INTRODUCTION

This is a criticism of the final judicial motivation report in the case of the murder of Meredith Kercher. The Italian Supreme Court Fifth Section proceedings for this case were principally presided by Judges Dr. Gennaro Marasca and Dr. Paolo Bruno, with Dr. Bruno being the principal author of the motivation report. The report was issued in October 2015, following their sentence issued in March 2015.

In Italy, courts are required to issue motivation reports to illustrate their reasoning behind the rulings of cases. This is true for civil and penal proceedings, and for all levels of judicial proceedings (preliminary, first instance, appeal, and finally confirmation of sentences by the Italian Supreme Court.)

The Marasca & Bruno court and report did not find Amanda Knox and Raffaele Sollecito innocent of the murder. The court found the two defendants not guilty for apparent and/or contradictory lack of evidence. This criticism intends to show how this motivation report is deeply flawed throughout, representing a complete travesty of justice in this particular case.

Premise: I am architect by profession and have no judicial background, much less background in Italian judiciary. So I cannot adequately evaluate the relevance of the particular Supreme Court decisions cited as reference in this report. Instead my critique is based on knowledge of the case, primarily from reading case-related documents available online at:

http://themurderofmeredithkercher.com/Main_Page

The file library section at this website contains public record documents about the case and provides interesting material for anyone wanting to learn a little of jurisprudence, police procedure, forensic investigation, etc. My hope is to shed some light on why this decision represents a travesty of justice and why I believe the Italian Consiglio Superiore della Magistratura needs to review this verdict and correct this grave error that will otherwise be a terrible stain on the Italian justice system.

A brief listing of this motivation report's more salient flaws:

a) Failure to consider the complete judicial context
b) Failure to remain within the scope established by the previous Italian Supreme Court First Section ruling which annulled the first appeal sentence by Knox and Sollecito
c) Failure to stay consistent within the scope it determined for itself
d) Failure to consider the appeal by the prosecution and civil parties
e) Failure to adequately judge the reasoning of the Firenze Appeal Court Motivation Report
f) Failure to consider all the points considered in the Firenze Appeal Court Motivation Report
g) Failure to consider all the known evidence.
h) Failure in its own reasoning which is frequently marked by internal contradictions
i) Establishing erroneous criteria of evidence validity
j) Incorrect evaluation of science, scientific guidelines and protocols in forensic science

One will find these reasons noted throughout my detailed criticism of the report. In order to better understand the above flaws, here is a brief case history and its context.

CASE HISTORY

On Friday, November 2nd, 2007, Meredith Kercher, an Erasmus Program student from Leeds, UK, was found murdered in a bedroom she was renting in a cottage just outside the historic center of Perugia, Italy. She was found murdered by her other two roommates (Knox and Romanelli), and friend of Romanell's (Grande) and their respective boyfriends (Sollecito, Zaroli and Altieri). Also present were two officers of the Italian Postal Police. They had arrived at the cottage for entirely different reason: one of Ms. Kercher's phones had been found a couple of hours earlier the garden of a villa about a kilometer from the cottage. The mother of the family brought the phone to the Postal Police office to file a report.

Italy has many police branches, including the Polizia Municipale, the Polizia di Stato, the Guardia di Finanza, the Carabinieri, etc. The Polizia di Stato has many specialized divisions: Polizia Stradale; Polizia Ferroviaria; Polizia Scientifica; Reparti Mobili; Polizia Postale e delle Comunicazioni, etc.
https://en.wikipedia.org/wiki/Law_enforcement_in_Italy
https://en.wikipedia.org/wiki/Polizia_di_Stato

Upon finding Ms. Kercher the Postal Police sealed off the room and called the Perugian Squadre Mobili, the local Carabinieri forces and the Prosecutor on duty. The Perugian Polizia di Stato have a Scientific Police department, but they also called in the better equipped Scientific Police from Rome to do the forensic investigations, given the gravity of the crime.

Late that night, in the early hours of the following morning, after forensic investigations had proceeded in Ms. Kercher's bedroom, the Prosecutor consented to the Coroner checking the victim and removing her from the premises. Police forces continued their investigations at the cottage until Monday November 5th, though they also returned November 6th, 7th and many times afterwards.

The afternoon and evening of November 2nd, police interviewed 20-25 people, including Knox and Sollecito. Police interviews continued on Saturday, Sunday and Monday. Ultimately about 50 depositions were made by the police between November 2nd and November 5th, with some people being interviewed multiple times.

On Sunday, November 4th, at around 3:30 in the morning, Knox wrote an email to family and friends about the discovery of the murder, noting details that were at odds with facts that would be discovered later. That same day, the coroner performed the autopsy, roughly determining that Ms. Kercher had been killed some time from 21:00 on November 1st to 04:00 on November 2nd, with a likely time of death around 23:00 on November 1st.

On Monday night, November 5th, Sollecito was called in by police to be interviewed again as his phone records were contradicting details of his story. After some interrogation, Sollecito finally told police he had told them a bunch of 'baloney' on Friday, at the behest of Knox. In his new version of events, Sollecito maintained he was at his apartment while Knox left his place at around 20:30 and returned around 01:00 on November 2nd, with a change of clothing.

Knox had accompanied Sollecito to the police station, and she insisted on staying with him at the police station, despite police suggesting she go home to sleep. While Sollecito was being interviewed, Knox was informally interviewed separately and was asked to list boyfriends whom she thought might have known Ms. Kercher. When police discovered, from Sollecito, that Knox had left Sollecito's apartment on the evening of November 1st, they persisted questioning her, showing her a text message she had sent to Mr. Lumumba the evening of the murder.

Knox then 'confessed'.

Mr. Lumumba was a bar owner who had employed Knox part-time. Knox confessed to meeting Lumumba on the evening of November 1st at a piazza by the cottage, taking Lumumba to the cottage to meet Ms. Kercher, Lumumba forcing himself onto Ms. Kercher in her bedroom and eventually killing her, while Ms. Kercher screamed.

Knox provided this account twice, each time with a police translator: once at 01:45 under police questioning, and again at 05:45 after she had napped for several hours. In both instances, Knox recounted this in Italian or English, the police wrote down her statements in Italian and she was allowed to read and correct them before signing her name to them. During the 01:45 session, only three police officers were present, including the police translator. As Knox had become a 'person of interest' by placing herself at the scene of the crime, Knox was informed that she could request a lawyer, though she had no one locally that could represent her. Knox offered the 05:45 statement voluntarily. This was done in the presence of the police translator and the prosecutor, with no questioning from the prosecutor and no possible intimidation or coercion allowed by police.

On the morning of Tuesday, November 6th, Knox, Lumumba and Sollecito were arrested. That day a kitchen knife was found at Sollecito's apartment that seemed compatible with the fatal wound on Ms. Kercher's neck. The kitchen knife appeared recently cleaned and had scouring scratches on it. Sollecito was arrested with a pocket switchblade, compatible with another knife wound Ms. Kercher had on her neck. His sneakers seemed compatible with the bloody shoeprints found at the cottage.

On Thursday, November 8th, all three had hearings before a preliminary investigation judge, Dr. Claudia Matteini, who confirmed cautionary arrests for all three, in written motivation reports.

By mid to late November 2007, police determined Rudy Guede had been in Ms. Kercher's bedroom at the time of the murder, matching his handprint to a bloody handprint on a cushion found underneath Ms. Kercher. His DNA was also found inside Ms. Kercher. Eventually police would find a few more of his traces in Ms. Kercher's bedroom and in the cottage.

Mr. Lumumba was released from prison roughly two weeks after his arrest, when he was provided an alibi by a Swiss-national witness, and no traces of his were found at the cottage.

Guede was arrested by police in Germany around November 20-21, 2007, and eventually extradited to Italy by early December 2007.

Knox and Sollecito appealed their cautionary arrest sentences before a Riesame court on November 30th, 2007, and their

appeals were rejected, with accompanying motivation reports.

Guede also appealed his cautionary arrest order before the Riesame court in a separate session on December 14, 2007. The court rejected his appeal as well, confirming his cautionary arrest in another motivation report.

All three defendants appealed their cautionary arrest to the Italian Supreme Court (Cassazione), which rejected all three appeals in April 2008. Dr. Matteini rejected additional requests for house arrest or convent arrest for Knox and Guede in May 2008.

Police investigations proceeded until June 2008. The investigations were marked by four investigative judge hearings: one in late November 2007 for the hiring of consultants, one in January 2008 for computer data discussions and two hearings in April 2008- one for computer data discussions and the other for discussion of medical data, wounds and method of death, with medical consultants from all parties and defense teams present.

The completed police investigation had a full range of evidence traces:

- wounds found on Ms. Kercher and her likely mode of death;
- approximate time of her death;
- blood pattern analysis in Ms. Kercher's room;
- analysis of the crime scene;
- evidence Ms. Kercher and objects were moved after she was killed;
- evidence someone had covered her body with a duvet and then rifled through her purse
- evidence someone had taken Ms. Kercher's cell phones, taken her money, wallet and keys and had closed and locked her bedroom door
- computer data;
- phone records;
- tapped phone calls;
- recorded prison interviews with family and friends;
- eyewitness statements;
- earwitness statements;
- DNA traces;
- hairs; (though this evidence was not discussed in the court testimony, it is present in the Scientific Police Genetic Test report)
- fingerprint reports;
- footprint reports;
- shoeprint reports;
- failed alibis by all three defendants;
- apparent staging of a break-in and robbery in Ms. Romanelli's bedroom,
- lies to the police by Guede, Knox and Sollecito
- Knox blaming an innocent man for the murder, etc.

In July 2008, charges were amended for Guede, Knox and Sollecito and the case was sent to trial.

In September 2008, Guede's defense team asked for a fast track trial, juridically separating Guede from Knox and Sollecito. The preliminary hearing judge Dr. Paolo Micheli accepted this configuration. Micheli heard evidence and witnesses in September and October 2008 and issued a 110+ page motivation report confirming that Knox, Guede and Sollecito had acted together to kill Ms. Kercher. His sentence confirmed that Knox and Sollecito should stand trial for the murder.

Micheli's court also functioned as Guede's first instance trial due to Guede's selection of the fast track option.

Guede appealed his sentence in 2009. It was rejected by the Perugia Appeals Court, which confirmed Guede's participation in the murder, but reduced his sentence to 16 years, as allowed by the fast track option. It should be noted that the Perugia Appeals Court rejected one of Guede's defense arguments that Guede did not act with others. Instead the Perugia Appeals court, in their motivation report, bring up again and again evidence that ties Knox and Sollecito to the crime, and that it is clear all three murdered Ms. Kercher. Refer to pages 45-48 where the report sums up the evidence against Knox and Sollecito and shows how the murderous act had to involve more than one person.

