

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 21-cr-28-APM
	:	
v.	:	
	:	
KELLY MEGGS (8),	:	
	:	
Defendant.	:	

**GOVERNMENT’S RESPONSE TO DEFENDANT KELLY MEGGS’S
MOTION TO SUPPRESS IDENTIFICATION**

The government agrees to not seek to introduce, in its case-in-chief, Officer Dunn’s out-of-court identification of Defendant Kelly Meggs in a single-photograph procedure. However, the government submits that, at trial, it may seek to elicit from Officer Dunn an in-court identification of Defendant Kelly Meggs, so long as the government elicits sufficient indicia of reliability, including Officer Dunn’s expression of an ability to identify the defendant with confidence. *See United States v. Morgan*, 248 F. Supp. 3d 208, 214-15 (D.D.C. 2017) (holding that the government would be permitted to seek to elicit an in-court identification of the defendant, “so that the jury can evaluate its reliability”).

Respectfully submitted,

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