Thursday, July 17, 2003

Murder Case Reduced to Misdemeanor

By Isabel Sanchez
Journal Staff Writer

The case against Bill Miller, who allegedly helped kidnap and kill Girly Chew Hossencofft in 1999, started as a murder and ended as a misdemeanor Wednesday when he pleaded no contest to attempted evidence tampering.

Assistant District Attorney Jack Burkhead said District Judge Richard Knowles had "indicated that evidence was in jeopardy" because the police detective who found it has since died.

The maximum sentence that could be imposed is three years minus three days.

"It was crucial evidence," Burkhead said.

"(Knowles) sent a signal that it would not be admissible, which would have damaged our case considerably."

The five felony evidence-tampering counts for which Miller was to go to trial were reduced to misdemeanors and two were dismissed.

"I think justice was served in this case," Burkhead said.

However, he said the plea does not preclude prosecutors from going to the grand jury if new evidence against Miller turns up.

"I think the case was headed for defeat for the prosecution," said Ray Twohig, Miller's attorney. "We've said for a long time that we would settle" if the charges were reduced.

"We feel satisfied with the resolution," Twohig said. "It's been an albatross around (Miller's) neck for nearly four years."

Charges against Miller originally included first-degree murder and conspiracy to commit first-degree murder.

The entire ordeal for Miller, Twohig said, was the result of a "misguided" prosecution.

The evidence that Miller's jury would not see was a partially burned business card belonging to Linda Henning that was found in Miller's fireplace, Burkhead said.

Henning is the former girlfriend of Diazien Hossencofft, Girly's husband, who is serving time for her murder.

Henning was convicted of murder and kidnapping in October in connection with Girly's death and was sentenced to 731/2 years in prison.

Additional evidence-tampering charges against Miller involved business cards that Miller tried to eat while at a police substation for questioning. Another card was hidden in his shoe. A surveillance camera caught the action.

Twohig said the cards, one of them belonging to an astrologer and psychic, had nothing to do with Girly Hossencofft. "He just didn't want people to keep getting

bothered" because of the case, Twohig said.

Burkhead said the prosecution wasn't going to try to prove those cards were evidence but that Miller thought they were.

Miller said after Wednesday's hearing that he was "completely innocent" of involvement in Girly Hossencofft's death.

Girly Hossencofft, who was divorcing her husband, told friends he beat her and threatened to kill her, and said to "expect the worst" if she didn't show up for work.

They did. Co-workers reported her missing Sept. 10, 1999.

Prosecutors said Diazien Hossencofft told them he "master-minded" the crime and Miller acted as the "muscle": Miller's job was to follow Girly Hossencofft home and get inside her apartment by posing as a maintenance man.

Girly Hossencofft's body was never found, but a tarp, a blouse and pair of shorts, duct tape and other items with her DNA on them were found on N.M. 60 near Magdalena.

Prosecutors said Diazien Hossencofft told them he didn't know where the body was because Miller disposed of it.

Diazien Hossencofft pleaded no contest to murder, kidnapping and other charges last year and testified before the grand jury that refused to indict Miller for murder. Burkhead said he believes Hossencofft was found "incredible."

Hossencofft was a con man who bilked people out of thousands of dollars for his healing "serums," who told people he was a doctor, who threatened to send a "virus code" to China that would destroy the population, and whose behavior before juries was often jaw-droppingly bizarre.

"The indictment reflected their disdain for him. I think that captures the moment pretty accurately," Burkhead said.

Knowles said that for sentencing purposes, the no-contest plea is the same as a guilty plea. He ordered a presentencing report and set a tentative sentencing date for Sept. 5.