

Woytash testimony restricted

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LOCKPORT—It appears that when he takes the stand in a murder trial here later this month, Erie County Chief Medical Examiner Dr. James J. Woytash will not have to testify about his array of controversial cases, past or present.

Defense attorney E. Earl Key, who is representing a Rochester teenager charged with beating a counselor to death in a Lockport group home last year, wanted to ask Woytash about other cases in order to challenge his "competence," as Key put it.

But Niagara County Judge Sara Sheldon Sperrazza insisted Friday that she won't let Key do that unless he tells the prosecution in advance what questions he intends to ask Woytash.

"Trial is not about surprises," Sperrazza told Key.

Deputy District Attorney Holly E. Sloma said that if Key won't provide what attorneys call an offer of proof, he should be precluded from asking Woytash about other cases.

Although Key said he reserves the right to change his mind, he said Friday he would rather drop the matter than tip his hand on his proposed questioning of Woytash.

"We've been investigating Dr. Woytash and his work for some time," Key said. "I would not like [the prosecution] to have the benefit of our labor."

The trial of Anthony J. Allen, 19, is set for jury selection Aug. 23. He is charged with bludgeoning Renee C. Greco, 24, of Buffalo, to death June 8, 2009, as she played cards with other residents of Avenue House, a home for troubled teens operated by New Directions Youth&Family Services.

Woytash performed the autopsy on Greco and concluded she died of massive head injuries caused by blunt force trauma.

While there appears to be little question about the cause of Greco's death — about half a dozen eyewitnesses to the killing, including an accomplice who has pleaded guilty, are expected to testify — Key wanted to ask Woytash about other cases where his professional judgment has been questioned.

They would have included the 2009 deaths of Abbigail V. Kirchner and Amanda Wienckowski, and the 1993 death of Crystallynn Girard.

Woytash said Kirchner, a 7-month-old infant, died of a head injury, but prosecutors dropped charges against the girl's father when they couldn't find an expert to corroborate his findings. A defense expert said the girl died of pneumonia.

Woytash ruled Wienckowski's death an accident, a finding disputed by her parents because the 20-year-old woman's nude body was found upside down in a Buffalo garbage tote. A pathologist they hired concluded she was strangled.

Woytash signed off on Dr. Michael M. Baden's finding that Girard, 13, died of a cocaine overdose. The original autopsy, which Woytash was not involved with, concluded she was strangled. Girard's mother, Lynn M. DeJac, served 13 years in prison before DNA evidence pointed to another suspect as the killer.

Key said prosecutors "seem to be scared of Dr. Woytash's reputation."

"The people aren't scared of what might come up in cross-examination," said Sloma, who went to court to dismiss the Kirchner case two months ago. "We are actually quite confident in his findings."