

SUPREME COURT OF COLORADO

People v. Nguyen

406 P.3d 836 (Colo. 2017) · Decided October 2, 2017

SUMMARY

The Colorado Supreme Court reversed an order suppressing statements made by Hung Van Nguyen after Miranda rights were translated into Vietnamese by a police chaplain. The court held that, viewed in context and under the totality of the circumstances, the translation reasonably conveyed Nguyen’s rights to remain silent, to have statements used against him in court, and to appointed counsel before questioning.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Eid; Justice Gabriel; Justice Hood; Justice Márquez
JURISDICTION	Colorado
DECIDED	October 2, 2017
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The People brought an interlocutory appeal under section 16-12-102(2), C.R.S. (2017), and C.A.R. 4.1, challenging the trial court's order suppressing Nguyen's statements following a Miranda advisement translated into Vietnamese.
STANDARD OF REVIEW	The court reviewed de novo the legal question whether, under the totality of the circumstances, the translation reasonably conveyed Nguyen's Miranda rights.
PRECEDENTIAL VALUE	Published Colorado Supreme Court opinion; precedential.
PARTIES	The People v. Hung Van Nguyen

TOPICS

- miranda rights
- right to counsel
- suppression of evidence
- criminal procedure
- interlocutory appeal

PRACTICE AREAS

- criminal procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Vietnamese translation reasonably conveyed Miranda's warning that anything Nguyen said could be used against him in court.
2. Whether the Vietnamese translation reasonably conveyed that, if Nguyen could not afford an attorney, one would be appointed for him before questioning.
3. Whether Nguyen's challenge to the voluntariness of his waiver was properly before the court on the People's interlocutory appeal.

HOLDINGS

1. The translation stating that all Nguyen said could or might be used as evidence in court reasonably conveyed that his statements could be used against him, even though it omitted the words "against you." The possibility that the statements could also be used in Nguyen's favor did not negate the warning's conveyed meaning.
2. The translation reasonably conveyed that if Nguyen could not afford an attorney, the court would appoint an attorney or representative at no cost before questioning.
3. The court did not consider Nguyen's argument that his waiver was involuntary because the trial court had found the waiver voluntary and Nguyen had no right to bring that issue by interlocutory appeal.

KEY QUOTATIONS

"As we have noted in the past, "no translation is perfect." Indeed, although the Miranda warnings are an absolute prerequisite, they need not be conveyed through any particular "talismanic incantation."" (840)

"Instead, looking at the totality of circumstances surrounding the advisement, the question in this case is whether Nguyen was advised that his statements regarding his role, if any, in the stabbing could be used against him in court." (840)

FACTUAL BACKGROUND

A witness told police that Hung had stabbed the victim and directed officers to a home where he believed Hung was located. The witness identified Nguyen as Hung, and officers transported Nguyen to the police station for interrogation. Because Nguyen spoke only Vietnamese, Detective Vacca used Father Dang, a Denver Police Department chaplain who spoke Vietnamese, as an interpreter. The translation informed Nguyen that his statements could be used as evidence in court and that, if he could not afford an attorney, the court would appoint someone at no cost to represent him before questioning.

PROCEDURAL HISTORY

After Nguyen was interrogated about a stabbing, he moved to suppress his statements, arguing that the Vietnamese translation of his Miranda rights omitted or mistranslated crucial language. The trial court found the waiver voluntary but not knowing and intelligent and suppressed the statements. The People appealed interlocutorily to the Colorado Supreme Court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for further proceedings following reversal of the order suppressing Nguyen's statements.

CASES CITED

- Miranda v. Arizona, 384 U.S. 436, 444, 468-69, 479 (1966)
- People v. Mejia-Mendoza, 965 P.2d 777, 780-82 (Colo. 1998)
- People v. Aguilar-Ramos, 86 P.3d 397, 400-02 (Colo. 2004)
- People v. Sanchez, 2014 CO 56, ¶¶ 11-12, 329 P.3d 253, 257
- Carter v. People, 2017 CO 59M, ¶ 14, 398 P.3d 124, 127-28