

Can a Victim Identify a Suspect Simply by Blinking?

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Crime victims are often called upon to identify the perpetrator. In fact, eyewitness testimony is used in approximately eighty thousand cases each year.

Law enforcement can use a number of different [tools to identify suspects](#). In many cases, a witness or victim will be asked to identify the suspect from a given lineup of several individuals. When the eyewitness makes a positive identification, he or she traditionally does so verbally or in writing. But what about blinking?

In a criminal trial currently underway in Ohio, prosecutors will introduce a videotaped police interview with David Chandler, who was shot in the head and neck. Lying paralyzed in his hospital bed, Chandler was shown photographs and identified his assailant by blinking his eyes three times.

[Defense attorneys](#) routinely try to discredit the reliability of eyewitness testimony, even when provided in the best circumstances. In this case, the defense attorneys argued that police officers misinterpreted the victim's eye movement. They also contended that the Chandler's injuries and medication could have interfered with his ability to understand and respond to the officer's directions.

However, the judge presiding over the trial has already ruled that the evidence is admissible, noting that Chandler made "pronounced, exaggerated" eye movements. "I find from the totality on the circumstances based on Ohio law and the facts as I found them that the identification is reliable and there is not a substantial likelihood of misidentification," the judge ruled.

Now, it will ultimately be up to the jury to decide.