

Evidence is released to mother in effort to solve Amanda Wienckowski's death

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By Melinda Miller

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Nearly 300 photos. Scans of tissue slides. Pathologist's notes. The death scene investigation report. Lab reports on DNA.

Amanda Wienckowski's mother soon will receive nearly everything she has requested from the Erie County Medical Examiner's Office regarding her daughter's death nearly seven years ago.

Everyone appeared to be on the same page in State Supreme Court on Monday when Justice Deborah A. Chimes agreed to approve the order releasing the information. The only sticking point that remains is the jailhouse visitor and phone records for former inmate Antoine J. Garner, the last person known to have seen Wienckowski alive before she disappeared in early December 2008.

The 20-year-old woman's naked, frozen body was found about five weeks later stuffed in a garbage tote near a church on Clinton Street, across from Garner's house. The medical examiner later ruled that she died from an accidental drug overdose, an opinion that Wienckowski's family rejects.

They believe that Wienckowski was the victim of a homicide, and Leslie Brill Meserole, Wienckowski's mother, has spent the years since trying to prove it.

She believes that Garner, who admits that he hired Wienckowski to come to his house for sex, is the key.

Garner was jailed in the Erie County Holding Center for other crimes against women after Wienckowski's death, and Meserole wants to know whom he may have talked with while he was incarcerated locally – and what he may have told anyone about how the young woman died. The jail phone records would have to be recovered through a company that previously contracted to maintain them for the jail; the current service provider only has records since 2012.

However, the county maintains that it doesn't have the records and that releasing information about an inmate's visitors would violate the visitors' privacy.

Chimes is expected to issue a decision sometime after Oct. 5 on whether that information is public.

In the meantime, Meserole and her legal team are looking forward to reviewing the information they are getting from the medical examiner. That will be added to Buffalo Police Department evidence that Meserole was able to obtain in late June, again after years of effort.

“We can’t redo a 6½-year-old criminal investigation,” said Peter A. Reese, one of Meserole’s attorneys, “but we plan to go through this and put out a white paper on the case, to say ‘This is what was done; this is what wasn’t done; this is what is missing.’ ”

The attorneys, including Michael Kuzma and Daire Brian Irwin, recently enlisted the help of Dennis A. Delano, the retired Buffalo police detective whose work on cold cases helped “unsolve” two other high-profile crimes and led to the freedom of Anthony J. Capozzi, who spent 22 years in prison for rapes he did not commit, and Lynn M. DeJac Peters, who was convicted of murdering her 13-year-old daughter but later freed after 13 years in prison.

“Having Delano onboard is fantastic,” Reese said. “He knows what to look for. A lot of things just don’t make any sense. There is no way somebody put a body in a tote unless they wanted her to be found, for instance.”

The lawyers and investigator are volunteering their services for the case, Reese said, although they plan to start a fund to cover costs such as paying for the phone records. They all signed on in the last month out of an interest in seeing that the mystery of Amanda Wienckowski’s death is solved. Meserole, unable to afford legal fees, previously had represented herself.

Kuzma praised the efforts of Assistant County Attorney Jeremy C. Toth, who personally tracked down the DNA evidence they requested because it wasn’t part of the medical examiner’s evidence.

“The county has bent over backwards to accommodate us,” Kuzma said after Monday’s court session.

However, the attorneys also acknowledged that having papers, photos and other evidence does not automatically mean they will end up “solving” Wienckowski’s case, which has been her mother’s goal for the last six years.

“Obviously, I want to have the people responsible put away,” Meserole said. “I want my day in court with them. I want Amanda to rest in peace. I don’t know if I ever will rest, but she will.”

email: mmiller@buffnews.com