

# Alleged choking by Garner carries overtones

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By Lou Michel

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Antoine J. Garner, considered a person of interest by police in the mysterious death of Amanda L. Wienckowski, was arraigned Tuesday in State Supreme Court on felony assault charges that involve the alleged choking of another woman.

Garner allegedly choked a 43-year-old woman until she lost consciousness, then struck her with a blunt object in a vacant house on Jewett Avenue in Buffalo on June 26, according to Erie County District Attorney Frank A. Sedita III.

"I sure hope that this woman gets justice, but I am very distraught that it has been two years plus, and we have had no justice for Amanda," said Leslie L. Brill, Wienckowski's mother. "[Garner] murdered my daughter by strangulation and blunt force."

Preliminary findings from a second autopsy conducted on Wienckowski, a 20-year-old Kenmore native, whose frozen body was found in a plastic garbage tote more than two years ago on Buffalo's East Side, indicated she was strangled, according to her family members and their attorney, Steven M. Cohen.

"I just find it very odd that Antoine Garner has now been indicted for strangulation," Brill said.

Final results from the second autopsy are pending a review of original tissue samples requested by Dr. Silvia O. Comparini, a West Coast pathologist.

Comparini was hired in February 2010 by family members who questioned the Erie County medical examiner's autopsy results, which determined that Wienckowski died of an accidental drug overdose.

The local medical examiner continues to withhold those original samples that were used by Erie County's pathologists in reaching their conclusions, according to Cohen, of the Amherst-based law firm of Hogan Willig, which has taken on the Wienckowski case free of charge.

When asked whether the indictment and arraignment would lead to the imminent arrest of Garner in Wienckowski's death, Cohen said:

"Any arrest in the Wienckowski case at this time would be premature. First, we need the autopsy to be corrected to indicate she died as a result of homicide. Otherwise, there is a risk that there would be an acquittal by the reasonable doubt that would be generated by the original autopsy."

Garner, 25, of Cheektowaga, pleaded not guilty Tuesday in front of State Supreme Court Justice John L. Michalski, who sent the defendant back to the Erie County Holding Center without bail.

Garner was the last known person to see Wienckowski alive. On Dec. 5, 2008, she went to the home of Garner's grandmother on Spring Street for a paid sexual encounter with him, authorities said.

Wienckowski disappeared after that and was found dead in the trash bin Jan. 9, 2009, after police received a tip.

Police have raised the possibility that Wienckowski, who was petite, may have died from situational asphyxiation during rough sex, possibly with a man much larger than she.

Brill went to the Erie County Courthouse in downtown Buffalo on Tuesday morning but said she could not bring herself to attend Garner's arraignment.

"I couldn't look at him," she said.

Sonya T. Garner, mother of the defendant, questioned why it has taken so long for police to arrest her son in the June incident, if they already possessed DNA evidence in the case.

Forensic tests needed to be completed, and police wanted to interrogate Garner before arresting him, Sedita said.

Garner was arrested Sept. 15 in the June 26 incident, a day after he had been arrested on two pending aggravated-harassment warrants for allegedly threatening Brill.

"They are trying to hang my son," Sonya Garner said.

Garner hasn't been charged in Wienckowski's death.

Sedita said he has no evidence to prove that Garner had anything to do with Wienckowski's death or that she died in a suspicious manner.

"If I had to present the Wienckowski case to a grand jury today, I could not prove that a crime was committed, let alone that Antoine Garner committed it," Sedita said.

Garner's charges of aggravated harassment for allegedly threatening Brill were to have been reviewed in Tonawanda City Court on Tuesday, but that was delayed until Oct. 11 due to his state court arraignment.

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