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Woman ruled mentally ill, acquitted in abduction

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MOUNTAIN HOME — A woman charged with abducting a toddler from a child-care center in June was acquitted Thursday because of mental disease.

Samantha House-Baser, 19, of Norfolk was charged with one count of kidnapping in the abduction of then-16-month-old Aiden Mullin from the childcare center in Mountain Home on June 23. She and the child were found safe about 12 hours later.

Circuit Judge John Putman acquitted House-Baser during Thursday's hearing in Baxter County Circuit Court. The judge said his decision was based on a report and testimony by a psychologist for the State Hospital.

Putman found that when the kidnapping happened, House-Baser "lacked the capacity, as a result of mental disease, to conform her conduct to the requirements of the law." He also found that the crime "involved a substantial risk of bodily injury" to the young victim.

Aiden's parents, Heather and Jayme Mullin, attended the hearing. Afterward, they said they had mixed feelings about the acquittal.

"It's over now. She's going to get the help she needs, hopefully," Jayme Mullin said. "But, hopefully, she wasn't telling them what they wanted to hear, you know?"

The psychologist, George M. DeRock, conducted a courtordered psychiatric exam of House-Baser on Sept. 2.

DeRock testified that House-Baser is being medicated now and has the capacity to understand the proceedings against her and assist in her defense.

However, when the kidnapping happened, she did not have the capacity to conform her conduct to the law because of mental disease and because she was not being medicated for the disease, he said.

DeRock said she poses a threat to the community if she is not treated. He recommended that she be sentenced to a stay in the State Hospital.

Putman ordered her committed to the director of the Arkansas Department of Human Services for examination by psychiatrists at the State Hospital in Little Rock. The judge said he would hold another court hearing after receiving the results of the examination.

House-Baser, who has been treated for mental illness since the age of 13, suffers from

impulse control disorder, bipolar disorder, and a personality disorder, Prosecuting Attorney Ron Kincade said after the hearing.

Kincade said under the law, both the state and the court had no choice but to seek her acquittal and commitment to the State Hospital.

“When the Arkansas State Hospital finds someone to be insane, the state is bound by that finding,” Kincade said, adding that House-Baser will be held at the State Hospital until the hospital and a court “determine that she is no longer a risk to society.”

Brian R. Gallini, an assistant professor at the University of Arkansas at Fayetteville School of Law, said in an e-mail interview the circuit court can order House-Baser to be confined indefinitely. After treatment, she could petition a probate court for her release, he said.

“I think she’ll be retained for some time,” Kincade said. “Now, will she be retained for two years, five years, 10 years ? I don’t know.”

Kincade also said an acquittal by reason of mental disease or defect is “extremely rare,” adding that he’s only seen about a half-dozen cases in the past 30 years.

“This is indeed quite unusual,” Gallini said.

Ordinarily, a defendant will have his case resolved by a jury, which can acquit if jurors find that the prosecution failed to prove guilt beyond a reasonable doubt, Gallini said. In cases like the House-Baser decision, the “beyond a reasonable doubt” standard is not at play, he said.

Mountain Home police said House-Baser posed as a family member to take the boy from Open Arms Learning Center. She told authorities she took the boy because she longed for a child of her own. She had never met Aiden or his family prior to the June 23 abduction, according to police.

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