

# JOHN DOUGLAS: LAW AND DISORDER (2013)

## CHAPTERS MIS-STATING THE CASE AGAINST AMANDA KNOX

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## CHAPTER 28

### THE DAY OF THE DEAD

In the fall of 2007, twenty-one-year-old Meredith Susanna Cara Kercher, a Leeds University student from Coulsdon, Surrey, south of London, had just begun a yearlong adventure. She was taking a course in modern history and political theory as an exchange student at the University of Perugia in the beautiful medieval and Renaissance city, about a hundred miles north of Rome. **She wanted to follow her father, John, into a career in journalism**, and she had worked at Gatwick Airport, near her home, to raise money for the overseas program.

Called “Mez” by her friends, of which there were many, Meredith shared the four-bedroom upper floor of a tiled-roof, white stone and stucco cottage at Via della Pergola 7 with three other young women: twenty-year-old American exchange student Amanda Marie Knox, of Seattle, Washington, and Italians Filomena Romanelli and Laura Mezzetti. Filomena and Laura were just starting out as attorneys in local firms. **Amanda, an honors student** from the University of Washington, came over around the same time as Meredith. **She was studying Italian at the Stranieri, officially the Università per Stranieri di Perugia—the University for Foreigners of Perugia.**

Meredith and Amanda were both pretty, smart and personable. Amanda was the wholesome outdoorsy type, outgoing and bubbly, a guitar-playing free spirit. **She was an honors graduate** of Seattle Prep, an elite Jesuit high school to which she’d won an academic scholarship. She had been to Japan as an exchange student, had recently visited German relatives and said she wanted to master at least seven languages. She worked part-time at a bar called Le Chic, operated by

Diya “Patrick” Lumumba, an immigrant from Congo, well known and popular in Perugia. Patrick had come to Perugia in the 1980s to study political science at the Università per Stranieri, where Amanda was studying, and stayed on after graduation. In addition to the bar, he produced concerts at the university. When he met Amanda, Patrick thought her looks and personality would attract patrons.

**Meredith, the youngest of four children, was equally bright and accomplished.** Like Amanda, she was a child of divorce. She had an exotic beauty, the product of an English father and a Pakistani mother, whose ethnic characteristics had mixed perfectly in their daughter. She was more reserved and introspective, but with a zany, goofy side that came out when she was in relaxed social situations. In addition to her flatmates, she had a posse of British girls with whom she hung out when they could tear her away from her studies.

**The house they shared had a panoramic view of the city, though some locals considered it situated in a bad neighborhood.** Laura and Filomena, in their late twenties, had found the house through a leasing agent and then posted flyers to find the additional tenants they’d need to handle the rent. Their rooms were at the front of the cottage, and **Meredith’s and Amanda’s were in the back, in an addition that overlooked a ravine.** Four Italian guys—Giacomo Silenzi, Stefano Bonassi, Marco Marzan and Riccardo Luciani—lived on the lower floor.

Thursday, November 1, 2007, the day after Halloween, was All Saints’ Day, a national holiday in Italy. Meredith was alone in the cottage that evening after having watched a movie at a friend’s house. Amanda was staying over at the flat of her new Italian boyfriend, Raffaele Sollecito. A twenty-three-year-old computer science and engineering student from Bari, whose father was a prominent urologist, Raffaele had a mop-topped Harry Potter look. She had met him at a classical music concert on October 25, and they had been pretty hot and heavy ever since. Raffaele’s parents had also divorced; and in his second year of college, his beloved mother had died suddenly of a heart condition. He couldn’t get over not being home when she passed away and was still mourning her.

On the night and day in question, Filomena was staying with her boyfriend, Marco Zaroli, and the other five Italians were visiting their families for the holiday weekend.

**Amanda returned to the house around ten-thirty on the morning of November 2, according to her account, and found the front door ajar.** There was no spring latch, so the door had to be locked with a key. Meredith’s bedroom door was closed; and if she was still sleeping, Amanda didn’t want to disturb her. So Amanda went to shower in the small bathroom the two girls shared.

As she stepped out and was about to dry herself, she noticed what looked like dried blood droplets on the sink and the floor mat she was standing on. There were no towels, she suddenly realized. **Maybe Meredith had had a bad period, but she was always so meticulously neat and clean that it all seemed strange.**

Amanda went to her bedroom to fetch a towel and dry off. She played music on her computer

while she got dressed. Then she went into the bigger bathroom off the kitchen, which Laura and Filomena shared, to borrow their hair dryer. **As she was drying her hair, she suddenly noticed the toilet was unflushed and the bowl was filled with feces and toilet paper.** This was not something any of her roommates would do, and **she was sufficiently creeped out to quickly leave the house and rush back over to Raffaele's flat, where she described to him what she had encountered.**

**She called Meredith's British mobile phone, but she got no answer. Then she called her Italian mobile, which was registered in Filomena's name. Still, she got no answer.** A few minutes later, Filomena called to say she was very worried because she had also been trying to reach Meredith.

**Taking Raffaele with her, Amanda went back to the cottage and took him first to the larger bathroom.** Then they checked out Filomena's room, which was a mess. It looked as if someone had rummaged through everything and left clothing strewn about the floor. Most alarming, there was a rock near her desk, and one of the bedroom windows was broken.

**Even though Filomena's computer was sitting on the desk, Amanda was convinced the house had been burglarized and went to look in Laura's room. Nothing had been touched.** This wasn't adding up. She knocked on Meredith's door again; still, no answer.

**When Filomena called again, Amanda told her about the broken window. A few minutes later, at 12:47 P.M., the now-panicked Amanda called her mother, Edda Mellas, in Seattle, where it was 4:47 A.M., and told her what had happened. Edda told her to call the police. Since Amanda's Italian was only barely passable, Raffaele called his older sister, Vanessa, who worked in Rome for the Carabinieri, the national quasi-military police. Like Edda had, she told him to call the Carabinieri immediately, which he did on the emergency 112 number.**

**Meanwhile, the Polizia Postale—the Postal Police—arrived on the scene.** They had been contacted by a woman about a half mile up the road who had found Meredith's mobile phones in her garden. Telephone regulation in Italy is under the jurisdiction of the post office, and they had traced ownership of both phones to Via della Pergola. The two plainclothes officers—Michele Battistelli and Fabio Marzi—found Amanda and Raffaele outside, saying they were waiting for the Carabinieri. They brought the officers into the house and Amanda showed them around. She didn't understand the distinction in police services and thought these were the officers Raffaele had called.

Downstairs flatmate Marco Marzan showed up with a friend, Luca Altieri. He explained that Filomena had asked him to come after Amanda's worried call. Shortly afterward, Filomena arrived with her best friend Paola Grande, who was also Luca's girlfriend. Filomena examined her room and discovered that nothing was taken, not even cash or jewelry.

All focus was now on Meredith and her locked door, but the Postal Police were reluctant to take any action until the Carabinieri arrived. Finally, around 1:15 P.M., Filomena asked Luca to break

down the door. He kept kicking it until it broke from its hinges and flew open.

The room was covered in blood. Meredith's beige duvet was on the floor. Filomena saw a bare foot sticking out from underneath.

**Amanda rushed in the direction of Filomena's screams, but Raffaele intercepted her and pulled her away.** Inspector Battistelli ordered everyone out of the house, then called police headquarters.

It was All Saints' Day, also known to many Christians as All Souls' Day or the Day of the Dead.

I didn't know much about the Meredith Kercher murder case until Mark Olshaker brought it to me with the comment that it seemed to have remarkable echoes to the West Memphis Three. **He had become convinced that like Damien, Jason and Jessie in West Memphis, Seattle college student Amanda Knox and her Italian boyfriend, Raffaele Sollecito, had been railroaded into a conviction for the murder of Amanda's housemate.** Several lengthy phone conversations with Amanda's stepfather, Chris Mellas, had further convinced Mark that her family firmly believed in her innocence. I didn't want to draw any conclusions of my own unless I could fully examine the record and evidence.

When I delved into the case, I was struck by both the similarities and the differences between this case and WM3. In some sense, Knox is a photo negative of WM3, with the same ultimate effect.

Both involved horrific, gory murders of low-risk, innocent young people who had the promise of their whole lives to look forward to.

One took place in a scruffy southern city on the edge of the interstate, a place many kids considered "West Nowheresville" and yearned to flee as soon as they were old enough. The other happened in a historic Umbrian hill town that attracted adventurous students from around the world.

One involved defendants who were marginal outsiders from poor and broken families whom the rest of the world considered losers. **The other involved a beautiful young woman and a handsome young man, both solidly middle-class with promising futures ahead of them.**

**Both hinged on a questionable confession after many hours of police interrogation without a lawyer present—one by a scared and confused seventeen-year-old boy; the other by a girl just out of her teens who barely spoke the language being shouted at her.**

**Both were rushes to judgment, prosecuted as satanic ritual murders on the basis of fear and superstition rather than solid evidence and analysis.**

**Both became passionate, controversial, international causes whose balance was finally**

**tipped by the lack of a match between the defendants and DNA found at the crime scenes.**

**Knox also had the kind of sensational elements that had captured world imagination with the Ramsey case: a beautiful girl and a vicious, senseless murder in the house where she lived.** But in this case, the beautiful girl was all grown up, and there were actually two girls: one a victim, the other a suspect.

Through Mark's exchanges with Amanda's family, I was contacted by Steve Moore, a retired FBI agent currently working as deputy director of public safety at Pepperdine University in Malibu, California—not a bad job if you like the beach and warm weather as much as I do. Steve had been in my behavioral science classes during new agent training at Quantico. Though we knew and had worked with a lot of the same people, I didn't remember meeting him. He had never met Amanda, but he had become so moved by her case that he decided to conduct his own investigation, with the family's cooperation but independent of them.

I have not been universally praising of all my FBI colleagues over the years, but **when I looked up Steve Moore, he turned out to be the real deal. He had spent his entire FBI career dealing with violent crime;** and as his last assignment, he ran the FBI's Los Angeles-based "Extra-Territorial Squad," which was tasked with responding to any acts of terrorism against the United States in Asia and Pakistan. He agreed to organize and supply me with all of the relevant case materials, including records, photographs, videos and various transcripts. He told me he respected my work and me too much to try to influence me in any way and genuinely wanted to know if I felt he was on the right track in interpreting the evidence.

