

Wienckowski case figure in more trouble; Garner is charged with raping a 16-year-old girl he impregnated three years ago

 buffalonews.com/news/wienckowski-case-figure-in-more-trouble-garner-is-charged-with-raping-a-16-year-old/article_1cb2cf73-5604-5677-95f4-7db5e06d3ba0.html

By Lou Michel

March 8, 2012

The last person known to have seen Amanda L. Wienckowski alive is once again in trouble with the law this time accused of raping a 16-year-old girl he impregnated three years ago.

Antoine J. Garner, then 22, was having sexual relations with the teenager during the same time police began questioning him about the death of Wienckowski, whose frozen, naked body was found upside down in a trash tote across from his home in January 2009.

Though he did not force himself on the 16-year-old, legally consensual sex was not permitted because he was an adult and she was a minor, Erie County District Attorney Frank A. Sedita III said Wednesday.

Authorities did not learn of this until 2011, when a paternity suit against Garner was filed in Erie County Family Court on behalf of the mother, now 19.

"It is alleged that between December 2008 and January 2009, he repeatedly raped and sodomized a 16-year-old juvenile and impregnated her," Sedita said.

These latest charges add to a growing list of criminal cases against Garner, now 25, involving allegations of violence against women:

*When he was a teenager, judges twice granted him youthful-offender status for violent sexual acts against women. The dispositions of those cases are not known because the records are sealed.

*Shortly after he was identified as a "person of interest" in the mysterious death of the 20-year-old Wienckowski, he was charged in the rape of a 37-year-old woman.

He later was acquitted of predatory rape by a jury, after contending that he had traded sex for drugs with the woman in 2008.

*Last September, he was charged with choking and beating a 43-year-old woman in an abandoned house on Jewett Avenue. Authorities have not said why Garner and the woman were at the house last June.

*Garner also faces charges in the City of Tonawanda for allegedly threatening Leslie L. Brill, Wienckowski's mother.

The cause of Wienckowski's death is still being debated. An autopsy by the Erie County Medical Examiner's Office determined that she died of an accidental overdose from opiates. A second autopsy by a West Coast pathologist determined that she was strangled.

Erie County Chief Medical Examiner Dianne R. Vertes has stood by her findings of an overdose, refusing to accept Dr. Silvia O. Comparini's determination that Wienckowski was strangled. The Wienckowski family's attorney, Emily P. Trott, is initiating court action in hope of persuading a judge to compel Vertes to rule the death a homicide.

Garner has never been charged in any way concerning Wienckowski. He has publicly stated she briefly stopped at his home Dec. 5, 2008, to buy drugs and then left.

Sedita declined to comment about Garner and Wienckowski's death but offered this statement:

"When I have enough evidence that is admissible in court to prove a crime has been committed and who committed that crime, we will prosecute. Unfortunately under New York law, proof that the defendant may have committed one crime, whether it is an assault or a rape, is generally not admissible to prove that he committed a separate crime, such as a homicide."

DNA tests have determined that a hair belonging to Garner was found on Wienckowski's buttocks. According to authorities, she had gone to his Spring Street home for a paid sexual encounter.

DNA testing also determined that bodily fluids from three other men were found in her remains. The identity of only one of those men is known -- Adam Patterson, who had driven Wienckowski to Garner's residence from the house trailer they had shared in Lewiston, police have said.

Her body was found more than a month later -- Jan. 9, 2009 -- outside a church across from Garner's residence.

On these newest rape charges, Assistant District Attorney and Special Victims Bureau Chief Rosanne E. Johnson received word late last year about the paternity suit in Family Court, Sedita said.

"We were made aware of this and undertook a criminal investigation, which led to his indictment on March 1," Sedita said.

Garner has pleaded not guilty to the latest charges: three counts of third-degree rape and three counts of sodomy. If convicted of the rape and sodomy charges, he could face up to 24 years in prison. In addition, if he is convicted of the assault charges from last September, he could face an additional seven years in prison.

email: lmichel@buffnews.com