

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

**STATE OF ARKANSAS**

**PLAINTIFF**

**V.**

**Case No. 43CR-24-551**

**AARON SPENCER**

**DEFENDANT**

**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS FOR DUE PROCESS VIOLATION, OR  
ALTERNATIVELY FOR SPOILIATION INSTRUCTION**

After a careful and thorough consideration and review of Defendant's Motion to Reconsider Ruling Limiting 404(a)(2) Evidence, To Enter Order Setting Aside Prior Order as to Expert Witness, and To Enter Order Granting Relief for State's Destruction of Evidence, filed April 20, 2026, State's Response to Defendant's Motion to Reconsider Ruling Limiting 404(a)(2) Evidence as to Expert Witness, and to Enter Order Granting Relief for State's Destruction of Evidence, filed April 29, 2026, Brief in Support of Defendant's Motion to Dismiss for Due Process Violation Or, Alternatively, for Spoliation Instruction filed May 21, 2026, State's Response to Defendant's Motion to Dismiss for Due Process Violation or, Alternatively, for Spoliation Instruction filed June 1, 2026, and Defendant's Reply Brief, filed June 4, 2026, and all exhibits and pleadings of record, the Court hereby grants Defendant's Motion to Dismiss pursuant to Due Process Clause violation of the Fifth and Fourteenth Amendments to the United States Constitution, and Article 2, Section 8 of the Arkansas Constitution. This decision is based on the particular, unique, and specific facts and circumstances of this case.

**I.BACKGROUND**

According to the Affidavit for Warrant of Arrest for Aaron Spencer by Lonoke County Sheriff Detective Robbie McCain on October 8, 2024, the Affidavit for Arrest stated in pertinent part:

**"Facts Constituting Reasonable Cause**

On October 8, 2024, at approximately 0113 hours, deputies responded to a call on Highway 236 East in reference to a missing juvenile. Deputies were advised that the missing juvenile had been raped and sexually assaulted by a Michael Fosler in July of 2024 and that he was known to drive a white Ford F-150. Lonoke County dispatch requested that Cabot Police Department send officers to [an address] within their city to try to locate the missing juvenile at Michael Foster's residence. Prior to receiving information from Cabot, dispatch received a second call from the father of juvenile, identified as Aaron Spencer, stating that he had located the 'man who kidnapped my daughter' Michael Fosler and his daughter but that the male was 'dead on the side of the road' and that 'he had no choice.' Deputies arrived at [the address] inside the rural area of Lonoke County and located both Aaron Spencer and Michael Fosler. Deputies immediately began lifesaving measures on Michael Fosler but he had succumb (sic) to his injuries. Deputies took Aaron Spencer into custody and secured the female juvenile away from the scene. Deputies cleared and stored the weapon, a Glock 19 Gen 4, that was found to have been on the person of Aaron Spencer and had blood on the outside of the weapon."

"I, Det. R. McCain, was the first detective on the scene. Upon arriving I observed a white Ford F-350 sitting north at the scene angled in the north bound side of Highway 13 with a white Ford F-150 sitting next to a driveway. The white F-150 appeared to have been forced off the

roadway due to skid marks located on both the asphalt surface of the highway and through the ditch line. Michael Fosler was lying on his back in a ditch on the east side of Highway 13.

Michael Fosler had visible Puncture wounds, believed to be caused by a firearm projectile, on his chest, abdomen, and both his left and right arms. Upon inspection of the white Ford F-150, damage was located on the rear of the vehicle normally seen after impact with another object. A search of the area was performed, during the search of the area, several spent 9mm casings were found on the roadway, driveway, and ditch surrounding the white Ford F-150."

"Once clearing the scene, myself and Det. N Rice interviewed Aaron Spencer at the Lonoke County Sheriff's Office, after being advised of his rights to which he acknowledged understanding, in reference to events that had occurred. Aaron Spencer stated that he had been woke up by his dog barking, which was uncommon, and went to check on his daughter's bedroom do (sic) to the events that had occurred earlier in the year. Aaron Spencer further explained that he looked closer at what he thought was his daughter in bed, he realized that it was actually a stuffed animal with his daughter's hoodie on it. Aaron Spencer stated 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 Michael Fosler turn off of Highway 31 unto Highway 236 East heading toward his residence. Aaron Spencer then stated that he was in fear for his daughters (sic) life and continued to persue (sic) Michael 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 Michael Fosler's vehicle in the rear causing it to

