

Muschette was arrested at 2:20 p.m., arrived at the Safe Squad office after a ride in a squad car at 2:35, and orally confessed not later than 2:45. So, the oral confession began about 25 minutes after the arrest. The confession was reduced to typewritten form and signed and witnessed by 3:45 p.m. Thus it took an hour for the oral confession to be given, a typist from another office to be located and secured, the statement to be typed, read, signed and witnessed. Then, about 20 minutes later, Muschette was taken before the Commissioner. Thus the total time lapse between arrest and presentment was about an hour and 35 to 45 minutes.

Certainly the 25 minutes—which included the 15-minute ride to the station house—between Muschette's arrest and the beginning of his oral admission of guilt involved no delay. And, as we said in the *Heideman* case,³ "Delay after a confession is less crucial than delay before a confession." Even so, the time here, which encompassed not only the typing, etc., but the administrative routine of charging, booking, fingerprinting, etc., indicates no delay.

Evaluations of situations such as this should be realistic. The extraction of a confession by whatever means is outlawed and its products are not admissible in a court of law. But the "Mallory Rule" is not a carpenter's measuring stick to be used by merely laying it alongside the material to be evaluated. It was not intended, we think, to be a mechanical rule that in all instances the mere passage of a given length of time would require the rejection of a confession. The problem is not to be solved by watching the clock; the solution is to be reached by determining whether the delay which occurred was in fact unnecessary when the sum total of the circumstances shown is considered.

³ *Heideman v. United States*, 104 U. S. App. D. C. 128, 130, 259 F. (2d) 943, 945 (1958), *cert. denied* 359 U. S. 959 (1959).