

Mistrial declared in kidnap case; extradition fought

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Staff writer

MILFORD — A mistrial was called Monday in the case of a Derby man who is accused of kidnapping and assaulting his ex-girlfriend last year.

He is in New York on other kidnapping charges and challenging a governor's warrant to get him back to the state.

Tony L. Niemeyer, 27, of Crescent Street remained in a Westchester County, N.Y., jail Monday after he decided to test the legality of a warrant from the office of Gov. John G. Rowland to the office of New York Gov. George Pataki to have him return to Connecticut. The warrant was filed Friday.

Connecticut Assistant State's Attorney Paul Gaetano tried to get Niemeyer back here to resume a trial in Milford Superior Court.

Niemeyer is instead fighting extradition after he was arrested Feb. 8 in Larchmont, N.Y., following a motor-vehicle stop.

He was arrested for allegedly taking his ex-girlfriend against her will to New York so she would not testify against him.

The trial started Feb. 6 and the last testimony was heard Feb. 7. He is accused of severely beating her for two to three hours in his apartment in February 1996, and then not letting her get medical treatment for more than 20 hours.

It is unknown when Niemeyer will return to the state, but the next Milford court date is April 1. Extradition usually takes 60 to 90 days, officials said.

In 10 years as a prosecutor, Gaetano said he only saw one case when a governor's warrant was challenged.

Meanwhile, one of the alternate jurors in the Milford trial told a court clerk Monday morning that he could not get to court because his wife was undergoing surgery.

He also told the clerk that Niemeyer belongs in jail if he continues to kidnap his ex-girlfriend, according to court testimony.

Upon hearing the testimony Monday, Judge Bruce Thompson excused the seven jury members

and the ex-girlfriend, who has been in protective custody of the state to testify. The ex-girlfriend and family members declined to comment.

Tara L. Knight, Niemeyer's attorney in the trial, said later she wanted the mistrial in part because her client was not in court twice and it is uncertain when he would return. She added that Niemeyer's New York arrest did not give both sides of the story. She said she has evidence Niemeyer's ex-girlfriend was with him voluntarily.

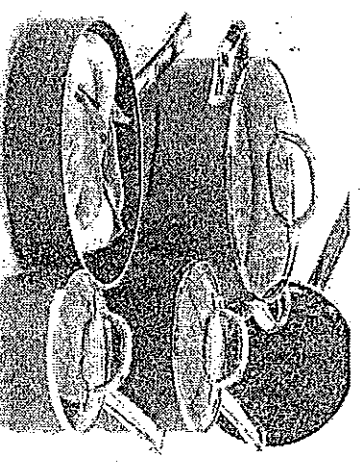
Knight said she is concerned about the publicity in the case.

Under the laws of extradition, a person who is in one state cannot be unlawfully removed from the state by law enforcement officials from another jurisdiction, said David Hebert, spokesman for the Westchester District Attorney.

In this case, the Connecticut governor's office has to prove there is a valid criminal charge pending against this individual, he said.

Niemeyer is to return to Westchester County Court March 7 on the extradition case. His New York charges could be dropped or carried forward, officials said.

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