

Corley v. U.S.

--- U.S. --- (2009)

Decided April 6, 2009

FACTS: On September 17, 2003, in Norristown, Pennsylvania, Corley was arrested by federal and state officers on a state warrant. The arrest occurred at about 8 a.m. Corley was held initially at a local police station. At about 11:45, he was taken to a local hospital for treatment of a minor injury, and from there, at about 3:30 p.m., he was taken to the local FBI office. There he was informed he was a suspect in a bank robbery. He was not taken before the local magistrate (who was located in the same building), but instead was questioned "in the hopes of getting a confession." At 5:27, "sold ... on the benefits of cooperating," Corley signed a Miranda waiver and gave an oral confession. About an hour later, he was asked to put it in writing, but he told them he was tired and they "decided to hold him overnight and take the written statement the next morning." He repeated his confession the next day, it was reduced to writing, and he signed it. He was taken to a magistrate at 1:30 p.m., 29.5 hours after his arrest.

Corley was charged with armed bank robbery and related offenses, and moved to suppress both his oral and written confession, based upon §3501. The U.S. District Court denied the motion, finding that the initial oral confession, subtracting the treatment time, was within the six-hour window mandated by §3501(c). Further, the District Court ruled that the written confession, given the next day, after a break requested by Corley, was admissible because that does not violate Rule 5(a).

Corley was convicted of conspiracy and armed robbery, and appealed. The Third Circuit affirmed the conviction, under a different rationale from the District Court. Corley appealed.

ISSUE: Is a confession made more than six hours after an arrest (by federal authorities) presumptively inadmissible?

HOLDING: Yes

DISCUSSION: The Court noted that the Government's argument focused on 18 U.S.C. §3501(a), "which provides that any confession 'shall be admissible in evidence' in federal court 'if it is voluntarily given.'" The Government essentially ignored, however, the rulings in McNabb v. U.S.¹ and Mallory v. U.S.² McNabb had provided that confessions obtained after an "unreasonable presentment delay" will be inadmissible. Rule 5(a) was enacted shortly thereafter, which codified the rule that individuals under arrest must be taken before a magistrate without undue delay. The Court noted that the "fundamental problem with the Government's reading of §3501 is that it renders §3501(c) nonsensical and superfluous." The Court noted that a basic rule of construction is that a statute must be read to include all sections, including the section that requires that a confession be made within six hours of arrest, unless the suspect is taken before a magistrate. A few years later, Mallory applied Rule 5(a) and held that a confession given seven hours after arrest, when the suspect was held "within the vicinity of numerous committing magistrates" constituted unnecessary delay and was thus inadmissible. (Specifically, the Court noted that "delay

¹ 318 U.S. 332 (1943).

² 354 U.S. 449 (1957).

for the purpose of interrogation is the epitome of 'unnecessary delay.'" In 1968, Congress enacted 18 U.S.C. §3501, which codified McNabb-Mallory to some extent, and which held that a pre-presentment confession made within six hours of arrest, that is otherwise found to be voluntary, will be admissible. (Those made after the six hours may also be admitted, if, for example, the Court agrees that transportation causes the delay.)

The Court concluded that "§3501 modified McNabb-Mallory without supplanting it." The Court ruled that a District Court faced with a "suppression claim must find whether the defendant confessed within six hours of arrest (unless a longer delay was 'reasonable considering the means of transportation and the distance to be traveled to the nearest available [magistrate]'). A confession made during those six hours that is voluntary will be admissible, so long as it meets other applicable evidentiary rules. "If the confession occurred before presentment and beyond six hours, however, the court must decide whether delaying that long was unreasonable or unnecessary under the McNabb-Mallory cases, and if it was, the confession is to be suppressed."

The Court vacated the Third Circuit's decision, and remanded it back for a determination as to whether the delay was justifiable.

FULL TEXT OF OPINION: <http://www.supremecourtus.gov/opinions/08pdf/07-10441.pdf>