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mistaken but whether any possible mistake was or would be the product of improper suggestions made by the police Under Massachusetts law an out of court identification may also be suppressed if it violates common law principles of fairness A judge may suppress an identification if it resulted from a highly or especially suggestive confrontation with the defendant even though not brought about by the police or if it is so unreliable that the danger of unfair prejudice substantially outweighs its probative value Previous Edition Handbook of Massachusetts Evidence 2020 Edition ISBN 9781543810516

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