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The New Amanda Knox Smear Campaign Has Gotten Pretty Silly

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Several weeks before Raffaele Sollecito was to give a press conference explaining his new appeal strategy

separating his defense from that of his one time girlfriend, Amanda Knox, the media went haywire with anticipation. Raffaele was going to throw Amanda under the bus, it was reported. He would rob her of her alibi by claiming she wasn't with him on the night Meredith Kercher was murdered after all. The two had always claimed they were together the entire night. So this would be a bombshell. Bye-bye Amanda.

Instead of a bombshell the press conference turned out to be a bust. Raffaele didn't throw Amanda under the bus. Not even close. To the contrary, he announced that he and his family continued to believe firmly in her innocence. He questioned her whereabouts in the early part of the evening, but not for the time of the murder. The murder took place hours later. To the dismay of the media that craves a juicy story, Amanda's alibi remained very much intact.

Even after the press conference, some media outlets continued to mislead. It was reported, for example, that Raffaele claimed that Amanda's account of the night of the murder was based on fantasy or hallucination. To be sure, Raffaele did make such a remark, but what he plainly meant was that Amanda's account to the police during the nefarious, abusive all-night interrogation of November 6, 2007, an account she later retracted, was the product of hallucination. Indeed, this is not something that either defendant has ever disputed.

To anyone following the case, or to anyone who has studied Raffaele's appellate brief, his strategy change was overplayed. Actually, his central strategy is unchanged. He is still arguing that Amanda and he are innocent. As shown by the forensic evidence, Rudi Guede, an Ivory Coast immigrant, acted alone in killing Kercher. There was no simulated break-in, the notion of a selective cleanup is absurd, and there is no reason to resurrect the discredited DNA evidence concerning two key items of evidence – the knife and bra clasp – evidence that court-appointed experts had previously found unreliable.

The only change in strategy is that Raffaele has added an alternative argument, one that essentially goes like this: if you insist on convicting Amanda (for whatever reason), that doesn't mean I'm guilty too. Indeed, her statement to the police exonerates me, as in it I'm not present at the cottage when the murder took place. Therefore, if you use that statement to convict Amanda, you must acquit me. At the very least, I'm entitled to a separate trial based only on the evidence that pertains to me.

In other words, just as Raffaele and Amanda have argued at every stage of this roller coaster case, they are equally innocent, but if the court still needs a witch to burn, it has naught to do with Raffaele. Such an alternative theory only makes sense in view of the uncertainty as to whether the judges selected to hear the appeal will rule on the evidence or their political leanings.

No sooner had the media begun to deflate over Raffaele's refusal to abandon Amanda when stories began to appear in the UK tabloids rehashing old reports that prosecutors were investigating phone records linking Amanda to drug dealers in Perugia. It was reported, for example, that an Italian person with whom she had a relationship of a sexual nature would replenish Amanda's narcotic substances from time to time. It was further stated that bank statements showed she was spending excessive amounts of cash.

There was precious little support provided for any of this, but the mainstream media picked up on it parroting every word as if they'd discovered gold. The danger, as always, relates to the old saying: If you tell a big lie and repeat it often enough, pretty soon folks will begin to believe it. Actually, the cash amounts Amanda allegedly spent were not excessive given she'd been traveling in Germany and had to come up with several hundred dollars in rent each month. No attempt was made to compare the amounts she supposedly spent with the amounts spent by the average exchange student in Perugia. Indeed, why would one make such an effort when all one needs is an insinuation in order to fuel a smear campaign. Guilt by insinuation.

Moreover, since this is an old story one might ask why haven't prosecutors ever acted on this information. Perhaps because it isn't a crime to know someone, or even have sex with someone, who happens to deal in drugs. If such were a crime half of the 40,000 students residing in Perugia might well be criminals considering the city's well-defined underbelly of drug dealing. Recently nicknamed the "Disneyland of Drugs," even the steps to Perugia's Cathedral in the heart of the city's old town provide a safe haven for drug pushers.

But the tabloid media loves a good story, especially one linked to sex, drugs and Amanda Knox. Even when there is absolutely nothing to support it. The Daily Mail wins the "Guilty By Insinuation" award hands down with its video entitled: "EXCLUSIVE: Amanda Knox Heads to Secret Rendezvous." One minute, eight seconds in length, all the video shows is Amanda crossing a Seattle street, smart phone in hand (is she watching out for traffic?), then waiting by a car checking her phone for texts, email or whatever, her wallet out. Nothing else happens. Nothing. What are we to make of this secret rendezvous? At first blush, I thought the video was meant as a spoof. But then, why would the Daily Mail spoof itself? Guilty by insinuation.

The height of absurdity, however, belongs to a fellow who calls himself Ted who posted an obviously phony article on the popular news blog site, Ground Report. Supposedly based on reliable sources, the article claimed that Amanda was planning on turning the tables on Raffaele by alleging that it was he who murdered Kercher. Amanda's story would have her going to her cottage to buy drugs from Rudi Guede, but upon being confronted by Meredith over stolen money, Amanda would leave and come back with Raffaele. A struggle would ensue and Raffaele would accidentally strike Meredith on the throat with a knife, killing her. As the story goes, Amanda had covered up this tale because of her love for Raffaele, but because he recently "abandoned her" she decided to come clean. My own thought is that if you believe this fantasy tale, I've got a bridge in Brooklyn I can sell you real cheap. Nevertheless, judging from the comments the article received, those invested in Amanda's guilt lapped it up like pigs at a trough.

Fortunately, the mainstream media steered clear of this story, and upon investigation, Ground Report removed the article as a fraud, but not before other websites picked it up. A site called Enstarz reported the account as if it were the gospel truth, as did a site called Venture Capital Post. Once again, if you tell a big lie and repeat it often enough, pretty soon folks will begin to believe it. That's the danger.

The editors at Ground Report had this to say about their decision to remove the article:

"The dividing line between free speech and the dissemination of false information — whether unintentional or intention — is never clear cut. An article was posted on the site on July 10th about the Amanda Knox matter that was challenged by the GroundReport community as untrue. The volunteer editors — who are unpaid and get no benefit from increased site visits because the site is supported by donations — initially published the article because it did not violate the Terms of Use. After receiving protests from other GroundReport reporters, the volunteer editors took the article down and asked the author of the article to identify the sources in the article which the author did. On the surface, the references were credible so the article was put back up on the site pending further investigation. Subsequently, the volunteer editors contacted individuals directly who were cited as related to the sources and ascertained that the references are not real.

"The article has been taken down because it contains false information. The author's other work will be removed from the web site."

This is a small victory, but only time will tell what the next big lie will be in the unending campaign to smear Amanda Knox.

I am a retired Senior Trial Counsel with the U.S. Department of Justice. I am currently on the advisory board of Injustice Anywhere.