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Henning's statement

The following is the script written by Linda Henning and read by her Friday during the sentencing phase of her murder trial, and provided by her to The Tribune. Minor editing has been used for clarity only. When necessary italicized notes have been added for explanatory purposes.

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I, Linda Henning, am innocent of any and all of the charges for which I've been accused. Nor did I have any inclination, forethought, involvement or partake in the cover-up of this crime.

I am a highly intelligent, successful and artistic person despite the court-paid, rubber-stamped evaluation from CCA-Grants *(referring to the Women's Correctional Facility in Grants where a 60-day diagnostic evaluation was conducted on her after her conviction)*.

The labeling of terminology indicating various issues is a device used by this state and court to deny me justice and to seek through this subterfuge the means to forever silence me.

No one, including your honor, has ever questioned the deteriorating mental condition of the prosecutor, Paul Spiers, who files a motion based upon the visions of two psychics and the coached testimony of a career criminal, crack-addicted prostitute.

He alleges I am a cannibal between sandwiched quotes of Shakespeare and F. Scott Fitzgerald, alternately calling me a cannibal, an alien queen and a ninja assassin warrior. Will he file a motion this week saying I'm the Easter Bunny?

Exactly which one of us needs a mental evaluation?

I am conversant, much to the chagrin of the prosecution, and have a thorough understanding of every aspect of the evidence presented against me.

I have been prepared to challenge these matters with the state and their agents at each court hearing, despite monumental efforts made by former attorneys to deny me access to discovery and deny me access physically to court hearings.

These efforts have included ongoing collusion with the DA to deprive me financially of the ability to defend myself and to deny me due process of the law.

Regardless of the juries' contradictory findings, I am innocent.

1. I have been denied reasonable bail.

2. I have been denied a right to a speedy trial by every dirty trick in the book, including questioning my competency. If I took a plea, do you really think my competency would be questioned? My competency was questioned only after I refused to discuss plea bargains. The person who brought that up is under investigation for embezzling state funds.

I have been denied speedy sentencing having waited nearly six months.

3. I have suffered 42 months of, at times, extreme conditions of confinement including but not limited to: 17

months of isolation, neglect, filth, food deprivation, sexual battery, withholding of my mail, denial of visits, an informant backed contract hit on my life, all implemented by the DA and APD *(Albuquerque Police Department)* through their cooperative agents at the jail. All of this to induce a plea bargain.

I shall never accept guilt for something in which I did not partake in nor have knowledge of. It is against my principles.

I never asked D.H. *(Diazien Hossencofft)* to testify at my trial. I informed my attorneys he was lying. My position from Day One has always been this evidence is the result of APD's sloppy and fraudulent evidence gathering and handling.

Regardless of the state s position that my blood was found in Girly Chew's apartment, there is no basis in fact that:

1. I was ever physically at the apartment.

2. I ever suffered wounds, cuts, bruises or obvious scars attributed to battle with the victim.

3. I willingly or knowingly allowed any blood to be taken by Diazien Hossencofft.

4. The only persons who removed my blood DNA from my residence were Detective Nick Gonzales (now deceased) and Detective Fox in his handwritten, chronological "Evidence to Lab" log.

In all this time, the defense has been denied access to all DNA evidence despite what Paul Spiers calls his "mountain of forensic evidence." Both blood and mystery hair fragments that initially were identified as Bill Miller's only later were re-labeled as mine. Oops!

Since my trial, three other capital crime cases involving DNA evidence experienced the very same problem, All DNA was denied equal access by the defense, the APD crime lab stating in all cases "evidence consumed by testing."

What a coincidence. Four cases over an eight-month period and the very same excuse.

Then there is the disappearing evidence, which first popped up in Judge *(Frank)* Allen's courtroom April 2001. FBI crime labs after two years study with paleontologists identified "Feles Unca" hair - from an extinct animal - as being found inside Girly's apartment.

At the time of the trial, the Feles Unca magically becomes my own cats' hair.

The forensic evidence, used to secure murder indictments and death penalties against D.H. *(Hossencofft)* and myself and presented to grand jurors in November 1999 on Exhibit 48, was far different from what was presented at trial.

Trienah Gorman's motion showed the state lied to both the court and defense for a period of 14 months about the evidence.

Death penalties were brought against us before DNA testing was actually done.

Catherine Dickey, APD forensic scientist, is an absolute liar when comparing Detective Fox's handwritten notes, Detective Nick Gonzales' grand jury testimony on Sept. 29, 1999, and the DNA evidence presented on Exhibit 48.

We know from trial the pink button was phony, that the contradictory testimony from Detective Fox and Dickey reveal that the duct tape had been tampered with.

My letter brought to court and displayed was tampered with.

