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Amanda Knox's Innocence Is No Technicality

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In the event Seattle native Amanda Knox, and her Italian boyfriend, [Raffaele Sollicito](#), are ultimately acquitted of murder in connection with the 2007 brutal slaying of Amanda's British [housemate](#), Meredith Kercher, it cannot be said that their exoneration resulted from a technicality, as has been suggested in some quarters. The court-appointed experts in the appeals trial demolished the credibility of the only physical evidence that the prosecution presented connecting them to the crime – a large knife from Raffaele's kitchen and a bra clasp belonging to the victim. Far from a technicality, the findings of the neutral experts strike at the core issue of guilt vs. innocence.

Background

Several weeks after the Italian police arrested Amanda, Raffaele, and Patrick Lamumba, Amanda's boss at the bar where she worked, Prosecutor Guiliani Mignini and the police had a problem. The tests of the forensic evidence collected from the crime scene had come back showing that none of the accused had participated in the murder. All of the evidence pointed to a single killer, Rudy Guede, a local drifter from the Ivory Coast with a history of criminal activity.

But the arrests had sparked an international media frenzy. According to the narrative concocted by the police, the accused had participated in an orgy, was part of a satanic ritual, in which Amanda was the ringleader. Amanda, a free spirited girl with no hint of violence in her past, studying abroad for the semester, had become Mignini's prize demon, and Raffaele, collateral damage. The police released Patrick who had an airtight alibi – he had been seen working at his bar that night. But to admit that they'd been mistaken would be a huge embarrassment. Careers would be sunk. At the time, Mignini stood accused (and would later be convicted) of abuse of power in the Monster of Florence serial killer case, due, in part, to his crazed obsession with satanic rituals. His own career was in jeopardy. The authorities had no choice: Amanda and Raffaele would have to stand trial for murder, as would Rudy, who ultimately would be convicted in a separate trial.

The authorities faced another dilemma: they lacked evidence. There was plenty of evidence on Rudy, but nothing on Amanda and Raffaele. Nothing aside from Amanda's confused ramblings about visions that she'd been at the cottage the night of the killing, divulged in the course of an exhausting all night interrogation in which the police used every sort of psychological torment short of waterboarding to coerce her into *imagining* what might have happened that fateful night. The police boasted that these visions amounted to a confession, but without more, Amanda's statements, which she retracted after she had gotten some sleep, would be insufficient to convict.

So Mignini and his cohorts set about collecting physical evidence in ways designed to assure a conviction at any cost. The findings of the court-appointed experts has confirmed what the defense team and forensic scientists world wide have known for some time – that the DNA findings relating to the knife and clasp used to convict Amanda and Raffaele in the initial trial are unreliable, possibly the result of fraudulent manipulation by the forensic police.

The Knife

The knife used to convict Amanda was chosen at random by the police from Raffaele's kitchen. The prosecution maintained that the knife contained Amanda's DNA on the handle and traces of Meredith's DNA on the blade. Amanda's DNA on the handle was no big deal as she used the knife for cooking. Meredith's DNA on the blade, however, was potentially incriminating.

The prosecution understood, even as it was portraying the knife as the murder weapon to the trial court, that there were problems with this proof. First, the knife was incompatible with several of the victim's wounds, meaning it could not have caused them. That it was compatible with certain of the wounds simply meant that it could not be ruled out as the source of those wounds, not that it actually caused them.

Second, the shape of the knife was inconsistent with the imprint of a knife on a bed cover in Meredith's room.

Third, the knife tested negative for blood. The prosecution argued that the knife had been bleached, thus explaining the absence of blood. But if the knife had been bleached, why would there be any substance whatsoever left on the blade? On this score, bear in mind that the victim's DNA had been previously tested in the same lab, likely with the same equipment used in testing the knife.

Finally, the prosecution's chief forensic officer, Dr. Patrizia Stefanoni, admitted in her notes that the DNA traces on the blade were too low for reliable testing, but she submitted them anyway. The defense contended that it was impossible to interpret a genetic profile under such circumstances. Indeed, when Stefanoni

ran the test once, the machine destroyed the sample so the test could not be replicated.

The trial court refused a defense request to allow neutral experts to conduct independent testing on the knife or bra clasp, saying it had all the evidence it needed. Ultimately, the court concluded that there was sufficient proof to deem the knife the murder weapon. The appellate court reversed course, appointing two independent experts from Rome's Sapienza University to reconsider the evidence relating to the knife and clasp.