In 2010, Guede's defense team appealed to the Italian Supreme Court, which rejected his appeal, confirming his sentence with their motivation report which was issued in 2011. This motivation reports has some important points to should be noted. Here are a few excerpts:

From page 16 of the report.
In the meantime it is now necessary to escape the attempt, pursued by the overall setting of the defense, but out of place in the context of this decision, to involve the Court in supporting the thesis of the responsibility of others, namely Raffaele Sollecito and Amanda Knox, for the murder aggravated by the sexual assault of Meredith Kercher. The decision to which this court is called concerns uniquely the responsibility of Guede regarding the deed with which he is charged, and the possible participation of others in the crime should be taken into account only to the extent to which such a circumstance would have an impact on the exclusive commitment of the Court to either modifying or confirming the verdict of guilt of the defendant, which was entirely shared by the courts of first and second instance.

From page 16-17 of the report
However, the Court believes that the probative data acquired and properly evaluated by the judges of lower court does not lose its power due to the abstractly envisioned perspective of the applicant's defense, which evokes remote possibilities, [which are] possible in rerum natura, but the realization of which in their factual occurrence is not reflected by the slightest corroboration in the findings presented at the trial, except on a level of, precisely, remote and abstract possibilities, ***[17]*** *related to unforeseen and unpredictable factors, inconsistent with any semblance of reality whatsoever.*

From page 21 of the report:
*The reproposal, therefore, in the motive for appeal, of mitigating circumstances for the appellant as per Article. 116 of the Penal Code develops a reasoning already correctly refuted by the the judges of the first appeal without indicating any new elements. Factual findings, among which traces of Raffaele Sollecito DNA in the victim's bra, the piece of bra cleanly cut seemingly with a knife, traces of Amanda Knox DNA on the handle of a knife found in the home of the former, expert results that because of the morphology of the injuries, attribute them to two different cutting weapons used by different individuals, and footprints not attributable to Guede on the floor of the room where Meredith's body lay, convinced the appeal judges that several people acted together. Guede's contribution is situated in a context of escalating violence over some length of time, and certainly cannot be regarded as exceptional, improvised, or merely occasional so that he could not have foreseen, as a result of a violence so definitely concentrated on a sexual act following a number of bruises and injuries caused by the use of a knife, the possible fatal ending. From these conclusions the reasoning of the lower court is fully safeguarded from assertive criticisms of its legitimacy, because such claims concern the merit, and are thus invalid***.**

It is notable that both the Perugia Appeals Court and the Italian Supreme Court dealt with the crime as having been committed by a group of people, citing factual findings in the case that show the participation of Knox and Sollecito in the murder.

Knox and Sollecito had their first instance trial in 2009, which sentenced them to prison for the murder of Ms. Kercher, backed up by a 430+ page motivation report. The motivation report looked at the evidence in detail, covering all aspects of the evidence discussed in court. Both Knox and Sollecito appealed and the subsequent Perugia Appeals Court trial in 2010 and 2011 reversed the sentence, finding the evidence insufficient to determine guilt beyond reasonable doubt. The Perugia Appeals court issued a 120 page motivation report of their reasons. Nearly all parties appealed the sentence and the Italian Supreme Court First Section annulled the appeal sentence in 2013, with a scathing 77 page motivation report that pointed out dozens of fallacies and illogical reasons in the Perugia Appeal Court motivation report.

Knox and Sollecito appealed again and the case was sent to the Florence Appeals Court, which in 2013-2014 redid the appeal, and confirmed the sentence of the Perugia first instance court with a 330+ page motivation report, again covering nearly all of the evidence.

This sentence was appealed and in March 2015, this Cassazione Fifth Section Court annulled the sentence, without remand to a lower court for reconsideration of the evidence, and in October they issued the report that follows.

I have provided this brief case history to show two important points:

1. The overall judicial history of this case is not one of a 50-50 split between those who found fault with the evidence and those who do not. The overwhelming number of courts that have considered this case (six for cautionary arrest, three for Guede's proceedings and three for the proceedings involving Knox and Sollecito) found merit in the evidence and have determined Knox and Sollecito to be guilty of the murder. Only two courts decided that the evidence was 'contradictory' or insufficient to establish' guilt: The Perugia Appeals court, which was subsequently eradicated by the Italian Supreme Court First Section, and this Italian Supreme Court Fifth Section court.
2. The other point to note is that police investigations proceeded not for 5 days, but for 8 months and during those 8 months, defense teams had every opportunity to raise objections in how the police were conducting the investigations. Defense teams had representatives present for the reviews of the DNA traces, for the copying of computer data and no significant objections were raised at these times. Defense teams were present at the 2nd site survey of the cottage on December 18th, 2007 and in two other cottage surveys in 2008.

MOTIVATION REPORT REFERENCE LIST

This is the list of the Italian courts that ruled on this case, with links to their respective motivation reports. The text in brackets indicates how they are referenced in this critique.

1. November 8, 2007: Preliminary investigating judge (GIP) Matteini on cautionary arrest for Lumumba, Knox and Sollecito. [CM report] http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/updates/151220/2007-11-09-Motivations-Matteini-cautionary-arrest-Knox-Lumumba-Sollecito-cleancopy.pdf

2. November 16, 2007: Preliminary investigating judge (GIP) Matteini on cautionary arrest for Guede. [CM report for Guede]
http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/updates/151230/2007-11-16-Motivations-GIP-ordering-Guede-cautionary-arrest.pdf

3. November 30, 2007: Cautionary arrest appeal (Riesame court) Ricciarelli and others, confirming cautionary arrest for Knox and Sollecito. [MR report]
http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/arresttrials/2007-11-30-Motivations-Ricciarelli-cautionary-arrest-appeal-Knox-Sollecito.pdf

4. December 14, 2007: Cautionary arrest appeal (Riesame court) Battistacci and others, confirming cautionary arrest for Guede. [AB report]
http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/updates/160206/2007-12-14-Motivations-Battistacci-confirming-Guede-cautionary-arrest.pdf

5. April 1, 2008: Italian Supreme court (Cassazione), Gemelli & Gironi confirming cautionary arrests for Knox and Sollecito. [G&G report for Knox or Sollecito]
http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/arresttrials/2008-04-21-Motivations-Gemelli-Gironi-cautionary-arrest-Cassazione-Knox.pdf
http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/arresttrials/2008-04-21-Motivations-Gemelli-Gironi-cautionary-arrest-Cassazione-Sollecito.pdf

6. April 1, 2008: Italian Supreme court (Cassazione), Gemelli & Gironi confirming cautionary arrests for Guede. [G&G report for Guede] http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/updates/151129/2008-04-21-Motivations-Gemelli-Gironi-cautionary-arrest-Cassazione-Guede.pdf

7. October 28,2008: Preliminary hearing judge for Knox and Sollecito and first trial fast track judge for Guede (GUP) Micheli, confirming evidence sufficient for Knox and Sollecito to stand trial and establishing sentence that Guede, Knox and Sollecito acted together to murder Ms .Kercher. [PM report]
http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/trials/micheli/2009-01-26-Motivations-Micheli-Guede-trial-Knox-Sollecito-preliminary-trial-original.pdf

8. December 4, 2009: First trial judges Massei & Cristiani, sentencing Knox and Sollecito to prison for having murdered Ms .Kercher. [M&C report]
http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/trials/knoxsol/massei/2010-03-04-Motivations-Massei-Cristiani-Trial-Knox-Sollecito.pdf

9. December 22, 2009: Appeal judges Borsini & Belardi, confirming Judge Micheli's sentence of Guede's involvement in the murder of Ms. Kercher, but reducing the punishment to sixteen years. [B&B report]
http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/updates/151122/2010-03-22-Motivations-Borsini-Belardi-Appeal-Guede2.pdf

10. December 16, 2010: Italian Supreme court (Cassazione), Giordano & Iannelli confirming Guede's sentence of having participated with others in the murder of Ms. Kercher. [G&I report]
http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/trials/guede/2011-02-24-Motivations-Giordano-Iannelli-Cassazione-Guede.pdf

11. October 3, 2011: Appeal judges Hellmann & Zanetti finding insufficient evidence for murder and releasing Knox and Sollecito from prison, but confirming the calunnia charge against Knox for Lumumba and giving her the maximum sentence for the calunnia. Knox was released for time already served. [H&Z report]

http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/trials/knoxsol/hellmann/2011-12-15-Motivations-Hellmann-Zanetti-Appeal-Knox-Sollecito.pdf

12. March 25, 2013: Italian Supreme Court First Section (Cassazione) Chieffi & Vecchio nullifying the Hellmann & Zanetti sentence due to multiple instances of illogic and insufficient consideration of evidence, and ordering a new appeals trial. Chieffi & Vecchio also establish some guidelines for the news appeals judge. [C&V report] http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/trials/knoxsol/2013-06-18-Motivations-Chieffi-Vecchio-Cassazione-Appeal-Knox-Sollecito.pdf

13. January 30, 2014: Appeal judges Nencini & Cicerchia confirming the Massei & Cristiani sentence and tweaking the punishment for Knox and Sollecito. [N&C report] http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/trials/knoxsol/nencini/2014-04-29-Motivations-Nencini-Cicerchia-Appeal-Knox-Sollecito.pdf

14. March 25, 2015: Italian Supreme Court Fifth Section (Cassazione) Bruno & Marasca finding insufficient evidence and not ordering a remand to lower court for reasons stipulated to in their report here. [M&B report]

Fourteen courts in total have ruled on the case, with twelve finding Guede, Knox and Sollecito guilty (in one form or another) of having acted together in the murder of Meredith Kercher. Only two courts have found the evidence insufficient, the Hellmann & Zanetti court (the Perugia Appeals court), and the final Cassazione ruling for Knox and Sollecito.