**Before the case was resolved, Steve would admit to me, "When you told me about the grief you took after the Ramsey case, I didn't really understand how petty and mean people can get. In my whole life, I have never been vilified by people like I have since I got involved in the Knox case."**

I reviewed all of the material presented to me and read everything I could, both positive and negative. **All of the evidence pointed squarely in one direction: Amanda Knox and Raffaele Sollecito were innocent.**

**Clearly, Italian criminal justice authorities did not want my help. What I could do, Steve, Mark and I concluded, was to speak out as much as possible and try to educate people as to what this case was really about rather than the salacious tale of sexual obsession with which the media had so fallen in love.**

As it turned out, Amanda and Raffaele did not suffer quite so long as the West Memphis Three, but **they still spent four years in prison—the first without being formally charged.** They were convicted in October 2008 and **released by an appeals judge in October 2011.** **Nearly everything about their case demonstrates the same systemic weaknesses and personal failings as the Arkansas case.** The only other difference, ironically, is that in Perugia, they had the real killer in custody almost right away. Yet **that didn't stop the persecution of the other two defendants.**

**The overwhelming initial public impression in this highly publicized case was that the beautiful, seductive “Foxy Knoxy” was guilty of brutally murdering her roommate in a frenzy of satanic lust.** Books have been published asserting her guilt, and even today, world opinion is wildly mixed on whether she should have been let out of prison. **Let’s go through this case and see why it quickly became a travesty of justice and why Italian authorities should have been able to determine that right from the beginning.**

## **CHAPTER 29**

### **THE FACTS OF THE CASE**

Let’s start with the crime scene. Meredith Kercher had been stabbed multiple times, including three deep wounds in her neck.

When Luca Altieri and Filomena Romanelli and then Raffaele Sollecito and the police first saw her blood-soaked body, eyes open and naked but for a T-shirt pulled up over her breasts, she was on the floor with a pillow beneath her hips and the bloody duvet pulled up over her chest. **In the trial, prosecutors Giuliano Mignini and Manuela Comodi would claim this was evidence that a woman had committed the crime and that covering the body was a sign of compassion or pity.**

I disagree. For sheer depravity, this murder was absolutely horrific. **As soon as I looked at the crime scene photographs, there was no question in my mind that the killer had not an ounce of compassion for Meredith. There was no question in my mind that the killer had no compassion for anyone or anything that could pass for a conscience.**

When we see actual evidence of a “soft kill,” such as manual strangulation with a handkerchief or towel, say, followed by a carefully covered or “comfortably” wrapped body, we think of parental or close-relationship murder. This scene had none of those indicators. A blanket thrown haphazardly over a body indicates nothing about a male or female UNSUB. If anything, it shows contempt for the victim, or, if the head is covered up, depersonalization. Or it may simply represent an offender’s discomfort with looking at a mutilated body while he carries out a burglary or whatever else he set out to do.

**If the placement of the pillow means anything at all, it could have been put there by an assailant to make sexual assault easier. The pulled-up T-shirt also fits the pattern of a sexually motivated crime.** There was a bloody handprint on it, and streaks of blood on the wall, as if the UNSUB had tried to clean his hands.

Two towels were under the body and a third lay on the bed, also soaked with blood. A shape that appeared to be a knife was imprinted in blood on the bed. Several bloody shoeprints on the tile floor led from the bed toward the front door. These were later identified as belonging to a Nike

shoe. Finally **there was a bloody print from a bare foot on the mat in the bathroom that Meredith and Amanda shared.**

Meredith's handbag was on the bed. It appeared to have been gone through. In addition to her missing mobile phones, cash and credit cards were also gone. **Though the scene showed clear signs of either a burglary or a staged burglary, prosecutors used this evidence against Amanda as well, claiming she stole from Meredith to pay her rent. Had they looked seriously into her background, they would have found that she worked part-time for several years to help pay for her studies in Italy. Given this past behavior, I would consider theft completely out of character, and as a motive for such a hideous murder out of the question.**

The Postal Police cleared the house and sealed it off. Around three in the afternoon, Public Minister (equivalent to a district attorney, magistrate and senior investigator) Giuliano Mignini arrived with Luca Lalli, the coroner and a professor of pathology at the University of Perugia. Mignini was a portly, balding **tyrannical** type in his mid-fifties. Lalli noted the three stab wounds on Meredith's neck and determined that the cause of death was blood loss and suffocation.

Already mistakes were starting to pile up. Lalli did not take Meredith's temperature, which meant, as in the West Memphis case, there would be no subsequent method of establishing time of death.

**At this very point, the public case against Amanda Knox began.** As she and Raffaele and the other flatmates waited outside, she was observed whispering to Raffaele, cuddling and kissing him. She later said she had been crying and he had been trying to comfort her, but the image of that lip-lock soon made news around the world. Her roommate had just been brutally murdered and she seemed intent on public displays of affection with her handsome Italian boyfriend. Monica Napoleoni, head of homicide for the police flying squad, the squadra mobile, or quick response team, spoke to the couple and decided they seemed unemotional and indifferent to the murder. **SHE STANK.**

The same phenomenon occurred in the Ramsey case, and I have seen it over and over. Once the media and the public establish a mental image of a suspect or even a potential suspect, that image is almost impossible to shake.

When police and the crime scene team had finished, all of the flatmates and their friends acceded to police requests to go to the questura, the police station, for questioning. After the first round of questioning several hours later, some of Meredith's English girlfriends happened to meet Amanda in the waiting room. They later said she had given them details about the killing. In trial, prosecutors charged these were facts only someone who had seen the body could know. Or perhaps someone who had been around a police station for hours while everyone was focused on the crime?

Amanda didn't leave the station until around six the next morning. **There were conflicting**

reports that she “seemed calm, as if nothing had happened,” and “paced nervously.” From my experience, I cannot imagine a twenty-year-old woman who had never been in trouble with the law, and suddenly found herself in a foreign police station being questioned about the murder of her flatmate, not being nervous and frightened, whether she was innocent or guilty. Anyone in such a situation who appears calm, as John Ramsey appeared before JonBenét’s body was found, is merely suppressing outward emotion. I guarantee it.

Later that day, police went with Amanda back to the house. The prosecution would describe her as having sobbed uncontrollably outside. Eventually her tears, or lack of them, became a major point of contention in the case. But **there are enough eyewitnesses at various times to suggest that she cried quite a bit in the hours and days after the murder.**

Following the visit to the house, they took her back to the station for more questioning. **Despite the intensive probing over several days, she was officially considered a witness at this point and was not asked if she wanted an attorney.**

Back in London, the Kercher family’s agony was nearly beyond description. Meredith’s mother, Arline, was chronically ill, and Meredith was in the habit of calling her daily. So when she and John didn’t hear from her and couldn’t reach her on her mobile phone, they were instantly worried. John, a journalist, had heard the rumors of an English student murdered in Italy; but it was not until about five-thirty in the afternoon, the day after the murder, that one of his press contacts was able to confirm for him that it was his beloved daughter.

He went back home to Coulsdon to be with the other children, Stephanie, John Jr. and Lyle. Arline was in the hospital, but she had already spoken to someone in the British Foreign Office. As soon as she got out of the hospital, and she and John could make arrangements, they flew off with Stephanie to Perugia. Around the same time in Seattle, Amanda’s mother, Edda Mellas, made plans to journey to Perugia, soon to be joined by her former husband, Curt Knox.

All of the flatmates were again questioned at the police station on November 4, then brought back with Giuliano Mignini to the house to see if any kitchen knives were missing. None seemed to be; but as they were examining the knives, Amanda again broke down uncontrollably.

**On the evening of November 5, police asked both Amanda and Raffaele to come to the station to discuss apparent inconsistencies in their accounts.** And here occurred another incident that slammed the public relations lid on Amanda. While Raffaele was being questioned, Amanda sat in a waiting room. As the free-spirited, athletic Pacific Northwest girl she was, Amanda was into yoga. When she felt stiff or stressed, she would often resort to her routine of yoga stretches and poses.

Late in the evening, a male police officer observed her stretching, **admired her flexibility** and asked if she could do a split. Whether out of fear, openness or pride in her body, she complied, **much to the officer’s delight. But out of this incident developed the widely reported story**



that she was doing cartwheels in the police station as she awaited questioning on Meredith's murder.

Napoleoni and other homicide detectives questioned Raffaele for more than six hours, until after 3:00 A.M. **During that time, according to the police, he began wavering on his story that Amanda had slept over with him and that they'd been together the entire night of the murder. Maybe she had gone out for a while—around 9:00 P.M. or so—and hadn't come back until 1:30 A.M.; he wasn't sure.**

**What seems to have happened is that in his fear and fatigue, Raffaele eventually confused and transposed the nights of October 31 and November 1.** On Halloween night, Amanda did go out around nine o'clock, dressed as a sexy cat with a nose and whiskers that Raffaele had painted on her face. Halloween celebrations were a much bigger deal to the foreign students than to the Italians, so Raffaele stayed home that night and waited for her. She returned around 1:00 A.M., just as he told police occurred the next night.

This turned out to be the real beginning of the case against the two, and the parallels to Jessie Misskelley Jr. and so many others are almost uncanny. **Amanda and Raffaele became suspects despite the fact that bugged rooms in the questura and tapped telephones that picked up numerous private conversations between them revealed not a hint of any secrets or conspiracy.**

When they got around to interviewing Amanda, it was well after midnight. **They brought her into an interrogation room and told her that Raffaele had said that Amanda had left his flat about nine on the critical evening to go to Le Chic and hadn't come back until after 1:00 A.M.** They had checked the records of Amanda's mobile phone. The last exchange was a text from Patrick Lumumba saying she didn't have to come to work that night because business was slow and a texted reply from her: *Ci vediamo piu tardi, buona serata*, which translates as "See you later. Have a good evening." After that point, both she and Raffaele had turned off their cell phones for the night, uncharacteristic for both. When asked about it, Amanda said she was afraid Patrick would change his mind.

Now things started getting rough for her. Confronting her with Raffaele's story, the investigators suggested that "See you later" was not a routine, banal sign-off but an actual arrangement to meet later that night.

Who was she protecting? they wanted to know. Who was it? According to Amanda, when she didn't have an answer, they kept pressing her. **A policewoman called her "stupid" and a "liar" and slapped her on the back of her head. They repeated the blow every time she didn't give them an answer. They gave her nothing to eat or drink and didn't allow her to go to the bathroom. It was as if they were going to keep punishing her until she remembered.**

When she asked for a lawyer, they told her it would go worse for her if a lawyer was present.

According to Rita Ficarra and Lorena Zugarini, two members of the squadra mobile, no one hit Amanda or insulted her. She was given food, water and hot drinks and allowed to go to the bathroom whenever she wanted. She was asked if she had a lawyer or wanted one and she said no.

**The interrogation dragged on. Amanda remained in detention for many hours. She was scared, exhausted and totally strung out.** They couldn't get her to admit anything about being with Patrick Lumumba that night, so one of the police officers asked her to relax and explained that sometimes severe emotional trauma causes a mental block. Since she couldn't remember anything, she should try to imagine what had happened in the house and what her and Patrick's parts had been. That exercise often releases the emotional barrier.

