

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

SUPERIOR COURT  
DOCKET # 1872CR00009

COMMONWEALTH

v.

ANTHONY BARROWS

**DEFENDANT'S MOTION TO RECONSIDER THIS COURT'S DENIAL OF  
BARROWS' MOTION TO SUPPRESS EYEWITNESS IDENTIFICATION  
AND INCORPORATED MEMORANDUM OF LAW**

Now comes the defendant, Anthony Barrows, and respectfully requests that this Honorable Court reconsider its previous order denying Barrows' Motion to Suppress Eyewitness Identification, pursuant to Mass. R.Crim.P. 13. In support thereof, new evidence has come to light that renders the identification procedure unduly suggestive in violation Barrows' rights under the Fourth and Fourteenth Amendment and Article XII and XIV. See Commonwealth v. Walker, 460 Mass. 590, 599 (2011); Commonwealth v. Gomes, 470 Mass. 352 (2015); Commonwealth v. Bastaldo, 472 Mass. 16 (2015); Commonwealth v. Johnson, 473 Mass. 594 (2016); Commonwealth v. Collins, 470 Mass. 255 (2014); Commonwealth v. Crayton, 470 Mass. 228 (2014); Perry v. New Hampshire, 132 S.Ct. 716 (2012); Manson v. Brathwaite, 432 U.S. 988 (1977); Wong Sun v. United States, 371 U.S. 471 (1963).

Since the original hearing on Barrows' Motion to Suppress, it has come to light that Wicks viewed photos of Barrows on Facebook prior to meeting with officers to conduct a photo array. Wicks also now claims that despite prior assertions that she had never seen Barrows prior to the night of the incident and that she only knew the person as "Big Ant" because she heard people refer to him as that name on the night of the incident, she now claims she has known Barrows all along, and has always known him as "Anthony Barrows." The "unduly suggestive

*After hearing, must additional findings of fact be made. Second, the motion must be supported in ALL WAYS. The court cannot identify a witness in a photo array unless the witness is positively identified. The court cannot identify a witness in a photo array unless the witness is positively identified. Dkt. # 1872CR00009*