

IN THE LONOKE COUNTY CIRCUIT COURT OF ARKANSAS

HEATH STOCKS

PETITIONER

VS

CASE NO. CR-97-9

STATE OF ARKANSAS

RESPONDENT

**MOTION FOR PSYCHOLOGICAL AND MENTAL EXAMINATION OF THE
PETITIONER.**

Comes now, Heath Stocks, the Petitioner herein, and pro se moving this Honorable Court to grant his Motion for Psychological and Mental Examination , and does so state;

JURISDICTION

This Court has jurisdiction to grant the motion pursuant to Arkansas Rules of Civil Procedure Rule 35 (a).

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 27, 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. In essence the State is asking this court to grant summary judgment for failure to state facts upon which relief can be granted. . Arkansas Rules of Civil Procedure Rule 12 (b). *St. Paul Mercury*

Ins. Co., v Circuit Court of Craighead County, Western Div., 2002, 73 S. W. 3d 584, 348 Ark. 197.

3. The mental condition of Heath Stocks is in controversy and this Court can order a mental and or psychological examination of Stocks to produce a cooperative forensic examination that was previously unavailable to this Court. The previous forensic examination was tainted because Stocks's defense counsels Mac Carder and Edgar Thompson advised Stocks not to cooperate with the forensic evaluation. See Petitioner's Writ of Error Coram Nobis, Ground Seven at page 24; Petitioner's Exhibits to the Writ of Error Coram Nobis No. 50, 51, 52, and 53 at pages 487-493 and Ex. No. 6 page 99-101.

4. The perusal of the exhibits would give this Court a sufficient factual basis upon which to grant this motion and Stocks is agreeable to take the mental and psychological examination.

WHEREFORE, Stocks prays that this Court grant his motion for the psychological and mental examination .

Respectfully submitted,
Heath Stocks
Heath Stocks

VERIFICATION OF SIGNATURE

I, Heath Stocks do swear and attest that I am filing this Motion for Psychological and Mental Examination of the Petitioner, and the facts asserted herein are to the best of my knowledge and is not done in bad faith.

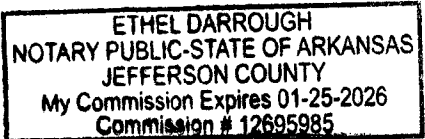
/s/ *Heath Stocks*
Heath Stocks

State of Arkansas
County of Jefferson

SUBSCRIBED AND SWORN TO BEFORE me a Notary Public on this 8th day of NOV 2017.

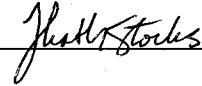
My Commission Expires 01-25-2026

/s/ *Ethel Darrough*
Notary Public



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 8th day of November 2017 by U. S. Mail postage prepaid.

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Heath Stocks