

TOP STORY EDITOR'S PICK

Judge declares mistrial as jury deadlocks in Baby Boy Wright murder trial

Aaron Besecker

Dec 18, 2023

A State Supreme Court judge on Monday declared a mistrial in the murder trial of a woman accused of killing her newborn in a Town of Tonawanda home in October 2020.

Justice Paul B. Wojtaszek declared the mistrial as the jury deadlocked on its fourth day of deliberations.

On Friday, the jurors sent a note saying they reached an “impasse” and progress was “no longer being made.”

The jury did not send any additional note on Monday after resuming deliberations just before 10 a.m. Wojtaszek called the jury into the courtroom about 3:40 p.m. and asked if it was reasonable to think the jury may reach a verdict in the not-too-distant future.

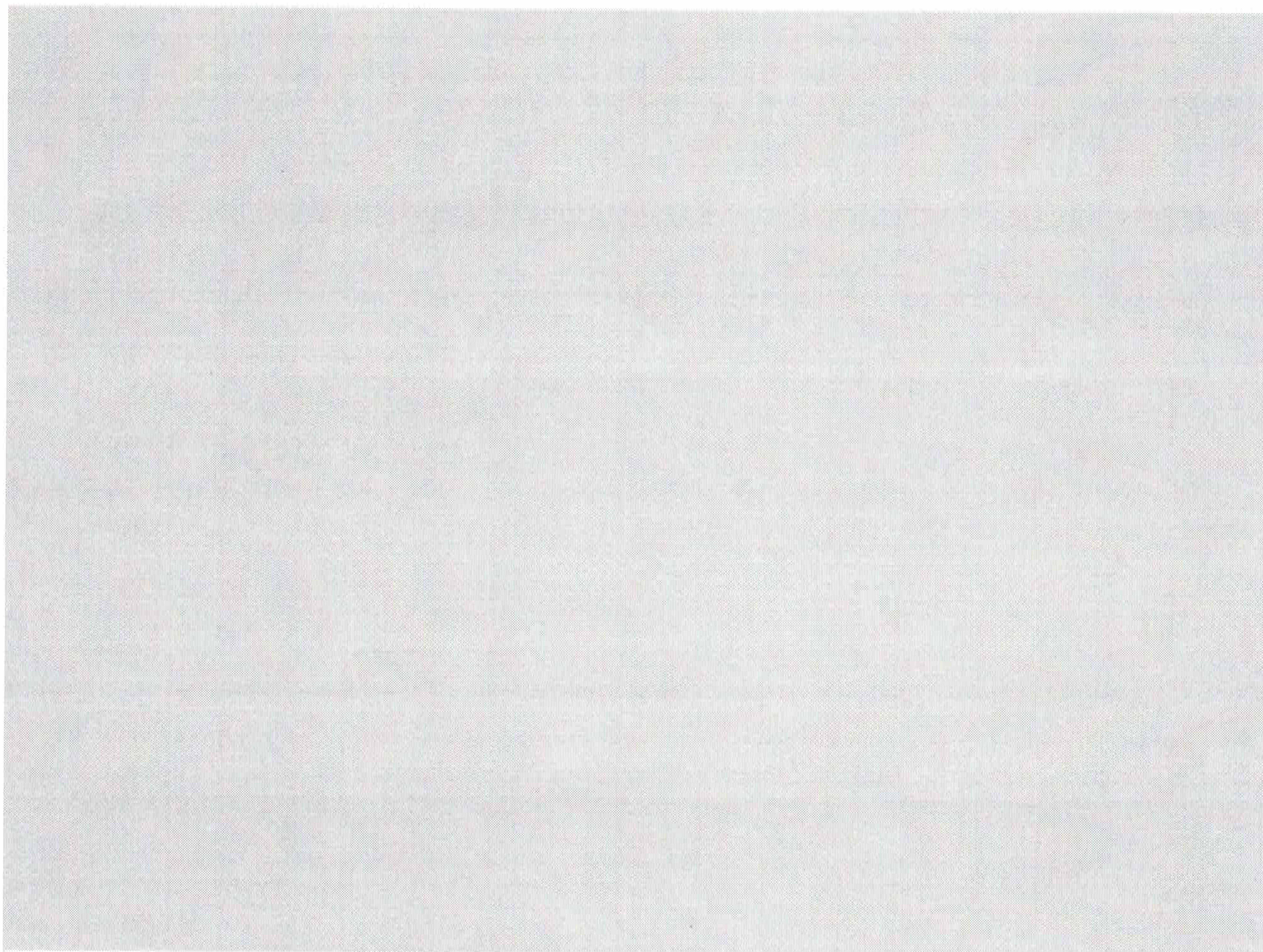
“I think it’s possible, but not reasonable, personally,” the foreman said.

