

IN THE LONOKE COUNTY CIRCUIT COURT OF ARKANSAS

HEATH STOCKS

PETITIONER

VS

CASE NO. CR-97-9

STATE OF ARKANSAS

RESPONDENT

PETITIONER'S REPLY TO THE STATE'S RESPONSE TO THE MOTION FOR APPOINTMENT OF COUNSEL.

Comes now, Heath Stocks, the petitioner herein, and pro se, for his Reply to the State's Response to the Motion for Appointment of Counsel, does so state;

FACTS

1. The petitioner Heath Stocks filed his motion for the issuance of the writ of error coram nobis on September 20, 2017 and subsequently amended this petition on September 29, 2017 to include that Stocks was further moving for this court to consider the issuance of the writ of audita querela and other relief based upon the facts in the petition. Stocks additionally filed a motion for appointment of counsel.
2. On October 27, 2017 the State filed an ambiguous response asking this court to dismiss the writ of error coram nobis and the writ of audita querela without conducting a hearing. In essence the State is asking this court to grant summary judgment for failure to state facts upon which relief can be granted.
3. On October 27, 2017 the State filed a response to Stocks Motion for Appointment of Counsel.

4. The Respondent has filed a Petition to Seal in this case, of which it would take professional legal assistance to insure Stocks's rights to Due Process of Law and Equal Protection to be able to use the seal documents.

5. Stocks has made an irrefutable substantial showing that he is entitled to relief, and the merits of his pleading requires an evidentiary hearing, and the State has admitted in the Response (page 1; paragraph (4) ); "...counsel should be appointed for the hearing."

6. This is an admission by the State of the need for counsel and it would be in the best interests of this Court to appointment counsel for Stocks.

7. Stocks moves that this Court appoint the below listed attorney to represent him in this Court.

J. Thomson Sullivan  
Arkansas Bar No. 200619  
1122 West Capitol Avenue  
Little Rock, Arkansas 72201  
(501) 376-6277

**RELIEF**

Wherefore, Stocks prays that his Motion for Appointment of Counsel be granted and all other equitable relief.

Respectfully submitted,  
*Heath Stocks*  
Heath Stocks

**VERIFICATION OF SIGNATURE**

I, Heath Stocks do swear and attest that I am filing this Reply to the States Response to the Motion for Appointment of Counsel, 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 8<sup>th</sup> day of Nov 2017.

/s/ Ethel Darrough  
Notary Public

My Commission Expires: 01-25-2026

ETHEL DARROUGH  
NOTARY PUBLIC-STATE OF ARKANSAS  
JEFFERSON COUNTY  
My Commission Expires 01-25-2026  
Commission # 12695985

CERTIFICATE OF SERVICE

I, Heath Stocks hereby certify that I have serviced an exact copy of the foregoing to the Prosecuting Attorney Chuck Graham, Courthouse, 301 N. Center St., Ste. 301, Lonoke AR 72086-2892 on this 8<sup>th</sup> day of November 2017 by U. S. Mail postage prepaid.

Heath Stocks  
Heath Stocks