

Upon arrival, appellant's name and appropriate information were entered in an arrest book, and a written charge was noted with the arresting officer's name.

The officers then had in their possession obviously adequate evidence of "probable cause," not only to "support the arrest," but if believed by a jury, "ultimately his guilt." But without any justifiable excuse to be gathered from the record, the police did not then present White before a committing magistrate. Instead, they took him to the second floor of their headquarters for the admitted purpose of questioning him in regard to the larceny.²

At the trial, defense counsel, retained by the appellant, objected to any statement made by White at the precinct "on the ground it was taken under duress and not voluntarily made."

The trial judge conducted a hearing to ascertain what if any "duress" might predicate the objection. During the hearing in the absence of the jury appellant did not testify. The testimony elicited from the officers supplied no evidence of "duress," and White's admissions were thereafter received in evidence before the jury. Had defense counsel objected on *Mallory* grounds, we would have a grave question as to whether or not the appellant's admissions would be admissible in view of the opinions of this court on this point. After repeatedly denying the larceny, the appellant finally admitted his act and informed the officers of the address where the television set might be found.³

The argument now for the first time advanced that the trial judge should have excluded such admissions on *Mallory* grounds comes too late considering the record as a whole. We frequently have pointed out that objections to

² *Mallory v. United States*, 354 U.S. 449, 454 (1957); cf. *Upshaw v. United States*, 335 U.S. 410, 414 (1948).

³ One of the officers, not on September 2, but two days later, September 4, 1961, went to the location described by the appellant and there found the set.