

HELD: No--statements are admissible as prior inconsistent statements.

REASONING:

1. The fact that the witness, though physically available, cannot recall either the underlying events that are the subject of an extra-judicial statement or previous testimony or recollect the circumstances under which the statement was given, does not have Sixth Amendment consequence.

2. The fact that T.E. could not shed any light on whether the incident about which the statement was made occurred, whether she made the statement, or the circumstances under which she made the statement would not constitute a violation of the Confrontation Clause.

NOTES:

Review of the following cases is recommended:

Wassilie v. State, Legal Bulletin No. 260

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Section B, "Consent," and Section K, "Plain View," of your Contents and Text. File Legal Bulletin No. 269 numerically under Section R of the manual.