

ASSIGNMENT #5

Based upon the statement of the police officer from the 44th Precinct, Detective Crowley decides to assemble a photo array including Randolph. He decides not to put together a photo array involving Mead because he committed his crimes in upper Manhattan. Crowley shows the photo array to each of the witnesses who provided a description of the assailant. None of these eyewitnesses makes a positive identification. Finally, Crowley shows the photo array to Cruz. Although Cruz is heavily sedated (indeed, we will later learn that Cruz will have no memory of this identification procedure), in response to Crowley's question, Cruz identifies the photo of Randolph as the man who shot him. Cruz, however, is too incapacitated to sign the photo array. So, Crowley signs it for him.

In addition, you check Randolph's prints with the recovered prints from the cab. They do not match.

What do you do next? Can you legally arrest Randolph at this point? What further investigative procedures should you pursue?

Finally, you are to prepare a brief research memorandum of law on whether the photo array meets constitutional standards. You have access to Westlaw on the MSU website. The memo is a group assignment. Each group only has to submit one memo for the entire group.

To assist you in your research, please also read Chapter 12 in Henning's textbook with particular emphasis on identification procedures.



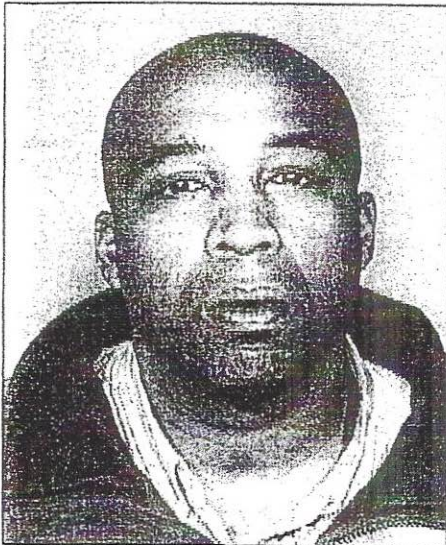
New York City Police Department



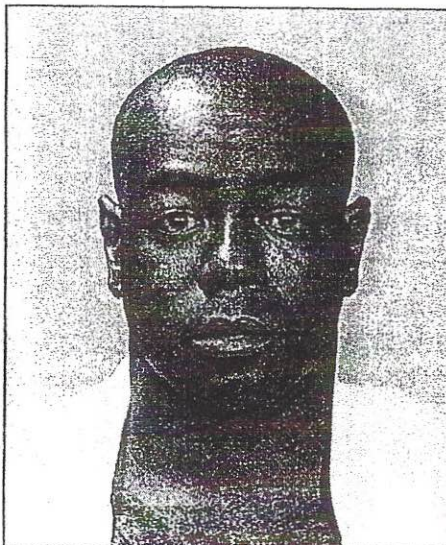
Photographic Line-Up

48181

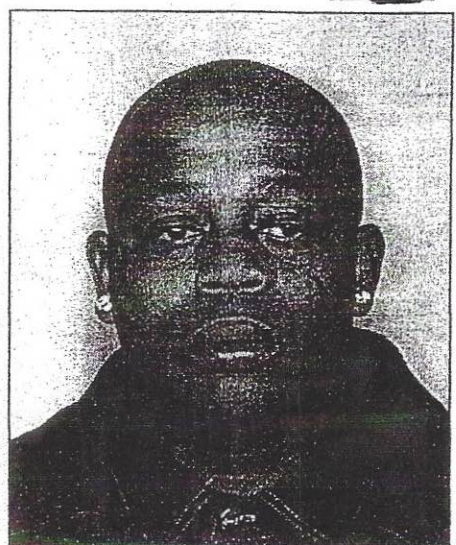
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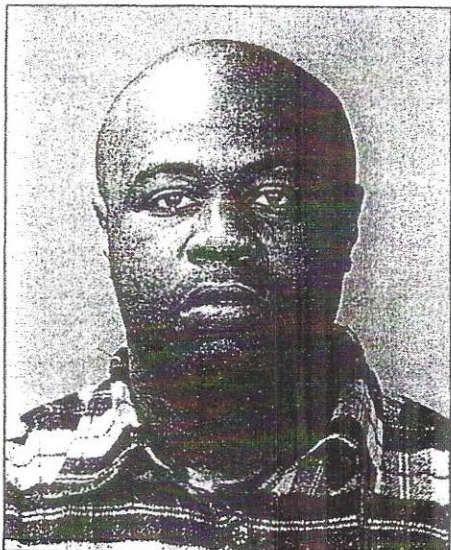
1 _____



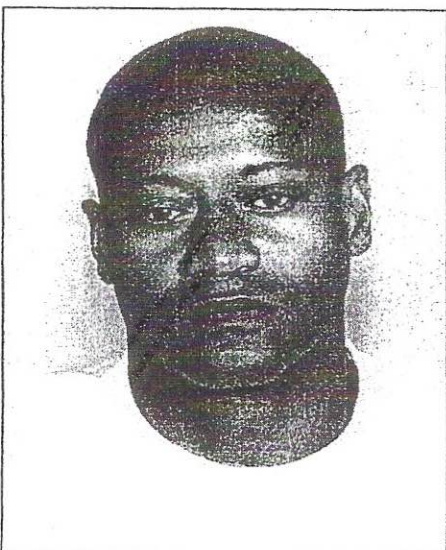
2 _____



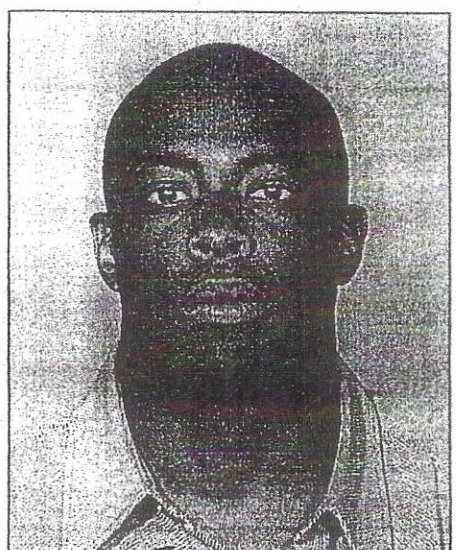
3 _____



4 _____



5 _____



6 Quito Cruz

Identification made :

YES

NO

Photo selected :

6

Date of Identification :

7/3/18 1500

Initialed by the witness :

WC

~~REDACTED~~