

County attorney advice noted in Wienckowski dispute

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By Lou Michel

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The Erie County attorney advised Chief Medical Examiner Dianne R. Vertes not to appear before a County Legislature committee last week to discuss her autopsy conclusion that the mysterious death of Amanda L. Wienckowski was accidental.

Despite repeated requests for Vertes to make a public appearance and explain how she concluded Wienckowski died from an accidental drug overdose, County Attorney Michael A. Siragusa told Vertes a state law governing county medical examiners prohibits that from happening.

“Your office can only discuss findings to the district attorney or ... the personal representative, spouse or next of kin of the deceased. There is no provision permitting the release of autopsy information to a county legislative body,” Siragusa wrote, adding that only under a court order would the release be allowable.

County Legislature Chairwoman Betty Jean Grant, D-Buffalo, had pushed for Vertes to appear before the Legislature’s Health and Human Services Committee last week because of the continued controversy surrounding the 20-year-old Wienckowski’s death.

Four years ago, her frozen body was found stuffed upside down in a garbage tote outside a church at Clinton and Spring streets, across the street from the home of Antoine J. Garner. The Kenmore native had gone to Garner’s home for a paid sexual encounter in December 2008, then disappeared, according to authorities.

Garner is the last known person to have seen Wienckowski alive and is considered a person of interest in her death. Earlier this month, he was convicted in Erie County Court of choking and assaulting another woman during a paid sexual encounter. He has denied having anything to do with Wienckowski’s death.

Vertes, in January, also declined to appear before the Buffalo Common Council’s Legislation Committee after its chairman, Ellicott Council Member Darius G. Pridgen, asked her to attend in the hopes of getting answers about the autopsy.

A second autopsy conducted by a West Coast pathologist hired by Wienckowski’s family determined she was strangled, and an Albany-area pathologist who reviewed the case also believes she was strangled. A pathologist hired by District Attorney Frank A. Sedita III

decided that the cause of death should be updated to “undetermined.”

In addition, retired Buffalo homicide Detective Mark J. Lauber told The Buffalo News that he and fellow investigators never agreed with Vertes’ autopsy conclusion. He said the level of opiates in Wienckowski’s system was not at a deadly level for someone addicted to heroin.

Wienckowski’s loved ones want her cause of death changed from accidental to homicide, saying that would represent the truth and help in bringing about an arrest and an eventual trial.

Spearheading that effort is attorney Steven M. Cohen of the Amherst law firm of Hogan Willig, who took issue with Siragusa’s reasoning for barring Vertes from appearing before the County Legislature’s committee. He said Vertes had explained her autopsy ruling in a television news interview.

“When the county wants to speak, they certainly will go before the cameras, and when they want to hide, they will justify it with the law,” Cohen said.

A lack of county cooperation, he added, is nothing new. Twice in the past, Cohen said he has gone to court and obtained orders directing Erie County to cooperate with Dr. Silvia O. Comparini in providing her with tissue samples and other material that were necessary for her to conduct the second autopsy.

Cohen said he plans “to meet with the county attorney to propose a resolution” that he hopes will permit Vertes to go before the county committee.

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