



**REASONING:**

**1.** As the Supreme Court explained in Davis v. Washington and Hammon v. Indiana, Legal Bulletin No. 311, hearsay statements made during the course of a police interrogation are non-testimonial if the circumstances objectively indicate that the primary purpose the interrogation was to enable police to respond to an on-going emergency. (emphasis added)

**2.** The Supreme Court explained the differing results in the Davis and Hammon (see Legal Bulletin No. 311) cases as follows:

The victim in Davis was alone, unprotected by the police, and in immediate danger. In contrast, the victim in Hammon was in the presence of police officers, who were investigating a domestic violence case, and was protected from immediate danger. The victim in Davis, who did not appear at trial, was speaking in the present tense--as in this case--and her hearsay statements were allowed. The victim in Hammon, who did not testify at trial, gave police a "narrative of past events--delivered at some remove in time from the danger she described." Police were not allowed to testify as to what she told them.

**3.** Carroll Nelson's statement to Officer Nelson that "Joe had hit him with a pipe" was non-testimonial under the tests set forth in Crawford v. Washington, 541 U.S. 36, 124 (no Bulletin), and Davis (see Legal Bulletin No. 311) and did not violate Anderson's right of confrontation.

**NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:**

File Legal Bulletin No. 322 numerically under Section R of the manual.

**EFFECTIVE AUGUST 2007**

The Cover Page, Acknowledgments, Foreword, Table of Contents, Text and Case Law Citations Index of the Alaska Legal Briefs Manual have been revised. Updates may be reviewed and printed from the Alaska Police Standards Council website:

**<http://www.dps.state.ak.us/Apsc/legalbulletin.aspx>**