

Change in Wienckowski death certificate is pursued

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By Lou Michel

February 14, 2012

A court order is being sought that would require Erie County Medical Examiner Dianne R. Vertes to revise the cause of Amanda L. Wienckowski's death from an accidental drug overdose to "undetermined."

Emily P. Trott, the Wienckowski family attorney, said she will file legal paperwork today in State Supreme Court seeking a hearing she hopes will cause a judge to direct Vertes to back off her original autopsy findings. Trott also said she will serve legal papers to the Medical Examiner's Office and the County Attorney's Office demanding that they appear in court and explain why they are refusing to update the death certificate.

"There's now evidence of foul play from one forensic review and one autopsy to change the findings of Dr. Vertes to unknown or unspecified," Trott said Monday.

Erie County District Attorney Frank A. Sedita III last week released an opinion by an independent medical examiner he had hired. Dr. Scott F. LaPoint suggested that if he were the original pathologist in the case, he would have listed Wienckowski's cause of death as undetermined, given the circumstances under which her remains were found.

On the morning of Jan. 9, 2009, police found a garbage tote beside a church at Clinton and Spring streets on Buffalo's East Side. In the receptacle was the naked and frozen body of Wienckowski, a 20-year-old Kenmore native, turned upside down.

LaPoint, a former Monroe County medical examiner, assessed Vertes' autopsy and Dr. Silvia O. Comparini's second autopsy, which determined that Wienckowski was strangled.

LaPoint, however, said he generally agreed with Vertes' conclusion that high levels of heroin killed Wienckowski.

Comparini, a West Coast pathologist, contends that marks on Wienckowski's throat indicated she was strangled and that other markings on the woman's body indicated she had been attacked.

"I'm not a doctor, but concealing of a body, completely disrobing it, then folding it in half in a trash bin, that's absolutely incontrovertible evidence of wrongdoing. There was evidence found on her body," Trott said, not elaborating.

A change in the death certificate, she added, would assist the family in its pursuit of Wienckowski's killer.

"I feel the police investigation has been very thorough, and I am aware of the detectives to whom this case was assigned, and I respect them very much," Trott said.

The investigation is now under review by a member of the Cold Case Squad, but relatives say they fear that it might get put aside if the death certificate is not updated.

In commending Trott's effort to require that the county medical examiner change the cause of death, Leslie L. Brill, Wienckowski's mother, said, "I'm comfortable with what she is doing. I have a message: I'm not going away until I get justice for my daughter."

Police have privately complained to The Buffalo News that it should have been left to them to determine whether Wienckowski was a homicide victim or died accidentally. They say that an investigation into a death can take months or years before all of the facts are known.

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