slide off the roadway. Aaron Spencer then stated he exited his vehicle with his firearm in hand and ordered Michael Fosler out of his vehicle and to lay down in the ditch. Aaron Spencer stated he observed his daughter trying to exit the passenger side of the vehicle but it appeared that Michael Folser had grabbed her and stopped her from getting out. Aaron Spencer then stated that Michael Fosler then lunged towards him saying, 'fuck you.' Aaron Spencer stated that he then opened fire on Michael Fosler emptying his weapon before jumping on top of him and pistol whipping him. Aaron Spencer then stated he got his daughter out of the vehicle and returned to his truck where he reloaded his weapon and called 911."

## **II. JUDICIAL NOTICE**

This Court takes judicial notice that the victim in this case, Michael Fosler, was charged by Information on September 4, 2024, in the Lonoke County Circuit Court in case number 43CR-24-239, with 43 sexual-related offenses, two of which were class Y felonies, with Defendant's minor daughter as an alleged victim. The alleged offense dates were between June 1, 2024, through July 5, 2024, in Lonoke County. There is a faint copy of an unfiled form document under the heading, IN THE CIRCUIT COURT OF LONOKE COUNTY, ARKANSAS, with Pending Charges box checked and styled, PRETRIAL Order, in the case of State of Arkansas vs. "Michael Fosler" in handwriting with a date of July 12, 2024 filled in showing a bond amount of \$50,000, with a form box checked stating, "The defendant shall have no contact, either directly or indirectly, in person, by telephone, mail, social media, or any other means, with "any minor" (apparently filled in) or his/her immediate family or friends." The Court also takes judicial notice that Michael Fosler did not appear before a Lonoke County District Court Judge for a first appearance Rule 8.1 Hearing. Although the document referenced above was in the Lonoke

County Circuit Court, it was signed by a Lonoke County District Court Judge, was unfiled, and wasn't discovered by Defendant's discovery request until late 2025. Furthermore, Michael Fosler's first appearance in Lonoke County Circuit Court was on September 6, 2024, when he appeared with counsel H. Alexander, entered a waiver (of arraignment), with a P/T date set for December 3, 2024, and JT set for 12/4-12/6. (2024). Under our legal system, Michael Fosler was presumed to be innocent.

### III. APPLICABLE CASE LAW

The recent Arkansas Supreme Court case of *State v. Clarks*, 2024 Ark. 158, and the U.S. Supreme Court cases cited within that opinion, control the issue of Defendant's alleged due process violation by the State for the destruction or loss of material, potentially exculpatory evidence. The relevant U.S. Supreme Court cases mentioned in this opinion include *Brady v. Maryland*, 373 U.S. 83 (1963), *California v. Trombetta*, 467 U.S. 479 (1984), *Arizona v. Youngblood*, 488 U.S. 51 (1988), and *Illinois v. Fisher*, 540 U.S. 544 (2004). The *Clarks'* case reversed the trial court's dismissal of five felony counts on a denial-of-due-process claim for law enforcement's failure to preserve body camera evidence, partially because the Arkansas Supreme Court held that it is the defendant's burden of proof to show a due process violation on those grounds. The *Brady* case recognized that the Due Process Clause is triggered when the prosecution has suppressed material exculpatory evidence, and that the defendant has the burden of proving a *Brady* violation. That opinion defined exculpatory evidence as "evidence that may tend to exculpate or reduce the defendant's culpability." (Emphasis added)

After discussing the U.S. Supreme Court and other Arkansas cases, the *Clarks* case took the opportunity to clarify the standard for courts to employ when the State loses or destroys evidence. It said that the State violates the Due Process Clause when it destroys or loses material evidence (1) whose exculpatory value is apparent before destruction and (2) the defendant cannot obtain comparable evidence by any other reasonable means. The State also violates the Due Process Clause when it destroys or loses evidence (1) that was potentially useful in the defendant's case and (2) the government acted in bad faith in the destruction of the evidence. Again, a defendant must prove that the State violated either or both tests to obtain relief for violation of the Due Process Clause for loss or destruction of evidence. Here, Defendant must prove both prongs of either or both tests. The Court will next address the arguably harder prong to satisfy, Bad Faith.

