# CAPTION: STATE V. HENDERSON

**03-01-23**

APPEAL NO.: C-220216

TRIAL NO.: 22TRD-4824

KEY WORDS: AUTOMOBILES/CRIMINAL — COUNSEL — IDENTIFICATION —

EVIDENCE — SUFFICIENCY AND WEIGHT

SUMMARY:

Defendant failed to establish an ineffective-assistance-of-counsel claim for failure to file a motion to suppress identification evidence because it was unlikely that the motion, if filed, would have been granted, notwithstanding the use of an unnecessarily suggestive identification procedure, because based on the totality of the circumstances, including that the police officer who made the identification had a good look at defendant while pursuing him during an investigation, the officer’s prior description was accurate and consistent with the photo he was shown only one day after the incident, and the officer was “[one] hundred percent” certain of his identification, the identification was reliable and trustworthy.

Defendant’s convictions for driving with expired license plates, driving under suspension, and failing to stop after an accident were supported by sufficient evidence and were not against the manifest weight of the evidence where identification testimony that defendant was the driver of a vehicle involved in the offenses was reliable and credible.

JUDGMENT: AFFIRMED

JUDGES: OPINION by WINKLER, J.; CROUSE, P.J., and BOCK, J., CONCUR.