to their decision.

For the third question, the participants were asked to provide their opinions on the interpreter's performance. If they were unsure how to evaluate the interpreter's performance because they did not understand the source language (Vietnamese), they were encouraged to share their thoughts on the overall delivery by the interpreter and how they thought the interpreter's performance fit their role as a court interpreter. Additionally, they were asked to rate the interpreter's performance as positive, neutral, or negative. Each participant was given a coffee voucher as a token of appreciation for their participation after they finished the interviews.

Chapter 4 Results and Analysis



In this study, participants were asked to rate the intelligence, trustworthiness, and convincingness of the defendant based on the testimony they had heard through the interpreter. They were also asked to suggest a sentence for the defendant and to give their opinions on the interpreter's performance. This chapter analyzes and discusses the participants' ratings, sentencing, and reasons for their ratings and sentencing, as well as their opinions about the interpreter's performance.

4.1 Basic information about the participants

Sixty participants were randomly assigned to two groups, evenly split between 30 participants in the Powerful Group and 30 participants in the Powerless Group, as described in Chapter 3. The distribution of sex, age, and education among the participants displayed some variability. To examine the potential association or independence between variables, both the chi-square test and Fisher's exact test were applied. The chi-square test was employed when the expected frequencies in each cell of the contingency table were greater than five. The Fisher's exact test was used when the expected cell counts were less than five. The result of chi-square test, as detailed in Table 2 below, revealed that there was no significant gender difference between the Powerful Group and the Powerless Group ($\chi^2(1, N=60) = 1.27, p = .26$). Statistical analysis of Fisher's exact test revealed no



significant differences between the two groups in terms of age and education as well.

The demographic information of the participants in both the Powerful Group and Powerless Group is presented and analyzed in Table 2 below.

Table 2
Basic information of participants

	Powerful		Powerless		df	p value
	N	%	N	%		
Sex					1	.26 ¹
Male	7	23.33	11	36.67		
Female	23	76.67	19	63.33		
Age					2	.36 ²
23~39	11	36.67	9	30.00		
40~49	13	43.33	18	60.00		
50~69	6	20.00	3	10.00		
Education					2	.45 ²
High School/Junior College	3	10.0	4	13.33		
Undergraduate	14	46.67	9	30.00		
Master or higher	13	43.33	17	56.67		

Note 1. Results of the Chi-Square Test.

Note 2. Results of the Fisher's exact test.

Based on Table 2 above, it is evident that a significant majority of participants in both the Powerful Group (76.67%) and the Powerless Group (63.33%) identify as female. Furthermore, the age group with the highest representation in both groups is participants aged between 40 and 49 years old, comprising 43.33% in the Powerful Group and 60%

in the Powerless Group. A substantial proportion of participants (90% in the Powerful Group and 86.67% in the Powerless Group) hold a college degree or above.



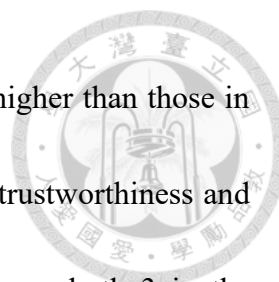
4.2 Perceptions of the Defendant

Participants were asked to rate the convincingness, trustworthiness, and intelligence of the defendant on a standardized questionnaire using a 5-point Likert scale. Statistical results of their ratings are analyzed in the following section.

4.2.1 Results of the perceptions of the defendant

The means, standard deviation, median, and mode of the results from a 5-point Likert scale were summarized in Table 3 below. As explained in Chapter 3, participants who gave higher rating scores (closer to 5) had more positive impressions of the defendant, while participants who gave lower rating scores (closer to 1) had more negative impressions. The mean rating for the defendant's intelligence was found to be higher in the Powerless Group ($M = 3.73$) compared to the Powerful Group ($M = 3.63$). Conversely, the mean ratings for the defendant's trustworthiness and convincingness were higher in the Powerful Group, with scores of 3.57 for trustworthiness and 3.73 for convincingness, while the Powerless Group had mean scores of 3.30 for trustworthiness and 3.47 for convincingness.

The median and mode of the rating scores in both groups exhibited a similar pattern



to the mean, indicating that the scores in the Powerful Group were higher than those in the Powerless Group. Specifically, the median and mode scores for trustworthiness and convincingness were both 4 in the Powerful Group, while they were both 3 in the Powerless Group.

Table 3

Statistical results of the rating core of perception of defendant

	N	Mean	S.D.	Median	Mode
Intelligence					
Powerful	30	3.63	0.93	4	4
Powerless	30	3.73	0.74	4	3
Trustworthiness					
Powerful	30	3.57	0.94	4	4
Powerless	30	3.30	0.99	3	3
Convincingness					
Powerful	30	3.73	0.74	4	4
Powerless	30	3.47	0.90	3	3

The responses were subjected to analysis using the Mann–Whitney U test. The results, as detailed in Table 4 below, revealed that there was no significant difference in the rating scores between the Powerful Group and the Powerless Group regarding the intelligence of the defendant. Similarly, no significant difference was observed in the rating scores for the trustworthiness and convincingness of the defendant as well.

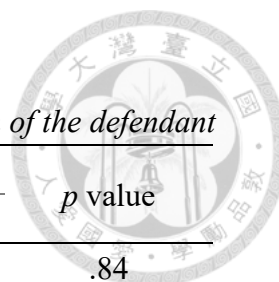


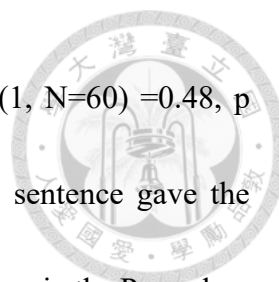
Table 4

Results of the Mann–Whitney U test on the rating score of perception of the defendant

	Powerful		Powerless		<i>p</i> value
	N	%	N	%	
Intelligence					.84
1	1	3.33	0	0.00	
2	1	3.33	0	0.00	
3	11	36.67	13	43.33	
4	12	40.00	12	40.00	
5	5	16.67	5	16.67	
Trustworthiness					.28
1	0	0.00	1	3.33	
2	5	16.67	5	16.67	
3	7	23.33	11	36.67	
4	14	46.67	10	33.33	
5	4	13.33	3	10.00	
Convincingness					.11
1	0	0.00	1	3.33	
2	3	10.00	1	3.33	
3	4	13.33	15	50.00	
4	21	70.00	9	30.00	
5	2	6.67	4	13.33	

4.3 The decisions of sentencing

On the questionnaires, participants were asked for their opinions on the defendant's guilt. If they believed the defendant to be guilty, they were asked to recommend a sentence duration. It is found that all participants in both groups found the defendant guilty. In the Powerful Group, four participants imposed a life sentence on the defendant, while six participants in the Powerless Group rendered the same verdict. The results revealed that there was no significant difference between the Powerful Group and the Powerless Group



regarding the penalty as determinate sentence or life sentence ($\chi^2 (1, N=60) = 0.48, p = .49$). Participants who sentenced the defendant to a determinate sentence gave the defendant an average of 8.19 years in the Powerful Group and 8.38 years in the Powerless Group. Although the average sentence in the Powerless Group was higher than that in the Powerful Group, no significant difference was found between the two groups.

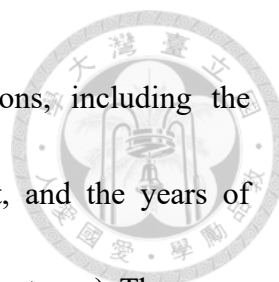
Table 5
Results on sentencing suggested by participants

	Powerful		Powerless		<i>p</i>
	N	%	N	%	
Guilty					
Guilty	30	100.0	30	100.0	
Penalty					.49 ¹
Determinate Sentence	26	86.7	24	80.0	
Life Sentence	4	13.3	6	20.0	
Years	<i>(M = 8.19, SD = 2.76)</i>		<i>(M = 8.38, SD = 3.29)</i>		.83 ²
5	7	26.9	8	33.3	
6	2	7.7	1	4.2	
7	3	11.5	1	4.2	
8	2	7.7	3	12.5	
9	0	0.0	1	4.2	
10	9	34.6	7	29.2	
12	2	7.7	0	0.0	
15	1	3.6	3	12.5	

1. Results of the Chi-Square Test.
2. Results of the t-test.

4.3.1 The connection between perception of the defendant and the sentencing

To determine whether participants' perceptions of the defendant impacted their sentencing decisions, a Pearson correlation coefficient was performed to evaluate the



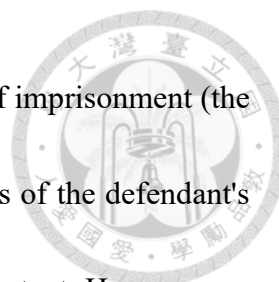
relationship between participants' rating score of their perceptions, including the intelligence, trustworthiness, and convincingness of the defendant, and the years of imprisonment that they imposed on the defendant (excluding the life sentence). There was a significant but moderately (Zou et al., 2003) negative relationship between intelligence of the defendant and the years of imprisonment, $r(50) = -0.33, p < .05$. There was also a significant but moderately negative relationship between trustworthiness of the defendant and the years of imprisonment, $r(50) = -0.31, p < .05$. Nevertheless, the results indicated that the relationship between the convincingness of the defendant and the years of imprisonment was not significant, $r(50) = -0.27, p = .06$. Statistical results of the Pearson Correlation Coefficients test can be found in Table 6 below.

Table 6
Results of Pearson Correlation Coefficients

	Intelligence	Trustworthiness	Convincingness	Years of Imprisonment
Intelligence		.35**	.47**	-.33*
Trustworthiness	.35**		.65**	-.31*
Convincingness	.47**	.64**		-.27
Years of Imprisonment	-.33*	-.31*	-.27	

Note: * for $p < .05$, ** for $p < .01$.

To investigate the relationship between participants' perceptions of the defendant and the corresponding years of imprisonment imposed, a multiple regression analysis was



employed (see Table 7 below). The analysis revealed that the years of imprisonment (the dependent variable) inversely correlated with the participants' ratings of the defendant's intelligence, when trustworthiness and convincingness were held constant. However, no statistically significant difference was detected. Similarly, with intelligence and convincingness controlled, an increase in trustworthiness ratings correlated with a decrease in years of imprisonment. Once again, the correlation did not reach statistical significance. Finally, holding intelligence and trustworthiness constant, an increase in the defendant's convincingness ratings was associated with a decrease in years of imprisonment. Yet, no statistically significant difference was observed. These findings suggest that participants who rated the defendant lower on intelligence, trustworthiness, or convincingness tended to assign higher prison sentences, although none of these associations reached statistical significance.

Table 7
Results of Multiple Regression Analysis Examining Factors Affecting Years of Imprisonment

Effect	Estimate	SE	95% CI		p
			LL	UL	
Intercept	14.62	2.19	10.20	19.03	<.001
Intelligence	-0.88	0.52	-1.93	0.17	.10
Trustworthiness	-0.10	0.55	-1.20	1.01	.86
Convincingness	-0.77	0.61	-1.99	0.46	.21



4.4 The Evaluation of the Court Interpreter

The participants were asked to assess the interpreter during the post-survey interview. They were also asked to provide an overall rating for the interpreters' performance as positive, neutral, or negative. The ratings provided by the participants can be summarized as follows:

Table 8

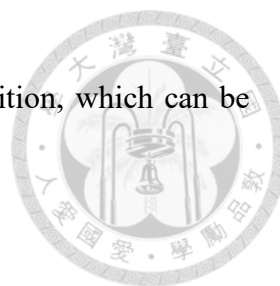
Evaluation of the interpreter's performance

	All Participants		Powerful Group		Powerless Group	
	N	%	N	%	N	%
Positive	43	71.67	23	76.67	20	66.67
Neutral	17	28.33	7	23.33	10	33.33
Negative	0	0	0		0	0

It was found that 71% of participants provided positive ratings, 28% of participants gave neutral ratings, and no participants gave a negative rating. Among the two groups, a greater proportion of participants in the Powerful Group (23 out of 30) rated the interpreter as “positive” compared to the Powerless Group (20 out of 30). Upon applying the chi-square test, no significant difference was found between the Powerful Group and the Powerless Group regarding the evaluation on the interpreter's performance ($\chi^2(1, N=60) = 0.74, p = .39$). Several reasons behind their ratings can be analyzed as follows.

4.4.1 Participants who rated the interpreter's performance as positive

Participants who rated the interpreter's performance as positive gave such an opinion



based on several characteristics they found in the interpreter's rendition, which can be summarized in the following table:

Table 9

Reasons given by Participants who rated the interpreter's performance as positive

Reasons	Number of mentions	
	Powerful Group	Powerless Group
Appropriate and neutral stance	12	3
Emotionally neutral	10	6
Understandable	8	3
Faithful	6	8
Fluent	4	5
Faithful to the defendant's tone of voice	4	9
Suitable for Court	4	0

4.4.1.1 Main reasons given by participants in the Powerful Group

There were divergent opinions about the interpreter's performance between the two groups. The primary reason for rating the interpreter's performance as positive in the Powerful Group was their perception of the interpreter's performance as appropriate and impartial. Twelve participants mentioned this reason, with ten specifically complimenting the interpreter's "emotional neutrality." Notably, eight participants among those who complimented the interpreter for being emotionally neutral emphasized the importance of interpreters maintaining a neutral stance during court proceedings. Some participants expressed concerns that if interpreters displayed emotions, it could potentially impact the participants in court proceedings, leading to bias in the courtroom. In contrast, only three

participants in the Powerless Group believed the interpreter displayed appropriateness and neutrality, and six of them noted the interpreter's emotional neutrality.



