Hossencofft case advances in hearing

By Leslie Hoffman
Tribune reporter

An audiotape of a telephone conversation between a murder suspect and a friend just after the friend's grand-jury appearance last year is gone.

The case is that of a missing Albuquerque woman, Girly Hossencofft, who is presumed dead. Hossencofft's husband, Diazien, and his former girlfriend, Linda Henning, were charged and now may face the death penalty for the bank employee's slaying.

The man who testified to the grand jury, Bill Miller, told a judge at a hearing this morning that Henning called in October "to see how my testimony went" and that he taped the two- to three-minute conversation from his attorney's office.

"I had them go through every tape in the office," Miller's attorney Timothy Padilla said today. Padilla, who kept the tape in his office desk, said he believes the conversation has been accidentally erased by a staffer during an office move.

The conversation took place in the midst of a grand-jury investigation into the disappearance and presumed death of 36-year-old Girly Hossencofft.

Henning and Diazien Hossencofft appeared in court this morning dressed in red jumpsuits, which are for high-risk prisoners.

Assistant District Attorney Paul Spiers had filed a motion asking state District Court Judge Richard Knowles to hold Miller in contempt of court if he did not hand over the tape or explain why he refused to do so.

Miller testified today that he never had the tape, he only used Padilla's recording equipment at the attorney's office to record the conversation. Padilla said the tape had been inadvertently removed from his desk drawer and that employees could not find it after searching through hundreds of tapes.

Knowles declined to hold Miller in contempt, saying, "It's unfortunate but that's what we've got."

One of Henning's attorneys, Trienah Meyers-Gorman, asked Knowles today to order that prosecutors hand over important evidence in the case that the defense has yet to receive.

They include laboratory results of DNA testing done on a 9mm firearm that Assistant District Attorney Paul Spiers said contains two bloodstains from a female.

"The case is about eight months old, and we have received no test results," Meyers-Gorman said.

Spiers told the judge the testing had recently been completed, prolonged by the need to get DNA samples from Girly Hossencofft's family members who live out of the country. But he said technicians have not yet written up the reports.

Knowles ordered that the results be turned over to the defense with in the next 10 days to two weeks and that subsequent reports be turned over as soon as they're completed.

Defense attorneys complained again that mail is being improperly withheld from Hossencofft and Henning.

Mail became a source of controversy in the case when jail employees earlier this year intercepted correspondence between the two that prosecutors have said contained apparent death threats against various witnesses, police and prosecutors.

Knowles ordered that all non-case-related mail be returned to the pair, but Meyers-Gorman said today that Henning's personal letters from family and friends continue to be withheld.

"The Albuquerque Police Department doesn't get to use the jail as an investigative tool," Meyers-Gorman said. ". . . This isn't a wholesale collection of every scrap of paper."

Spiers said prosecutors were forwarding all non-case-related mail and would look through the correspondence again to see if anything was inadvertently withheld.

A hearing will be held on the issue if both sides can't work out their disagreement.

It appears the estimated January trial date in the case will be pushed back.

Hossencofft's attorney, Ron Koch, said today he must undergo a bone marrow transplant soon, which could effect scheduling in the case. He said two attorneys, James Brandenburg and Joseph Riggs, have agreed to step into the case on his behalf if needed.

Investigators continue to search for Girly Hossencofft's body.

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