

Arkansas Public Defender Commission

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Mr. Edgar R. Thompson
Lonoke County Public Defender
114C North St.
Cabot, AR 72023

RE: State v. Heath Stocks

Dear Mr. Thompson:

I wanted to advise you of the situation with the gag order. After I spoke with you on January 23rd about my concerns of channel 4 running the client's "confession" on the nightly broadcasts, I filed a motion to control prejudicial pre-trial publicity, as I discussed with you on the phone. If you recall, we also discussed my appointment to this case as co-counsel and I was inquiring if there had been a motion filed on publicity and an order signed. You had told me that day that the judge and sheriff were going to view the tape that the sheriff had compiled and make a determination of what to do about this. You also told me that the judge told you that he did not want to sign an order. I filed and delivered a copy of my motion to Judge Hanshaw and the prosecutor on Friday, January 24th. I gave the judge three options of orders to sign and asked him if it was necessary to have a hearing on this and he told me that it was not. I learned on Monday, February 3rd that he had not signed an order. I reluctantly asked for a hearing, as we must make a record of the judge's refusal in case we get into a position in the future where we will need a change of venue. I called the prosecutor today to see if we could work this out without a hearing and sent him a copy of an order that I have enclosed for you to look over.

As long as the prosecutor keeps his option open to seek death in this case, I think we need to proceed as if this is a death penalty case. That would include not rushing in to anything that may speed up the trial process. This is why when Sarah advised me yesterday of her plans to call Billy Burris at the state hospital to attempt to expedite Heath's mental evaluation, I asked her not to. If the death penalty is sought, we will need as much time as possible to develop mitigation for the penalty stage of trial. Of course, if the prosecutor formally waives the option of death in this case, then the Commission can presumably be removed from further representation of Mr. Stocks and you can proceed with this case as you see fit. Hopefully, that will happen, but in the meantime, I want to assure you that I want us to work together on this case. We cannot afford any type of infighting within our team which may jeopardize the representation of our client. I have assigned Betsy Johnston, an attorney in this office, to work with us on this case. Lance

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