


Woytash steps down earlier than expected ; Medical examiner's autopsies questioned

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By Lou Michel

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Dr. James J. Woytash, Erie County chief medical examiner, whose office has come under fire over the causes of death in several controversial criminal cases, has stepped down from the post.

Woytash has returned to his old job as the chief of service in the pathology department at Erie County Medical Center, a position he filled on a part-time basis while also working as chief medical examiner.

Woytash submitted his resignation in August, with his departure originally set for Dec. 31, but he ended up leaving a few weeks ago.

"After 10 years of service to the Erie County Medical Examiner's Office, Dr. James Woytash decided to step down as chief medical examiner to concentrate full time on his duties and responsibilities as the director of pathology," said Dr. Anthony J. Billittier IV, Erie County health commissioner. "While I respect his decision, I know that his knowledge, dedication and work ethic will be truly missed."

Billittier did not address any of the controversies surrounding the former chief medical examiner and remains a steadfast supporter of Woytash and the office, according to Kevin Montgomery, Health Department spokesman.

In recent years, Woytash's tenure has proved turbulent, with questions raised about the cause of death for Amanda L. Wienckowski and, more recently, a seven-month-old infant.

Four medical examiners, including Woytash, signed the autopsy findings that ruled Wienckowski's death was the result of an accidental drug overdose.

But the family of the 20-year-old Kenmore native has steadfastly refused to accept those findings, given how her body was disposed of almost two years ago -- upside down and naked in a trash tote outside an East Side church.

A second autopsy conducted earlier this year by Dr. Silvia O. Comparini, a West Coast pathologist, suggests that Wienckowski, who was living in Lewiston at the time of her death, was strangled.

Late last week, a State Supreme Court justice ordered the Erie County Medical Examiner's Office to release autopsy photographs, DNA and slides containing tissue samples to Comparini so that she can finalize her findings from the second autopsy.

Billittier said he plans to fully cooperate with the court order.

"We are pleased that the judge ordered that the materials remain confidential and protected from redisclosure, and in light of that, we do not intend to appeal the decision and are working to promptly comply with the order to provide Dr. Comparini with the requested materials," the commissioner said.

Questions about Woytash also were raised in the case of a Niagara County man charged with killing his infant daughter.

Findings by a second downstate medical examiner determined that Abbigail V. Kirchner died from pneumonia and not head trauma. That updated ruling resulted in charges being dropped against the father, Jason Kirchner, last summer.

Woytash had ruled that head trauma, bronchitis and pneumonia contributed to the girl's death, though he left the manner of death as undetermined.

There is also the older case of 13-year-old Crystallyn M. Girard. Fifteen years after the death of the teenager, Woytash signed off on findings by a national expert, Dr. Michael M. Baden, who found that she died of cocaine overdoses, rather than the original finding that she was strangled.

The girl's mother, Lynn M. DeJac, served more than 13 years in prison after having been convicted of strangling her daughter in 1993. But DeJac was freed and her murder conviction overturned after DNA evidence found on the girl's body suggested someone else had killed her.

Woytash, who did not conduct the original autopsy on the teen, could not be reached to comment Monday on his decision to leave the chief medical examiner post.

A vocal critic of Woytash, attorney Steven M. Cohen, who represents the Wienckowski family, DeJac and Kirchner, said the resignation is appropriate. "But I hope that his replacement does better," said Cohen, litigation chairman of Hogan Willig, the law firm that took on the Wienckowski case at no charge.

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