

# Second autopsy suggests strangling Lawyer releases details from Wienckowski exams

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By Lou Michel

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A second autopsy of Amanda L. Wienckowski, the 20-year-old woman whose frozen body was discovered in a garbage tote near an East Side church last year, suggests she was strangled, the attorney for her family said.

And among the people she was last seen with was an individual with a history of strangling women while having sexual relations, attorney Steven M. Cohen said he and her family have also learned.

"Pre-mortem pressure finger marks and contusions were found on her throat," Cohen said in regard to what Dr. Silvia Comparini, a West Coast pathologist, discovered in examining Wienckowski's remains in February.

Additionally, not only was the young woman found in the plastic trash receptacle with her long blond hair shorn off, but a section of her tongue also was bitten off, the lawyer said. Cohen said he believes it is now clear Wienckowski was beaten and strangled, as he released details of the latest autopsy conducted by the forensic pathologist in Los Angeles and details from the previous autopsy by the Erie County medical examiner's office.

"All of the injuries she has are consistent with a vicious physical attack," Cohen said, adding that Erie County pathologists determined she did not die from hypothermia caused by the cold weather. "This leads inexorably to the conclusion that there was foul play. The Erie County autopsy acknowledges she was dead somewhere else before she was ever brought outside into the cold."

Wienckowski's body was found Jan. 9, 2009, in a garbage tote next to a church at Spring and Clinton streets, and across the street from where she was last seen alive Dec. 7, 2008. Ever since Erie County's autopsy ruled her death was accidental due to opiate intoxication, Wienckowski's family has been critical of the Buffalo police investigation and has been trying to legally force the city to release crime scene photographs and police reports.

Wienckowski, who grew up in Kenmore but was living in Lewiston when she died, was known to have abused drugs. But the Erie County autopsy also determined that her face, arms and legs had multiple contusions and possible scratch, puncture or needle marks.

"I've put in numerous calls to the police. I have spoken to a couple of detectives but they have shown no interest in getting any leads or information from us," Cohen said. "We have a tip that the night she died one of the people she was with has a history of strangling women he's having sex with."

Police officials have repeatedly said the investigation into Wienckowski's death remains open. The family, with the help of donations, paid to have her body exhumed in February from a Buffalo-area cemetery and shipped to Comparini, who is part of a group of forensic pathologists known as 1-800-AUTOPSY in California. More than \$9,000 was raised By Wienckowski's family and friends to cover the costs.

Cohen released the information on both autopsies following proceedings Friday in State Supreme Court, where attorneys for Erie County and the City of Buffalo refused to release materials needed By Comparini to complete her examination and file a final report.

"Dr. Comparini told us there were manual strangulation marks," Cohen said. "But Amanda's hyoid bone in her neck, her thyroid and a large section of her heart are missing and the doctor says she cannot give a credible ruling on the cause of death until she can examine them."

The attorney says he plans to ask State Supreme Court Justice Gerald J. Whalen to issue an order to Erie County directing it to provide Comparini with what is needed for her to complete her review.

"We believe the Erie County Medical Examiner has the hyoid bone, thyroid and heart but won't acknowledge it. We're asking the judge to order Erie County to turn over the hyoid and other forensically significant body tissue and fluids," Cohen said.

He obtained the Erie County autopsy report By filing a freedom of information request. In the toxicology portion, traces of the date rape drug known as GHB, opiates and marijuana were found in Wienckowski's system.

The county's autopsy report, Cohen added, was signed By four medical examiners -- Dianne Vertes; chief medical examiner James Woytash; Mark LeVaughn; and Jonrika Malone.

"I've been a lawyer over 20 years and I've never had an autopsy report signed By more than one medical examiner," said Cohen, who expressed puzzlement over the multiple signatures.

After Erie County ruled the death accidental, Leslie Fink, Wienckowski's mother, and Kenneth Fink, the young woman's stepfather, sought the help of Cohen, a civil rights attorney and head of Hogan Willig law firm's litigation department.

"It is frustrating that the police are withholding their files from us based on their statement that there is an ongoing investigation," Cohen said. "The reason we brought this action to begin with was that the city and county refused to acknowledge there was any criminal activity associated with Amanda's death. Give us the files so we can investigate."

Cohen and members of Wienckowski's family plan to hold a news conference at 2:30 p.m. Monday in Hogan Willig's Amherst office to further discuss the case.

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