

**IN THE CIRCUIT COURT OF LONOKE COUNTY, ARKANSAS  
FIRST DIVISION**

**STATE OF ARKANSAS**

**PLAINTIFF**

**VS.**

**CASE NO. 43CR-24-551**

**AARON SPENCER**

**DEFENDANT**

**BRIEF ACCOMPANYING REPLY  
IN SUPPORT OF DEFENDANT'S  
MOTION IN LIMINE TO EXCLUDE EVIDENCE**

The Defendant, Aaron Spencer, by and through his attorneys, Erin Cassinelli and Michael Kaiser, states for his Reply to State's Response to Defendant's Motion in Limine to Exclude Evidence:

Spencer is charged with the second-degree murder of Michael Fosler, specifically that Spencer knowingly causing the death of Fosler under circumstances manifesting extreme indifference to the value of human life. Ark. Code Ann. § 5-10-103.

Spencer has asserted the defenses of justification pursuant to Ark. Code. Ann. § 5-2-607:

- (a) A person is justified in using deadly physical force upon another person if the person reasonably believes that the other person is:
  - (1) Committing or about to commit a felony involving physical force or violence;
  - (2) Using or about to use unlawful deadly physical force; or
  - (3) Imminently endangering the person's life or imminently about to victimize the person from the continuation of a pattern of domestic abuse.

Spencer has also asserted a defense pursuant to Ark. Code Ann. § 5-2-604:

- (a) Conduct that would otherwise constitute an offense is justifiable when:
  - (1) The conduct is necessary as an emergency measure to avoid an imminent public or private injury; and
  - (2) According to ordinary standards of reasonableness, the desirability and urgency of avoiding the imminent public or private injury outweigh the injury sought to be prevented by the law proscribing the conduct.

Both statutes are justification defenses under Arkansas law. Ark. Code Ann. § 5-2-602.

The State's charge requires proof beyond a reasonable doubt that Spencer knowingly caused Fosler's death by deliberately creating a risk that was practically certain to result in Fosler's death. *See Turner v. State*, 2019 Ark. App. 476, 588 S.W. 375 (2019). The State must further prove that Spencer did not act under the reasonable belief that Fosler was committing or about to commit a felony involving force or violence against Spencer or Spencer's child or that Fosler was using or about to use unlawful deadly physical force against Spencer or his child; and that Spencer's conduct was not necessary as an emergency measure to avoid an imminent public or private injury, and the desirability and urgency of avoiding it outweighed the injury sought to be prevented by the murder statute.

Both defenses are to be submitted to the jury if there is any evidence admitted supporting the defense, and if so, the court shall charge the jury that any reasonable doubt on the issue requires the defendant to be acquitted. Ark. Code. Ann. § 5-1-111(c). Thus, the State must disprove these defenses beyond a reasonable doubt. *Id.*; see, e.g., *Schnarr v. State*, 2018 Ark. 333 (2018) ("By statute, a justification, such as self-defense, is considered an element of the offense, and once raised, it must be disproved by the prosecution beyond a reasonable doubt.").

**I. The State's Factual Recitation is Misleading and Omits Material Facts.**

The chain of events that led to the death of Michael Fosler began in July of 2024, when he repeatedly sexually violated Spencer's daughter – not, as the State would have it, when Spencer first learned of the horrors Fosler had perpetrated against his child. The chain of events that resulted in Fosler's death *definitely* began with Fosler repeatedly sexually assaulting a then 13 and later 14-year-old child. The chain of events continued with Fosler being arrested and released for those crimes yet continuing his manipulation and deception so he could continue assaulting the child

until finally someone realized that he had taken her away from her home during the night.<sup>1</sup> When Fosler realized that the Spencers realized that he had taken control of her that night, he fled with her, refusing to surrender her. The chain of events that led to Fosler's death began and ended with Fosler's criminal acts.

The State's suggestion that the chain of events that resulted in Fosler's murder was Spencer's looking for information about Fosler from the mutual acquaintance is yet another attempt to distract from the "chain of events" that Michael Fosler started and perpetuated until his death. It is yet another deeply concerning indication of its failure to blame the blameworthy, the dangerous pedophile, instead of the man who found his daughter under the control of the pedophile, and while the pedophile was facing multiple life sentences and then some for his abuses of her.