**As outrageous as this might sound, the “let's pretend” ploy is not an uncommon interrogation technique. I have used it myself, sometimes with great success, in questioning suspects.**

In a particularly heinous 1985 abduction, assault and murder of a high-school girl named Sharon “Shari” Faye Smith in Columbia, South Carolina, I interviewed a suspect who had been traced by a combination of profiling, forensics and first-rate police work.

His name was Larry Gene Bell, and we all knew he was guilty of the crime. We also knew his lawyer would never let him on the stand to testify; so if we were going to get a confession, it had to be soon. I told him about our profiling program and how we knew that these crimes were often committed by men with two warring instincts within their psyches. I told him I understood how this might be one of those situations and to try to imagine how the crime might have taken place.

At the end of his narrative, he looked up at me with tears in his eyes and said, “All I know is that the Larry Gene Bell sitting here couldn't have done this, but the bad Larry Gene Bell could have.”

That was as close as we ever got to a confession, but it was enough. Larry Gene Bell was executed by electrocution on October 4, 1996, for the murder of Shari Faye Smith. I was glad to see him go.

**This investigative technique is like anything else in law enforcement. There are good practitioners and sloppy ones. You have to figure out whether you are “unlocking” the suspect's mind—giving him a face-saving scenario and a means to confess—or if you're leading him into a world of fantasy.**

**When you're dealing with a subject who is exhausted and at the end of her emotional rope, so empty and disoriented that she literally can't think straight, then you've misused the practice.** Like the detectives who questioned Jessie Misskelley Jr., there was no question here of getting to the truth by asking the subject to imagine, or to “dream” as in the David Vasquez interrogation in Virginia.

As Steve Moore commented, “If any FBI agents who reported to me had conducted this interview, I would have had them prosecuted.”

**Altogether, Amanda was interrogated over a forty-hour period (an average workweek) by twelve detectives. This is known as “tag teaming.” The interrogators remain fresh and at the top of their game while the suspect grows increasingly exhausted and isolated.** All he (Jessie) or she (Amanda) wants is for the interrogation to end.

In 1956, CIA director Allen Dulles sent a memo to FBI director J. Edgar Hoover outlining brainwashing techniques used successfully by Communist operatives in North Korea. The document has since been declassified. It lists and explains techniques such as introduction of fatigue, inducing a feeling of helplessness in attempting to deal with the impersonal machinery of control, and developing a feeling of dependence upon the interrogator. Similar techniques have been employed to interrogate terrorist suspects at Guantánamo Bay.

**They didn’t want Amanda alert and lucid to give an accurate account. They wanted to break her. And they did everything they could that wouldn’t leave physical marks on her body.**

**Under this haze of fatigue and fright, Amanda spun a tale of meeting Patrick at the Piazza Grimana basketball court, across the street from her house, around eight-thirty and going back with him to her house. Though she said it was dreamlike and she couldn’t tell if it had actually happened, she “recalled” Patrick having sex with Meredith, but she didn’t remember whether he had had to force her.** But she vaguely remembered him killing her with a knife afterward, which implied that she was in the room at the time.

**There may have been another reason for the full-court press on Amanda that night. The police may have perceived that time was running out for them. Since they were tapping Amanda and Raffaele’s phones, they knew that Edda Mellas was on her way to Perugia to stand by her daughter. She would never let Amanda continue to speak without an attorney present, no matter what the investigators said.**

**Giuliano Mignini came in at 5:45 A.M. to take her official statement. Everything she had said previously was as a witness, so it couldn’t be used against her. Between the original “confession” and the official statement, several key details changed, such as the time and the added detail that she had heard Meredith scream. Everyone agrees that after she signed the statement, she was given food.**

At noon, the police formally arrested Amanda at the police station. **They had their killer.**

Pathologist Luca Lalli, accompanied by a female officer, conducted a physical exam on Amanda Knox and took DNA swabs and saliva, urine and head and pubic hair samples.

**When Amanda recovered her wits enough to realize, like Jessie Misskelley Jr., what had just happened to her, she was shocked. She immediately felt as though the police had led**

her down the primrose path to a murder charge. Up until now, she had been feeling vulnerable because of how close she thought she had come to being another victim of the killer.

Clearly, for the police to question Amanda and Raffaele intensively over the course of several days, for them to hammer on Raffaele until he changed his story to say that Amanda left him for several hours the night of the murder, for them to interpret a simple text message with its most unusual and outlandish meaning, for them systematically to stress Amanda to the point of stripping her of all logic and emotional resources and essentially get her to make up a story they liked, someone already had to have had a theory of the case that he or she wanted all the facts to fit into. Aside from all the other pressures she was under, Amanda had a poor command of Italian, and the translator was essentially helping the police, not making it easier for her to communicate.

A compulsive diarist, Amanda wrote in her green notebook journal that day that she already doubted the verity of my statements because they were made under the pressures of stress, shock and extreme exhaustion. **She noted that she had been hit on the back of her head when she didn't give interrogators the responses they wanted and was threatened with a long jail sentence if she didn't cooperate.**

**She was clearly strung out and confused. A guilty person would either acknowledge to herself that they had caught her or, if she thought the journal might be made public, steadfastly deny the charges to vindicate herself.** Amanda does neither. She is very doubtful of what she has said and even cuts the police a break in saying she understands their behavior.

**If Amanda had taken part in murder, she certainly would not have gone about her business and come back to the house. She had the means and the time to get out of Italy before authorities caught up with her. She did not exercise this option because it never occurred to her she might need it.**

At a news conference on November 6, Perugia chief of police Arturo De Felice announced the arrests of Amanda Knox, Raffaele Sollecito and Patrick Lumumba for the murder of Meredith Kercher. The case, he assured reporters, was “substantially closed.” An outraged Lumumba, insisting he had no idea what this was all about, had been arrested at home and taken from his family earlier in the day.

**That same day, executing a search warrant, the squadra mobile, or flying squad, officer Armando Finzi searched Raffaele's flat and took away, among other items, a kitchen knife he found in a drawer among other knives. How did he know the murder weapon came from Raffaele's kitchen rather than from the crime location itself? And how did he know that particular blade, rather than any others in the drawer, was the murder weapon? Investigator's instinct, he proudly proclaimed.**

Later, the lab would report having found a tiny amount of Amanda's DNA on the handle—no leap of logic since she had prepared food in Raffaele's kitchen—but also an equally tiny speck of

Meredith's DNA near the tip. Since she had not been in Raffaele's flat, this looked as if it might be real evidence.

But there were a couple of problems. **To start, it was never definitive that Meredith's blood was ever on the knife blade, as was acknowledged in the final appeals report, and the testing may have been manipulated or amplified to indicate her DNA in ways that were never apparent to other independent testers. Moreover, the blade, which effectively had been selected by the investigators at random, did not match the blood outline on the bed and was too large to have made two cuts in Meredith's neck. Mignini didn't let this stop him, though. All it meant was there must have been two knives.**

**The chain of custody would have been laughable if it weren't so pathetic. Finzi admitted he had given the knife to another officer, Stefano Gubbiotti, who had been at the murder scene that day, meaning an easy case could be made for cross-contamination. He put the knife in a box and stored it before it was sent to the lab in Rome, so there is no way of telling what happened to it or who touched it in the meantime.**

**Later, the results of the DNA assay itself would be challenged by numerous experts as being too small a sample to render a reliable match.**

On November 8, the three defendants were arraigned before Judge Claudia Matteini. **Under Italian law, they easily could have been released pending trial, but the judge ordered all three held for a year, concerned particularly that Amanda and Patrick would flee.**

If you read Amanda's "My Prison Diary," which was given to me by investigators helping with her case, you see no evidence of guilt or culpability. It is more observational than anything else. Clearly, it was written for herself, no one else. In it, she expresses confusion about the whole situation rather than anger or even sadness. She knows she has to wait out the workings of the system, but she fully expects to be out and going home soon.

**Even the diary was used against her in a selective leaking campaign. As Candace Dempsey, a Seattle-based Italian-American journalist, noted in her comprehensive and insightful book *Murder in Italy*, the language problem became a further opportunity for the prosecution and media. This is a section that was translated into Italian, leaked to the press, and then translated back into English:**

*That night I smoked a lot of marijuana and I fell asleep at my boyfriend's house. I don't remember anything. But I think it's possible that Raffaele went to Meredith's house, raped her and then killed her. And then when he got home, while I was sleeping, he put my fingerprints on the knife. But I don't understand why Raffaele would do that.*

This all sounds pretty damning and definitely locks Raffaele into the murder scene—particularly, if you accept, as I do, that the diary was not intended for anyone else's eyes. But like some

diabolical version of the children's party game telephone, this is how the passage actually read in context in the original English:

*Raffaele and I have used this knife to cook, and it's impossible that Meredith's DNA is on the knife because she's never been to Raffaele's apartment before. So unless Raffaele decided to get up after I fell asleep, grabbed said knife, went over to my house, used it to kill Meredith, came home, cleaned the blood off, rubbed my fingerprints all over it, put it away, then tucked himself back into bed, and then pretended really well the next couple of days, well, I just highly doubt all of that.*

**Giuliano Mignini now had a complete theory of the case, which was outlined in a judge's report issued by lead judge Claudia Matteini on November 9. The logic of arriving at his conclusion, if I follow it correctly, is decidedly Alice's Adventures in Wonderland.**

The inconsistencies between Amanda and Raffaele's stories had to do with timing. The first led them to speculate that the call to the Carabinieri had been placed a few minutes after the Postal Police arrived, rather than before, which would imply that the two young lovers had never called the police at all on their own initiative, only to cover themselves when an investigation was already under way.

But here's where it gets interesting: If Raffaele suddenly changed his story and said there was a gap of time when Amanda wasn't with him—when she said she was going to Le Chic to meet Patrick—then she was lying and she must have gone back to the house. But then if she said he was with her all night, then he must have been with her in the house when she and Patrick killed Meredith, which meant that he was involved, too. **As goofy as this sounds, it is the same type of approach WMPD followed; that is, take the "best" part of each account or piece of evidence to come up with a theory that meets the police's needs.**

And what was that theory here? Actually, there were two. One was that Meredith and Amanda's friendship had broken up over a number of issues, including Amanda owing Meredith rent money and refusing to do her part in keeping the house clean. In other words, assuming either or both of these charges were accurate—which I do not believe—so as not to have to pay her back and/or resentment over being called out for being something of a slob, Amanda solicited the help of two male friends and plunged a knife three times into Meredith's neck.

