

Police files sought in woman's death Parents' lawyer asks Niagara County judge to intervene in Buffalo case

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By DAN HERBECK AND THOMAS J. PROHASKA

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The attorney for the parents of a 20-year-old Lewiston woman argued Friday that defensive wounds and the presence of a drug connected with date rape show she might have been murdered, even though he claimed an autopsy report initially had concluded she died of an accidental drug overdose.

Attorney Steven M. Cohen went to court to try to get Niagara County Judge Matthew J. Murphy III to overrule the Buffalo Police Department's rejection of his request for files connected with the death of Amanda L. Wienckowski, whose nude, frozen corpse was found Jan. 9 stuffed in a garbage tote in Buffalo.

Cohen told reporters that the autopsy report showed bruises on Wienckowski's face and forearms that he believes are consistent with a struggle.

He charged that Buffalo police dropped the case after receiving an autopsy report from the Erie County medical examiner's office attributing the death to drug use.

But Diane T. O'Gorman, Buffalo deputy corporation counsel, told reporters after court that the Freedom of Information Law request from Cohen and his clients, Leslie Midzinski Brill and Kenneth Fink, was turned down because the case is considered an active homicide investigation.

Cohen's court papers maintain that an assistant Erie County district attorney told the woman's parents after the Feb. 20 autopsy report that the investigation was over because of the ruling of an accidental overdose.

Cohen's filing contends a Buffalo detective advised the parents to file a Freedom of Information request, which they did. It was rejected April 14 because the investigation remained open.

An appeal resulted in an April 29 letter from O'Gorman that said: "Our department's investigation of your daughter's death is still active. It has not by any means come to a halt."

"Isn't that interesting? As soon as I requested the investigative materials," Cohen said.

Brill said she was determined to find out what happened to her daughter.

She and Cohen said they have walked the streets of the East Side neighborhood where the body was found, talking to people who said they haven't been interviewed by police.

"People tell me, 'They haven't talked to me,' " she said.

Her dissatisfaction with the autopsy finding led her to consult Dr. Lawrence Kobilinsky of John Jay College in New York City, a forensic pathologist.

He and Dr. Howard Adelman, a forensic consultant, took interest in the bruises on Wienckowski's body, which the autopsy report catalogs without comment.

According to the mother's affidavit, Kobilinsky "was convinced the bruises on Amanda's body illustrated signs of cardiac arrest from self-defense."

The autopsy report listed contusions on the woman's right cheek, her chin, the right side of her jaw, her right forearm and her left thigh.

The drug GHB, referred to as a "date rape" drug because a small amount can quickly produce unconsciousness, was among a long list of narcotics found in her body, according to the autopsy report.

But Brill said, "It took a doctor in New York City to tell me, 'Leslie, there's GHB here.' "

The report lists the GHB among the drugs in the body without comment. The highest reading shown was 18 milligrams per liter of blood.

According to the 2006 edition of "Poisoning and Drug Overdose" by Kent R. Olson, a standard text in the drug field, GHB, if taken alone, requires 50 milligrams per liter to produce unconsciousness.

But Wienckowski's body contained traces of dozens of narcotics and painkillers, the report said.

"I think she fought until the drug took over and then they disposed of her," Brill said.

Cohen said the police files might provide ammunition for a wrongful death suit, although he acknowledged he doesn't know whom he would sue. "I don't know who killed her," he said.

Cohen said he brought the suit in Niagara County, because Wienckowski was a county resident and her estate is being settled in Surrogate's Court here, even though she had no assets.

O'Gorman argued that the Freedom of Information request must be litigated in Erie County. Murphy reserved decision.

Cohen argued that Murphy would rule more fairly because courts in Erie County are too political.

"The city and the county are playing games," Cohen told reporters. "They are hoping to get [the suit] where their boss' boss' boss will protect them."

O'Gorman called Cohen's views on Erie County courts "absurd."

Cohen's Freedom of Information request includes the video footage from a surveillance camera he said was mounted at Clinton and Spring streets, near the scene where Wienckowski's body was found. He said the camera later was removed.

But Michael DeGeorge, Buffalo Police spokesman, said any camera at the location was "not one of the city's new surveillance cameras. . . . It was never removed because there was never one there."

Cohen also charged that the Erie County medical examiner's office changed the cause of death on Wienckowski's death certificate from "accidental overdose" to "pending investigation."

Kevin Montgomery, Erie County Health Department spokesman, denied that. "There was a determination, and that hasn't changed," he said.

e-mail: tprohaska@buffnews.com