

IN THE CIRCUIT COURT OF LONOKE COUNTY, ARKANSAS  
FIRST DIVISION

STATE OF ARKANSAS

PLAINTIFF

v.

43CR24-551

AARON SPENCER

DEFENDANT

**STATE’S RESPONSE TO DEFENDANT’S MOTION IN LIMINE TO EXCLUDE  
EVIDENCE**

Comes now, the State of Arkansas, by and through Chief Deputy Prosecuting Attorney, John Huggins, and for its Response to the Defendant’s Motion in Limine to Exclude Evidence states:

Aaron Spencer (hereinafter, “Spencer”) is charged with Murder in the Second Degree in the killing of Michael Fosler (hereinafter, “Fosler”).

The chain of events leading to Fosler’s murder began on July 8, 2024, when Defendant arrived at Leanna Higgingbotham’s house, an acquaintance of Fosler, and told her that he had raped his minor daughter and wanted Fosler’s phone number and address. Spencer told Higgingbotham, “(d)on’t call anyone, don’t call the police.”

Out of concern, Higgingbotham spoke with a family member about her interaction with Spencer. Her family member, a mandated reporter, was required to report the rape allegations to law enforcement and reported them to the Lonoke County Sheriff’s Office (LCSO). That same day, Sergeant John Ingram and Deputy Bryan Duke of the LCSO responded to Spencer’s residence to open an investigation about the rape allegation concerning his daughter. (The interaction was recorded by Sergeant Ingram on his body worn camera, and a transcription of the relevant portions

are included as Attachment A.) Sgt. Ingram asked Spencer “is there any truth to this?” Spencer replied, “I don’t know.”

While attempting to investigate the allegations, Spencer was mainly concerned about the identity of the mandated reporter and his beliefs in the inadequacies of the judicial system. Sgt. Ingram stated to Spencer, “(w)e still don’t live in a country where you can take the law into your own hands?” Spencer responded, “bullshit,” see Attachment A. Eventually, Spencer’s wife, Heather Spencer, provided information to the deputies regarding the sexual assault of their daughter.

Spencer’s daughter was interviewed at the Wade Knox Children’s Advocacy Center on July 8, 2024. Cabot Police Department obtained a warrant on July 11, 2024, for Fosler’s arrest on one count of Rape and one count of Internet Stalking of a child, both Y felonies. Fosler was arrested that same day and taken to Lonoke County Jail. Fosler was seen at his first appearance hearing after arrest by a Lonoke County District Court Judge on July 12, 2024, and his bond was set at \$50,000. Fosler was also ordered not to have contact with any minor, a violation of which would result in his bond being revoked. Fosler made bond on July 17, 2024, and was released with conditions of pre-trial release, including the no contact order.

On October 8, 2024, at 1:12 am Heather Spencer called 911 to report their daughter was missing. Heather Spencer said they found their daughter’s bed made up to look like she was asleep but was not in the bed. Consistent with Spencer’s beliefs expressed to law enforcement on July 8, 2024, Spencer proceeded to take the law into his own hands. Spencer later told investigators that he immediately got in his truck to look for Fosler, stating “he was vigilant for him.”

Spencer left his home traveling westbound on Highway 236. Spencer stated as he was turning onto Highway 31 at the intersection of Highway 236, he saw Fosler’s white Ford truck

pass him turning onto Highway 236 eastbound back towards Spencer's house with his daughter in the passenger seat. Spencer turned around and began following Fosler. He was honking and flashing his lights in an attempt to stop Fosler.

After following Fosler for approximately six (6) miles, Spencer struck Fosler's truck containing both Fosler and Spencer's daughter. As a result, Fosler's truck was rammed into a ditch, striking a wooden entry gate post. After exiting his vehicle, Spencer then began to fire on Fosler. Spencer continued to fire a total of 16 times; 15 of 16 rounds entered Fosler. After firing, Spencer pistol whipped Fosler in the face. Then, for the first time that night, Spencer finally called 911 at 1:34 am stating, "Michael Fosler is fucking dead on the side of the road for trying to kidnap my daughter. I had no choice."

In fact, Spencer had multiple choices that night. Spencer could have called 911 once he discovered Fosler and his daughter. Spencer stated in his interview that he was driving so fast that he could not unlock his phone to call 911. However, a forensic examination of his phone from the minutes leading up to Fosler's killing paints a different story. Not only does the examination show that his phone was unlocked, but was in use. Spencer had a 1 minute, 39 second phone conversation with a family member at 1:16 am, received multiple text messages marked "read", and called his wife twice around 1:31 am, all before calling 911. Spencer also had good reason to believe his daughter had snuck out of the house and had not actually been kidnapped that night.

