

## Pierre Grosdidier in Texas Bar Journal: Google Translate Might Not Always be the Best Way to Obtain Search Consents

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What are police officers to do with pulled-over motorists who speak no or only broken English? They currently cannot expect to call in interpreters on demand. Turning to Google Translate seems like a sensible idea. But as two recent decisions show, the results are mixed.

In *United States v. Salas Antuna*, a trooper pulled over the defendant on a Texas highway for a minor traffic offense. A visibly anxious Salas Antuna presented his Mexican driver's license and revealed his limited English. The trooper twice asked whether the car contained "*drogas*," which Salas denied each time. The trooper then asked, "Can I look? Can I search?" and pointed to his eyes, then to the trunk. Salas responded by opening the trunk, which the trooper closed after a first fruitless search. Shortly thereafter, the trooper used Google Translate on his phone to formulate a search question in Spanish. The trooper pointed his fingers to his eyes and twice asked Salas "*¿Puedo buscar?*" to which Salas responded "si" both times. This second search uncovered crystal and liquid methamphetamine.

Salas was charged and moved to suppress the evidence on the ground that the language barrier voided his consent. The court held that Salas conveyed effective consent to the trunk search when he opened it at the trooper's request. Salas next argued that the trooper asking "*¿Puedo buscar?*" – which the court translated as "May I look for?" – insufficiently relayed a search request. In rejecting this argument, the court cited a U.S. 5th Circuit Court of Appeals decision, which held "that any words, when viewed in context, that objectively communicate to a reasonable individual that the officer is requesting permission to examine the vehicle and its contents constitute a valid search request for Fourth Amendment purposes."

Finally, the court held that even if *puedo buscar* is not a "legally precise translation" for "May I search," the trooper relied on it in good faith and "reasonably believed" that Salas consented to the search. The good faith reliance on the translation meant that the evidence fell under the aegis of the eponymous exception to the exclusionary rule. For these reasons, the court denied Salas' motion to suppress.

Excerpted from *Texas Bar Journal* (February 2019). To read the full article, click [here](#).