

### **3.1 Scope of Chapter**

This chapter guides attorneys in protecting their clients against misidentifications. Counsel should ensure that procedures used to identify a client are lawful and insulated from suggestibility. Chapter 3 reviews the standards on unduly suggestive and thus unreliable identifications based on the due process clauses in the Fourteenth Amendment to the U.S. Constitution and article I, section 19 of the North Carolina Constitution, as well as the additional protections found in the North Carolina Eyewitness Identification Reform Act, G.S. 15A-284.50 through G.S. 15A-284.53, which regulates live lineups and photo identification procedures. This chapter also addresses the procedures for raising claims of a violation, including the evidentiary showing required, the procedures for obtaining expert assistance when needed, and the type of relief available.