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Former Girly Chew Murder Suspect Sues

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A former murder suspect has filed suit against Albuquerque police investigators and a prosecutor, claiming they manufactured evidence and lied under oath in an attempt to convict him.

In the suit filed in U.S. District Court, William Miller, who was indicted in connection with the 1999 death of Girly Chew Hossencofft, claims that investigators and prosecutors presented false evidence and lied to a grand jury so he would be indicted as a conspirator in the killing.

Prosecutors had presented a case to three grand juries. Miller was a target in two of them.

The second grand jury to hear the case indicted Miller on charges of conspiracy to commit murder, kidnapping and conspiracy to commit kidnapping. Prosecutors went to a third grand jury and unsuccessfully tried to get Miller indicted on first-degree murder charges.

Eventually, the charges handed down by the second grand jury were dismissed by the District Attorney's Office, and Miller pleaded no contest to charges of tampering with evidence.

Hossencofft's husband, Diazen, and his girlfriend, Linda Henning, were convicted of murder in connection with her disappearance and death.

Bernalillo County District Attorney Kari Brandenburg said Friday her staff was "honorable and above any reproach" in handling the investigation. She said because of the suit she could not comment on why her office reached a plea agreement with Miller.

"There is no question that they acted in good faith and more than fulfilled any professional or ethical obligation," she said. "Because of the line of work we do, it is not uncommon for one of us to be sued from someone that is displeased with the work that we do."

APD homicide detective Michael Fox; Donna Arbogast, a civilian employee of the department's crime lab; and former assistant district attorney Paul Spiers were named in the suit.

The homicide was one of the most "intense" cases investigated by Albuquerque police during the 1990s, spokesman John Walsh said.

"The assertion of a lawsuit in this matter is not only ridiculous, but has been seen time and again by our department," he said. "This matter is yet just another attempt that barely rises to the level of comment."

Hossencofft's body has never been found, but matching DNA was found on several items recovered on a stretch of U.S. 60 west of Magdalena.

At one time, prosecutors alleged that Miller had helped plan the woman's murder.

In the suit, Miller alleges that when prosecutors presented the case to the second grand jury they "deliberately and maliciously presented false and incomplete evidence" to return an indictment.

And, during the fifth search of Miller's home, a detective told Miller he "was going to nail (his) ass to the wall," the suit says.

Because of the "malicious" actions of police and prosecutors, Miller spent seven weeks in solitary confinement at the Bernalillo County Detention Center and had to file for bankruptcy, the suit says.