

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 STATE'S RESPONSE TO THE WRIT OF ERROR CORAM NOBIS; AND A MOTION TO AMEND THE WRIT ERROR CORAM NOBIS TO INCLUDE THAT THE PETITIONER IS MOVING THIS COURT TO GRANT A MOTION THE WRIT OF AUDITA QUERELA AND OTHER RELIEF

Comes now, Heath Stocks, the petitioner herein and pro se for his reply to the State's response to the motion for the issuance of the writ of error coram nobis and; a motion to amend the writ of error coram nobis to include that the petitioner is moving this Court to grant a motion for the writ of audita querela and other relief, 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.

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. In accordance with *Arkansas Rules of Civil Procedure Rule 56 (c), (1)* the State is required to specify the issue or issues on which summary judgment is sought and support the argument by pleadings, depositions, answers to interrogatories, admissions on file and affidavits. The State has not submitted anything in support of the motion to dismiss. Stocks will reply to the State's response in accordance with *Arkansas Rules of Civil Procedure Rule 56*.

4. The purpose of summary judgment is not to try issues but to determine if there are issues to be tried, and if doubt exists as to whether there are issues to be tried, summary judgment should not be granted. *Culpepper v Smith, 1990, 302 Ark. 558, 792 S. W. 2d 293*.

5. The State was given an opportunity to submit evidence in support of the motion to dismiss and has failed to do so. The mere denial of a factual allegation is not equivalent to stating facts sufficient to support a legal defense. *Higgins v Burnett, 2002, 76 S. W. 3d 893, 349 Ark. 130*.

6. Purpose of requirement that party state in ordinary and concise language his defenses and affirmative defenses to each claim for relief against him is to give fair notice of what the claim is and the ground on which it is based so that each party may know what issues are to be tried and be in a position to enter the trial with his proof in readiness. *Arkansas Rules of Civil Procedure Rule 8 (b, c). Odaware v Robertson Aerial-Ag, Inc. 1985, 13 Ark. App. 285, 683 S. W. 2d 624*.

7. The State's response should be stricken for failure to plead a defense in a timely manner. Stocks filed his petition for the issuance of the writ of error coram nobis on September 20, 2017 and subsequently amended the petition on September 29, 2017. According to the *Arkansas Rules of Criminal Procedure Rule 15 (a)*, the State had twenty (20) days to plead in response to the amended pleading or within the time for response to the original pleading. The longer period is from the time of the amended pleading on September 29, 2017. Which means that the State

would have had to respond by October 15, 2017 and no later than October 18, 2017, excluding the final date of October 18, 2017 falling on a weekend. The State did not respond to either pleading until October 27, 2017, which is way beyond the allowable time period to respond. Defendant's time for answer or reply should be calculated from date of service of amended complaint, not date of service of the original complaint. Arkansas Rules of Civil Procedure Rule 15 (a).

8. Even in the late response the State failed to put forward a sufficient legal defense to the granting of the writ of audita querela.

DUE DILIGENCE:

The Respondent has a misunderstanding or misinterpretation of what constitutes due diligence and the limited research by the Respondent relies heavily on *Matthews v State*, 216 Ark. 447, (2016); *Pinder v State*, 2012 Ark. 45 (2012) and *Echols v State*, 345 Ark. 414 (2003). These are just negative cases decided against the defendants, and do not set in stone legal precedents for when and what is due diligence, concerning information that was withheld by the State, or not available to Stocks prior to the guilty plea.

The Arkansas Supreme Court has ruled in *Buckley v State*, 2010 Ark. 154; *Newman v State*, 2009 Ark. 539, 354 S. W. 3d 61 and *Williams v State*, 2017 Ark. 20, that there is no specific time limit for seeking a writ of error coram nobis, due diligence is required in making the application.

Stocks was unaware of the Brady violations as set forth in his Writ of Error Coram Nobis petition. The withholding of exculpatory material and mitigating evidence by the State occurred before and after Stocks's guilty plea agreement in June 1997.

Stocks immediately brought the withheld evidence to this Court after he had received them from Samantha Jones. (*See Writ of Error Coram Nobis; Petitioner's Exhibits No. 7, 8, 9, 10 thru 35, 39, 40, 41, 42, 43, 45, 46, 56, 57, 71, 72*). Samantha Jones has submitted another affidavit to clearly verify what withheld exculpatory and mitigating evidence she discovered and sent to Stocks. (*See Petitioner's Ex. No. 74; Affidavit from Samantha Jones, Attached as Exhibit No. 74*).

Since, the prosecutorial misconduct and withholding of material, exculpatory and mitigating evidence were not discovered until after Stocks's guilty plea agreement in June 1997. Due diligence cannot be denied as matter of law.

Regardless, of the immature manner in which the Respondent argues that Stocks failed to establish that there is a reasonable probability that the judgment would not have been rendered had the withheld evidence and prosecutorial misconduct been known to the defense at the time of the guilty plea agreement. This court should uphold the ruling in *Howard v State, 2012 Ark. 177, 403 S. W. 3d 38 (2012)* that "...it cannot be determined without an evidentiary hearing that the allegations of a Brady violation are without merit.

Therefore, this Court should decide the merit of the allegations first at an evidentiary hearing, before determining the factual issuance of diligence. *See Cloird, 349 Ark. at 38, 76 S. W. 3d at 816 and Howard, supra.*

Most recently, the Arkansas Supreme Court had to reverse the Pulaski County Circuit Court in *Scott v State, 2017 Ark. 199*, concerning due diligence, which trumps the Respondent's argument that Stocks knew or should have known about the prosecutorial misconduct and the withholding of material, exculpatory and mitigating evidence.

As in *Scott, supra*, and *Williams v State, supra*, the Arkansas Supreme Court has been consistent in reversing circuit court decisions that run afoul of the proper standard of due diligence and the requirement to be met by the Respondent.

Stocks could not have in exercise of due diligence, presented the facts at the time of the signing of the guilty plea agreement, because the aforementioned *Petitioner's Exhibits No. 7, 8, 9, 10 thru 35, 39, 40, 41, 42, 43, 45, 46, 56, 57, 71, 72* were in possession of the Respondent or other State agents, of which the Respondent is responsible for their actions. *Kyles v Whitley, supra*. Stocks and his attorneys did not know of the newly discovered evidence because it had been withheld in violation of *Brady v Maryland, supra* and its progeny.

In *Pitts v State, 2016 Ark. 345, 501 S. W. 3d 803 (2016)*; *Strawhacker v State, 2016 Ark. 348, 500 S. W. 3d 716* and *Williams v State, supra*, the Arkansas Supreme Court granted the writ of error coram nobis and writ of audita querela after twenty, twenty-five and thirty years had elapsed since the convictions.

The Respondent further failed to plead a defense concerning the writ of audita querela , which specifically addresses unanticipated situations that arise after the judgment. The Respondent's argument of due diligence as applied to the writ of audita querela fails. The newly discovered material, exculpatory and mitigating evidence, and prosecutorial misconduct made enforcement of Stocks guilty plea unfair. As clearly spelled out in former prosecutor Betty Dickey and Chief Peckat letters (*See Petitioner's Ex. No. 22, page 28 and No. 32-33; pages 368-390*), give rise to the *Brady* violations that occurred before and after Stock's signing the guilty plea agreement and how the outcome would have been different if the *Brady* violations had been known.