The State also repeatedly manipulates the statements and evidence in its response. For instance, the State says that Spencer told Higginbotham, "(d)on't call anyone, don't call the police," although that is not precisely what Higginbotham told police shortly after. When he came to speak with Ms. Higginbotham, the person through whom Fosler accessed the child, Spencer actually said, "Don't call anybody," she felt because a family member had been through a child sexual assault incident and the local police department in this jurisdiction had re-victimized her instead of helping her. She explained that Spencer had just learned of the assault from his daughter, although she did not seem to believe it was true, and he wanted Fosler's contact information. The

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<sup>1</sup> It seems that the State is sensitive about the language used to describe the 67-year-old Fosler picking up his 14-year-old sexual abuse victim so he could take her to another location to commit more sex crimes against her, but surely no one can argue that he did not take her away from her home in his vehicle that night.

State also omits the context as to the history of the family connection between the Spencers and Higginbotham and her role in the events that led to Fosler's abuse of the child.

The State's response then purports to describe the events when officers arrived at Spencer's residence in regard to the rape allegation. In addition to the family's knowledge of local law enforcement's failure to assist in a prior child sexual assault investigation, Spencer knew that Fosler had a history in law enforcement and the military. Although the State focuses solely on Spencer's visceral reaction to learning details of his daughter's repeated rape by Fosler, the reality is that within about seven minutes, the Spencers agreed that the child would speak to a female officer and the conversation moved to exchanging information and proceeding with an investigation. Spencer and his wife then spent the next hour and eight minutes or more talking with officers about the family history, the situation that led to their child interacting with Fosler, and information the child had reported to her mother, while waiting on other officers to respond and filling other time with cordial discussion about everything from the military to animals to movies. Spencer and his wife invited officers to park in the driveway, invited them to sit on the porch, and offered them water. They completed forms and signed paperwork, answered questions, and cooperated with the officers' requests. After waiting nearly an hour, an investigator arrived and explained that another investigator would be assigned to the case so she would not be speaking to the child that day. She interviewed the Spencers and they provided her with all of the information she requested, including names, contact information, and every detail they knew to that point. They agreed to wait for a detective to contact them the following day to set up an interview with the minor. Spencer thanked the officers for coming and they cordially departed.

The State's attempt to reframe this interaction as one in which Spencer was mainly concerned about the identity of the mandatory reporter and his beliefs in the adequacy of the

judicial system is not just false but completely tone deaf as to situation the Spencer family suddenly faced and their fierce concern for their child. The State dismisses that Spencer did not refuse the officers entry or refuse to cooperate or allow his child to cooperate; it certainly doesn't acknowledge the more than hour of he and his wife providing officers with any information they could to help put Fosler in jail. While Spencer was worried for his child and angry at his daughter's rapist and the person he felt protected the rapist (and who they believed lied to officers), he was quickly calmed and cooperative.<sup>2</sup> It is difficult to imagine many fathers not feeling and behaving the same way when presented with such horrific and shocking circumstances. What Spencer said then and believes still is that a parent has an absolute right to defend their child against someone who is presenting an imminent danger of harm – like manipulating a minor victim to have sex with him while awaiting trial for numerous sex crimes against her – when the judicial system cannot or will not protect them.

And what matters is what actually happened, not what the State tries to piece together from picking and choosing words spoken months before the event that put the child directly within the control of her rapist. What really happened is that Spencer stood down – he did not attack Fosler when he confirmed his contact information – he went back home to talk to his family. Before they could do so, while preparing their child for the process of reporting this that she was about to go through, officers showed up unexpectedly. The next day they delivered their child for a forensic interview and allowed the criminal process to play out. They did interviews, delivered and

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<sup>2</sup> Spencer and his wife were both concerned that the person who contacted police had lied to them, as they knew she was not a mandatory reporter. They were not told that she had spoken to a third party who is a mandatory reporter or any of the other context of that conversation. They believed she had previously misled them about their child and had concealed the child's victimization at the hands of Fosler, her boyfriend. They were upset because it seemed, with the information they had at the time, that she was again deflecting from Fosler's actions by accusing someone in the Spencer family of wrongdoing.

consented to searches of electronics, provided witness information, etc. Fosler was arrested four days after that initial meeting at the Spencers' residence. He was seen by a judge the following day and it seems an order out of the circuit court was entered imposing a mere \$50,000 bond and generic no contact order prohibiting Fosler's contact with any minor – it was not specific to the Spencers' child and did not include any restriction concerning their property or other places the child may be present. Despite the plentiful evidence confirming the use of social media platforms to commit the offenses, he was not restricted in his use of social media, he was not required to report to anyone associated with the court or law enforcement, and neither his internet usage or physical movement were monitored in any way.

