

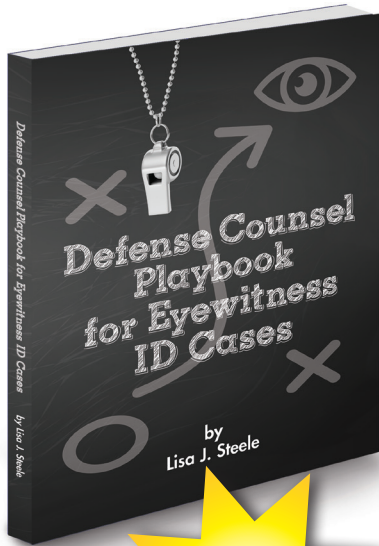
# Defense Counsel Playbook for Eyewitness ID Cases

## SUMMARY:

A witness who with utter confidence identifies the defendant as the culprit in a crime is devastating evidence in the police investigation, and at trial. The exoneration cases have warned for decades that witnesses can be sincere, confident, and wrong, and in many jurisdictions the law has yet to catch up to these developments.

NACDL's Defense Counsel Playbook for Eyewitness ID Cases was, in part, written to help counsel use existing case law to its strongest advantage, and to create a framework for appellate challenges urging courts to adopt leading cases from Connecticut, Massachusetts, New Jersey, Oregon, and more. This Playbook is not a scientific treatise, but a practice guide to preparing and litigating an identification case from discovery to post-conviction with pointers to statutes, reports, and leading cases from across the country.

This resource will take counsel through the most common perception and memory problem: the witness who mistakenly identifies an innocent person as the culprit in a crime. It is not limited just to identification cases. In every case, counsel confronts witnesses who saw or heard things in the past and want to testify about them in the present.



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