

DISTRICT OF COLUMBIA COURT OF APPEALS

Torres v. United States

929 A.2d 880 (D.C. 2007) · No. No. 01-CF-755 · Decided August 9, 2007

SUMMARY

The District of Columbia Court of Appeals affirmed Carlos Torres's convictions for unauthorized use of a vehicle and receiving stolen property. The court held that Torres was not a "non-English speaking person" entitled to an interpreter under the D.C. Interpreter Act because the evidence supported the trial court's finding that he could communicate effectively in spoken English. Accordingly, the court upheld the denial of his motion to suppress statements made during custodial questioning.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Terry, Senior Judge; Ruiz, Associate Judge; Glickman, Associate Judge
JURISDICTION	District of Columbia
DECIDED	August 9, 2007
DOCKET	No. 01-CF-755
DISPOSITION	affirmed
PROCEDURAL POSTURE	Torres appealed convictions for unauthorized use of a vehicle and receiving stolen property, challenging the denial of his pretrial motion to suppress statements obtained during custodial police questioning.
STANDARD OF REVIEW	The appellate court reviewed the trial court's factual findings and credibility determinations for support in the record, sustained findings supported by substantial evidence absent inherent incredibility, and reviewed the trial court's determination under the Interpreter Act for abuse of discretion.
PRECEDENTIAL VALUE	published opinion
PARTIES	Carlos Torres v. United States

TOPICS

- suppression of evidence
- criminal procedure
- statutory interpretation
- fifth amendment
- miranda rights

PRACTICE AREAS

criminal procedure

evidence

statutory interpretation

QUESTIONS PRESENTED

1. Whether Torres qualified as a non-English-speaking person under the District of Columbia Interpreter Act and was therefore entitled to a qualified interpreter before custodial interrogation.
2. Whether the trial court erred by denying Torres's motion to suppress statements obtained without an interpreter.

HOLDINGS

1. Torres did not qualify as a non-English-speaking person because the evidence credited by the trial court established that he could understand English and communicate effectively in spoken English.
2. The trial court properly denied the motion to suppress because the Interpreter Act did not apply to Torres; therefore, the police were not required to secure an interpreter before questioning him.

KEY QUOTATIONS

"The Interpreter Act therefore grants a non-English speaker an "unrestricted right to a qualified interpreter" during police questioning." (886)

"The flaw in his argument, however, is that the government presented evidence, credited by the trial court, which showed that appellant did not meet the Act's definition of a "non-English speaking person" because he could "communicate effectively in the spoken English language." (887)

"From all that we have said, it follows that the trial court did not err in denying appellant's motion to suppress his statements." (888)

FACTUAL BACKGROUND

Torres, originally from Honduras, was arrested on July 24, 1999, after police found him in a parked vehicle. Police administered Miranda warnings in English while allowing him to read a Spanish-language rights card, and he later answered detailed questions in English about the vehicle, license plates, title, and tools before signing a written statement. After a second arrest on July 28, Torres again answered police and booking questions in English and waived his Miranda rights. The trial court found that Torres could understand and communicate effectively in spoken English and therefore was not a non-English-speaking person under the Interpreter Act.

PROCEDURAL HISTORY

The trial court denied Torres's motion to suppress statements made after his arrests on July 24 and July 28, 1999. The court later severed the July 28 charges, and Torres was tried on the July 24 charges; the jury convicted him of unauthorized use of a vehicle and two counts of receiving stolen property and acquitted him of two theft charges. After sentencing, he timely appealed, challenging only the suppression ruling.

DISPOSITION

affirmed

CASES CITED

- Gonzalez v. United States, 697 A.2d 819, 822 n. 9 (D.C. 1997)
- Barrera v. United States, 599 A.2d 1119, 1130-1131 (D.C. 1991)
- Edmund J. Flynn Co. v. LaVay, 431 A.2d 543, 546 (D.C. 1981)
- In re A.B.H., 343 A.2d 573, 575 (D.C. 1975)
- Esteves v. Esteves, 680 A.2d 398, 405 (D.C. 1996)
- Miranda v. Arizona, 384 U.S. 436, 458, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)
- Alston v. United States, 552 A.2d 526, 527 n. 1 (D.C. 1989)

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