

IDENTIFICATION TESTIMONY – LINE-UP

You have heard testimony that (witness)_____ identified (Def)_____ as the person [he] [she] saw at the scene of the alleged offense. According to the testimony, (witness)_____ identified (Def)_____ from [an array of photographs] [a line-up]. This evidence of identification is presented to you as an expression of belief or impression by each witness called on this issue. Its value depends on (witness)_____’s ability to observe the suspect at the time of the alleged offense, and to make a reliable identification later. You may consider both the strength of the identification and the circumstances under which it was made.

One factor to consider is the length of time that elapsed between the occurrence of the alleged offense, and (witness)_____’s next opportunity to see (Def)_____ or a photograph of [him] [her]. You may also take into account that an identification based on selecting from a group of similar individuals is generally more reliable than one which results from presenting a single suspect to the witness. If (witness)_____ has identified (Def)_____ from [an array of photographs] [a line-up], you should consider such circumstances as the number of [photographs] [individuals] who were presented to [him] [her], and any suggestions that were made at the time. If you find that (witness)_____’s identification of (Def)_____ was influenced by the circumstances under which [he] [she] was asked to identify the suspect, then you should scrutinize the identification with great care.

Finally, you must weigh the testimony of each identification witness in the same way that you would weigh the testimony of any witness. You should consider whether you find the witness to be generally truthful, and whether the witness had both the capacity and opportunity to make reliable observations regarding the identification.