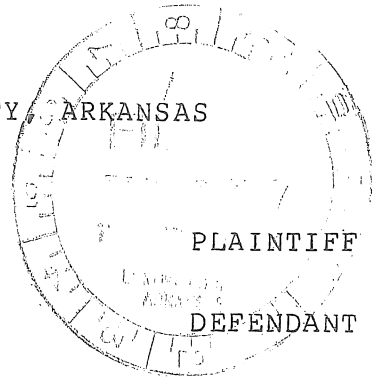


IN THE CIRCUIT COURT OF LONOKE COUNTY, ARKANSAS
FIRST DIVISION

STATE OF ARKANSAS

VS
HEATH STOCKS

NO. CR-97-9



STATE'S RESPONSE TO DEFENDANT'S MOTION TO SUSPEND ANY
AND ALL OBSERVATION AND PSYCHIATRIC EVALUATION OF DEFENDANT
BY THE ARKANSAS STATE HOSPITAL

Comes the State of Arkansas and for its response to the Defendant's Motion states:

1. That the State of Arkansas denies each and every allegation in the Defendant's Motion not specifically admitted herein.

2. That the Defendant has alleged in his motion the State of Arkansas is not complying with discovery, this is false.

3. The issue is whether or not the Defendant through his counsel can refuse a Court ordered mental evaluation. The Defendant through his counsel on January 21, 1997 filed a petition for mental evaluation. That on January 22, 1997 this Court signed an Order for "30-Day In-Patient Evaluation for Psychiatric Examination", a said copy of this Order is in the Court file.

4. That Arkansas Code Annotated 5-2-305, states among other things, that if there is reason to believe that mental disease or defect will or has become an issue the Court shall immediately

suspend all further proceedings in the prosecution. That the petition for mental examination filed by the defendant states in paragraph two that there is reason to believe "that mental disease or defect of the defendant will or has become an issue in this cause of action".

5. That pursuant to Arkansas Code Annotated 5-2-305 upon filing of the motion by the defendant and determination by the Court that reason to believe that mental disease or defect by the defendant will or has become an issue the Court was required by statute to immediately suspend all further proceedings.

6. Further pursuant to Arkansas Code Annotated 5-2-305 "upon suspension of further proceedings in a prosecution, the Court shall enter an Order committing the Defendant to the Arkansas State Hospital". (Emphasis added.) The Court pursuant to its Order of January 22, 1997 entered an order for the Defendant to be made available to the staff of the Arkansas State Hospital for psychiatric examination.

7. Arkansas Code Annotated 5-2-305, as well as the Order of this Court is absolutely void of any requirement that "full and complete discovery" must be made prior to the evaluation requested by the defendant. This is not a discovery issue.

8. The Defendant should be required to abide by Orders of this Court.


WHEREFORE, that the State of Arkansas prays that the Defendant's Motion be denied and dismissed; that the evaluation

proceed as requested by the Defendant through his counsel and as ordered by this Court; and for all other proper relief.

RESPECTFULLY SUBMITTED,

STATE OF ARKANSAS, PLAINTIFF


BY:



LARRY K. COOK, PROSECUTING ATTORNEY
SEVENTEENTH WEST JUDICIAL DISTRICT
P. O. BOX 423
LONOKE, ARKANSAS 72086
(501) 676-2807

CERTIFICATE OF SERVICE

I, Larry Cook, do hereby certify that a true and correct copy of the foregoing pleading has been sent by regular mail to Mac Carder, Jr., Attorney for the Defendant at the address of 101 East Capitol Avenue, Suite 201, Little Rock, Arkansas 72201 with sufficient postage for delivery.



LARRY COOK