Spencer did not want police involved when he initially discovered his daughter was sexually assaulted nor did he want them involved when he found Fosler with his daughter. Spencer's understandable rage did not give him the legal right to kill Fosler. His belief espoused on July 8, 2024 to Sgt. Ingram that it was "bullshit" that we still live in a country where you cannot take the law into your own hands runs counter to our entire justice system.

The evidence that the defense wants to exclude regarding Spencer's statements wherein he clearly indicated he did not wish police involvement in his daughter's rape investigation, his implicit comments that he could take the law into his own hands and should not be charged with a crime are directly related to his actions on the night of October 8, 2024. Not only are the statements by a party-opponent, the evidence is also clearly admissible under Ark. R. of Evid. 404(b), which allows evidence of other acts that are admissible to prove motive, intent, plan, and knowledge. Evidence is relevant if "having any tendency to make the existence of any fact that is of consequence to the determination of the action *more probable* or less probable than it would be without the evidence," Ark. R. of Evid. 401 [Emphasis added]. Spencer's affirmation that one can take the law into one's own hands makes the extrajudicial act of killing Fosler more probable, done without any consideration of the law on self-defense or the defense of others.

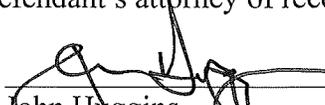
WHEREFORE, the State requests this Court to deny the Defendant's motion and allow this testimony to be elicited by the State in their case in chief as a statement by party-opponent and/or under Ark. R. of Evid. 404(b).

Respectfully submitted,

  
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John Huggins  
Chief Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I, John Huggins, Chief Deputy Prosecuting Attorney, certify that a copy of the Response to Defendant's motion has been e-filed and notice sent to Defendant's attorney of record this November 7, 2025.

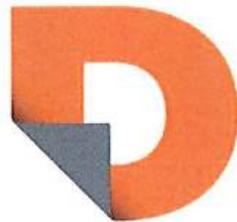
  
\_\_\_\_\_  
John Huggins  
Chief Deputy Prosecuting Attorney

# Body Camera

Recording Name:

[IngramJohn\_20240707\_1537\_BWC2-063602\_926fb98]

Transcript Prepared By:



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DUNS Number: 037801851  
CAGE Code: 6C7D5  
Tax ID #: 27-2983097

1 Ingram: Hey, sir.

2 Officer: He's gonna (inaudible 00:00:47), by the way.

3 Ingram: Are you Aaron?

4 Spencer: Y'all creeping around here. What's going on?

5 Ingram: We're not creeping around. We're just trying to make  
6 contact with you.

7 Spencer: With me?

8 Ingram: Aaron Spencer?

9 Spencer: What do you need to make contact with him for?

10 Ingram: Well, we've got a report from a mandated reporter  
11 that, um, your child may have been involved with a  
12 rape situation, and so we needed to talk to you about  
13 it.

14 Spencer: Who's the mandated reporter?

15 Ingram: Well, it's a mandated reporter.

16 Spencer: Cool. Who was that?

17 Ingram: Well, I'm just letting you know. So, I mean, is there  
18 any truth to this and?

19 Spencer: I don't know.

20 Ingram: You don't know? Well, would you like to talk to us  
21 about it?

22 Spencer: I'm not sure.

23 Ingram: Okay. We're just -- we're just --

24 Spencer: I'm not sure what's going on.

25 Ingram: We're just here to help.



1 Spencer: Do you got any more information than that?

2 Ingram: Well, here's what we were told. We received a call  
3 from -- to our dispatch --

4 Male: Who called you?

5 Ingram: Sorry, a mandated reporter had to call us. Someone  
6 that you spoke with earlier is a mandated reporter,  
7 who's under -- she has to report what she heard you  
8 say.

9 Male: And who's that?

10 Spencer: So who heard me say what? What did I say?

11 Male: Has something been called before?

12 Ingram: What's that?

13 Male: Has something been called before?

14 Ingram: No. But I'm explaining it. If we have -- if we get a  
15 call saying that there potentially may have been a  
16 child who was raped --

17 Male: Uh-huh.

18 Ingram: -- then obviously we have to respond. The person gave  
19 your name as the person who was the father of the  
20 child who may have been raped.

