

# Love Trumps Law As Italy's Supreme Court Annuls Sexual Abuse Conviction

Italy's Supreme Court [has annulled](#) the sexual abuse conviction of a 60-year-old man found in bed with an 11-year-old girl on the ground they had a "romantic relationship." The man was identified by his initials P.L.

The girl's family was poor and lived in the southern Italian town of Catanzaro. P.L. worked with the Social Services Department in Catanzaro, and he met the girl through his work with her family. Although P.L. was married, he began a relationship with the girl. When he was able to get away they would go to his seaside villa in Roccelletta, about nine miles south of Catanzaro.

The police received information about the relationship and began wiretapping his telephone. In 2010 they raided P.L.'s villa and found him in bed with the girl and both were

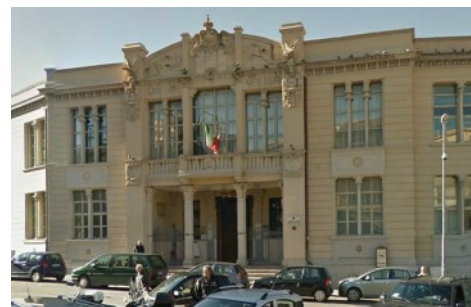
naked.

P.L. was charged with sexual abuse of a minor. In Italy the age of consent is 14, but it rises to 16 where one of the partners is in a position of authority or care over the younger party.

During P.L.'s trial it came out that the girl was the aggressor and he tried at length to dissuade her before they became intimate. The girl's mother encouraged her daughter's involvement with P.L., and [repeatedly told her](#) she couldn't tell anyone, "because this is a secret that we have to carry to the grave."

The girl testified she was in love with P.L., and the man reciprocated her feelings. He was convicted and sentenced to five years in prison.

P.L.'s conviction was affirmed by the appeals court. He then appealed to Italy's (Supreme Court)(Court of Cassation), which [annulled his conviction](#) and sentence in December 2013 on the basis the appeals court failed to consider the couple were in a



Court of Appeals building in Catanzaro, Italy.

"romantic relationship" and "loved" each other, which mitigated P.L.'s sexual relations with the girl. The Supreme Court remanded the case back to the Court of Appeal of Catanzaro for a new trial.

Note: The Italian web pages were translated with Google Translate.

Source:

[Judges see 'romance' in child sex case](#), *BBC News*, December 11, 2013

Sixty-year-old in bed with a 11-year old, [Supreme Court annuls conviction](#): it is love, *www.tgcom24.mediaset.it*, December 7, 2013



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aware of that in finding me guilty.

My appeal of the judge's ruling to the Court of Appeals was denied on September 5, 2012, and on February 25, 2013 the Tennessee Supreme Court declined to review that ruling.

### Federal Habeas Corpus Petition

With my state court appeals exhausted, I filed my *pro se* federal *habeas corpus* petition on March 5, 2013 -- less than two weeks after the Tennessee Supreme Court's ruling. At the same time I made a motion for appointment of counsel, which was granted. On June 5, 2013 my appointed federal public defender filed an amended petition detailing seven grounds for relief, and which states in part:

"Mr. Garrett respectfully moves the Court to declare unconstitutional and invalid his conviction for first degree felony murder following a jury trial in Davidson County. Scientific evidence demonstrates that Mr. Garrett is actually innocent and has been wrongfully imprisoned for 20 years. ...

The State's "expert" witness told the jury that he could tell the difference between arson and accidental fire by identifying a "pour pattern." As a matter of scientific fact, however, nobody can tell that difference, and, accordingly, the testimony of ATF Agent James Cooper amounted to "junk science" that has

since been discredited.

Because of errors by the court, the state, and defense counsel, the jury heard a "battle of the experts." One expert used only intuition and junk science, the other used actual science. The jury believed the junk science and convicted an innocent man."

*Claude F. Garrett v. Colson*, No. 3:13-cv-00190 (USDC MD Tenn.) (Amended habeas petition filed 6-5-2013.)

On June 20, 2014 -- *more than a year after my amended petition was filed* -- Chief U.S. District Court Judge William J. Haynes, Jr. issued an Order for the filing of a response to its claims.

### Conclusion

My case can be summarized as a zealous prosecutor who relied on the "junk science" testimony of an equally zealous so-called expert, and who was inadvertently aided by the ineffectiveness of my trial lawyer. I did not intentionally start the fire at our home causing Lorie's death, and there is no credible evidence I did. I have been imprisoned for 21 years for a crime that didn't even happen -- because Lorie's death was the tragic consequence of the fire that was accidental.

I can be written at:

Claude F. Garrett 225779  
Riverbend Max. SI  
7475 Cockrill Bend Blvd.  
Nashville, TN 37209

### Endnotes:

1. *Garrett v. State*, No. M1999-00786 CCA-R3-PC, 2001 WL 280145 (Tenn. Crim. App. March 22, 2001).
2. *Garrett v. State*, No. M2011-00333 CCA-R3-PC (Tenn. Crim. App., Sept. 5, 2012)
3. *Id.*
4. *Id.*

Justice Denied notes:

Claude Garrett's amended federal habeas petition can be read on Justice Denied's website at,

[www.justicedenied.org/cases/claudegarrett/amendedpetition06052013.pdf](http://www.justicedenied.org/cases/claudegarrett/amendedpetition06052013.pdf)

John Lentini's company is Scientific Fire Analysis, and his website is,

[www.firescientist.com](http://www.firescientist.com)

Stuart W. Bayne's company is The Fire P.I., and his website is, [www.thefirepi.com](http://www.thefirepi.com)

The public censure of Davidson County Assistant District Attorney John C. Zimmermann on May 28, 2002 by the Tennessee Board of Professional Responsibility for intentionally violating Claude Garrett's constitutional rights by intentionally concealing exculpatory evidence can be read at,

[www.tbpr.org/NewsAndPublications/Releases/Pdfs/009723-20020529.pdf](http://www.tbpr.org/NewsAndPublications/Releases/Pdfs/009723-20020529.pdf)

