

Officials rebuked on Wienckowski death; Aided by Delano, family says autopsy missed clues that would have indicated strangulation

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By Lou Michel

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Accusations of shabby autopsy work and review of graphic photographs from an out-of-state autopsy were all part of a news conference Monday criticizing the local medical examiner and police in the handling of Amanda L. Wienckowski's death.

Dennis A. Delano, a former Buffalo homicide cold-case detective, and attorney Steven M. Cohen, along with members of Wienckowski's family, said partial results from the second autopsy prove that the Erie County medical examiner's office in January 2009 missed key clues indicating that Wienckowski was strangled.

The local autopsy determined that she died of an accidental opiate drug overdose, and a county official Monday night stood by that determination, insisting that the medical examiner's office has fully cooperated with the deceased's family.

The remains of the 20-year-old woman, who lived in Lewiston but grew up in Kenmore, were found frozen and upside down in a plastic garbage tote outside a Buffalo church Jan. 9, 2009, a month after she was first reported missing.

Pointing to autopsy photos showing darkened impressions on Wienckowski's throat, Delano said he agreed with the initial findings of a West Coast forensic pathologist, Dr. Silvia O. Comparini, that they were finger marks made before the young woman died.

"I never believed from the beginning it was an overdose," said Delano, who witnessed the second autopsy last February in Los Angeles. "There's no way you could say this isn't a homicide."

Delano, who retired from the Police Department after being brought up on disciplinary charges for releasing police files and video from the probe into the death of 13-year-old Crystallynn Girard, said there were disturbing parallels between her death and Wienckowski's.

"Overdosing as the cause of death is becoming kind of convenient," Delano said in alluding to how the cause of death for Girard, years later, was revised from a homicide to a drug overdose.

That change resulted in Girard's mother, Lynn M. DeJac, being cleared in the death of her daughter.

Citing bruises that could only have occurred while Wienckowski was still alive and failure to more closely examine them, Delano added, "The original autopsy had to be very shabby to have missed all this."

The former detective is assisting Wienckowski's relatives and is not being paid for his work, said Cohen, who represents the family.

"Someone flipped a switch and made it an overdose instead of a homicide," the attorney said of the results from Wienckowski's first autopsy.

If it is, in fact, an accidental drug overdose, Cohen added, it does not make sense that the medical examiner and Buffalo police continue to refuse to cooperate with family members who are conducting their own independent investigation.

"Just give me 15 minutes with Chief Dennis Richards on the stand, and the judge will say enough of this nonsense, City of Buffalo turn over your files and County of Erie turn over body fluids and parts," Cohen said of what he hopes occurs at a May 17 hearing before State Supreme Court Justice Gerald J. Whalen.

Cohen specifically wants the judge to order the release of Wienckowski's hyoid bone from her throat along with organs believed to be in the custody of the Erie County medical examiner, so that Comparini can examine them and complete her autopsy report.

These body parts, Cohen explained, will provide additional evidence that could prove Wienckowski was strangled and her body later dumped into the trash can by participants in "the foul play that lead to Amanda's demise."

Dr. Anthony J. Billittier IV, the county's health commissioner, said he is beside himself over incorrect assertions that the medical examiner's office, which he oversees, has not cooperated with the family. The family, he said, has never asked him for the hyoid bone or other remains from Wienckowski.

"We have and will fully cooperate with the family," Billittier said. "We will make the evidence available depending on what they are looking for, and I don't know why Mr. Cohen has said we have been uncooperative. It baffles me."

He said he has personally met with Leslie Fink, Amanda's mother, and that Dr. Dianne Vertes, who conducted the autopsy, has met numerous times with the family.

Richards, the Buffalo police chief of investigations, has repeatedly said the investigation into Wienckowski's death remains open. Of the statements made against the Police Department at the news conference, Richards said that it would be improper for him to comment because the matter is now pending in court.

Cohen and Delano say they have statements from a dozen individuals who can shed light on Wienckowski's demise, including the names of three individuals that were with her when she was last seen alive Dec. 7, 2009. Among them, they said, is a man with a history of strangling women during sexual relations. They contend that the police have not expressed an interest in that information.

Police spokesman Michael J. DeGeorge said detectives would never turn away information in an ongoing investigation.

"Trust me, if anyone had any information regarding this incident, they can call detectives at any time," DeGeorge said.

The Wienckowski family, Delano said, found one of Amanda's earrings lying in the grass outside the church several months later when rechecking the area for clues.

The church is across from the Spring Street residence where Wienckowski had gone just before she disappeared, authorities have said.

Sitting quietly throughout most of the news conference were Leslie Fink; her husband, Ken Fink; and Amanda's sister Carolee Wienckowski.

"I know my daughter didn't do this by herself," said Leslie Fink, who along with friends spearheaded a community fund drive to raise money to ship Amanda Wienckowski's remains to California for the second autopsy.

"We want closure. Amanda didn't deserve this, nobody does," the mother said. "There's somebody out there on the streets, and we don't want it happening to someone else."

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