The State's response then begins to describe the early morning of October 8, 2024, as if Spencer planned this night of his daughter being sexually assaulted by a 67-year-old man in order to efficiently and effectively "take the law into his own hands." Such insinuation is offensive and absurd – and once again, favors the pedophile instead of the victim. The State's own probable-cause affidavit for the arrest of Aaron Spencer contradicts much its description of the morning Fosler died and certainly omits significant information about the events that lead to Fosler's death. *See Affidavit for Warrant of Arrest, attached as Exhibit A.* The affidavit states that Spencer told officers:

[H]e had been woke up by his dog barking, which was uncommon, and went to check on his daughter do (sic) the (sic) events that had occurred earlier in the year. Aaron Spencer stated that the dog was in his daughter's bedroom and when he opened the door the dog continued to act out of character. Aaron Spencer further explained that when he looked closer at what he thought was his daughter in bed, he realized that it was actually a stuffed animal with his daughters hoodie on it. Aaron Spencer stated that he became scared of what had happened to his daughter and had his wife call 911 to report her missing. Aaron Spencer then stated that he left his residence and began to search for Micheal Fosler and his daughter. Aaron stated that when he arrived at the intersection of Highway 236 East and Highway 31 North he observed the white Ford F-150 belonging to Micheal Fosler turn off of Highway 31 North onto Highway 236 East heading towards his residence. Aaron

Spencer then stated that he turned around attempted to stop the vehicle by flashing his lights and blowing his vehicles horn. Aaron Spencer stated that he was in fear for his daughter's life and continued to pursue Micheal Fosler east on Highway 236 East. Aaron Spencer explained that when they arrived at the intersection of Highway 236 East and Highway 13 North he hit Micheal Fosler's vehicle in the rear causing it to slide off the roadway. Aaron Spencer then stated that he exited his vehicle with his firearm I in hand and ordered Micheal Fosler out of his vehicle and to lay down in the ditch. Aaron Spencer stated that he observed his daughter trying to exit the passenger side of the vehicle but it appeared that Micheal Fosler had grabbed her and stopped her from getting out. Aaron Spencer then stated that Micheal Fosler exited his vehicle and had something in his hand, but did not know what it was. Aaron Spencer stated that Micheal Fosler then lunged towards him saying "fuck you". Aaron Spencer stated that he then opened fire on Micheal Fosler emptying his weapon before jumping on top of him and pistol whipping him. Aaron Spencer then stated that he got his daughter out of the vehicle and returned to his truck where he reloaded his weapon and called 911.

Spencer certainly never told officers he thought Fosler had entered their home and forced the child into his truck. But when Heather and Aaron Spencer found their daughter's bed empty, they were worried, given what she had recently been through. They decided Heather would call 911, and he would begin searching for her in the area. They learned about that time from a family member that Fosler had recently contacted the child, and then they were understandably panicked. They were terrified that Fosler would not only sexually assault their child, but that he would kill her or disappear with her, knowing that she was the critical witness to crimes that would put him in prison for the rest of his life. Like any normal father, Spencer left his wife to stay on the 911 call while he went out searching for her – contrary to the State's suggestions, there is absolutely nothing about him doing this that is unlawful or wrong – in fact, it is exactly what most anyone would do.

Contrary to the State's misrepresentation, in his interview after the shooting, Spencer did not say he was "vigilant for" Fosler that night. Instead, he explained that he learned what Fosler looked like, where he lived and what vehicle he drove because he was aware that no one was monitoring Fosler, and while he did not watch Fosler, he needed to know if Fosler was nearby –

he was worried that without any real barriers in place, Fosler would seek the child out and hurt her again. He explained that he thought he had seen Fosler driving near the Spencers' home several times, but he was not certain it was Fosler, and if it was, Spencer would not confront him and instead would let the police do their job. But he remained aware of Fosler and aware that no one was watching him, so, as he explained to investigators, Spencer stayed vigilant for Fosler if he came near their home. Spencer said nothing to investigators about immediately getting in his truck that night to look for Fosler because he was vigilant for him – he was, however, vigilant in his desire to find his daughter.