#### **A. BAD FAITH PRONG**

The Lonoke County Sheriff's Office has a detailed Policy 16-1, effective 11-01-14, that sets out Policies and Procedures for the handling and processing of evidence. At issue here is the dash camera found by Lonoke County Sheriff's Office (LCSO) deputies and a detective on duty in the alleged victim Michael Fosler's (the decedent) truck at the scene of the events giving rise to this case in the early morning hours of October 8, 2024. The dash camera, mounted on the front windshield, just to the right of the rearview mirror, of the decedent's truck had dual cameras, allowing it to record events in front of the truck, inside the truck, and potentially behind the truck.

1. LCSO Detective Robbie McCain at the scene removed the dash camera from the windshield 1) without its original position on the windshield's truck being a) recorded, b) photographed, or c) sketched as part of the crime scene, nor was the dash camera itself photographed or recorded.

a. Policy 16-1 Procedure I. COLLECTION OF EVIDENCE

"...After locating an item considered pertinent to the case under investigation, it should not be disturbed until it has been photographed, measurements taken, its position recorded on the crime scene sketch and entered into the officer's notebook (Emphasis added). Detective McCain's actions that morning violated that procedure.

According to an inspection by Jason Stachey, a retired Hot Springs Police Chief, who testified under oath at a December 2025 Pretrial Hearing, the dash camera mount was broken when it was removed from the windshield of the decedent's truck, and the dash camera's internal settings were not preserved, and its internal battery was allowed to drain, resulting to a default setting of August 1, 2024, which probably rendered the dash camera useless after that time.

2. As for the SD memory card found withing the dash camera, Detective McCain stated in his Affidavit of December 2, 2025, that he noticed that the dash camera had a micro SD card inserted in it. Detective McCain removed the micro SD card out of the dash camera and placed into an adapter for a regular size SD card into a card reader and opened it on his computer. He said he viewed three videos of

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15 minutes and a fourth video less than 15 minutes. He further stated that he placed the micro SD card back into the dash camera and placed it back into the original manila envelope. That is controverted by expert witness for purpose of the Pretrial Hearing of December 17-18, 2025, Brandon Purchase.

- a. According to Jason Stachey's Affidavit, Detective McCain and Lt. Giacomo Portale, CID head at LCSO, stated the LCSO's standard practice is not to manipulate electronic devices or check for SD cards before sending the devices to the Attorney General's Digital Forensics Unit. (Emphasis added). They said the reason for this policy is "not to manipulate" the electronic devices at all, because doing so "take[s] a chance of wiping data and everything else." Furthermore, Stachey said Det. McCain was trained not to remove SD cards because of the risk of wiping data, and that he (Det. McCain), like other LCSO officers, generally does not check whether a device contains expanded memory. (Emphasis added). Finally, according to Stachey's Affidavit, Det. McCain said they disliked manipulating any other equipment before it was sent to the AG's office.
- b. After removing the SD card from the dash camera, Det. McCain did not photograph the SD card, record its data storage size, or mark it as a separate item of evidence, contrary to LCSO 16-1.

Actions taken by Det. McCain in this case appear to violate Section II, IDENTIFICATION OF EVIDENCE. "All recovered evidence must be immediately and properly marked or labeled in order to assure its

proper identification at some later date." Further, each piece of evidence must be marked when it is removed from the original Position. Evidence will be marked by use of deputy's initials and evidence/case number when practical. The date of recovery, case number, and similar identification shall be fixed to the exhibit whenever possible.

Additionally, Section III PRESERVATION OF EVIDENCE, states, The integrity of evidence may be further protected by selecting a container that will guard against damage or contamination.

- A. Place each item in its own container or paper wrapping.
- B. After the article has been marked, placed in a container and sealed, a label or tag will be affixed.
- C. ...Deputies must also log all property in the property section in their report in SOMS so that the Evidence Custodian can properly maintain the Chain of Custody.

Next is Section IV, CHAIN OF POSSESSION. The correct methods used in collecting, identifying, and packaging evidence may be nullified if an officer cannot account for all persons who have handled, examined, or stored the evidence...Each deputy is responsible for maintaining the chain of Possession and protecting the integrity of his/her evidence.