NENCINI & CICERCHIA REPORT OUTLINE

Before delving into the critique of the M & B report, it is worth outlining the N &C report, which is frequently referenced here. The N & C report, the Florence Appeals court report, confirmed the sentence of the first Knox and Sollecito trial court in which Knox and Sollecito were convicted of the murder of Meredith Kercher. The N & C report is notable in that, like the first trial court report (the M & C report), it extensively surveys all the evidence. This is a listing of the report's subtitles, with a brief description of the contents of the section:

Accused [Recap of charges]
Appellants [recap of civil damages]
Petitioners [quick recap of sentences]
History of the Case (pg 1-32) [reviews the history of the case in detail, starting with the discovery of the murder and goes through all the trials]
Reasons for the Decision 1. Introduction (pg. 32-37)
2. Context in which the murder took place. Cause and time of death of Meredith Kercher (pg. 37-63)
3. Post delictum. (pg. 63-92)
- *The alteration of Filomena Romanelli's room (pg. 63-80)*
- *Alteration of the murder scene (pg. 80-85)*
- *The theft of the two cell phones used by Meredith Kercher (pg.85-92)*

4. The calunnia- The false alibi (pg. 92-146)
- *The calunnia (pg. 95-102)*
- *The false alibi (pg 102-146)*

5. Evidence that can be drawn from the statements of the defendants and of the witnesses (pg 146- 175)
- *The reconstruction of the events of 2 November 2007 according to the statements of Amanda Marie Knox (pg. 147-175)*

6. The genetic investigations of the evidence (pg. 175-250)
- *The knife (pg 178)*
- *The bra clasp (pg 178)*
- *The three swabs taken from the body of Meredith Kercher (pg 178-179)*
- *The white bra spotted with presumed blood (pg. 179)*
- *Imitation leather purse found inside the victim's room (pg. 179-180)*
- *Light blue sweatshirt soaked with presumed blood found in the victim's room (pg.180)*
- *Light blue bathmat positioned on the floor in front of the sink affected by trace of presumed blood (pg 180)*
- *Sample of presumed blood collected from the cover plate of the light switch in the small bathroom next to Meredith Kercher's room (pg 181)*
- *Sample of presumed blood collected from the front surface of the sink faucet in the small bathroom (pg 181)*
- *Sample of presumed blood collected from the edge of the bidet drain in the small bathroom (pg 181)*
- *Samples of blood collected from the cotton-bud container on the shelf above the sink in the small bathroom (pg 181-182)*
- *Sample of presumed blood collected from the toilet seat cover in the small bathroom (pg 182)*
- *Sample of presumed blood collected from the right-hand corridor side of the door frame of the small bathroom, roughly 50cm above the floor (pg 182)*
- *Fragment of toilet paper found inside the toilet bowl in the large bathroom (pg 182-183)*
- *Exhibits 119, 120 and 122 (pg 183)*
- *Cigarette butt (D) collected from the ashtray on the kitchen table in the living room (pg 183)*
- *Exhibits 186, 187, 188, 189, 190 and 191 (pg 183-184)*
- *Exhibits 176 and 177 (pg 184)*
- *Exhibits 178, 179 and 180 (pg 184-185)*
- *Exhibit 183 (pg185)*
- *Exhibit 36 (knife) (pg 198- 201)*
- *Exhibit 165B (bra clasp) (pg 201-207)*
- *The knife (Exhibit no 36) (pg 208-237)*
- *The hook of the bra clasp (Exhibit no. 165B) (pg 237-250)*

7. Shoeprints and footprints (pg. 250-263)
- *The footprints revealed by luminol (pg. 260-263)*

8. The attempted fabrication of evidence at the appeal level. The declarations of Aviello and Alessi (pg. 263-289)
9. The statements made by Rudy Hermann Guede (pg. 289-308)
10. Conclusions (pg. 308-328)
11. Sentencing (pg. 328-338)

The M & B report	My comments and critiques

KNOX AND SOLLECITO APPEAL TO THE SUPREME COURT 2015 TJMK/WIKI TRANSLATION OF THE FIFTH CHAMBERS MOTIVATION REPORT
(PRE-FINAL DATED 1 NOVEMBER 2015 STILL SUBJECT TO CORRECTION)

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REPUBLIC OF ITALY

In the name of Italian people SUPREME COURT OF CASSATION
Fifth Criminal Division

Why is the judicial review with the Fifth Section and not with the First Section of Cassazione, which normally handles murder cases?

Consisting of:

Doc. Gennaro MARASCA – President Doc.
Paolo Antonio BRUNO - Lecturer Doc.
Alfredo GUARDIANO
Doc. Luca PISTORELLI
Doc. Gabriele POSITANO

Has delivered the following

VERDICT

On appeals from

SOLLECITO RAFFAELE, born in Bari the 26thof March of 1984

KNOX Amanda Marie, born in Seattle (United States of America) the 9th of July of 1987

against the judgment delivered by the appellate Florence Court of Assize of 30th of January 2014;

having noted the evidence, the trial judgment and the appeals;

having heard the report submitted by the reporter Doc. Paolo Antonio Bruno;

having heard the prosecutor, in the person of Deputy AG Doc. Stefano Maria Pinelli, who has concluded by demanding the cancellation without possibility of remand for a expired prescription period regarding the point B) of the report, with redetermination of the sentence in the measure of twenty-eight years and six months of detention for Knox Amanda and twenty-four years and six months for Sollecito Raffaele; having then heard:

the lawyer Carlo Pacelli, defender of the civil party Patrick Lumumba, who has requested the dismissal of the appeal and the confirmation of the sentence and its civil penalty as in the

written arguments and expense report;

The lawyer Enrico Fabiani Veri [sic], defendant of the civil party Kercher family, which requested the inadmissibility or, alternatively [in subordine = as a second choice], the dismissal of the appeals and the confirmation of the sentence appealed as in written arguments, which have been submitted along with the expense report;

the lawyer Francesco Maresca, for the same civil parties, who has argued for the inadmissibility or the dismissal of the appeal, with an order to the applicants to pay the expenses as submitted in the expense report.

also heard:

the lawyer Luciano Ghirga, for Amanda Marie Knox, who has referred to the document of the appeal and further reasons, arguing for their acceptance.

also the lawyer Carlo dalla Vedova, defendant for Amanda Knox, who has referred to the document of the appeal and the further reasons, arguing for the cancellation of the prescribed sentence; preliminarily, he asked for the suspension of the proceeding until the decision regarding the argued constitutional legitimacy matter under articles 627-628 cod. proc. pen. ; or, alternatively, waiting for the decision of the European Court of Human Rights.

Given the late hour and the necessity to take care of the other scheduled proceedings as well as this hearing, the President extended the hearing to the 27th March 2015, for the continuation of the debate and deliberation.

At the first day's hearing, the lawyers Giulia Bongiorno and Luca Maori were also heard, on behalf on Raffaele Sollecito, referring to the reasons of the appeal, demanding the approval of the latter; the trial had then been put on hold with the decision pending.

SUMMARY OF THE FACTS

1. Raffaele Sollecito and the United States citizen Amanda Marie Knox were called to account, before the Perugia Court of assize, for the following crimes:

A) within the meaning of Articles 110, 575, 576, first clause , number 5, in relation to the crime sub C) and 577, first clause number 4, in relation to article 61 n. 1 and 5 of the penal code, to have, in conjunction between them and with Guede Rudi Hermann, killed Kercher Meredith, by means of choking and subsequent breaking of the hyoid bone and profound lesion on the left anterolateral and right lateral neck region, caused by a piercing and cutting weapon mentioned in section B), and meta-hemorrhagic shock with observable asphyxia subsequent to the bleeding (caused by the puncture and cutting wounds present on the left anterolateral and right lateral region of the neck and the contextual aspiration of hematic material), and taking advantage of the nocturnal hour and the isolated location of the apartment inhabited by Kercher and the same Knox, as well by two other Italian girls (Romanelli Filomena and

Mezzetti Laura), an apartment located in Perugia, in via della Pergola number 7, committing the act for futile reasons, while Guede, with the conjunction of the others, committed the crime of sexual violence;

B) within the meaning of Article 110 of the penal code and 4 law number 110/1975 to have, in conjunction between themselves, brought out of the house of Sollecito, without a justified reason, a big pointed cutting knife with a total length of 31 cm (seized from Sollecito the 6th of November 2007, exhibit 36);

C) within the meaning of Article 110, 609 bis and ter no. 2 of the penal code to have, in conjunction between themselves and with Guede Rudi Hermann (Guede as material executioner, in conjunction with the co-accused) forced Kercher Meredith to endure sexual acts, with manual and/or genital penetration, by means of violence and threats, resulting in constraining maneuvers which produced lesions, particularly on the upper and lower limbs and on the vulvar region (ecchymotic suffusions on the fore side of the left thigh, lesions on the vestibular-vulvar area and ecchymotic areas on the fore side of the medial third of the right leg) as well as the use of the knife described in point B;

D) within the meaning of Article 110, 624 of the penal code, acting together, acquiring an unjust profit, in the circumstances of time and place described in point A) and C), took possession of the sum of approximately € 300.00, two credit cards, of Abbey Bank and Nationwide, both from United Kingdom, and two cellphones owned by Kercher Meredith, stolen from the aforementioned; fact to be qualified within the meaning of article 624 bis of the penal code, the place of execution of the crime cited in point A) referred to here.;

E) within the meaning of article 110, 367 and 61 n. 2 of the penal code to have, acting together, simulated the attempted burglary and entering of the room of the apartment in via della Pergola, inhabited by Romanelli Filomena, breaking the window glass with a stone found in the vicinity of the house and subsequently dropped in the room, near the window, all of this to obtain impunity from the crimes of homicide and sexual violence, trying to ascribe them to unknown persons who broke in, for this purpose, into the apartment;

All this took place in Perugia, during the night between the 1st and 2nd of November 2007.

Knox only, furthermore, regarding the crime mentioned in point F), within the meaning of article 81 cpv, 368, clause 2, and 61 n. 2 of the penal code, because, with multiple actions within the same criminal plan, knowing that he was innocent, with statements filed during declaration to the Flying Squad and the Police of Perugia on the 6th of November 2007, she falsely blamed Diya Lumumba called “Patrick” for the murder of the young Meredith Kercher, all of this to obtain impunity for everyone and particularly for Guede Rudi Hermann, colored as is Lumumba; in Perugia, during the night between the 5th and the 6th of November 2007.

By judgment of 4-5 December 2009, the Court of assize

declared Amanda Marie Knox and Raffaele Sollecito guilty for the crimes mentioned in point A) – this including the crime mentioned in point C) – also in B) and D), regarding the cellphones, and E) and, for what concerns Knox, also the crime mentioned in F); crimes which fulfill the prerequisite of continuity and, excluding the aggravating factor mentioned in article 577 and 61 n.5 of the penal code, conceded to both extenuating circumstances equivalent to the remaining aggravation circumstances, condemned them to the sentence of twenty-six years of prison for Knox and twenty-five years of prison for Sollecito, plus other consequential terms;

condemned, also, the same accused, jointly, to pay compensation for damages to the civil parties John Leslie Kercher, Arline Carol Lara Kercher, Lyle Kercher, John Ashley Kercher and Stephanie Arline Lara Kercher, damages to be compensated at a separate session, with the immediate payment of the amount of 1,000,000.00 € each in favor of John Leslie Kercher and Arline Carol Lara Kercher and 800,000.00 € each in favor of Lyle Kercher John, Ashley Kercher and Stephanie Arline Lara Kercher;

condemned, also, Amanda Marie Knox to pay compensation for damages to the civil party Patrik Lumumba, to be compensated at a separate session, with the immediate payment of the amount of 10,000.00 €, plus other consequential terms.

condemned, finally, the aforementioned Knox and Raffaele Sollecito to pay compensation for damages to the civil party Aldalia Tattanelli (owner of the apartment in via della Pergola), to be compensated at a separate session, and for Lyle Kercher, John Ashley Kercher and Stephanie Arline Lara Kercher, with immediate payment.