The jury deliberated for about 30 more minutes before the five women and seven men were sent home.

People are also reading...

- 1 **Ryan O'Halloran: Memo to the AFC – don't let the Bills qualify for playoffs ... or else**
- 2 **Bills Mailbag: Should the team consider a reunion with Matt Araiza?**

- 3 **Sean Kirst: In celebrated Niagara Falls baking tradition, Betty DiCamillo King offers final Yuletide touch**
 - 4 **With Boulevard Mall inching toward demolition, Boulevard Bear Band gets new home**
-



Defense expert in Baby Boy Wright murder trial claims medical examiners got it wrong

Prosecutors accused Andee R. Wright of bashing the head of her newborn at least twice after she delivered the baby in a Town of Tonawanda home on Oct. 5, 2020. The baby, dubbed by prosecutors as Baby Boy Wright and whom they said Wright had been carrying for 37 or 38 weeks, suffered multiple skull fractures.

In a statement, District Attorney John Flynn said his office will present the case at a new trial.

“While we are disappointed that the jury was unable to come to a unanimous decision after four days of deliberations, my office is committed to obtaining justice for Baby Boy Wright,” Flynn said in a written statement.

Defense attorney Paul G. Dell complimented the jury's work.

"This might have been the most patient, deliberative jury I have seen," Dell said.

"Their notes and requests for readbacks showed that they understood the issues and were trying to get it right."

The jury started deliberating the case on Wednesday afternoon. Late Friday afternoon, the jury sent a note to the judge saying they had reached an “impasse” and progress was “no longer being made.” Wojtaszek, as required by law, gave the jury instructions to keep deliberating.

Wright, 32, claims she didn't know she was pregnant and the baby died in utero. Her defense argued the skull fractures happened because the baby was born into a toilet and also dropped. A paramedic **found the baby** in a garbage can in the basement of Wright's Eggert Road home.

At the hospital that morning, Wright tested positive for cocaine and opiates. A friend of Wright's then-boyfriend testified Wright had been using cocaine the day before the baby was discovered.

A forensic pathologist from the Erie County Medical Examiner's Office testified that a brain hemorrhage found in the baby's brain only could have happened while the baby was alive.

A forensic pathologist called as an expert for the defense concluded the blood on the brain was not from a hemorrhage.

The force required to cause one of the baby's skull fractures was roughly the same as having been dropped from a second-story window, a forensic pathologist from the Erie County Medical Examiner's Office testified at trial.

Wright was charged in September 2021 with second-degree murder. Wright faces two murder charges, one alleging she intentionally killed Baby Boy Wright and the other that she showed a “depraved indifference to human life.” Legally, the jury could not convict her of both charges.

Deliberations **paused late Friday afternoon** for the weekend.

Dell, during closing arguments, described the prosecution’s case as “speculation and guesswork.”

“There was no murder, only a sad and tragic medical emergency,” Dell told the jury.

Assistant District Attorney Ryan Haggerty, who prosecuted the case with ADA Rebecca Schnirel, called the assertion that the baby’s head injuries were caused by being delivered into the toilet “nonsense.”

“How long are we going to pretend we don’t know exactly what happened and exactly who did it?” Haggerty told the jury during closing arguments.

During the trial, jurors listened to testimony from Wright’s then-boyfriend, who was the father of the baby, as well as police and two forensic pathologists and a forensic anthropologist.

Jurors also were shown photographs of the scene when the baby’s body was found in a garbage bag, as well as from the autopsy.

The defense’s only witness was Dr. Jane Turner, a St. Louis-area consultant, who issued a report concluding the baby suffered “crushing” injuries. That conclusion differed from the medical examiner’s office, which ruled the baby suffered blunt-force trauma after being struck at least twice.

Turner also testified the baby’s injuries were consistent with being delivered into a toilet and being subsequently dropped, though those injuries would not be considered “crushing” injuries, according to prosecution experts.

Reach Aaron at [abesecker\[at\]buffnews.com](mailto:abesecker@buffnews.com) or 716-849-4602.

By Aaron Besecker

News Staff Reporter
