FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
10/23/2026 11:50 AM
KATINA WATSON
CLERK OF THE COURT
Catherine Archuleta

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

D-202-CR-2001-02063
DA: 1999-04042-1

STATE OF NEW MEXICO,
Plaintiff,

vs.

LINDA HENNING,
Defendant.

ORDER ON MOTION FOR COMPETENCY EVALUATION

THIS MATTER comes before the Court

[ ] upon transfer from the Metropolitan Court after a finding of a reasonable belief that the defendant may not be competent to stand trial.

OR

On an [X] unopposed [ ] opposed motion for competency evaluation

[X] The defendant [X] is [ ] is not in custody.

[X] The defendant [ ] is [X] is not represented by the Law Offices of the Public Defender.

[X] The Court, having considered the motion for competency evaluation [and the response in opposition] [and after a hearing] [and the Defense' stipulation} and being otherwise fully advised in the premises, FINDS and CONCLUDES:

[X] The motion is well-taken and is GRANTED because there is a reasonable belief that the defendant may not be competent to stand trial based upon the following:

[ ] The facts alleged in the motion for a competency evaluation;

[ ] The court's observations of the defendant, described as follows: _____

_____

_____; and

[ ] Other: _____

_____

_____.

[ ] The motion is not well-taken and is DENIED.

The Court therefore ORDERS the following:

1. A competency evaluation shall be performed by Pilot Project.

2. The moving party shall provide a copy of this order, motion for competency evaluation, and response, if any, to the designated evaluator within TWO (2) days for the date of this order.

3. The designated evaluator shall notify the Court within FIVE (5) days of the date of this order if that evaluator is not available to conduct the competency evaluation.

4. The evaluation shall be completed and a written report shall be filed with the court within thirty (30) days of the filing of this order.

5. If the evaluation cannot be completed within 30 days from the filing of this Order due to the Public Health Emergency, the Court considers this to constitute good cause for an extension of time under Rule 5-602.1 (K) NMRA and hereby extends the time until 60 days from the filing of this Order to file the written report. *See* Supreme Court Order No. 20-8500-34 In the Matter of the Amendment of the New Mexico Judiciary Public Health Emergency Protocols for the Safe and Effective Administration of the New Mexico Judiciary During the COVID-19 Public Health Emergency (August 14, 2020); Supreme court Order No. 20-8500-025 In the Matter of the Safe and Effective Administration of the New Mexico Judiciary During the COVID-19 Public Health Emergency (July 6, 2020); Supreme Court Order No. 20-8500-16 In the Matter of Continuity of Court Operations During the COVID-19 Public Health Emergency (May 8, 2020).

6. The report filed under Paragraph 2 of this order shall include the following:

   (a) a description of the procedures, tests, and techniques used by the evaluator;

   (b) a clear statement of the evaluator's clinical findings and opinions about the defendant's competency;

   (c) a description of the sources of information and the factual basis for the evaluator's clinical findings and opinions, provided that the report

shall not include information or opinions concerning the defendant's mental condition at the time of the alleged crime or any statements made by the defendant regarding the alleged crime or any other crime; and

(d) the reasoning by which the evaluator utilized the information to reach the clinical findings and opinions.

7. The parties shall confer after receiving the report, and if the parties concur with the findings of the evaluator, a joint motion to adopt the conclusion of the report shall be filed within seven (7) days of receiving the report.

8. Any party who objects to the conclusion set forth in the report filed under Paragraph 2 of this order shall file that party's objections in writing within seven (7) days of the filing of the report.

9. The parties shall return to court for a hearing on the question of the defendant's competency on_____(*date—not to exceed forty-five (45) days from the date of this order*) at_____(*time*), unless the court, upon its own motion or upon the motion of the parties, rules at an earlier time on the defendant's competency without a hearing.

10. The court has considered the defendant's conditions of release and orders the following:

[ ] The defendant's conditions of release shall continue until further order of the court; or

[ ] A hearing to set or review the defendant's conditions of release shall be held on_____(*date*).

11. Other: _____

~~IT IS SO ORDERED.~~

_____

~~DISTRICT COURT~~ JUDGE

Submitted by:

Peter A. Robertson
Deputy District Attorney
Attorney for the State

Nicholas Hart
Attorney for the Defendant