N31(Powerful Group): If the interpreter does not put too much personal emotion, they will not affect others, including the attorney or the judge, which is good, in my opinion. Because that is when the interpreter can truly fulfill their role without (making) excessive alterations.

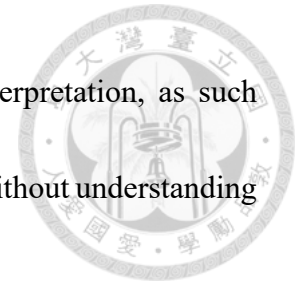
(他不會有太多個人的情感，就比較不會去影響到任何人，可能辯護或是法官任何人的情緒，我覺得這是好的，因為他就是真的做到一個翻譯的功能，沒有太多的修飾在裡面。)

N34 (Powerful Group): I think the interpreter did her job, which is to interpret different languages into Mandarin, but not to bring in personal emotions.

(我覺得翻譯好像就蠻盡到他該做的責任，就是把不同的語言翻成中文，但是不帶涉入個人的情感。)

Four participants believed that the emotionally neutral performance of the interpreter was appropriate for court proceedings, as they viewed the court as a space for fairness and justice. While four participants in the Powerful Group specifically mentioned that the interpreter's faithful rendition of the defendant's tone and emotions influenced their positive rating of the interpreter's performance, 10 participants held a different perspective. These 10 participants believed that interpreters did not necessarily need to

convey the defendant's non-verbal cues and emotions through interpretation, as such messages could be discerned through courtroom observations even without understanding the defendant's language.

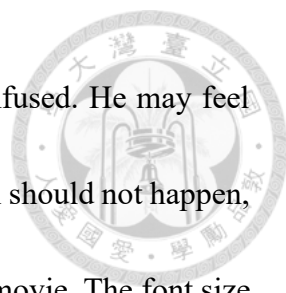


N34 (Powerful Group): From what I heard, the defendant seemed to be a little nervous [...], and he was cautiously answering the questions. I don't think the interpreter needed to interpret this kind of condition of the defendant [...]. If I can see the person face to face, I can observe the real emotions and expressions of this person, and I don't need the interpreter to help me with that.

(我聽聲音被告的情緒應該是，就像之前講的有點緊張[...]，就是很戰戰兢兢的在回答這些問題這樣。然後對我來說就是那個翻譯好像不用，沒有必要把他這樣的狀態翻譯出來[...] 如果是我可以面對面看的時候，我可以觀察到這個人的就是真實的情緒反應跟表情的話，我就不需要翻譯幫我做這一層。)

Another participant even used the analogy of subtitles in videos to describe that interpreting the tone and emotions of the defendant was not necessary because participants in the courtroom can observe by themselves.

N55 (Powerful Group): I think the interpreter should stay neutral in courts in terms of emotions. Interpreters should not have their own emotions. They cannot act out the defendant's emotions either[...]. The defendant is also present at the court, so the judge can observe the defendant's emotions without the need for the interpreter to




perform their emotions again. Otherwise, the judge may be confused. He may feel that the interpreter did not act accurately and get confused, which should not happen, in my opinion. I think it is like subtitles in an English-speaking movie. The font size of subtitles will not be bigger when anger is shown in the movie. It will not be like that.

(我覺得翻譯在情緒部分，在法庭裡面，翻譯這個人他就應該是中性，他不應該要有自己的情緒。他不能演被告的情緒[...] 其實被告也在現場，不需要語言就可以，法官就可以知道他的情緒是什麼，不需要翻譯再演一次，要不然法官會混淆。他會覺得有時候可能翻譯演得不準就會混淆，是不應該的我認為。像你看那個英文電影，看字幕的時候，字幕不會因為他很生氣就比較大字，他不會這樣子。)

Participants from both groups who rated the interpreter's performance to be positive also thought the interpreter spoke fluently and was easily understandable. However, a greater number of participants in the Powerful Group (eight participants) shared this opinion, while only three participants in the Powerless Group held the same view.

N39 (Powerful Group): Because the answers can correspond to the questions asked by the prosecutor or the attorney [...]. Many details in the answers seemed to correspond and the questions from both parties can be answered, which is helpful to us, the third party in the court.



(因為他其實還蠻對應到檢察官或是辯護人所問的問題...在回答辯護人問題的時候，其實蠻多細節的部分也感覺上好像都有對應到，所以也算有回答到就是說兩邊所詢問的問題，所以對我們算是第三者來說是蠻有幫助的。)

4.4.1.2 Main reasons given by participants in the Powerless Group

Compared to the Powerful Group, the main reason participants in the Powerless Group gave positive ratings to the interpreter's performance was their faithfulness in accurately conveying the defendant's tone of voice, with nine participants sharing this perspective. In contrast, only four participants in the Powerful Group shared the same perspective. Nevertheless, eight participants in the Powerless Group and six participants in the Powerful Group thought the interpreter's rendition was overall faithful. Several participants in the Powerless Group observed some features in the interpreter's rendition.

N48 (Powerless Group): I found that she added some tone in the interpretation. I heard some pauses in the Vietnamese or some stops or pauses within the sentences, and the interpreter managed to reflect those in her interpretation. Therefore, I think the interpretation was faithful.

(我發現他有加一些語氣在裡面，就是我聽到這個越南文他中間有一些停頓，或者說他有一些斷句或是停頓的時候，這個翻譯他也有把它呈現出來，所以我覺得他應該是蠻忠實的去翻譯)

Participants who recognized these features generally commended the interpreter for



accurately capturing the defendant's tone of voice.

N40 (Powerless Group): The defendant, for instance, said something like “um”, and the interpreter would faithfully translate whatever the defendant said. I am not sure whether this is good or not, because it may, in a way, allow others to empathize and understand what the defendant intends to convey.

(像那個被告他有一些會，例如說會「嗯」之類這種的，那他都會完整的，就是被告講什麼他就直接把他翻譯出來。我也不確定這樣到底是好還是不好，因為可能在某種情況之下可以讓別人感同身受其實被告想表達的態度)

However, despite rating the interpreter’s performance as positive, some participants in the Powerless Group expressed their concerns about the faithfulness of the interpretation. Three of them noticed there were some *yīng gāi* (應該) and *bā* (吧), which are hedges in Mandarin that means *probably* or *I suppose* respectively, and some of them felt confused. Participant N38 said he heard a lot of “possibly” in the interpreter’s rendition. He believed it was directly interpreted from the defendant’s source language, but it also made him wonder whether the interpreter had doubts about her own interpretation as well:

N38 (Powerless Group): When I heard the interpreter use words like “possibly so” every time, I would think the defendant actually said this based on my trust in the interpreter. However, in these circumstances, it is possible that the defendant did say

that, or it cannot be ruled out that the interpreter may doubt whether her interpretation was 100% accurate.

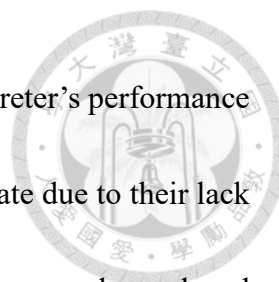


(每次講翻譯講說，可能是這樣，對於這樣的一個用語，然後基於對這個翻譯的信賴度，我相信這個是實際上被告的用語。但是也不能否決，在這樣子的一個翻譯的狀況下，這個可能到底是被告說的，還是說這個翻譯本身，對於他自己的翻譯的百分之百的正確度是有顧慮的。)

Participant N38 still rated the interpreter's performance as positive despite being confused, because he placed trust the interpreter due to his overall trust in the judicial system. Several participants in both groups, with three in the Powerful Group and two in the Powerless Group, also acknowledged that they relied on the interpreter's handling of the source language since they lacked understanding of Vietnamese, leaving them no choice but to trust the interpreter.

4.4.2 Participants who rated the interpreter's performance as neutral

Seven out of 30 participants in the Powerful Group and 10 out of 30 participants in the Powerless Group rated the interpreter's performance as neutral (see Table 8). This suggests that a higher proportion of participants in the Powerless Group rated the interpreter's performance as neutral compared to their counterparts in the Powerful Group. They generally perceived the interpreter's performance as appropriate and impartial as well, and they also emphasized the importance of maintaining emotionally neutral for



court interpreters. However, they were reluctant to evaluate the interpreter's performance because they generally believed that they were not qualified to evaluate due to their lack of understanding of the source language (i.e., Vietnamese). Their reasons can be analyzed in the table below.

Table 10

Reasons given by Participants that rated the interpreter's performance as neutral

Reasons	Number of mentions	
	Powerful Group	Powerless Group
Appropriate and neutral-stance	4	4
Emotionally neutral	3	0
Faithful	0	3
Suitable for Court	3	0
Fluent	0	2
Not faithful to defendant's tone of voice	2	0

A few participants felt that the interpreter failed to convey the tone and emotions of the defendant, therefore rated the interpreter's performance as neutral.

N25 (Powerful Group): The way she spoke was very flat. But emotions could be observed from the tone of the defendant[sic]. For example, when he talked about his wife divorcing him and he felt sad about it [...], he was a bit emotional[...] But the interpreter didn't seem to be able to[...] I should say interpreter didn't imitate the way he spoke.

(她講話的這個方式，就是很扁平的。可是被害人的語氣上，感覺他講到一些



比較激動的部分，例如說他什麼他老婆跟他離婚，他很傷心啊... 他是有情緒的一些變動的... 可是現在翻譯好像沒有辦法... 應該說翻譯沒有去模仿他講話啦。)

N25 further pointed out that lack of interpreting the defendant's tone and emotion may eventually be harmful to the defendant in the case:

I think her interpretation could be a disadvantage for the defendant since she couldn't vividly convey his emotions at that moment. If emotions play a decisive role for the citizen judges to some extent, the defendant may suffer the consequences.

(我覺得她的翻譯會讓那個被告有點吃虧，因為她就沒有辦法生動的傳達那個人當下的情緒。那如果情緒對於這個國民法官，他是一個某種程度，他是一個決定性因素的話，那被告會吃虧。)

Some of the participants who evaluated the interpreter's performance as neutral shared the same confusion they have with some of the participants who rated the interpreter's performance positive. They noticed the interpreter conveying some of the tones of the defendant and they did not know if it was appropriate. Participant N23 said she could sense that the interpreter was trying to mimic the defendant's tone of voice, but she was not sure if it was appropriate in the courtroom. Participant N5 also shared her confusions and gave further explanation.

N5 (Powerless Group): I don't understand Vietnamese, but I think the interpreter said



a lot of *probably, it seems*, in the interpretation of answers.

(我覺得那個翻譯，因為我們聽不懂越文，但是那個翻譯裡面有很多的回答，是有說應該，好像。)

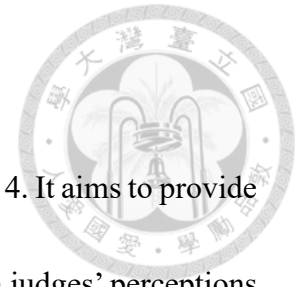
N5 further explained her concerns that,

I don't know if the defendant said so in the source language, or the interpreter faithfully interpreted what he said. Maybe the defendant was not quite sure of what he remembered. So I was wondering... maybe the interpreter is trying to convey the hesitation in the defendant's answer, or maybe the interpreter herself had some hesitations?

(我不知道是原來那個被告原文是這麼說呢，還是說翻譯他真的是如實的就是傳達，可能被告對很多事情的印象比較不是太肯定這樣。所以不曉得是...可能翻譯是要傳達出被告那個回答，就是遲疑猶豫的那種語氣呢，還是說翻譯她本身就有遲疑跟猶豫)

Despite these concerns and confusions, these participants still rated the interpreter's performance as neutral instead of negative. They viewed their concerns and confusions as subjective opinions and chose to place their trust in the interpreter.

Chapter 5 Discussion

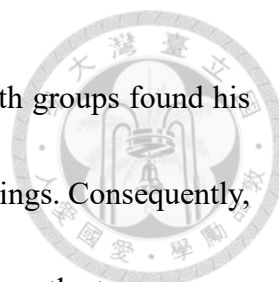


This chapter discusses the research findings analyzed in Chapter 4. It aims to provide insight into how the speech style of court interpreters impacts citizen judges' perceptions of the defendant, how citizen judges in this study decided their suggested sentencing of the defendant, and their evaluation of the interpreters' performance.

