

STATE OF MICHIGAN
WAYNE COUNTY CIRCUIT COURT
CRIMINAL DIVISION

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

-vs-

Case # 98-68957

Hon. Timothy Kenny

RAYMONT JEFFERSON,

Defendant.

Patricia Leonard, Wayne County Prosecutor
Wayne County Prosecutor's Office
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MOTION TO SUPPRESS IDENTIFICATION
AND FOR EVIDENTIARY HEARING

Now comes Raymont Jefferson, by and through his attorney Steven Fishman, and in support of his motion to suppress identification states as follows:

1. Defendant Jefferson is charged with first-degree murder in connection with the homicide of a Detroit schoolteacher, Evelyn Jackson.
2. At the preliminary examination, witness Alma Wilson identified Defendant Jefferson as the man she saw visiting Ms. Jackson at her school on the morning of May 12, 1998.
3. Ms. Wilson also testified that on May 21, 1998, she was shown a photograph of

Defendant Jefferson by a Detroit Police homicide officer, and made a tentative identification (“He looks like the man”).

4. Defendant Jefferson was clearly a suspect at the time the photograph was shown to Ms. Wilson.

5. Defendant contends that the photographic identification procedure violated his constitutional right to due process of law. People v Anderson, 389 Mich 155 (1973); People v Kachar, 400 Mich 78, 91 (1977).

6. Defendant further contends that the out-of-court photographic identification procedure was so impermissibly suggestive as to irreparably taint Ms. Wilson’s in-court identification, thus requiring suppression of same. People v Kachar, supra.

7. The prosecution has the burden of proving by clear and convincing evidence that the in-court identification was made on some basis other than the improper pretrial procedure. People v Kachar, supra; People v Lafayette, 138 Mich App 380 (1984).

8. An evidentiary hearing is necessary to inquire into the facts and circumstances surrounding the photographic identification procedure.

9. The prosecution should produce the witness Alma Wilson, the officer who showed her Defendant’s photograph, and any other officer who participated in the photographic identification procedure to testify at said hearing.

WHEREFORE, Defendant Jefferson requests that this Court grant his motion to suppress identification, after first conducting an evidentiary hearing to inquire into the facts and circumstances surrounding said identification.