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Judge excuses attorney in Hossencofft trial

By Leslie Hoffman
Tribune reporter

The case against homicide suspect Linda Henning appears to be a long way from a trial date after a judge officially excused her attorney from the case and ruled that there is enough evidence to hold a competency hearing for the 47-year-old woman.

During a heated hearing Friday marked by fierce exchanges between lawyers and rants from Henning herself, Henning's attorney told state District Judge Richard Knowles that she could no longer continue on the case because of a conflict of interest.

Henning and Diazien Hossencofft, 35, are facing the death penalty on first-degree murder, kidnapping and other charges for the disappearance and presumed death of Hossencofft's estranged wife, Girly. The 36-year-old bank employee has been missing since September 1999 and investigators continue to search for her body.

Public Defender Trienah Meyers Gorman said her conflict stems from the fact that many of the state's key witnesses have been previously represented by the Public Defender's Office.

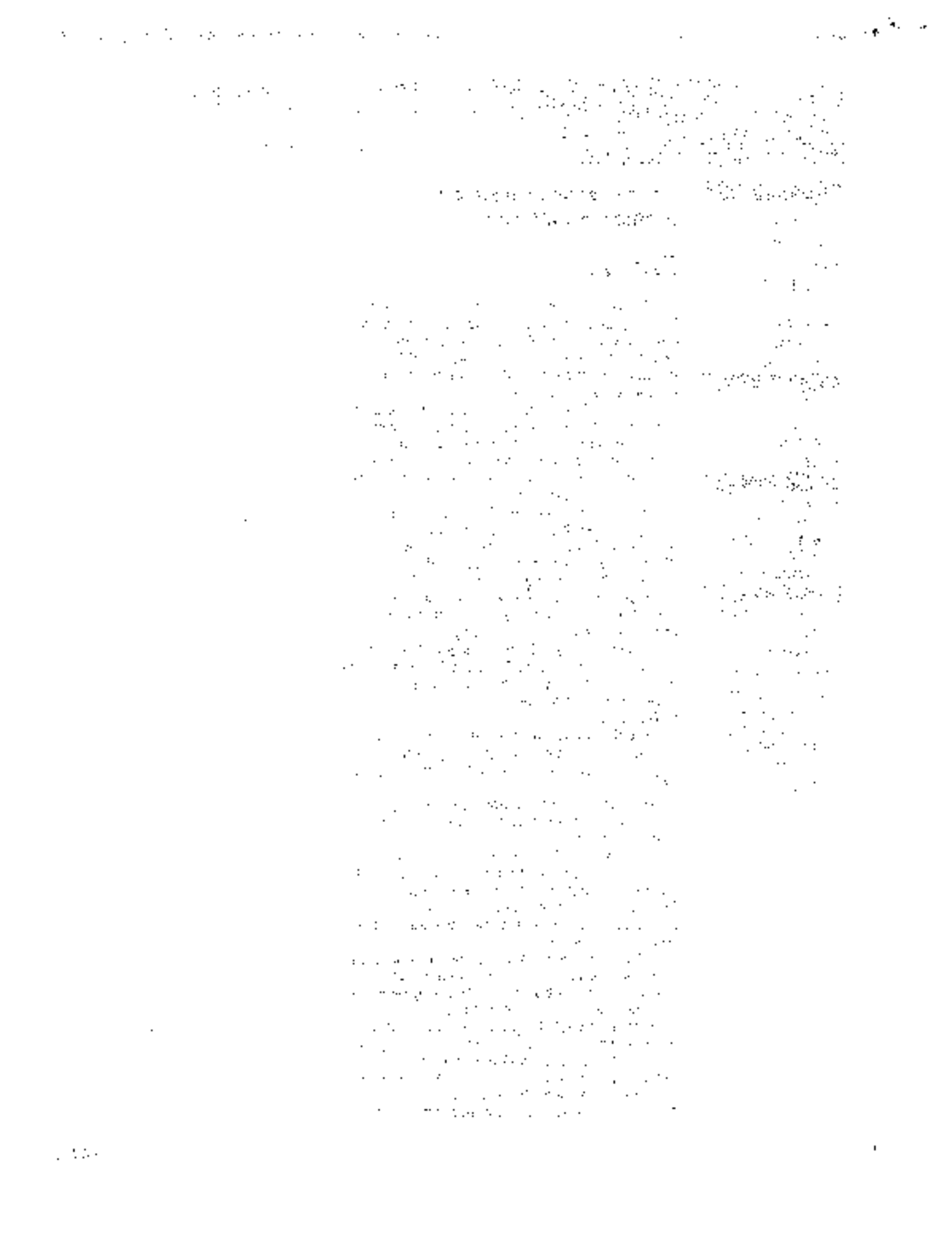
But she implored Knowles to let her stay on the case through the competency hearing, arguing the conflict would not affect that part of the case.

Her reason: "This is not a proceeding where the attorney and client have similar intent, frankly."

Gorman said her competency motion, which Henning strongly opposes, had caused her relationship with her client to disintegrate. She said a new attorney would face similar problems if made to take the case before the competency phase.

"The relationship between Ms. Henning and successor counsel will be impossible" if the new lawyer must battle with Henning over the competency issue, Gorman said.

During Friday's hearing, Henning ranted to the judge that she hadn't had an attorney for weeks after Gorman told her she was removing herself from the case. At one point, Henning even asked for a 60-day postponement so she could select her own



replacement counsel.

Gorman told Knowles that she's been talking with local attorney Ed Bustamante about taking over the case. But Henning complained that any lawyer chosen by her current defense team would be "prejudiced."

"If you pay from your own funds, that's your business," Knowles told Henning. "But if you get one appointed, then that's who you wind up with."

Knowles instructed Henning to do her best to get along with the new attorney, particularly on the upcoming competency proceeding, and said he would hold a hearing in two weeks on selection of new counsel. The competency hearing will be delayed until after another lawyer is appointed to Henning.

"Your attorney will have no choice on this issue," he said. "This is not something you can control either way."

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