Regarding the appeals proposed by the accused, the Court of Assizes of Appeal of Perugia, by judgment of 3 October 2011, declared Knox Amanda Marie guilty for the crimes referenced in point F), excluding the aggravating factor mentioned in article 61 n.2 of the penal code and excluded the general extenuating circumstances equivalent to the aggravating factors within the means of article 368 of the penal code – condemned her to the sentence of three years of prison; confirming strictly for this sentence the civil damages.

absolved the accused from the crimes previously accredited to them on point A), B) and D), to have not committed the act, and from the crime described in point E) because there is no case to answer, rejecting the damages proposed against them by the civil party Aldalia Tattanelli.

regarding the appeals proposed by the Perugia prosecutor-general, by the accused Amanda Marie Knox and the civil parties, this Court of Cassation, First Criminal Division, with sentence of 25 March 2013, cancelled the disputed sentence referring to the crimes mentioned in point A) – incorporated in point C) – B), D) and E) and the aggravating factor within article 61 n.2 of the penal code concerning point F) and referred the appeals to the Court of Assizes of Appeal of Florence for new examination.; denying Knox's appeal, with subsequent circumstances.

During the review the Court of Assizes of Florence, with the

Note that the prosecutor Pinelli, civil party lawyers Maresca and Fabiani (lawyers for the Kercher family) and also Pacelli (lawyer for Diya Lumumba) all submitted appeals, but these appeals are oddly overlooked by this report. No commentary is provided as to their merit. Why is this odd? Because the Italian Supreme Court (Cassazione) is a court that looks at the court reasoning, evaluating the logic of the reasoning or noting any misapplications of law. It does not consider the merit of the evidence, except when this is needed to point out flawed reasoning in the lower court's ruling. For more information on how Cassazione operates: https://en.wikipedia.org/wiki/Supreme_Court_of_Cassation_%28Italy%29

"Although the Supreme Court of Cassation cannot overrule the trial court's interpretation of the evidence it can correct a lower court's interpretation or application of the law connected to a

trial sentence indicated above, confirming the existence of the aggravating factor within the meaning of article 61 n.2 of the penal code, with reference to the crime within the meaning of article 368, second paragraph of the penal code, point F), revises the sentence against Amanda Marie Knox to be twenty-eight years and six months of prison; confirming the trial sentence, with the consequential damages in favor of the constituted civil parties. Against the aforementioned ruling, the accused defendants had proposed different Court of Cassation appeals, each one subject to the following critical reasons. [Amanda Marie Knox] The appeal in favor of Amanda Marie Knox, before the presentation of the multiple reasons of which it was constituted, was preceded by a long premise which, on the one hand, anticipated the direction of the entire appeal and, on the other hand, proposed once again the same set of problems already discussed in the original grounds for appeal, such as the constitutional legitimacy issue of the conjunction of articles 627 chapter 3 and 628 chapter 2, regarding the application of a possible "indefinite repetitiveness" of an order of remand by the Cassation and corresponding options of indefinitely appealing a rescission order. In first arguments the basis for contesting of the entire appeal was presented, represented by the pretentious avoidance of the dictum of the rescission order of this legitimacy Court and the divergent interpretation of the same probative material by two different courts of assizes, Perugia and Firenze, the last, however , based on mere paperwork exam. Then, it continued into the analytical analysis of the procedural factual circumstances or evidences, which wouldn't have been validly examined or, illegitimately, perceived in a partitioned way and not from a global and unitary perspective.	*specific case.*[1]" And: *"The two essential aims of the Supreme Court of Cassation are to ensure that lower courts correctly follow legal procedure, and to harmonize the interpretation of laws throughout the judicial system."* It is odd that this M & B report only highlights the defense appeals, most of which involve considerations of merit about the evidence. Many of these same defense objections were brought up in the lower court appeals and were already ruled on by lower courts. In order to clarify some of the critiques of this M&B report, I critiqued most of the defense teams' objections. As can be expected, the defense teams will try to sow doubt regarding the evidence, but oftentimes, the comments are incorrect with respect to all of the facts of the case and its proceedings. The argument as presented is incorrect: 1) An overwhelming majority of Italian courts found merit in the evidence (as noted in the opening comments above.) This is not a matter of courts being equally divided over the evidence, which would imply that the evidence is open to interpretation. Instead we have twelve Italian courts finding merit in the evidence indicating that Knox, Guede and Sollecito are guilty of Ms. Kercher's murder, and only two courts finding the evidence insufficient beyond a reasonable doubt. Notably, the ruling of one of these courts (the H & Z report) was found to be severely lacking in logic and coherence by the C &V report, who also noted that the H & Z report ignored large swaths of evidence. 2) The Nencini & Cicerchia Firenze Appeals trial was not a mere "paperwork examination". That court heard witness testimony and requested further DNA testing be done, much like the Hellmann & Zanetti Court did. 3) The N & C report considered more evidence in their motivation report, and in a much more thorough and holistic manner (see outline above) than did the H &Z report. This is obvious when comparing the two motivation reports. 4) Finally, the H&Z report was annulled, and should not even be used for comparison since juridically, it "does not exist". In fact, the Hellmann & Zanetti Court did this, according to the C & V report. Hellmann & Zanetti repeatedly considered evidence in a 'partitioned way' and 'not from a global and unitary perspective'. From the C&V report:

	"…the appealed judgment is affected by an incorrect assessment of all the available evidence, which is inadequately connected, having at times drawn conclusions incompatible with established facts, in open violation of the principle of the completeness of the appraisal and of the principle of non - contradiction, showing that significant evidence, which had been set as the basis of the probative reasoning of the first judge, was overlooked without adequate justification. Furthermore, the appealed decision manifestly [ictu oculi] presents a compartmentalized and fragmented evaluation of the circumstantial evidence, taken into consideration piece by piece and rejected in terms of their probative value without a fuller and more complete appraisal, to be carried out broadly. The compartmentalization of the single pieces of evidence thus weakened their value and their depth, since a piecemeal evaluation of their relationship and of the required synthesis inevitably followed, ignoring the increase in value that the pieces of the mosaic of circumstantial evidence assume when synergistically evaluated. This lack of comprehensive examination ***[41]*** *prevented the gaps that each piece of circumstantial evidence inevitably carries in itself from being filled, overcoming the limitation of each individual piece of circumstantial evidence, which consists of demonstrating, by itself, the presence of an unknown fact, considering the fact that "the whole can take on the meaningful and unequivocal demonstrative significance through which logical proof of the fact can be reached... which does not constitute a less valid instrument than direct or representative evidence, when it is reached through a rigorous methodology which justifies and substantiates the profile of the so - called free conviction of the judge" (section one [Sez. Un.] 6682/1992 cited above). The ancient maxim "quae singola non probant, simul unita probanti" already contains the spirit of this regulation."*
Taking into account this, various reasons for the appeal were deduced and reasons summarily presented, according to the terms of article 173, chapter 1, disp. att. code of penal procedure, that is in the terms strictly necessary to the decision. The first reason challenged the violation and inobservance of the criminal law, according to article 606 lett. b) and c) of the code of criminal procedure and also the incorrect reasoning, according to the same article let. e), about the decisive matter of the asserted reason, of Knox for the commitment of the crime, in violation of article 110 of the penal code.	This paragraph is not true on multiple fronts: 1) While Zaroli did mention that Knox and Ms. Kercher had an idyllic relationship (according to his opinion, based on only a few encounters with them together), other witnesses testified that Ms. Kercher and Knox were not so friendly and that Ms. Kercher herself did not appreciate some of Knox's attitudes and behaviors. This was testified to by Ms. Kercher's roommates and her English friends. So the majority of the testimonial evidence is that Ms. Kercher and Knox did not enjoy an 'idyllic' relation. 2) While no evidence was found to determine who stole Ms. Kercher's wallet, money, credit card and keys, these items were taken. And just because the evidence does not point to Knox does not mean she did not steal. According to Guede, Ms. Kercher suspected Knox of stealing and a fingerprint of Ms. Kercher's was found on Knox's wardrobe, indicating she had recently looked there. 3) While no clear motive for murder was found in the evidence or in the trials, this does not mean that Knox and/or Sollecito did not harbor a motive or set of motives. Nor does it mean they were incapable of murder. 4) The C & V report did not stipulate only three possibilities. The complete sentence that is referenced reads as follows:
Contested, in this regard, was what previously assumed in the judgments as to the merits, regarding some claimed disagreements between the aforementioned Knox and Kercher, despite the occurred absolution, with definitive decision, of the finding for theft of the sum of three hundred euros and the collected depositions, including the one provided by Marco Zaroli, regarding the "idyllic" relationship between the two girls. From the records of proceedings there had not emerged any reason that could have induced Knox to mindfully concur in the murder act and, contrarily to the assumption of the judge, the verification of motive during the evidentiary process was absolutely necessary. In this regard, no indications have been offered by the [First Chambers] review judge, despite the specific indication of the rescission order, which had notified a triple possibility: 1) genetic acknowledgement on the death option; 2) changing of an initial program which only included the involvement of the English girl in a not shared sexual game; 3) mere forcing of an erotic group game.	*In conclusion, the challenged judgment must be annulled due to the numerous deficiencies, contradictions and manifest lack of logic indicated above. Using the broadest faculty of evaluation, the remanded judge will have to remedy the flaws in argumentation by conducting a uniform and global analysis of the evidence, through which it will have to be ascertained*

