

Second autopsy on Wienckowski shows beating, strangulation

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By Lou Michel

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For loved ones of Amanda L. Wienckowski, Tuesday brought vindication of the hardest kind.

A long-awaited second autopsy determined that the 20-year-old former Kenmore resident was beaten, raped and strangled before her naked and frozen body was discarded in a garbage tote on the East Side nearly three years ago.

She wasn't just a drug addict who supposedly overdosed, but a homicide victim who met with a brutal end -- a direct contradiction to what the local medical examiner previously determined, said relatives who raised about \$9,000 for the second autopsy.

Blunt-force marks on Wienckowski's neck showed that someone stopped the flow of blood to her brain, causing her to quickly slip into unconsciousness and die from asphyxiation, according to West Coast pathologist Dr. Silvia O. Comparini.

Her 157-page opinion challenges the 11-page ruling by the Erie County Medical Examiner's Office that Wienckowski died of an accidental overdose of opiates.

"Manual strangulation with significant neck compression deep to the major right and left neck vessels led to the unconsciousness in a matter of seconds and was lethal in a matter of a few minutes.

"Compression of Amanda Wienckowski's airway interfered with the flow of blood to the neck, head and brain with mechanical and chemical asphyxia and/or a combination of both," Comparini stated.

Whoever strangled Wienckowski pressed so hard that it damaged her larynx, caused a hairline fracture and dislocation to a portion of her thyroid, and compressed the young woman's teeth to the point that her tongue was nearly severed, according to Comparini, who examined the body in February 2010, after it was exhumed and flown to Los Angeles.

Defensive wounds on her arms, bruises on her face and injuries to her genitals were not taken into account as signs of violence committed against her and left out of the first autopsy's findings, said Steven M. Cohen, the Hogan Willig law firm attorney

spearheading the Wienckowski family's efforts to get the local Medical Examiner's Office to admit that it erred in stating she died from drugs.

Those injuries on Wienckowski's body were all consistent with a rape victim who had tried to fend off her attacker, Cohen said of Comparini's findings.

Whether Dr. Dianne R. Vertes, who conducted the Erie County autopsy Jan. 9, 2009, will update the death certificate and list the cause of death as homicide was not immediately known.

"The Erie County Medical Examiner's Office received the second autopsy report early this morning and Chief Medical Examiner Dianne Vertes is in the process of reviewing Dr. Comparini's opinion," Erie County Health Department spokesman Kevin Montgomery said late Tuesday.

A revision in the cause of death, Cohen said, would allow police and prosecutors to take a fresh look at the case and pursue suspects.

In summing up the second autopsy's findings, Comparini stated: "Manual strangulation associated with blunt force injuries of face, external genitalia, upper and lower extremities, followed by improper disposal of a human being along with deliberate indifference."

Wienckowski's body was found Jan. 9, 2009, upside down in a trash tote across the street from the residence of Antoine J. Garner, where she reportedly had gone for a paid sexual encounter about a month earlier, on the evening of Dec. 5, 2008.

She was driven there by 42-year-old Adam Patterson, of Lewiston, with whom she was living, according to authorities.

The bizarre circumstances under which her remains were found should have been enough to prompt the Erie County medical examiner to conduct a second examination of Wienckowski a day following the initial autopsy, Comparini said.

"At the time of the [first] autopsy," Cohen said, "the marks on the neck [from strangulation] were not clearly visible, which is why there is a protocol to give the body time to settle, then take a second look," he said.

Because blood had settled in Wienckowski's neck and head and feet, those portions of her body were bright red, he said of the autopsy findings. A day later when blanching occurred, the bruise marks would have been more noticeable, Cohen explained.

There was yet another compelling reason to look for signs that Wienckowski had been the victim of a homicide, Comparini said. In October 2008, another woman had said she was raped in Garner's Spring Street apartment. The charge should have sent up a red flag, Comparini and Cohen said. Garner was acquitted in that case in 2009.

Garner, 25, is the last person known to have seen Wienckowski alive. Her mother, Leslie L. Brill, has previously insisted he murdered Amanda, though she now says she does not know.

Cohen says that it is possible Wienckowski was taken from Garner's residence to another location where she was attacked and murdered.

"Amanda got the tar beaten out of her. She was raped and she was murdered. The forensic evidence proves this to a high degree of scientific certainty. There is no reasonable doubt here," Cohen said.

At a Tuesday afternoon news conference in the Getzville offices of Hogan Willig, Cohen read from Comparini's autopsy report detailing all the bruises she had examined on Wienckowski's body. Brill and a dozen other family members struggled to maintain their composure as he read.

Garner, who has not been charged in the Wienckowski death, currently faces assault charges in a pending case where he allegedly tried to strangle a woman.

In this latest case, Garner is accused of choking a 43-year-old woman in a vacant house on Jewett Avenue last June and hitting her in the forehead with a "foreign object," according to Sedita.

Cohen says that it is now for law enforcement to decide whether Garner should be charged with killing Wienckowski.

Of drugs found in her system, Cohen said, it only confirms what was already known, that she was a habitual drug user and possessed a high tolerance for them. Given that, he explained, the level of drugs detected in toxicology tests was not enough to end her life.

An elevated level of the date rape drug known as GHB was also found in Wienckowski's system, but that toxicology finding was not revealed, Cohen said, until he and the family started challenging the local autopsy results in court.

In suggesting it was possible that Wienckowski was taken from the Spring Street home to another location where several individuals attacked, raped and then killed her, Cohen cited previously disclosed DNA evidence that found bodily fluid in Wienckowski from two

unidentified men. In addition, DNA tests determined fluid in her belonging to Patterson, who had driven Wienckowski to Garner's home.

The shape of Wienckowski's frozen remains, Cohen added, are consistent with someone who had been hidden in the trunk of a car.

"Her body was bent in the shape of a horseshoe to fit inside a trunk, where she froze solid. It is possible that she was in the trunk for a month before she was disposed of in a garbage tote in a church yard," Cohen said.

Buffalo police received a tip that in January 2009 to check the garbage tote outside the church on Spring Street, near the intersection of Clinton Street.

I has taken some 22 months and numerous court battles to obtain material from the first autopsy, but the local medical examiner still has not released a number of requested tissue samples and documents.

Wienckowski's family members say they now want the local medical examiner to acknowledge the brutal circumstances of how her life ended.

Danielle Wienckowski, an older sister, added that the drug addiction Amanda got caught up in should not be an excuse to write off her life.

"She made wrong decisions, but not for nothing. [The authorities] made her out to be something she wasn't," Danielle Wienckowski said.

Too upset to speak, Brill asked Cohen to make a statement for her. Cohen said, "She's glad that now the truth has been established by a scientist and not just common sense."

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