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

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO,

Respondent,

v. D-202-CR-2001-02063

LINDA HENNING,

Petitioner.

ORDER GRANTING WRIT OF HABEAS CORPUS

THIS MATTER having come before the Court on Petitioner Linda Henning's Petition for Writ of Habeas Corpus, and the Court having considered the pleadings, the stipulations entered by the parties, the evidence presented through those stipulations, the testimony and evidence presented at the evidentiary hearing, and the arguments of the parties, HEREBY FINDS that the petition is well taken and is therefore GRANTED.

Specifically, the Court FINDS that the testimony of Dr. Sara Millspaugh was compelling and credible that, based on her review of more than one thousand pages of contemporaneous records of Ms. Henning's mental state at the time of her trial, the raw data, notes, and reports related to three separate evaluations of Linda Henning by Dr. Thomas Thomposon, Dr. Park Dietz, and Dr. Joel Haycock, and a video of a forensic interview of Linda Henning conducted by Dr. Park Dietz, that Ms. Henning was not competent to stand trial at the time of her trial in this case. The evidence, report, and testimony by Dr. Sara Millspaugh established Ms. Henning's incompetence to stand trial at the time of the trial in this matter through the presentation of overwhelming and compelling evidence.

The Court also FINDS that Ms. Henning was suffering from severe, individualized delusions prior to and during trial. This was made clear by the testimony of Ms. Henning's attorney, Gary Mitchell, who testified that Ms. Henning would discuss her delusions with him, would focus on her delusions rather than the evidence, and that Mr. Mitchell determined that he could not have Ms. Henning testify as a witness at her own trial because of her delusions.

Forcing Ms. Henning to go trial while she suffered from these severe pervasive delusions is no different than making someone go to trial who is unable to see after providing them with only a paper copy of discovery that they could not read. It is the same as making a person who cannot hear go to trial with a sign language interpreter. It is the same as a person that does not speak English being forced to go to trial without an interpreter. It was like going to trial with a defendant that was not even present.

Here, Ms. Henning was convinced she had no involvement in the alleged crimes and that she was instead being prosecuted because of her delusions. While Ms. Henning was represented at trial by one of the most talented lawyers the State of New Mexico has ever seen, that lawyer, Gary Mitchell, inappropriately took it upon himself to decide whether Ms. Henning was competent to stand trial. That was not his choice. That was for the Court to determine. That he withdrew the motion to determine competency, and failed to raise competency with the Court, was not strategic, tactical, or proper decisionmaking. Rather, it was ineffective assistance of counsel.

There is also ample evidence that calls into question the integrity of the verdict. That Mr. Mitchell determined that he could not have Ms. Henning testify because of her delusions violated Ms. Henning's right to due process. And that Ms. Henning was forced to go through trial while she was incompetent to stand trial is an egregious due process violation. Going forward with a

trial while Ms. Henning was incompetent to stand trial meant that she faced a trial akin to not being present at all.

The petition seeking a writ of habeas corpus is GRANTED.

A writ of habeas corpus is ISSUED.

All convictions obtained in this case are HEREBY VACATED, and Ms. Henning is granted a new trial on all counts.

IT IS SO ORDERED.

THE HONORABLE CINDY LEOS
District Court Judge

Respectfully submitted,

/s/ Nicholas T. Hart
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Approved by:

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