	whether the relative ambiguity of each piece of evidence can be resolved, as each piece of evidence sums up and integrates with the others in the overall assessment. The outcome of such an organic evaluation will be decisive, not only to demonstrate the presence of the two defendants at the crime scene, but also possibly to clarify the subjective role of the people who committed this murder with Guede, against a range of possible scenarios, going from an original plan to kill to a change in the plan which was initially aimed only at involving the young English girl in a sexual game against her will to an act with the sole intention of forcing her into a wild group erotic game which violently took another course, getting out of control. Note that the C & V report talks of subjective roles (not motives) and talks of a RANGE of possible scenarios, not just three. The three scenarios noted are merely examples on "a range of possible scenarios" for how the attack on Ms. Kercher might have happened, and the examples serve to indicate different levels of severity of intent of the murder. In fact in the original Italian, the sense of this range is even clearer, where the term "ventaglio" ("fan") is used.
Also, in a scenario of absolute uncertainty the review judges had elaborated an abnormal type of collusion in a crime, the fruit of a singular mixture of different impulses and reasons of the participants: Mr. Guede driven by a sexual motive; Ms. Knox by resentment towards the English woman; Mr. Sollecito by unknown intent.	1) It is hardly singular or unusual for three people to act together even if they have different motives. No two people are alike so the expectation that three people all have the same motive is absurd. 2) The writings of Knox of that time period showed a preoccupation with violent rape, while Sollecito's manga collection extensively featured all manner of violence against women, from rape all the way to dismemberment. So one cannot claim that Knox or Sollecito were free of violent thoughts or did not enjoy entertaining such thoughts.
The second reason highlights a problem of great relevance in the circumstance of the present judgment, that is the right interpretation of the scientific examination results from a perspective of respect of the evaluation standards according to article 192 of the criminal procedural code and the relevance of the genetic evaluation in the absence of repeatable amplification, as a consequence of the minimal amount of the sample and, more generally, the reliability coefficient of investigations carried out without following the regulations dictated by the international protocols, both during the collecting phase and the analysis.	There are no "reliability coefficients of investigations" (whatever that really means) and "no regulations dictated by international protocols". In fact, at the time of the police DNA lab work, there were no "international protocols" specific to forensic genetic work, apart from Best Laboratory Practices. The forensic lab work was performed in 2007 and 2008. In 2009, ENSFI became the defacto, network organization for DNA forensic labs in Europe. In 2010, ENFSI noted some DNA handling and best practice guidelines on this webpage: http://www.enfsi.eu/about-enfsi/structure/working-groups/dna The Rome Scientific Police DNA laboratory was an ENFSI certified member since 1994. http://www.enfsi.eu/member/central-anticrime-directorate-italian-national-police-forensic-science-police-service-dac-sps There are no "repeatable amplification" requirements, and in fact the whole point is incorrect. Dr. Torricelli, in her June 5, 2009 report submitted during the Massei & Cristiani court trial, had this to say regarding "international protocols" pertaining to forensic DNA work: *"This panorama of rules, of European guidelines, are still not so stringent for Italian laboratories. Only now is the importance of*

adhering to Europe being underscored; this last document notes this (in the) "Recommendations of the Ministerial Commission for Genetics" of the Ministry of Work, of Health and Social Politics, published in 2009…. The demonstration that in Italy there are no forensic laboratories certified to ISO 17025 can be seen in the documents published by SINAL, which indicates which laboratories are actually ISO 17025 certified. Those present in the list are all entities working in the food industry…. In any case, at the current state" (in 2009, nearly two years after the police DNA analysis in the case was started) *"the only condition to be certain that one is working well is to work within the outlines of BPL"* (Best Laboratory Practices) *"get recognized, and to activate the guidelines (that is the recommendations) emanated by the government and/or the national and/or international scientific societies.*"

Dr. Torricelli also noted that the ISO 17025 standard, a standard established in 2005, was obligatory for (and intended for) food industries and laboratories of quality control.

Dr. Torricelli also noted that in April 2000, the GEFI and SIGU (two Italian associations of forensic geneticists) issued a series of recommendations on biological investigations of paternity and criminal identifications. Among the recommendation to work within the guidelines of BPL, Dr. Torricelli also highlighted this specific guideline:

"The validation and methods and the respective guidelines must find consensus in the most ample scientific community and not be the patrimony of a single expert or group of experts accredited with experience. This is especially important for the justice system of our country, which does not have preliminary codes of validation of scientific methods used in the administration of justice. The recommendations of GEFI and SIGU receive scientific directions on which there is ample international consensus."

All of this to say that at the time that DNA analysis was performed in 2007 and 2008, there were no international protocols for forensic DNA work being done in Italian laboratories, other than Best Laboratory Practices. These practices were made more forceful in 2009 when ENFSI was allowed to become the primary monitor of European DNA laboratories, but in any case, the Roma Scientific Police DNA laboratory had been an ENFSI member since 1994 and was already adhering to BPL.

Finally, it should be noted that the current BPL guidelines (issued two years after the DNA analysis in this case was done but still current today, eight years later), there are still no specific guidelines for any test needing to be repeated. The only time where repetition is required is for validating a change to a system of DNA analysis, whether that is a change in analysis method or the introduction of a new procedure. In this case, a minimum of 5 repeats is required. In this same document, the following is stated:

http://www.enfsi.eu/sites/default/files/documents/minimum_validation_guidelines_in_dna_profiling_-_v2010_0.pdf

Aim :
One of the requirements of EN ISO/IEC 17025 is that methods

	used in testing laboratories should be validated. As EN ISO/IEC 17025 only determines a general standard it is the role of the experts in a given field to give more detailed recommendations. *The ENFSI DNA Working Group has agreed upon the minimum validation criteria as laid down in this document. This paper can only serve as a recommendation because each DNA testing laboratory has its own duties and workflows. There might be other approaches to validate a certain protocol or instrument. Whatever the criteria are to validate a system, they must give evidence that the procedures and instrument are suitable for the purpose they are used for according to EN ISO/IEC 17025. It is also an absolute necessity that the results are in concordance with the international standards to ensure that DNA profiles are comparable between laboratories.* *These recommendations only apply to standard situations in a laboratory (internal validation). However, if a testing laboratory develops new methods or technologies, the validation efforts have to be far more extensive and considered as developmental validation (see below).* It is clear from the above that the concern is not to establish a specific protocol for a specific result of DNA analysis, but to verify that a particular method of analysis has a minimum of reliability, so that, for instance, contamination or error creep in DNA testing procedures are minimized. The standards are not about achieving 100% reliability or certainty in any given result, but minimizing the potential of errors in procedures of DNA analysis. This is an extremely important point to understand, since this motivation report misses this point entirely. A good laboratory is one that has verified that the methods it uses are reliable, and not whether each and every result is 100% reliable. Why? Because DNA analysis is open to interpretation, particularly in the case of mixed profiles. The scientist must still use judgment in evaluating processes and results in specific circumstances.
Particularly, anomalies were challenged in the retrieval of the knife (item 36) and the victim's brassiere hook, which do not exclude the possibility of contamination, as correctly outlined in the Conti-Vecchiotti report, ordered by the Perugian Court of assizes, which also notified the unreliability of the scientific data, precisely because it was not subject to a further examination.	1) The C & V report stated that "contamination must be proven by those who invoke it". 2) Conti & Vecchiotti were incorrect to suggest contamination, since there is no evidence in the 480 DNA tests done by the Rome Scientific Police that there was any sort of contamination. 3) No plausible path of contamination was ever shown by any of the defense teams. All of the DNA profiles that resulted were matched in most cases at 15 loci or more (see the Egrams). 4) All DNA results and procedures were reviewed by defense appointed consultants at the Scientific Lab, and none of them ever made claims of contamination. 5) The Micheli Motivation report considers the possibility of contamination as being quite remote.
It was also denied that the retrieved knife would have been the crime weapon.	Of course the defense team would try to deny that the knife was the murder weapon. Yet, the knife was shown to be compatible with the fatal wound in Ms. Kercher's neck. And her DNA was found on the knife blade, while Knox's DNA was found on the handle, at a location not typical for normal everyday use. See Dr. Stefanoni's testimony during Massei & Cristiani here:

	http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/trials/knoxsol/massei/2009-05-22-Testimony-MC-Stefanoni.pdf
The third reason challenged the law violation and incorrect reasoning, according to article 606 lett. b) and e), regarding the teleological nexus between the crime of calunnia and the homicide. In this regard, the psychological conditions of the accused during the issue of the calumnious declarations dated 11.06.2007 are outlined, her declarations were considered unusable by this Court (with ruling number 990/80); also challenged was a violation of article 188 of the code of criminal procedure, for infringement of the declarer's moral freedom during the assumption of evidence.	1) Inspector Ficarra, the policewoman who spent time with Knox on November 2nd, 3rd, 4th and 5th, testified that Knox was calm and well-treated during all the time she was with her. Knox only had outbursts when she made her early morning statements on November 6th, accusing Lumumba of the murder. 2) The G & G report ruled that Knox's 5:45 statement could not be used at all, that her 1:45 statement could be used against others, and her November 6th written statement, her "gift" to the police, could be used. The Court did not cite any psychological aspects of Knox, but merely referred to long-established law that statements cannot be used against oneself. 3) Knox continued to make statements after her arrest. During her arrest, she provided a written statement in which she confirmed her memory of events though at the same time was unsure. On November 7th she provided another written statement where she declared uncertainty about the events, maintaining certainty instead that she was at Sollecito's apartment. Then she made two more statements to her lawyers on November 9th. In none of these statements however does Knox categorically assert that Lumumba was innocent of her accusation. Rather Knox states she ultimately does not know what happened, except that she was at Sollecito's apartment during the time of the murder. 4) On November 10th Knox discusses Lumumba with her mother during a prison interview, expressing regret at having cited him as the murderer. Yet neither she nor her mother do anything to correct Lumumba's situation. 5) So, the question of "why did Knox implicate Lumumba" does have merit and needs to be considered as part of the evidentiary web of the case.
The fourth reason challenged incorrect reasoning regarding the relevant circumstances of the happening, with reference to, firstly, the asserted simulation of theft in Romanelli's room, without considering that Guede, at the moment of his arrest, presented wounds on his right hand compatible with the hypothesis of a previous breaking of the window's glass and subsequent climb in order to enter the room, with shards of glass on the windowsill, also in the same way not considered was the criminal record of Guede, who wasn't new to stealing in apartments, with identical modalities. Moreover, not considered was that not a single genetic imprint of the accused had being retrieved in the room of the murder, while fourteen imprints referable to Guede were retrieved in the same room. The +argument was totally illogical of a purported selective cleaning of the environment carried out by the accused, being almost impossible to remove specific genetic traces, leaving others intact.	1) Guede could have wounded his hands at any time. 2) The point that somehow those wounds are compatible with breaking the window is denied by the fact that no human blood was found on the glass or broken window, much less Guede's DNA (a small spot of animal blood was found on the exterior side of the window frame). 3) No traces of Guede were ever found in Romanelli's room. So, using the same defense argument that "there was no Knox DNA in Ms. Kercher's room, therefore she was not there", then this argument leads to the conclusion that Guede was never in Ms. Romanelli's room and therefore could not have broken in there. 4) The staging of the burglary was immediately apparent to police and witnesses alike. The point of entry (a second story window) was highly unlikely given that there were other easier ways to get into the upper level apartment. See both the PM and N & C reports. 5) It is incorrect to say that 14 imprints of Guede were found in Meredith Kercher's bedroom. Traces found in Ms. Kercher's bedroom that were attributable to Guede consist of: (4) DNA traces on Ms. Kercher, her clothing and purse; (1) handprint/fingerprint on a pillow; several shoeprints. (5)