5.1 Perception of the defendant

5.1.1 Discussion on the statistical results

This study initially expected that the ratings of the defendant in the Powerless group would be lower than those of the Powerful group based on past studies (Hale, 2004; Berk-Seligson, 2017). However, the results of this study only partially concurred with previous literature while there were some noticeable deviations. As anticipated, the Powerful group gave higher ratings compared to the Powerless group regarding the trustworthiness and convincingness of the defendant. Surprisingly, the Powerless group rated the defendant slightly higher than the Powerful group regarding the intelligence of the defendant (see Table 3). A possible explanation might be deduced from participant interviews. The majority of participants perceived the defendant as having an average level of intelligence, leading them to rate his intelligence as average or above on a 5-point Likert scale (i.e., 3 or above). The consistency in ratings can be attributed to the defendant's ability to answer



all the questions in the experimental recording. Participants from both groups found his responses to be clear and logical, which may have influenced their ratings. Consequently, there was no significant difference in the ratings of intelligence between the two groups.

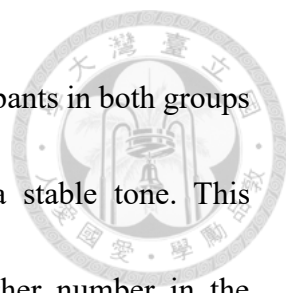
On the other hand, the average rating scores for the trustworthiness and convincingness of the defendant were lower in the Powerless group compared to the Powerful group, with no statistically significant difference found between the two groups. This finding is consistent with previous studies conducted by Berk-Seligson (2017) and Hale (2004), suggesting that the powerless features in the interpreter's speech indeed contributed to a more negative perception of the defendant in this study. The post-experiment interviews may provide insights into the reasons why the speech style of the court interpreter may have influenced participants' perceptions of the defendant in this study.

5.1.2 Discussion on the interviews

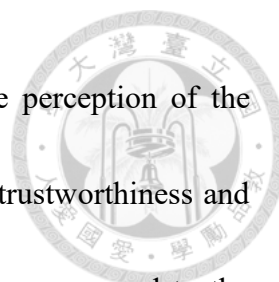
The participants shared multiple considerations to explain their rating of their perception of the defendant. These considerations may lead them to rate the defendant favorably or unfavorably. The frequency of mentioned considerations by the participants is summarized in Tables 11 and 12.

5.1.2.1 Participants' perceptions of the defendant led to high ratings

Participants in the Powerful Group and the Powerless Group shared some common



ground on their positive perceptions of the defendant. Several participants in both groups perceived the defendant as sincere, articulate, and maintaining a stable tone. This viewpoint was consistent across both groups, with a slightly higher number in the Powerful Group perceiving the defendant's tone as sincere and stable compared to the Powerless Group. Several participants also interpreted the defendant's willingness to answer the questions as an indication of the defendant being honest during his testimony. For example, participant N7 (Powerful Group) felt the defendant did not lie on purpose, and that “he said yes if it happened, and no if it didn't happen. He did not try to cover up or justify himself.” (沒有故意說謊的感覺，就是有就有，沒有就沒有，也不會試圖去遮掩或者是去辯解) Participant N47 (Powerless Group) also thought the defendant “always answered the questions truthfully, and he did not digress, deviate from the topic, or answer questions that were not asked.” (他都有如實的回答到問題，然後沒有離題、偏題、或者是答非所問的狀況). Also, more participants in the Powerful Group thought that the defendant showed remorse, and a greater number of participants in the Powerful Group than in the Powerless Group believed that the defendant's testimony exhibited logical consistency. Furthermore, three participants in the Powerful Group thought that the defendant responded fluently, and three participants complemented the defendant's detailed answers, whereas none of the participants in the Powerless Group mentioned these observations.



Based on the interviews with participants who had a positive perception of the defendant, it is not surprising that the average rating scores for the trustworthiness and convincingness of the defendant were higher in the Powerful Group compared to the Powerless Group. This can be attributed to more participants in the Powerful Group perceiving the defendant positively based on his manner of speaking, which was conveyed by the interpreter who omitted the powerless features in the defendant's speech.


Table 11

Participants' perceptions of the defendant that led to high ratings

Perceptions of the Defendant	Number of mentions	
	Powerful Group	Powerless Group
The testimony is logically consistent	11	8
The tone of the defendant sounded sincere	6	4
The defendant did not shy away from questions	6	4
The defendant showed remorse	6	2
The defendant could articulate clearly	4	4
The tone of the defendant sounded stable	4	2
The defendant responded fluently	3	0
The defendant can respond in detail	3	0

5.1.2.2 Participants' perceptions of the defendant led to low ratings

Several participants in both groups thought that the defendant was not trustworthy. According to the interviews, most participants who perceived the defendant not trustworthy was based on what the defendant had done, not what he had said. For example, N24 (Powerless Group) explained that “if it is purely based on his words, he can be trusted.



But based on his actions, I would not trust him.” (如果單純以他的說法的話，那還可以信賴，但是以他的行為來說，我是不會信賴的) N11(Powerful Group) also said that although she thought the defendant's testimony was credible, she found herself unable to trust him because she thought the defendant was an irresponsible person.

Furthermore, more participants in the Powerless Group were skeptical about the defendant's testimony. Some participants thought that the defendant seemed not to remember what he had done clearly because he was drunk driving, which led them to be skeptical about what he said. For example, Participant N27 (Powerless Group) reserved judgment about the credibility of the defendant's testimony because she thought the defendant was drunk and did not remember what happened. Some participants were skeptical about the defendant's testimony because they suspected the defendant was coached. For example, participant N36 (Powerful Group) thought the defendant was coached to get a lighter sentence, and N25 (Powerful Group) also thought the defendant's testimony was scripted to make citizen judges sympathize with him.

Some divergent perceptions emerged between the two groups. Participants in the Powerless Group identified certain characteristics in the defendant's testimony that led them to hold a more negative perception of the defendant. However, none of the participants in the Powerful Group made such observations. Several participants in the Powerless Group felt that the defendant evaded questions and did not disclose the entire

story, and several of them also believed that the defendant was highly likely to repeat the offense, as drunk driving is a crime with a high recidivism rate.



Notably, three participants in the Powerless Group observed the powerless features in the defendant's testimony, consequently casting doubts on the defendant's credibility. Participant N38 thought that the defendant's testimony was logically consistent, but he did not rate him highly because the defendant used a lot of "probably" and seemed unsure of his answers. Participant N47 thought that using the word "probably" would make him doubt the reliability of the defendant's testimony to the point that it undermined his trustworthiness. Furthermore, participant N56 perceived that the defendant's manner of speech suggested a compromise in his memory due to alcohol consumption:

I think the tone of his speech was not very smooth or clear. Some questions were (answered) vaguely, and he frequently used (phrases like) "I think" or "probably".

This suggests that his memory might be impaired due to his drinking habits.

(感覺講話的那個語氣，就是不是很流暢也不是很清楚的表達，就是有些問題都是含糊不清，或是他都是「我覺得」或是「應該」這樣子的意思吧，所以代表他喝酒的，他記憶力並不是很好。)

Based on participant interviews, it was observed that the powerless features in the interpreter's speech influenced the perceptions of several participants in the Powerless group, leading them to believe that the defendant was evading questions. While some



participants in the Powerful Group also expressed skepticism and mistrust towards the defendant's testimony, they did not explicitly mention whether the defendant's manner of speaking affected their judgment. In comparison, however, some participants in the Powerless Group specifically identified the powerless features in the interpreted testimony, resulting in lower ratings of their perception of the defendant. Additionally, concerns about the defendant potentially reoffending in the future were raised by some participants in the Powerless Group, while none of the participants in the Powerful Group shared this view. Thus, it can be assumed that the speech style of the court interpreter does indeed impact jurors' perceptions of the defendant.

Table 12

Participants' perceptions of the defendant that led to low ratings

Perceptions of the Defendant	Number of mentions	
	Powerful Group	Powerless Group
Skeptical about the testimony	7	11
The defendant is not trustworthy	6	4
The defendant is likely to repeat the offence	0	5
The defendant sidestepped questions	0	3
The defendant's manner of speaking raised doubts	0	3

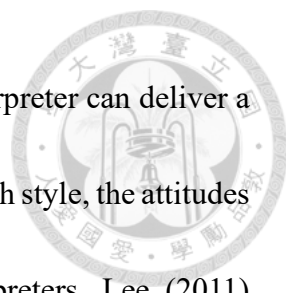
5.1.3 The dilemma of faithful interpretation

The powerless features that some participants in the Powerless Group observed and which influenced their perceptions of the defendant were actually features of the

defendant's speech style. Based on the research design of the study, the defendant, being a migrant worker with a lower social status, tend to exhibit such features in his speech.


The recording of the powerless version is actually a demonstration of the court interpreter's faithful rendition. Therefore, the participants in the Powerless Group who were influenced by the interpreter's speech style were essentially reflecting how participants would react if the court interpreter followed the duty of faithful rendition to convey the defendant's speech style. As the duty of faithful rendition stipulates, interpreters should not enhance the perceived convincingness, intelligence, or trustworthiness of the defendant beyond how they sound in the source language. (Berk-Seligson, 1988)

Although interpreters are expected to fulfill their duties of faithful interpretation, the intrinsic nature of interpretation makes it difficult to set the definition of "faithfulness" in stone. Interpretation goes beyond mere word-for-word equivalence and involves navigating linguistic and cultural nuances. It requires considering the pragmatic meaning of the original utterance and conveying it effectively in the target language. While some may perceive interpreters as mere translation machines, a faithful interpretation goes beyond grammatical and comprehensible translation. (Hale, 2007). These challenges can create complexities in maintaining absolute fidelity to the source language and pose difficulties in achieving a universally defined notion of "faithfulness" in interpretation.



There are also external factors that affect whether or not an interpreter can deliver a faithful interpretation, such obstacles being the translatability of speech style, the attitudes of the courts, and confusion surrounding the role of court interpreters. Lee (2011) conducted a study to explore the translatability of speech style and discovered that even translators who are not constrained by time or courtroom settings encounter challenges when attempting to faithfully translate speech style. Additionally, upon reviewing legal precedents in the United States (Berk-Seligson, 2017), Australia (Hayes, 2009), and Taiwan, as explained in Chapter 2, it becomes apparent that appeals based on poor interpretation barely succeeded. Furthermore, court interpreters often face confusion regarding whether they should adhere to their duties of faithful interpretation, as they may not feel adequately supported within the judicial system.

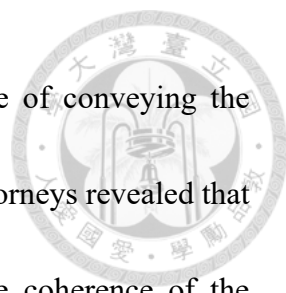
Additionally, court interpreters face various other challenges in their work. Firstly, court interpreter must possess sufficient language skills to not only convey the main message but also capture the tone and speech style of the defendant and other relevant information in the source language. This requires the ability to seamlessly transition and adapt between different speech varieties or registers while smoothly switching between the source language and the target language (Berk-Seligson, 1988). However, it is doubtful that how many court interpreters in Taiwan possess such ability. The lack of a national accreditation system for court interpreters in Taiwan, as well as the fact that court



interpreters who are selected by hiring courts according to the Provisions for Hiring Contract Court Interpreters (法院特約通譯約聘辦法) only need to complete 4 hours of interpretation skills training, all raise doubts as to whether court interpreters without sufficient professional training can truly acquire such skills.

Secondly, court interpreters often face pressure to not delay court proceedings. Some judges or prosecutors may be unaware of the need to allocate time for interpretation (Chang, 2013). Additionally, there are instances where prosecutors desire swift interpretation and may instruct interpreters to omit what they consider unnecessary, compromising the duty of faithful interpretation (Huang, 2020). In the sole mock trial with a foreign defendant conducted by the Taiwan Taipei District Court, the actor portraying the foreign defendant mentioned in the panel discussion records that there was hardly any time for the interpreter to fully translate her statements. She also expressed that when the interpreter had no time to provide complete interpretation, the true character of the defendant could not be fully portrayed (Taiwan Taipei District Court, 2022). Hence, given the time constraints, it is understandable that court interpreters may omit seemingly trivial elements from the source language, such as the speech style of the defendant.

Furthermore, a lack of understanding and cooperation between judicial personnels and court interpreters can contribute to challenges in fulfilling the duty of faithful interpretation (Chang, 2013). Judicial personnels may be unfamiliar with the concept of



faithful interpretation and may not fully appreciate the importance of conveying the speech style of the defendant. Additionally, a survey of practicing attorneys revealed that many base their assessment of an interpreter's proficiency on the coherence of the interpreted responses (Hale, 2007). As a result, interpreters may feel compelled to eliminate hesitations or incoherence from the source language to avoid being perceived as incompetent. These factors further complicate the duty of faithful interpretation of interpreters. Therefore, despite numerous studies, including the findings of this study, demonstrating the impact of interpreters' speech style on witness perception, addressing this issue may require the cooperation and understanding of multiple participants within the judicial system.

