

IN THE CIRCUIT COURT OF LONOKE COUNTY, ARKANSAS  
TWENTY-THIRD JUDICIAL DISTRICT  
SECOND DIVISION

STATE OF ARKANSAS

PLAINTIFF

vs.

CR 97-9

HEATH STOCKS

DEFENDANT

**RESPONSE TO DEFENDANT'S MOTION FOR PSYCHOLOGICAL AND  
MENTAL EXAMINATION OF THE PETITIONER**

Comes now the State, by and through Deputy Prosecuting Attorney Ben Hooper, and states the following as a response to the Defendant's Motion for Psychological and Mental Examination.:

1. The Defendant has filed a petition for postconviction relief under error coram nobis and audita querela. The Defendant subsequently filed the motion at issue here requesting a mental examination.
2. The Defendant's request may be succinctly disposed of: his request is not ripe. The Defendant has jumped several stages ahead of where the current proceedings actually are. He must first present a writ of error coram nobis or audita querela that is diligently submitted and makes a facial and meritorious showing of cognizable grounds, then if the matter progresses far enough and the underlying criminal case is actually reopened he may properly request a mental examination. We are not at that point. Indeed, it is the State's contention, that we will never be at that point. The Defendant has failed at the very first step in the process. He has failed to diligently present the court with a petition for post-conviction relief that makes a facially meritorious showing of cognizable grounds for relief. The Defendant's petition was neither diligently presented nor did it meritoriously allege cognizable grounds. It must therefore be dismissed. Because it must be dismissed at this stage of the proceedings there is no need for (another) psychological and mental examination and the Defendant's request should therefore be denied

Therefore, the State objects to the Defendant's motion for a psychological and mental examination and ask that his request be denied.

Respectfully Submitted,



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Ben Hooper  
Deputy Prosecuting Attorney  
301 North Center Street, St 301  
Lonoke, Ar

**CERTIFICATE OF SERVICE**

I, Ben Hooper, Deputy Prosecuting Attorney, do hereby certify that a copy of the foregoing Response was mailed via first class mail to the Defendant at the following address on this 22 day of November, 2017.

Heath Stocks  
ADC #110429  
Maximum Security Unit  
2501 State Farm Road  
Tucker, Ar 72168-8713



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Ben Hooper  
Deputy Prosecuting Attorney