It would be contrary to justice, according to common law practice, for a judgment to be enforced, because of matters arising subsequent to the rendition thereof, or because of prior existing defenses were not available to Stocks at the time of the guilty plea agreement. Guilty plea agreements are contractual in nature and are governed by law of contracts. *Santobello v New York*, 404 U. S. 257 (1971) and *U. S. v Kelly*, 18 F. 3d 612, 616 (8th Cir. 1994).

The writ of audita querela gives this court inherent power to afford relief in behalf of one against whom execution had been issued or was about to be issued upon a judgment, which it would be contrary to justice to allow to be enforced, because of matters arising subsequent to the rendition thereof. *Oliver v City of Shattuck ex rel. Verslius*, 157 F. 2d 150, 153 (10th Cir. 1946); *United States v Torres*, 282 F. 3d 1241, 1245 n. 6 (10th Cir. 2002) (“A writ of audita querela is used to challenge a judgment that was correct at the time rendered but which is rendered infirm by matters which arise after its rendition.”)

The writ of audita querela addresses unanticipated situations that arise after judgment. Coram Nobis, however addresses *Brady* violations and other defects that existed before the judgment. Thus, for the Respondent to attempt to encircle the writ of audita querela with requirements only pertinent to the writ of error coram nobis is an ill-fated argument against Stocks’s due diligence.

Therefore, this Court should proceed to decide the writ of error coram nobis and writ of audita querela on its merits and grant the relief requested by Stocks.

GROUND ONE

The State’s response is inadequate and fails to accurately categorize the merits of this serious *Brady* violation. Additionally, the Respondent fails to offer one iota of convincing legal

precedent to support its misinterpretation of the clearly established federal law in *Brady v Maryland, supra* and its progeny.

In the response, the State alleges that the conviction of Stocks “was supported by a substantial factual basis; including physical evidence, forensic evidence, witness statements, and of course, the Defendant’s own full confession.” However, the Respondent fails to present this Court with any record of a guilty plea proceeding, where Stocks confessed his guilt before the trial court; or a record of proof that Stocks guilty plea agreement was knowingly, intelligently and voluntarily made, to satisfy the requirements of *Arkansas Rules of Criminal Procedure Rules 24.4, 24.6 and 24.7*.

Former Prosecutor Larry Cook, failed to disclose that he was a close friend of the co-conspirator Charles Walls III (“Hereafter referred to as Walls”) and former judge Charles Walls II. This relationship with the Walls family caused Cook to withhold material, exculpatory and mitigating evidence against Charles Walls III. (*See, Writ of Error Coram Nobis; Petitioner. Ex. No. No. 7, 8,9, 10 thru 35, 39, 40, 41, 42, 43, 45, 46, 56, 57, 71, 72*). If the defense counsel would have known that the reasons for Cook’s withholding of the exculpatory, material and mitigating evidence was because of his close relationship with the Walls, the defense would have filed a motion for Cook to recuse from the case.

Stocks is not relying upon the *Brady* violation alone. Stocks has clearly shown in his writ of error coram nobis petition under Ground One, an adequate factual basis, of which relief should be granted, and has established the resulting prejudice of Cook’s *Brady* violation. Ground One falls under a *Brady* violation and the standard for the issuance of the writ of error coram nobis and writ of audita querela. *Howard v State, supra* and *Pitts v State, supra*. The Respondent’s answer is merely an accusation that is not supported by law and is inopposite of clearly

established federal. *Brady v Maryland, supra* and *Kyles v Whitley, supra*. that supports that Cook's conduct constituted a denial of Stocks's Fourteenth Amendment U. S. C. A. rights to due process of law and equal protection.

Lastly, in addressing Ground One for review under the standard of the writ of *audita querela*. Stocks did not find out about Cook's *Brady* violations until after his guilty plea agreement in June 6, 1997. This post-judgment action of Cook being forced to recuse and prosecuting Charles Walls III, was due to his professional relationship with for Judge Charles Walls II. This was unanticipated by Stocks, and is exactly what the writ of *audita querela* is created to address.

Stocks asserts that a neutral prosecuting attorney would not have suppressed, and withheld material, exculpatory and mitigating evidence from the defense, that would have effected the outcome of the judgment in terms of guilty and punishment. The special prosecutor Betty Dickey verifies these facts in her letter. See *Pet. Ex. No. 22, page 298*; as well as former Lonoke Police Chief Peckat; See *Pet. Ex. No. 32, pages 368-369*.

Therefore, due diligence is not an issue when deciding the merits of the writ of *audita querela*. Stocks was not aware of Cook's implicit prosecutorial misconduct until between January 2017 and May 2017, when Samantha Jones submitted the results of her investigative research. See *Pet. Ex. No. 56, page 505-506* and *Pet. Ex. No. 74, Attached to this Reply*.

GROUND TWO

The Respondent has wrongfully alleged that the actions of Finch are not a *Brady* violation. This is an example of institutionalized prosecutorial misconduct in Lonoke County, Arkansas. Finch's actions of providing Charles Walls III a copy of the murder case file is a *Brady*

violation, because the prosecution was responsible for the actions of the police officers. *Kyles v Whitley, supra*.

The Respondent attempts to stupefy a reasonable jurist to believe that a police officer giving a coconspirator the murder case file of Stocks, does not violate law, shows how much justice has evolved in Lonoke County, Arkansas. Charles Walls III used his knowledge obtained from the file given to him by Finch to cover up his involvement in the murders and manipulate Stocks's family to have Stocks plead guilty. Charles Walls III role in the murders were not found out until at Walls victim impact hearing. See *Pet Ex. No. 25, Marble's Testimony, page 337-344*. Finch violated a standing court order to make sure that Walls, who had ordered the murders to receive the murder case file. See *Pet. Ex. No. 38, Court Order, page 391*. If defense counsel would have known Finch gave Walls the murder case file, then the defense could have investigated the matter and could have possibly discovered Walls role in the murders prior to Stocks's guilty plea agreement, which would have revealed Walls role as an alternative suspect to the murders. *Isom v State, 2015 Ark. 225 (2015)*.

Stocks did not find out about Finch giving Walls the file until January 2017 and May 2017, well after the guilty plea agreement in June 6, 2997. Stocks was prejudiced because he could have been found guilty of an offense lesser than capital felony murder and assessed a different punishment.

The writ of error coram nobis and writ of audita querela should be granted and Stocks has acted diligently in bringing the merits of this claim to the Court.

GROUND THREE

The Respondent once again sourly attempts to evade the obvious *Brady* violations by alleging that the actions of the State of allowing Reverend Robert Marble to question Stocks at

the State Hospital and the Lonoke County Jail without his defense counsel being present are not *Brady* violations. When in fact Marbles's questioning of Stocks led to Marble gathering information about the Walls ordering Stocks to murder Stocks's family to hide the child sexual abuse.

Stocks refers this Court to a careful reading of Ground III as set forth in Stocks's Writ of Error Coram Nobis petition filed on September 20, 2017.

The Respondent is trying its best to lead this Court away from possible prosecution collusion with Marble to protect Walls. A thorough review of all Stocks exhibits submitted with his writ of error coram nobis petition, undoubtedly shows a pattern and an all out blitz by the prosecution to protect Charles Walls III.