5.2 Sentencing considerations

5.2.1 Discussion on the statistical results

Most of the past studies on court interpreters' impact on the perception of defendants, including those by Hale (2004) and Berk-Seligson (2017), did not delve into participants' sentencing decisions. This may be because their studies were primarily conducted in Common Law countries, where judges, rather than juries, are responsible for sentencing. However, in Taiwan's new citizen judge system, both citizen judges and professional judges participate in the trial and jointly determine the defendant's sentence. Therefore,



understanding the potential considerations and sentencing decisions of citizen judges holds implications for future cases in Taiwan.

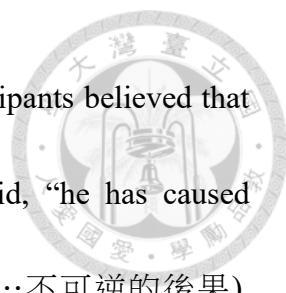
Although there were no previous studies to refer to, this study anticipated that participants in the Powerless Group, who rated the defendant's perception with lower scores, would also impose heavier sentences compared to participants in the Powerful Group. Results showed that a greater number of participants in the Powerless Group sentenced the defendant to life imprisonment than those in the Powerful Group. Furthermore, in cases where a fixed-term sentence was given, the average length of the sentence imposed by participants in the Powerless Group was higher than that of participants in the Powerful Group. However, statistical analyses showed no significant differences between the sentences imposed by the two groups.

5.2.2 Findings from the interviews of participants' sentencing considerations

The participants shared multiple considerations to explain the rationale behind their sentencing of the defendant. The frequency of mentioned reasons by the participants is summarized in Tables 13 and 14 below.

5.2.2.1 Reasons that led to a harsher sentence towards the defendant

The most reason that participants based on their sentencing of the defendant in both the Powerful Group and the Powerless Group is the seriousness of the offense. As explained in Chapter 3, the recording of the mock trial involving the defendant causing

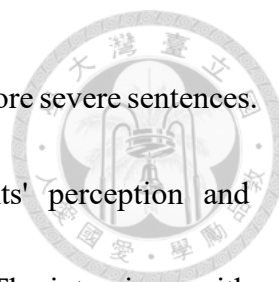


the death of the victim due to drunk driving. Therefore, many participants believed that the defendant deserved a severe sentence. As participant N24 said, “he has caused severe[...], irreversible consequence.” (他已經造成一個很嚴重…不可逆的後果).

Participants in both groups who sentenced the defendant to life sentence all mentioned this reason as their primary reason for the severe sentencing. When comparing the Powerful Group and the Powerless Group, it is found that a higher number of participants in the Powerless Group mentioned the severity of the offense compared to the counterpart in the Powerful Group. This suggests that more participants in the Powerless Group deemed the offense as a serious crime.

Several participants in both groups believed that the defendant should be punished in order to send a clear message about the severity of his crime. Some participants suggested that the defendant should not be forgiven because he was a repeat offender. Some even further suggest that the sentencing should be severe enough to deter future offenses either from the defendant or other citizens. For example, participant N25 (Powerful Group) thought that if the defendant was not given a severe sentence, he would not take this seriously, so perhaps a heavier sentence would teach him a lesson. Participant N27 (Powerless Group) also believed that a heavier sentence should be imposed on drunk drivers to deter others from committing this crime.

Based on the correlation analysis in Table 6, participants who rated the defendant



lower in terms of intelligence and convincingness tended to impose more severe sentences. While this suggests a potential relationship between participants' perception and sentencing decisions, additional factors should also be considered. The interviews with participants indicate that the impact of court interpreters' speech styles may not be the sole determining factor in their sentencing decisions. Participants' considerations are influenced by other aspects, including the nature of the mock case and their personal values regarding punishment. While more participants in the Powerless Group considered the defendant's offense to be serious than the Powerful Group, it is not sufficient evidence to definitively conclude that the speech style of court interpreters had a significant impact on the sentencing decisions of citizen judges.

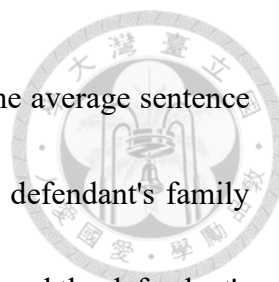
Table 13

Participants' sentencing reasons that led to a harsher sentence

Reasons	Number of mentions	
	Powerful Group	Powerless Group
The offense is serious	11	16
Defendant deserves punishment	7	4
The defendant is a repeat offender	5	7
Deterrent for future offenses	2	2
Possibility of future parole	2	3

5.2.2.2 Reasons that led to a more lenient sentence for the defendant

Participants gave many reasons as to why they opted for a shorter sentence (see Table 14). Among the reasons, the fact that the defendant had children to raise was mentioned



by around one-third of all participants, regardless of their groups. The average sentence imposed by participants in the Powerful Group who considered the defendant's family was 7.7 years, while in the Powerless Group, participants who considered the defendant's family recommended an average sentence of 7.3 years. These figures, as demonstrated in the Table 15, were lower than the average sentence given by all participants in both groups.

Table 14

Participants' sentencing reasons that led to a more lenient sentence

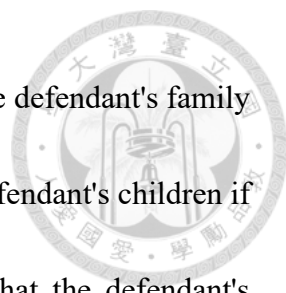
Reasons	Number of mentions	
	Powerful Group	Powerless Group
Defendant has children	10	9
Defendant showed remorse	7	6
Defendant's reintegration into society	5	2
Defendant's testimony is credible	4	2
Punishment not heavy in the past	3	3
Lack of malicious intent	2	3
Defendant's circumstances are understandable	2	2

Table 15

Sentencing by participants considering the defendant has children vs other participants

	<i>N</i>	Mean years of sentencing	<i>SD</i>
Powerful Group			
Considered the defendant has children	10	7.7	2.00
Other participants*	26	8.2	2.76
Powerless Group			
Considered the defendant has children	9	7.3	2.21
Other participants*	24	8.4	3.29

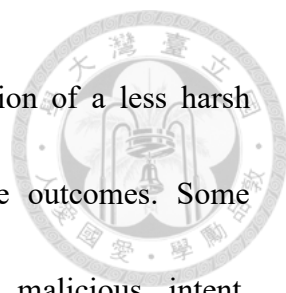
* "Other participants" refer to participants who sentenced the defendant with determinate sentence but did not mention their consideration that the defendant has children.



Participants in both groups who expressed considerations for the defendant's family situation voiced concerns about the potential repercussions on the defendant's children if a harsh sentence were imposed. N31 (Powerful Group) thought that the defendant's children would be the ones to be punished if the defendant was punished severely. N2 (Powerless Group) also thought that a harsher sentence imposed on the defendant would be harmful to his family and could eventually lead to greater social problems.

The defendant's expression of remorse is one other significant factor considered by participants. For example, participant N19 (Powerless Group) did not sentence the defendant severely because she thought that if the defendant has shown remorse, then he should be given the opportunity to fulfill his remorse and his responsibilities. Additionally, some participants considered the defendant's prospects for successful reintegration into society. N32 (Powerful Group) believed that if the defendant receives a longer sentence of fixed-term imprisonment, it would pose greater difficulties for their reintegration into society once they are released. N22 (Powerless Group) also thought that if the defendant can be rehabilitated and return to society earlier, they can make positive contributions and assist others.

Another factor that participants mentioned was the absence of a history of severe punishments for drunk driving. As participants were not given a thorough reference of previous precedents about drunk driving in this study, some of them based their memory



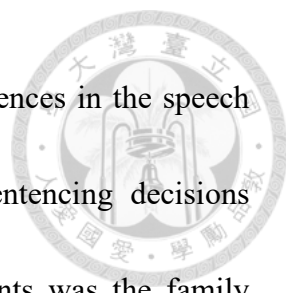
on the drunk driving cases reported on news and made the decision of a less harsh sentencing because previous cases did not seem to have severe outcomes. Some participants took into consideration the defendant's lack of malicious intent, understanding that the offense may have been the result of a mistake rather than deliberate wrongdoing. These factors collectively contributed to participants' tendency to show leniency in their sentencing decisions.

Among all the considerations, the major consideration that may be linked to the court interpreter's performance is the part where the defendant showed remorse. At the end of the experimental recording, the defendant said,

I know I shouldn't be trusted. I know what I did was wrong. I can only tell myself, that is... I will never drink alcohol again in the future, because both myself and the victim's family were deeply devastated by the incident.

(我知道應該沒有人相信我，我知道我自己做錯了。我只能告訴我自己，就是…以後我不會再碰酒了，因為這次的教訓真的給我和被害家屬太大的傷害了。)

The interpreter in the powerful version of recording omitted the hesitation "that is" in her rendition, while the interpreter in the powerless version of recording faithfully interpreted the hesitation. Interviews revealed that a comparable number of participants in both groups mentioned observing the defendant's remorse, which influenced their sentencing decisions. However, since the number of participants mentioning this



consideration was similar in both groups, it suggests that the differences in the speech style of the court interpreters may not have influenced their sentencing decisions significantly. Another major consideration mentioned by participants was the family situation of the defendant. However, sentencing decisions based on this factor may not be directly related to the speech style of the interpreter but rather reflect the personal values of the participants. Therefore, the evidence is still not sufficient to conclude that the speech style of court interpreters had a significant impact on the sentencing decisions of citizen judges.

5.2.3 The connection between perception of the defendant and the sentencing

Based on the interviews conducted with participants in both groups, there were no significant differences in the reasons for considering the length of the sentence between the two groups. Although more participants in the Powerless group considered the seriousness of the defendant's offense compared to the Powerful group, participants generally did not mention how their perception of the defendant influenced their sentencing decisions. To examine the potential impact of participants' perceptions on their sentencing decisions, Table 16 below compares participants who imposed the highest and lowest sentences in the mock case, namely 5 years in prison and a life sentence. The results indicate that participants in both groups who imposed a life sentence generally rated the defendant lower in terms of their perception of the defendant compared to



participants who sentenced the defendant to 5 years in prison.


Table 16

Mean scores of perceptions of the defendant rated by participants who sentenced the defendant 5 years and life sentence

	<i>N</i>	Intelligence	Trustworthiness	Convincingness
Powerful Group				
sentenced 5 years	7	4.29	4.14	4.00
sentenced life	4	3.75	3.75	3.75
Powerless Group				
sentenced 5 years	8	4.00	3.63	3.63
sentenced life	6	3.67	3.17	3.33

The numbers in Table 16 suggest that participants who rated the defendant lower in terms of their perception of the defendant tended to impose a harsher sentence. This trend can also be found in Table 6, which shows a significant but moderately negative relationship between intelligence of the defendant and years of imprisonment. There was also a significant but moderately negative relationship between convincingness of the defendant and years of imprisonment. In other words, Table 6 and Table 16 suggest that when participants rated the defendant lower in their perceptions of the defendant's intelligence and convincingness, the sentences they imposed on the defendant were more severe.

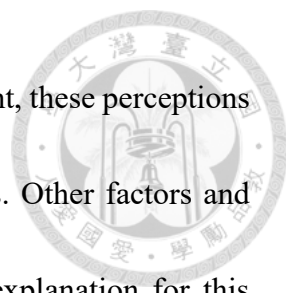
However, results found in Table 6 and 16 may not establish a causal relationship between the perception of the defendant and the sentencing, as there were some



exceptions to this trend. It is found that some participants gave high rating scores for their perceptions of the defendant but still imposed a heavy sentence, while others gave low rating scores but ultimately imposed a lighter sentence. This trend can be observed in both groups. For example, participant N24 in the Powerless group rated high scores regarding her perception of the defendant, but ultimately imposed a life sentence because the defendant was a repeat offender involved in a severe crime with irreversible consequences. On the other hand, participant N26 in the Powerless group was not convinced by the defendant's testimony and rated low scores regarding her perception of the defendant, but only sentenced him to 10 years of imprisonment with due consideration of his family.

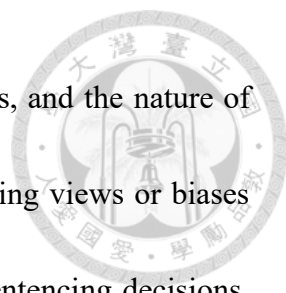
Similar instances can also be found in the Powerful Group. Although Participant N25 rated low scores for perception of the defendant because of his evasive and unreliable testimony, N25 sentenced the defendant to 12 years instead of life imprisonment because he sympathized with him. On the contrary, participants N29, 54, and 58 in the Powerful group thought the defendant sounded sincere and rated high scores for their perception of the defendant. However, they ultimately decided to impose a life sentence because they believed the defendant deserved a severe punishment for committing a crime that took a life.