**Section B. If the evidence leaves the deputy's Possession,  
he/she should:**

- 1. Record his/her notes to whom it was given.**
- 2. The time and date.**
- 3. The reason for being given to another person.**
- 4. When and by whom it was returned.**

**The court finds that Detective McCain's actions did not comply and violated LCSO Policy 16-1 in the ways enumerated.**

**Another area of concern is the information contained within the Tim Griffin Attorney General Request for Forensic Examination form. That form shows an item of evidence, E1, a Black/Silver1080p Camera, was submitted by Sgt. Carla Lucas on 11-14-24 and received by SA Amber Kalmer. Within the large box on the upper righthand of this form is the box, "On-Site Preview," checked UNK (presumably for unknown). This item of evidence, presumably the dash camera, was returned to the Lenoque County Sheriff's Office, on 10/16/2025, 11 months later.**

**In the LCSO Evidence Detail form it was listed that this evidence was sent to the AG Office on 10/14/2024, and checked back in from the AG's Office 10/16/2025. This form indicates the acquired location was Michael Fosler's windshield, and this item of evidence was acquired on 10/8/2024 at 04:13, acquired by Robbie L. McCain, and given Evidence Number E85.**

**Between those two dates are a series of emails between the prosecutor and defense counsel on July 3, 2025. The first email is a disclosure from the prosecutor to defense counsel**

to let her know about a dashcam that was apparently in the decedent's truck that was taken into evidence by LCSO after the incident, and that Det. McCain took the micro SD card out and reviewed the video files on it but all the files showed to be after the incident and just showed blue lights in the background and no other exculpatory/inculpatory evidence. That email also indicated that the dashcam unit along with the SD card were sent to the AG's office for Amber Kalmer to do a forensic exam on it, but it has come up missing. That email also referenced Det. McCain unplugging the dash cam. A follow up email stated there was no internal storage within the dash cam and that is the crux of this missing, lost, or destroyed evidence not preserved by the State. The Court is unable to discern when the Attorney General's office informed LCSO that the memory card was missing.

There is one last discrepancy before moving on to the December 17-18, 2025, Pretrial Hearing Transcript. This LCSO Evidence Detail form also indicated this dash camera item of evidence was sent to the AG Office on 10/14/2024, whereas the AG form listed above shows that office received this dash camera on 11/14/24, as stated in a paragraph above. The State asserts this is a clerical error.

**DETECTIVE MCCAIN'S TESTIMONY AT DECEMBER 2025 PRETRIAL HEARING POINTS:**

1. Detective McCain did not photograph the dash camera position or location and did not document its existence in the incident report. (Emphasis added).
2. Detective McCain admitted that the camera was not logged into evidence but was instead stored in his personal office rather than the evidence room, an oversight it wasn't logged into the System and it got missed. (Emphasis added).

- 3. The dash camera was not logged into evidence until over a year after it was collected (10/8/24—10/16/25), a violation of preservation of evidence procedure.**
- 4. Detective McCain removed the memory card from the dash camera before logging it into evidence and viewed the contents on the computer in his personal office.**
- 5. Detective McCain said this was the only dash camera LCSO has ever seized during an investigation. (Emphasis added).**
- 6. After viewing the contents of the memory card, Det. McCain testified he placed the card back inside the camera, placed the camera in an untaped envelope and put the envelope in his office cabinet rather than logging it into evidence. (Emphasis added)**  
**NOTE: Pretrial expert witness Brandon Purchase noted the SD memory card snapped securely within the dash camera.**
- 7. Sgt. Carla Lucas took the dash camera from LCSO to the AG's office on 11-14-24, for examination.**
- 8. The AG's office did not receive the SD memory card containing the data from the dash camera.**
- 9. None of Det. McCain's actions regarding the dash camera was documented in any database or log, a violation of LCSO written procedures.**
- 10. Det. McCain's failure to place the dash camera into evidence resulted in the camera not being logged into the system of evidence until 10-16-25.**
- 11. There was no mention of the existence of a dash camera in any discovery or law enforcement document until it was returned from the AG's office on 10-16-25 when Det.**

McCain listed the dash camera into evidence as Item E85. The SD memory card and dash camera should have been listed as two entries if separated.