The Respondent alleges in error "...that the defense (which is himself) was unaware someone spoke with "Stocks." For clarification purposes, the defense counsels Mac Carder and Edgar Thompson were never aware that Reverend Robert Marble spoke with Stocks at the jail or the State Hospital. There is a big legal difference between the defense counsels not knowing and Stocks knowing, because Stocks was unaware of the motion defense counsel Thompson had filed. See *Pet. Ex. No. 44, page 470*. Stocks is entitled to effective assistance of counsel at all critical stages of the prosecution. The Sixth Amendment U. S. C. A. right to counsel during all critical stages of the prosecution. *Woods v Donald, 135 S. Ct. 1372 (2015)* (Denial of counsel at a critical stage); *Missouri v Frye, 566 U. S. 133 (2012)* (Defendant entitled to counsel at all critical stages of the criminal proceedings which include post trial proceedings by State). The right to counsel was attached. *Michigan v Jackson, 475 U. S. 625 (1986)* (Government efforts to elicit information, etc. from defendant is a critical stage even when there is no interrogation and no Fifth Amendment applicability).

Thus, the Respondent's attempt to turn this crucial *Brady* violation away from the doors of justice fails. Stocks was not made aware of Marble's testimony until after January 2017. See *Pet. Ex. No. 74*, Attached, which was obtained from Charles Walls III case file by Samantha Jones.

Stocks stands by his previous argument on Ground III in Stocks writ of error coram nobis petition pages 11-15. Since, the evidence of Marble's testimony was not found out until January 2017, well after Stocks's guilty plea agreement the writ of error coram nobis and writ of audita querela should be granted, and Stocks has pursued this claim diligently.

GROUND FOUR

The Respondent has failed to legally address this ground sufficiently. Larry Cook withheld the filing of charges of rape against Charles Walls III for sexually assaulting Stocks and other boy scouts. If Cook had filed the rape charges against Walls prior to Stocks guilty plea agreement, the role of Walls in the Stocks family murders would have been revealed as corroborated by Reverend Marbles's testimony. See *Pet. Ex. No. 25*, page 337-344. This would have changed the outcome of the judgment as to the degree of guilt and punishment of Stocks.

The Respondent has not put forth any adequate legal rebuttal to this Ground Four. Stocks stands by the merits of his claims in Ground Four in his writ of error coram nobis petition, pages 15-18 for this ground.

The writ of audita querela and writ of error coram nobis should be granted and Stocks was diligent in bring this claim to this Court.

GROUND FIVE

The Respondent has failed to legally address this Ground Give and Stocks stands by his claims for Ground Five in his writ of error coram nobis, pages 18-22.

In deciding the writ of audita querela the *Exhibits 18, page 279-288; Ex. No. 28, page 349-350; Ex. No. 23, pages 299-313, Ex. No. 24, pages 331; Ex. No. 11 thru 17 pages 135-278; Ex.No. 27, page 347-348; Ex. No. 29, page 351- 353; Ex. No. 25, page 340; Ex. No. 26, page 345-346; Ex. No. 7, page 102-109; Ex. No. 33, page 370; Ex. No. 21, page 297; Ex. No. 22, page 298; and Ex. No. 71, page 554-557* were not found out until after January 2017, well after Stocks guilty plea agreement in June 6, 1997. This newly discovered evidence and evidence withheld by the Respondent would have prevented the rendition of the judgment towards guilt and punishment.

The writ of error coram nobis and writ of audita querela should be granted and Stocks has proven his diligence in bring this claim.

GROUND SIX

The letters of Betty Dickey and former Lonoke Police Chief Peckat clearly shows the prosecutorial misconduct and the withholding of crucial material, exculpatory and mitigating evidence that would have changed the outcome of the proceedings against Stocks.

For the Respondent to put forth such a response for the actions of Charles Walls III of training children to kill people for him, (*See Pet. Ex. No. 71, page 554-557*), and the child sexual abuse and rape of the boy scouts is deplorable. Especially when, the Respondent Deputy Prosecutor Ben Hooper and others from the Office of the Prosecutor of Lonoke County, Arkansas supports the Wade Knox Children's Advocacy Center (*See Pet. Ex. No. 75, Attached*), as well as Lana Gruber of Lana's Dance Studio of Lonoke, who is another one of the adults that abused Stocks as a child (*See Pet. Ex. No. 6, 91-101*).

Once again the Respondent has not supported the allegations by the State with any case law, documentation or evidence.

This Court should grant the writ writ of audita querela and writ of error coram nobis. Stocks has diligently brought this claim to the attention of this Court.

GROUND SEVEN

Stocks's mental state was always in question during all stages of the court proceedings. The Respondent offers no compelling case law to rebut Ground Seven. The Respondent has offered mere allegations and no evidence to support the argument.

Stocks stands by the merits of Ground Seven in his petition for writ of error coram nobis, pages 24-32. Stocks adequately referred to his previous psychological reports. Since, defense counsels Thompson and Carder advised Stocks not to comply with the court ordered mental evaluation. Stocks has filed a separate motion to this Court for a mental evaluation.

The writ of error coram nobis and writ of audita should be granted.

GROUND EIGHT

The failure of the Respondent to understand judicial precedent concerning the writ of error coram nobis continues. Stocks recently became aware in January 2017 of Judge Hanshaw's letter after sentencing Charles Walls III. See *Pet. Ex. No. 34, page 371-373* and brought this new evidence to this Court.

Judge Hanshaw's judicial impartiality and bias are obvious because at first Judge Hanshaw was convinced that Stocks was the sole perpetrator of the murders. However, after Walls victim impact hearing and learning of Walls rape and sexual abuse of Stocks and other boy scouts, as well as Reverend Marble's testimony that Walls had ordered Stocks to commit the murders, Judge Hanshaw's outlook on Stocks judgment and punishment changed.

The Respondent misargues or appears to be totally in the darkness that judicial impartiality and bias are cognizable in error coram nobis proceedings. *Chatmon v State, 2016*

Ark. 236 and McArthur v State, 2017 Ark. 120. The Arkansas Supreme Court has never decided not to hear a writ of error coram nobis grounded in judicial impartiality and bias. However, a standard must be met.

Stocks has recently found out that after signing the guilty plea agreement Judge Hanshaw was biased and impartial for not holding a guilty plea hearing and assessing the whether or not Stocks's guilty plea agreement was knowingly, intelligently and voluntarily made in accordance with *Arkansas Rules of Criminal Procedure Rules 24.4, 24.6 and 24.7.*

This bias and impartiality by Judge Hanshaw in not taking Stocks through the correct legal process brings up the subject matter jurisdiction of the Court, and subject matter jurisdiction can never be waived and subject matter jurisdiction is cognizable in a writ of error coram nobis. See *Ward v State, 2016 Ark. 8, 479 S. W. 3d 9* and *Ward v State, 2017 Ark. 215, 521 S. W. 3d 480.*

The writ of error coram nobis and writ of audita querela should be granted and Stocks has acted with diligence in bringing the matter to this Court.

GROUND NINE

The Respondent misconstrues a coerced guilty plea and a coerced confession. They are both the same and the coerced confession leads to a coerced guilty plea.

The Respondent has offered no sound legal precedent for their argument. Stocks stands by his claims in Ground Nine in his petition for writ of error coram nobis pages 39-49.

