

3rd expert says death should be reclassified DA calls for renewal of Wienckowski probe

 buffalonews.com/news/3rd-expert-says-death-should-be-reclassified-da-calls-for-renewal-of-wienckowski-probe/article_3ace28d3-664f-5ff4-958a-3ce7c054d07a.html

By Lou Michel

February 8, 2012

Hard scientific evidence points to a drug overdose in the death of Amanda L. Wienckowski, and not strangulation, a third medical examiner has ruled.

But because of so many unanswered questions -- such as why her naked, frozen body was found in a garbage tote -- the cause of death should be classified as "undetermined," the medical examiner said.

And now Erie County District Attorney Frank A. Sedita III wants Buffalo police to take a look at these independent findings and push forward with their investigation into the Kenmore native's death.

"I believe this is an example of a case in which it is most appropriate to classify the cause of death as 'undetermined.' If I were the original pathologist, I would have listed the cause and manner of death as 'undetermined' and would provide an opinion statement in my report favoring overdose," Dr. Scott F. LaPoint stated in a 16-page review of two previous autopsies on Wienckowski.

Erie County Chief Medical Examiner Dr. Dianne Vertes, in the first autopsy in January 2009, ruled Wienckowski died accidentally from an overdose of opiates.

West Coast medical examiner Dr. Silvia O. Comparini, in an autopsy paid for with donations collected by the Wienckowski family, ruled last November that the young woman was raped and strangled.

In an attempt to gain clarification because of the differences, Sedita consulted other district attorneys across the state and decided to hire LaPoint, a former Monroe County medical examiner who since last fall has worked at times as a private contractor for the Erie County Medical Examiner's office because it is short-staffed.

"I reviewed Comparini's report and decided to launch a search for another medical examiner to review the two divergent reports," Sedita said Tuesday in releasing LaPoint's assessment.

And while LaPoint's findings lean toward supporting Vertes' ruling regarding the lethal amount of heroin in Wienckowski's system, family members and supporters say LaPoint's ruling should energize the investigation.

Sources told The News that a new investigator has been assigned to the Wienckowski case. Chief Dennis J. Richards, head of the Buffalo Police Department's detective division, added that the case has always remained "open and active."

Detectives became involved on the morning of Jan. 9, 2009, when a tipster called police to report a body in a garbage tote outside a church at Clinton and Spring streets.

Police found Wienckowski's remains upside down in the tote. She had last been seen alive Dec. 5, 2008, when a man she was staying with in a Lewiston house trailer drove her to Antoine Garner's Spring Street home to reportedly perform a paid sexual act.

Wienckowski's family and supporters think it is possible that she was held captive and kept incapacitated on heroin and a date rape drug known as GHB so that she could be sexually assaulted.

With Wienckowski in a fragile and compromised state, according to attorney Emily P. Trott, who is representing the deceased's family, it would not have taken much to strangle her without leaving signs, though there were marks on her neck.

Even so, LaPoint stated strangulation causes tiny blood vessels in the eyes to burst, a condition known as "petechiae," and he could not find evidence of that.

DNA from the body fluids of three different men were found inside Wienckowski, and a hair belonging to Antoine Garner, the last person known to have seen her alive, was found on her body.

Buffalo developer Carl P. Paladino, who is assisting the Wienckowski family and has publicly challenged Vertes' autopsy, met Tuesday with Wienckowski's mother, Leslie Brill, to discuss the latest ruling.

"Dr. Vertes had no business calling it an accidental death based upon the evidence available to her at that time," Paladino said. "It was an unjust rush to judgment. There was a lethal dose of morphine in Amanda, but how do you then make the mind leap on whether it was a voluntary or involuntary overdose?"

"Consider the fact that there were three different males' semen in Amanda. They were keeping her drugged up to have fun with her because they didn't intend to pay her," Paladino said.

But LaPoint stated, "There is also no reason to suspect that anyone else injected her with the heroin. She was known to carry her own needles for this purpose."

Brill, meanwhile, said she wanted to thank Sedita. "All I know is that Frank Sedita went the extra mile and now my daughter's death can be investigated and will be investigated. I'm happy. I'm in heaven," Brill said.

Of LaPoint contradicting Comparini's claim that Wienckowski was raped because he could find no evidence supporting that finding, Brill said a gynecologist who also reviewed the autopsy findings came to the opposite conclusion.

Attempts to reach Vertes to determine if she intends to review LaPoint's assessment were unsuccessful. She did review Comparini's autopsy and stuck by her original ruling.

Authorities have downplayed the presence of the date rape drug in Wienckowski's body, explaining that it is a naturally occurring drug, which, LaPoint stated, was not at above-normal levels.

But Trott said the drug, combined with the other opiates, put Wienckowski at a severe disadvantage in defending herself.

"Whoever assisted in her death or watched her die is absolutely responsible. Watching her die is murder," Trott said. "Certainly the evidence regarding the tongue and bites to it, that is indicative of a struggle or fight and none of the reports indicate there was any assistance given to her. Nobody tried to resuscitate her."

email: lmichel@buffnews.com