

# Who Killed Amanda Wienckowski?

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## Two years after her death, Amanda Wienckowski's family creeps closer to finding answers

Every day, Leslie Brill confronts a nightmare that has haunted her for more than two years. Every day she reconstructs the heartbreaking circumstances of her daughter's death, informed by the facts that are available to her, and the gaps in her understanding filled by the often dreadful workings of her imagination.



In the two years since the body of her 20-year-old daughter, Amanda Wienckowski, was found naked and frozen in a garbage tote outside the New Covenant Church on the corner of Clinton and Spring Streets, Brill and her family have pushed relentlessly for Buffalo and Erie County law enforcement either to undertake a serious investigation of Amanda's death or to release information to the family so they can investigate on their own.

Brill's efforts have been frustrated by the recalcitrance of those agencies, which have thrown up roadblocks to the family's inquiries at every turn, according to those helping them try to piece together the last days of Amanda's life.

Her efforts have also elicited outpouring of sympathy and support. But all that good will is quickly eclipsed by the terrifying realities of the world in which Amanda was immersed when she died. She was reminded of that world just recently by Antoine Garner, the Spring Street man at whose house Amanda was dropped off shortly before she disappeared, on December 5, 2008. Garner sent this message to Brill last month via Facebook, on the second anniversary of the discovery of Amanda's body, on January 9, 2009:

Listen u stupid bitch I wasn't the last one to see it daughter alive!! And if u put my name on ur fb again I'ma file a suit for defamation u fucking crackhead!! U white ppl kill me yall always trying to blame me for this, but was it my DNA or

pattersons DNA that was  
found in the whore??  
Didnt I willingly give the  
police 2 DNA samples didn't I willingly let the  
stupid police search my  
house twice?? Heaven  
forbid a white man killed  
ur fucking daughter, I don't know who is worse  
u or drunk ass Dennis  
deleano, or ur fucking  
lawyer that looks like  
Newman from the  
Seinfeld show! Maybe If  
the dumb ass police  
would've shown me  
a picture of ur daughter  
from the beginning i  
woulda knew who they  
where talking bout  
bunch of jackasses!! But  
keep my name out ur mouth and off ur fucking  
page I sat on my porch  
that day while u and the  
rest of ur Klan was  
across the street that  
day and nothing was  
said to me but u kkk r so tough when u on fb fuck y'all!!! Black power bitches!!! Heaven  
forbid u crackers believe this fucking white whore that was looking to buy drugs didn't get  
killed by me, oh yea that is just outlandish to believe!!! Fuck u, and Esmonde and the other  
bitch that tried to get injustice by throwing away my precious black life with those bullshit  
articles hahahahahahaha!!! The champ is still standing all hail king justice!!!"

The day after receiving this Facebook message, Brill received a phone message from an  
anonymous caller telling her that she had a "death wish."

The "Dennis" to whom Garner refers is Dennis Delano, the former Buffalo cold case  
detective. The "lawyer" is Steven Cohen of Hogan Willig, Both have been assisting Brill and  
her husband, Kenneth Fink, in prying free information about Amanda's death from Erie  
County medical examiners and the Buffalo Police Department, and analyzing that  
information for clues as to who killed Amanda and so callously disposed of her body—

bruised and scarred, folded in two and frozen stiff, stripped of clothes, her long blond hair shorn off—just a block from Garner’s house, where a man named Adam Patterson, who claimed to be her friend, brought her, allegedly to trade sex for drugs.

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“Esmonde” is *Buffalo News* columnist Donn Esmonde, one of many journalists who have reported the story of Amanda’s death and what Fink calls “the short-circuited investigation” that followed. There has been abundant coverage of the story, so the fundamental narrative is well known: Amanda Wienckowski was 20 years old and had struggled with drug addiction since she was a teen. To support her habit, she had turned to prostitution.

One of her customers was Patterson, a Lewiston man in his 40s, with whom she became friends. On December 5, Patterson says he drove Amanda to Garner’s grandmother’s house at 157 Spring Street. Patterson says he stayed in the car while Amanda went inside to trade sex for drugs; after a couple hours, he says, she texted him that he should not wait for her, so he left. The last communication Amanda had with a family member was a phone call to a sister about 5:30pm, according to Brill. The family never heard from her again after that.

When Amanda failed to resurface, Brill and Fink reported her missing to local and state police. Patterson came forward and told Brill and Fink his story, and gave them Amanda’s purse, which he had kept while she went into Garner’s house. In the purse were needles and heroin, which surprised Brill because Amanda had recently been trying to kick her habit and was ready to start community college in the spring semester. She seemed ready, says Brill and Fink, to start a new life.