While Spencer was looking for his daughter, he happened to pass Fosler's truck as it turned onto Highway 31, several miles from where the Spencers' residence is located on that roadway, and Spencer saw his child in Fosler's truck. Spencer turned around to follow, and for miles Spencer honked and flashed his lights, but Fosler sped up, fleeing with the child towards an intersection that would take them out of the area. Before that could happen, Spencer, having been trained in military tactics and maneuvers for disabling vehicles while avoiding significant injuries, pushed Fosler's truck into a driveway. Fosler exited the truck, coming towards Spencer aggressively with something in his hand, and Spencer shot him, unloading his clip. Fosler jumped into the ditch and continued to move and curse, and, concerned that he may have had a weapon, Spencer hit Fosler with the gun to abate any further threat.

The State suggests that Spencer had other options that night including that he could have called 911 when he found Fosler with his daughter. This kind of hindsight is inappropriate and irrelevant. First and most importantly, there is no law whatsoever in the State of Arkansas that requires any citizen to call 911 in the face of imminent danger. Arkansas law provides every citizen the right to protect themselves and their family from threat of harm – there is no condition to call

911 first and see if that works out. Second, Heather Spencer had already called 911, and Spencer knew that – unless the sheriff’s officers were ignoring the call, they were on their way. If it takes a second 911 call to make officers move faster when a child-victim/witness in a pending Y felony case is missing, that is a significant problem for the community. Third, the State’s representations about Spencer’s phone are simply wrong. Spencer explained to investigators that he could not get his phone unlocked while driving and also that when he was going so fast, he didn’t want to have a wreck making a call – not that he was driving so fast he could not unlock his phone. The phone records confirm that this is true. He makes no call between the time he located Fosler and the shooting. He spoke with a family member before finding Fosler with his daughter, and while a family member sent him text messages during the interim time, the forensic examination does not establish that he saw those messages at the times she sent them. A critical review of the phone data proves that the times correspond to when a text is sent and received and do not reflect an action to use the phone to read the messages. Once he saved his daughter, his first (and only) call was to let his wife know she was safe, although he did not reach her. His next call was to 911.

The State’s assertion Spencer “had good reason to believe his daughter had snuck out of the house and had not actually been kidnapped that night” is outrageous. *State’s Response at 3*. It is as if the State is portraying this relationship between a child sex assault victim and her abuser as typical and consensual. The idea that a parent in this situation would reasonably believe that their child was safe in this circumstance is preposterous. Whether or not she was forcibly removed from her home, Spencer – and any parent in that circumstance – had good reason to believe the child was in danger. This is especially true here, where the rapist with control over the child is

facing life in prison and the child is the sole witness. Even though it matters not how you label it, most reasonable parents would believe this was kidnapping, too.<sup>3</sup>

The comments also demonstrate a reprehensible “blame the victim” mentality. The State seems not to understand the victimization of children by pedophiles like Fosler. The child was 13 years old when Fosler began to groom<sup>4</sup> and assault her, turning 14 years old shortly before he was arrested in July of 2024. Among many other things, he told her often how much he loved her and manipulated her into believing him and believing that she loved him, even when he hurt her. Unphased by the dozens of sex crimes he faced for his assaults against her and a no contact order prohibiting him from contacting a minor, Fosler continued the pattern of grooming the child so that he could maintain his ability to control her and to sexually violate her until the very end. Neither the Spencers nor any reasonable parent would ever consider the circumstances as just a teenager who “snuck out of the house.”

The State seems to be arguing that it was unreasonable for Spencer to believe that Fosler presented a risk of harm to Spencer’s 14-year-old daughter if he persuaded her to sneak out instead of forcing her out of her home. The State also seems to be arguing that Fosler did not commit any crime in persuading his 14-year-old victim to leave the house so that he could pick her up and, at a minimum, have sex with her – but Fosler committed multiple felonies against this child that night. Yet, the State seems to insinuate that Fosler did not in fact present a danger to his child-victim on the night of October 8, 2024 – an insinuation that is so flabbergasting it is difficult to comprehend.

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<sup>3</sup> The defense believes Fosler did legally kidnap the child and does not concede otherwise; however, it is irrelevant whether his conduct technically met the legal definition of kidnapping.

