

Amanda Knox And Raffaele Sollecito Acquitted Of Murder And Sexual Assault By Appeals Court

By Hans Sherrer

Amanda Knox and her co-defendant and former boyfriend Raffaele Sollecito were acquitted by an appellate court on October 3, 2011 of the November 2007 murder and sexual assault of Meredith Kercher in Perugia, Italy. They were released 90 minutes later. After the two were convicted in December 2009 she was sentenced to 26 years in prison and Sollecito to 25 years.

Knox was a 20-year-old student at the University of Washington when in September 2007 she traveled from her hometown of Seattle, Washington to Italy where she planned to spend her junior year studying at the University for Foreigners in Perugia.

She and three other young women shared a house in Perugia. One of her housemates was 21-year-old Meredith Kercher from England.

Kercher's body that had been beaten and stabbed multiple times was found in her blood-soaked bedroom on November 2, 2007. Knox called the police after she returned home from spending the night at Sollecito's apartment when she saw blood in the bathroom and Kercher's bedroom door was locked. Over the next four days she was interrogated without a lawyer present for a total of 50 hours. During a marathon interrogation session she made statement that she was in the house with Sollecito when Kercher was killed by Patrick Lumumba, the owner of a local bar where Knox worked. Based on that statement Knox, Sollecito, and Lumumba were arrested on suspicion of murdering Kercher.

Knox was an attractive young woman, and after her arrest the media in Italy and England dubbed her "Foxy Knoxy," and the case became an international sensation that was reported in newspapers, magazine cover stories, and innumerable television news programs in the U.S., England, Italy and other countries. The intense media coverage made Knox the most recognized person in Italy, and probably one of the most recognizable non-public figures in the world.

Two after Lumumba's arrest he was released because he had the iron-clad alibi of being at his bar when Kercher was murdered. That added fuel to the media bonfire since the only evidence against him was Knox's statement.

Forensic testing of the evidence in Kercher's room only identified the DNA and fingerprints of one man -- 20-year-old Rudy Guede. The DNA evidence placing Guede at the scene included his semen recovered from Kercher. An arrest warrant was issued and he was tracked down in Germany where he had fled immediately after Kercher's murder. He was extradited to Italy. When questioned Guede admitted having sex with Kercher which he said was consensual and that he was present when she was murdered by a man he didn't know who entered through her bedroom window. He didn't identify Knox and Sollecito as being present. Guede was indicted for the murder and sexual assault of Kercher.

In October 2008 Guede was convicted of murdering and sexually assaulting Kercher. He was sentenced to 30 years in prison.

Days after Guede's convictions Knox and Sollecito were indicted for the murder and sexual assault of Kercher. Knox was also charged with *calunnia* (misleading and obstructing the police) for falsely implicating Lumumba in Kercher's murder.

Their trial began on January 16, 2009. Knox testified in her own defense on June 12, 2009 that the police threatened her with 30 years in prison and beat her into making false statements, that included naming Lumumba.

The prosecution's case largely hinged on forensic testimony that suggested Sollecito's DNA was recovered from Kercher's bra strap, and Knox's DNA was found on the handle of a knife recovered from Sollecito's apartment that had Kercher's DNA on the blade, although no blood was found on the knife. None of Knox or Sollecito's DNA was found in Kercher's bedroom, none of the shoeprints imprinted in blood in her bedroom were made by either of them, and none of Kercher's blood was found on any of Knox or Sollecito's clothing or shoes, or in his apartment. The judge denied the request of Knox and Sollecito's lawyers for an independent review of the DNA evidence.



Amanda Knox during her trial.

Based on the skimpy forensic evidence, lead prosecutor Giuliano Mignini wove a tale unsupported by any evidence that Kercher's murder was the result of a sex game gone wrong. One of his props unsupported by evidence was an animated cartoon shown to the jury that depicted Knox stabbing Kercher as Sollecito and Guede held her on her knees.

They were both convicted of all charges on December 4, 2009. Knox was sentenced to 26 years in prison and Sollecito to 25 years. Together they were ordered to pay 5 million euros (\$7.4 million) to Kercher's family. In addition, Knox was ordered to pay 40,000 euros (\$60,000) to Lumumba.

On appeal Guede's conviction was upheld on December 22, 2009, but his sentence was reduced to 16 years because he expressed remorse for his role in Kercher's murder.

Most observers expected Knox and Sollecito to be acquitted, so interest dramatically intensified in their case after their convictions. Instantly their case became an international cause célèbre of two apparently innocent people wrongly convicted of a horrible crime. A Lifetime cable network movie was produced, at least 17 books were written about the case (see the list at the end of this article), and numerous websites and blogs in different countries were dedicated to analyzing the evidence or reporting about the latest developments. A key website with detailed information was www.InjusticeInPerugia.org that had analyses of the case by former FBI special agent Steve Moore, Forensic Engineer Ron Hendry, Mark C. Waterbury, Ph.D., and Professor Chris Halkides. Another key website was FriendsOfAmanda.org.

On November 8, 2010 Knox was charged with slander based on her trial testimony accusing the police of beating her incriminating statements out of her.

Italy's appeal system is different than the United States. The direct appeal of a conviction involves a retrial by a jury of two judges and six lay people, and the jury can consider new evidence the original jury didn't have available.