	short black hairs.CHECK 6) Guede did not have a “criminal record” of burglary. He was found guilty at a later date of having stolen goods, but that is rather different than from being guilty of committing a burglary.
The fifth reason denounces the incorrect reasoning in the evaluation of the Curatolo’s and Quintavalle’s declarations, non-adequately interpreted during the examination of the evidence. Also the illogical relevance given to the SMS received by Patrik Lumumba, due to uncertain of the site of the reception, and considering the well-known unreliability of localizations based on the triangulation of telephone cells.	1) Curatolo’s and Quintavalle’s declarations were consistent with the other evidence obtained during the investigations. The fact that they were ‘late’ witnesses does not mean their testimony should be automatically discarded, as noted by the C & V report. 2) Curatolo, a homeless man who lived at piazza Grimana, consistently testified to seeing Sollecito and Knox the night before the police started searching the cottage. Curatolo left a deposition and testified at two different trials on this aspect, in both cases consistently. 3) Regarding cell phone towers, in Inspector Latella’s testimony during the Massei& Cristiani trial, it is clear that Knox shifted locations between when she received Lumumba’s message and when she replied. The cell tower to which her cell phone was connected when she received Lumumba’s text message did not cover Sollecito’s apartment at all.
The sixth reason challenged the law violation, in relation to the use of statements considered unusable by this Court, with particular reference to the declarations of the accused contra se at 5:45 AM of 11.6.2007.	As noted above, Knox never categorically stated to officials or lawyers that Lumumba was innocent of her charge, only that she was not sure. And this after indicating several times in writing that she believed what she had imagined was true.
Also, it was not considered that the defense report submitted by Knox suffered from the unstable psychological conditions in which she found herself, also from the stress consequent to the violation of her defense rights.	Knox’s rights were not violated; no court or judge has ever found this to be the case. In fact, in addition to Lumumba’s charge against her for calunnia (juridically confirmed by Cassazione), the police also charged Knox with calunnia, as Knox has repeatedly stated that she was cuffed on the head by an officer, though this never happened according to the three officers present at her 01:45 interrogation on November 6th.
The seventh reason denounces the violation of articles 111 Cost., chapter 2 and 238 of the criminal procedure code, with reference to the irrevocable sentence issued against Guede and the inappropriate interpretation of the declarations produced by the aforementioned, via Skype, to his friend Giacomo Benedetti.	Guede said many things over the course of one chat, two phone calls, two police depositions, one deposition in front of a judge, two more prosecutor depositions, a number of intercepted prison meeting recordings and finally two court testimonies. Ultimately, he placed Knox at the cottage at the time of the murder in the majority of his statements, while also consistently hinting at Sollecito’s presence in one manner or another.
The eighth reason denounces the lack of assumption of decisive evidence, according to article 606 lett. d) of the criminal procedure code and in relation to articles 111 chapter 2 and 238 bis of the criminal procedure code, for failure to re-open court hearing evidentiary phase, denied with order of 09.30.2013, in order to examine Guede, after his accusations against the indicted woman.	Guede made his last statement in a letter written to media in 2011 during the Hellmann & Zanetti trial. However, Guede had placed Knox at the cottage from his first few depositions in 2007. Defense lawyers could have challenged his statements during Guede’s own set of trials.
The ninth reason signals inconsistency and contradictory nature of motivation and also great inaccuracy, such as the declaration at page 321 about the presence of genetic traces of Sollecito and Kercher on the retrieved knife.	If one reads the cited sentence in context it is obvious that naming Sollecito is a clerical error. The N &C report amply discusses the presence of Knox’s and Kercher’s DNA on the knife.
It is argued, also, that the place where the cellphones of the victim had been retrieved was compatible with Guede’s	The itinerary was also compatible with Sollecito returning

itinerary towards his house, situated in via del Canerino n. 26. Inadequate, moreover, was the evaluation of the results of the report provided by Massimo Bernaschi about the computer damage, by suspected electric shock. The tenth reason denounces the inobservance or erroneous application of articles 627 and 603 of the criminal procedure code referring to the preliminary order of 09.30.13 and 04.17.14. Requested, also, is the correction of the material error presented in the order dated 04.17.13, referring to the erroneous indication of the place of birth of the accused, who was born in Seattle and not in Washington. The eleventh reason denounces the violation and inobservance of article 606 lett b), in relation to the quantification of the punishment in point of aggravating circumstance according to article 61 n.2 of the penal code for the crime of calunnia placed on the accused assuming a teleological nexus. The remand judge [Nencini] had considered the generic mitigating circumstances of minor value, previously considered equivalent, despite the final status of judgment [giudicato] on the point. [Raffaele Sollecito] 3. The appeal on behalf of Raffaele Sollecito is explained in terms of twenty-two reasons, which will be also systematically summarised according to the requirements of article 173, chapter 1, of the code of penal procedure. To this summary explanation has to be added the reference to the introductory part, containing specific requests. The first concerns the ruling for referral to the United Sections panel [Sezioni Unite] on matters asserted of being of maximum relevance and, potentially, capable of generating interpretative contrast: a) Probative or evidential value of the results of the scientific evidence in case of violation of scientific community international protocols regarding the collection and reading of the data; b) Usability of declarations produced by Guede during the appeal process. In relation to this, it is inappropriate to relate the review of this appealed sentence to what he has stated during interrogation, reported in the appealed sentence according to article 238 bis; if those declarations were usable, it would be a consent to include in the trial, in violation of the same procedural disposition, declarations produced in absence of cross-examination. c) Range of explanation of the principle of beyond reasonable doubt, which, from what is stated by the current	to his apartment. Guede and Sollecito lived several minutes apart on foot- i.e. within easy walking distance. No reason was given for the supposed inadequacy. 1) Seattle is a city in the State of Washington. 2) Calunnia can be a part of criminal motives. In any case the calunnia sentence against Knox was ultimately confirmed by the C & V court. 3) The N & C report deals extensively with this issue from pages 332 to 336. The N & C report upheld the generic mitigating circumstances stipulated to in the M & C report. See page 331 of the N & C report and the subsequent considerations. See the commentary above regarding there not being any particular international protocols for DNA analysis, apart from the best laboratory practices promoted by ENFSI. 1) Guede's confirmation of his letter to the media during the H & Z trial is merely part of a long list of statements he made previously in which he rather consistently indicated Knox was present at the cottage during the murder. 2) Guede's statements are not the only piece of evidence implicating Knox's and Sollecito's involvement in the crime. 3) Defense teams had ample opportunity to rebut these statements both in the Knox and Sollecito trial proceedings and in Guede's own trial proceedings, but never did so. 1) Sollecito failed to make a case for himself, and failed to explain his lies to police and to the various courts. Instead,

defense, would be violated in this specific case by the erroneous statement by the remand judge, according to which the lack of procedural collaboration of the accused has exempted the judge from analyzing the alternative hypothesis emerged from the trial papers or the defense perspectives.	Sollecito, in his spontaneous statements during the trials, resorted to generic statements of innocence, or made up events he later recanted on Twitter. 2) Regarding alternative hypotheses of the murder, none have been successfully proposed by the defense teams that match all the acquired evidence. All the evidence found in the case points to the presence of all Guede, Knox and Sollecito at the cottage during the time of the murder. Guede was found guilty of acting with others (specifically Knox and Sollecito) in the murder of Meredith Kercher, and this fact is noted repeatedly in a number of court motivation reports.
d) Reliability limits in witnesses' declarations (such as the ones from Dramis, Monacchia, Quintavalle and Curatolo), produced some time after the facts, after being solicited by journalists. The question is about the verification of the reliability of witnesses during the procedures who created strong media impact, with particular reference to Gioffredi and Kokomani claims and to the declaration of the former offender Luciano Aviello, who did not hesitate to produce slanderous declarations towards the prosecutor, the defence attorney, and Raffaele Sollecito's father.	1) Aviello and Alessi were <u>defense</u> team witnesses in the H & Z trial when he made these comments (and to which Guede replied to in his letter to the media). 2) The C & V report said 'late' testimony should not be discarded automatically because it is late. 3) All of the 'late' testimony by the witnesses noted above agreed with other known evidence.
The intervention of the supreme jurisdictional assembly was necessary in order to fix the evaluation standards of oral evidence during trials with strong media exposure, aiming to preserve the credibility of the trial, protecting it from mythomaniac or judicial attention-seeking behavior.	Media scrutiny was never an issue in any of the preceding trials; no court ever stipulated to media scrutiny being a problem, much less that media scrutiny represented a problem of credibility for certain witnesses. Therefore there is no need for Cassazione "to fix the evaluation standards of oral evidence". Suggesting that there is a problem with certain evidence does not necessarily mean the problem exists.
In the introductive part also thoroughly examined is the position of Amanda Knox regarding the erroneous evaluation of the evidence against her, which had reflected negative effects also on the position of Sollecito, with the distorted conviction that the two substantial positions would be linked by an indissoluble bond, almost like a unique communication vessels system or an abnormal "mutual" extension of responsibility. All of this in order to denounce the erroneous methodological position consisting in the lack of an "identifying" evaluation of the appellant's role in the tragic happening subject to judgment. And the aforementioned assumption gave headway to a further denouncement of legitimacy, consisting in the remand judge avoiding the dictum of the cancellation judgment, which gave to the remand judge the task of "highlight the subjective position of Guede's contestants in the light of all the supposable circumstances", all specifically enunciated.	1) The N & C report amply considered the roles of Guede, Knox and Sollecito in the murder scenario, as requested by the C & V report. In particular, the N & C report evaluated their roles by considering all the evidence highlighted during the M & C trial; see pages 308 to 328 of the N & C report. 2) Knox and Sollecito were an intimate couple, with Knox staying at Sollecito's apartment for a number of day and nights prior to the murder. Therefore, a bond did exist between the two defendants.
It is also pointed out that Ms. Knox had never placed, even in her noon report (erroneously considered of confessional nature), Sollecito at the crime scene. On the contrary, from the aforementioned report, it was possible to deduce that the foretold was not present in the house of via della Pergola.	In the November 6th memorandum referenced, Knox mentions seeing fish blood on Sollecito's hands and she wonders why Sollecito lied about her being away on the evening of November 1st. Knox also says she's unsure of her entire memory and does not know who the murderer is.
In fact, no trace of Sollecito was found in the room of the murder. The only element of proof against him was represented by the DNA trace retrieved on the brassiere hook of the victim; trace of which relation with the indicted was actually denied by the Vecchiotti-Conti report, which, in this regard, had accepted	1) Apart from Sollecito's DNA on the bra clasp, there is other evidence that places Sollecito at the crime scene, including: his DNA mixed with Knox's on a cigarette butt in the kitchen ashtray; at least two bloody footprints, one

