

Medical examiner might face questioning about competency

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Erie County's chief medical examiner, Dr. James J. Woytash, may have to testify in court next month about all the recent controversial cases in which his work has been questioned.

E. Earl Key, the attorney for a Rochester man charged with last year's bludgeoning death of a youth counselor in a Lockport group home, said Tuesday he wants to cross-examine Woytash about his "competency."

That could include questions about his controversial findings in the 2009 deaths of Abbigail V. Kirchner and Amanda Wienckowski, and the 1993 death of Crystallynn Girard.

Niagara County Judge Sara Sheldon Sperrazza said she is inclined to let Key take Woytash on.

Deputy District Attorney Holly E. Sloma argued that Key should be allowed to ask Woytash only about his findings in the autopsy of Renee C. Greco.

Woytash's autopsy on the 24-year-old Buffalo woman concluded that her June 8, 2009, death was a homicide by "massive blunt force trauma to the head."

Key is representing Anthony J. Allen, 19, who is charged with murder in the death of Greco, a counselor for New Directions Youth & Family Services.

Police said a blanket was thrown over Greco's head as she played cards with the residents of a Lockport group home for troubled teenagers, and she was bludgeoned to death with a large wooden object.

Allen's co-defendant, Robert J. Thousand, 18, of Rochester, pleaded guilty June 22 to first-degree manslaughter. He and about five other eyewitnesses presumably will testify that Allen beat Greco to death.

"It would be fair game if Dr. Woytash made an error or changed his opinion in this case," said Sloma. But she said letting Key ask Woytash about other high-profile cases "would create a trial within a trial."

Key said the effort to limit the scope of his questioning "goes to the heart of cross-examination. What could be more relevant than an expert witness' competency?"

Just last month, Sloma moved to dismiss a manslaughter indictment against a Niagara Falls father in the death of Kirchner, a 7-month-old girl. Sloma said at the time she couldn't find an expert to confirm Woytash's findings in that case.

Woytash said the girl died of a head injury, and later he testified to a grand jury that the injury occurred four to six hours before she was found not breathing.

However, the defense obtained an expert who said the girl died of pneumonia, not a head injury, and who found Woytash's work "not scientifically reliable."

Sloma, in asking for the case to be dismissed, told a judge that she could not rule out the possibility that the girl's death was accidental.

Tuesday, she told Sperrazza, "There are many reasons why cases are thrown out. It may not have anything to do with Dr. Woytash's conclusions. There's more to it than what might be in the newspaper article."

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