



DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 302

November 29, 2005

SHOW-UP

Reference: Jonathan L. Anderson Alaska Court of Appeals
v. Opinion No. 2020
State of Alaska _____ P.3d _____
November 25, 2005

FACTS:

Anderson and a female companion broke into a home shared by a couple. Anderson pointed a gun at the couple and demanded money. When the male did not immediately comply, Anderson shot him in the neck. The male victim surrendered all of his available money and Anderson and his female accomplice fled the scene in a brown sedan. Anchorage police located the sedan and chased it. During the chase, Anderson tossed various articles out of the car, including the handgun used in the shooting.

The vehicle was ultimately stopped and Anderson and his female companion, Angela Engstrom, were taken into custody. Police transported N.B., the female victim, to the place where Anderson (in handcuffs) and Engstrom were taken into custody. N.B. identified Anderson as the man who broke into the house and shot and robbed her boyfriend; she could not, however, identify Engstrom as the woman who accompanied Anderson.

Anderson was convicted and appealed. Several issues were raised in the appeal, but this Bulletin will only address the "show-up."

ISSUE:

Was this identification procedure (the "show-up") unlawfully suggestive of Anderson's guilt?

HELD: No--the need for quick police outwork outweighed the inherent suggestiveness of the one-person lineup.

REASONING:

1. When a defendant challenges the admissibility of an identification made during a show-up, the court must first determine whether, under the circumstances, it was necessary for police to resort to this type of suggestive identification procedure.

2. In Anderson's case, a violent crime had been committed some thirty minutes before and the suspect was at large. By bringing N.B. to the scene of the traffic stop, police could either, (a) positively identify Anderson as the man they were looking for, or (b) eliminate Anderson as a suspect so officers could resume investigative efforts and search of the city for a similar brown sedan. (emphasis added)

3. Even though Anderson and Engstrom were displayed to N.B. in virtually identical ways, N.B. positively identified Anderson but told police she could not identify Engstrom. This fact supports the judicial consensus that a typical show-up is not so suggestive as to violate the guarantee of due process of law--that a resulting identification is the product of suggestion rather than memory.

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