Buffalo Police became involved; they questioned Garner, friends and acquaintances, and family, as well as staff at this newspaper, because Amanda had placed a classified ad in the adult section on November 21, in the company of an older, bearded man. At first Garner denied that a young white woman had visited his house that day; later he admitted that Amanda had been there, but said she’d left after a few minutes. He insists that he is innocent. Patterson, too, insists he never saw Amanda again after she entered Garner’s house.

On January 9, an anonymous phone call led Buffalo police to the garbage tote, which belonged to the Buffalo Municipal Housing Authority and had been reported missing weeks earlier. And there was her body.

The initial reports of her death established a narrative that has persisted: Amanda was a drug addict and a prostitute whose choices led inevitably to her fate. When Erie County medical examiners released their conclusion that Amanda had died of an accidental overdose of opiates, that narrative appeared to be confirmed.

But the conclusions of the medical examiners quickly generated controversy.

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“Everything from the beginning of this case, right from when they found her body, is just bizarre,” says Delano, who offered his assistance to the family at the behest of radio host Kathy Weppner. “There’s no logical explanation for some of the actions that the city and the county took on this case.”

Many who saw or handled the body describes signs of trauma that suggest violence played a part in Amanda’s death.

Brill’s son identified the body when it was discovered. “He said, ‘Mom, I’ve never seen so much blood. And she was scared to death, you can see it in her eyes,’” Brill recalls. “She wasn’t just beaten. They were marks everywhere—to her head, to her throat, to her face.”

Buffalo homicide detectives apparently disagreed with the conclusion that she’d died of an overdose, too: Accounts from those present at the autopsy describe an argument between the medical examiners and homicide detectives, who were certain that Amanda had been murdered.

“She was naked, upside down in a garbage tote, with her hair cut and her tongue bitten in half,” Delano says. “That just doesn’t fit an accidental overdose.”

But the medical examiners’ conclusion brought the investigation to a halt: If Amanda died of an overdose, then there was no crime for police to investigate, except possibly the illegal disposal of a body. If the police had no murder to investigate, then the Erie County District Attorney’s office had better things to do with its scant resources.

At first, the police looking into Amanda’s disappearance, and then her death, were in frequent contact with Brill. As the overdose narrative became an accepted fact and put an end to further inquiries, they stopped returning her calls. But she was encouraged to keep pressing the authorities by state and federal law enforcement officials, so she spoke with her on condition of anonymity. They quietly told Brill that they believed Buffalo and Erie County law agencies were making a mistake. They told her to keep feeding the police information, to insist on further tests, to keep contesting the issue.

Amanda Wienckowski disappeared December 5, 2008. Her body was found January 9, 2009. (photo courtesy of Wienckowski Family)

And that’s what Brill and Fink did, sending the police every lead they could imagine, only to be told later that those leads were never followed. At the same time, they demanded that law enforcement officials share whatever information had been collected about Amanda’s death—police reports, photographs, autopsy findings—so that they could draw their own

conclusions.

After much resistance, the Erie County medical examiners sent the family one cropped photograph of Amanda's face and an autopsy report that did not include the toxicology screen. What's more, the report offered no explanations for the various marks and bruises on Amanda's body—just notes that said the marks would be addressed in later sections of the report. There were no later sections. "When I first saw [the autopsy report], I thought pages had been left out," Delano says, because there were not later sections, no examinations of the marks on her body.

When the medical examiners finally provided the toxicology report, the family sent it to Dr. Louis Kobilinsky of John Jay College, who concluded that the substances in Amanda's blood were insufficient to cause her death. He did note, however, that her body was full of GHB, a "date rape" drug.



The Erie County medical examiners made no mention of GHB in their initial analysis of the toxicology report; later they would amend their conclusions to suggest that the drug may have contributed to Amanda's death by accidental asphyxiation. Brill and Fink say that law enforcement officials told them that the marks on Amanda's body might have been caused by a fall, or by an arm-wrestling match. They claimed that her hair had been cut by a funeral director because it was full of garbage from the tote; the funeral director told the family that Amanda's hair had already been cut when he first handled the body.

One of the anonymous agents who had advised Brill to keep pushing suggested that the only way the family would get to the bottom of Amanda's death would be to exhume the body and engage an independent medical examiner. They chose Dr. Sylvia Comparini, a California forensics expert who makes a living providing expert testimony in homicide cases. Cohen and Delano arranged for the exhumation, and Delano and Weppner accompanied the body to Comparini's lab in California. When they opened the casket, Delano says he was struck by the signs of violence that had gone unexplained in the medical examiners' report, particularly bruises around the neck that he thought might be

signs that Amanda was strangled. More shocking still, he says, was Comparini's discovery that the Erie County medical examiners had kept Amanda's organs: her brain, her heart, her liver, her trachea and hyoid bone, the tongue that he's been told had been bitten nearly in half—something unlikely to have happened in the case of an overdose.

