

IN THE LONOKE COUNTY CIRCUIT COURT OF ARKANSAS

HEATH STOCKS

PETITIONER

VS

CASE NO. 97-9

STATE OF ARKANSAS

RESPONDENT

MOTION FOR THE LONOKE COUNTY PROSECUTOR'S OFFICE TO RECUSE

Comes now, the Petitioner, Heath Stocks, moving this Honorable Court to grant his Motion for the Lonoke County Prosecutor's Office to Recuse; and does so state;

JURISDICTION

This Court has jurisdiction to grant this motion under *Arkansas Code Annotated 16-21-103; 16-21-112*. Stocks invokes all pendent jurisdiction of this Court.

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, that was filed 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.
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.
3. Former Lonoke County Prosecutor Larry Cook and Deputy Prosecuting Attorney Ben Hooper have a close personal relationship. (See Petitioner's Ex. No. 76; Attached). Cook's multiple *Brady* violations and prosecutorial misconduct in covering up sexual abuse,

failing to file rape charges against Charles Walls III, and other prosecutorial misconduct as outlined in Stocks's writ of error coram nobis petition are now in controversy.

4. Deputy Prosecuting Ben Hooper worked with Larry Cook and the information sealed by this Court in the writ of error coram nobis petition shows that the entire Lonoke County Prosecutor Office had to recuse from judicial matters concerning Charles Walls III. (*See Stocks Writ of Error Coram Nobis ; Ex. No. 22; Letter from Special Prosecutor Betty Dickey, page 298; Ex. No. 45. Prosecutor's Recusal from Walls Trial; page 471-472*)

5. Ben Hooper's ties to Larry Cook creates uncertainty in the integrity of the Lonoke County Prosecutor's Office and this Court may grant this motion to ensure that there is no adverse conflict of interest or miscarriage of justice committed by Deputy Prosecuting Attorney Ben Hooper to protect Larry Cook, or file criminal charges against Cook for actions committed in covering up for the rape of Stocks by Charles Walls III, Charles Walls III ordering Stocks to help murder the Stocks family, and the sexual abuse of Stocks; in behalf of former judge Charles Walls II and Charles Walls III.

6. Deputy Prosecutor Ben Hooper may be called as a material witness as to the conduct of former Prosecutor Larry Cook, while Cook was Lonoke County Prosecutor. Hooper will be called to testify whether he was aware of other instances of prosecutorial misconduct by Larry Cook.

7. The documents that this Court has ordered sealed contains enough information to bring conspiracy to commit capital murder charges against Charles Walls III for his role in the Stocks family murders. The Lonoke County Prosecuting Attorney's Office has still failed to file charges against Charles Walls III for his role in the murders. A violation of *Ark. Code Annotated 16-21-103. (See Stocks Writ of Error Coram Nobis pages 1-564)*

8. Stocks moves this court to require the Lonoke County Prosecutor's Office to recuse from the case and that a Special Prosecutor be assigned to render an independent assessment of the facts contained in this sealed case bearing upon whether or not this Court should grant the writ of error coram nobis and writ of audita querela. *Arkansas Code Annotated 16-21-112 and 16-21-103.*

WHEREFORE, Stocks prays that his Motion for Recusal of the Lonoke County Prosecutor Office 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 Motion for Recusal of the Lonoke County Prosecutor Office, and the facts asserted herein are to the best of my knowledge and are 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 5th day of Dec 2017.

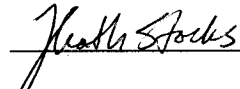
/s/ *Ethel Darrough*
Notary Public

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 5th day of December 2017 by U. S. Mail postage prepaid.



Heath Stocks

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Deborah Oglesby
Lonoke County Circuit Court Clerk
Courthouse, 301 N. Center St.
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