

In People v. Anderson <http://www.victimsofthestate.org/MI/Clark1.htm#Nasir>

## 03/27/73 PEOPLE v. ANDERSON

SUPREME COURT OF MICHIGAN

[http://mi.findacase.com/research/wfrmDocViewer.aspx/xq/fac.19730327\\_0006.MI.htm/qx](http://mi.findacase.com/research/wfrmDocViewer.aspx/xq/fac.19730327_0006.MI.htm/qx)

### 1. Louis Nasir

The case of Louis Nasir illustrates one of the reasons that cases of erroneous conviction are difficult to ferret out—the evidence offered and the testimony of eyewitnesses is no different, but to the contrary, the case is indistinguishable from cases of correct identification. The innocence of the convicted man comes to light not from the record or proof itself but, as in the Nasir case, by the confession of a criminal who is later arrested for an unrelated crime. In fact in the Nasir case, this might not even have happened except for the diligent post-trial investigation by the Warren Police Department, the Macomb Prosecutor's Office and court-appointed counsel.

Louis Nasir was once arrested for commission of a crime as the result of mistaken identification. *\*198* Although no charges were brought his picture was taken and found its way into the 'mug book.' Several years later in May of 1965, a bandit wearing wraparound sunglasses and a straw hat held up a credit union in Warren and escaped with almost \$5,000.00. There were three witnesses, the manager, an employee named Dimples Anderson and a credit union customer. On the afternoon of the robbery the manager and Dimples were unable to select anyone from a mug book and were unable to select anyone from a lineup in which Louis Nasir was not present. The day after the robbery the manager and the employee picked Nasir from a mug book and also picked him in a one-man 'show-up' from behind a one-way glass. On the following Monday all three witnesses picked Nasir from a lineup that did not appear unfair in itself from the record, absent any prior suggestion in the one-man photo show-up or any suggestion that may have occurred in the use of photographs.

Nasir was tried for robbery and the sole issue was identification. Despite the testimony of six witnesses who said they saw Nasir at work the day of the robbery, the jury believed the identification testimony of the credit union manager, Dimples Anderson and the customer and returned a verdict of guilty. Nasir was sentenced to serve 7 to 20 years in prison.

The court-appointed attorney who was to prosecute the appeal was convinced of Nasir's innocence and enlisted the aid of the two detectives who helped convict Nasir. Working together, the three men found the man who confessed to being an accomplice to the crime. The real robber, who resembled Nasir, had been shot to death in February, *\*\*483* 1966. A friend of the dead man, who was serving time in Jackson, corroborated the story by *\*199* revealing that the crime had been admitted to him before the death of the real culprit.<sup>6</sup>

An hour after Nasir took lie detector tests he was freed on bond pending a new trial and the charges were dismissed on motion of the prosecutor. Nasir had spent 375 days in prison.

One of the ironies of the case is the absolute certainty of the witnesses regarding their identification of Nasir. Dimples Anderson, for example, testified that she had no doubt whatsoever about the identity of the man:

'Q. It's possible that you could have made a mistake today?

'A. No.

'Q. If you should find out later-if I were to tell you-. . . that this man could not have possibly been there, would you say that you could be mistaken?'7



<http://www.victimsofthestate.org/Name/N1.html>

**Macomb County, MI**

**Louis Abraham Nasir**

**May 1965 (Warren)**

“Louis Nasir was once arrested for commission of a crime as the result of mistaken identification. Although no charges were brought his picture was taken and found its way into the ‘mug book.’ Several years later in May of 1965, a bandit wearing wraparound sunglasses and a straw hat held up a credit union in Warren and escaped with almost \$5,000.00. There were three witnesses, the manager, an employee named Dimples Anderson and a credit union customer. On the afternoon of the robbery the manager and Dimples were unable to select anyone from a mug book and were unable to select anyone from a lineup in which Louis Nasir was not present. The day after the robbery the manager and the employee picked Nasir from a mug book and also picked him in a one-man ‘show-up’ from behind a one-way glass. On the following Monday all three witnesses picked Nasir from a lineup that did not appear unfair in itself from the record, absent any prior suggestion in the one-man photo show-up or any suggestion that may have occurred in the use of photographs.”

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\*The credit union customer turned out to be involved in the robbery and admitted his perjured testimony. However, this witness had no impact or contact with the other two witnesses who made their ‘positive’ and unshakable identifications 3 times before the customer was even available to view a lineup.

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