

We emphasize that this record contains no suggestion that the confessions were extracted by questioning. Muschette did not claim they were. He said they were beaten out of him; but the jury did not believe him, so that problem is not for us.

We comment further that the typing and signing of a confession voluntarily given is not always and exclusively a detriment to the accused because, once written, his statement cannot be changed by his accusers. Written versions of statements by prospective witnesses are well-nigh universal practice. What the witness—or an accused—said is not thereafter the subject of convenient recollection. So the typing of a voluntary confession is neither unnecessary or unreasonable. We think that in the present case it was proper procedure.

We think the one hour and 20 minutes occupied by the various activities described here was not, under the circumstances, unreasonable and cannot properly be characterized as unnecessary. We are quite clear that there was no unnecessary delay in presenting Muschette to a committing magistrate within the meaning of Criminal Rule 5(a) as construed by the *Mallory* holding of the Supreme Court.

Affirmed.

WRIGHT, *Circuit Judge, dissenting*: In *McNabb v. United States*, 318 U.S. 332, 343-344 (1943), the Supreme Court, in applying former 18 U.S.C. § 595, the predecessor statute to Rule 5(a), F.R.Crim.P.,¹ stated:

“The purpose of this impressively pervasive re-

¹ Rule 5(a), in pertinent part, provides: “An officer making an arrest * * * shall take the arrested person without unnecessary delay before the nearest available commissioner * * *.”