

English text of a letter from Judge Michael Heavey dated 12 August 2008

to the President of Italy, the Prime Minister, and the President of the Supreme Court

I am a trial judge, what you would call a judge of the “Tribunale ordinario”. Like you, I seek truth and do my best to dispense justice on a daily basis. I have been a student of the law for 35 years.

Dottore, you are a distinguished member, by right of law, of the Consiglio Superiore della Magistratura (CSM). Pursuant to Article 105 of the Italian Constitution the CSM attends to the assignments, transfers and disciplining of judges. Pursuant to Article 105 I humbly and respectfully request you remove the Amanda Knox case from Perugia.

On June 16, 2008, Judge Giuliano Mignini, The Public Minister of Perugia, closed his investigation concerning the horrific murder of Meredith Kercher. In the 10,000 pages of material were about 80 pages of Amanda Knox’s prison diary.

On June 24, 2008, the press in Italy, England and to a lesser extent America reported on only one diary entry. It was reported that Amanda, while in prison, was told she had a sexually transmitted disease and she wondered which of her seven Italian lovers she had gotten it from. It was also reported she had only been in Italy for 60 days. On June 24, 2008, Nick Pisa writing for the UK’s Daily Mail wrote,

“in the diary Knox, who calls herself Foxy Knoxy, lists seven lovers she had in Italy (in 60 days). She was told by prison doctors she had a sexually transmitted disease.”

This information came to the press via the prosecutor’s office, the police and prison officials. Even if the press accounts were true, which they are not, this is character assassination of the accused. It is aimed at inflaming public and judicial opinion against the accused. This is improper.

The statement is false and misleading. Below is the November 22, 2007 diary entry of Amanda Knox. The original was in English and it has been translated into Italian.

“November 22, 15th day? Last night before I went to bed I was taken down to see yet another doctor I haven’t yet met before. He had my results from a test they took - which says I’m positive for HIV. This is by far the worst experience of my life. I’m in prison for a crime I did not commit and I might have HIV. I don’t want to die. I want to get married and have children. I want to create something good. I want to get’ old. I want my time. I want my life. Why why why? I can’t believe this.”

She then wonders from whom she could have possibly gotten HIV. She lists seven people with whom she has had sexual contact “in general”. The first five are obviously not Italians, number 7 is Rafeale Sollecito and number 6 also appears to be Italian. Her diary entry concludes with “Oh

please please let it be a mistake. Please oh please let it not be true. I don't want to die." A week later she is informed she had a false positive and she does not have HIV. I have attached a copy of the real diary page.

The real diary entry is considerably different than the reports of Nick Pisa. She had seven Italian lovers in 60 days? No. She had a sexually transmitted disease? No, but she was told she was HIV positive.

The character assassination of Amanda Knox is improper. The information is false.

Prosecutors in the United States are prohibited by law from making statements to the press:

- 1) That have a substantial likelihood of heightening public condemnation of the accused;
- 2) Prosecutors are further required to exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons associated with the prosecutor in a criminal case from making an extra judicial statement that the prosecutor would be prohibited from making.

It is my understanding that Italy has similar duties of prosecutors.

Since November 6, 2007, the conduct of the prosecutor, police and prison employees has been to supply false information to the press to inflame public opinion against Amanda Knox, Rafaele Sollecito and Patrick Lumumba. The primary focus of the attack has been on Amanda Knox.

The following are just some of the false information fed to the press:

- 1) Witnesses saw Amanda washing clothes with a Black man the morning after the crime (Negroid hair was found in the hand of Meredith Kercher, the victim);
- 2) Evidence included a videotape of Amanda entering her house the night of the murder;
- 3) Amanda's grip on the victim was so strong it left her finger prints on the forehead of the victim;
- 4) Sexual violence was perpetrated against the victim;
- 5) Witnesses saw three people running away from the crime;
- 6) Rafaele's bloody foot print was found in the victim's bedroom;
- 7) Amanda's DNA was found on the handle of a knife and the victim's on the blade;
- 8) The same knife, found in Rafaele's kitchen, was the murder weapon;

9) Rafaele and Amanda purchased bleach the morning after the crime;

10) There was a drug induced sex orgy involving Patrick Lumumba, Amanda Knox and Rafaele Sollecito. These three killed Meredith Kercher when she would not participate. The leader was, the evil temptress, Amanda Knox.

Judge Claudia Matteini participated in this false speculation. On November 9, 2007 Judge Claudia Matteini wrote in her official report:

“It is possible to reconstruct what happened on the evening of November 1... “(Meredith) went into her room with Patrick, after which something went badly, in the sense that, in all probability, Sollecito came in and the two started to try to swap, to which the girl refused”

“There was an initial desire of the three youth to try some new sensation. Above all for the boyfriend and girlfriend, while Lumumba had the desire to join carnally with a girl that he fancied and who refused him...”

In the same news articles that covered Judge Matteini’s report “Police have accused Knox of helping to hold Ms. Kercher down during the sexual assault claiming that her fingerprints had been found on the British student’s face.” This is false and an improper report to the press by the police.

Amanda Knox is in grave danger of being convicted of the murder because of illegal and improper poisoning of public opinion and judicial opinion.

I respectfully submit that the prosecutor’s office, police and prison employees have made illegal and false statements to the press. These false reports have wrongfully poisoned the well of public opinion against Amanda. A Perugian judge, Claudia Matteini, was caught up in this false speculation and has repeated and added to the false speculation in her opinions.

Those false information leaks have been fed to a voracious press all too willing to repeat and expand them. The primary location of those false press reports has been Perugia, but as you may well know, have been published throughout Italy and the United Kingdom.

These false reports have destroyed Amanda Knox’s presumption of innocence and her right to receive a fair trial.

There are little negative reports or false information concerning Rudy Guede or Rafaele Sollecito. Perhaps because Amanda Knox is an American or perhaps because she is a woman; the negative and inflammatory press accounts are about her, not about the other defendants.

It is my understanding that there is a close relationship between the prosecutor’s office and the judges in Perugia. Because of the prevailing public opinion and prosecutor opinion; it would be very difficult for any judge, but especially a Perugian judge, to presume Amanda Knox to be

innocent.

Amanda Knox's lawyers have no knowledge of my request to the distinguished and honorable members of the Consiglio Superiore della Magistratura.

I humbly and respectfully request you remove the Amanda Knox case from Perugia or in the alternative substitute judges who are independent of Perugia and the negative press accounts.

Sincerely,

Judge Michael Heavey

Copies to:

l'On Vincenzo Carbone
l'On Silvio Berlusconi
l'On Mario Delli Priscoli
l'On Giorgio Napolitano