12. LCSO typically sends electronics/digital evidence—computers and phones—to the AG’s office for examination. In this case, with the exception of the dash camera, LCSO sent all the other items—including memory cards, phones, computers, tablets, etc.—to the AG’s office without **first attempting to view them in office.** (Emphasis added)
13. Det. McCain did not document accessing the SD card or what he said he saw when he did so. As an aside, there is a reasonable possibility that he didn’t see what he said he saw based on the sworn testimony of expert witness Brandon Purchase and Affidavit of Jason Stachey, that powering off the camera does not delete anything from the SD card. However, the Court was not present at the PT hearing so no credibility findings can be made.

#### OTHER TESTIMONY DURING DECEMBER 2025 PRETRIAL HEARING

1. LCSO Lt. Portale stated that Det. McCain’s 1) failure to document the removal of the dash camera from the decedent’s truck, 2) failure to document pulling the SD card out, 3) failure to document what he purportedly saw, and 4) failure to document its loss all violated policy.
2. There was other testimony at the this Pretrial hearing that indicated that the decedent’s truck’s accessory was still powered up and running the video camera and that Det. McCain unplugged the dash camera, it powered down and that a splash screen went off, which was disputed by Brandon Purchase, but the Court will not make a credibility finding on that issue.

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3. There was other testimony at this same Pretrial hearing that indicated that Attorney General Special Agent Amber Kalmer found no SD memory card when she opened the package containing the dash camera, and that there were six SD memory cards found in the decedent's house and six SD memory cards found in the decedent's truck in separate searches by LCSO.

In view of these cumulative deviations from LCSO policy and procedures and outright violations of these procedures and best practices and intentional actions of law enforcement in not preserving the critical SD memory card, it has been lost or destroyed. This establishes a pattern of policy and procedure violations and gives the appearance of a coverup. The State argues that these series of violations were mistakes, errors, negligence, and unintentional, not amounting to bad faith. The State further argues that the definition of "bad faith" is limited to the definitions set forth in the *Starks* case. That case also said, citing *Trombetta*, when law enforcement followed their standard operating procedures typically shows a lack of bad faith. Conversely, it could be logically argued that failing to follow standard operating procedures is evidence of bad faith when combined with other factors, as here. Defendant has cited cases from other jurisdictions that define "bad faith" regarding loss or destruction of evidence as evidencing bad faith: 1) efforts to conceal the existence of exculpatory information, its contents, or its destruction; 2) failing to adhere to rules and professional obligations; 3) deliberately omitting mention of evidence or omitting information from reports; and 4) failure to submit an item of evidence, denying its existence, failing to timely alert others to destruction of evidence, or misleading as to the circumstances. These definitions, while not precedent, are influential, helpful, and

persuasive. The court therefore finds that Defendant has proven bad faith on the part of the State in these particular and unique facts and circumstances as outlined above. Therefore, the Bad Faith Prong has been satisfied.

**B. THE DASH CAMERA AND SD MEMORY CARD AS POTENTIALLY USEFUL EVIDENCE IN DEFENDANT'S CASE PRONG**

**TRANSCRIPT EVIDENCE AT DECEMBER 2025 PRETRIAL HEARING**

1. LCSO officers McCranie, Lucas, and McCain acknowledged the evidentiary significance of the dash camera.
2. Both Deputy McCranie and Detective Lucas answered Yes when asked if they immediately recognized the dash camera as an item of evidentiary value. (Emphasis added)

Defendant has advocated that it is logical and legitimate that the dash camera would provide exculpatory evidence assuming the dash camera was working and was operational as it was plugged in at the time it was removed. Defendant asserts the working dash camera would have provided:

1. The decedent's custody of Defendant's daughter
2. The decedent's directives to Defendant's daughter in the truck
3. Defendant's attempt to get the decedent to stop the truck and the decedent's refusal to do so.
4. The decedent's active fleeing from Defendant with Defendant's daughter in the decedent's control.

5. Defendant's successful effort to safely maneuver the decedent's truck into a driveway
6. The decedent's aggressive exit, including the language he used when he exited his vehicle.

The Court further notes that the State in its Response agrees with Defendant that the dash cam and SD card possessed "potential" exculpatory value and would have been potentially useful for both Defendant and the State.

Based on the evidence and Defendant's argument, the Court finds that Defendant has proven this prong, thus satisfying both prongs of the second test under the Clarks opinion: The State also violates the Due Process Clause when it destroys or loses evidence (1) that is potentially useful in the defendant's case and (2) when the government acted in bad faith in the destruction of the evidence.

