

# Wienckowski evidence stirs morgue clash

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By Lou Michel

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The mystery of Amanda L. Wienckowski's death deepened Wednesday when the attorney representing her family was kicked out of the Erie County medical examiner's office.

Steven M. Cohen said he had just come across evidence pointing to a homicide rather than an accidental drug overdose when he was told to leave the medical examiner's office on orders from the Erie County attorney's office.

He had arrived at about 11 a.m. with Dr. Silvia O. Comparini, the West Coast forensic pathologist hired by Wienckowski's family to conduct a second autopsy on the young woman's remains.

Wienckowski's body was sent to Los Angeles earlier this year, but Comparini was unable to complete her examination because several body parts were missing.

State Supreme Court Justice Gerald J. Whalen brokered an agreement last week to allow Comparini access to the body parts stored at the medical examiner's office on the Erie County Medical Center campus off Grider Street.

"They threw me out of the building, but they allowed Dr. Comparini to stay. We had just seen photographs showing injuries to the skull and corresponding injuries to the brain when I was told to leave," Cohen said of evidence that he thinks proves a homicide.

If Wienckowski's family can get local authorities to change the cause of death to homicide, Cohen said, "an honest investigation can begin" to catch the killer.

Wienckowski's loved ones have always suspected foul play in her death. Her naked and frozen body was found upside down in a plastic garbage tote outside a church at Clinton and Spring streets Jan. 9, 2009.

Adding to Cohen's suspicions that there is ample evidence that Wienckowski was murdered, he said that before he was forced to leave the medical examiner's office, he reviewed documents in the autopsy file stating that DNA samples exist in connection with the death.

"Until now, they have denied there was any DNA," Cohen said, adding that he does not know to whom the DNA belongs.

Kevin P. Montgomery, spokesman for the Erie County Health Department, which oversees the medical examiner's office, confirmed that Cohen was told to leave the examiner's office.

But Montgomery said a letter outlining Comparini's visit never included Cohen as accompanying her during the exam.

"There were ground rules, and the letter was signed by him that only the medical people would be allowed to examine the organs," Montgomery said. "He wasn't supposed to be there for any of it. He was going to drop Dr. Comparini off and, when it was completed, come back and pick her up."

Comparini, he said, was provided with everything she requested.

The completion of Comparini's autopsy Wednesday coincided with what would have been Wienckowski's 22nd birthday.

Family and friends of Wienckowski gathered Wednesday evening for a candlelight vigil across the street from 157 Spring St., where she was dropped off by her roommate on Dec. 5, 2008, for what police believe was a sexual encounter with a resident there, Antoine Garner. That was the last time she was seen alive. A month later, her naked body was found upside down and stuffed into a garbage tote across the street.

The brief vigil commemorating Wienckowski's 22nd birthday consisted of a prayer, some comments from family members and the release of a couple of dozen balloons.

"She's still with us, and we want to share her spirit with those around us," said Ken Fink, the woman's stepfather.

The vigil also featured some tense moments. Garner, who was labeled as a "person of interest" early on in the investigation of Wienckowski's death, sat in a chair on the porch of his home watching the vigil.

A brown cardboard sign -- "Antoine Garner is innocent" -- was propped up in a white plastic chair and placed on his front lawn.

Preliminary results from Comparini's partial exam, Cohen said, indicate that Wienckowski was strangled.

Raised in Kenmore, Wienckowski was living in Lewiston when at the time of her death.

Cohen said he had no intention of going into the medical examiner's laboratory to watch Comparini examine Wienckowski's body parts, including her trachea, tongue, heart, liver and part of a kidney.

His plan, he said, was to review all of the documents and photographs associated with the local autopsy.

Montgomery said that the agreement specifically called for letting only Comparini review the photos because they are "crime scene photographs" that belong to the Buffalo Police Department.

The medical examiner's office does not handle DNA, Montgomery said. DNA, he explained, is processed by the Erie County Central Police Services laboratory.

Cohen countered by saying he saw a fax transmittal sheet Wednesday in the autopsy file stating that Karen Biel-Costantino, administrative coordinator for the medical examiner's office, on April 30 sent DNA results to the county attorney's office.

A day before that, she dropped off a hard copy of those results at the request of the county attorney, Cohen said.

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