Knox and Sollecito's appeal trial began in Perugia on November 24, 2010. Their lawyers requested that the DNA evidence be reviewed by independent examiners appointed by the appeals court. Their request



Raffaele Sollecito

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was granted. The appeal had a number of adjournments, and on June 29, 2011 the independent forensic report was submitted to the court and entered through testimony. The report found the crime scene was compromised and much of the DNA evidence was exposed to contamination. Among other things the report detailed that Kercher's DNA wasn't on the knife blade, but it was likely a crumb of rye bread. The report also detailed that the bra clasp wasn't collected until 47 days after Kercher's murder and that it was moved around the room repeatedly until it ended up in a pile of garbage was too contaminated to have any reliable evidentiary value.

When Guede testified he didn't say that Knox or Sollecito were involved in the murder, but neither did he say they weren't.

With not even the thin forensic evidence relied on during the 2009 trial to support their case, during closing arguments the prosecution pulled out all the stops in trying to have Knox's conviction upheld and her sentence increased to life in prison based on smearing her character. Descriptions of her bordered on absurd: "Amanda is one thing and another — that is, both Saint Maria Goretti and a satanic, diabolic she-devil given to borderline behavior." She is a "witch of deception" whose life of easy sex, drugs and alcohol is hidden behind her fresh-faced "soap-and-water" looks. She was described as having the "mask of an impostor," and "We're not talking about the girl you're seeing today, who has been through four years of prison."

Another difference in Italy's legal system is the defense gets the last word. On the morning of October 3, 2011 after her lawyers concluded their arguments, Knox made her own impassioned plea to the judges. (It can be listened to at, <http://www.youtube.com/watch?v=ca-igVQBMk>) It began with:

It was said many times that I'm a different person from the way I look. And that people cannot figure out who I am. I'm the same person I was four years ago. I've always been the same.

The only difference is what I suffered in four years. I lost a friend in the most brutal inexplicable way. My trust, my full trust in the police has been betrayed. I had to face absolutely unjust charges, accusations and I'm paying with my life for something that I did not commit.

And ended with:

Maddy was killed, was murdered and I always wanted justice for her. I'm not escaping truth. I never escaped. I'm not fleeing from justice. I insist on the truth. I insist after four hopeless years. My innocence, our innocence is true. It deserves to be defended and acknowledged.

I want to go home. I want to go back to my life. I don't want to be punished. I don't want my future to be taken away from me for something I didn't do. Because I am innocent. Just like he is innocent. We deserve freedom. We didn't do anything not to deserve freedom.

I have all the respect for this court, for the care shown during our trial. Thank you.

After 11 hours of deliberations the jury announced it had arrived at its verdict. On October 3 at about 9:30 p.m. in Perugia the chief judge announced that Knox's conviction of obstruction for falsely implicating Lumumba was upheld. She was sentenced to three years in prison and to pay him 22,000 euros (about \$29,000) restitution and his legal fees. The judge then announced the defendants were acquitted of their other convicted crimes and ordered their immediate release. Since Knox had been imprisoned for almost four years she already served her three year sentence for obstruction.

She returned to Seattle on October 4.

The acquittal of Knox and Sollecito was reported on the front pages of newspapers in the U.S., Canada, England, Italy, throughout Europe, and in Australia and other countries. For all intents and purposes their case has concluded. Although another difference in Italy's legal system is the prosecution can appeal their acquittal to Italy's Supreme Court, it would be a suicidal bet to place money on the high court reinstating Knox and Sollecito's convictions considering there is no credible evidence they had any involvement in Kercher's murder.

It can be said without any reservation that the case of Knox and Sollecito received more media attention than any other wrongful conviction case in modern history. That publicity is important because their convictions involved many of the classic elements contributing to a wrongful conviction whether it occurs in the U.S., England, Australia, China or anywhere else. Among those elements is there was an inadequate police investigation that bordered on being shoddy. There was an intense and pro-

longed police interrogation of a suspect without a lawyer present that resulted in a false incriminating statement. The prosecutors decided to charge the suspects in spite of incomplete or conflicting evidence of their guilt. The suspect's convictions were largely based on unreliable forensic testimony. A key prosecution witness testified differently than what he or she had previously stated, and afterwards he received a significant sentence reduction. The trial judge allowed the prosecution to rely on character assassination and innuendo to make-up for the lack of incriminating evidence. The lack of credible evidence gave the aura that the prosecution was engaged in a quasi-witch hunt. Knox and Sollecito's ultimate exoneration was only possible because after their convictions people volunteered their time, energy and money to organize the effort necessary to enlist the aid of experts to provide their expertise *pro bono* to analysis evidence that either outright proved their innocence or cast extreme doubt on their guilt.

One of the side issues of the case is that while it was ongoing the lead prosecutor Mignini was convicted in January 2010 of abuse of office for his conduct as lead prosecutor in the infamous Monster of Florence case that involved a serial killer who has never been identified. Mignini was sentenced to 14 months in prison, but he was allowed to remain free pending appeal, and he was also allowed to continue on as lead prosecutor in Knox's case.

Perugia was once home to the hunting and burning of witches, and it was only through years of effort by many people that Knox and Sollecito were rescued from the bonfire.

Sources:

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Amanda Knox at Rome airport on October 4, 2011 after her release. (Reuters)