None of those body parts had been buried with Amanda. No one had informed that family that they'd been kept, let alone offered an explanation as to why.

Without those organs, Comparini could not perform a thoroughgoing examination. But she determined on the basis of what she did have that Amanda had most likely met a violent end. Cohen sued for access to the organs and all other information generated in the autopsy, so that Comparini could complete her work. Last summer, Comparini was allowed to examine those materials in the medical examiners office in downtown Buffalo, and in doing so she and Cohen came across another body of evidence, the existence of which authorities had been denying to Brill and her family for almost a year: DNA taken from Amanda's body. It turned out that authorities had recovered DNA from Garner, Patterson, two unidentified men, and two unidentified women.

The DNA information was released not to the family or to Cohen, nor to Comparini. It was released to the *Buffalo News*, one week before Cohen was to appear in Judge Gerald Whalen's court to demand that the family be provided any and all information regarding Amanda's death.

In that newspaper story, authorities tried out a new narrative to explain Amanda's death: that she might have been accidentally asphyxiated during rough sex with a heavy-set man. Erie County District Attorney District Attorney Frank Sedita said that the DNA evidence was inconclusive.

“They threw asphyxiation in there just to muddy the waters,” says Delano, who says he was shocked that police had released evidence in what police insisted was a continuing investigation to the news media. After all, his career with the Buffalo police came to an end when he was charged with doing exactly the same thing in relation to the case of Lynn Dejac and Crystalynn Girard. “The Buffalo police released information to [*Buffalo News* reporter] Lou Michel that we'd been trying to get with a court order for over a year,” he says. “How can they release information about DNA to the newspaper? I got suspended for an year and a half for doing the same thing, only on a much lesser level: This is an active case, according to them, even if they dont really seem to interested in doing much investigating. The case that I released information on was closed.”

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Cohen recalls that when Comparini came to Buffalo last spring to visit the medical examiners' office, she wanted to see the crime scene. She told him that she wanted to see the garbage tote. He thought that a bit odd: It had been more than year since Amanda's body was discovered. What would she be able to conclude so long after the crime?

"In my mind I'm wondering if she's doing some of this for show," Cohen says.

"But when I walked out there with her, she takes out her tape measure, and says, 'The shape of the body, which was frozen solid, does not match the shape of this container. So Amanda was first put into what I think was the trunk of a mid-sized car, based upon the dimensions of the frozen-solid body which the original medical examiner took.'"

She told him that the position of Amanda's body suggested that two people had dumped her there, possibly three. Cohen asked her how she knew that. "Well, think about it," she told him. "If you were to dump a body into a garbage tote, how would you do it?"

Cohen said he'd probably pick her up, sling her over his shoulder, and drop her in.

"Right," Comparini said. "And she'd go in buttocks first. Or maybe head first, or maybe feet first. But in this case, Amanda was in there with her head and her feet both facing down. No matter how you figure this, one person's not going to put her in in that configuration."

Comparini continued, "Now picture if you have two people. One would take the hands, one would take the feet. You'd put her in and she would also probably go buttocks first. But this was someone who was put in a different location first, and then, when she was frozen solid, was carried out."

In the crime scene photographs, Cohen says, Amanda was head, and feet, and knees down. One leg was somewhat straight. "If she truly was put into the [garbage tote] first," Cohen says, "and not somewhere else first, it's improbable one person could get her into the [garbage tote] that way."

In October of last year, Judge Whalen ordered the Erie County medical examiners to turn over everything it had regarding Amanda's death to Comparini. But he also stipulated that she would have just 60 days from receipt of the material to perform her examination of it, before returning it all to the Erie County labs. Further, she could make no copies, and only she could examine the evidence—not Cohen, not the family, not even her lab assistants. The file is 561 pages, along with 100 photographs and 12 microscopic slides. Comparini, who is working for Amanda's family at a much reduced rate because they are not rich, has other cases to juggle as well. She received the material on December 13. Next week, Cohen will go before Judge Whalen and ask that she be given an additional 30 days to study the material before releasing her conclusions.

Brill and Fink and the rest of Amanda's family and friends are counting on Comparini's report to convince the Erie County DA and Buffalo police to re-engage the case in earnest. In the meantime, with the help of Delano and Cohen, they've been piecing together a new narrative of Amanda's death—a narrative that assigns responsibility to those who were with her when she died and cavalierly dumped her body in the trash.

“The story about Amanda made her seem less than human,” says Delano, “like someone who had made choices that led inevitably to her demise. I don't know if that's the case or not. What I'm saying is, why does that even come into play when we're talking about a 20-year-old girl who's found in a garbage tote? Nobody wants to know what happened to her just because she might have been a prostitute?”

A new, fuller account of Amanda's death might not relieve Brill of the nightmare of losing her daughter. But it might be a start.