**This falling-out must have happened shortly before the murder, because up until then, the two had been close friends,** hanging out at bookstores, restaurants and clubs together and going together to Perugia's celebrated EuroChocolate Festival in late October, only days before the murder.

**The investigators seemed to be projecting their own distaste for Amanda's perceived habits into a murder scenario. In the judge's report, they took her to task when she found traces of blood, which she did not worry about cleaning, and noticed that in the other bathroom the toilet water was full of feces that she was astonished to find but did not try to clean.**

**So Amanda helped indict herself by not touching a potential crime scene.**

But that motive was only a secondary theory. **Mignini's main theory of the case started out with Patrick having a crush on Meredith, who allegedly had turned him down, and with Raffaele, as shown from writing on his online blog, seeking "extreme sensations," which he apparently felt Amanda was capable of fulfilling. The murder, then, was either part of a drug-fueled satanic ritual, a sex game that got out of hand, or else Amanda decided she wanted to have an orgy. When Meredith wouldn't play along, Amanda and the others had to kill her.**

Sounds convincing, no?

**Giuliano Mignini, locally born and bred and a student of history, must have known he was acting on precedent. Perugia had been the site of a series of witch trials in the fifteenth century, and the public minister understood the bewitching power of certain women.**

Upon reflection, the investigators decided it was more likely that one of the men had plunged in the knife while Amanda held Meredith down. As far as I can tell, there was no evidence, forensic or otherwise, to support this. **Mignini figured the crime, whatever it was—orgy, murder or satanic ritual—and whatever the exact motive, had been planned ahead of time. Since there was a strong satanic component, it was supposed to take place on Halloween. But since that didn't work out, the Day of the Dead would be just as auspicious.**

This line of reasoning reminds me of "Dr." Dale Griffis's wacky logic in WM3. There were a bunch of cultic holidays on the calendar; and if you acted on either the day before or the day after, it had the same effect. When you think that people's lives and freedom are being determined by listening to this kind of nonsense, the effect does become scary indeed.

**Curiously, though he and other investigators considered Amanda and Raffaele prime suspects, they never even seemed to consider Filomena Romanelli, who had pretty much the same alibi as Amanda, or Giacomo Silenzi downstairs, who had already been identified as Meredith's sometimes boyfriend. This pattern of arbitrariness would characterize the entire investigation.**

But the police knew they had the right girl. **As Edgardo Giobbi, head of Central Operation Service in Rome, put it, "We were able to establish guilt by closely observing the suspect's psychological and behavioral reactions during interrogations. We don't need to rely on other kinds of investigation as this method has enabled us to get to the guilty parties in a very quick time." I guess this is their idea of profiling.**

Here is an exercise I've tried a number of times with people who either assumed or insisted to me that Amanda Knox was guilty:

**What would you say if your teenaged daughter, studying abroad, called you one day to say that she had suddenly taken it upon herself to stage a satanic-themed orgy, and when her**

**roommate refused to go along, she stabbed her to death?**

If you have, or are close to, a teenaged girl, your response would be, “Absurd!”

If I then asked you why it was absurd, your response would be, “Because she would never do anything like that!”

When I asked you how you knew that about her, you would reply, “Because she’s never done anything like that.”

You would undoubtedly be right, and you would have just participated in some basic profiling. And the same exercise would be valid for a son like Raffaele.

Past behavior predicts future behavior. It is one of the elemental tenets of what we do. Just as we could tell a lot about what John and Patsy Ramsey were capable of by evaluating their past behavior and treatment of their children, we can tell a lot about what Amanda and Raffaele are capable of by looking into how they’ve acted in the past. **Nothing in Amanda’s neo-flower child background or behavior suggested that out of nowhere, she would suddenly become homicidally violent, especially to someone she lived with and was close to.**

**Don’t people without a past history of violence ever commit murder? Yes, they do. But not without a motive.**

**So what supposedly gave Amanda the idea to kill her friend brutally that night? Giuliano Mignini had an answer for that, too. Raffaele was a fan of Japanese manga comic books, particularly those featuring violent themes and sexual domination of women. They found one in his possession they thought fit the bill, Blood: The Last Vampire . They also found a short story online that Amanda had written the year before that involved a rape.**

If Mark and I were prosecuted for what we’ve written about, we’d be in jail for the rest of our lives.

**Under questioning, Amanda and Raffaele admitted smoking hashish that night, and it was not the first time for either one of them. While certain substances—alcohol being prime among them—do lower inhibitions, they do not make you a different person or prone to committing violent acts that you wouldn’t do while sober or straight.**

True, a person who commits vehicular manslaughter while driving under the influence would likely not have done so if he had not been drinking. But that is a question of diminished capability, not altered intent. This individual simply couldn’t drive as well. The crime had nothing to do with transforming his character or choices.

**That’s one aspect of profiling. Now let’s look at another as it applies here. What elements of the crime, the forensic evidence, the statements of the witnesses or anything else led Giuliano Mignini to conclude this murder was satanic or orgiastic in nature, or that**



**Amanda Knox and Raffaele Sollecito had anything to do with it? Where are the clues? Where are the behavioral indicators? I've studied this case quite closely and I just don't see any.**

Aside from the fact, as we've noted, that satanically motivated murders by sane people are essentially nonexistent, the kind of group cause homicide Mignini had conceived was almost as unlikely. Gangbang-style rapes are not uncommon, though they seldom involve another woman. This had all the hallmarks of a break-in/ robbery/sexual assault/murder scenario, which is also unfortunately not uncommon. But sadistic or power-excitation rapists don't welcome watchers; it spoils the sense of control, and it is just too easy to be ratted out afterward. **Unless DNA or other strong forensic evidence turned up to the contrary, there was nothing about this scene to indicate more than one assailant.**

By this point, both the Italian and British media had picked up the story. The once-venerable London Times ran the headline: MEREDITH KILLED AFTER REFUSING ORGY, and that was one of the tamer ones.

**The beautiful, mercurial Amanda was a defendant almost too good to be true. This was a classic archetypal morality play: Virtue against evil; the good girl against the bad girl.** What could have possessed this sultry temptress to kill her equally lovely friend, enlisting the help of her sexy Italian boyfriend and black African boss, even though Patrick had a young, beautiful wife at home? Oh, the powers of seduction this American must have!

**Reporters had already picked up on her Foxy Knoxy moniker, presumably through her Facebook page or similar source. What they didn't mention was that Amanda had picked up the nickname years before as a preteen for her elusive moves on the soccer field.** But it fit in so well with the seduction narrative and balanced so perfectly with the well-scrubbed, all-American "girl next door" image (Which is she?!) that it seemed like another gift from the gods of media. As with Ramsey, the tale they wove was simply a better story than the one that made sense. And as with Ramsey, the mainstream media shamefully took to parroting the sensationalistic tabloids, giving their lurid accounts validity.

The clue to the real Amanda actually lay in her voluminous diaries. As Nina Burleigh stated in her book *The Fatal Gift of Beauty*: For most of her life, Amanda explained herself to herself in her scribbled pages. She didn't spend much time looking for answers in front of the mirror. By that we mean her introspection was based on her mind and what she was pondering, rather than trading on her looks or appearance.

**As far as the press and local observers were concerned, though, she couldn't do anything right. A couple of days after the murder and shortly before she and Raffaele were arrested on November 6, she was observed in a local clothing store called Bubble sorting through a table display of panties with him. Raffaele was reported to have said to her, "We go home and have hot sex."** ("Hot" in Italian had the connotation of wild, rough or kinky.) Let us stress reported because the salesman who sold the anecdote to a British tabloid did not speak English, so in reality had no idea what they actually said to each other.

Whatever their intentions for the afternoon, the fact was, she had not been allowed back into the house and had run out of clean underwear. She paid for the purchase herself; and instead of jumping into bed, they ate lunch and then met with Amanda's two Italian flatmates. But prosecutors were so taken with this lingerie outing that they had the Bubble manager testify at the trial.

**They also made a great to-do and feigned prudish shock over the vibrator Amanda supposedly kept in plain view in the bathroom she shared with Meredith. Obviously, this girl was sexually insatiable.** What they did not say was that it was two inches long and in the shape of a pink bunny. It had been given to her as a going-away joke by her best friend, Brett Lither, and was kept, unused, in a container with the rest of her toiletries.

Throughout the ordeal, Patrick Lumumba maintained his alibi that he had been at Le Chic the entire evening; and because it wasn't busy, he had been talking to a visiting Swiss professor there for several hours. On November 11, a teacher from Zurich confirmed the story. It looked as if the police case was falling apart.

But then they caught a break. Actually, it was the first real break of the case.

On November 16, forensic police in Rome scored a match on fingerprints lifted in Meredith's bedroom. They belonged to Rudy Guede, a twenty-year-old Ivory Coast native who had been living in Perugia since he was five. His father, Roger, a construction worker, abruptly decided to move back to the Ivory Coast when Rudy was sixteen. But Rudy got lucky. A wealthy local businessman named Paolo Caporali, who had met him playing basketball on a court the family had built, took him in and informally adopted him. Paolo had tried to give him every advantage and a stake in life, finding him jobs, introducing him to the right people, and encouraging him to study and better himself. When Rudy dropped out of hotel management school, Paolo found him another job. When he couldn't or wouldn't keep it, Paolo finally threw up his hands. All Rudy wanted to do was hang out at bars, play basketball and video games, and chase girls.

What cracked the case was that all immigrants in Italy were fingerprinted, so Rudy's prints were available.

Rudy, on the other hand, was not. He was a known habitué of Perugia's bars, disco and club scene; so when friends stopped seeing him, they wondered. He lived in a room near Via della Pergola and had met the women who lived in the house through the men downstairs, with whom he was friendly and with whom he dealt in illicit substances. But he had left or, probably more accurately, fled the city soon after the murder. On November 20, he was arrested for riding without a ticket on a train near Mainz, Germany. Once German police figured out who he was, and what he was wanted for, they extradited him back to Italy.

Authorities took DNA samples from the toothbrush in his room, which they were able to match up with samples in Meredith's body and on toilet paper in the larger bathroom.

That made it extremely awkward for Rudy to deny he'd been at the crime scene. His story was

that he was in the house on the fateful night. He had run into Meredith at a Halloween party the night before; they'd flirted and arranged to meet the next night. He came to the house as planned and they began engaging in consensual sex play. But before the activity reached climax, Rudy suddenly felt the urgent call of nature as a result of kabobs he had eaten earlier in the evening. While he was sitting on the toilet in the larger bathroom and listening to his iPod, a stranger must have broken into the house and attacked Meredith. When he heard the commotion, he got up and rushed to help her. This accounted for the unflushed toilet.

