

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

TAUNTON
DOCKET NUMBER :

Commonwealth

v.

Motion for Nonsuggestive Identification Procedure
attempted selection of defendant from courtroom audience

The defendant in the above-entitled matter moves that this Honorable Court permit the defendant to remain seated in the courtroom during and the police officer and any other identification witness(es), and that they not be asked to select him from the courtroom audience.

Additionally the defendant requests that this case be called early enough in the day so as to ensure that there are enough spectators in the courtroom to conduct the nonsuggestive procedure.

For authority to grant such motion, see *Commonwealth v. Jones*, 375 Mass. 349, 377 N.E.2d 903, 908 (1978); *Moore v. Illinois*, 434 U.S. 220, 230 n. 5, 98 S.Ct. 458, 465 n. 5, 54 L.Ed.2d 424 (1977).

By His Attorney,

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