

3 lawyers helping Amanda Wienckowski's mother get records on her death

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By Melinda Miller

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Amanda Wienckowski was found in a trash tote.

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Even Amanda Wienckowski's mom is surprised by the "dream team" she suddenly is working with as she pursues the truth about her daughter's death six years ago.

Instead of representing herself on Monday when she returned to State Supreme Court, Leslie Brill Meserole was joined for the first time by three attorneys who agreed to represent her in Freedom of Information and Article 78 filings to get records regarding Amanda.

Michael Kuzma, a specialist in FOIL actions, signed on last Thursday to help Meserole, and he brought in open government advocate Peter Reese and civil rights attorney Daire

Brian Irwin. They will now press her efforts to see all autopsy information from the county medical examiner's office and all Erie County Holding Center records – including visitors and telephone calls – involving Antoine Garner.

He was the last person to see Wienckowski alive before her naked, frozen body was found upside down in a garbage tote in January 2009, more than a month after her family reported her missing.

“I intend to litigate this to the gates of hell if necessary to get this lady some justice and some closure,” Reese said after court. “I’m in this until it’s over. I believe we had a nice day in court today – and I don’t think the government has been as nice to her previously.”

The attorneys volunteered their services, Reese said, after following Meserole's case and the difficulties she had been having to obtain the information. She has spent the last six years trying to see police reports, autopsy records and other information gathered after her daughter's body was found in January 2009.

More than five weeks passed between when Wienckowski was last seen alive and when her bruised body was discovered. The medical examiner, unable to find a definitive answer for how the 20-year-old died, ruled she was the victim of an accidental drug overdose.

However, a pathologist later hired by Meserole concluded the young woman had been strangled.

A third pathologist, hired by the Erie County District Attorney's Office after the private doctor's report, said he would have ruled the cause of death as inconclusive based on the evidence.

But because of the medical examiner's ruling of accidental death, no one ever was charged for anything that happened to Wienckowski.

Meserole believes Garner is the key. Shortly after Wienckowski's body was found, he admitted that he had hired her to come to his house for sex on Dec. 5, 2008, but said she left that same night. Her body later was found across the street from Garner's house.

Garner currently is serving an 18-year prison term for other crimes: the rape of a 16-year-old girl in 2008 and 2009, a June 2011 choking and assault case, and a July 2011 Buffalo home-invasion armed robbery.

He was in the Erie County Holding Center from Jan. 9 to Nov. 20 in 2009 and from Sept. 15, 2011 to May 17, 2013 before being sent to prison.

Meserole wants to know who he talked to on the jail's phone during those periods and who visited him – in other words, who he might have talked to about Amanda.

Assistant County Attorney Jeremy Toth told the court that all phone records and recordings made prior to 2012 are gone, "lost" when the county changed software in the jail.

After court, Toth said that, while the phone records may exist somewhere, they are "unrecoverable" by his office, and that he doesn't know who or what entity might have them.

Reese is skeptical.

"It appears the county attorney's office is willing to work with us as much as possible," Reese said.

The change in course has brought Meserole new hope.

"I don't want anything from anybody," Meserole said of her motives. "Our goal here is to change the death certificate. I want to know what happened to Amanda. I want people to be held accountable."

The case is due back in Chimes' court on Sept. 14.

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