

Wienckowski autopsy ordered released; Erie County medical examiner must send all material to pathologist hired by family

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By Lou Michel

October 22, 2010

The family of Amanda L. Wienckowski won a major victory Thursday in their attempt to solve the mystery over whether she was killed or died of an accidental drug overdose.

State Supreme Court Justice Gerald J. Whalen issued a ruling forcing the Erie County medical examiner to release autopsy photographs and other materials to a West Coast pathologist so that she can complete her autopsy on Wienckowski, whose frozen and naked body was found in a garbage can nearly two years ago.

Attorney Steven M. Cohen has been trying for months to get the local medical examiner to release the information to Dr. Silvia O. Comparini, whose autopsy remains incomplete without a review of information gathered during the first autopsy by Erie County.

Wienckowski's remains were exhumed earlier this year and shipped to Los Angeles for a second opinion on the cause of her death. Her relatives have long disputed the findings of Erie County's pathologists, who ruled the 20-year-old Kenmore native, who last lived in Lewiston, died of an accidental drug overdose.

Preliminary results from Comparini's second autopsy suggest Wienckowski was strangled, Cohen said. In addition, there are defensive wounds on the young woman's body, indicating a struggle.

On top of that, Cohen and relatives say that if there was no foul play, then why would anyone dispose of her body in such a callous manner. Her body was found Jan. 9, 2009, upside down in the plastic trash bin beside an East Side church and across the street from a home she was taken to on the evening of Dec. 5, 2008, for a paid sexual encounter, according to authorities.

Still, Whalen's ruling provided a bright spot for Wienckowski's family and Cohen.

"It is a shame that we had to work so hard to get this justice for Amanda, but it is a godsend," said Leslie Midzinski, the young woman's mother.

The judge directed Erie County to send the unredacted autopsy report, including 500

pages of toxicology analysis, slides of tissue samples and specimens obtained during the first autopsy.

"I'm looking forward to Dr. Comparini finally getting the balance of the evidence she needs to come up with a determination as to the true cause of death," Cohen said. "I'd like to personally hand Dr. Comparini's report to [Erie County District Attorney Frank A. Sedita III] so that he will finally have competent evidence to prosecute the people who did this to Amanda."

Cohen added that Whalen's decision "has effectively untied the hands of law enforcement officers and prosecutors, so that they can begin for the very first time seeking truth in this case."

Attorneys representing Buffalo police and Erie County had argued that the gruesome autopsy pictures should not be released for fear they could wind up circulated in the media and harm an ongoing investigation into Wienckowski's death.

Whalen, in his ruling, takes steps to ensure none of the material, which will be sent by special courier to Comparini, will be publicly released.

"Dr. Comparini is to take custody of the materials personally and is hereby directed not to allow these materials to be viewed by any other person or persons, including but not limited to office staff or medical associates," Whalen stated, adding that she is also prohibited from making copies of the material.

All of the material must be returned to Erie County by courier no later than 60 days after she receives it.

There's no doubt that the cause of Wienckowski's death remains an open question.

Police, earlier this year, speculated that she may have died from situational asphyxiation during rough sex, possibly with a man much larger than herself. Drugs found in her system, police said, may have slowed her heart rate, making it difficult for her to breathe.

Midzinski continues to dispute that her daughter was a prostitute, noting that she did not have an arrest record but that the people who made statements claiming she was a prostitute have been in trouble with the law.

"Let's put them on trial," Midzinski said.

A vigil in honor of Wienckowski is set for 6:30 p.m. Dec. 5 in front of Buffalo City Hall.

"That's the time and day that Amanda went missing," Midzinski said, adding that a \$10,000 reward is still being offered for information leading to the arrest and conviction of her daughter's killer.

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