

the police were engaged in checking his story against those of others who were being interrogated and whose stories, as it turned out, shattered his alibi. The police can and indeed should, in fairness to a defendant, check his story and, if it is contradicted—as it was here—confront the accused with the evidence against him. This may take time, and if that time is not so unreasonable as to bring it into conflict with the Mallory rule, it is proper. I think that the time here was not so unreasonable.

If the accused's claim of an alibi had been found to be correct, after having been checked out, he should and would have been released. The police had the right and the duty to check the alibi to see if Coleman was the man to be charged with this cold-blooded murder, and it turned out that he was.

It is to be remembered that the District Court properly submitted to the jury, after hearing the testimony out of the presence of the jury, the question of whether or not the confession was voluntary. Obviously, the jury found that it was.