

# JUDGE ALLOWS SUIT IN WITNESS' SLAYING

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## ABSTRACT

- A federal judge is allowing the family of a Hartford woman who was shot to death in her driveway in 2007 to pursue a lawsuit against the city and state for failing to protect her after she agreed to be a key witness in a nightclub shooting.

## FULL TEXT

- A federal judge is allowing the family of a Hartford woman who was shot to death in her driveway in 2007 to pursue a lawsuit against the city and state for failing to protect her after she agreed to be a key witness in a nightclub shooting.

The suit, brought by the estate of victim Asher Tamara Glace, a 21-year-old nursing student from Hartford, could test a 12-year-old state law that requires state prosecutors to evaluate the safety of witnesses to serious crimes and to protect those determined to be at risk.

Glace's estate, contending that no one tried to determine whether her cooperation exposed her to danger, wants to use the witness protection law to hold the city and state civilly liable for the retaliatory death of a prosecution witness. It is believed to be the first time that the issue of government liability under the 1999 state witness protection law has been addressed in court, lawyers said.

The suit raises other questions as well, about possible negligence by Hartford police and state prosecutors in the events that ended with Glace's shooting death in the driveway of her mother's house on June 16, 2007.

The suit claims that the Hartford Police Department identified Glace as a "chief prosecution witness" on its publicly accessible Internet site prior to her death. It says that unspecified authorities failed to act on information from a jailhouse informant that Glace's life was in danger. And the suit claims that state prosecutors never undertook the review of Glace's safety that is required under the witness protection law.

Richard C. Gordon, the Hartford lawyer representing Glace's estate, has submitted nothing in court to support his claims of negligence, and there has been no examination in court of the veracity of the allegations.

Representatives of the city of Hartford, its police department, the state of Connecticut and the chief state's attorney's office - the government entities being sued - declined to discuss the lawsuit. A lawyer for the city said the suit is in a preliminary stage and the facts may be disputed.

Gordon filed the suit in June 2009 for Glace's mother, Sandra Elliott. He said he will document the negligence allegations as the case proceeds. The evidentiary phase of the suit is on hold in federal court until after two brothers accused of murdering Glace are tried in state criminal court, he said.

"She was a young woman who had her entire life ahead of her," Gordon said. "She was working full time and she was a part-time nursing student. When she went to the police and gave a statement, she insisted that she was doing the right thing. She actually was told by others not to do it. She insisted that she had to do the right thing. And the police and the prosecutors didn't. They just left her out there hanging."

Last week, Connecticut Chief U.S. District Judge Alvin W. Thompson dismissed much of the lawsuit but assured that at least part of it will proceed when he let stand four key counts that allow the estate to sue Hartford and that attack the steps taken by law enforcement once Glace became a likely witness.

The ruling keeps the suit alive, but Thompson wrote in two opinions that he was not considering the veracity of the negligence allegations. He said the law regarding motions for dismissal required that he treat the allegations

contained in the lawsuit as true. The government defendants in the suit will have opportunities to attack the allegations later in the litigation.

Glance, who moved with her family to Hartford from St. Lucia when she was 14, was attending a St. Valentine's Day party at the Cleveland Cafe on Main Street in Hartford when she witnessed a dispute between two men that ended in a fatal shooting. The victim collapsed on top of her and his body had to be removed by other patrons before she could stand up.

Hartford police placed Glance in custody and drove her to police headquarters, where she gave what the lawsuit calls a detailed statement indentifying the gunman as Anthony Thompson. Thompson fled to Jamaica less than a day after the shooting but was captured three months later, returned to Hartford and charged.

The lawsuit claims that, while he was incarcerated and awaiting trial for murder, Thompson's cellmate told unnamed authorities that Glance's "life was in danger" because she was going to testify against Thompson. Glance was found dead in her parked car in her family's driveway two months before Anthony Thompson was scheduled to stand trial for the Cleveland Cafe shooting. Anthony Thompson and his brother Earl have been charged in her death.

Anthony Thompson was convicted of murder in the Cleveland Cafe shooting after Glance's death. He was sentenced to 70 years in prison in that case in September 2008.

The General Assembly enacted the witness protection law in 1999 in response to the deaths that year in Bridgeport of Karen Clarke and her 8-year-old son, Leroy "B.J." Brown Jr. Prosecutors said the shootings were ordered by Russell Peeler Jr.

The boy was supposed to have been a witness against Peeler, who had been charged in the fatal shooting of Clarke's boyfriend. Peeler was eventually sentenced to death for the Clarke and Brown shootings and is awaiting execution.

The witness protection law provides that, in any investigation or prosecution of a serious felony, the "prosecutorial official" assigned to the case "shall review all witnesses to the offense and may identify any witness as a witness at risk of harm."

If a "critical" witness is determined to be at risk, the witness becomes eligible for a range of protective services ranging from an armed guard to relocation.

Elliott said Thursday that a Hartford police detective telephoned her after Anthony Thompson was extradited from Jamaica in 2005 to ask whether she or other family members had seen any suspicious people or activity around her home. That was the only call she received regarding the safety of her daughter and her family, she said during an interview in her attorney's office Thursday.

Glance's mother also said that one of her daughter's girlfriends attended the St. Valentine's Day party at the Cleveland Cafe and also witnessed the shooting. That girl's family immediately sent her to her hometown in the West Indies, where she remains, Elliott said.

#### CONNECTICUT'S WITNESS PROTECTION PROGRAM

Eligible: Witnesses to serious felonies who face intimidation or retaliation.

Safety: Armed protection, surveillance, periodic visits.

Housing: Expenses paid, transportation or storage of possessions.

Basic living: Food, transportation, utility costs, health care paid for.

#### Illustration

PHOTO: COLOR, CLOE POISSON - CPOISSON@COURANT.COM; Caption: IN JUNE 2007, Sandra Elliott came home and found her 21-year-old daughter, Asher Tamara Glance, shot dead in her car in Elliott's driveway in Hartford. "I miss her every day," Elliott said in the living room of her New Britain apartment. "It's a parent's worst nightmare."

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