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PALMER, J., concurring. I agree with, and therefore join, the majority opinion. I also agree generally with the view expressed by Justice Borden in his concurrence that *Crawford v. Washington*, 541 U.S. 36, 124 S. Ct. 354, 158 L. Ed. 2d 177 (2004), does not bar the state from using the probable cause hearing testimony of Jonathan Rivers merely because Rivers' recantation letter, which did not exist at the time of that hearing, was not available to the defendant when counsel cross-examined Rivers. Because the majority does not take a position contrary to that view, I join the majority opinion.

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