

# Wienckowski ruling to stand, lawyer says County to reject foul-play finding of second autopsy in letter to family

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By Lou Michel

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The attorney for the family of Amanda L. Wienckowski said Thursday he has been told Erie County officials are standing by their contention that her death was not the result of foul play.

Erie County Medical Examiner Dr. Dianne Vertes has completed her review of a second autopsy that disputed her original autopsy, which determined that the 20-year-old former Kenmore resident died of an accidental drug overdose.

The second autopsy, conducted by West Coast pathologist Dr. Silvia O. Comparini, found Wienckowski was beaten, raped and strangled. That report was sent in November to Steven M. Cohen, the Hogan Willig law firm attorney working with Wienckowski's family.

Cohen said he has received a notification from an assistant county attorney who had worked for Jeremy A. Colby, the former Erie County attorney, stating that the county is standing by its claim that the death was accidental. Cohen said he is sure "we won't begin to get to the truth" about the death "unless and until a grand jury is convened" to expose how "corrupt county officials" mishandled the case, referring to the administration of former County Executive Chris Collins.

"The review of Dr. Comparini's opinion is complete and has been sent to Mr. Cohen who represents the family. The letter was sent Dec. 28, 2011," Erie County Health Department spokesman Kevin Montgomery said late Thursday.

Cohen said he has not yet seen Vertes' review of the second autopsy, so he does not know what she found objectionable about Comparini's findings.

Erie County District Attorney Frank A. Sedita III said he also has yet to see Vertes' assessment.

In another development, a vigil has been planned to mark the third anniversary of the discovery of Wienckowski's frozen body on Jan. 9, 2009, upside down in a garbage can beside a church at Spring and Clinton streets.

The vigil will be held at 6 p.m. Monday in the vicinity of the county medical examiner's office, which is on the campus of the Erie County Medical Center off Grider Street.

Leslie Brill, Wienckowski's mother, issued a statement earlier this week questioning the handling of her daughter's death by authorities and pointed out that Vertes failed to diagnose injuries to her daughter's neck or determine that she had hepatitis.

"My last question is if the girl found frozen and naked and beaten had been a councilman's [or] congressman's daughter, do you think there would have been a search, an investigation and an arrest made?" Brill said.

"The Constitution states that all men are created equal, and we should all be equally protected by it. That has not been my experience."

Sedita said his office will pursue a prosecution in the case when authorities provide him with credible evidence that is acceptable in a court of law.

"Whatever the cause and manner of death, assuming that it is a homicide, you still have to prove who did it with admissible evidence," Sedita said.

"There are dozens of files with victims with backgrounds very similar to Amanda Wienckowski that have been ruled as homicides but that are unsolved because the investigation does not bear out who committed the crime."

News Staff Reporter Matt Gryta contributed to this report.

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