

Refreshing Recollection

Ask a close-ended question (but expect an objection)

Present Recollection Refreshed – ER 612

Past Recollection Recorded – ER 803 (5)

Ask for a Recess

Present Recollection Refreshed – ER 612

- 1) Don't Remember
- 2) SomeTHING exists that will Refresh
- 3) What is it? (Would ____ refresh your memory?)
- 4) Mark/Hand/Show to Witness
- 5) Does this Refresh your memory?
- 6) TAKE IT AWAY!
- 7) "Now that your memory has been refreshed...." Ask Original Question.

Past Recollection Recorded – ER 803(5)

- 1) Don't Remember
- 2) Once Knew
- 3) There is a Memo/Record
- 4) Mark/Hand/Show – Foundation
 - a. Made or Adopted
 - b. When Memory was Fresh
 - c. This is it
- 5) Witness READS memo into evidence