

IN THE SUPREME COURT OF ARKANSAS

HEATH STOCKS

APPELLANT

VS

CASE NO. CR-18-402

STATE OF ARKANSAS

RESPONDENT

MOTION TO FILE APPELLANT'S REPLY BRIEF UNDER SEAL

Comes now, Heath Stocks, the Appellant, pro se; moving this Court grant his Motion to Seal Appellant's Brief on Appeal; and does so state;

JURISDICTION

This Court has jurisdiction pursuant to Rule 2-1 of the Rules of the Arkansas Supreme Court. Appellant invokes all other pendent jurisdiction of this Court.


FACTS

On January 18, 1997 Heath Stocks was charged with three (3) counts of Capital Felony Murder in the Lonoke County, Arkansas. (*R. pg.1.; Add.; pg. 104-05*). Stocks signed a guilty plea agreement form on June 5, 1997. (*R. pg. 48; Add.; pg.5*) On June 6, 1997, Lonoke County Circuit Court Judge Lance Hanshaw signed a judgment and commitment order sentencing Stocks to three (3) consecutive life without parole sentences in the Arkansas Department of Corrections.

1. One September 21, 2017, Stocks filed a Motion/Petition for the Issuance of the Writ of Error Coram Nobis in the Lonoke County Circuit Court. (*R. pg. 65; Add. pg. 39-100*).
2. The State filed a motion on September 21, 2017 to seal the Motion/Petition for the Issuance of the Writ of Error Coram Nobis due the child sexual abuse and confidential information relating to child rape and sex abuse victims. (*R. pg. 631; Add.; pg. 606-607*)

3. The trial court granted the motion to seal on September 21, 2017. (*R. pg. 633; Add.pg. 608*).
4. Stocks amended the Motion/Petition for the Issuance of the Writ of Error Coram Nobis on September 29, 2017, to include that he was seeking relief under the writ of audita querela. (*R. pg. 634; Add. pg. 609*)
5. The trial court denied the Motion/Petition for the Issuance of the Writ of Error Coram Nobis and Writ of Audita Querela on January 18, 2018. (*R. pg. 745; Add. pg. 720-733*)
6. Stocks filed a timely Notice of Appeal and Designation of Record, and Petition to Proceed In Forma Pauperis. (*R. pg. 775-776; Add; pg. 750-755*)
7. The record on appeal was timely lodged with this Court, namely, Heath Stocks v State of Arkansas Case No. 18-402; and the appellate brief is due on June 20, 2018.
8. On October 18, 2018, this Court granted Appellant's pro se motio to file his brief under seal.
9. The Respondent replied to the Appellant's Brief on Appeal on November 26, 2018.
10. The Respondent filed a Motion to File a Brief Under Seal on November 26, 2018.
11. Stocks moves that his Reply brief be sealed due to numerous documents in the addendum child sexual abuse and rape of multiple victims, and confidential medical records detailing child sexual abuse and rape. (*R. pg. 127-629; Add. pg. 129-661*)

WHEREFORE, Stocks in good faith believes that this Court should grant his Motion for Appellant's Reply Brief on Appeal to be Filed Under Seal.

Respectfully submitted,

Heath Stocks

VERIFICATION OF SIGNATURE

I, Heath Stocks do swear and attest that I am filing this Motion to File Appellant's Reply Brief Under Seal , and the facts asserted herein are to the best of my knowledge and is not done in bad faith.

/s/ Heath Stocks
Heath Stocks

State of Arkansas
County of Jefferson

SUBSCRIBED AND SWORN TO BEFORE me a Notary Public on this 10th day of December 2018.

JOHN SPEARS
NOTARY PUBLIC-STATE OF ARKANSAS
JEFFERSON COUNTY
My Commission Expires 03-09-2021
Commission # 12382198

John Spears
Notary Public

My Commission Expires: _____

CERTIFICATE OF SERVICE

I, Heath Stocks hereby certify that I have serviced an exact copy of the Motion to File Appellant's Reply Brief Under Seal of the foregoing to the Leslie Rutledge, Attorney General of Arkansas Catlet-Prien Tower Bldg., 323 Center Street, Suite 200 Little Rock, AR. 72201 on this 12 day of December, 2018 by U. S. Mail postage prepaid.

Hon. Ashley Parker
Lonoke County Circuit Court Judge
Courthouse,
301 N. Center St., Ste. 101
Lonoke, AR 72086-2891

Heath Stocks
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