

Teen's Murderer Gets Death Sentence

He'll Be 3rd Person On N.M. Death Row

The Associated Press

AZTEC — A murderer whose mother testified against him was sentenced Thursday to death for kidnapping, attempting to rape, then killing a 17-year-old Flora Vista girl.

Timothy Allen, 34, will be the third person on New Mexico's death row. He was convicted Tuesday of the Feb. 7, 1994, murder of Sandra Phillips by a

state district court jury seated before Judge Byron Caton.

Phillips' body was found March 21, 1994, by a shepherd on a desolate oil-field access road north of U.S. 550 near Flora Vista.

Wanda Lindburg, Allen's mother, testified that her son had admitted seeing Sandra and giving her a ride the day she died.

Lindburg said her son was incorrigible, and that the death penalty would keep him from hurting anyone else.

"He killed a cat, tripped his sister down the stairs, punched his sister in

the stomach while she was pregnant, liked to fight and liked to hear the sound of breaking glass," said Lindburg.

Darlene Phillips, the victim's mother, said the death penalty "is too good for him."

"It's not over yet, but at least we know he can't hurt anyone else. That was the most important thing. No family should have to go through this," she said.

Gary Mitchell, a Ruidoso attorney who leads efforts in the state opposing the death penalty, said he believes Allen has a good chance of having his sentence overturned. Mitchell said the pub-

lic defenders who represented Allen were not allowed to present certain witnesses and evidence.

"We'll fight it and get reversed because we're not going to sit still and let anyone be killed in this state. It's so damned abhorrent, especially at Christmas time. Mercy!" he said.

Eight prisoners have been put to death in New Mexico since 1933, but there have been no state executions since David Cooper Nelson died in the gas chamber in 1960.

Invalidated in 1976 and re-enacted three years later, New Mexico's capital

punishment law now specifies death by lethal injection.

Since 1979, New Mexico juries have returned 12 death sentences. Two men — Michael Martinez of Grants and Jerome Martinez of Hernandez — are on death row at the state Penitentiary near Santa Fe.

Five other cases were commuted by Gov. Toney Anaya in 1986, and three were overturned by the state Supreme Court. Another case involved Terry Clark of Roswell, who faces a resentencing hearing next March in Silver City.



ALLEN: His mother testified against him