

10/01/2010 "See News Release 067 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 2010-KK-1026

STATE OF LOUISIANA

VERSUS

DELOYD JONES

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FOURTH CIRCUIT,
PARISH OF ORLEANS**

WEIMER, J., dissents

In suppressing the identification in this case, the district court carefully considered the factors outlined in **Manson v. Brathwaite**, 432 U.S. 98, 97 S.Ct. 2243, 53 L.Ed.2d 140 (1977), and articulated the reasons why she concluded the identification was suggestive and there was a likelihood of misidentification as a result of the identification procedure. The standard of review of a district court's ruling on the admissibility of identification evidence is abuse of discretion. **State v. Bickham**, 404 So.2d 929 (La. 1981). Applying that standard in this case, I find the district court's ruling, which was based on the court's ability to view first hand the photographs used in the line-up identification and to assess the credibility of the witnesses, was within the court's discretion. The State's application for writ of certiorari should be denied.