the observations of the defense advisor Professor Tagliabracci, world-renowned geneticist. Once this is considered, it is possible to proceed with a brief listing of the reasons for the appeal.	visible on the bathmat and one revealed by luminol, both matching his foot's size and characteristics; his fingerprints in Mezzetti's room; hairs matching the color and length of his hair found on Ms. Kercher's bra and sweat jacket. 2) The Conti & Vecchiotti report was heavily criticized as a bad report, not only by other consultants, but by the C & V and N & C reports.
1) The first articulated reason challenged the violation of articles 627, chapter 3 and 628 of the code of criminal procedure for the nonobservance of the principles enounced in those articles, particularly referring to the necessity: a) to ascertain the presence of the suspects on the crime scene; 2) to outline the subjective positions of the Rudy Guede's assumed co-attackers; 3) to establish the motive of Raffaele Sollecito in relation to the one asserted for Guede. In strict connection with the aforementioned appeal, also, further reasons of complaint are advanced, specifically contexted within the logic of incorrect reasoning, with regard to the meaning of article 606 lett e) of the code of criminal procedure, connected with the challenged avoidance.	The N &C report considered the respective roles of the three defendants. As noted above, the C & V report did not ask for motives, nor is it necessary to provide motives for the three defendants as there is sufficient evidence tying them to the crime scene.
- The first concerns the appealed denial of the evidentiary phase re-opening, also expressed in the order dated on 30th September 2013, also appealed. The request procedurally proposed by the defense (based on the new reasons of the 29th June 2013 and the minutes of the hearing dated 30th September 2013) was aimed to acknowledge the actual presence of the accused on the crime scene and the role carried out by each one of them on the occasion. It is advanced also: the omitted evaluation of decisive elements regarding Sollecito's alibi, with particular reference to the results of the integrative report submitted by the technical expert for one of the parties, D'Ambrosio, which demonstrates the interaction of the indicted with his computer;	1) There is no proof Sollecito used his computer after 21:20 on November 1st. This was looked at by a number of different defense consultants but no human activity was ever shown (see pages 143 - 145 of the N &C report). Even the cited Ambrosio report does not bring anything new to light that proves Sollecito's contention that he was in his apartment at the computer all night. 2) The Nencini & Cicerchia Court explained why the defense requests were denied in their ordinances.
- manifest illogicality of the reason in relation to what is expressed by article 522 of the code of criminal procedure; in the absence of motivations capable to exceed the limit of beyond reasonable doubt with regards to supposed participation of Sollecito to the criminal act of murder and to the role he carried out in the crime;	The motive for a murder can be utterly futile. Therefore the motive is not important and certainly not a necessary part of the evidence.
- lack of reasoning in the motivations report, in relation with articles 192 and 238 bis, with regards to the content of the irrevocable sentence against Guede in order to identify a reason for the murder.	1) As noted above, the roles of the three defendants were looked at by the N & C report. 2) The C & V report did not ask for motives or reasons for the murder (see above). 3) The motivation reports confirming Guede's sentence also sum up the evidence that indicates that Knox and Sollecito participated in the murder.
The requested re-opening of the evidentiary phase, aimed to demonstrate the absence of the indicted on the crime scene and the inexistence of any reason, was illogically denied, especially since the appealed sentence had already asserted an autonomous reason, of sexual nature, against Guede.	Just because Guede had a sexual reason does not mean Sollecito could not have had one. Sollecito had a manga collection which heavily featured all manner of violence against women- from murder to dismemberment and worse.
Furthermore, the denial of the re-opening of evidentiary phase also includes a law violation in regard to article 627, second paragraph, in accordance to which "if the appeal sentence is	The Nencini & Cicerchia Court did not think any new evidence would be relevant, obviously. See the Court's ordinance on why they denied other evidentiary hearings.

annulled and the parties issue a request, the judge orders the re-activation of the evidentiary phase in relation to the assumption of evidence found relevant for the decision"	Note that this same defense argument was used in previous trials and also denied.
Even if is not intended to follow the case law orientation in line with the renewing of the appealed preliminary hearing, as for the right to evidence, the appeal judge was, however, obliged to give reason for the denial of the request of re-opening of evidentiary discussion in a rational manner and consistent with the evidentiary framework.	The N & C court did provide a reasoning in their ordinance.
It was, among other things, requested a genetic perizia [examination/investigation by judge-appointed experts] in relation to the stain (apparently of spermatic nature) present on the victim's pillowcase, in order to verify its nature and possible attribution to an unknown third party;	The date of the pillow stain is unknown; therefore any data from it is irrelevant.
a perizia aimed to acknowledge the effective possibility to carry out a selective cleaning in order to remove only the traces connectable with the current appellants, inside the victim's room, without removing the ones retrieved and correctly attributed to Mr. Guede;	It is rather obvious that selective cleaning can and did happen in the apartment, including in Ms. Kercher's bedroom. This can be seen by looking at the crime scene photographs. As two examples, the bathmat footprint is missing the heal of the print, which was cleaned away. At least four footprints and one shoeprint were found via luminol on the floor in the apartment, in areas where visible, partial bloody shoeprints were also found.
the carrying out of exams on the item 165 B, with previous acquisition from the criminal laboratory department, of the residual DNA sample extracted from the brassiere hook and further genetic exams on the same item, ordering for such purpose a supplementary investigation in order to cancel every reason of doubt on the matter;	There is no doubt that Sollecito's DNA and Y haplotype were on the bra clasp, at the point on the metal bra hook where it had been bent.
[11] exams on the stone retrieved inside Ms. Romanelli's room, in order to identify the presence of DNA on the stone surface;	The stone was sampled twice and no DNA was found.
audiometric test [perizia] aimed to acknowledge the possibility of hearing the supposed heart-rending scream coming from the house in via della Pergola and the footsteps with the windows closed, of the witness Capezzali;	Ms. Monacchia also testified to hearing the scream and given the configuration of the apartments near the cottage, it is rather easy to see how the apartments create a natural amphitheater. The audiometric test would be utterly useless.
IT investigation [perizia] on Sollecito's computer, in order to verify the existence of human interactions during the night between the 1st and 2nd November 2007;	There have been at least four defense reports on Sollecito's computer and none have shown the Postal Police analysis to be wrong.
anthropometric perizia in relation to the build, height, gait and somatic features of the subject filmed by the parking facility camera, to be compared with the physical features of Guede and his clothes at the moment of the arrest;	Guede already stipulated to his being present during the murder; verifying if he was in the garage close to the cottage adds nothing of value to the known evidence.
examination according to the ex-article 197 bis of Guede in regards to the facts happened the night of the murder.	The N & C report looked at all the evidence pertinent to the night of the murder.
The rejection of the aforementioned evidentiary discussion requests has been motivated by the appeal judge by illogical and off-topic reasoning.	In fact the H & Z report made heavy use of illogical and off-topic reasoning.
2) Violation of article 606 lett. e), with reference to the wrong reading and interpretation of the content of Knox's report.	It's not indicated what the correct reading should be or which Knox report they are referring to.

3) Another incorrect reasoning has been deduced with reference to the considered irrelevance of the exact determination of the hour of death of Meredith Kercher (which according to the defense should have been placed between 9 and 10 PM, 10:15 PM at most), with special reference to the exam carried out on Ms. Kercher's phone records.	1) The majority of medical consultants agree with the later time of death 2) Phone records showing unintentional activity on the phone are certainly not determinative. Anyone could have handled the phones either before or after Ms. Kercher was murdered.
4) The same flaw has been challenged regarding the supposed incompatibility of Mr. Curatolo's declarations with the time of the scream, and the asserted irrelevance of [scientific] exams on the precise hour of death of the young English woman.	Curatolo's testimony both during the M & C trial and during the H & Z trial were compatible with each other and compatible with the scream happening after 23:00, as reported by other witnesses.
5) Also distorted was the interpretation of Capezzali's declarations, of which has been attached the relative transcription.	It is not indicated how Capezzali's testimony was distorted.
6) In regards to flawed reasoning, interpreted according to the new wording of article 606 lett. e) of the code of criminal proceeding, the erroneous interpretation of Mr. Curatolo's witness declarations is challenged.	It is not indicated how Curatolo's testimony was erroneously interpreted.
7) The same for Mr. Quintavalle's testimony and the omitted examination of the evidential contribution of inspector Volturno, who submitted the service note according to which the aforementioned Quintavalle had told of having seen Mr. Sollecito and Amanda always together.	The police had asked Quintavalle about Sollecito and he mentioned he saw Sollecito frequently with Knox. Later, Quintavalle testified he saw only Knox the morning on the murder, and accurately described clothing Knox had on that early morning of November 2nd, which were later found on her bed in the apartment, as she apparently had changed clothing. Quintavalle's testimony is certainly not contradictory, nor implausible.
8) With reference to the combined provisions of articles 606 lett. e) and 192 of the procedure code it is, then, challenged the erroneous evaluation of the proof in relation to the supposed participation of persons in the crime, with particular reference to the contested examination of the footprints and traces highlighted by luminol.[12]	The defense team professor who contested the matching on the footprint to Sollecito's foot used the reference grid incorrectly and dishonestly manipulated images to try and force a match to Guede's shoe. This was pointed out in cross-examination and by the police consultant rebuttal report here: http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/trials/knoxsol/massei/reports/2009-09-18-Slides-Rinaldi-Boemia-comments-on-Vinci-report.pdf
9) Also challenged is the misrepresentation of the evidence related to the time of the 112 call, also based on the supposed error of the timer of the camera situated near the parking lot.	The N & C report dealt with this at length. See pages 158 - 175 of the report.
10) Identical violation is challenged with reference to the supposed alteration of the crime scene carried out by the two suspects.	The N & C report dealt with this at length. See pages 63 - 85 of the report.
11) Other case of motivational deficit, a sub-type of evidence misrepresentation, and also contradiction or manifest motivational illogicality, is challenged, according to article 192 of the code of criminal procedure, regarding the supposed falsehood of the provided alibi and the related violation of the principle nemo tenetur se detegere. Moreover, it should have been considered as a "failed" alibi, not "false", and as such not suitable to sustain an "evidential conclusion", otherwise it would be subject to inadmissible inversion of the burden of proof.	A failed alibi is still no alibi at all, and in any case, it still has evidentiary merit. The real question is why the two defendants declared different alibis and why did they lie to the police during the investigations?