21 Spencer: Okay.

22 Ingram: So obviously, we have to come and talk to you and see  
23 if there's any truth.

24 Spencer: Who called and made these allegations that something  
25 might have happened?



1 Officer: Sir, that's really irrelevant. We're just asking --  
2 Spencer: It's not irrelevant.  
3 Officer: It is. It really is. I mean, we're here for the  
4 child.  
5 Spencer: Then let's play the guessing game, then, right? I  
6 mean, come on --  
7 Ingram: No. You probably know who you spoke to today about  
8 looking for some person's address. I mean, let's --  
9 you know.  
10 Spencer: Who?  
11 Ingram: A Mr. -- what was it? Mike Folsom [sic] or something.  
12 Spencer: Who's that?  
13 Ingram: Okay. Well, I mean, we're trying to help, okay?  
14 Spencer: Are you?  
15 Ingram: Yes. But we can only help so much if you're not going  
16 to talk to us, then obviously we can't --  
17 Spencer: I'm just wondering who called you saying that there  
18 was somebody that was harmed, and that --  
19 Ingram: No one said anybody being armed.  
20 Spencer: Harmed, H.  
21 Ingram: Harmed, okay.  
22 Spencer: Yeah, I'm carrying.  
23 Ingram: Yeah, I can see you carrying. Still, that's --  
24 Spencer: I'll keep my hands up here so nobody gets --  
25 Ingram: That's fine. I mean, again, we're not here to cause



1 any problems for you.

2 Spencer: Okay.

3 Ingram: We just need to investigate.

4 Officer: We're not the bad guy. We're just trying to help.

5 Ingram: Yeah, yeah.

6 Officer: You know, I understand -- you know, I understand your  
7 emotional feelings. (Inaudible 00:03:00).

8 Spencer: Let me ask you a question.

9 Officer: So I understand.

10 Spencer: Let me ask you a question, okay?

11 Officer: Yeah.

12 Ingram: Yep.

13 Spencer: If -- if those allegations are true and there was a  
14 child that was raped, okay, what's going to happen to  
15 that man when you arrest him and prosecute him and  
16 this and that? Three to five? What, he's rolling  
17 around, cruising, grooming.

18 Officer: Like I said, I understand. I have a kid.

19 Spencer: Let me -- no, no, seriously, seriously. So if that  
20 happened to your kid, right?

21 Officer: It did. And it did.

22 Spencer: And so you went to the police?

23 Officer: Uh-huh.

24 Spencer: And how'd that work out? Where's he? Where's the --  
25 where's the accused today?



1 Officer: In prison.

2 Spencer: He's in prison. Is he serving life?

3 Officer: No.

4 Spencer: No. He's going to get back out, isn't he?

5 Officer: Like I said, I understand.

6 Spencer: He's going to get back out, and he's going to go  
7 around and fuck more kids, okay? So do you think that  
8 it's logical for people to come to the police when  
9 they can't do anything about the situation? If  
10 somebody was -- if somebody was harmed?

11 Ingram: Yeah, but can I say --

12 Officer: Hypothetical, let me ask you this. Okay? Let's say  
13 for instance someone was raped.

14 Spencer: Uh-huh.

15 Officer: And let's the father, rightfully so -- not rightfully  
16 so, but understandably so, was upset, took the law in  
17 his own hands, understandably -- trust me, I  
18 understand. And does something. And that father ends  
19 up going to prison. What does that -- where does that  
20 leave that little girl?

21 Spencer: Why would that father go to prison? That'd be weird.

22 Officer: Hypo- hypothetically.

23 Spencer: Hypothetic, right?

24 Officer: Hypothetically, if he does something --

25 Ingram: We -- we still don't live in a country where you can



1 take the law into your own hands. Okay?

2 Spencer: Bullshit.

3 Ingram: Okay. Well, and then you --

4 Spencer: If -- if the judicial system can't do a better job --

5 Ingram: Okay, well, then you'd have to -- then you'd have to

6 face the consequences and possibly take a charge with

7 manslaughter or --

8 Spencer: Well, hypothetically, maybe that rapist and that

9 father can share a jail cell, and maybe that rapist

10 could be that father's little fucking bitch.

11 Ingram: Well, that wouldn't happen.

12 Spencer: You know what I mean?

13 Officer: But you know who pays the price of all of that?

14 Spencer: It's the child, ultimately.

15 Ingram: Yes.

16 Officer: It's the child.

17 Spencer: Obviously, obviously.

18 H. Spencer: But, see, here's the deal. Her life has already

19 been ruined, now, hasn't it?

20 Spencer: Yep.

21 Officer: So don't -- so don't ruin it anymore.

22 H. Spencer: So what can we do, then? Can you guys go get him?

23 Can you put him in prison?

24 Ingram: Well, I mean, we have to do our investigation,

25 obviously.