<sup>4</sup> Grooming is behavior that manipulates and controls the child, as well as those around the child, to perpetrate the sexual abuse of the child.

The State does not, however, offer the last piece of its theory that since, the State says, Spencer really believed the child willingly joined her rapist that night, he should have called police a second time rather than follow Fosler and secure the child's safety. The State does not explain how Arkansas law requires any person to refrain from acting in favor of hoping for a police rescue in the face of such danger. The State likewise does not explain how its proposed plan of action would have assured the child's safety. The State does not explain how Arkansas law required Spencer to choose to let Fosler flee with his daughter instead of intervening to protect her. Nothing that Spencer said months prior has any bearing on these issues – the only facts that matter are those that put a child victim under the sole control of the pedophile who had repeatedly harmed her.

Spencer's anger months prior in no way changes the scenario Fosler created that night. Whether Fosler forcibly kidnapped Spencer's 14-year-old daughter or groomed her so that he could continue to abuse her (if not disappear her), the analysis is the same. Either scenario created a legal duty and legal justification – and certainly reasonable cause – for Spencer to act to protect his child from a sexual predator who refused to leave her alone and who presented a real threat to her safety, both as a victim and witness to his crimes.

The suggestion that, if Spencer thought his 14-year-old child may have gone “willingly” with her rapist, Arkansas law requires him to sit back and hope for the best is outrageous. But this is, apparently, the core issue in this case. Thus, it matters not what Spencer felt or said months prior, when he learned of Fosler's grooming and abuse of his child, because on the morning of October 8, 2024, Fosler, by his own choice, posed an imminent threat of harm to his victim, and Spencer had every right and indeed obligation to fight to save her.

## **II. This is not proper 404(b) evidence.**

The issue for trial is not whether Spencer killed Fosler, or whether he intended to kill him, or planned to kill him, or knowingly killed him. Thus, the 404(b) analysis does not apply. The issue is whether at the time of Spencer's action, he had reasonable cause to believe that Fosler was committing or about to commit a felony involving physical force or violence, or was using or about to use unlawful deadly physical force; and/or whether Spencer's conduct was necessary as an emergency measure to avoid imminent injury, where, according to ordinary standards of reasonableness, the desirability and urgency of avoiding the imminent injury to his daughter and/or himself outweighed the injury to Fosler. Ark. Code. Ann. §§ 5-2-604, 607. These are complete defenses – the State has to prove otherwise beyond a reasonable doubt in order to convict Spencer. *See, e.g., Anderson v. State*, 353 Ark. 384, 401 (2003) (justification is considered an element of the offense and once raised must be disproved by the prosecution beyond a reasonable doubt).

Spencer did not, as the State insinuates, stalk Fosler and kill him. Spencer did not *allow* Fosler to “kidnap” his daughter and rape her so that Spencer could kill him. Those suggestions are absurd. Fosler made the choice to violate the law and the Court's order, and to once again endanger his child-victim – in fact, he was unrelenting in this regard. Fosler created and presented a real danger on the morning of October 8, 2024, not Spencer, and therefore Spencer's initial reaction months prior has no relevance to Spencer's necessary use of force months later.

Unless the State is planning to present a theory that Spencer set Fosler up to take his child and assault her on morning of October 8, 2024 so that he could kill Fosler, there is no legitimate 404(b) issue. The issue for trial is simply whether Spencer manifested extreme indifference to the value of human life or whether he may have had reasonable cause to fear for her safety at the time he acted to protect his child.

Whether Spencer also hated Fosler or was angry at him after finding out about Fosler's horrific crimes does not impact this analysis – if he had reasonable cause to believe that Fosler posed an imminent threat to his child, he is not guilty. Whether or not months prior Spencer had said things in anger about not wanting police assistance or thinking it is bullshit to suggest that a person could not protect another person from harm without going to prison, the issue for the jury is whether Fosler's actions created reasonable cause for Spencer to act in fear for his child's safety on October 8, 2024. Allowing the State to taint the jury with emotional reactions untethered temporally to the events of October 8, 2024 violates rule 404.

### **III. The State Ignores Ark. R. Evid. 403.**

The State completely ignores Ark. R. Evid. 403 in its response. Even if relevant under Rule 404(b), evidence may still be excluded under Ark. R. Evid. 403 if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. *See, e.g., Williams v. State*, 2016 Ark. App. 507, 505 S.W.3d 234. That is precisely the purpose and effect of the evidence at issue.