The court-appointed experts were unable to detect any DNA on the blade of the knife, but based on the low level DNA profile obtained by Stefanoni, they could not rule out that it was completely removed by the initial swabbing. They were able to conclude, however, that there was absolutely no trace of blood anywhere on the knife. Also, they could detect the presence of starch molecules, not surprising since the knife had been used in the kitchen, possibly to cut potatoes or bread. Finally, they concluded that international protocols for low copy number (LCN) DNA were not applied, enhancing the likelihood of contamination, *i.e.*, at the level the DNA was detected it could have gotten on the knife via innocent transfer.

We may infer from these findings that, to the extent Stefanoni actually captured a trace amount of the victim's DNA on the blade (which can never be known insofar as the sample was destroyed), such DNA could not be associated with blood, but would have been from skin cells, perspiration, or saliva, etc. **Because no blood was found on the knife, it almost certainly was not the murder weapon.** The victim's DNA was present in the lab, a fact well known to the prosecutor and forensic police. By failing to apply precautions recommended by the international community, Stefanoni practically assured that any LCN DNA profile captured would be the result of laboratory contamination. Under these circumstances, presenting the knife to the court as evidence that it was used to kill Meredith borders on fraud.

The Bra Clasp

The bra clasp allegedly contained DNA that could be in a class that included Raffaele's DNA. It also contained the DNA of several other people. Although it had been visible on the floor during the initial search, the clasp was not collected as evidence until 46 days later when it was found in a dust pile. Moreover, video that documented the discovery reveals numerous errors in the collection, including the repeated failure of the forensic investigators to change gloves.

The defense has contended throughout the proceedings that the crime scene had been thoroughly contaminated in the 46 days leading up to the collection due to the disruption of the scene by investigative searches. Moreover, the initial genetic testing showed that not all the strands matched Raffaele's DNA. The trial court apparently did not understand that all strands had to match to conclude the DNA belonged to Raffaele.

The court-appointed experts were unable to perform any additional testing on the clasp because it had been improperly stored in water and had rusted. But by reviewing the electronic data files they were able to detect erroneous interpretations of the DNA profiles, including the strands. In other words, Raffaele's DNA was not on the clasp after all. Finally, by viewing the videos, the experts detected numerous errors in the inspection, collection and sampling of the clasp, enhancing the likelihood of contamination.

We know that Stefanoni and her aides are not incompetent fools. Therefore, it is likely that they were under intense pressure to come up with evidence connecting Raffaele to the crime scene at any cost.

That Mountain of Other Evidence

The testimony of the court-appointed experts has eliminated the only items of evidence connecting Amanda and Raffaele to the crime scene. Moreover, taking into consideration (1) the lack of any forensic evidence of the young couple in Meredith's room where the murder took place; (2) the overwhelming evidence of Rudi's presence in the room; and (3) the fact that neither Amanda nor Raffaele had any meaningful connection to Rudi, there is no reason to believe that the young couple had any involvement whatsoever in the

crime. To the contrary, Amanda and Raffaele are plainly innocent.

Once the knife and clasp are eliminated from the case, there is no probative evidence remaining to link Amanda or Raffaele to the crime. It has been suggested that there is a mountain of other evidence to consider. There may well be, but none of it is probative of the ultimate question of guilt or innocence.

The most enticing argument is that of mixed blood in the bathroom or other places in the cottage. The difficulty with this argument is that there never has been evidence of mixed blood, only evidence of Amanda's DNA mixed with Meredith's blood. Such evidence tends to prove only that both girls lived in the cottage in close proximity with one another, and nothing more.

Because Amanda lived in the cottage and used the bathroom that both girls shared on a daily basis, it would be expected that her DNA would be all over the place. There is no test that can show when or how DNA was deposited. Also, DNA is easily transferable. Thus, if Amanda was reading a book in the living area, her skin cells or perspiration might be on the book. Say she finishes the book and one of her housemates borrows it and takes it to her room for bedtime reading. That housemate puts down the book and takes a sip of water from the glass on the bedside table. Guess what? Amanda's DNA might wind up on the glass.

Consider further that some days later someone breaks into the house wielding a knife, stabs Meredith to death, and then attempts to wash off blood from the knife or from his clothes in the bathroom dripping blood on the floor along the way. By this scenario, it is easy to see how DNA mixed with blood could occur.

At bottom, any argument that DNA mixed with blood is probative of guilt is clearly erroneous. In the final analysis, an acquittal will equate with proof of innocence, and in no way can it be said that Amanda and Raffaele were exonerated and freed due to a technicality.

Author's note: I am a retired 30-year veteran Senior Trial Counsel with the United States Department of Justice. At DOJ, my cases focused on the standards for scientific evidence.

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