

INTRODUCTORY HIGHLIGHTS

Eyewitness Identification provides access to recent cases and interpretations of eyewitness identification law. Coverage includes the due process test for eyewitness identification, exclusionary sanctions in identification cases, photo and voice identification, and independent source and reliability factors. Also addressed is tainted identification, compulsory appearance for identification, procedural issues, standards of fairness, and cross-examination of eyewitnesses at trial. New features and recent developments in this **2026** Edition include:

- Federal courts find that cross-examination, jury instructions, and adversarial proceedings sufficiently guard against unreliable identification evidence, as confirmed in *Perry v. New Hampshire*.
- The Tenth Circuit in *United States v. O’Neil*, emphasized that “evidentiary reliability is traditionally a question for the jury and other due-process protections are in place that limit the weight the jury attributes to evidence that may be unreliable.”
- In *United States v. Harper*, the Eighth Circuit confirmed that courts focus on “reliability” when assessing eyewitness identification.
- Federal courts provide comprehensive jury instructions that highlight factors affecting eyewitness reliability without the need for expert testimony.

The Publisher’s Staff