FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
4/22/2025 5:07 PM
KATINA WATSON
CLERK OF THE COURT
Tiffany R Norero

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

LINDA HENNING,
NMCD# 58040 Defendant / Petitioner
v.

CR#: CR-2001-02063
DA#: 99-4042-1H

STATE OF NEW MEXICO,
Plaintiff / Respondent

MOTION TO DETERMINE COMPETENCY

COMES NOW the State of New Mexico, Plaintiff / Respondent herein, and pursuant to §31-9-1 NMSA (2024), alerts the Court and Counsel for Petitioner that there is reason to believe that the Petitioner is no presently competent to proceed in this Criminal Habeas Matter, and as grounds therefor, STATES:

1. On or about March 14, 2025, Counsel for Petitioner provided Respondent with a forensic evaluation of Petitioner performed by Doctors Julie Brovko, Ph.D and Sara Millspaugh, Ph.D on August 16, 2021, with a report prepared March 12, 2025;

2. Upon review by Counsel for Respondent, portions of that report indicate that Petitioner is not presently competent to proceed in this matter.

WHEREFORE, the State requests that this matter be stayed until such time as the Petitioner can be evaluated at the New Mexico Behavioral Health Institute in Las Vegas, New Mexico and the question of her competence to proceed in this matter has been determined by the Court.

Respectfully submitted,

Gerard W. Treich, Jr.
Deputy District Attorney
520 Lomas Blvd. NW
Albuquerque, NM 87102
505-595-4748

I certify that a true copy of the foregoing motion was transmitted to Opposing Counsel, Nicholas Hart, by e-mail attachment this 22nd day of April, 2025, and upon e-service by the Court's File & Serve system.

Gerard W. Treich, Jr.
Deputy District Attorney

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