

# Criminal eve 7

Law



**ASSIGN  
BUSTER**

Criminal eve 7 Affiliation: Should the womans in-court identification be allowed as evidence? Why or why not?

The woman's in-court identification should be allowed as evidence because prior identification of the defendant had already been made by the woman in a police line-up before they had gone to court. The woman who is the key witness in this case after being attacked had seen clearly the robber and hence positively identified him during the line-up. If the case was being tried in the United States Courts, the law to be used to prove that the woman's in-court identification of the man who robbed her would be tried under the Federal Rules of Evidence as provided by the federal government. If elsewhere, then the Evidence Act would be applicable, but whichever law is used, the conclusion still remains that the woman's in-court identification should be allowed as evidence.

The other reason for allowing the in-court identification is that the woman had personally seen the robber and reported and hence her testimony as a witness and identification cannot qualify to be termed as hearsay according to article VIII of the Federal rules of evidence. Other than identification of the robber in the police line-up, the woman later recognized him in a photograph shown to her by the police prior to the case being taken to court. This according to article VII of the Federal Rules of Evidence is one of the evidence that the woman's testimony and identification was based on facts and not opinion (United States, 2011).

#### References

United States. (2011). Federal Rules of Evidence. Tennessee: General Books.