It is obvious that the Respondent has no just rebuttal to Ground Nine because of Stocks sound legal arguments and supporting case law.

The writ of error coram nobis and the writ of audita querela should be granted and Stocks has diligently brought this claim to this Court.

GROUND TEN

Finally, the Respondent has become exhausted in attempting to rebut Stocks's meritorious claims, by miscategorizing Ground Ten and the thrust at legal subterfuge fails and shows that the Respondent cannot defend against the numerous Brady violations committed by the State.

For the sake of brevity, Stocks stands by his claims in Ground Ten of the writ of error coram nobis, pages 49-58.

This Court should grant both the writ of error coram nobis and writ audita querela and all other relief and Stocks was diligent in bringing this claim before this Court.

RELIEF REQUESTED

Wherefore, Stocks prays that this Court appoint counsel and conduct an evidentiary hearing and that the writ of error coram nobis and writ of audita querela and other relief be granted.

Respectfully submitted,
Heath Stocks
Heath Stocks

VERIFICATION OF SIGNATURE

I, Heath Stocks do swear and attest that I am filing this reply to the State's response to the motion for the issuance of the writ of error coram nobis and; a motion to amend the writ of error coram nobis to include that the petitioner is moving this Court to grant a motion for the writ of audita querela and other relief, and the facts asserted herein are to the best of my knowledge and is not done in bad faith.

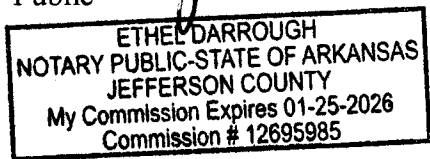
/s/ *Heath Stocks*
Heath Stocks

State of Arkansas
County of Jefferson

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

/s/ Ethel Darrough
Notary Public

My Commission Expires: 01-25-2026



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.

Heath Stocks
Heath Stocks

1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960

**EXHIBIT
NO. 74**

SAMANTHA JONES AFFIDAVIT

STATE OF MISSOURI)
)
County of Cape Girardeau) ss.

AFFIDAVIT

I, Samantha Jones, after first being duly sworn do hereby swear, depose and state that:

1. During my writing of the story (the "Book") of Heath Stocks ("Stocks") and the murder of his family, I conducted research in the matter of *Heath Stocks v. State of Arkansas*, Lonoke County Circuit Court Case No. CR-97-9.

2. During the course of my investigation, ongoing discussions occurred regarding the details of the book between Stocks and I. It became obvious during my numerous interviews there were documents in my possession that Stocks did not have, nor documents in his possession I did not have.

3. Unaware of the specific documents Stocks had in his possession, and he with mine, I copied all documents in my possession and began mailing them to him. I sent information to Heath Stocks at Maximum Security Unit Prison, 2501 State Farm Road, Tucker, AR 72168, between January 2017 and May 2017, for Heath Stocks' consideration and use in aiding my writing.

4. Stocks transferred documents in his possession to me during a visit at Tucker Maximum Security Prison.

5. In those exchanges, I was provided with information not previously privileged, as was Stocks with information given him.

6. During our conversations and exchanging of documents, I discovered exculpatory and mitigating evidence that Stocks, was not disclosed of by his defense counsel and/or the State prior to Stocks' signing the Guilty Plea Agreement on June 6, 1997, as well as items and information available after the signing of the Guilty Plea Agreement.

A. A meeting occurred at Concord Methodist Church within days of the January 17, 1997, murders of Joe, Barbara, and Heather Stocks. This meeting was intended to uncover motive and/or explanation for the murders.

B. During the meeting, Keith Anthony ("Anthony"), a college friend of Heath, disclosed information regarding a relationship between Heath and Jack Walls that should have resulted in an investigation into this relationship as it suggested motive and offered potential involvement of others.

C. Defense attorney Edgar Thompson ("Thompson") took notes (the "Notes") at this meeting for the purpose of memorializing information obtained and individuals in attendance, as well as to inform co-defense attorney, Mac Carder ("Carder"), who was not in attendance.

1. The first part of the report is a general introduction to the subject.

2. The second part is a detailed description of the methods used in the study.

3. The third part is a discussion of the results of the study.

4. The fourth part is a conclusion and a list of references.

5. The fifth part is a list of appendices.

6. The sixth part is a list of figures and tables.

7. The seventh part is a list of abbreviations.

8. The eighth part is a list of symbols.

9. The ninth part is a list of units.

10. The tenth part is a list of acronyms.

11. The eleventh part is a list of definitions.

12. The twelfth part is a list of footnotes.

13. The thirteenth part is a list of references.

14. The fourteenth part is a list of appendices.

15. The fifteenth part is a list of figures and tables.

16. The sixteenth part is a list of abbreviations.

17. The seventeenth part is a list of symbols.

- D. The Notes failed to contain information obtained through the comments of Anthony.
- E. I contacted Anthony who supplied details regarding this omission.
- F. Prior defense attorney Carder briefly assisted Heath in 2000. It was during this time that Carder apparently became aware of Anthony's statements at the church meeting and contacted him regarding his statements and this conversation was recorded and transcribed.
- G. During the recorded phone conversation between Carder, his assistant Lance Womack, and Anthony, it was requested that Anthony provide his statement in writing and fax it to Carder. Anthony could not confirm with me if he followed through with the requested fax.
- H. The fax Carder requested from Anthony was sent on May 4, 2000.. I located this fax in early 2017.
- I. During my investigation into the case of Heath Stocks, I spoke with individuals who relayed information pertaining to the fact that others were in attendance of and, participated in, the murders; Stocks was unaware such statements existed.
- J. During my investigation into the case of Heath Stocks, I spoke with Linda Buffalo, an individual who relayed information pertaining to the fact that a retreat was held, at which time and place information contained in the file of Heath Stocks, and the murders of the Stocks family, was discussed with individuals not involved in said case. One such individual was Charles "Jack" Walls, III ("Jack Walls"), an individual who was known, or should have been known, to have direct information and involvement in the case and/or the murders. Heath was unaware of any such retreat or recording thereof until I provided said information.
- K. During my investigation into the case of Heath Stocks, I paid for and obtained the Court Transcript of the victim impact hearing of the trial of Jack" Walls, III. Said transcript contained information of the discussions and actions of others, not previously shared with Heath Stocks, during the commission of his case, such as the testimony of Wade Knox, Annie Mae Harris, and Reverend Marble.
- L. During my investigation into the case of Heath Stocks, I obtained notes and memoranda of co-defense counsel Carder and investigator Lance Womack, revealing the relationship between Carder and Womack with defense counsel Thompson. Said notes exhibit discourse between Stocks' counsel, revealing an inability to adequately assist Stocks in the defense of his case.
- M. During my investigation into the case of Heath Stocks, I sent a letter to the Carlisle Municipal Court requesting a copy of the trial transcript regarding *City of Carlisle*

v. *Charles A. Walls, III*, Municipal Court of Carlisle, Arkansas Case No. CR-93-698, but was informed one did not exist. However, I was able to locate and obtain this transcript by other means. Said matter revealed actions and inactions of Larry Cook, prosecutor in Stocks' matter on behalf of Jack Walls, whom would later recuse from representation due to possible ethical conflict.