Such exceptions may be proof that while the speech style of the court interpreter did influence participants' perceptions of the defendant, and a significant relationship was



found between their perception ratings and the length of imprisonment, these perceptions did not necessarily translate directly into their sentencing decisions. Other factors and considerations complicated the sentencing process. One possible explanation for this could be the nature of the mock case in this study. As discussed in Chapter 3, the mock case was not complex, and participants did not need to evaluate specific details of the crime or the defendant's culpability. While the powerless features in the defendant's speech may have influenced participants' perception of the defendant, it may not have significantly impacted their overall judgment regarding the crime and its severity. Furthermore, the nature of the mock drunk driving case, which many people in Taiwan already have preconceived notions about, may have played a role. Even if some participants were influenced by the court interpreter's speech style in their perception of the defendant, their strong preexisting views on how a defendant in a drunk driving case should be punished may have outweighed the impact of their perception of the defendant. As participant N18 who sentenced the defendant to life expressed, “severe punishment should be imposed because there are too many drunk driving incidents every year, resulting in unfortunate consequences for many families.”（這個就是要重罰啦，因為經歷太多的，每年都有很多酒駕，然後造成很多不幸的家庭。）

In conclusion, while the court interpreter's speech style did impact participants' perception of the defendant, this does not necessarily align with their sentencing decisions.

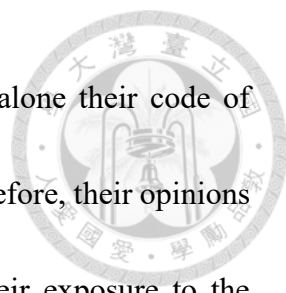


Various other factors can influence participants' sentencing decisions, and the nature of the case may be one such complicating factor. Participants' preexisting views or biases may outweigh the influence of court interpreters in shaping their sentencing decisions.

Further research exploring a wider range of case types is necessary to gain a comprehensive understanding of the impact of court interpreters' speech style.

5.3 Expectations of court interpreters

It is intriguing to note that the majority of participants expressed satisfaction with the interpreter's performance. Although some participants detected certain hedges in the interpreter's language, which raised doubts about whether the interpreter was genuinely uncertain about her own interpretation or merely faithfully conveying the defendant's words, they still tended to place their trust in the interpreter. Another intriguing aspect pertains to participants' perception of the interpreter's faithfulness in conveying the defendant's tone. Most participants in the Powerful Group believed that the interpreter did not need to interpret the defendant's tone. In contrast, many participants in the Powerless Group held the opposite view and commended the interpreter for accurately capturing the defendant's tone. Given that none of the participants shared personal experiences of listening to court interpreters in actual court settings during the interviews, it is reasonable to assume that most participants lacked prior knowledge or firsthand



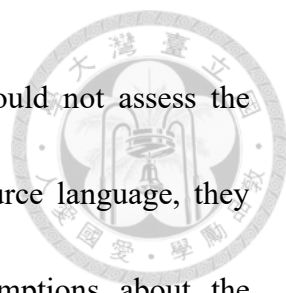
familiarity with how court interpreters work in court settings, let alone their code of conduct that require them to faithfully interpret the testimonies. Therefore, their opinions of court interpreters are very likely developed solely based on their exposure to the experimental recording, leading them to form opinions that aligned with their trust in the interpreter.

Among the interviewees, participant N38 (Powerless Group) specifically explained that although he had doubts about whether the interpreter was unsure about her own interpretation, he still believed in the interpreter's rendition because he had faith in the judicial system.

N38 (Powerless Group): I would think that the interpreter has reached a certain level (of professional ability) to be recruited as the interpreter. Then I would be reserved about my doubts about whether she interpreted correctly. Although I have doubts, I believe that the chance of her being incorrect is small [...] because of my trust in the entire judicial system.

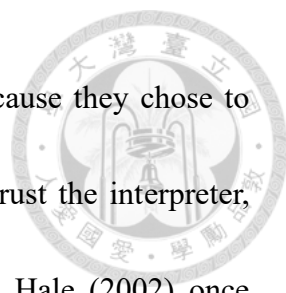
(我會覺得說這個翻譯是已經到一定的程度，所以說能夠被請來做這樣子的一個翻譯的時候，那我對於我自己的，對於他到底是不是翻譯正確的那個話，我是有打折扣的，所以說我雖然有那樣子的一個問題，但我相信我是那個機會是小的[...]，因為對於法院這整個制度的相信程度。)

What participant N38 stated may be one of the possible explanations of the overall



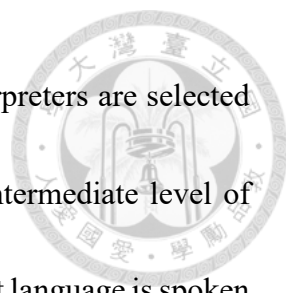
satisfaction on the interpreter's performance. Since participants could not assess the interpreter's performance because they did not understand the source language, they chose to evaluate interpreters' competence through their "assumptions about the interpreters' training, credentials, or official roles" (Hsieh et al., 2010). In this study, the fact that the interpreter was allowed to work in the courtroom could be an implication that the interpreter was somewhat trained or certified to be recruited as court interpreter. The appointment by the court may also enhance participants' trust in the court interpreter, as participants may have "social trust", which refers to confidence in collective institutions, towards the court, a government institution (Pearson & Raeke, 2000). Therefore, as participant N38 mentioned, participants were inclined to trust the interpreters.

Another possible explanation for the overall satisfaction is that participants had to rely solely on interpreters for comprehension because they did not understand Vietnamese. Six participants in the Powerful Group and four participants in the Powerless Group expressed this sentiment that they could only trust the interpreter because they did not understand Vietnamese. This kind of reliance was referred to as "coercive trust", as participants are compelled to place their trust in someone due to a lack of alternatives, as well as a lack of knowledge and expertise to evaluate the person's competence (Robb & Greenhalgh, 2006). This could be another reason why participants tended to trust the interpreter, as they had no other option but to rely on the assigned interpreter.



Although participants tended to trust the interpreter, either because they chose to trust the judicial institution or because they had no choice but to trust the interpreter, whether the court interpreters deserved the trust is another issue. Hale (2002) once conducted research on actual court recordings to see if court interpreters imitated the speech style of witnesses in their interpretations. From her search of 17 court cases in Australia, she found that interpreters rarely interpreted the powerless features in witnesses' speeches. Furthermore, interpreters generally disregarded the fillers and hedges in the source speech but exhibited a higher frequency of hesitations when encountering translation issues, such as trying to find identical or similar meanings in the target language, or encountering difficulties in understanding the information of the source language.

In Hale's (2002) study, the interpreters in the research cases were all accredited by the National Accreditation Authority of Translators and Interpreters, an Australian organization that provides accreditation to translators and interpreters. However, even these accredited interpreters omitted the speech style features of witnesses and added their own speech style features, which were not in the source speech, into their interpretation. Considering the absence of a national accreditation system for court interpreters in Taiwan, it raises doubts about the ability of court interpreters in Taiwan to accurately interpret speech style features in the courtroom. According to Article 4 of the Provisions for Hiring




Contract Court Interpreters (法院特約通譯約聘辦法), court interpreters are selected by each hiring court based on certain criteria, such as having an intermediate level of language competency or having resided in the country where the target language is spoken for a minimum of five years. Additionally, Article 6 states that approved candidates should undergo a 22-hour training course covering judicial issues, legal procedures, and interpreting skills and ethics, with only 4 hours dedicated to interpreting skills. The limited emphasis on interpreting skills raises concerns about the capability of court interpreters selected through this process to deliver accurate and reliable interpretation. It also casts doubt on whether participants in the courtroom can truly place their trust in them as competent professionals.

5.4 General discussion

5.4.1 Specialized interpreting training

The lack of training for court interpreters, as previously mentioned, has been highlighted by many scholars as a key area for improvement and proposed various solutions. Tu (2019) interviewed court interpreters and they expressed that the current training courses mainly focus on translating the source language into Mandarin, with insufficient emphasis on translating from Mandarin back into the source language. To address the difficulties they face in interpreting, interviewees in Tu's study mentioned that



interacting and exchanging ideas with experienced court interpreters helped resolve their challenges. Furthermore, they recommended that university translation departments should offer training courses, as these departments are generally better equipped to teach language skills than the judicial bodies currently providing interpreter training courses. In countries like the United States and Australia, many universities offer training courses for court interpreters (Chang, 2016). However, the scenario in Taiwan differs. The responsibility for providing training courses lies with the Judges Academy, as stated in the Provisions for Hiring Contract Court Interpreters, rather than schools or language-specialized programs. Building on this context, Hale (2018) initiated research focused on gauging the effectiveness of specialized legal interpreter training aimed at enhancing the accuracy of court interpreting. Her study implemented two key interventions: a comprehensive 36-hour postgraduate university course on legal interpreting and a series of three specifically designed workshops that aimed to boost the pragmatic accuracy of trainee interpreters when interpreting courtroom questions. The outcomes of Hale's study were promising, with participants demonstrating enhanced interpretation accuracy, particularly in complex settings. A delayed effect of specialized training was also observed, suggesting that the benefits increase over time as students internalize theory and apply it to practice. Based on these studies, it is suggested that more thorough training courses aimed at improving language and interpreting skills could be provided by

universities through a special program. It is suggested that judicial institutions consult linguists and interpreter trainers and invest resources in a training program with sufficient training hours focusing on language and interpreting skills for court interpreters.



5.4.2 Trust in the system

As discussed in Section 5.3, participants seem to form opinions based on their trust in the interpreter. This trust may be influenced by their faith in the judicial system. Notably, none of the participants challenged the credentials or competence of the court interpreter, and none provided negative evaluations. However, the assumption that participants trusted the interpreter because they believed the judicial system would assign a competent interpreter to this crucial role may be speculative. Considering that the citizen judges system gained support due to public dissatisfaction with professional judges' decision-making (Huang & Lin, 2013), it raises questions about whether the study's participants merely represent a small fraction of the public that still maintains trust in the judicial system. In future research, it may be worthwhile to explore the participants' views on the judicial system as a potential influencing factor on their evaluation of court interpreters. One possible approach for future studies could involve dividing participants into two distinct groups before conducting the experiment: those who have confidence in the judicial system and those who do not. This method could provide more nuanced insights into the underlying reasons behind participants' trust in court interpreters. By

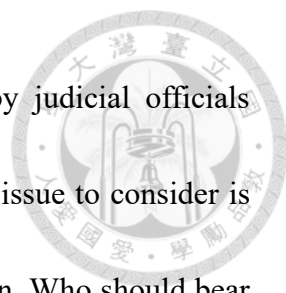
analyzing and comparing the responses from both groups, researchers may gain a deeper understanding of how the public's perception of the judicial system affects their perception of interpreters in the courtroom setting.



5.4.3 The future of court interpreting

As previously discussed in Chapter 2, professional judges often instruct court clerks to record only the summarized version of testimonies in the court transcript. Consequently, they may be less influenced by the speech styles of defendants or witnesses as compared to citizen judges. Currently, for trials by citizen judges, the long-standing practice of summarizing testimonies in court transcripts has been replaced by a speech recognition system to transcribe court records (Judicial Yuan, 2023). This development raises the question of whether, in the future, artificial intelligence or machine translation could be incorporated into the speech recognition system, potentially replacing human interpreters. If such a transition were to occur, the issue of court interpreters faithfully reproducing a defendant's speech style might evolve into a different question: can machine translation achieve a faithful interpretation?

According to a press release by the Judicial Yuan (Judicial Yuan, 2023), the accuracy rate of the current speech recognition system is 92%. It is intriguing to contemplate the nature of the content that makes up the unrecognized 8%. Could it be that the machine omits speech features that are not seen as critical content? Even if speech features are



recognized and translated, could these nuances be stripped out by judicial officials accustomed to cutting back to the main points? Another significant issue to consider is the allocation of liability should an error occur in machine translation. Who should bear the responsibility in such instances? When court interpreters make a mistake, they could be prosecuted for perjury, as they are obligated to sign an affidavit before interpreting. In contrast, if machines, which cannot sign an affidavit, make a mistake, the question of accountability becomes more complex.

However, even when human interpreters make mistakes, establishing accountability is not always straightforward. As discussed in Chapter 2, mounting a successful appeal based on translation errors presents significant challenges. These aspects highlight critical challenges for the future of court interpreting and merit further investigation in future studies. Deeper exploration of these issues could provide valuable insights for improving the court interpreting process and ensuring its effectiveness and fairness.

Chapter 6 Conclusion



6.1 Summary of findings

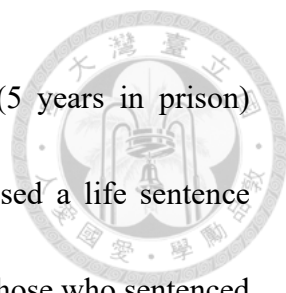
This study explored how citizen judges evaluate defendants through the interpretation of court interpreters and examined the impacts on citizen judges when the court interpreter spoke in styles different from those of the defendant. Sixty participants were evenly assigned to listen to one of two versions of the audio recordings of a mock trial. After listening to the recordings, they were asked to rate their perceptions of the defendant, suggest sentencing, and participate in interviews. Results showed that the mean rating score for intelligence of the defendant was slightly higher in the Powerless Group compared to the Powerful Group. However, the Powerful Group had higher mean scores for the trustworthiness and convincingness of the defendant than the Powerless Group with no significant difference in the rating scores for trustworthiness and convincingness between the two groups. From the interviews of participants, it can be found that although several participants in both the Powerful Group and the Powerless Group perceived the defendant as sincere, clear in articulation, and maintaining a stable tone, more participants in the Powerless group believed the defendant evaded questions and was not honest, expressing concerns about the possibility of the defendant reoffending. Some participants even noticed the presence of hedges in the interpreted version of the defendant's testimony, which influenced their impression of the defendant.



