

Suspect acquitted in case linked to Wienckowski Cleared of sex counts in separate incident

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Antoine "Justice" Garner, once considered a person of interest by police in the death of Amanda Wienckowski last December, was acquitted Friday evening of predatory rape charges that could have sent him to prison for the rest of his life.

Garner, 23, took the stand in his own defense and insisted that he traded sex for drugs with the 37-year-old home health care worker and said that there was no rape.

"She wanted more coke, he ran out, she got upset, she called a cab," defense attorney Joseph A. Agro said his client testified.

The jury returned the not guilty verdict on predatory rape, first degree rape and sexual abuse charges after beginning deliberations at 5:15 p.m. Friday.

Garner was charged with the rape after police questioned the woman while investigating the Wienckowski case.

Garner had been declared a person of interest in the Wienckowski

murder because police learned she had gone to his house on Dec. 5 for a paid sexual encounter.

The body of the 20-year-old former Kenmore woman was found in a trash tote a month later behind a church directly across from Garner's home.

Agro said DNA testing cleared Garner of any connection to Wienckowski.

"It's my understanding he told police he had nothing to do with it," Agro said.

The medical examiner declared her death an accidental drug overdose, but Wienckowski's parents and others have been skeptical, noting that her hair had been cut off and her naked body placed into a garbage tote. Buffalo police consider it an open case.

And Wienckowski's family is trying to raise enough money to have her body exhumed and another, independent autopsy conducted.

Charges against Garner in the Oct. 18, 2008, rape developed after police questioned the woman in their investigation into the Wienckowski case, and she identified a photo of Garner.

During the weeklong trial, the woman, a confessed drug addict, told the jury that Garner met her in a bar and lured her to the site of the rape with an offer of cocaine.

The woman told the jury that after she and Garner and another man drove to what he claimed would be a Halloween party at a Meyers Street address, he told the other man to leave and went into the house with her alone.

She said he immediately began choking her when they got inside.

She told the jury that the powerfully built Garner strangled her into unconsciousness with a blue cloth before raping her and sodomizing her before she managed to talk her way out of the house after an hour or so.

Garner, however, said the choking never happened. He said the woman got angry with him after he ran out of cocaine, called a cab and left the house.

She said the cab driver carried her into her home and called the police.

But Agro said the woman declined to go to the hospital and have a rape test performed, and he said an emergency medical technician found no evidence of bruising or other signs of choking.

"She had sort of an incredible story," Agro said.

A jailhouse informant told the jury that Garner told him months ago at the Erie County Holding Center what he had done to the woman and asked him to kill her.

The informant testified that Garner had told him how he could get a handgun for the killing and also how he could deface the gun so it could never be traced back to him.

Prosecutor Lauren A. Gauthier told the jury that choking victims frequently show no immediate signs of neck trauma. She described the victim as "a small, helpless woman addicted to drugs who was the perfect victim" for Garner "and that's why he picked her out" for a sexual assault.

Gauthier conceded to the jury that the alleged victim "might not be somebody that you would have over for dinner," but she wouldn't have agreed to let Garner's attorney "put her on trial" in cross-examining her if she wasn't an actual sex crime victim.

The jury deliberations began about five hours after Agro pressed for a mistrial based on Buffalo News columnist Donn Esmonde's column Friday about Garner and Wienckowski.

When Supreme Court Justice John L. Michalski asked the jurors Friday morning if they had been exposed to any media accounts concerning Garner, none raised their hands, and he allowed the trial to continue.

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