- N. I obtained documents pertaining to a lawsuit filed against Jack Walls by Cledis Hogan and his son, Doug: *Hogan, et al. v. Walls, et al.*, Pulaski County Case No. 33-05318. Said matter revealed actions and inactions of Larry Cook (prosecutor in Stocks' matter), on behalf of Jack Walls, whom would later recuse from representation due to possible ethical conflict.
- O. The Department of Human Services Office of Chief Counsel investigated its own through an internal affairs review regarding its mishandling of Doug Hogan's accusations of abuse by Jack Walls. The actions of many involved in this matter and its investigation provided great detail as to the treatment of Jack Walls and the actions and inactions of Larry Cook (prosecutor in Stocks' matter), on behalf of Jack Walls, whom would later recuse from representation due to possible ethical conflict. This information was critical to the Book, setting a precedence for future dealings with the parties involved in *State of Arkansas v. Heath Stocks*.
- P. Shortly after the conclusion of *State of Arkansas v. Heath Stocks*, an investigation into Jack Walls began. This investigation produced numerous interviews of unfathomable abuse by victims at the hands of Jack Walls. Said interviews were obtained for the purpose of writing the Book.
- Q. The investigation of Jack Walls resulted in criminal charges being filed and legal proceedings commenced. Numerous allegations of actions and inactions of Larry Cook were researched. An interview I had with Special Prosecuting Attorney Betty Dickey supported her thoughts, theories, and accusations stated in a letter to "Whom It May Concern," of December 30, 1998. I provided Stocks with details of my conversations with Dickey for use in the Book.
- R. The investigation of Jack Walls resulted in criminal charges being filed and legal proceedings commenced. An interview I had with Victim Coordinator, Joye Cook, supported her thoughts, theories, and accusations stated in a letter to Charles Peckat of February 9, 1999. I provided Stocks with details of my conversations with Joye Cook for use in the Book.

DATE 11/3/17

Samantha Jones
SAMANTHA JONES

STATE OF MISSOURI)
) ss.
COUNTY OF JEFFERSON)

On this 3rd day of November, 2017, before me personally appeared **Samantha Jones**, individually, known to me to be the person who executed the foregoing instrument and acknowledged to me that she executed the same as her free act and deed for the purposes stated therein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Cheryl Brennecke
Notary Public

My commission expires:

CHERYL BRENNECKE
Notary Public - Notary Seal
STATE OF MISSOURI
County of Cape Girardeau
Commission #14485747
My Commission Expires: September 16, 2018

THE UNIVERSITY OF MICHIGAN
LIBRARY
ANN ARBOR, MICHIGAN
48106-1000

EXHIBIT NO. 75
BULLETIN
WADE KNOX CHILDREN'S
ADVOCACY CENTER

Wade Knox Children's Advocacy Center

EMPOWERING CHILDREN

OUR NEW LOCATION!

May, 2011

2011 has been the start of something NEW at the Wade Knox Children's Advocacy Center. We have located to a NEW facility that is three times larger than our former location. On January 28, 2011, the Center was relocated to 1835 SW Front Street in Lonoke. The facility is 2,750 square feet and offers each employee her own office space as well as offering rooms for our mental health professionals who are now available to provide therapy at the Center! We have a NEW Victim Advocate who has joined our staff. Robyn Ketchum was hired in February and has already attended two outstanding training sessions in Little Rock and Huntsville, AL. We have a NEW Board President and Board Member. Bo Bevis, Cabot, is serving as our NEW Board President and Darla Jones, Carlisle, has joined our Board as our NEWEST Board Member.

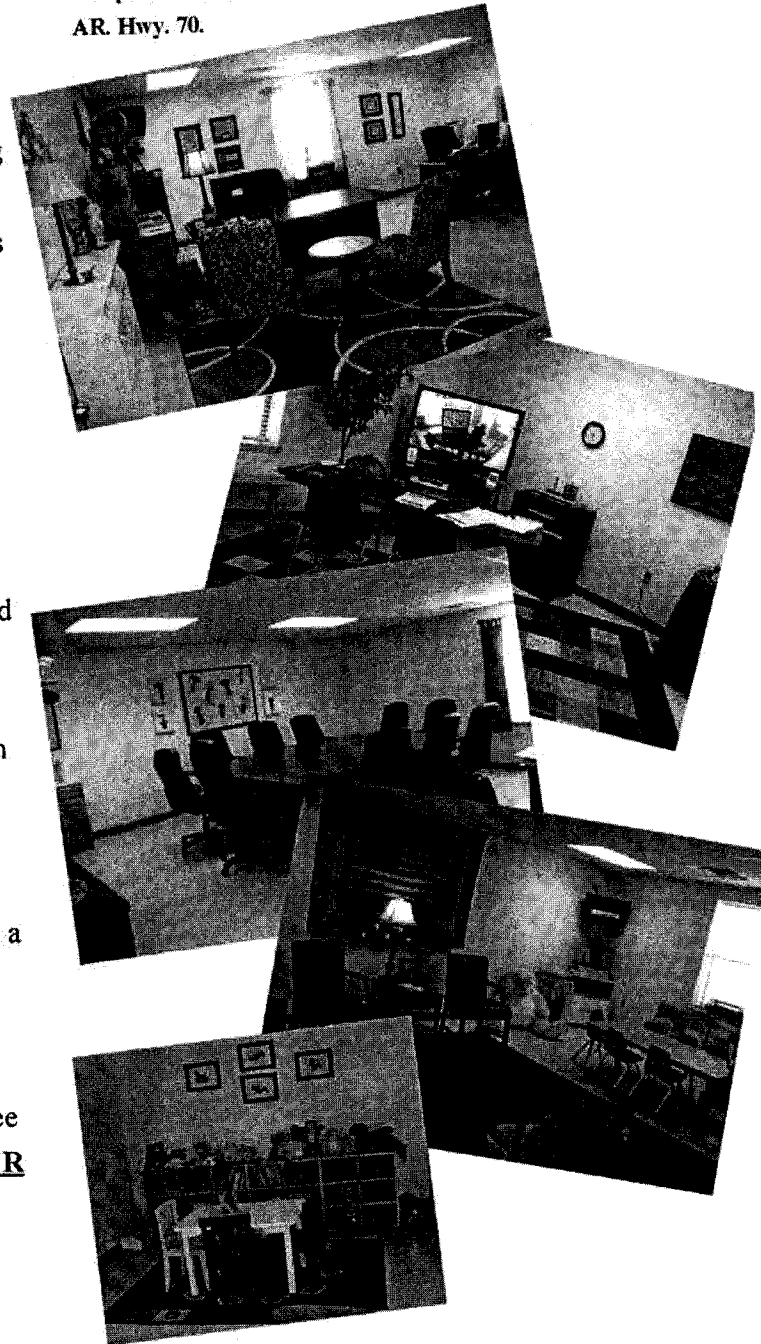
There is a NEW feeling of excitement as you read through the newsletter! Our Center staff has been involved in promoting child abuse awareness, education activities for staff and students, partnering with our supporting agencies & organizations, opening the Center's doors and providing our community with a Center that truly serves the child-victims and their families. As the Director of the Center, I can assure you that our future is BRIGHT, EXCITING, and the OPPORTUNITIES and SERVICES that can be SHARED with our partnering agencies will expand the Center!

Thank you for your support for OUR CHILDREN!! I have said this many times in many different situations..... The Center is not about an individual, a group of people, a staff, or a Board of Directors, but it is solely about the support of the CHILD-VICTIMS whom we serve. They are OUR FIRST PRIORITY!!

