

Deal sealed to complete 2nd autopsy on victim; City, county agree to supply body parts

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By Matt
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Whether Amanda L. Wienckowski was murdered or just dumped naked in a garbage tote outside a Buffalo church after a drug overdose could finally be resolved within a month.

At a judge's urging, attorneys for Buffalo and Erie County agreed Tuesday to supply the body parts that a West Coast forensic expert hired by the Wienckowski family needs to complete another autopsy.

Dr. Silvia O. Comparini, a Los Angeles pathologist who tentatively ruled the death a homicide after a partial examination of the remains earlier this year, will come to Buffalo next Wednesday to examine body parts not available to her during the partial exam and to complete her report.

This second autopsy will be completed on what would have been Wienckowski's 22nd birthday.

State Supreme Court Justice Gerald J. Whalen, during Tuesday's closed-door meeting, persuaded the city and county to "fully cooperate" and provide Comparini with body parts including Wienckowski's trachea, heart, liver and part of her kidney, according to Wienckowski family attorney Steven M. Cohen.

After the frozen, naked body of the then-20-year-old woman was found Jan. 9, 2009, in a plastic garbage tote outside a Buffalo church, the Erie County medical examiner's office declared that her death was accidental and was caused by an opiate drug overdose. That ruling stalled any criminal investigation.

But the family never bought that explanation. With the help of donations, relatives paid to have the body exhumed and shipped to Los Angeles for Comparini's examination.

Citing what he has called pre-mortem pressure finger marks and bruises on her throat, Cohen said the preliminary conclusion is that Wienckowski was strangled.

But Comparini needs access to body parts kept by local officials to complete her analysis.

After Tuesday's court meeting, Wienckowski's mother reiterated her belief that her daughter was murdered. "There is somebody out on the street that did this," Leslie Fink said.

She said she was grateful for Whalen's intervention.

Contacted later, District Attorney Frank A. Sedita III, whose office did not take part in the court session, said he remains open to prosecution. "If there is credible evidence admissible in court that a crime was committed, we will prosecute," he said.

But Sedita stressed that, so far, four Erie County medical examiners involved in the case remain firm in their findings that the death was accidental and caused by "acute opiate intoxication," a drug overdose.

"The bottom line is that, as a prosecutor, I have to be concerned with what I can prove in a court of law," Sedita said.

A dozen family members and friends showed up Tuesday for what had been expected to be a court hearing, only to be told that the autopsy matter had been resolved, with another court session set for June 9.

Former Buffalo Corporation Counsel Michael B. Risman, retained by the city to deal with the autopsy dispute, and Brian Liebenow, an assistant Erie County attorney representing the medical examiner's office and the county Health Department, declined to comment.

Cohen said he is prepared to pay the \$8,200 he said it will cost to bring Comparini to Buffalo, but he also said he hopes he can persuade the city and county to fully or partially pay for her visit.

He said he hopes Comparini can reach a scientific conclusion about the cause of death by the next court session.

Cohen, the family and former Buffalo cold case Detective Dennis Delano have long contended Wienckowski was murdered and dumped where she was found. They said they have statements from a dozen individuals who can shed light on her death, including the names of three individuals who were with her when she was last seen alive Dec. 7, 2008.

Among them, they said, is a man with a history of strangling women during sex. They say police have not expressed interest in that information. Police say the investigation remains open.

City and county medical officials have disputed contentions that they were not

cooperating in the family's efforts to have another autopsy completed.

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