However, these observations were not reported by participants in the Powerful group. Therefore, it can be concluded that the court interpreter's speech style does have an impact on citizen judges' perception of the defendant.


Regarding sentencing of the defendant, all participants found the defendant guilty, but those in the Powerless Group imposed harsher sentences. While four participants in the Powerful Group and six participants in the Powerless Group imposed a life sentence, the average sentence length for those who opted for a determinate sentence was 8.19 years in the Powerful Group and 8.38 years in the Powerless Group. However, there was no significant difference between the two groups in terms of the duration of sentence. Interviews with participants showed that factors that influenced participants' reasons for giving harsher or more lenient sentences were largely similar between the Powerful Group and the Powerless Group. However, there were some differences in the relative importance of these factors. For example, while participants in both groups took the defendant's parenting obligations into account, a higher proportion of participants in the Powerless Group emphasized the seriousness of the offense compared to their counterparts in the Powerful Group.

The relationship between perception of the defendant and sentencing is yet to be explored. As participants generally did not mention how their perception of the defendant influenced their sentencing decisions, this study compared the rating scores from



participants who imposed the highest (life sentence) and lowest (5 years in prison) sentences in the mock case and found that participants who imposed a life sentence generally rated the defendant lower in their perception compared to those who sentenced the defendant to 5 years in prison. This trend can also be found in the correlation test, which shows a moderately negative relationship between the defendant's intelligence and convincingness and the number of years of imprisonment. Nevertheless, several participants exhibited the opposite tendency, such as rating the defendant with high scores in their perception of the defendant while deciding to impose a life sentence on the defendant, and vice versa. It may be concluded that although the court interpreter's speech style may influence how participants perceived the defendant, this did not necessarily affect their sentencing decisions. Other factors, such as the severity of the crime, may also play a role in the sentencing process.


The majority of participants expressed satisfaction with the interpreter's performance. However, participants held contrasting perspectives on faithful interpretation. Those in the Powerful Group believed that the interpreter did not need to convey the defendant's tone, whereas participants in the Powerless Group praised the interpreter for accurately capturing it. Participants' opinions of court interpreters were likely developed solely based on their trust in the interpreter they heard on the experimental recording. There are several reasons regarding the trust of interpreters. Firstly, since participants could not assess the



interpreter's performance, they evaluated the interpreter's competence based on their assumptions about the interpreter's credentials and official role. The appointment by the court may have enhanced participants' trust, as they had social trust towards the court as a government institution. Secondly, participants had to rely solely on the interpreter for comprehension because they did not understand Vietnamese. This reliance compelled participants to place their trust in the interpreter due to a lack of alternatives, as well as a lack of knowledge and expertise to evaluate the interpreter's competence.

Although participants tended to trust court interpreters, whether they truly deserve this trust is debatable. According to a past study conducted by Hale in Australian courtrooms, court interpreters may not be able to convey the powerless features in witnesses' speeches. Therefore, the absence of a national accreditation system for court interpreters in Taiwan could raise doubts about their ability to accurately interpret speech style features in the courtroom, especially given that the selection process and training hours in interpreting skills outlined in the Provisions for Hiring Contract Court Interpreters may not be sufficient to guarantee the competence of court interpreters.

With the implementation of the Citizen Judges Act on January 1st, 2023, Taiwan's judicial system has entered a new phase. It is crucial to examine the impact of different speech styles between court interpreters and defendants in order to ensure interpretation fidelity and protect defendant rights, as the number of foreign criminal offenders is



increasing and there is a growing demand for court interpreters. This study may provide insights into how court interpreters' speech styles can influence the perception of foreign defendants by citizen judges in Taiwan. It is hoped that the findings of this study will contribute to future improvements in court interpreting in the trailblazing path of Taiwan's judicial system.

6.2 Limitations and recommendations for future studies

6.2.1 Participants of this study

The participants in this study were recruited through the researcher's personal connections, including family members, friends, or individuals referred by friends. As a result, the participants shared a similar background with the researcher. This is evident in the composition of both the Powerful Group and the Powerless Group, where a significant majority of participants, like the researcher, were female. Furthermore, the age group with the highest representation in both groups was participants aged between 40 and 49 years old, and a substantial proportion of participants, like the researcher, held a college degree or above.

The decision to recruit participants through the researcher's personal connections was made for the purpose of the research design. If participants were recruited from the general public online, there could have been a larger pool of participants, allowing for

more statistically representative results of this study. However, this approach would have come with several potential drawbacks.



Firstly, for the purpose of this study, participants needed to meet the qualifications to be selected as citizen judges. Verifying whether participants from the general public meet these qualifications would have been more challenging compared to verifying the qualifications of participants from the researcher's personal connections. Secondly, the experimental recording that participants needed to listen to lasted for 13 to 14 minutes, which could have been too lengthy for many people to maintain focus. To ensure that each participant only answered the questionnaire after listening to the entire recording, the experiments were conducted through the video conferencing platform Google Meet. Participants' personal connections with the researcher facilitated recruitment for the experiment via Google Meet, whereas recruiting individuals from the general public, without a personal connection to the researcher, would have been more challenging. Moreover, if the study had not been conducted in a one-on-one online meeting format, there would have been a risk that participants did not listen to the entire recording before completing the questionnaire, potentially compromising the validity of the results. Furthermore, because all experiments were conducted via online meetings, interviews could be conducted directly after participants completed the questionnaire. These interviews provided an additional layer of depth and context to complement the statistical

findings, as the relatively small sample size of this study may be a contributing factor to the lack of significant differences observed in the statistical results.



This study's methodology may not be feasible on a larger scale without sufficient research resources. Future studies with more resources could involve a greater number of participants from diverse backgrounds to provide a more comprehensive understanding of the issue. Institutions with the authority to implement reforms may also consider conducting relevant research and utilize the insights gained from future studies to drive improvements in the judicial system.

6.2.2 Mock case in the experiment

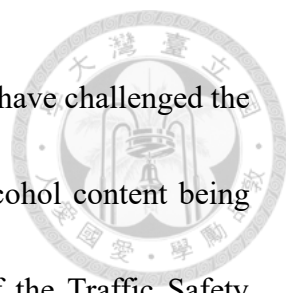
While the statistical analysis did not show a significant difference in participants' perceptions of the defendant in terms of trustworthiness and convincingness, it is worth noting that the mean raw scores for trustworthiness and convincingness of the defendant were lower in the Powerless group compared to the Powerful group. This suggests that the speech style of the interpreter might have had a slight impact on the citizen judges' perceptions of the defendant. Still, no significant difference was found in the sentencing decisions between the two groups. Despite a slightly higher average length of the sentence imposed by participants in the Powerless group compared to the Powerful group, the difference was minimal. The interviews conducted with participants from both groups showed no notable differences in their considerations of sentencing, and participants did

not mention how their perception of the defendant influenced their sentencing decisions.

Therefore, according to this study, the citizen judges' perception of the defendant may not play a decisive role in their sentencing decisions, even if their perception was influenced by the speech style of court interpreters.

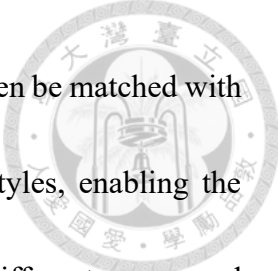
The major contributor to this result may be the mock case chosen in the experimental material. As explained in Chapter 3, selecting drunk driving as the case in the experiment risks that participants may already be biased in their perceptions of the defendant. However, this study still chose drunk driving as the mock case because drunk driving is the most committed crime by foreigners, and participants' attention may focus more on their perceptions of the defendant because the mock case was not complicated. However, the contentiousness of a drunk driving case may indeed affect the results of this study, as participants seemed to decide sentencing more on their existing opinion of drunk driving than their perceptions of the defendant. Future studies may consider choosing other types of cases that are less contentious in Taiwan to further understand the impact of the speech styles of court interpreters.

In the experimental text of the mock case, the defendant openly admitted to hitting the victim, and this admission was supported by an alcohol breath test showing 0.32 milligrams of alcohol in his breath. It is important to recognize that the participants' perception of the defendant through the interpreter might have been different if the



defendant had denied being drunk. For instance, the defendant could have challenged the reliability of the Breathalyzer or insisted that, despite the blood alcohol content being above the standard 0.15 milligrams as stipulated in Article 114 of the Traffic Safety Regulation, he was still capable of driving safely and soberly. To further explore the potential impact of different scenarios on participant perceptions, future studies could consider conducting a 2X2 experiment. This approach would involve mixing cases where the defendant either confesses or denies the offense, while also varying the court interpreter's speech style as powerful or powerless. By examining these various combinations, researchers could gain deeper insights into the intricate interactions between defendant statements, interpreter communication style, and its effects on the perceptions of citizen judges. Such investigations may help develop a more comprehensive understanding of how the court interpreter's role and speech style influence the interpretation of defendant testimonies in different situations.

The speech styles of participants themselves may also influence their perceptions of the court interpreter's speech style. For instance, participants who commonly use more powerless features in their daily conversations might identify more closely with a defendant who speaks with powerless features, and the same could apply vice versa. Therefore, future studies should take into account participants' habitual speech styles when selecting them and form two distinct groups: those who typically use a powerless



speech style and those who use a powerful one. These groups could then be matched with court interpreters exhibiting either powerful or powerless speech styles, enabling the creation of another 2x2 experimental design. Anticipating that different cases and scenarios may have varying effects on mock citizen judges, this comprehensive approach may reveal a clearer correlation between citizen judges' perceptions of the defendant and their sentencing decisions. By exploring these factors more rigorously, future studies may offer a deeper understanding of the dynamics at play in the courtroom setting.

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Appendix I Text material used in the experiment



Powerless Style	Powerful Style
法官：	法官：
請檢察官陳述起訴事實及所犯法條。	請檢察官陳述起訴事實及所犯法條。
檢察官：	檢察官：
如起訴書所載。	如起訴書所載。
法官：	法官：
好，因為被告是越南籍，可能不了解中文的起訴書內容，我們還是請檢察官講一下起訴事實，請通譯翻給被告聽。	好，因為被告是越南籍，可能不了解中文的起訴書內容，我們還是請檢察官講一下起訴事實，請通譯翻給被告聽。
檢察官：	檢察官：
被告為越南籍，於民國 109 年 10 月 18 日上午 6 點多，在臺北市大安區復興南路 2 段 97 巷內某處燒烤店飲用酒類後，駕駛自用小客車於同日上午 7 點多，不慎撞及當時行走到該巷口之被害人，致被害人因碰撞上開車輛之前車頭及前擋風玻璃後倒地，而受有胸腹腔出血、頭部外傷等傷害，經送醫急救，仍於同日上午 9 時 16 分因傷重不治死亡。警察於同日上午 7 時 44 分經通報到場，測得被告吐氣所含酒精濃度達每公升 0.32 毫克。本案起訴法條為：刑法第 185 條之 3 第 3 項，曾犯不能安全駕駛動力交通工具罪經緩起訴處分確定後，5 年內再犯同條第 1 項因而致人於死罪。	被告為越南籍，於民國 109 年 10 月 18 日上午 6 點多，在臺北市大安區復興南路 2 段 97 巷內某處燒烤店飲用酒類後，駕駛自用小客車於同日上午 7 點多，不慎撞及當時行走到該巷口之被害人，致被害人因碰撞上開車輛之前車頭及前擋風玻璃後倒地，而受有胸腹腔出血、頭部外傷等傷害，經送醫急救，仍於同日上午 9 時 16 分因傷重不治死亡。警察於同日上午 7 時 44 分經通報到場，測得被告吐氣所含酒精濃度達每公升 0.32 毫克。本案起訴法條為：刑法第 185 條之 3 第 3 項，曾犯不能安全駕駛動力交通工具罪經緩起訴處分確定後，5 年內再犯同條第 1 項因而致人於死罪。
法官：	法官：
現在請檢察官開始詢問被告。	現在請檢察官開始詢問被告。
檢察官：	檢察官：
你知不知道酒駕本身是危險的事情？	你知不知道酒駕本身是危險的事情？
被告：	被告：
Vâng, biết.	Vâng, biết.