Nothing about Spencer's comments in July 2024 shed light on his actions – or Fosler's actions – on October 8, 2024. Even in July of 2024, Spencer did not act upon his frustration or anger – he tried to identify Fosler's residence and his vehicle, and he went home. He thereafter consented to searches and cooperated with investigators. He was, as any parent would be, diligent in trying to keep his daughter safe from Fosler, getting her therapy, limiting her contacts, homeschooling her, etc, and beginning to understand her suffering from the mental manipulation of this man. He was, also as any parent would be, diligent in learning information to identify the person who targeted and hurt his child so that his family would be aware if this man targeted her

again. It was only when Fosler actually took his daughter from his home that Fosler presented an imminent danger to her that justified Spencer's actions to protect his daughter.

As it turns out, unbeknownst to the Spencers, Fosler had been communicating with the child since about a month after his release on bond. With no bond condition or supervision dissuading him, he continued engaging with her and others on social media platforms and had directed the child as to keeping the communications secret. He had picked her up on three occasions between his release from custody and the night of October 7, 2024, without anybody knowing.

On this final occasion, Fosler spent about four days or so persuading her to leave her house and go with him for the express purpose of committing criminal sex acts with her. She left the house around midnight, and Fosler picked her up near the Spencer home. Fosler then drove her to his home in Cabot, sexually abused her, and was driving her back near her home when Spencer encountered them. Spencer had no idea that Fosler had continued to communicate with his child after the arrest, and he certainly had no idea that he had continued to victimize her.

Like any parent, Spencer went looking for his daughter when she was found to be missing. Once he saw Fosler with her in his custody, Fosler made clear he would not peacefully let her go. Like any parent in that moment, whether or not a 14-year-old child recognized the danger, her parents believed she was in danger in the custody of her rapist, and that Fosler had every reason to harm her to avoid life in prison. Fosler certainly did not, by his own behavior that night, indicate otherwise.

To permit the State to try this as a case of premeditation or intentional murder, as if there is no legitimate question as to the risk posed to the child-victim that night, or as if Spencer somehow knew and planned to kill Fosler and allowed Fosler to harm his daughter again to do it,

would be prejudicial error, allowing the State to try Spencer for his reaction to the initial disclosure of abuse and the gory details and not on the circumstances and actions that led to Fosler's death. There is absolutely no evidence to suggest that Spencer knew Fosler would take control of the child and create a situation in which Spencer had to defend her, and to allow the State to suggest so is highly prejudicial and misleading. Spencer's comments in July are irrelevant to the issues in the case and threaten to confuse the issues for the jury's consideration and mislead them into a fundamental misunderstanding of the law and how the facts apply to it.

#### **IV. Conclusion.**

Allowing the State to suggest that Spencer's actions to protect his child from her rapist were not motivated by concern for her safety at all but instead by the panic, anger, fear or frustration he expressed three months earlier would be prejudicial error. His comments upon learning that his child had been sexually abused do not make it more or less likely that he reasonably believed she faced danger when Fosler had her in his control and refused to release her. Any suggestion that those comments demonstrate an intention or plan to act months later, *when Fosler actually had control of the child for the purpose of engaging in criminal acts*, is illogical, unsupported by the circumstances and would mislead the jury. The events of October 8, 2024 – Fosler's actions and Spencer's response to them – are the relevant facts the jury must consider. The State should not be permitted to divert attention from those facts by implying that Spencer responded poorly or displayed bad character when he first learned of his daughter's victimization. Spencer did nothing to harm Fosler at that time and instead he and his family cooperated with authorities prosecuting Fosler. It was not until Fosler put Spencer's child in danger again that Spencer acted to protect her. There was nothing vigilante about Spencer's actions to protect his child on October 8, 2024 – he acted in response to an obvious threat of harm. Although

the State apparently disagrees with Spencer as to whether Arkansas law protects a person from prosecution for protecting himself or his family when confronted with imminent danger that is uncontrolled by law enforcement or the judicial system, that decision is for the jury.

WHEREFORE, the Defendant, Aaron Spencer, asks the Court to grant the Defendant's Motion in Limine, and for any other relief the Court finds appropriate.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was delivered on November 24, 2025, to all attorneys of record via e-Filing.

**/s/ Erin Cassinelli**