


Pathologist not budging on Wienckowski; County chief affirms drug overdose, as mother alleges breach of promise

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By Lou Michel

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Erie County's chief medical examiner, Dr. Dianne R. Vertes, will not change her autopsy findings that Amanda L. Wienckowski died of an accidental drug overdose.

Vertes has turned down a request from Wienckowski's mother, Leslie L. Brill, to revise the cause of death to "undetermined," based on the findings of an independent medical examiner hired by Erie County District Attorney Frank A. Sedita III.

"The death certificate will not be amended," said Kevin P. Montgomery, spokesman for the county Health Department, which oversees the Medical Examiner's Office.

Brill said Wednesday that the local medical examiner had promised to update the death certificate if an independent party gave a revised decision.

"I feel like they played me. They lied. They told me it would be changed. That was the impression I got," Brill said. "I'm going to be stronger than ever."

Sedita hired Dr. Scott F. LaPoint, a former Monroe County medical examiner now in private practice, to review the results of two conflicting autopsies: Vertes ruled that Wienckowski died from a lethal dose of opiates, and Dr. Silvia O. Comparini, a West Coast pathologist who performed the second autopsy at the behest of the family, determined that she was strangled.

Wienckowski's body was found naked, frozen and upside down in a garbage tote on the morning of Jan. 9, 2009, outside a church at Spring and Clinton streets on Buffalo's East Side. She had disappeared a month earlier.

On another front Wednesday, family members of the 20-year-old Kenmore native said they did receive some positive news: The staff of State Sen. Mark J. Grisanti, R-Buffalo, confirmed that it is looking into submitting a proposed law that would make it a felony to abandon or conceal a corpse.

Though some law enforcement officials believe that there is already a misdemeanor law on the books prohibiting illegal disposal of human remains, Sedita says there is only a civil

law governing disposal of bodies.

"There's no stand-alone law that makes it a crime to conceal or destroy the body," Sedita said. "There should be a law in the State of New York that makes it illegal to body-dump as there are in other states."

Felony tampering with evidence, Sedita explained, could be applied if a defendant knew the body would become part of an official investigation and then went ahead and concealed or destroyed the remains to evade prosecution.

Douglas J. Curella, Grisanti's chief of staff, said he is in the process of researching if any other state legislators have proposed such a law. "What happened is disgraceful," Curella said. "People should be held accountable. You're tampering with evidence, and there seems to be questions on the autopsies. It makes everybody's job more difficult."

Brill applauded Grisanti for considering such a law, which was initially proposed by Buffalo attorney Michael H. Kooshoian of LoTempio & Brown.

Kooshoian said he became interested in the case when he met Brill at City of Tonawanda Court, where Antoine J. Garner, the last person known to have been seen with Wienckowski on Dec. 5, 2008, is facing charges of aggravated harassment for allegedly threatening Brill.

"We are thinking it should be a D felony with two to seven years in prison. That would be a start," Kooshoian said. "Arizona has such a law that could serve as a model."

The law, Brill suggested, could be called "Amanda Lynn's Law," reflecting her daughter's first and middle names.

"I can't even express how happy this would make me," Brill said. "Amanda would be happy to know she is helping other people. I don't want anybody in the world to have to go through what I have gone through."

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