

Amid vigil for victim, a dispute deepens

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On the same day that loved ones of Amanda L. Wienckowski gathered to observe the third anniversary of her death, Erie County's top health official disputed a second autopsy stating she was strangled.

And a lawyer representing the family said plans are under way to get a third autopsy.

The location of the Monday evening vigil to remember Wienckowski -- not far from the Erie County Medical Examiner's Office off Grider Street -- was no coincidence.

Relatives and friends have continued to insist that the medical examiner got it wrong in ruling her death an accidental drug overdose. They say she was murdered.

But Dr. Anthony J. Billittier IV defended the original autopsy findings of the county's now chief medical examiner, Dr. Dianne R. Vertes, which determined that the 20-year-old former Kenmore resident died from an overdose of opiates.

The vigil took place the same day that Wienckowski's mother, Leslie L. Brill, and a friend discovered ornaments and other items missing from the burial site, a family member said.

An official at Acacia Park Cemetery in Pendleton said that the Niagara County Sheriff's Office was contacted and that deputies were investigating the incident.

But the cause of Wienckowski's death was the primary focus of Monday's vigil and the continuing disagreement about whether she died at another person's hands.

Billittier cited several findings, including slides of tissue taken from Wienckowski's neck muscles, that did not reveal telltale signs of strangulation. Dr. Silvia O. Comparini, the West Coast pathologist who conducted the second autopsy at the behest of the family, never addressed the slides in her report, Billittier said.

"A force great enough around a victim's neck to lead to death would almost always result in microscopic as well as macroscopic findings that would include bleeding into the muscles, and Amanda had no bleeding into her muscles," Billittier said

The second autopsy was conducted by Comparini in February 2010, but the report was not released until Nov. 22, 2011, because of court fights over gaining access to material from the first autopsy.

Comparini determined that Wienckowski was beaten and raped. The young woman's remains were found Jan. 9, 2009, frozen and upside down in an East Side trash tote.

"We fully agree that a crime was likely committed, but the question is whether Amanda died of an accidental death or a homicidal death before someone put her body in the trash bin," Billittier said Monday afternoon.

Wienckowski, he said, could have been the victim of what officials sometimes run across when investigating cases in which remains have been callously discarded.

"People with criminal records are well-known to dispose of others who have died through drug overdoses in their presence in order to avoid the law," Billittier said, adding that they are breaking the law because only funeral directors can dispose of human remains.

Another sign that Wienckowski was not strangled, Billittier said, was the fact that the hyoid bone in her neck was in tact, explaining that the bone sometimes breaks during strangulation.

Comparini, in her report, pointed out that the thyroid portion of Wienckowski's neck was fractured and dislocated.

Billittier said, "If indeed there was a microfracture of Amanda's thyroid cartilage, it was most likely created during the initial autopsy examination."

The departing health commissioner, who leaves his post Feb. 1, also pointed out that another physical sign, petechia hemorrhaging, associated with strangulation, was also absent.

"Small blood vessels that usually break in the eyes and mouth during strangulation were not present," Billittier said. "Dr. Comparini also found no petechia hemorrhaging."

Referring to comments made by Wienckowski family attorney Steven M. Cohen regarding the date rape drug GHB found in her system, Billittier said the substance can be naturally found in the body.

"The amount found in Amanda's body was consistent with naturally found levels," Billittier said.

During the vigil Monday, lawyer Emily Trott and Brill openly scoffed about Vertes' ruling as family members held up signs called Vertes a liar and demanding justice. Michelle Bliss, Wienckowski's aunt, led the group in prayers.

"There's still a murderer out there," Brill said.

Trott said she was so moved by the plight of Wienckowski's relatives that she has agreed to take over as lead attorney in the family's case without compensation, working with Cohen.

The new lead attorney said she and Cohen have agreed "on a course of action." She said she will consult with Erie County District Attorney Frank A. Sedita III but expressed doubt that he will change his mind on not launching a criminal investigation because of the county Health Department's position.

Whichever judge gets the new court case should select the third pathologist to examine Wienckowski's corpse from the listings of the National Pathologists Association, said Trott, who faulted Vertes for doing what she called "a very cursory" autopsy.

"We're not going away," Trott said.

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The Amanda Wienckowski investigation

Dec. 5, 2008:

Amanda L. Wienckowski disappears after receiving a ride from her Lewiston home to residence of Antoine Garner on Spring Street on the East Side for what authorities say was a paid sexual encounter. Her relatives dispute that claim by police.

Jan. 9, 2009:

Wienckowski's discarded remains are found frozen and upside down in a plastic garbage can at a church alcove directly across the street from Garner's residence.

Feb. 17, 2009:

Findings from the Erie County Medical Examiner's Office are released. Dr. Dianne Vertes, now the chief medical examiner, rules Wienckowski died of an accidental drug overdose. Wienckowski's relatives dispute the findings, insisting she was murdered.

Nov. 22, 2011:

Results from a long-awaited second autopsy paid for by donations and conducted by West Coast pathologist Silvia O. Comparini determine Wienckowski was beaten, raped and strangled.

Thursday:

The Buffalo News was notified that the Erie County Attorney's Office issued a letter on Dec. 28 stating the county was standing by the medical examiner's original autopsy results that Wienckowski died of a drug overdose. Vertes conducted the review of the second autopsy that disputed her findings.