

# Abuse of body should be felony Wienckowski case shows the need for law on treatment of human remains

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By Staff

March 21, 2012

Although the debate over how Amanda Wienckowski died continues, there can be no debate over the despicable manner in which her body was discarded.

The 20-year-old Kenmore native's body was found frozen inside a trash receptacle on the morning of Jan. 9, 2009, outside a church at Spring and Clinton streets in Buffalo.

Shockingly, disposal of a body without the authority of a burial or removal permit is not even a misdemeanor crime; it is only a civil violation, according to Erie County District Attorney Frank A. Sedita III.

Legislation introduced by State Sen. Mark J. Grisanti, R-Buffalo, will make it clear that the state considers improperly disposing of human remains to be the crime that common sense says it is.

Grisanti has introduced Amanda Lynn's Law, making such abuse of human remains a Class D felony with a penalty of up to seven years behind bars. The law has Sedita's enthusiastic endorsement.

Who would have ever thought that there was nothing on the state's books making the callous dumping of a human body a criminal act? Sadly, it took the controversy surrounding Wienckowski's death to expose this gap in the law.

As Grisanti, an attorney, appropriately characterized an awful situation: "Moving a body with such odious intentions is a serious crime deserving of an elevated penalty."

Questions remain over how Wienckowski, who disappeared Dec. 5, 2008, died and whether Erie County Chief Medical Examiner Dianne R. Vertes, who has steadfastly defended her autopsy findings that attributed the death to a drug overdose, got it right. Wienckowski's family insists she was strangled. The family members base their assertions on the findings of a West Coast pathologist hired by the family to conduct a second autopsy.

Sedita says his office is ready to prosecute as soon as he has proof that a crime was committed and evidence points to someone, but that as long as the official autopsy lists this as an accidental death, there is no homicide to prosecute.

Antoine J. Garner, the last person known to have seen the young woman alive, lived across the street from the church. He has denied harming Wienckowski. Garner is currently in the Erie County Holding Center on various assault charges involving two other women and harassment charges from threats he allegedly made to Leslie L. Brill, Wienckowski's mother.

There are no easy answers when it comes to such a tragic death. But one certainty is the need to change the stunning lack of consequences for those who would improperly dispose of human remains.

Grisanti's bill should right this obvious wrong.