He grappled with a white male stranger, but since he hadn't had time to pull his trousers all the way up, he stumbled and the intruder rushed off. When he saw Meredith covered with blood, he tried to help and comfort her, which explained the bloody towels and why **his DNA was all over the scene**, as well as a shoeprint matching his Nikes. He panicked when he heard a sound downstairs and ran out. He realized that if authorities found him there, they might think he had attacked Meredith. He blamed himself for not having the presence of mind to call an ambulance, but he was in total shock.

**Apparently the shock had worn off sufficiently by 2:00 A.M., when he was seen by several witnesses dancing in a local nightclub.**

**Nowhere in his account did he mention Amanda Knox or Raffaele Sollecito.**

One of the most common defenses in rape cases is that it was not forced, that the victim was actually a partner and only changed her story later. If this victim is dead, however, this complicates the defense. What are you going to say—that after consensual sex, he killed her? So you have to add a third individual to actually perform the murder. For Rudy Guede's story to carry any weight, he would have had to call for help as soon as he saw Meredith's condition.

Given the matchup of fingerprints and DNA samples and the absence of any evidence to support a ritualized or group cause homicide, had I been advising the police I would have said, "Looks like you've got your killer. He had the means, motive and opportunity. How can I help you with his prosecution?"

Of course, that's not the way it actually went down. **The day before Rudy's arrest, Giuliano Mignini bowed to the inevitable and signed an order for Patrick Lumumba's release.** Amanda was thrilled because he was now cleared and she thought it would mean that she and Raffaele would soon be cleared as well. Not only did this not happen, but it signaled the end of her friendship with Patrick. **Eventually he filed a defamation suit against her for naming him as a killer.**

**Mignini didn't let Patrick's release damage his theory of the case. He merely plugged in Rudy to fill Patrick's place.** He even played basketball on the same court where Amanda was supposed to have met up with Patrick. The equation still worked: Amanda Knox plus Raffaele Sollecito plus one black African.

But looked at another way—the correct way, in my professional judgment—the like-for-like

swap of Rudy for Patrick is one of the most compelling pieces of behavioral evidence for Amanda's innocence.

**If the police were right and Rudy was part of a murderous trio, why wouldn't Amanda have named him to begin with? She had an important and friendly relationship with Patrick, who was also helping her support herself. She had no relationship with Rudy and barely knew who he was. Why would she have defamed Patrick to protect Rudy?** Another way of posing the question is: **If her confession was true and it finally came out when it did because she was just so worn-out that she no longer had the energy or wits to lie, why did she mention Patrick rather than Rudy?**

**The answer is: Because the police had already identified Patrick from the text exchange, so he was in her mind and she knew they were interested in him. In her fear and exhaustion, trying to do anything to get the police off her back, he was the only person she could come up with in any context. She didn't know Rudy well enough to even think about using his name.**

Any other scenario makes absolutely no sense, and Giuliano Mignini, Judge Claudia Matteini and the Perugia Police Department should have known that.

It got worse. Late in the evening of November 22, Amanda was taken to see a prison doctor she hadn't met before, who told her he had the results of tests that had been taken in the police station and it looked like she was HIV positive. He told her it could be a mistake and they would conduct another test to be sure, but Amanda was terrified. She wrote in her journal that she was afraid of dying and missing out on marriage, children and her whole life.

**They made her list everyone with whom she'd ever had sex and include the method of birth control, if any. Given the language gulf and her own relative inexperience, she wasn't even sure what they meant by having sex, so she listed seven individuals with whom she'd had some degree of intimacy.** When this information was inevitably leaked to the Italian press, they stated she had had seven lovers in the two months she'd been in Italy.

The next week, they told her the test had not been positive and she was healthy.

**Even considering the rampant incompetence of the Italian forensic personnel in this case, it is nearly impossible to believe that this was a simple mistake. It was an obvious trick to get her to admit private and intimate information about herself that could be used to further the image of her as a sexually manipulative vixen. The sham medical report had nothing to do with Amanda's health. It was a cold-blooded ploy to prejudice opinion against her.**

It took weeks for Italian authorities to release Meredith Kercher's body, and then more time for Arline and John to bring her back home to England. They buried her on December 14, 2007, after a funeral service at her parish church, St. John the Baptist, in Croydon. More than four hundred

mourners attended.

## CHAPTER 30

### LEGAL LIMBO

**Given that they were “flight risks,” as well as apparently highly dangerous individuals who might kill “again,” the court ruled Amanda and Raffaele had to remain in jail pending trial.** Even a subsequent plea from Amanda’s mother, Edda, that Amanda be placed under house arrest in Perugia was denied because Amanda hadn’t shown any remorse for her crime. Sound familiar? **They would have to remain imprisoned, in legal limbo, until the creaky wheels of Italian justice finally rolled around to trying them.**

**Forty-seven days after the murder, police went back to the crime scene to look again for evidence. How anything collected this long after the fact could even be considered evidence is beyond me.** The bra clasp they retrieved was not in the same place on the floor that video of the original crime scene showed it to be. Remember, just as with the kitchen knife: The difference between evidence and garbage is chain of custody.

**I think the reason for this strangely timed evidence hunt is clear. Once the Nike shoeprint was proven to belong to Rudy Guede, the prosecution had nothing to tie Raffaele Sollecito to the scene, and they needed it in a hurry, just as the WM3 prosecution needed the knife from the lake.** Whatever the logic, they found a metal bra clasp, presumably Meredith’s, and brought it to the lab for processing. Subsequent analysis, they said, **revealed a trace amount of Raffaele’s DNA.**

It also revealed the DNA of three other unidentified individuals, but now the prosecution had the “scientific” evidence it was looking for.

Between Edda, her husband Chris Mellas, her ex-husband Curt and their daughter Deanna, Amanda’s family tried to make sure some member was always there in Perugia for her. Her grandmother Liz Huff, Edda’s sister Christina Hagge and Christina’s husband Kevin, Edda’s brother Mick and his wife Janet also spent time in Italy emotionally supporting Amanda. So did Curt’s wife Janet and Amanda’s younger half-sisters Ashley and Delaney. And it wasn’t just family. Amanda’s close friend Madison Paxton spent considerable time in Perugia. The fact that they were allowed visits of only a few hours a week made their lives all the more torturous.

About half a dozen other friends came over to visit her in prison, including David Johnsrud, Jessica Nichols and Andrew Seliber.

Back in Seattle, an important ritual during Amanda’s imprisonment was the weekly telephone call. Each Saturday morning family and friends would gather at Edda and Chris’s house for the

allotted ten-minute conversation during which they'd all try to lift each other's spirits and make Amanda feel as if she still had some connection to back home. There were usually a bunch of people present and sometimes the modest kitchen where the speakerphone was located was packed to overflowing.

**The ordeal was proving not only emotionally harrowing but also financially ruinous. The Knox and Mellas families were going through their collective savings and had mortgaged everything they had, but they were dedicated to bringing their girl home.**

Several people stepped up to help in any way they could. Thomas Lee Wright is a former motion picture executive for such studios as Paramount and Disney who became a prominent film producer and writer. He and his wife had moved to Mercer Island, Washington because they didn't want to raise their daughter and son amidst "all of the Hollywood craziness." Their daughter Sara had been close to Amanda at Seattle Prep, sharing mutual passions for theater, writing and athletics. When Tom heard about the charges against Amanda in Italy, he was distressed but felt it must have been a misunderstanding that "would be cleared up in a matter of days."

"Ten days in was when I realized it was not going to clear up and [Amanda and her family] were in a heap of trouble. So I called Edda and dove in with both feet."

Judge Michael Heavey, whose daughter Shana was another of Amanda's friends at Seattle Prep, partnered with Tom in establishing Friends of Amanda (FOA). They recruited attorney and media commentator Anne Bremner as an advocate for the cause and were joined by Jim Lovering, a retired businessman who became the organization's archivist and Internet wizard. Together they created two websites: "Friendsofamanda.org" would post up-to-date information regarding the case for her supporters and the media. "Amanda-defensefund.org" would be run by the family and accept contributions for her defense. **FOA mobilized a wide array of resources and received hundreds of thousands of hits from around the world. Among other tasks, they eventually collected hundreds of thousands of documents and pieces of evidence.**

As was true with West Memphis and the effort spearheaded by Lorri Davis, Wright, Heavey and Lovering's work demonstrates the Herculean undertaking that any legal defense represents. And this one was complicated by a trial and imprisonment that took place 6,000 miles and nine time zones away.

Despite his media background, Tom made the decision early on that he would not approach the case as a writer or a filmmaker because he didn't want any of his decisions to be clouded by story considerations or the prospect of personal gain. He only wanted to be a friend and felt he needed complete objectivity to be effective. He was the one who brought my old colleague Steve Moore into the case after Steve sent an email to Friends of Amanda volunteering his services. Tom took it upon himself to vet all volunteers carefully to make sure they had competence and no ulterior motives or hidden agenda. **After lunching with Steve near Pepperdine in Malibu, Tom showed him crime scene footage the police had taken. Steve was aghast at the apparent incompetence and cavalier attitude.**

Their influence reached not only far, but high as well. On her way to the airport to attend the 2008 Democratic Convention, **Washington Senator Maria Cantwell stopped off at the Heavey home in West Seattle and met with Edda for more than an hour, pledging to do everything she could. Her support was both public and behind-the-scenes and didn't let up until Amanda was freed.**

Senator Cantwell had searing personal experience that allowed her to empathize with the Mellas and Knox families. In 1977, when she was nineteen, her twenty-one-year-old brother Daniel was charged with the murder of a twenty-six-year-old woman who had rented an apartment from his and Maria's mother. The case went on for three years with three prosecutors, two sets of defense attorneys, two changes of venue and two trials before a jury took only twenty minutes to acquit Daniel. Maria Cantwell knew the devastation a false charge brings to a family.

**Ultimately, along with Cantwell, who remained a vociferous public advocate, personages as diverse as developer Donald Trump and Secretary of State Hillary Clinton would call for justice for Amanda.**

**Everything about the case against Amanda Knox and Raffaele Sollecito was based on supposition, preconceived ideas and questionable testimony.** Near the end of March 2008, as both defendants cooled their heels in Italian prisons awaiting an appeal by the Corte Suprema di Cassazione (Supreme Court of Cassation) in Rome regarding their imprisonment before trial, Rudy Guede asked to speak to Giuliano Mignini. It seemed he had just remembered that the intruder he'd run into the night of the murder was, in fact, Raffaele. He also remembered hearing Amanda's voice.

Rudy gained himself no credibility with his shifting story, but it wasn't enough to get the other two out. **The Italian Supreme Court upheld Mignini's satanic ritual/sex orgy theory and even cited the Nike shoeprint as evidence, even though Rudy later admitted the print was probably his. Raffaele also had a pair of Nikes.**

Amanda spent her twenty-first birthday, July 9, 2008, in Capanne Prison. Her mother was allowed to visit, but not to bring a cake.

