

Neely, J., dissenting:

The appellant is probably guilty, but he is not guilty beyond a reasonable doubt. The fact that the appellant is a lower class black male is no reason to treat him like meat on its way to dressing and processing. Obviously the Parkersburg police woodshedded the witnesses and it was reversible error to fail to let the jury know that several key witnesses were unable to identify the appellant at pretrial photo arrays. "Totality of the circumstances" (like "sound discretion of the trial court judge") is not a talismanic phrase allowing any inherently outrageous procedure that affords conviction.