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# DPS TRAINING BULLETIN

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LEGAL BULLETIN NO. 133  
April 28, 1989

## VOICE IDENTIFICATION LINEUP

Reference: William C. White  
v.  
State of Alaska

Alaska Court of Appeals  
Opinion No. 931  
P.2d  
April 21, 1989

### FACTS:

At 10:15 p.m. on April 1, 1989, a 17-year-old female answered a knock on the door of the trailer where she resided with her mother. A man wearing a ski mask and carrying a gun forced his way in. The man asked to see her "old man" and demanded that she and her mother "give him the dope." The intruder was under the mistaken impression that a male drug dealer lived in the trailer. The intruder taped the mother with duct tape and took the daughter to the bedroom, where she was also bound with duct tape. The subject repeatedly asked for drugs and even searched the trailer. The intruder then sexually assaulted the daughter. After he left, the daughter was able to free herself and she called police. Both mother and daughter told police they could identify his voice if they ever heard it again.

White was developed as a suspect and arrested. A voice lineup was arranged through the joint efforts of police and White's attorney. A room was arranged for the voice lineup--a partition in the middle of the room separated the two women from the participants. Six participants, including White and the police chief, were used and all were required to make nine statements known to have been made by the subject during the incident. Each participant read all nine statements twice. The first time White read the statements, both women looked at each other and nodded their heads affirmatively. The second time White read the statements, both women nodded again. They both stated they were positive that the voice they identified was the voice of the intruder.

### ISSUE:

Was the voice lineup procedure unnecessarily suggestive, thus violating White's due-process rights?

HELD: No.

REASONING:

1. The fact that the police chief participated in the voice lineup did not render it unduly suggestive.

2. Although it appears that both women glanced at each other as they made their initial identification of White, neither victim verbalized her thoughts. It appears that both women recognized the voice immediately and independently of each other.

3. Although placing witnesses together during a lineup is not recommended, it was not unduly prejudicial in this case (emphasis added).

NOTES:

The court addressed other issues in this case, including ineffective assistance of counsel and the fact that all participants used in the voice lineup were Caucasian with the exception of White, who is Black. The court ruled in favor of the State.

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Add this case to Section O, page 12, of your Contents and to Section O, page 2, of Text. File Legal Bulletin No. 133 numerically under Section R of the manual.