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Will Italy's Misguided Persecution of Amanda Knox Finally End?

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Imagine that you are a foreign exchange student arrested in connection with a murder you had no part in. You are locked up in a prison thousands of miles from home and you don't speak the language. You think surely the authorities will see their mistake. After all you've never been in trouble your whole life, and there is no evidence against you. But a year goes by, then two years, and you're convicted on fabricated evidence. You'll have been in prison more than three years before your appeal even begins.

Such is the nightmare of Seattle native, Amanda Knox. But with closing arguments in her appeal trial

scheduled for the end of the month, it's looking hopeful that Knox will be home before Halloween. It's about time.

Knox was arrested in November of 2007, at age 20, in connection with the murder of her British housemate, Meredith Kercher. It was reported that she had slashed Kercher's throat as part of a drug-fueled orgy along with her Italian boyfriend, Raffaele Sollecito, and a third man, a drifter with a history of break-ins named Rudy Guede.

The resulting international media frenzy sealed the fate of the young couple. No one in the media thought to question the prosecution's bizarre theory even though there was no evidence to support it.

Accordingly, Knox and Sollecito were found guilty of the murder in December of 2009, on scant evidence following a year long trial and sentenced to 26 and 25 years in prison respectively. Guede was also convicted in a separate fast track trial.

The appellate process works differently in Italy than in the United States. Here, if the appellate court finds error, the court may remand the case for a possible re-trial. In Italy, the appellate court may rehear witnesses, rehash the evidence, or hear new witnesses, as it chooses. It's almost like a second chance trial. If it finds reasonable doubt, the appellate court simply substitutes its decision for the trial court's judgment.

A judge from outside the clubby Perugia cabal is in charge of the appeal. Late last year he ordered a review by independent court-appointed experts of two crucial pieces of evidence, a large knife from Sollecito's kitchen and a bra clasp that belonged to the victim. During the appeals trial, the court's experts testified that the original DNA findings relating to this evidence were unsupportable by scientifically validated analysis and likely the result of contamination.

The charges against Knox and her boyfriend never made sense. In the days following the murder the police interviewed Knox for over 40 hours. Then, in a hurry to solve the case and sensing Knox a soft target, they pounced. During an all night interrogation led by public minister Guiliani Mignini, twelve officers took turns hounding her. She insisted that she and Sollecito had spent the night of the murder at his flat. The police said she was protecting someone and threatened her with 30 years in prison, telling her she'd never see her family again. They denied her a lawyer, called her a stupid liar, and slapped her on the back of the head to "help

her remember.” They asked her to imagine what had happened. She broke down. She revealed a vision that she was at the cottage that night and heard the screams of the victim. In response to police prodding, she named Patrick Lamumba, her boss at the bar where she worked, as the killer. Exhausted and spent, she signed whatever statements they gave her.

The police arrested Knox, Sollecito, and Lamumba, pronouncing the case closed. They were wrong. When the analysis of the forensic evidence was completed several weeks later, all three of the accused should have been exonerated. The evidence pointed solely to Guede, a man with a criminal history. He had fled to Germany but was caught, extradited and returned to Italy to face trial. But Mignini and the police needed to adhere to the narrative of the case they’d concocted or appear foolish. Knox had become Mignini’s prize demon. So they released Lamumba who had an alibi and substituted Guede for him, but Knox and Sollecito would stand trial for murder.

At that point, the authorities had plenty of evidence implicating Guede, but nothing on Knox or Sollecito. They needed to find something to support murder charges against the young couple, so they set about collecting evidence – in particular, the knife and clasp — based on flawed procedures. It seems that instead of altering their theories to fit the facts, they manufactured evidence to suit their theories.

Over time, perceptions in Italy have changed. Knox and Sollecito are now seen as innocent victims of a rush to judgment. And once the appellate court eliminates the knife and clasp from the case, as seems likely, there will be no probative evidence remaining that links them to the crime. For this reason their families are hopeful they will be exonerated and reunited with their loved ones. We will soon know.

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