The Court will also address the other test requiring Defendant to prove (1) that the exculpatory value is apparent and (2) the defendant cannot obtain comparable evidence by any other reasonable means.

#### **A. EXCULPATORY VALUE OF EVIDENCE IS APPARENT BEFORE DESTRUCTION PRONG**

Defendant addresses this prong as his first point in the Brief of May 21, 2026. This issue is intertwined with the actions of bad faith discussed in Prong One of the first test herein. The second prong of the first test, evidence that was potentially useful in the defendant's case, is also related to this prong of exculpatory value. Defendant's Brief thoroughly and extensively addresses this prong with facts and arguments, which the

Court finds persuasive. The Court finds that the Defendant has met his burden of proof as to this prong, the exculpatory value of the dash camera and its internal memory card before it was lost or destroyed.

**B. DEFENDANT'S INABILITY TO OBTAIN COMPARABLE EVIDENCE BY REASONABLE MEANS PRONG**

As Defendant points out in his Brief, video and audio of the dash camera, assuming it was functional and recording, would have demonstrated what Defendant would have witnessed and experienced in real time. Video evidence is objective and not altered by human perception or bias or self-interest. Defendant correctly asserts he has a Fifth Amendment right not to testify and cannot be compelled to testify, so his own testimony cannot satisfy the 'comparable evidence' factor. As argued by the State in its Response, the only other eyewitness to the events in this case was Defendant's daughter. However, her testimony may be colored by the stress and trauma of the events of that late night/early morning. Dash camera footage would be the only objective evidence of that early morning encounter.

Defendant cites in his Brief three federal district court cases from Utah, Idaho, and Michigan. In all three cases, video evidence was available, but unfortunately, no video evidence is available in this case. The U.S. v. Webb case of May 24, 2023, involved video evidence of a traffic stop that showed objective evidence that contradicted the officer's testimony during a field sobriety test that nullified the probable cause to charge the defendant with DUI.

In *Gasser v. Village of Pleasant Prairie*, the video defeated a police custodial claim of excessive force. Based on the video, no reasonable jury could believe Gasser's version of the events. Finally, in *Payne v. Collrin*, a 2025 federal district court case, the trial court stated, "when subjective evidence conflicts with video evidence, we must view the facts in light of the video evidence."

These courts reinforce common sense that competent video evidence is objective and neutral and not subject to human biases or deficiencies in perception. These federal trial court cases are helpful and persuasive even though they are not precedent for a state court, but their holdings do assist Defendant in meeting his burden of proof on this point. Therefore, *the Court finds that Defendant has met this prong as to the first test.*

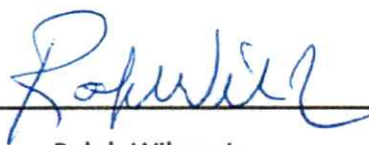
#### **IV. REMEDY**

Defendant Aaron Spencer filed Notice of Intent to Raise Justification as a Defense on December 3, 2024. Specifically, Defendant has raised the defenses afforded to him in Ark. Code Ann. Sections 5-2-604, -606, and -607. Having found a Due Process Clause violation under both tests of *State v. Clarks*, the Court finds that the loss or destruction of the internal SD memory card of the dash camera has adversely impaired Defendant's ability to defend himself pursuant to these defenses, and thus his right to a fair trial.

The next issue is that of a remedy in this case. The last paragraph of the *Clarks* opinion noted that none of the cited cases mention the appropriate remedy if a Due Process violation is found; that there may be occasions when conduct by law enforcement is so egregious that it warrants dismissal, but those should be outliers. The State argues this is an extreme remedy.

Therefore, the Court acknowledges that dismissal is an extraordinary and extreme remedy. However, based on the totality of the circumstances and the unique, specific, and particular facts and circumstances of this case, the Court finds that conduct by law enforcement was so egregious that dismissal of this case is warranted. Therefore, this case is dismissed.

**IT IS SO ORDERED.**

A handwritten signature in blue ink, appearing to read "R. Wilson Jr.", is written over a horizontal line.

Ralph Wilson Jr.

Special Circuit Court Judge

Date: June 4, 2026