10/31/02

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Henning prosecution costs near $115,000

By Joline Gutierrez Krueger
Tribune Reporter

After hearing she had been convicted of murder and other charges last Friday, Linda Henning sardonically quipped:

"The state paid $3 million for this prosecution. I guess they have to execute somebody."

Henning didn't receive the death penalty. And prosecutors didn't pay $3 million, the District Attorney's Office said.

"That number is very much romanticized," said Assistant District Attorney Paul Spiers, who prosecuted the case that took three years to come to trial and has at various points involved three defendants, including Henning.

So far, it has cost $112,505 to prosecute the cases, District Attorney Kari Brandenburg said. With unaccounted expenses still to be figured in, Brandenburg said the cost is likely to be about $115,000 - a fee she called not out of the ordinary.

"It was an exceptional case, given its complexity," she said.

One of the biggest chunks of cash - about $35,000 - went to renowned forensics psychiatrist Dr. Park Dietz, who examined Henning for mental competency, Brandenburg said.

Dietz's testimony was never used in open court.

The total does not include salaries of the prosecutors and staff on the case because they are paid regardless, she said.

With the overlap in prosecuting Henning's case as well as those of co-defendants Diazien Hassencofft and Bill Miller, Brandenburg said it was difficult to split out Henning's costs alone.

By contrast, Henning's defense team tab so far is $117,250, according to the Public Defender's Office contract counsel staff, Santa Fe bureau.

That includes $20,000 earned by first-chair attorney Gary Mitchell and $10,000 by second-chair Monica Baca.

The salaries are the caps as set by the state for death penalty cases, staff member Brenda Salazar said.

Other defense team members, including another attorney, an investigator and paralegals, came in at $47,200. And $12,500 was paid out to Ed Bustamante, who earlier represented Henning before she fired him.

Expert witnesses - which included forensics psychologist Dr. Eric Westfried, who never took the stand to discuss his findings on Henning's mental state - cost the Public Defender's Office $25,000.

Mitchell and Baca have not yet submitted requests for mileage, motels and other personal expenses, Salazar said.

Mitchell is allowed a per diem of $65 since he must travel to and from his Ruidoso office and find

accommodations away from home, she said.