

Jury convicts Garner of strangulation

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By Patrick Lakamp

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A Buffalo man at the center of two violent crimes was convicted Wednesday of choking and assaulting a prostitute.

Antoine J. Garner, 26, was found guilty of choking and assaulting the 43-year-old woman in an abandoned house on Jewett Avenue in June 2011.

While the victim in this case survived, suffering cuts and bruises, Garner's choking conviction carries overtones to the unrelated but mysterious death of Amanda L. Wienckowski.

Garner is considered a "person of interest" in Wienckowski's death.

Four years ago, Wienckowski's frozen body was found upside down in a garbage tote at Clinton and Spring streets on Buffalo's East Side, across the street from the home of Garner, whom authorities believe to be the last person known to have seen Wienckowski alive.

On Dec. 5, 2008, Wienckowski – who struggled with drug addiction – went to the home of Garner's grandmother on Spring Street for a paid sexual encounter with him, authorities have said.

A pathologist later hired by her family found Wienckowski was beaten, raped and strangled.

But the likelihood of a prosecution in the Wienckowski case seems remote unless the Wienckowski family succeeds in getting the Erie County Medical Examiner's Office to revise Amanda's death certificate from an accidental overdose to a homicide.



Antoine J. Garner, the last known person to see Amanda L. Wienckowski alive, was found guilty in a different case Wednesday.

Just days before Garner's trial last week, a spokeswoman for the Wienckowski family told a Buffalo Common Council committee hearing that an ear, nose and throat specialist determined that bone and cartilage in Wienckowski's neck was crushed and that she could not have survived that type of injury.

The media coverage of that hearing prompted defense lawyer Joseph A. Agro last week to call for a mistrial in the strangulation and assault trial because of the media coverage of the Wienckowski case.

Agro called for a mistrial again Tuesday, shortly before the jury began deliberating, for several reasons, including The News' coverage of Garner's strangulation and assault trial that also mentioned the Wienckowski case.

"Wienckowski's case is a death," Agro told Erie County Judge Kenneth F. Case. "This isn't a death."

Prosecutors said the Wienckowski controversy did not influence the verdict.

"The jury has told us again and again they haven't read the stories. They don't know anything about Ms. Wienckowski," Christopher J. Belling, a senior trial counsel in the Erie County District Attorney's Office, told the judge.

Case denied the mistrial request.

On their second day of deliberations, jurors found Garner guilty of second-degree felony strangulation, as charged, and third-degree assault, a misdemeanor. Prosecutors had sought a felony assault conviction, but jurors returned a lesser assault count.

During the trial, the victim described how Garner – 6 foot, 4- inches and 387 pounds – lifted her 5-foot, 4-inch, 135-pound body off the ground by placing his arm around her neck.

She admitted to smoking crack cocaine about seven hours before agreeing to accompany Garner inside the house for sex in exchange for \$20.

So the case posed challenges for prosecutors.

"I agree this case would be easier if I had a bank president who was the victim, or if a nun was a victim," Belling told jurors in his closing argument.

But these are not the kinds of people who agree to accompany someone to an abandoned house at 3 in the morning for sex, Belling said.

In the end, the case came down to what jurors believed Garner did to the woman.

“He chose to put an arm lock on her neck,” Belling said. “He chose to lift her up. He chose to put his hands around her neck. He chose to squeeze her neck.”

Garner faces up to seven years in state prison when sentenced March 21 by Case. The misdemeanor assault conviction carries a maximum one-year term in jail.

“Her testimony alone established the defendant’s guilt,” said Belling, who, with Rosanne E. Johnson, chief of the Special Victims Bureau, prosecuted Garner. “But there’s so much more.”

Agro sought to discredit the prostitute’s testimony, saying she offered “75 different versions” of what happened.

While Agro conceded Garner was in the house with the woman, he countered that what happened that night was not the life-or-death struggle that prosecutors portrayed the events to be. Given Garner’s “sheer physicality,” the woman would be dead if he did to her what she claimed, Agro said.

Police found genetic material from Garner and his fingerprint on a window pane, proving he was inside the house, Belling said.

“We have proven the who: Antoine Garner,” Belling told jurors. “No doubt about that.”

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