

07-10441 CORLEY V. UNITED STATES

DECISION BELOW: 500 F.3d 210

LOWER COURT CASE NUMBER: 04-4716

QUESTION PRESENTED:

Whether 18 U.S.C. § 3501 — read together with Fed. R. Crim. P. Rule 5(a), *McNabb v. United States*, 318 U.S. 332 (1943), and *Mallory v. United States*, 354 U.S. 449 (1957) — requires that a confession taken more than six hours after arrest and before presentment be suppressed if there was unreasonable or unnecessary delay in bringing the defendant before the magistrate judge. Several United States Courts of Appeals have addressed this issue and have issued conflicting decisions, and the panel in this case was split two to one on the issue. This Court granted certiorari to consider the issue in *United States v. Alvarez-Sanchez*, 511 U.S. 350 (1994), but then resolved the case on a separate “threshold” ground and expressly left open “the subtle questions of statutory construction concerning the safe harbor set out in § 3501(c).” *Id.* at 356.

CERT. GRANTED 10/1/2008