Detective Fox was caught lying about my so called cuts and bruises despite the videotape shown in the court with no cuts or wounds and no effort to hide my hands or arms.

Witnesses' waffling testimonies back and forth was the result of coaching by the DA.

Is it therefore inconceivable to question the blood evidence and hair fragments as well?

All my civil rights and constitutional rights have been denied, denied, denied me. Due process to defend myself against "secretive" perjury charges denied. Access to expert witness testimony denied to me by lawyers. Right to legal counsel denied to me by the "terroristic" tactics of the APD before arrest, illegally detaining me, slamming me against a car, forcing me against my will into a deserted basement bathroom where I was sexually battered under the direction and auspices of Detective Mike Fox.

One-hundred thousand dollars spent on psychological evaluations while less than $2,000 was spent for expert witnesses.

My defense was compromised even before the trial by your honor and the comments made to purposefully taint the prospective jury pool of Albuquerque by stating your firm belief in my guilt, suggesting I should take a plea bargain and save the state the enormous cost of a trial. Canceling all hearings for one year to induce me into a plea.

I am looking at 57 years of incarceration for testimony at a grand jury that was so illegal it was nolled *(dismissed)* and a motion filed to disqualify the prosecutor with interest in pursuing Paul Spiers' disbarment from law practice.

His illegal activities, blatant lies, misleading statements, tainted the entire atmosphere of the grand jury with his first sentence of his belief in my guilt.

It is I who will be sentenced to an ungodly amount of time in which you, your honor, have denied me due process to defend myself.

I was apprised of the perjury charges when they appeared on the jury's instruction forms as they were going into deliberation for the verdict.

I have been discriminated against in this case because I am an outspoken, opinionated woman who would not bend to the lies and false testimony of the state. My co-defendant spent over $35,000 for DNA testing I was denied.

Just about the only witness on my behalf was one I vehemently opposed. I asked my lawyers not to use him at trial and requested credible expert witnesses for my defense.

The Shakespearean-staged drama between Blazien, Paul Spiers and Jack Burkhead was laughable. The one-upmanship of this trio turned the courtroom into a carnival.

He helped no one but himself. I don't personally believe he actually believed it himself. David Pfeffer and myself did not believe his testimony. His 15 minutes of fame showed on his smile to the camera.

The lack of defense team preparation for this case began during the Ogden hearing - the pink button, used as a mitigator, had nothing to do with the case.

Had it been viewed in advance with all the other evidence instead of waiting for the trial for it to appear, it could

have knocked out one of the aggravators.

Had my investigator begun interviewing all APD personnel as he said he was going to do instead of beginning his second witness interview the day before the trial, he could have found the discrepancy between Fox's and Dickey's statements of the Figure 8 duct tape, or rolled ball as Dickey described it. Second mitigator knocked out.

Had you, Judge Brennan, been fair and equitable, interested in protecting my civil rights and life in a death penalty case, dismissed the blood and hair evidence because of unequal access only to the state, would not the outcome of the trial have been different?

This was never a death penalty case to begin with. Again, inconsistencies with evidence, DNA testing, testimonies, evidence handling indicate this should never have been a death penalty.

With a "pro death" jury and the prosecutors asking questions of prospective jurors such as "How little evidence do you need to vote for the death penalty?" the entire process was slanted against me, giving weight to a conviction not an acquittal. Open-minded jurors were dismissed.

The only concern of this court from the beginning of when you, your honor, were appointed to this case, had been the cost of this trial. It has been emphasized by you in the press over and over.

For the most expensive trial in New Mexico history, you'd never know it with the few dollars I was miserly given for my defense.

I am thankful that this case has propelled national media review and that the resulting avalanche will spotlight the injustice and possibly set New Mexico back on the right path: that of a protector and defender of America's Constitution.

Yet here we invade Iraq to liberate the people and bring them freedoms and democracy while at home we are losing more and more liberties and privileges by the day. Look very hard at this case and see how it mirrors the former Soviet penal system.

You are accused of crimes, never told what they were, never allowed to defend yourself, yet be sentenced to more than 50 years in prison.

I respectfully ask this court for the chance of retrial at the earliest possible opportunity - a retrial affording the appropriate comprehensive defense with preparation and expert witnesses.

With the current testimony of Cynthia Hess and Jesse Lucero *(having to do with possible evidence that co-defendant Miller stalked Girly Chew Hosserkofft)*, it seems there is far more to this case, and in all fairness there should be a retrial.

If I knew where Girly's body was, I was offered a plea at the last minute to tell the state. It should be obvious to everyone from the hearing: Bill Miller knows where her remains lie. **I do not** have anything to offer in exchange for a reduced sentence.

□