Our doors are open, and I invite you to come by and see the Center. I know you will be very proud. This is also YOUR NEW Center!!



1835 SW Front Street, Lonoke, AR. We are located next to Open Arms Shelter & Lonoke Assembly of God Church on AR. Hwy. 70.



Lonoke Middle School FBLA & NJHS Partner with Center



FBLA Members pictured left to right: Quentin Horner, Gracie Pasley, Bailey Staton, John Tyler Lloyd, and Jamie Bryant.

The Lonoke Middle School Future Business Leaders and National Junior Honor Society were hard at work collecting travel size personal hygiene items to make packs to be given to children served by our Center. These packs are presented to children as part of a "comfort bag" when they are removed from their home due to physical or sexual abuse.

This project began in November with a goal to provide 50 personal hygiene packs to the Center. The members of LMS FBLA & NJHS made posters and posted them in their 7th & 8th grade hallways and designed a collection box which was placed in Mrs. Henley's classroom. Members encouraged participation from students and faculty by posting what items were needed so that they could achieve their goal.

During semester test week, after student testing, Mrs. Henley and FBLA & NJHS members setup an assembly line to prepare the packs. When the students finished assembling the packs, a total of 52 packs were completed. They had exceeded their goal!

Students of the FBLA Chapter submitted this project in the recent Spring FBLA State Competition for Chapter Community Service. Students were required to write a summary of their project and submit photos and publications of their project. The Lonoke Middle School Chapter received First Place for this project in District competition and also First Place in State! We are so proud for these students and for their support to our Center.

This project brought awareness to the members that students ages 12-14 really do experience physical and sexual abuse. It also made them realize that simple necessities of soap, shampoo, toothpaste and toothbrush are important items even though it is a part of everyday life for them. This project was also shared with Arkansas State Police Crimes Against Children and Department of Children and Family Services and served children from seven cities and four counties.

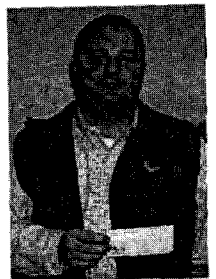


This is the First Place Community Service Project Award presented to the Lonoke Middle School FBLA Chapter at the State Convention at the University of Central Arkansas on May 6, 2011.

Arkansas Waterfowl Association Supports Center

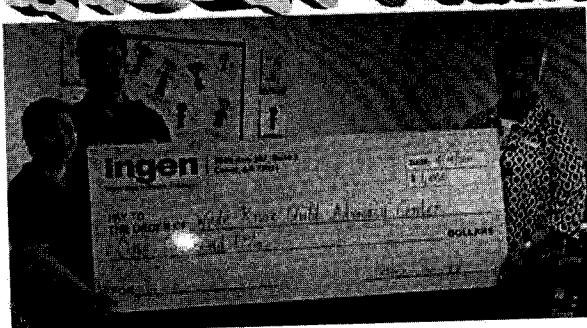
The Lonoke Chapter of the Arkansas Waterfowl Association presented the Center with a generous donation of \$500.00. Pictured in our newsletter is Ken Sumner, AWA Member.

Each year the Association holds their annual AWA Banquet. This year the event was held at the former Harvest Foods building in Lonoke with a record attendance and a record funds raised. Through their fundraising efforts, they provide youth with the opportunity to enjoy a variety of wild game hunts as well as learn safe hunting skills. In addition to these activities, they give back to the community by supporting a variety of local non-profit organizations.



INGENI Makes Corporate Challenge

Norene Smith and Brian Howard, owners of Ingen Software of Cabot, present a check for \$1,000 to the Center in honor of National Child Abuse Prevention Month. They encourage other businesses in Lonoke County to donate toward the prevention of child abuse in Lonoke County. Norene Smith was instrumental in the formation of the Center. A former prosecuting attorney for Lonoke County, Norene recognized the importance of having a child-friendly facility for children to disclose their alleged abuse. Thank you for your support and your work to make the Center a special place!



Open House & Crime Victims' Rights Recognition

April 14, 2011, the Center held its official Open House in conjunction with the Lonoke County Prosecuting Attorney's Crimes Victims' Rights Recognition. Approximately 100 people were in attendance. The afternoon event honored those families and individuals who have been victims of crime. The purpose of the event is to remind the citizens of Lonoke County of those individuals and families who have suffered a tragic loss and that the County Prosecution Team is diligently working for justice to be served.

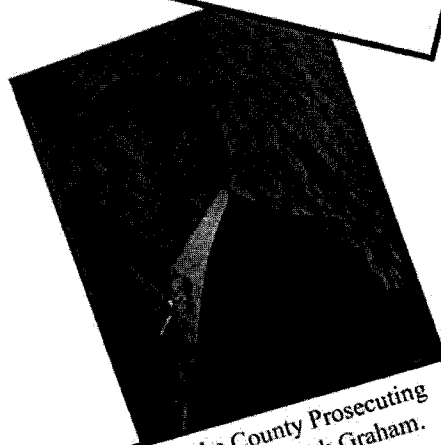
Lonoke County Prosecuting Attorney Chuck Graham recognized his staff for the positive work that they are doing to ensure that these victims of crimes receive the respect and support they deserve. The reception also is a time to allow victims to present their appreciation for the work that the Lonoke County Prosecuting Attorney's office is doing to support and ensure that justice is served. Rebecca Marvin of Cabot, whose husband was tragically killed by a drunk driver following a Cabot High School football game expressed her deep appreciation to the Prosecuting Attorney's office for their tremendous support and efforts before, during and following the trial. She stated that the staff of the Prosecuting Attorney's office understands compassion and is dedicated and committed to seeing that justice is served. Also recognized was Carolyn Cole whose daughter Britney Cole was murdered.

State Senator Eddie Joe Williams was the key-note speaker for the event. Senator Williams stated that his heart goes out to families such as these and that it takes a staff of deeply dedicated and committed people to ensure that these families are afforded the best possible services and support during the litigation process. Senator Williams also recognized the law enforcement present with the outstanding work and investigations that they conduct so that justice may be served.

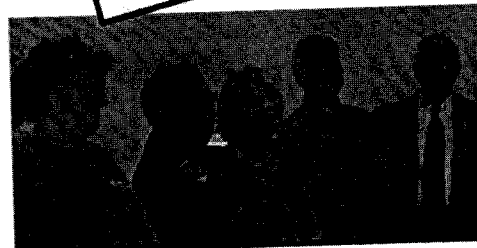
Senator Williams congratulated the Wade Knox Center on their recent move to their new location. He stated that this facility was "meant to be" for their good work within the County. He noted that the additional space will allow so many more services to be offered to the children and families who are served by the Center. In closing, he presented to the Center a Senate Citation that acknowledges the new facility and the support from the State of Arkansas for the services that are provided. Upon acceptance of the citation, Karen James, Director, thanked all in attendance for their continued support and stated that the Center belongs to the citizens of Lonoke County and to please feel free to utilize the Center to the fullest potential. Senator Williams reminded everyone that he is very encouraged that the grant for which the Center has applied will provide the major funding to purchase this location. If this grant is received, the Center will have the space to expand the services to the children of Lonoke County.