通譯：	通譯：
知道。	知道。
檢察官：	檢察官：
本案之前是否有過酒駕紀錄？	本案之前是否有過酒駕紀錄？
被告：	被告：
Chắc có.	Chắc có.
通譯：	通譯：
應該有吧。	有。
檢察官：	檢察官：
那次結果如何？	那次結果如何？
被告：	被告：
Được miễn khởi tố, hình như là bị phạt... 12 vạn.	Được miễn khởi tố, hình như là bị phạt... 12 vạn.
通譯：	通譯：
被緩起訴，大概是要繳 12 萬。	被緩起訴，要繳 12 萬元。
檢察官：	檢察官：
是否已經付清了？	是否已經付清了？
被告：	被告：
Chắc đã nộp hết rồi.	Chắc đã nộp hết rồi.
通譯：	通譯：
應該都有付了。	付清了。
檢察官：	檢察官：
那次酒駕有沒有撞到人或其他東西？	那次酒駕有沒有撞到人或其他東西？
被告：	被告：
Không có.	Không có.
通譯：	通譯：
都沒有。	都沒有。
檢察官：	檢察官：
本案案發前你在哪裡喝酒？喝了多少？	本案案發前你在哪裡喝酒？喝了多少？
被告：	被告：
Ở nơi làm việc, cái tiệm thịt nướng a, rồi sau đó...tôi với ba thằng bạn uống...tầm nửa chai quýt ki.	Ở nơi làm việc, cái tiệm thịt nướng a, rồi sau đó...tôi với ba thằng bạn uống...tầm nửa chai quýt ki.
通譯：	通譯：

我在工作的燒烤店，然後...我跟三個朋友喝了大概...半瓶威士忌吧。	在我工作的燒烤店喝酒，跟三個朋友一起喝了半瓶威士忌。
檢察官：	檢察官：
案發時你的住處是否在安居街？	案發時你的住處是否在安居街？
被告：	被告：
Vâng.	Vâng.
通譯：	通譯：
是的。	是的。
檢察官：	檢察官：
大安區燒烤店離你住處多遠？走路可以走到嗎？	大安區燒烤店離你住處多遠？走路可以走到嗎？
被告：	被告：
Tôi dường như không có tính đi tới đó là bao xa, nhưng chắc có thể đi bộ tới đó được ạ.	Tôi dường như không có tính đi tới đó là bao xa, nhưng chắc có thể đi bộ tới đó được ạ.
通譯：	通譯：
我好像沒有算過去那邊要多遠，但走路應該可以走的到吧。	我沒算過用走的要走多遠，但走路應該可以走的到。
檢察官：	檢察官：
你在案發當天用什麼交通方式去上班？	你在案發當天用什麼交通方式去上班？
被告：	被告：
Lái xe ô tô.	Lái xe ô tô.
通譯：	通譯：
開車。	開車。
檢察官：	檢察官：
你跟三個朋友一起喝酒，他們都怎麼回家？	你跟三個朋友一起喝酒，他們都怎麼回家？
被告：	被告：
Hai người kia thì không rõ, nhưng Hoàng Kim Thủy thì....thì tôi chở về.	Hai người kia thì không rõ, nhưng Hoàng Kim Thủy thì....thì tôi chở về.
通譯：	通譯：
其他兩個人我不知道，但是黃金水的話...恩...是我載他回去的。	其他兩個人我不知道，但黃金水是我載他回去。
檢察官：	檢察官：
黃金水之前作證說是你提議載他回家？	黃金水之前作證說是你提議載他回家？

被告：	被告：
Vâng, chắc là vậy.	Vâng, chắc là vậy.
通譯：	通譯：
應該是吧。	是的。
檢察官：	檢察官：
你在一個可以走路回家的地方喝酒，然後還提議載同事回家？	你在一個可以走路回家的地方喝酒，然後還提議載同事回家？
被告：	被告：
Vâng, tôi nghĩ....chắc là vậy.	Vâng, tôi nghĩ....chắc là vậy.
通譯：	通譯：
我想...應該是這樣吧。	是的。
檢察官：	檢察官：
黃金水住哪裡？	黃金水住哪裡？
被告：	被告：
Tu Chen, Xue Jia lú.	Tu Chen, Xue Jia lú.
通譯：	通譯：
土城學甲路。	土城學甲路。
檢察官：	檢察官：
所以你從大安區的燒烤店載黃金水回土城住處然後再回大安區的住處？	所以你從大安區的燒烤店載黃金水回土城住處然後再回大安區的住處？
被告：	被告：
Vâng.	Vâng.
通譯：	通譯：
是的。	是的。
檢察官：	檢察官：
從喝完酒後到你載黃金水回家之前，有沒有休息或睡覺？	從喝完酒後到你載黃金水回家之前，有沒有休息或睡覺？
被告：	被告：
Không có.	Không có.
通譯：	通譯：
沒有。	沒有。
檢察官：	檢察官：
你記得案發時你的時速大概多少？	你記得案發時你的時速大概多少？
被告：	被告：
Tầm....40, 50 km.	Tầm....40, 50 km.

通譯：	通譯：
大約是...40，4、50 公里吧。	40、50 公里左右。
檢察官：	檢察官：
經過路口的時候，有無注意路口燈號？	經過路口的時候，有無注意路口燈號？
被告：	被告：
Có, hình như là nháy đèn vàng.	Có, hình như là nháy đèn vàng.
通譯：	通譯：
有，好像是閃黃燈。	有，是閃黃燈。
檢察官：	檢察官：
閃黃燈代表的意義是什麼？	閃黃燈代表的意義是什麼？
被告：	被告：
Là phải giảm tốc độ.	Là phải giảm tốc độ.
通譯：	通譯：
就是要減速。	減速。
檢察官：	檢察官：
看到閃黃燈後你有減速嗎？	看到閃黃燈後你有減速嗎？
被告：	被告：
Có.	Có.
通譯：	通譯：
有。	有。
檢察官：	檢察官：
減速到什麼程度？	減速到什麼程度？
被告：	被告：
Không biết.	Không biết.
通譯：	通譯：
不知道。	不知道
檢察官：	檢察官：
既然你有減速，為什麼後來還是撞到被害人？	既然你有減速，為什麼後來還是撞到被害人？
被告：	被告：
Lúc tôi thấy đèn vàng ở chỗ ngã tư, thì tôi có buông chân ga trước, nhưng khi tôi nhìn thấy nạn nhân thì đã không kịp đạp phanh xe.	Lúc tôi thấy đèn vàng ở chỗ ngã tư, thì tôi có buông chân ga trước, nhưng khi tôi nhìn thấy nạn nhân thì đã không kịp đạp phanh xe.
通譯：	通譯：

我在路口看到閃黃燈的時候，有先把油門放掉，但當我看到被害人再踩煞車已經來不及了。	我在路口看到閃黃燈的時候，有先把油門放掉，但我看到被害人再踩煞車已經來不及了。
檢察官：	檢察官：
所以你有看到被害人走在路上？	所以你有看到被害人走在路上？
被告：	被告：
Có, lúc chiếc xe máy xê qua nạn nhân thì tôi mới chú ý tới.	Có, lúc chiếc xe máy xê qua nạn nhân thì tôi mới chú ý tới.
通譯：	通譯：
有，在前面一台摩托車閃過被害人的時候我才注意到。	有，在前面一台摩托車閃過被害人的時候，我才注意到。
檢察官：	檢察官：
為什麼前面那台摩托車可以閃過，你無法閃過？	為什麼前面那台摩托車可以閃過，你無法閃過？
被告：	被告：
Lúc ấy tôi chạy thẳng, tôi tưởng là nạn nhân sẽ nhường đường cho tôi.	Lúc ấy tôi chạy thẳng, tôi tưởng là nạn nhân sẽ nhường đường cho tôi.
通譯：	通譯：
當時我直行，我以為被害人會讓我。	當時我直行，我以為被害人會讓我。
檢察官：	檢察官：
你撞到人之後，有沒有先下車？有沒有移車？	你撞到人之後，有沒有先下車？有沒有移車？
被告：	被告：
Có, tôi...có gọi xe cấp cứu trước, rồi mới dời xe.	Có, tôi...có gọi xe cấp cứu trước, rồi mới dời xe.
通譯：	通譯：
有，有下車，我有先...打電話叫救護車，之後再移車。	有先下車，我先打電話叫救護車，之後再移車。
檢察官：	檢察官：
為什麼要移車？是打算要離開現場嗎？	為什麼要移車？是打算要離開現場嗎？
被告：	被告：
Tại vì lúc đó cảm thấy hơi hoang mang, với lại chiếc xe của tôi đậu ở ngã tư, nên mới muốn dời xe.	Tại vì lúc đó cảm thấy hơi hoang mang, với lại chiếc xe của tôi đậu ở ngã tư, nên mới muốn dời xe.
通譯：	通譯：

當時有一點慌張，而且當時我的車停在路口，所以才想說要移車。	當時有點慌，而且車子在路口，所以才想要移車。
檢察官：	檢察官：
詢問完畢。	詢問完畢。
法官：	法官：
接下來請請辯護人詢問被告。	接下來請請辯護人詢問被告。
辯護人：	辯護人：
你之前酒駕被判緩起訴，當時為何要酒駕？	你之前酒駕被判緩起訴，當時怎麼會酒駕？
被告：	被告：
Lúc đó tôi làm ở tiệm thịt nướng, rồi thì lúc đó thằng con trai vừa đầy tháng, có khách quen muốn giúp tôi ăn mừng. Cho nên...tôi uống một tí ít bia, khi tan ca, tôi tưởng là.... là men rượu chắc xuống hết rồi, nên tôi chạy xe máy về nhà, rồi bị cảnh sát bắt kiểm tra.	Lúc đó tôi làm ở tiệm thịt nướng, rồi thì lúc đó thằng con trai vừa đầy tháng, có khách quen muốn giúp tôi ăn mừng. Cho nên...tôi uống một tí ít bia, khi tan ca, tôi tưởng là.... là men rượu chắc xuống hết rồi, nên tôi chạy xe máy về nhà, rồi bị cảnh sát bắt kiểm tra.
通譯：	通譯：
那時候我在燒烤店工作，然後剛好小孩滿月，有比較熟的客人想幫我慶祝。所以我就喝了一點啤酒，我下班後就以為說...那個酒已經退了，就騎摩托車回家，就被警察臨檢。	我那時候我在燒烤店工作，因為小孩滿月，有比較熟的客人想幫我慶祝，就喝了一點啤酒。我下班後以為酒已經退了，就騎摩托車回家，就被警察臨檢。
辯護人：	辯護人：
平常朋友常找你喝酒嗎？	平常朋友常找你喝酒嗎？
被告：	被告：
Thường thường thì tôi không có uống gì mấy, nếu không có chuyện gì đặc biệt. Thật ra thì là tụi bạn không có rủ tôi đi nhậu.	Thường thường thì tôi không có uống gì mấy, nếu không có chuyện gì đặc biệt. Thật ra thì là tụi bạn không có rủ tôi đi nhậu.
通譯：	通譯：
我平常不太喝酒啦，沒有特別狀況的話，而且朋友也不會找我喝酒。	我平常不太喝酒，沒有特別的情況的話，朋友不會找我喝酒。
辯護人：	辯護人：
你在本案當天為什麼要喝酒？	你在本案當天為什麼要喝酒？
被告：	被告：

Bởi vì hôm trước đó vợ tôi nhắn tin đòi ly hôn, cho nên tôi...hôm đó tôi hơi buồn, nên mới kiếm bạn nhậu.	Bởi vì hôm trước đó vợ tôi nhắn tin đòi ly hôn, cho nên tôi...hôm đó tôi hơi buồn, nên mới kiếm bạn nhậu.
通譯：	通譯：
因為前一天我的前妻傳簡訊跟我說她想離婚，所以...所以那天我有點情緒低落，所以想找同事喝酒。	因為前一天我的前妻傳簡訊跟我說她想離婚，所以我那天情緒有點低落，想找同事喝酒。
辯護人：	辯護人：
你老婆為何要跟你談離婚？	你老婆怎麼會要跟你談離婚呢？
被告：	被告：
Thật ra thì giờ làm việc của tôi trái lại với vợ tôi, tôi không có nhiều thời gian ở bên vợ con, thường thì do vợ tôi chăm sóc đứa con nhiều hơn, cho nên... vợ tôi... cảm thấy rất áp lực, rồi muốn ly hôn với tôi.	Thật ra thì giờ làm việc của tôi trái lại với vợ tôi, tôi không có nhiều thời gian ở bên vợ con, thường thì do vợ tôi chăm sóc đứa con nhiều hơn, cho nên... vợ tôi... cảm thấy rất áp lực, rồi muốn ly hôn với tôi.
通譯：	通譯：
我的工作時間跟我的老婆是顛倒的，所以也沒什麼時間陪她跟小孩，小孩都是她在照顧比較多，恩...她就覺得壓力很大，所以想跟我離婚。	我的工作時間跟我的老婆顛倒，也沒有什麼時間陪她跟小孩，小孩都是她在照顧比較多，她覺得壓力很大，所以想跟我離婚。
辯護人：	辯護人：
那天你和同事喝酒主要在聊什麼？	那天你和同事喝酒主要在聊什麼呢？
被告：	被告：
Thì an ủi tôi, góp ý cho tôi vài lời, rồi lắng nghe tôi phàn nàn thôi.	Thì an ủi tôi, góp ý cho tôi vài lời, rồi lắng nghe tôi phàn nàn thôi.
通譯：	通譯：
大概就是安慰我，給我一點建議，然後聽我抱怨吧。	安慰我，給我一點建議，然後聽我抱怨。
辯護人：	辯護人：
你剛才跟檢察官說你從工作地點可以走路回家，走路要走多久？	你剛才跟檢察官說你從工作地點可以走回家，那走路大概要走多久？
被告：	被告：
Tôi không có tính.	Tôi không có tính.
通譯：	通譯：
我沒有特別去算。	我沒有特別去算。