## **CHAPTER 30**

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writing and athletics. When Tom heard about the charges against Amanda in Italy, he was distressed but felt it must have been a misunderstanding that “would be cleared up in a matter of days.”

“Ten days in was when I realized it was not going to clear up and [Amanda and her family] were in a heap of trouble. So I called Edda and dove in with both feet.”

Judge Michael Heavey, whose daughter Shana was another of Amanda’s friends at Seattle Prep, partnered with Tom in establishing Friends of Amanda (FOA). They recruited attorney and media commentator Anne Bremner as an advocate for the cause and were joined by Jim Lovering, a retired businessman who became the organization’s archivist and Internet wizard. Together they created two websites: “Friendsofamanda.org” would post up-to-date information regarding the case for her supporters and the media. “Amanda-defensefund.org” would be run by the family and accept contributions for her defense. FOA mobilized a wide array of resources and received hundreds of thousands of hits from around the world. **Among other tasks, they eventually collected hundreds of thousands of documents and pieces of evidence.**

**As was true with West Memphis and the effort spearheaded by Lorri Davis, Wright, Heavey and Lovering’s work demonstrates the Herculean undertaking that any legal defense represents.** And this one was complicated by a trial and imprisonment that took place 6,000 miles and nine time zones away.

Despite his media background, Tom made the decision early on that he would not approach the case as a writer or a filmmaker because he didn’t want any of his decisions to be clouded by story considerations or the prospect of personal gain. He only wanted to be a friend and felt he needed complete objectivity to be effective. He was the one who brought my old colleague Steve Moore into the case after Steve sent an email to Friends of Amanda volunteering his services. Tom took it upon himself to vet all volunteers carefully to make sure they had competence and no ulterior motives or hidden agenda. **After lunching with Steve near Pepperdine in Malibu, Tom showed him crime scene footage the police had taken. Steve was aghast at the apparent incompetence and cavalier attitude.**

Their influence reached not only far, but high as well. On her way to the airport to attend the 2008 Democratic Convention, Washington Senator Maria Cantwell stopped off at the Heavey home in West Seattle and met with Edda for more than an hour, pledging to do everything she could. **Her support was both public and behind-the-scenes and didn’t let up until Amanda was freed.**

Senator Cantwell had searing personal experience that allowed her to empathize with the Mellas and Knox families. In 1977, when she was nineteen, her twenty-one-year-old brother Daniel was charged with the murder of a twenty-six-year-old woman who had rented an apartment from his and Maria’s mother. The case went on for three years with three prosecutors, two sets of defense attorneys, two changes of venue and two trials before a jury took only twenty minutes to acquit Daniel. Maria Cantwell knew the devastation a false charge brings to a family.

**Ultimately, along with Cantwell, who remained a vociferous public advocate, personages as diverse as developer Donald Trump and Secretary of State Hillary Clinton would call for justice for Amanda.**

**Everything about the case against Amanda Knox and Raffaele Sollecito was based on supposition, preconceived ideas and questionable testimony.** Near the end of March 2008, as both defendants cooled their heels in Italian prisons awaiting an appeal by the Corte Suprema di Cassazione (Supreme Court of Cassation) in Rome regarding their imprisonment before trial, Rudy Guede asked to speak to Giuliano Mignini. It seemed he had just remembered that the intruder he'd run into the night of the murder was, in fact, Raffaele. He also remembered hearing Amanda's voice.

Rudy gained himself no credibility with his shifting story, but it wasn't enough to get the other two out. **The Italian Supreme Court upheld Mignini's satanic ritual/sex orgy theory and even cited the Nike shoeprint as evidence, even though Rudy later admitted the print was probably his. Raffaele also had a pair of Nikes.**

Amanda spent her twenty-first birthday, July 9, 2008, in Capanne Prison. Her mother was allowed to visit, but not to bring a cake.

## **CHAPTER 31**

### **TRIAL**

By the time the pretrial motions began on September 19 at the Palace of Justice in Perugia, under Judge Paolo Micheli, the three defendants were among the most famous people in Italy. Amanda's fame and infamy had long since spread to England, and she was being covered seriously by the American media as well.

The key to the fascination, I think, was similar to what I had seen in the Ramsey case and was wrapped up in the presumption that she was guilty. First of all, why would Italian authorities arrest her and put her in jail awaiting charges and trial if she were just an innocent little American schoolgirl? Some of the papers had taken to calling her "Angel Face" and both "Luciferina" and "Bambi." **What made her fascinating was the existential human mystery of why someone that lovely would kill another girl who was supposed to be her friend, and how she had deployed her sexual wiles to get two men to go along with her.**

**To counter this image, the Knox-Mellas family hired a crisis management consultant at a public relations firm, further impoverishing themselves. And, of course, they were roundly criticized for it by various members of the media for trying to manage the news, which has the same fatuous logic as saying if someone needs a lawyer to defend him, he must actually be guilty.**

Still, the prosecution team continued to promote the story that far from being friends, the two girls didn't get along because Amanda was a deadbeat on the rent and didn't do her share of the housework, even though neither assertion was ever verified, and neither is exactly a common motive for murder.

**This supposed animosity between Meredith and Amanda could have been disputed effectively were it not for another of the mistakes by officials in the case. While examining the computers belonging to both young women, police managed to destroy both hard drives, which obliterated some key material on Amanda's laptop. Specifically, there were dozens of digital photos of Meredith and Amanda hanging out and having fun together and numerous emails between the two that would have testified to their blossoming friendship. Whether this was an act of deliberation or ineptitude, we cannot say, but either way, it removed a troublesome impediment to Mignini's theory of ongoing tension between the two flatmates.**

At the hearing, Rudy's lawyers asked that his case be separated from the other two and that he be given an abbreviated, fast-track trial, which was his right in Italy. **They said he didn't want to be tarnished by the evidence against Amanda and Raffaele.** Defendants who go this route often receive reduced sentences for saving authorities the trouble of a drawn-out legal affair.

**When Amanda finally got a chance to speak, she described the terror of the police station and tried to explain why she had named Patrick. "Meredith was my friend, and I had no reason to kill her," she stated. "I am innocent. I wasn't in the house that night. If I said the opposite before, it was because I was forced to do so because the police pressured me."**

Since Italian courts only sit about two days a week and take breaks for all sorts of things, the pretrial procedures lasted nearly two months. On October 27, Judge Micheli announced that Rudy Guede had been found guilty of murder in his fast-track trial and was being sentenced to thirty years in prison and payment of several million euro to Meredith's family. Amanda and Raffaele would be tried for murder, sexual assault and theft, among other charges.

The trial of Amanda Knox and Raffaele Sollecito began on January 16, 2009, at the Perugia Corte d'Assise. Judge Giancarlo Massei presided, assisted by Deputy Judge Beatrice Cristiani and six lay judges, all of whom would decide the defendants' fate. That is the trial system in Italy.

**Coverage of the case had gone global and there were media representatives from all over the world. Fashion commentators critiqued Amanda's daily outfit and appearance. The apparent rise or fall of her weight was of keen interest.**

Joining Giuliano Mignini in the prosecution was Manuela Comodi. They called the already-convicted Rudy Guede once during the trial, but he exercised his right to remain silent and so was sent back to prison.

**Ironically—or maybe not—Giuliano Mignini had to go back to Florence from time to time**

**for his own trial on charges of intimidating witnesses and illegally tapping phones of journalists and police officers in the notorious “Monster of Florence” case.** That series of crimes, in which sixteen young lovers were killed with the same gun in the foothills outside of Florence between the late 1960s and mid 1980s, became a national psychodrama in Italy. Though a number of suspects have been identified, charged and convicted over the years, many feel the case remains largely unsolved. Mignini reopened the case in 2002, claiming, according to ABC News, that “the murders were the work of a satanic sect, dating back to the Middle Ages, that needed female body parts for their Black Masses, to serve as the blasphemous wafer.”

This would all be comical if it wasn’t so deadly serious.

**I wondered whether Mignini’s relentless prosecution of Amanda and Raffaele was essentially a face-saving scenario to detract attention from the charges against him having to do with the Monster of Florence. If he could bring in convictions in another case to which the whole world was riveted, perhaps the disgrace in the former case wouldn’t stick.**

As witness after witness appeared over the course of weeks, the questionable facts, character innuendos and specious theories were paraded before the judges. Again, the issue of the timing of the first call to the Carabinieri arose; but the Postal Police could not pinpoint the time of their arrival, so it was their word against the defendants’ on when the call was made.

Several witnesses claimed to have seen Amanda Knox and/or Raffaele Sollecito outside the house at critical times, but these witnesses came across as confused and mistaken. **One woman who the prosecution hoped would pinpoint the time of death by her report of an earsplitting scream turned out to be hard of hearing and mentally ill to the point of needing hospitalization. Another eyewitness, a homeless man who had conveniently testified for the prosecution in two other serious crimes, turned out to be a heroin addict and couldn’t even get the date straight.**

Paola Grande, Filomena’s friend who had come to the house with her on the day Meredith’s body was discovered, testified that, indeed, Amanda was upset and did cry. The next day, Filomena Romanelli herself got on the stand, confirmed Amanda’s tears and stated that the American and British girls were friends and had gotten along fine. And Amanda was not a deadbeat; she always paid her rent on time.

**The prosecution was able to squeeze out a few complaints that they claimed the three flatmates shared about the American girl. The bill of particulars included: not doing enough of the housework, not always cleaning the toilet, playing the same song frequently and monotonously on Laura’s guitar, doing yoga exercises at odd times and in inappropriate situations, and generally being “too outgoing.”**

These may be the kinds of annoyances an attentive mother might scold you for, but they are not the sort of issues that lead to murder in otherwise rational people.

**Giuliano Mignini put several of Meredith Kercher’s English girlfriends in Perugia on the**

**stand, hoping they would reveal a huge rift between the two flatmates. But most of their testimony was bland, and the worst they could come up with were a few petty complaints they thought Meredith might have had.** The ones who were with Meredith on Halloween actually helped Amanda's case by saying they had seen no sign of Rudy that night, and he did not flirt with Meredith and make a plan to see her the next evening.