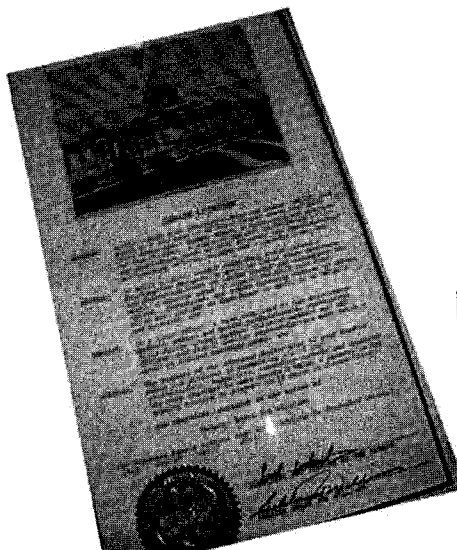
State Senator Eddie Joe Williams presents Karen James and Bo Bevis with an Arkansas State Senate Citation as Judge Barbara Elmore looks on.



Lonoke County Prosecuting Attorney Chuck Graham.



Mary Jane Reed, WKCAC Board Member; Herman Hutton, England Chief of Police; Kaye Beal, MDT Coordinator; State Representative Walls McCrary, and Danny Maynard, Mayor of England.



Left to Right: Chief Deputy Prosecuting Attorney Ashley Parker, Lonoke County Prosecuting Attorney Chuck Graham, WKCAC Forensic Interviewer Robin Smith, WKCAC Director Karen James, Prosecuting Attorney Ben Hooper and WKCAC Victim Advocate Robyn Ketchum.



Lonoke County Victim Witness Coordinators Annette Watson and Sedra Young.

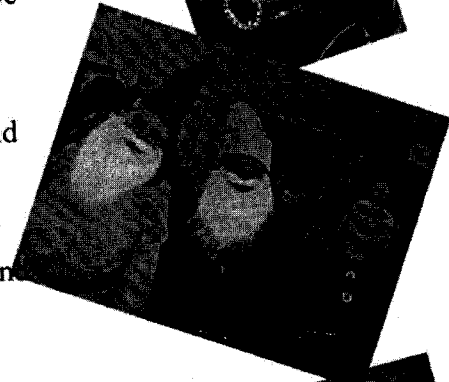
Dancing for a Cause - Lana's Dance Studio

The Lonoke Middle School was the setting for the annual "Dancing for a Cause" fund raiser sponsored by Lana's Dance Studio of Lonoke. Lana Grober, owner, each year encourages her students to raise money for the Center by performing a special event in preparation for the finale performed at Robinson Auditorium in Little Rock. Dance students are educated prior to the event about child abuse, and they are also told about the purpose of the Center.

Each dance student raises money for the Center by asking for donations to attend the event. The student who raises the most money for the event receives a dance scholarship from the studio. This year's winner was Johnna Hopper who raised \$1,000.00. Lana's students raised a total of \$6,210.00 for the Center. Other top fund raisers were Emily Moore and Ava Lynn Hankins.

This year's event theme was from Shrek! These students work so very hard throughout the dance year and take their talents to competitions held throughout the state.

What is so amazing is to see these students from the youngest to the oldest dance with such passion for the victims of child abuse. Their compassion to share their love of dance truly comes from their hearts. Each student is commended on their performance. Each one was truly outstanding. Also, a special thank you to the parents of these students. You are the ones who teach your children to share, care and love. To Lana, our children thank you for your commitment to share and care.



Courthouse Day - 5th Annual Awareness Day



RAISING AWARENESS was the focus of the 5th Annual Child Abuse Awareness Day held on the steps of the Lonoke County Courthouse on April 20, 2011. The Center, Lonoke County CASA and Open Arms Shelter partnered to host the annual event. Jerry Shepherd served as the Master of Ceremonies. The First Grade Class representing Magness Creek Elementary School, Cabot School District, performed for the event. Prior to their performance, the students were given a tour of the courthouse by Lonoke County Judge Doug Erwin. Under the direction of Dawn Jackson, these students wowed those gathered with an outstanding performance.

Lonoke County Judge Doug Erwin addressed the crowd and stated that it is a "shame" Child Abuse Awareness Month is needed. "But as a former foster parent, I can relate to the issues," he said. "The example of community leaders is crucial to dealing with the tragedy of child abuse, but it just takes one person to make a difference. Each child needs to understand that regardless of what happens to them, they still have value," Erwin said.

Lonoke County Prosecuting Attorney Chuck Graham stated that protecting children is about teamwork, from the workers who discover child abuse, to the police officers who investigate it, to himself, who "puts the offender in jail." Graham said that he grew up in a time when child abuse was "a dirty little family secret." It was not talked about. Graham said he believes what appears to be an increase in abuse is simply that people are talking about it. "This needs to be brought out into the open. The only way I know how to deal with people who prey on children is to put them in jail and keep them in jail for as long as I can. The only way that will be brought about is for people to talk about child abuse. We owe that to our children," Graham said.

The Lonoke High School Student volunteers assisted in serving the children and those in attendance a hot dog lunch provided by First State Bank of Lonoke. Those students were Mary Davis, Madison James, Talyn Jones, Mary Robin Clay, Austin Rowton, Emily Howell, Tyler Grady and Lauren Henderson. These students were accompanied by advisor Tonya Beeler.

In closing, Shepherd stated that approximately 772,000 founded cases of child abuse are reported each year in the United States. The actual number is much larger. Here in Lonoke County the Center has placed 850

... on the Center's lawn representing the number of children brought to the Center.

Cabot School District Magness Creek First Grade students perform under the direction of Ms. Dawn Jackson, Music Instructor.



First State Bank of Lonoke cooking hotdogs for the kids!



Guest Speaker Lonoke County Prosecuting Attorney Chuck Graham states that child abuse is no longer a "dirty little secret."



Lonoke County Judge stated that "Each child needs to understand that regardless of what happens to them, they still have value."



Cabot Police Chief Jackie Davis; Lonoke Police Chief Mike Wilson and Lonoke Police Officer Randy Mauk.



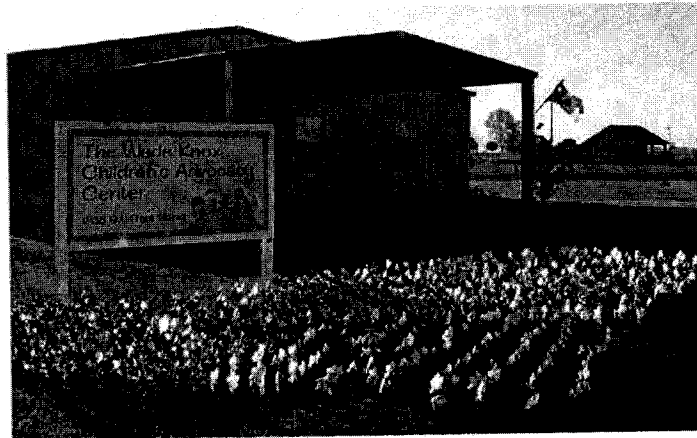
LHS Student Volunteers and WKCAC Staff serve students. Pictured left to right, Mary Davis, Robin Smith, Robyn Ketchum, Madison James, Talyn Jones, Mary Robin Clay, Austin Rowton, Emily Howell, Tyler Grady and Lauren Henderson.