辯護人：	辯護人：
你知道以 google map 地圖來講，走路要 45 分鐘嗎？	你知道看 google map 地圖來講的話，走路要 45 分鐘嗎？
被告：	被告：
Tôi không biết.	Tôi không biết.
通譯：	通譯：
我不知道。	我不知道。
辯護人：	辯護人：
案發當天聚會完之後，為什麼要載黃金水回他土城的住處？	案發當天聚會完之後，為什麼要載黃金水回他土城的住處？
被告：	被告：
Khoảng gần 6h hôm đó, hai bạn kia muốn về trước, sau đó... tôi muốn tìm người trò chuyện thêm, nên tôi đề nghị chờ ông ấy về, rồi chúng tôi tiếp tục trò chuyện trên xe.	Khoảng gần 6h hôm đó, hai bạn kia muốn về trước, sau đó... tôi muốn tìm người trò chuyện thêm, nên tôi đề nghị chờ ông ấy về, rồi chúng tôi tiếp tục trò chuyện trên xe.
通譯：	通譯：
那天大概快 6 點的時候，其他兩個朋友想先回去，所以我就想...再找人多聊一下，就提議載他回去，然後我們就在車上繼續聊。	那天快 6 點的時候，其他兩個朋友想先回去，我還想再找人聊一下，就提議載他回去，我們就在車上繼續聊。
辯護人：	辯護人：
你當時跟你太太分居了沒有？	你當時跟你太太分居了嗎？
被告：	被告：
Đã ly thân rồi.	Đã ly thân rồi.
通譯：	通譯：
已經分居了。	已經分居了。
辯護人：	辯護人：
是否不想下班一個人回到家裡，才找黃金水聊天？	你是不是不想下班一個人回到家裡，才找黃金水聊天？
被告：	被告：
Vâng.	Vâng.
通譯：	通譯：
是的。	是的。
辯護人：	辯護人：
你載黃金水回家大概開了多久？	你載黃金水回家大概開了多久？
被告：	被告：

Tầm30, 40 phút ạ.	Tầm30, 40 phút ạ.
通譯：	通譯：
大概...30、40分鐘左右吧。	開了30、40分鐘左右。
辯護人：	辯護人：
你在案發時行經道路的狀況如何？	你在案發時行經道路的狀況是怎麼樣？
被告：	被告：
Hôm đó khi xuống khỏi cầu cạn gặp một khúc cua, khi tôi quay qua thì bị cột A của chiếc xe chắn mất tầm nhìn, ban đầu tôi không nhìn thấy nạn nhân, mãi đến khi chiếc xe máy vọt qua tôi mới để ý tới, nhưng đã quá muộn để đạp phanh rồi.	Hôm đó khi xuống khỏi cầu cạn gặp một khúc cua, khi tôi quay qua thì bị cột A của chiếc xe chắn mất tầm nhìn, ban đầu tôi không nhìn thấy nạn nhân, mãi đến khi chiếc xe máy vọt qua tôi mới để ý tới, nhưng đã quá muộn để đạp phanh rồi.
通譯：	通譯：
那天我下高架橋的時候有碰到一個彎道，我轉過去的時候被車子的A柱擋到一些視線，一開始沒看到被害人，機車閃過我才注意到她，但踩煞車已經來不及了。	那天我下高架橋的時候有碰到一個彎道，我轉過去的時候被車子的A柱擋到一些視線，一開始沒有看到被害人，機車閃過我才注意到她，但踩煞車已經來不及了。
辯護人：	辯護人：
發生碰撞之後，你的心情如何？	發生碰撞之後，你的心情如何？
被告：	被告：
Lúc đó tôi...sợ hãi quá, chỉ muốn gọi công an cho nhanh, gọi xe cấp cứu đến cứu nạn nhân.	Lúc đó tôi...sợ hãi quá, chỉ muốn gọi công an cho nhanh, gọi xe cấp cứu đến cứu nạn nhân.
通譯：	通譯：
我那時候...很...很慌張，只想趕快報警，叫救護車救被害人。	我很慌張，只想趕快報警，叫救護車來救被害人。
辯護人：	辯護人：
你當時精神和身體狀況如何？有沒有精神不濟？	你當時精神還有身體狀況如何？有沒有精神不濟？
被告：	被告：
Chắc là không có, tôi nghĩ mình vẫn ổn.	Chắc là không có, tôi nghĩ mình vẫn ổn.
通譯：	通譯：
應該沒有吧，我覺得狀況還可以。	沒有精神不濟，我覺得還可以。
辯護人：	辯護人：

你自己覺得這次車禍跟喝酒到底有沒有關係？	你自己覺得這次車禍跟喝酒到底有沒有關係？
被告：	被告：
Tôi nghĩ rằng... ít nhiều vẫn có liên quang một chút ạ.	Tôi nghĩ rằng... ít nhiều vẫn có liên quang một chút ạ.
通譯：	通譯：
我想...多少應該還是有一點關係吧。	我想多少還是會有一些關係。
辯護人：	辯護人：
詢問完畢。	詢問完畢。
法官：	法官：
再請檢察官開始詢問被告	再請檢察官開始詢問被告
檢察官：	檢察官：
案發當天你是否從凌晨 4 點下班開始喝酒到凌晨 6 點結束？	案發當天你是否從凌晨 4 點下班開始喝酒到凌晨 6 點結束？
被告：	被告：
Vâng.	Vâng.
通譯：	通譯：
是的。	是的。
檢察官：	檢察官：
你上完夜班接著熬夜喝酒，然後開車往返臺北市大安區跟新北市土城區，在開車時有沒有想過你自己之前有酒駕被緩起訴的紀錄？	你上完夜班接著熬夜喝酒，然後開車往返臺北市大安區跟新北市土城區，在開車時有沒有想過你自己之前有過酒駕被緩起訴的紀錄？
被告：	被告：
Không.	Không.
通譯：	通譯：
沒有。	沒有。
檢察官：	檢察官：
你有沒有想過小孩還要靠自己養、你要做小孩的榜樣？	你有沒有想過小孩還要靠自己養、你要做小孩的榜樣？
被告：	被告：
Không ạ.	Không ạ.
通譯：	通譯：
沒有。	沒有。
檢察官：	檢察官：

詢問完畢。	詢問完畢。
法官：	法官：
再請辯護人詢問被告。	再請辯護人詢問被告。
辯護人：	辯護人：
你剛才提到案發那天會喝酒是因為收到你前妻說要離婚的訊息？	你剛才提到案發那天會喝酒是因為收到你前妻說要離婚的訊息？
被告：	被告：
Vâng.	Vâng.
通譯：	通譯：
是的。	是的。
辯護人：	辯護人：
你跟前妻的感情怎麼樣？	你跟前妻的感情怎麼樣？
被告：	被告：
Thật sự thì cũng ổn, nhưng chỉ là... không có nhiều thời gian dành cho cô ta với đứa con thôi ạ.	Thật sự thì cũng ổn, nhưng chỉ là... không có nhiều thời gian dành cho cô ta với đứa con thôi ạ.
通譯：	通譯：
其實還不錯，但就是...沒有太多時間可以陪她和小孩。	其實還不錯，就是沒有太多時間可以陪她和小孩。
辯護人：	辯護人：
你那天收到這樣的訊息，你的心情如何？	你那天收到這樣的訊息，你的心情怎麼樣？
被告：	被告：
Tôi cảm thấy rất buồn và không biết giải quyết như thế nào.	Tôi cảm thấy rất buồn và không biết giải quyết như thế nào.
通譯：	通譯：
就覺得很難過，不知道該怎麼處理。	很難過，不知道該怎麼處理。
辯護人：	辯護人：
黃金水是否知道你當時的心情？	黃金水是否知道你當時的心情？
被告：	被告：
Chắc là biết, hôm đó chúng tôi đã trò chuyện khá nhiều.	Chắc là biết, hôm đó chúng tôi đã trò chuyện khá nhiều.
通譯：	通譯：
應該知道吧，我們那天聊蠻多的。	應該知道，我們那天聊蠻多的。

辯護人：	辯護人：
你已經有一次酒駕緩起訴的紀錄，現在又發生這樣的事情，我們是否還能相信你以後不會再有同樣的狀況？	你已經有一次酒駕緩起訴的紀錄，現在又發生這樣的事情，我們是否還能相信你以後不會再有相同的狀況？
被告：	被告：
Tôi biết là sẽ không có ai tin tôi, và tôi biết là mình đã sai. Tôi chỉ biết tự nhủ với mình tôi rằng... mai sau sẽ không nhậu nhẹt rượu bia nữa, bởi bài học lần này thật sự khiến tôi và gia đình nạn nhân đã mất mát quá nhiều.	Tôi biết là sẽ không có ai tin tôi, và tôi biết là mình đã sai. Tôi chỉ biết tự nhủ với mình tôi rằng... mai sau sẽ không nhậu nhẹt rượu bia nữa, bởi bài học lần này thật sự khiến tôi và gia đình nạn nhân đã mất mát quá nhiều.
通譯：	通譯：
我知道應該沒有人相信我，我知道我自己做錯了。我只能告訴我自己，就是...以後我不會再碰酒了，因為這次的教訓真的給我和被害家屬太大的傷害了。	我知道應該沒有人相信我，我知道我自己做錯了。我只能告訴我自己，以後我不會再碰酒了，因為這次的教訓真的帶給我和被害人家屬太大的傷害了。
法官：	法官：
本案到此詢問完畢。	本案到此詢問完畢。



Appendix II Questionnaire

1. 根據國民法官法第 13 條規定，有下列情形之一者，不得被選任為國民法官、備位國民法官：
- 一、褫奪公權，尚未復權。
 - 二、曾任公務人員而受免除職務處分，或受撤職處分，其停止任用期間尚未屆滿。
 - 三、現任公務人員而受休職、停職處分，其休職、停職期間尚未屆滿。
 - 四、人身自由依法受拘束中。
 - 五、因案經檢察官提起公訴或聲請以簡易判決處刑，或經自訴人提起自訴，尚未判決確定。
 - 六、曾受有期徒刑以上刑之宣告確定。
 - 七、受有期徒刑以上刑之宣告確定，現於緩刑期內或期滿後未逾二年。
 - 八、於緩起訴期間內，或期滿後未逾二年。
 - 九、受觀察勒戒或戒治處分，尚未執行，或執行完畢未滿二年。
 - 十、受監護或輔助宣告，尚未撤銷。
 - 十一、受破產宣告或經裁定開始清算程序，尚未復權。

請問您是否有上述任一項情形，而不得被選任為國民法官？

無

有，我不得被選任為國民法官

2. 根據國民法官法第十四條規定，下列人員不得被選任為國民法官、備位國民法官：
- 一、總統、副總統。
 - 二、各級政府機關首長、政務人員及民意代表。
 - 三、政黨黨務工作人員。
 - 四、現役軍人、警察。
 - 五、法官或曾任法官。
 - 六、檢察官或曾任檢察官。
 - 七、律師、公設辯護人或曾任律師、公設辯護人。
 - 八、現任或曾任教育部審定合格之大學或獨立學院專任教授、副教授或助理教授，講授主要法律科目者。
 - 九、司法院、法務部及所屬各機關之公務人員。
 - 十、司法官考試、律師考試及格之人員。
 - 十一、司法警察官、司法警察。
 - 十二、未完成國民教育之人員。

請問您是否有上述任一項身份，而不得被選任為國民法官？



無

有，我不得被選任為國民法官

3. 您將聆聽一段模擬法庭的錄音，長度約 13 分鐘，請於播放結束後繼續回答與錄音內容相關的問題

4. 請問您的生理性別

女性

男性

5. 請問您的年齡

23~29 歲

30~39 歲

40~49 歲

50~59 歲

60~69 歲

70 歲以上

6. 請問您的最高學歷

高中/職

專科

大學

碩士

博士

7. 請根據您對於被告的印象針對以下項目給予評分。1 表示程度最低，5 表示程度最高

被告智力程度 1 2 3 4 5

可信賴度 1 2 3 4 5

證言可信度 1 2 3 4 5

8. 請問您認為被告是否構成刑法第 185 條之 3 第三項前段五年內再犯酒後駕車致死罪？

是，被告成罪

否，被告無罪

9. 如果被告成立上述罪名，法律規定刑度為「無期徒刑」或「5 年以上 15 年以下有期徒刑」。請問您會判決此被告何種刑度？

無期徒刑
有期徒刑



10. 承上題，如您判決被告有期徒刑，您會判決被告幾年有期徒刑？