

Lawsuit in woman's death shifted to state court

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Niagara County Judge Matthew J. Murphy III ruled Wednesday that he could referee a dispute between the Buffalo Police Department and the parents of a dead Lewiston woman if he wanted to. But he doesn't want to.

Murphy thus reassigned a lawsuit from the parents of Amanda L. Wienckowski from his court to State Supreme Court in Buffalo.

Although he found that Niagara County Surrogate's Court had jurisdiction over the case by virtue of Wienckowski's estate being probated there, Murphy pointed out that all the actions at issue in the lawsuit deal with events that happened in Erie County.

He wrote, "The court, in the exercise of the discretion conferred upon it, believes it is more appropriate for this matter to be heard in Supreme Court in Erie County."

Wienckowski's parents are demanding that Buffalo police release records that they say might shed some light on how their daughter died.

The 20-year-old woman's nude, frozen corpse was found Jan. 9 in a garbage tote outside New Covenant United Church of Christ at Clinton and Spring streets. She is believed to have had a paid sexual encounter with a man in a nearby apartment on the night of Dec. 7, police have said. She was reported missing after that.

Toxicology tests on Wienckowski's body showed a cocktail of painkillers and narcotics, including the "date rape" drug GHB, a small amount of which produces unconsciousness.

The Erie County medical examiner's office listed the cause of death as an accidental drug overdose. But parents Leslie Midzinski Brill and Kenneth Fink suspect she was the victim of a homicide. The autopsy report lists several bruises and scrapes on her face and arms, which the parents' attorney, Steven M. Cohen, described during arguments Sept. 18 as "defensive wounds."

Those bruises, along with the presence of GHB, bolster the murder claim, Cohen said that day. He didn't return a call Wednesday seeking comment on Murphy's ruling.

The lawsuit attempts to overturn the Police Department's denial of the parents' Freedom

of Information request for files pertaining to what Cohen said was a closed investigation. But the Police Department replied that the case is still open and refused to turn over its records.

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