

killing. Facts are stated in our opinion in *Jackson v. United States*, No. 16879, decided today.

The police questioned Coleman on six or seven separate occasions, and as far as appears could have questioned him again at will, before they arrested him at 6:45 p.m. on January 17, 1961. They took him across town to a police station and locked him in a room. Between 7:30 and 8:00 p.m. he was interrogated and made a non-incriminatory statement about his whereabouts at the time of the crime. He was again locked up alone from 8:00 to about 8:45. Three officers then arrived who had been called for the admitted purpose of questioning him. Questioning was resumed, and a "threshold" confession was obtained at 8:50. From 9:10 to 10:50 p.m. it was reduced to writing. He was then "booked". He was not brought before a magistrate until 10:00 a.m. the next day.

There was unnecessary delay. As long ago as 1946 we said that "both by law and practice" a prisoner may be brought before a committing magistrate "at any hour." *Akowskey v. United States*, 81 U.S.App.D.C. 353, 354, 158 F. 2d 649, 650. We recently said: "[N]ot only a magistrate, but an Assistant United States Attorney, are, and were . . . available to the police twenty-four hours a day." *Elsie V. Jones v. United States*, 113 U.S.App.D.C. —, —, 307 F. 2d 397, 399 (1962). Cf. *Ginoza v. United States*, 279 F. 2d 616 (9th Cir. 1960). If because of some extraordinary circumstance no magistrate were available, it would not follow that questioning could continue. The time between arrest and confession was not, as we said it was in the *Heideman* case, "consumed only by the questions . . . and by the preparing of papers, booking, photographing, fingerprinting and transportation . . ." *Heideman v. United States*, 104 U.S.App.D.C. 128, 131, 259 F. 2d 943, 946 (1958), cert. denied, 359 U.S. 959 (1959). The delay was "of a nature to give opportunity for the extraction of a confession." *Mallory v. United States*, 354 U.S. 449, 455