

# Judge refuses request by Wienckowski's mother for jail logs of man she suspects in daughter's death

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By Melinda Miller

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After several recent successes in getting access to information regarding the mysterious death of her daughter, Amanda Wienckowski, six years ago, Leslie Brill Meserole had a setback this month.

Meserole is not entitled to visitor log entries for the Erie County Holding Center, phone records or recordings of telephone calls to an inmate she suspects in her daughter's death, State Supreme Court Justice Deborah A. Chimes has ruled.

Meserole had filed a Freedom of Information Law request to obtain the names of anyone who visited convicted rapist Antoine J. Garner when he was jailed on other charges in the days and years after Wienckowski's body was found in January 2009.

Garner admitted at the time that he had hired Wienckowski to come to his house for sex Dec. 5, 2008, the last time she was seen alive by anyone else. Her frozen, naked body was found weeks later in a garbage tote across the street from Garner's house in Buffalo.

Garner was in the Holding Center from Jan. 9 to Nov. 20, 2009, and from Sept. 15, 2011, to May 17, 2013, before being sent to prison to serve an 18-year term for several crimes: the rape of a 16-year-old girl, a June 2011 choking and assault case, and a July 2011 home-invasion armed robbery.

Meserole had hoped to track down associates of Garner's with whom he may have shared information about how her daughter, who was 20 years old, had died.

The Erie County Medical Examiner's Office ruled the death an accidental drug overdose, but a pathologist hired by Meserole said evidence indicated that Wienckowski's death was a homicide.

Chimes, who this summer facilitated access for Meserole to Garner's jail records and to material from the Medical Examiner's Office that directly related to Wienckowski's case, denied the request for the jail contacts Oct. 15.

Meserole had filed a lawsuit requesting the records after the Erie County Sheriff's Office refused to release them in April.

In her decision, Chimes wrote that although she was sympathetic to Meserole's interest in the records, to release them would be an "unwarranted invasion of personal privacy" for the people other than Garner who would be involved.

"The respondent (Erie County) established that disclosure of the identity of third-party visitors to an inmate and that disclosure of recorded phone conversations between the inmate and third parties would be an unwarranted invasion of the personal privacy of the third parties," Chimes wrote. "Therefore, the information is not subject to a FOIL request."

Meanwhile, Meserole will be going through the autopsy and DNA records she received a few weeks ago, and a box of material turned over at the end of June by the Buffalo Police Department. With help from a volunteer team of lawyers and investigators, she is hoping to piece together enough information to have someone eventually held accountable for her daughter's death.

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