

IN THE CIRCUIT COURT OF LONOKE COUNTY, ARKANSAS
TWENTY-THIRD JUDICIAL DISTRICT
SECOND DIVISION

STATE OF ARKANSAS

PLAINTIFF

vs.

CR 97-9

HEATH STOCKS

DEFENDANT


**RESPONSE TO DEFENDANT'S MOTION TO AMEND THE MOTION FOR
THE ISSUANCE OF THE WRIT OF ERROR CORAM NOBIS TO INCLUDE
THAT THE PETITIONER IS MOVING THIS COURT TO GRANT A MOTION
FOR THE WRIT OF AUDITA QUERELA, OR OTHER RELIEF**

Comes now the State, by and through Deputy Prosecuting Attorney Ben Hooper, and states the following as a response to the Defendant's Motion to Amend his previous petition for error coram nobis to also include a motion for a writ of audita querela.:

1. The Defendant originally filed a motion/petition with the Court seeking relief under error coram nobis. The Defendant subsequently filed a motion to amend the error coram nobis petition to also seek relief under audita querela.
2. As cited by the Defendant, a writ of audita querela is "indistinguishable" from a writ of error coram nobis. The Defendant incorporated by reference the entirety of his motion/petition for error coram nobis, thereby advancing the exact same arguments and claims for relief under audita querela.
3. The State likewise is hereby incorporating by reference the entirety of its response to the Defendant's petition for error coram nobis relief. The State herein asks that all of its prior discussion, arguments, and citations against error coram nobis relief also be taken into consideration and used as its response to the Defendant's petition for audita querela relief.
4. The State therefore requests that the Defendant's petition for relief under audita querela be dismissed without a hearing.

Therefore, the State requests that its prior response to the Defendant's request for error coram nobis relief be herein incorporated in its entirety and that the Defendant's request for relief under audita querela be dismissed according to the same arguments, rationale, and case law.

Respectfully Submitted,



Ben Hooper
Deputy Prosecuting Attorney
301 North Center Street, St 301
Lonoke, Ar

CERTIFICATE OF SERVICE

I, Ben Hooper, Deputy Prosecuting Attorney, do hereby certify that a copy of the foregoing Response was mailed via first class mail to the Defendant at the following address on this 27 day of October, 2017.

Heath Stocks
ADC #110429
Maximum Security Unit
2501 State Farm Road
Tucker, Ar 72168-8713



Ben Hooper
Deputy Prosecuting Attorney