SUPREME COURT OF THE UNITED STATES

No. 92–1812

UNITED STATES, PETITIONER *v.* PEDRO ALVAREZ-SANCHEZ

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

[May 2, 1994]

JUSTICE STEVENS, concurring in the judgment.

The Court holds that §3501(c) "does not apply to statements made by a person who is being held solely on state charges." *Ante*, at 1. While I agree with the Court's answer to the narrow question the petition for certiorari presents,[1] I write separately to emphasize the importance of the factual premise underlying that answer.

As the case comes to us, it is undisputed that respondent confessed while he was being held on state charges alone. 975 F. 2d 1396, 1398 (CA9 1992). Accepting that, the Court of Appeals held that the confession nevertheless must be suppressed because it read the phrase "detention in the custody of any law-enforcement officer or law-enforcement agency" in 18 U. S. C. §3501(c) to include custody solely on state charges. *Id.*, at 1405. The Court of Appeals therefore had no occasion to consider whether the state police officers'

[1]The question presented is "Whether a confession given to federal authorities while a suspect is in state custody awaiting arraignment on state charges must be suppressed as a result of delay between the suspect's original arrest by state authorities and his eventual presentment on the federal crime to which he confessed." Pet. for Cert. I.

awareness of respondent's probable involvement in two federal crimes[2] might indicate that the state charges were not the sole basis for his detention.

In its petition for certiorari the Government correctly advised us that "[r]eversal of the Ninth Circuit's erroneous conclusion that the relevant arrest was effected by California authorities will obviate the need to consider" additional issues. Pet. for Cert. 13. Accordingly, what sort of cooperation between federal and local authorities would remove a case from the category in which the custody is decidedly on state charges alone is a question not before us, and the Court correctly declines to address the matter. Surely, however, cases in which cooperation between state and federal authorities requires compliance with the terms of §3501(c) are not merely hypothetical examples of a "presumably rare scenario," *ante*, at 9. And I definitely would not assume that §3501(c) will never "come into play" until a suspect is arrested on a federal charge. *Ibid.*

The Court also has no reason to comment on the District Court's finding that respondent's confession was not the product of collusion between state and federal agents. *Ante*, at 10. The Court of Appeals' construction of the statute made review of that finding unnecessary. Thus while the Court rightly declines to "disturb" the factual finding, *ibid.*, it should likewise stop short of suggesting that anyone on this Court has determined that the finding is either

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[2]Los Angeles police officers took respondent into custody on a Friday. 975 F. 2d 1396, 1397–1398 (CA9 1992). At the time of arrest, those officers discovered that respondent possessed two kinds of contraband—narcotics and counterfeit money, *id.*, at 1398—and they presumably realized that he was guilty of at least two fed-
eral offenses as well as the state law violation for which he was arrested.

correct or incorrect.

For these reasons, I concur in the Court's judgment but do not join its opinion.