Pinwheels = Represent a Child Served By The Center



Tyler Grady, Emily Howell and Lauren Henderson volunteered to place pinwheels at the Center.

Pinwheels are a symbol that is commonly associated with children and represent the life of a child for the Center. Last year, the pinwheels were destroyed. So, this year, a Face Book and email request was sent out to Friends of the Center asking for donations to purchase new pinwheels. An overwhelming response was answered. 850 pinwheels were placed in the front yard of the Center. Thank you to all who donated to our Pinwheel Drive!



Mary Robin Clay, Reid McKenzie and Madison James volunteered to place pinwheels at the Center.

L'Oreal USA Donates to Center



L'Oreal USA takes great pride in community service involvement from their employees. The North Little Rock Manufacturing plant selected the Center to receive four Easter baskets filled to the brim with Easter items and kids' shampoo. Donna Terrell, L'Oreal Community Service Team Member, makes the presentation to the Center. L'Oreal also donated a variety of makeup items to be given to teens who are seen at the Center. Sherrie Darr and Sherry Little are pictured with the mascara, lip gloss and finger nail polish donated to the Center.



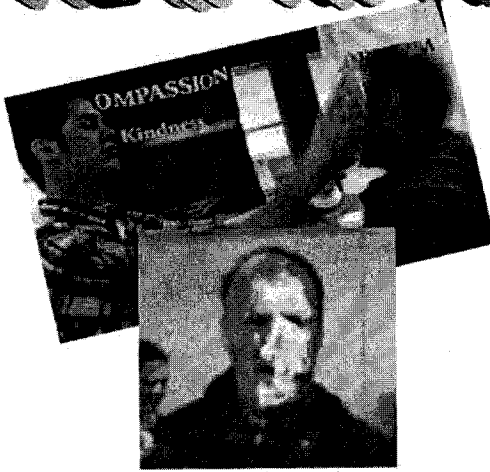
Church of Jesus Christ Latter Day Saints = Day of Service



The Lonoke Branch of the Church of Jesus Christ of Latter Day Saints graciously gave a Day of Service to the Center on Wednesday, March 11. Twenty-five of their church members donated their time and labor of love to mow the yard, trim the grass, plant flower pots, weed the flower beds and trim the shrubbery. After their service to the Center, the property was truly transformed and beautiful. The church is currently led by Brad Shelton of Lonoke who is serving as the Branch President. The church is located at 960 Fish Hatchery Road in Lonoke.

Did you know????? A \$150.00 donation enables the Center to conduct one interview, enables one child to be heard by a professional, and gives one child a voice when they have reported abuse.

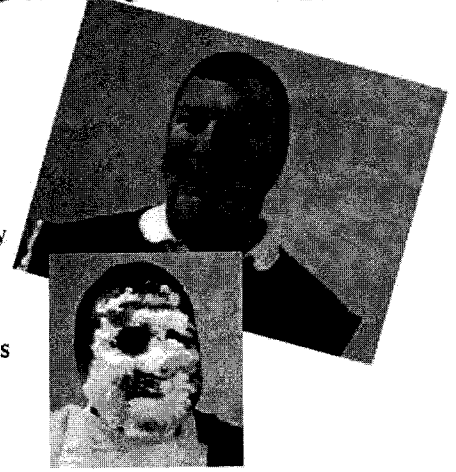
PIE In The Face Raises Funds for the Center!



Lonoke High School Math teacher Dale Boyd and History Teacher Marcel Vincent get a pie in the face during the National Pi Day celebration at Lonoke High School on March 14, 2011.

The Math Club sponsored the event and all proceeds were given to the Center as the club's community service project. Student's paid \$2.00 per pie to smear the pie on their "favorite" teacher's face.

The National event is always held on March 14 as Pi is represented by 3.14 and is the ratio of the cricumference of a circle to the diameter.



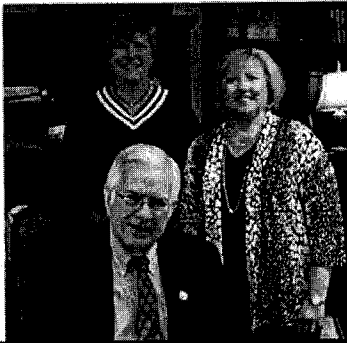
County Mayors Sign Proclamations for Child Abuse Awareness



Carlisle Mayor Ray Glover

The Center, Lonoke County CASA and Open Arms Shelter joined together with the Mayors of Lonoke County to declare the month of April as Child Abuse Awareness Month. Each Mayor signed a proclamation on behalf of the citizens of their respective cities indicating their support of the partnering agencies to protect children from harm.

The Proclamation stated: Preventing child abuse and neglect is a community problem that depends on involvement among people throughout the city; child maltreatment occurs when people find themselves in stressful situations without resources, and don't know how to cope; the majority of child abuse cases stems from situations and conditions that are preventable in an engaged and supportive city; child abuse and neglect not only directly harms children, but also increases the likelihood of criminal behavior, substance abuse, health problems such as heart disease and obesity, and risky behavior such as smoking; the citizens should become involved in supporting families in raising their children in safe, nurturing environment; effective child abuse prevention programs such as CASA, Open Arms Shelter and the Wade Knox Children's Advocacy Center succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies and the business community; and child maltreatment knows no social or economic boundaries and occurs in every neighborhood in America.



England Mayor Danny Maynard

The final paragraph of the proclamation states that the Mayor does hereby proclaim the month of April, 2011, as CHILD ABUSE PREVENTION MONTH. They encourage the citizens to show their support by committing themselves to fight child abuse and neglect in their respective cities.



Lonoke Mayor Wayne McGee



Cabot Mayor Bill Cypert

Phone: 501-676-2552 Fax: 501-676-2552

New Address: 1835 SW Front Street, Lonoke, AR 72086

Web-Site: www.wadeknoxcenter.org

Part-Time Financial Assistant: Judy Cross

Victim Advocate: Robyn Ketchum

Forensic Interview Specialist: Robin Smith

Director: Karen James



Center Staff and Contact Information

If you have never checked out our web-site, you are missing out on a lot of wonderful information about the Center. The web-site was designed by Connie Locke, volunteer, Lonoke, AR, in March, 2010. Since its initial design, many changes have been made to incorporate more information regarding the Center, its staff, activities and volunteer opportunities. Just added this year is the Pay Pal option. This allows individuals to make donations to the Center online. There are options to make donations to general operations, building and maintenance, in honor of or in memory of individuals. This new option is fast, easy and most of all convenient. Please check out our site today!

Center Web-Site Now Offers PayPal Option

The Wade Knox Children's Advocacy Center
1835 Southwest Front Street
Lonoke, Arkansas 72086

PS: It only takes one caring adult to make a positive difference in a child's life.

Leath Stocks HUC # 110429
Maximum Security Unit
2501 State Farm Rd.
Tucker, Ar 72168-8713



USPS TRACKING #



9114 9014 9645 1305 4997 50

LAG009 Aug. 2013
7899-17-000-9089

USPS TRACKING # 9114 9014 9645 1305 4997 50
& CUSTOMER For Tracking or Inquiries go to USPS.com
RECEIPT LABEL (ROLL) or call 1-800-222-1811.

Deborah Oglesby
Lonoke County Circuit Court Clerk
Courthouse, 301 N. Center St
Po. Box 870
Lonoke, Ar 72086-2892

Legal Mail