**Whatever negative things the British girls had to say about Amanda were in marked contrast to what they had—or, more accurately, hadn't—said about her prearrest—namely, that Meredith had grown to dislike her.**

**The prosecution rested in June, having heaped theory upon theory; but if one studies the transcript and reports, they had proven absolutely nothing. Not a single witness or piece of forensic evidence could put Amanda Knox anywhere near the scene of the crime.**

**On June 12, Amanda took the stand in her own defense, straining to make herself understood in her imperfect Italian. All of the opposing lawyers got a chance to get their licks in on her, but her story remained consistent. At one point, she explained that during the long night of questioning, interrogators told her they already had the other suspect in custody and all she had to do was mention his name. When she couldn't, they hit her and called her stupid. Then they told her that giving them an account of what had happened was the only way she could avoid spending thirty years in prison.**

When a friend from Seattle came to testify as a character witness for Amanda, he was questioned about her sex life in Seattle, about which he knew nothing. **Then, to show how wild and uncontrollable she was, the prosecutors produced the record of a citation she'd been given when a party at a house she and some roommates had rented near the University of Washington campus had gotten out of hand and a neighbor had called the police complaining about the noise and some participants allegedly throwing rocks at cars.** It was actually a moving-out party the housemates had collectively hosted.

We have examined the actual citation—Amanda's only prior brush with the law. In form it looks like a typical parking ticket, and in the incident description, the officer states that he did not see any damage and that Amanda came outside and presented herself as one of the residents, which is why she was the one listed on the citation. She apologized for the noise and said she knew nothing about any rock throwing. To me, this shows her sense of responsibility. She easily could have ducked the officer and let someone else take the rap. The punishment consisted of a \$269 fine that all of the housemates shared and a warning that rock throwing was "dangerous and juvenile," which Amanda accepted on behalf of the actual offenders.

**These petty grievances are part of a clear and subversive pattern. Mignini and his team had nothing substantive against Amanda, so they threw in anything they could think of to convince the judges and the public what a bad girl she was, and therefore how evil and capable of violent murder.**

Mark and I have spoken with many people around Amanda. It became clear to us that the

Amanda Knox the prosecution and the media described did not exist in real life. She was a creation designed to serve their very specific needs and purposes.

Teachers and fellow students at Seattle Prep described Amanda with terms such as “bright,” “sweet” and “kind.” One teacher noted that in history class debates, she would always take the side of the smallest country.

In both academics and athletics, one teacher said, “she was a brilliant example of determination. She kept working at something until she could do it well.” In a Seattle Prep production of Annie Tom Wright’s daughter Sara had the lead role and Amanda was one of the orphans. It was directed by John Lange, one of Amanda’s favorite teachers and a close friend to this day. As Tom recalled, she decided she was going to do multiple backflips as part of the dance routine, but in every rehearsal kept landing on her bottom. By the first scheduled performance she still hadn’t completed the routine successfully but was determined to keep trying.

“On opening night, for the first time she nailed it,” Tom reported, “and all of the other orphans just stopped and broke into spontaneous cheering.”

**Despite the defense’s success in portraying Rudy as a habitual crook with several breaking-and-entering and theft charges, as well as his previous use of a knife in some of his crimes, Mignini forged on with his narrative that was supported by nothing other than his own supposition. He created an elaborate fifteen-minute video presentation, reported to have cost more than \$200,000, taking the jurors visually through the crime, with identifiable animated avatars representating Rudy, Raffaele and Amanda.** Intercut with this “recreation” were graphic crime scene photographs. There was nothing to back up anything the video purported, but this piece of imaginary fiction helped seal the relationship between the defendants and the horrific murder in the jurors’ minds.

**On October 9, after a long summer recess, Judge Massei announced there was no need to appoint independent experts, as was common for disputed evidence or testimony in Italian trials, declaring, “We have all the evidence we need.”**

Before that, John Kercher suffered a stroke that sent him to the hospital for several days, with severe dizziness and double vision for weeks afterward. He did not know whether stress from the murder and the trial was the cause, but I have seen many families so afflicted in the aftermath of a murder. Facing up to such a horror requires everything you have to give, and more. While I don’t believe that stress causes illness, it certainly capitalizes on the body’s weaknesses. My heart goes out to the entire Kercher family and always will.

**As had occurred years after the conviction in the West Memphis case, a group of American scientists met in Las Vegas while the trial was ongoing and declared that the DNA evidence from the knife and bra clasp were useless and should have no bearing on the case.**

**They put their finding succinctly in writing and made them public: The DNA testing results described above could have been obtained even if no crime had occurred. As such,**

**they do not constitute credible evidence that linked Amanda Knox and Raffaele Sollecito to the murder of Meredith Kercher.**

**The trial lasted eleven months and heard 140 witnesses. On November 20, 2009, Giuliano Mignini rose to give his closing argument. It went on for eight hours during which he repeated his story about the orgy, even though neither Luca Lalli nor any other expert could show evidence of a sexual attack.** Even Rudy Guede's DNA found in Meredith turned out to be particles of skin cells rather than semen.

**Mignini's entire argument was an exercise in speculation, and not even informed speculation.** He merely told a story of Amanda meeting Rudy by chance, making a plan to go back to her house and going to get Raffaele. They confronted Meredith; the two women had it out; then they attacked her with knives.

The jury of judges and laymen deliberated for twelve hours, finally announcing its verdict on December 4, 2009. Both defendants were guilty. Amanda Knox, the ringleader, was sentenced to twenty-six years in prison; Raffaele Sollecito to twenty-five. In addition, she had to pay a multi-million euro judgment to the Kercher family and another fifty thousand to Patrick for defamation. Amanda sobbed. Raffaele said nothing. Giuliano Mignini's only regret, he said, was that the defendants weren't given life sentences.

Amanda and Raffaele's families were stunned and appalled. The still-shell-shocked but always-dignified Kercher family merely said they would have to accept the evidence and the verdict. Meredith's brother Lyle said, "We are pleased with the decision, but this is not a time for celebration. It's not a moment of triumph. We got here because our sister was brutally murdered."

**According to the 427-page report written by the judges, they and the six jurors did not believe Mignini's assertion that Meredith's murder was planned or the result of animosity between her and Amanda, but they did believe that Amanda and Rudy played a significant role in her death.**

**The "most plausible hypothesis," they asserted, held that Rudy went to the house, and was let in by Amanda and Raffaele despite the likelihood that they were in Amanda's bedroom having sex at the time. Once admitted (Amanda knew him only vaguely and Raffaele not at all) Rudy came on to Meredith, who refused him. For some reason, Amanda and Raffaele, who were there, came into the bedroom and helped Rudy have his way with Meredith rather than defend her. From there, things got out of control, resulting in Raffaele attacking her with his pocket knife, causing her to scream, which, in turn, caused Amanda to stab her repeatedly with Raffaele's kitchen knife:**

The motive is therefore of erotic sexual violent nature, which, originating from Rudy's choice of evil, found its active collaboration from Amanda Knox and Raffaele Sollecito. This is a translation, by way of CNN, but you get the general idea.

Like all of the government's other hypotheses, this one makes no sense. There was no premeditation, according to the judges; yet they did accept that the kitchen knife on exhibit was the principal murder weapon. In other words, Amanda brought a large kitchen knife from Raffaele's kitchen, but with no nefarious purpose in mind. Was she intent on cooking that night and liked her boyfriend's knife better than her flatmates'? Was she slicing chicken or dicing vegetables when she heard Rudy trying to rape her girlfriend and, already holding the knife, just decided to join in the fun? And, after all that, did she wash it off, bring it back to Raffaele's place and put it back in the knife drawer, where the police found it?

**I have never seen a judge's ruling so bizarre or nonsensical. It defies reason that it could have been conceived and written by an adult with any logical capacity whatsoever, much less an experienced jurist.** To think that these two young people would be sentenced to spend a quarter of a century each in prison based on such a flight of fantasy is nothing less than sickening.

**Violent crimes aren't that elaborate or far-fetched. Never. A few basic things happen that lead to tragedy. Convolved, counterintuitive scenarios are what happen in fiction. Given a certain set of evidence, which is a more coherent narrative—one of the explanations the prosecution or judges bought into, or that a local disco guy without a job, with a history of burglary and drugs, broke into a house he already knew, stole money, found one of the women residents home, began to sexually assault her, panicked and killed her, then escaped?**

**That scenario is clear-cut and logical: Rudy needed money. He went to the house on Via della Pergola, didn't see any signs of habitation, so he broke a window with a rock and climbed up and in Filomena's room.** He was a lithe, athletic basketball player so this was hardly the feat of herculean skill the police and prosecutors seemed to think. It was the beginning of the month so it was likely rent money would be lying around. But first, as he had done on other occasions—past behavior predicts future behavior—he helped himself to food in the kitchen. His DNA bears this out. He then had to use the bathroom, and was probably surprised when he heard someone enter the house. This explains the toilet not being flushed; either he rushed out suddenly to see who it was or didn't want to alert the other person that she was not alone.

**He then had to neutralize the other person, who turned out to be Meredith. It could have been any of the four women—the scenario and outcome would have been the same.**

**It is clear from the crime scene that Meredith did not submit meekly. There is blood all over the place, which indicates she bravely fought like hell. Once she was rendered helpless, he could have had his sexual way with her, or even masturbated on or over her body as she was dying. The scene also tells me that he didn't even leave right away then. He probably continued to look around for anything he might want to take, and threw the blanket haphazardly over her body so he wouldn't have to look at her and confront what he had done.**



**He was sophisticated enough to lock Meredith's bedroom door, delaying discovery of the body.**

**He went home through a circuitous route so as not to be spotted, and along the way ditched the two mobile phones he had stolen.** When he got to his room he cleaned up and changed clothes. Anyone involved with this scene would have been covered with blood. Perhaps he even broke into the downstairs and took clothing belonging to one of the men. Then from home, he went out to the clubs to dance the night away.

This action has two overlapping interpretations. First, he was so morally unconcerned with the murder that it didn't stop him from having a good time. Second, he needed to establish an alibi. He would have figured that the exact time of death would be difficult to establish, so if he were seen by the club habitués, it would seem that he had been there all evening. But even this goes back to the first interpretation—you have to be a pretty cold and conscienceless individual to pull this off.

**Why jump through logical hoops with Amanda and Raffaele when this scenario is so coherent?** As a profiler, I applied the same questions to this case as I had to the Ramseys'. We have to ask ourselves: What would turn an ordinary, happy day into a murder? What occurred on Christmas Day, after exchanging gifts, having dinner with friends and anticipating a Disney cruise, to make either of JonBenét's parents kill her? Nothing!

**Likewise, what went on the day after Halloween to cause happy, bubbly, often goofy and recently-in-love Amanda to grab a kitchen knife and stab it repeatedly through her girlfriend's throat? Again: Nothing!**

## **CHAPTER 32**

### **APPEAL**

**Less than a month after the verdict, Rudy Guede's sentence was cut from thirty to twenty-four years on appeal, then to sixteen and then fourteen. It was explained that he was the only one of the three defendants to offer an apology to the Kercher family.** It wasn't, however, for killing their daughter, which he never admitted. It was for failing to rescue her.

