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Why the Italian Judicial Circus Won't Let Go of Amanda Knox

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It seemed that Italy's nonsensical persecution of Seattle native Amanda Knox and her Italian boyfriend, Raffaele Sollecito, was over when the two were exonerated and released from prison by an appellate court jury in October of 2011. Not so. On March 26 of this year the Italian Supreme Court in Rome annulled the 2011 acquittal, sending the case back to an appellate court in Florence for re-trial. The re-trial is scheduled to begin September 30 of this year.

In its written opinion, released on June 18, the Supreme Court said that the appellate court in Perugia had undervalued much of the prosecution's evidence, particularly relating to the likelihood of multiple attackers. In so ruling, the high court resurrected the discredited theory that Knox and Sollecito had participated in a drug-fueled orgy culminating in the death of Knox's housemate Meredith Kercher. That notion has always been predicated on a rogue prosecutor's fantasy rather than actual evidence.

The high court's reasoning presents a boilerplate for reinstating the initial 2009 conviction of the pair, harkening back to fifteenth-century Perugia when witch burnings were a common occurrence. The reasons for the high court's reversal are likely rooted in politics rather than logic.

To briefly recount, the sorry saga began on November 1, 2007, when Kercher was found dead in her bedroom, her throat slashed. In a hurry to solve the crime, the police arrested Knox, Sollecito, and Patrick Lumumba on November 6, 2007, following an all night interrogation of Knox and Sollecito by the police. During her interrogation, Knox was tag teamed by 12 officers who hounded her into implicating Lumumba, the owner of the bar where she worked.

When the forensic evidence was examined it didn't implicate any of the three suspects, but pointed instead to a single killer, Rudy Guede, a local man with a history of burglary and theft. There was DNA evidence of Guede throughout the crime scene, but no evidence of anyone else. The police released Lumumba who had an alibi and substituted Guede, retaining the sex game conspiracy theory even though Knox had no meaningful connection to Guede and Sollecito had never met him. Knox had been demonized in the press, and careers were at stake, so the authorities acted to save face rather than admit the truth.

John Douglas, the former FBI agent famous for creating the FBI's profiling unit, has stated publicly that the crime should have been easy to solve: Guede acted alone in what was plainly a botched robbery. According to

Douglas, none of the behavioral or forensic evidence leads to Knox or Sollecito, neither of whom has a trace of violence in their background, whereas Guede has the criminal history, the motive, and all evidence points to him.

Knox and Sollecito were convicted by the trial court in December of 2009 and sentenced to 26 and 25 years respectively. Knox was also convicted of defamation for naming Lumumba. Guede was convicted in a separate fast track-trial and is serving a 16-year sentence.

The trial court's voluminous opinion in the Knox/Sollecito case is filled with speculation and based largely on voodoo science. As Douglas says: "I have never seen a judge's ruling so bizarre and nonsensical. It defies reason that it could have been written by an adult with any logical capacity whatsoever, much less an experienced jurist."

On October 3, 2011, following nearly a year of re-examination of the evidence, an appellate jury exonerated Knox and Sollecito in no uncertain terms. In the opinion that issued three months after the verdict, Judge Claudio Pratillo Hellman concluded that not only had the bricks of the prosecution's case come tumbling down on appeal, but the materials that supposedly lay the foundation for those bricks were never there in the first place.

Judge Hellman went on to ridicule the scenario painted by the prosecution and adopted by the trial court, finding it dubious that two good young people, both open in their dealings with others, would team up with a character like Guede, different from them in life style and every other respect, for the sole sake of doing evil, all in furtherance of his criminal enterprise.

In May 2011, in the midst of the appeal, as DNA testing of critical items of evidence was being exposed as flawed and unreliable, 11 lawmakers from Prime Minister Berlusconi's center-right coalition petitioned the Justice Ministry to investigate the prosecution's handling of the case. They requested that inspectors be sent into the offices of the magistrates in Perugia for that purpose. It was no secret that certain members of that party had been seeking to limit the power of a judiciary they considered too independent and answerable to no one.

Following the Supreme Court's annulment of the appellate court's verdict in March of 2013, Judge Hellmann gave an interview with the Italian newspaper La Stampa, in which he stated that he was not surprised by the annulment because the party of the prosecutor (different from the center-right coalition) had strong influence in the judiciary. The judge, by then retired, challenged anyone to take responsibility for convicting two innocent people, or to demonstrate there existed evidence to convict them.

It seems evident that Knox and Sollecito are not so much suspects in a murder conspiracy as pawns in Italy's political games, caught between squabbling political factions and branches of government. Even so, the two hope to be acquitted again, as there exists no reliable evidence upon which to convict them. Unfortunately, the outcome of the re-trial may depend on the political allegiance of the appointed judges.

Author's Note: I am a retired veteran Senior Trial Counsel with the U.S. Department of Justice.

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