**PRESENT RECOLLECTION**

**REFRESHED**

The doctrine of Present Recollection Refreshed applies when a witness has some independent recollection of events, but must rely on stimuli (often in the form of notes) to supplement their memory.

While there is no formula for the application of this doctrine, **many engagements occur as follows**:

It is important that the stimuli is not admitted into evidence because it is hearsay and, unlike Past Recollection Recorded, the doctrine of Present Recollection Refreshed is not a principled exception. It is further improper to have the witness read portions of the stimuli into the record, as we are looking for the evidence of the witness, i.e., the refreshed memory, not hearsay.

* The only exception to this general rule occurs when the stimuli in question is (1) the witness' own prior statement; and (2) the witness has been confronted with an inconsistency in that statement through cross-examination.1

The stimuli used in Present Recollection Refreshed need not be contemporaneously drafted, although a lack of contemporaneousness can affect the weight of a witness’ testimony.2