

Garner's harassment charge is dismissed; Wienckowski's mom blames DA

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By Gene
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Monday turned into a tough day for the Erie County District Attorney's Office in Tonawanda City Court.

First, City Judge Joseph J. Cassata dismissed a misdemeanor harassment case against Antoine J. Garner, who is already serving an 18-year prison sentence for three separate violent crimes.

During and after the court proceeding, defense attorney Mark A. Sacha and Leslie L. Brill, mother of Amanda L. Wienckowski, continued their verbal attacks on District Attorney Frank A. Sedita III and his prosecutors.

Sacha accused Sedita of "willful ignorance" in the harassment case, while Brill complained that his prosecutors once again "turned their back on me."

"I think it's ludicrous to suggest that somehow the DA's Office has abandoned Ms. Brill," Sedita replied. "That's absolutely ridiculous."

Garner was charged with harassment in 2011 after Brill claimed that he had threatened and harassed her in about four phone calls and electronic messages.

For several years, Brill has claimed that Garner killed her daughter, although no one has been charged in her death. The 20-year-old Wienckowski's body was found in a garbage tote in 2009, and various law enforcement officials have argued whether she died from a drug overdose or at the hands of another person during a paid sexual encounter.

Cassata granted Sacha's motion to dismiss the harassment case against Garner because the prosecutor's office was not ready for trial within 90 days of the filing of the arrest warrant.

Cassata, in his ruling, said he was impressed by the professionalism of both sides in the case. The attorneys appeared before him about two dozen times for the case, he added.

"It's a serious case, an important case," the judge said.

At issue was when the District Attorney's Office knew about the harassment complaint, filed in January 2011.

Brill has said that she called the District Attorney's Office at least 12 times after the complaint was filed.

Christopher J. Belling, a senior trial counsel for the office, said in court that his office did not learn about the harassment case until September 2011, eight months after it was filed. So by then, the 90-day period had elapsed.

"In this instance, there is no proof that we did know" about the case earlier, Belling told the court.

"It's simply incredible to believe that the complainant's testimony was credible. The credibility was simply not there."

Both during and after the proceeding, Sacha questioned prosecutors' claims that they did not know about the case until September 2011.

"I think the decision falls directly on the DA himself, Frank Sedita, in that he willfully ignored the victim and, as a result, the victim's case was dismissed," Sacha claimed.

"It's really about his unwillingness to prosecute the victim's daughter's case, the alleged murder of Amanda Wienckowski."

Sedita took issue with the "willful ignorance" claim.

"Our position was that we did not know about this case for eight months," he said, referring to the January-September gap in 2011. "That's the truth."

Sedita referred to his ongoing disputes with Sacha.

"It's not a secret that Mr. Sacha despises me," he said.

Sedita also discounted Brill's claims about calling his office at least 12 times on the harassment case.

Whenever Brill called, she was referring to her daughter's death, the district attorney said.

And he countered her claims that she left voice mail messages for him.

"That's a factual impossibility," Sedita said. "I don't have voice mail."

Outside the courtroom, Brill said she was appalled by the whole case.

“The people that are supposed to be representing me turned their back on me once again,” she said. “They didn’t believe the truth. The DA’s Office has been running away from me since Day 1.”

Sedita, though, said five independent medical examiners have ruled that Wienckowski’s death was not a homicide.

Sedita defended his office’s handling of Garner’s previous charges, which led to assault and strangulation convictions in a jury trial and to guilty pleas for three counts of third-degree rape and three counts of third-degree criminal sexual act for raping and sodomizing a 16-year-old girl, and also two counts of first-degree robbery and two counts of second-degree robbery.

“The bottom line is that whenever the evidence was there, we prosecuted him to the fullest extent of the law, with no plea bargaining,” Sedita said. “He’s a vicious criminal.”

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