

Another take on Wienckowski's death; Police raise idea of asphyxiation

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By Lou Michel

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A sordid set of circumstance has emerged, filling in some of the blanks for Amanda L. Wienckowski's final hours before her lifeless body was stuffed into a garbage can and left to freeze two winters ago.

Buffalo police officials have raised the possibility that the 20-year-old woman may have died from what is termed situational asphyxiation during rough sex.

Her official cause of death by the Erie County Medical Examiner has been ruled accidental due to a drug overdose of opiates -- a conclusion vehemently questioned by Wienckowski's loved ones who are anxiously awaiting final results from an independent autopsy.

Wienckowski, who had become addicted to heroin and resorted to prostitution to support her habit, had taken the opiate just prior to her death, police said.

Investigators are now wondering whether the drug slowed her heart rate and that she may not have been able to breathe during a sexual encounter, possibly with a man much larger than herself.

Authorities said that at least one of the men Wienckowski was with on the day the petite young woman died was heavy set, between 280 and 300 pounds.

Police point to evidence that her head was apparently pushed against a hard surface because one of her earrings left an imprint on the side of her face, police said.

If further evidence can be obtained, police say, this could help make a case for possibly criminally negligent homicide. But in order for that to happen, the individual who had sex with her at the time of her death would have to admit that happened or witnesses would have to come forward, authorities say.

"That's a theory and is hypothetical. If that is true, we would need evidence of it and have to bring it before a jury," Erie County District Attorney Frank A. Sedita III said. "This is not an episode of Oprah. In a court of law, you have to have evidence to back it up. Those are the rules."

Attorney Steven Cohen, who is representing Wienckowski's family, questions whether the asphyxiation was accidental.

If positional asphyxiation occurred, he said, "an innocent bystander would have called an ambulance, not hiding a body in a garbage can and bringing it away from the location."

Newly released DNA test results show that a hair found on Wienckowski belongs to Antoine Garner, the man she went to visit at his East Side home Dec. 5, 2008, for a paid sexual encounter.

>DNA tests

In addition, there is evidence that when Wienckowski was driven from Lewiston to Garner's Spring Street home, she performed a sexual act on Adam Patterson, the 42-year-old man who had opened his home to her and claimed he was trying to help her overcome her heroin addiction.

Body fluids from two other unknown men also were found on Wienckowski's body, DNA testing ordered by the medical examiner determined.

And further, the most recent DNA tests on hair released Friday found a second hair on her belonged to an unknown female and a third hair to yet another woman.

"We don't know who these people are except for Garner and the guy who drove her there," Sedita said of the DNA profiles.

As for Wienckowski's long blond hair being shorn off, a mysterious detail released by her family, the medical examiner's autopsy report lists her hair as 12 inches long when her body was discovered Jan. 9, 2009, in the trash bin, beside a church and directly across the street from Garner's residence.

"Her hair was later cut by the funeral director because it was matted with garbage and he couldn't get it out and he wanted to clean her up," said an investigator involved in the case.

Do the new DNA findings involving the strands of hair in any way help make a case that she was murdered as is believed by her family members?

Sedita says they do not.

"There could be a number of explanations," he said, explaining that Garner's hair may have attached itself to her if she had sat naked in a chair or on a rug in his home. The same, he said, could be said for how the other females' hairs came to be on her.

What the hair proves is that she had been in proximity to Garner, but Sedita says that only confirms what he has admitted, that she had visited his residence.

Sedita said he cannot comment on preliminary findings of strangulation from the second autopsy, which Wienckowski's family paid for with donations.

Cohen says the discovery of bruises and markings on her head and throat indicate foul play and possible strangulation.

"While I admire and respect Mr. Sedita's caution, I am confident that when all the evidence is brought to light, the DA will aggressively prosecute and obtain a conviction," Cohen said.

>Sedita willing to review

The Erie County autopsy, Sedita said, found no evidence that would support strangulation.

Quoting from the autopsy report, Sedita said, "Examination of the soft tissues on the neck and boney structures of the neck demonstrate no abnormality; no intramuscular hemorrhages [or] fractures of the hyoid bone. So that is not there. There's no petechial hemorrhages [burst blood vessels in the eyes caused by pressure] noted, and no ligatures [marks around the neck]."

The local medical examiner, Sedita explained, relied on facts in the case, which included evidence that Wienckowski was a drug addict and prostitute.

"There were hypodermic needles found in her purse," he said, in addition to opiates found in her system.

Sedita, however, said he is more than willing to review the second autopsy results when they become available.

Dr. Silvia O. Comparini, a West Coast pathologist, is in the final stages of compiling her findings, which include a review of crime scene photographs.

If evidence emerges, Sedita added, he would love nothing more than to prosecute the case, explaining that he successfully convicted a man several years ago for killing two drug-addicted prostitutes and then discarding their bodies in piles of garbage.

Garner and his family members have steadfastly maintained he had nothing to do with her death. During a recent candlelight vigil outside the church where Wienckowski's body was found, Garner sat on his porch and watched. On the front lawn of the residence was a sign that stated, "Antoine Garner is innocent."

Police, in throwing more light on the Wienckowski case, say her journey into the drug world began as a teenager when she was raised in Kenmore. She allegedly stole prescription painkillers from the family medicine cabinet.

With heroin cheaper and more accessible, Wienckowski became an addict and sold herself to get money for drugs, police say, going to the point of seeking to advertise herself in a classified ad in a free weekly newspaper.

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