**Or was the reduction of sentence a proactive technique—an incentive to keep him from saying anything damaging to the prosecution's case against Amanda and Raffaele?**

This is a law enforcement establishment that handed out numerous commendation awards for excellence in the Kercher murder investigation; another proactive technique.

**Of all the amazing things about this case, the most amazing of all is that, like the West Memphis Three, it got to trial at all. The authorities had the real killer as soon as they**

**apprehended Rudy Guede and they should have known it. It was not a difficult case to analyze or figure out. On top of everything else, his DNA was all over the crime scene.**

**How, in the name of all that is rational, could Amanda and Raffaele have participated in this satanic orgy of sex and murder Mignini so imaginatively described and yet not leave any of their own DNA on the scene?**

**Mignini said they cleaned it up, and used the recently purchased container of bleach at Raffaele's apartment as proof.**

**So tell me, Mr. Public Minister Mignini, how do two unsophisticated kids who've never gotten into serious trouble in their lives suddenly figure out how to erase every bit of their own invisible DNA from the crime scene, yet manage to leave gobs of Rudy's? If you would answer this question, Mr. Public Minister, I would be mightily impressed, because I've worked with some of the best crime scene investigators in the world and none of them know how to do it.**

Had you gotten to Rudy first, maybe it would have been different. As scary and threatening as Amanda was to you and all you believed in, you still might have left her and her boyfriend out of it if you could have. **You had your real killer. His story made no sense at all and was disprovable at practically every turn. But by the time Rudy turned up, it was too late; you'd already proclaimed that an American girl, an Italian boy and a black African had committed the murder. To back down at that point would have been embarrassing and would have destroyed your precious theory of the case.**

What you did so successfully during the trial was get the jury to do the same thing you made Amanda do during her long night of interrogation: imagine what might have happened at Via della Pergola 7 that horrible night.

**You were willing to ruin two lives and mislead a grieving family for the sake of your own honor and ego. But let's be honest. It wasn't just you. There is plenty of responsibility and blame to go around.**

**On January 22, 2010, Mignini was convicted of abuse of office in relation to his Monster of Florence investigation. He was sentenced to sixteen months in prison, all of it suspended.**

By this point, negative reactions to the verdict were popping up all over the world. The case was giving Italian justice a black eye. In a major public relations pushback in July, forty-three officers involved in the investigation of the Kercher murder were given meritorious service awards.

**As the appeal drew near, Steve Moore decided to find out what he could about Amanda on a personal level to see if there was any validity to the wild and wanton portrait Mignini had painted.**

On September 12, he went to the Knox family residence and conducted an interview with

Amanda's sister Deanna, then twenty-one, and Amanda's best friend, Brett Lither, then twenty-three. He was not expecting them to be objective or unbiased, but he wanted to get insight into her background. Steve is a good and experienced investigator, so he knows how to ask the right questions and how to interpret the responses. He shared the results with me with the family's knowledge, but he purposely did not ask for their permission or consent.

From the time she was small, according to Deanna and Brett, Amanda was known to "stick up for forgotten people." Brett gave examples of how Amanda would be nice and supportive to her even when she felt she was being unpleasant or feeling depressed. So many friends seemed completely devoted to her.

Was she a pure, snow-white virgin? Hardly. Was she a high-spirited girl looking for romantic adventure in Italy? Certainly. **But as to the suggestion that Amanda was a manipulative, sexually charged vixen, both women just laughed. They said she was "dopey" and "inexperienced," and so naive about boys that she didn't even get it when one of them was hitting on her. When they saw the list of her seven sexual partners, they said of the five they knew, all were "geeky young white virginal boys" and questioned whether she'd gone "all the way" with each of them.** The way they knew her, they confirmed that if she was told to list her previous partners, she was so cautious and obedient that she would include anyone with whom she'd had any sort of intimate contact. Her sex life, they said, was "plain vanilla."

At a barbecue at the Knoxes' house, Steve conducted another discussion with eight of Amanda's other friends, both boys and girls. The portrait that emerged was similar.

The important point here is not the specifics of what Deanna or any of Amanda's friends revealed, but the general image. None of these kids was sophisticated enough to fool or mislead Steve, who had interviewed al Qaeda terrorists. **He confirmed my impression that the Amanda Knox created by Giuliano Mignini was a myth.**

**Two weeks after these conversations, on September 28, 2010, Pepperdine University fired Steve after he refused repeated directives to drop the case and stop speaking out in support of Amanda.** Previously they had offered him \$25,000 if he would resign and sign an agreement never to discuss why he was leaving the institution. He refused this offer as well. So when they fired him, the story at the time was that administrators felt his advocacy was making things awkward for the university's program in Florence. I hate to see men or women lose their jobs for what they believe in, but I certainly respect the integrity behind it.

**Would Amanda's plight have attracted so much attention and support had she not been a beautiful American girl? Probably not. On the other hand, were she not a beautiful American girl, it's doubtful she would have been charged at all. As it was, she had to be neutralized and punished for her perceived power to charm men into murder. In an earlier age, one suspects, the high priests of Perugia would have known what to do with her.**

**The Knox-Sollecito appeal began in November 2010 under Judges Claudio Pratillo Hellmann and Massimo Zanetti. They appointed two forensic experts from Sapienza**

**University in Rome, Stefano Conti and Carla Vecchiotti, to review the collection and analysis of the DNA evidence.**

**Like just about everything else in Italian justice, the trial dragged on for months through sporadic court sessions.** Meanwhile, Amanda and Raffaele remained in prison.

For the January 2011 issue of Maxim, the magazine did a profile on me, relating my FBI experience and describing how I now consulted with police departments and legal teams. The article mentioned that I was working to clear both the West Memphis Three and Amanda Knox.

“In both cases—West Memphis and Knox,” I was quoted, “the police allowed theory rather than evidence to direct their investigations, and that is always a fatal error.”

**This attracted the attention of Il Messaggero, the national newspaper that is the most widely read daily publication in Rome and Central Italy.** Editor Paolo Graldi assigned Krista Errickson, an American writer with extensive international journalistic experience, to interview me. She was assisted by Italian journalist Gianmaria Giulini. Krista contacted me and I agreed to talk to her.

Of the more than five thousand cases I’ve worked on, she asked, how many of these had been international? About 250, I replied—mostly in Canada, England, Australia, Germany and South America.

After probing my background, experience and investigative techniques, she asked for my conclusion on the Knox-Sollecito case, the one the paper’s readers would be most interested in. I answered her:

**“From the profiles I created, none of the behavioral or forensic evidence leads to Amanda and Raffaele. There is no history or experience related to violence in their backgrounds. Guede has the history; he was an experienced criminal, he had the motive, and all evidence points to him. The crime scene does not indicate the presence of three individuals in the room where Meredith was murdered. Behavior reflects personality. And that behavior fits only Rudy Guede.”**

The article concluded with me saying: “I know Meredith’s family wants this nightmare to end. But they have the person that killed their daughter: It is Guede. Only Guede.”

Apparently, this was not what the paper wanted. Krista “was ordered to fall in line” by Graldi and come up with a version more to their taste, which would result in undercutting everything I said. **There were admonitions added to the effect that I didn’t have the real evidence and there is “no legal recognition of [my] profession [in] Italy.”**

If she didn’t agree to do this, the article would run with an editorial response tacked onto the end by Messaggero’s legal expert Massimo Martinelli, who, according to Graldi, had been on the Knox case “since the beginning.” The Martinelli response was six paragraphs, characterized by

commentary such as this (in translation):

We have an interview of such that would be seen as interference, seemingly humble, in respect to the work of the investigators, and the prosecution's theory: in reality, the entire prosecution is swept away with one stroke, and without many issues, in personal opinions of Douglas.

Graldi's note to her included the warning (translated): So unless you will edit the article to an acceptable form, Martinelli and I cannot bring ourselves to accept the interview in this form, because it would only cause problems.

Krista was appalled and refused to have it published this way. She called me and said, "John, I want to pull the article. I don't want to do this to you, but I'll leave it up to you." I asked her to send me a translation of the proposed new version; when I read it, I agreed completely.

"Pull it!" I said; and I told her to warn the publisher that if they published it in that form, I would sue them.

She then sent a long e-mail to my attorney, Steve Mark, explaining why it would not run, along with "Before" and "After" versions. She recounted:

This was an assignment, requested by the editor and publisher of *Il Messaggero*. . . . It seems what John had to say is not what they expected to hear. Again, I deeply regret this outcome. I spent three days in a complete daze. I felt as if I had been hit by a bus. Paolo Graldi, the editor, is someone I have worked with, and moreover, has been a very close personal friend for over 17 years. This shook my faith to its very foundations. After a 2 hour phone argument with Graldi, the last thing he said to me was, "This article, as you wrote it—is too dangerous for Italy."

I admired Krista's integrity. Not only did she refuse to recast the article, she resigned from *Il Messaggero* after twenty years as a contributing political writer.

Fortunately, some other people also considered the truth above all else. Appearing in court on July 25, 2011, scientists Stefano Conti and Carla Vecchiotti demolished the prosecution's assertions and singled out its lead forensic examiner, Patrizia Stefanoni, for gross negligence in the handling, processing and interpretation of the evidence.

**The month before, Greg Hampikian, a DNA expert, professor at Boise State University and the founder and director of the Idaho Innocence Project, announced, according to the Idaho Statesman, that "the prosecutors drew the wrong conclusions from that evidence, twisting it to fit their preconceived theory of Knox's guilt."**

**"I looked at the data," Hampikian said, "and it was just horrible."**

**He even staged an experiment that replicated his theory of DNA transfer in the case. Using techniques identical to how the knife DNA sample was collected, he got DNA from another researcher's soda can to show up on a clean knife the researcher had never touched.**

In her closing statement, given in Italian, Amanda told the judges, “People always ask, ‘Who is Amanda Knox?’ I am the same person I was four years ago. The only thing that now separates me from four years ago is my suffering. In four years, I’ve lost my friend in the most terrible and unexplainable way. My trust in the authorities and the police has been damaged. I had to face charges that were totally unfair, without any basis. And I am paying with my life for something I haven’t done.”

On October 3, 2011—nearly a year after the procedure began and four years since Amanda and Raffaele had been locked up—the appeals court overturned the convictions, stating in their opinion that the original verdict “was not corroborated by any objective element of evidence.” They described the interrogation sessions of Amanda as of “obsessive duration” and acknowledged that the account she gave was due not to fact but “great psychological pressure.”

The Kercher family released a statement:

We respect the decision of the judges but we do not understand how the decision of the first trial could be so radically overturned. We still trust the Italian judicial system and hope that the truth will eventually emerge.

**Amanda and her family left Italy the next day.**

**At long last, justice was served.**