

FILED
DATE 4-7-16 @ 8:00 AM
Rhonda Wharton, Clerk
By [Signature] DC

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
2ND DIVISION

STATE OF ARKANSAS

PLAINTIFF

vs.

CR-15-569

HUNTER DREXLER

DEFENDANT

MOTION FOR BILL OF PARTICULARS

In support, Defendant states:

1. On or about August 7, 2015, Drexler was charged with Capital Murder (2 counts); Aggravated Robbery (2 counts); Theft of Property (2 counts); and Abuse of a Corpse (2 counts). The matter is set for a jury trial to commence on June 24, 2016.

2. The elements of Capital Murder, Ark. Code Ann. § 5-10-101, as charged, requires the State to show that Drexler acted, with knowledge, that an aggravated robbery was attempted or committed and "in the course and furtherance of that felony, he or an accomplice cause the death of a person."

3. The elements of Aggravated Robbery, Ark. Code Ann. § 5-12-103, as charged, requires the State to show that Drexler acted, with purpose of committing a theft, threatened "to immediately employ physical force upon another and was armed with a deadly weapon..."

4. The elements of Abuse of a Corpse, Ark. Code Ann. § 5-60-101, as charged requires the State to show that Drexler, knowingly and physically, "mistreats a corpse in a manner offensive to a person of reasonable sensibilities."

5. Drexler is in possession of what it believes, at this time, to be the State's entire discovery file, which includes over a thousand-eight-hundred (1800) pages of discovery. A review of that discovery, in particular statements from co-defendants Justin Staton, Conner Atchley, and Anastasia Roberts, creates more than a handful of theories to which the State can rely. They are:

- a. That Hunter Drexler is solely responsible for the death of both Robert and Pat Cogdell, presumably by the use of two (2) different weapons. This is the

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nutshell version provided by co-defendant, Justin Staton, soon after his arrest. The reports from law enforcement indicate that they do not believe this version of events. Moreover, no objective review of the evidence would support such a theory.

- b. That Conner Atchley and Hunter Drexler were both responsible for shooting the Cogdells. This was another version offered up by Justin Staton to law enforcement during his post-arrest statements. Again, this version does not align with the evidence as it relates to Drexler. However, it would align with the evidence as it relates to Conner Atchley.
- c. That Justin Staton on his own killed the Cogdells. This theory was given to law enforcement by a juvenile who outlined in some detail that Justin Staton confessed to both of the killings. In this statement, Justin Staton advised the witness that his grandfather "went out like a bitch," when describing how he took out his grandparents. Law enforcement appears to brush this confession off. When questioned about this statement during a pretrial matter, Detective Welsh, with the Conway Police Department, chalked this "confession" up to "jail talk." No follow up investigation was conducted regarding the juvenile's claims even though the physical evidence would support it.
- d. That Justin Staton and Hunter Drexler were responsible for the killing of the Cogdells. This is the theory that law enforcement has outlined in its affidavit for arrest of Drexler filed on August 7, 2015. This theory was the product of statements taken from co-defendants Conner Atchley and Anastasia Roberts. Prior to August 7, 2015, Atchley gave three (3) statements which occurred on July 23, 2015, July 25, 2015, and August 6, 2015. All of these statements contain numerous differences, contradictions, and impossibilities. Anastasia Roberts also gave three (3) different statements which occurred on July 23, 2015, July 28, 2015, and August 5, 2015. Again, the stories are different across the board. In fact, law enforcement picks-and-chooses which "facts" it wants to arrive at on the theory they outline in its affidavit for arrest. On or about February 12, 2016 and February 25, 2016, law enforcement discovered

that a claim made by both Atchley and Roberts, putting them in the Cogdell master bedroom during the incident, was not true or as law enforcement put it, "impossible." This "new evidence" led to further statements being obtained from both Atchley and Roberts (March 16, 2016). The fourth round of statements was more extraordinary than their prior versions. Not only are these versions drastically different, but law enforcement would have to change the theory it relied upon in its affidavit of arrest of Drexler. Much, if not all of that information cannot realistically be relied upon by the State in going forward.

- e. All of the evidence related to the Aggravated Robbery and Abuse of Corpse counts can only come directly through the co-defendants' statements, which are borderline competent, in light of the various versions. Therefore, Bills of Particulars as to these charges are necessary to prepare a defense.

6. In light of the numerous potential theories that these co-defendants outline, Drexler is requesting that the Court order that the State provide him a Bill of Particulars so that he can properly mount a defense. One theory over another will dictate the witnesses and the evidence that Drexler presents.

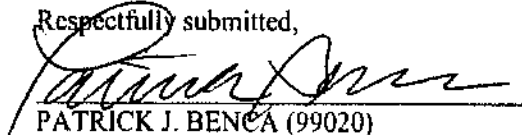
7. Drexler has not asked for a Bill of Particulars as to the Theft of Property counts as evidence of a theft is in a file – that is credit cards that belong to the Cogdells were found in his vehicle at the time of the stop in Graham, Texas. Although Drexler denies he was responsible for taking the credit cards and putting them in his vehicle, the evidence will be that is where they were found. Therefore, asking for a Bill of Particulars as to those counts would not be appropriate.

8. Counsel for Drexler requests a Bill of Particulars which he is entitled to pursuant to A.C.A. § 16-85-301 and A.C.A. § 16-85-403; *see also, Limber v. State*, 264 Ark. 479, 572 S.W. 2d 402 (Ark. 1978). This is necessary to give Drexler sufficient information so that he knows the allegations the State of Arkansas intends to put forth as the criminal act or acts against him, and so a defense can be prepared.

9. Drexler is requesting a hearing on this motion and a motion for reconsideration of bond. This is necessary so as to have proper motions filed by the pretrial date of May 17, 2016.

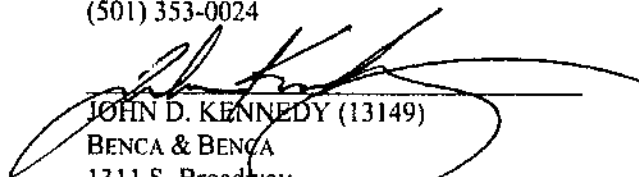
WHEREFORE, the Defendant prays that his Motion for a Bill of Particulars be granted, and that a hearing be held on this matter prior to the May 17, 2016 pretrial date.

Respectfully submitted,



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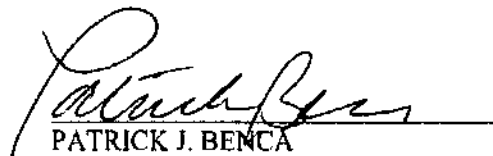


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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was sent to the Prosecuting Attorney via fax on April 6, 2016.



PATRICK J. BENCA