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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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CORLEY *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 07–10441. Argued January 21, 2009—Decided April 6, 2009

McNabb v. *United States*, 318 U. S. 332, and *Mallory* v. *United States*, 354 U. S. 449, "generally rende[r] inadmissible confessions made during periods of detention that violat[e] the prompt presentment requirement of [Federal Rule of Criminal Procedure] 5(a)." *United States* v. *Alvarez-Sanchez*, 511 U. S. 350, 354. Rule 5(a), in turn, provides that a "person making an arrest . . . must take the defendant without unnecessary delay before a magistrate judge . . . ." Congress enacted 18 U. S. C. §3501 in response to *Miranda* v. *Arizona*, 384 U. S. 436, and some applications of the *McNabb-Mallory* rule. In an attempt to eliminate *Miranda*, §3501(a) provides that "a confession . . . shall be admissible in evidence if it is voluntarily given," and §3501(b) lists several considerations for courts to address in assessing voluntariness. Subsection (c), which focuses on *McNabb-Mallory*, provides that "a confession made . . . by . . . a defendant . . . , while . . . under arrest . . . , shall not be inadmissible solely because of delay in bringing such person before a magistrate judge . . . if such confession is found by the trial judge to have been made voluntarily and . . . within six hours [of arrest]"; it extends that time limit when further delay is "reasonable considering the means of transportation and the distance to . . . the nearest available [magistrate]."

Petitioner Corley was arrested for assaulting a federal officer at about 8 a.m. Around 11:45 FBI agents took him to a Philadelphia hospital to treat a minor injury. At 3:30 p.m. he was taken from the hospital to the local FBI office and told that he was a suspect in a bank robbery. Though the office was in the same building as the nearest magistrate judges, the agents did not bring him before a magistrate judge, but questioned him, hoping for a confession. At 5:27 p.m., some 9.5 hours after his arrest, Corley began an oral con-

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fession that he robbed the bank. He asked for a break at 6:30 and was held overnight. The interrogation resumed the next morning, ending with his signed written confession. He was finally presented to a Magistrate Judge at 1:30 p.m., 29.5 hours after his arrest, and charged with armed bank robbery and related charges. The District Court denied his motion to suppress his confessions under Rule 5(a) and *McNabb-Mallory*. It reasoned that the oral confession occurred within §3501(c)'s six-hour window because the time of Corley's medical treatment should be excluded from the delay. It also found the written confession admissible, explaining there was no unreasonable delay under Rule 5(a) because Corley had requested the break. He was convicted of conspiracy and bank robbery. The Third Circuit affirmed. Relying on Circuit precedent to the effect that §3501 abrogated *McNabb-Mallory* and replaced it with a pure voluntariness test, it concluded that if a district court found a confession voluntary after considering the points listed in §3501(b), it would be admissible, even if the presentment delay was unreasonable.

Held: Section 3501 modified *McNabb-Mallory* but did not supplant it. Pp. 8–18.

(a) The Government claims that because §3501(a) makes a confession "admissible" "if it is voluntarily given," it entirely eliminates *McNabb-Mallory* with its bar to admitting even a voluntary confession if given during an unreasonable presentment delay. Corley argues that §3501(a) was only meant to overrule *Miranda,* and notes that only §3501(c) touches on *McNabb-Mallory,* making the rule inapplicable to confessions given within six hours of an arrest. He has the better argument. Pp. 8–16.

(1) The Government's reading renders §3501(c) nonsensical and superfluous. If subsection (a) really meant that any voluntary confession was admissible, then subsection (c) would add nothing; if a confession was "made voluntarily" it would be admissible, period, and never "inadmissible solely because of delay," even a delay beyond six hours. The Government's reading is thus at odds with the basic interpretive canon that " '[a] statute should be construed [to give effect] to all its provisions, so that no part will be inoperative or superfluous, void or insignificant.' " *Hibbs* v. *Winn*, 542 U. S. 88, 101. The Government claims that in providing that a confession "shall not be admissible," Congress meant that a confession "shall not be [involuntary]." Thus read, (c) would specify a bright-line rule applying (a) to cases of delay: it would tell courts that delay alone does not make a confession involuntary unless the delay exceeds six hours. But " 'Congress did not write the statute that way.' " *Russello* v. *United States*, 464 U. S. 16, 23. The terms "inadmissible" and "involuntary" are not synonymous. Congress used both in (c), and this Court

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"would not presume to ascribe this difference to a simple mistake in draftsmanship." *Ibid.* There is also every reason to believe that Congress used the distinct terms deliberately, specifying two criteria that must be satisfied to prevent a confession from being "inadmissible solely because of delay": the confession must be "[1] made voluntarily and . . . [2] within six hours [of arrest]." Moreover, under the *McNabb-Mallory* rule, "inadmissible" and "involuntary" mean different things. Corley's position, in contrast, gives effect to both (c) and (a), by reading (a) as overruling *Miranda* and (c) as qualifying *McNabb-Mallory*. The Government's counterargument—that Corley's reading would also create a conflict, since (a) makes all voluntary confessions admissible while (c) would leave some voluntary confessions inadmissible—falls short. First, (a) is a broad directive while (c) aims only at *McNabb-Mallory*, and "a more specific statute [is] given precedence over a more general one." *Busic* v. *United States*, 446 U. S. 398, 406. Second, reading (a) to create a conflict with (c) not only would make (c) superfluous, but would also create conflicts with so many other Rules of Evidence that the subsection cannot possibly be given its literal scope. Pp. 8–12.

(2) The legislative history strongly favors Corley's reading. The Government points to nothing in this history supporting its contrary view. Pp. 13–15.

(3) The Government's position would leave the Rule 5 presentment requirement without teeth, for if there is no *McNabb-Mallory* there is no apparent remedy for a presentment delay. The prompt presentment requirement is not just an administrative nicety. It dates back to the common law. Under Rule 5, presentment is the point at which the judge must take several key steps to foreclose Government overreaching: *e.g.,* informing the defendant of the charges against him and giving the defendant a chance to consult with counsel. Without *McNabb-Mallory*, federal agents would be free to question suspects for extended periods before bringing them out in the open, even though "custodial police interrogation, by its very nature, isolates and pressures the individual," *Dickerson* v. *United States*, 530 U. S. 428, 435, inducing people to confess to crimes they never committed. Pp. 15–16.

(b) There is no merit to the Government's fallback claim that even if §3501 preserved a limited version of *McNabb-Mallory*, Congress cut it out by enacting Federal Rule of Evidence 402, which provides that "[a]ll relevant evidence is admissible, except as otherwise provided by the Constitution of the United States, by Act of Congress, by these rules, or by other rules prescribed by the Supreme Court . . . ." The Advisory Committee's Notes expressly identified *McNabb-Mallory* as a statutorily authorized rule that would survive Rule 402, and the

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Government has previously conceded before this Court that Rule 402 preserved *McNabb-Mallory*. Pp. 16–18.

500 F. 3d 210, vacated and remanded.

SOUTER, J., delivered the opinion of the Court, in which STEVENS, KENNEDY, GINSBURG, and BREYER, JJ., joined. ALITO, J., filed a dissenting opinion, in which ROBERTS, C. J., and SCALIA and THOMAS, JJ., joined.