Deadline for DNA results issued in murder case

Despite the deadline for DNA results, defense attorneys claim a July trial date for the three suspects is unreasonable.

By S.J. Ludescher
Tribune reporter

The smallest form of evidence will likely be the biggest tool prosecutors can bring to bear in their efforts to convict three people on charges of murder in the alleged killing of a woman whose body still hasn't been found.

And now the state has been given two deadlines -- one less than a month away, the other about seven weeks away -- to file that evidence with the defense attorneys of the three accused persons.

Forensic investigators working on the Girly Hossencofft homicide case were given the deadlines at a hearing Thursday by state District Judge Frank Allen to provide the results of nuclear and mitochondrial DNA testing to the defense attorneys.

After 18 months of investigation, 44,322 pages of accumulated data -- and no body -- the arguments in the case may hinge on evidence acquired from the results of the DNA tests.

Thirteen motions, mostly dealing with the forensic evidence collected on this case, were heard by Allen on Thursday.

Allen ordered all nuclear DNA tests on potential evidence to be completed by the end of May and all mitochondrial DNA test results to be given to the defense by the end of June.

Nuclear DNA evidence involves analysis of DNA samples taken from cellular nuclei; mitochondrial DNA is extracted from smaller, non-nuclear organic material in cells, and is a technique often used when forensic materials are too small or too degraded by time and deterioration to provide full nuclear samples.

The trial of Diazlen Hossencofft, estranged husband of the missing woman; his girlfriend, Linda Henning; and Bill Miller, is scheduled for mid-July.

Even with compliance of this new deadline, said Miller's attorney, Ray Twohig, it would be unlikely they could be prepared for trial that quickly, since intensive review of the voluminous material is necessary.

"We are all awaiting deciphering of results that we can understand," Twohig said.

A date sometime in the winter, Twohig said, would be more reasonable.

Albuquerque Police Department Forensic Investigator Catherine Dickey testified that the DNA analysis in this case had been "extensive." APD Forensic Investigator Donna Arbogast told the judge she had examined more than 520 pieces of evidence under a microscope before deciding on the 150 samples that were sent to an investigator in Santa Fe for mitochondrial testing.

In addition to the decisions about the forensic evidence, Allen also ruled earlier in the week that a deposition and videotaped testimony from a former cellmate of Diazlen Hossencofft would be admissible, citing the deteriorating and questionable health of the witness as the reason.

Hossencofft, dressed in khaki Dockers, joked with attorneys and appeared to listen attentively to the details of the scientific testing. He twirled a pen with his long thin fingers and nails, shaking his head a few times.

Henning, pencils stuck through her thick, pony-tailed hair, dressed in a blue tropical floral print dress and carrying a photocopied article about the treatment of women in Texas prisons, took notes and conferred frequently with her attorneys, Ed Bustamante and Monica Baca.

Miller, sat mutely, listening to the proceedings, speaking to neither of his former friends.

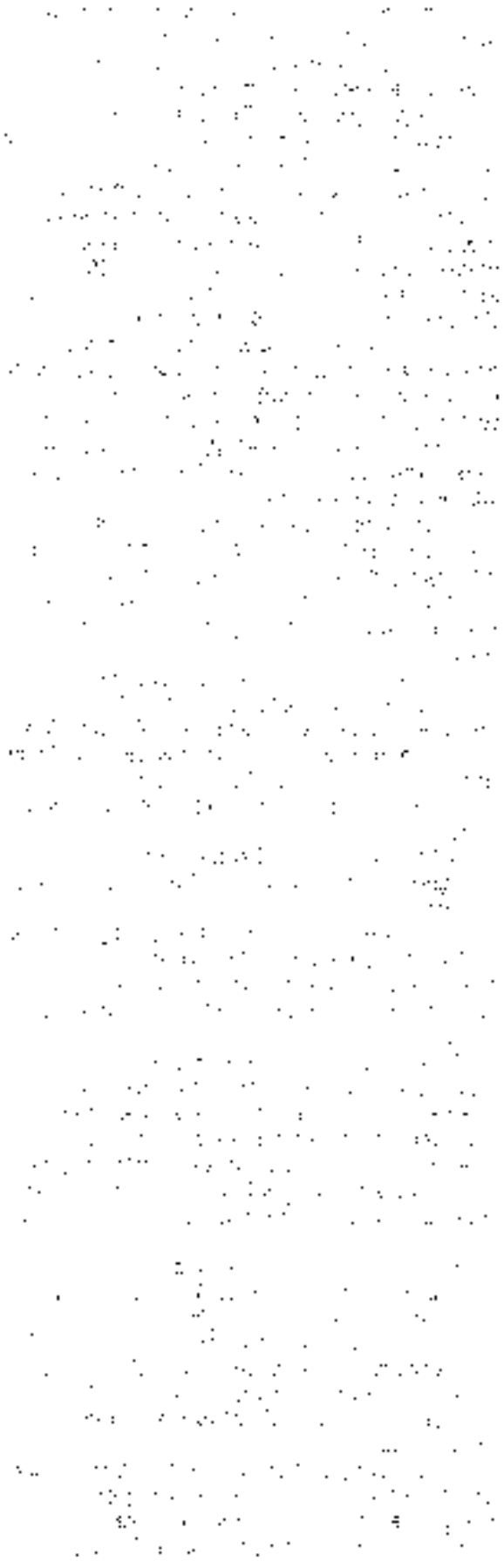
The charges stem from the disappearance of Girly Hossencofft, a 36 year-old Albuquerque bank employee and Diazlen Hossencofft's estranged wife, in September 1999.

Hossencofft, 36, and Henning, 47, were indicted by a grand jury for first degree murder in November 1999 even though Girly Hossencofft's body has never been found. The charges were based in part on testimony from witnesses who said Girly Hossencofft had told them she feared her husband was trying to kill her.

Miller testified at the grand jury proceedings that Hossencofft had asked him twice to help him kill his wife.

Miller's arrest warrant also indicated Girly Hossencofft had contacted the FBI several times for protection from her husband when she felt that local authorities had been ineffective.

In December 2000, a search warrant was obtained for Miller's home, where police confiscated items they believed were connected to the case, including fishing



supplies, a tackle box, miscellaneous fishing supplies and two cat hair samples.

When the APD forensic investigators matched pink-dyed deer hair used in the making of fly fishing lures, found at Miller's home, to those in the carpeting of Girly Hossencofft's apartment, Miller was also indicted by a grand jury for conspiracy to commit first degree murder and kidnapping.

Diazien Hossencofft maintains that his estranged wife is still alive.

Henning and Hossencofft remain incarcerated at the city-county jail. Both face the death penalty if convicted of the charges.

Miller is free on a $250,000 bond.

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