12) Also erroneous was the interpretation of the results of the genetic evidence on item 36) and on the supposed compatibility of the seized weapon with the most serious wound observed on the victim's neck. With regards to this, it was clear the misrepresentation in which the judge was involved, given that on the knife's blade was not observed any mixed Kercher-Sollecito DNA. On the same instrument had been retrieved traces of starch, proof that it was not true that it had been properly washed in order to remove incriminating traces. Furthermore, the starch, found in plants, has a well-known absorbing capability, so it should have absorbed the blood in case it was used for the commitment of the crime.	1) The "Kercher-Sollecito DNA" is a clerical error on page 321, in the concluding section of the report. Nowhere else in the report (or in prior motivation reports) is it ever indicated that Sollecito's DNA was found on the knife. The N & C report, in pages 175-250, extensively considers the DNA evidence, including that found on the knife. It is clear from the considerations that the traces are of Knox and Kercher DNA on the knife, not Sollecito and Kercher DNA. On the same page 321, further down, the report speaks of Knox and Kercher DNA again. 2) The presence of starch is utterly meaningless. The starch could have been on the knife before or after its use to kill Ms. Kercher. That the knife was cleaned is evident from the scouring marks on the blade, where Dr. Stefanoni sampled to find Ms. Kercher's DNA.
Hence, the motivated request to refer the trial papers to the "United Sections".	
Furthermore the assumption that the most serious wound on the left side of the victim's neck would have been inflicted with a single strike was denied by unambiguous emerging proofs, such as the results of the examination submitted by pathologist Cingolani, and also the conclusions of the party's expert Introna.	There were no proofs. Only suggestions made by various medical consultants. Whether the serious wound was a single strike, multiple strike or the result of a single strike while Ms. Kercher moved her head, is not determinant to who did the striking with the knife.
13) The motivation of the appealed sentenced was objectionable also in relation to the asserted availability of the kitchen knife to Amanda Knox at the time of the attack. In this regard, it was illogical to state that the kitchen knife, used for the homicide, wouldn't have been hidden, considering that the furniture and instruments of the apartment rented by Sollecito were listed in inventory, so that the lack of the knife would have generated suspicion, and accordingly was put back in its place subsequent to cleaning.	And in fact Knox and Sollecito used the knife and took it back to the apartment to clean it and put it away, precisely to avoid raising suspicions of a missing knife.
Also clearly illogical was the motivation related to the carrying of the knife on the part of Ms. Knox, with the asserted use of the capacious purse in her possession, for the supposed reasons of personal defense, encouraged by Sollecito who was familiar with knives. It was not considered as true that this explanation would exclude the hypothesis of joint concurrence, since it would admit that the suspect woman was alone [13] and not able to take advantage of the supposed defense by her boyfriend in case of aggression by strangers,.	1) Kokomani saw Knox pull out the knife from purse 2) Knox having the knife in her purse does not preclude that she could also be with Sollecito. She could have started carrying the knife a few days before and got into the habit of carrying it, and not bothered to remove it from her purse the night of the murder.
However, there was no evidence on the supposed concurrence of the appellant in [a charge of] unjustified carrying of the knife.	Someone brought knife over to cottage and returned it to S apartment. There is no other evidence that Ms. Kercher went to Sollecito's apartment.
14) Obvious also was the flawed reasoning on the results of the genetic investigations on the bra hook, for which a referral to the United Sections of the Court is requested.	The DNA results were certainly not flawed; no judge or court has ever stipulated this. The DNA trace on the bra clasp not only match Sollecito's DNA, but also his Y haplotype.
With regard to the possible contamination of the item, the appeal judges overlooked the photographic material placed before the court, which clearly demonstrated the possible contamination, regarding the way the hook was treated, with a "hand to hand" passage carried out by persons who wore dirty latex gloves. Furthermore, a second amplification was not carried out on the hook despite the fact that half of the sample was still available, and remained unused.	In all the 480 DNA tests performed, no contamination was shown or proven by the defense. Certainly not via 'dirty latex gloves'.

Also, the hook, though observed during the first inspection carried out by the scientific police, was left on the ground, on the floor, and there it remained for some time. It wasn't true, also, that between the first access and the one during which the hook was finally collected, only two inspections by the investigators took place, in reality there were more and in such occasions everything was put in disarray.	The disarray of objects in a room does not necessarily mean contamination as occurred.
With regard to this, the objections by the defense and the contrary conclusions of the defense adviser professor Tagliabracci, were not considered.	The judge is entitled to disregard any expert testimony he so desires.
15) A misrepresentation of the evidence also took place in relation to the actual delivery of the progress reports [SAL] on the examinations carried out by Dr. Patrizia Stefanoni, of the scientific police.	There was no misrepresentation of the evidence. The defense consultant could have lost the SAL papers given to her.
16) Another reason for complaint with regard to the judge's motivations context is related to the supposed theft simulation in Romanelli's room and the absence of motivation in the new reasoning presented in the report of 29th July 2013.	The N & C report extensively covers the staged break-in.
In this regard, it is argued that it was Sollecito who notified the postal police,	
their having arrived in via della Pergola for other reasons (the retrieval of Kercher's cellphones, one of them with the SIM card in the name of Romanelli), about the strangeness of the fact that from the room of the housemate of Kercher and Knox, the computer and valuable items were not missing;	In fact, had the burglary been real, Knox and Sollecito could not have known what had been stolen from Romanelli's room.
that the testimony declaration of lawyer Paolo Brocchi and of Matteo Palazzoli, presented in the new submissions, regarding acts of thievery carried out by Guede	This was never proven or shown to be the case. Guede was arrested for having stolen property, not that he actually committed the theft.
with modalities similar to the ones that were supposed to be used for the breaking-into the apartment in via della Pergola, were not considered;	The staged robbery in Ms. Romanelli's room was immediately apparent to the Postal Police, the Police and Romanelli and her friends.
nor were properly considered the defense reports about the wounds on the palm of the hand palm of Guede at time of his arrest in Germany;	Guede could have wounded his hand and any time prior or after the murder.
nor that the evidence had been misrepresented with reference to the collocation of the glass shards, given that from the collected testimony declarations [14] it resulted that the shards of glass were placed both under and over the objects present in Romanelli's room;	The fact that glass fragments were found above and below the clothing strewn about on the floor in Romanelli's room is one of many clues that the burglary was staged.
that, also, a glass fragment was retrieved in Meredith's room, indicating that whoever unlawfully entered the room had brought that fragment with him.	Whoever killed Ms. Kercher could have staged the burglary and brought a piece of glass back into Ms. Kercher's room and achieved the same result- i.e. that a glass piece was found on the skin of Ms. Kercher's back when police first rolled her body over. Note that Ms. Kercher's body was moved by someone after she had been killed.
Therefore, it was clear that the sentence under appeal was based on mere speculations, totally detached from the trial's reality.	1) The N & C report considered all the above details, none of which are determinant. 2) No traces of Guede were found in Romanelli's room. 3) The evidence does not support a lone wolf attacker. It

	never has given that Ms. Kercher had no defense wounds, yet she received numerous bruises to the neck as well as knife cuts to the face and neck. The Italian courts found Guede was guilty of murdering Ms. Kercher along with others, namely Knox and Sollecito, who are referenced in his sentence.
17) Challenged also is the violation of article 238 bis of code of criminal procedure, on the fact that through the acquisition [in the trial against Knox and Sollecito] of the irrevocable sentences issued against Guede, it was intended to make use of declarations released contra alios in a different procedural context, although those declarations were issued in absence of the blamed persons. Beyond this point, for which a referral to United Sections of Cassation was solicited, Guede's declarations were erroneously evaluated, in violation of the standards dictated by article 192 of the code of criminal procedure and the indications of this Court (p. 57). It was true that those declarations were adopted as a mere confirmation element, but they were still unusable declarations. The sentences about him, after all, also the Supreme Court ones, demonstrated the absolute unreliability of Mr. Guede.	1) Guede spoke during the H & Z trial when defense teams were present; the defense team asked for Guede to confirm his letter to the media, which he did. They then failed to question him further. 2) Guede has maintained Knox' presence during the murder since 2007, and he has hinted at Sollecito's presence since 2007.
18) Another violation of the article 238 bis of the code of criminal procedure was challenged with reference to the supposed binding effectiveness of external final verdicts [giudicato esterno].	
19) Also related to the declarations of Guede, their use constituted a violation of articles 111 Const., 526 chapter 1 bis of the code of criminal procedure, and 6 of the European Convention. And also on this matter, referral to a United Sections of Cassation panel was requested.'	
20) In the event that such legal approach is not shared [by the Supreme Court], a question of constitutional illegitimacy was advanced of those laws which allowed bypassing the regulatory prohibitions in regards to the usability of declarations incriminating third parties in the absence of the accused persons, by means of the mere acquisition of irrevocable judgments against the declarant and containing the relative propagations contra alios.	Guede's statements in the appeal trial were made in presence of defense and defense had every opportunity to challenge statements or offer different explanations. None were given. In addition, Guede's statements do not constitute the only evidence against Knox and Sollecito.
21) Incorrect reasoning was also challenged in relation to the supposed possibility of contamination of the evidence during the appeal, independently from the doubting of sufficient quantity expressed on the point.	The C & V report stated that whoever invokes contamination must also show it. The defense never showed a plausible path of contamination. More importantly no contamination was ever shown in all the other 480 DNA tests done.
22) There was also a lack of rationale also related to the aggravating circumstance of sexual violence.	What lack of rationale?
23) The same also applies with regard to the supposed theft of the victim's cellphones.	The N & C report extensively dealt with the theft of Ms. Kercher's cellphones.
24) Clear also is the violation of the principle of the beyond reasonable doubt, because of the omission of the examination of alternative solutions.	The evidence does not offer any plausible alternative solutions.
Finally, a rationale was omitted on a possible downgrading of	Why should the N & C report consider a less serious

the charge from voluntary murder to the less serious charges of aiding a crime or manslaughter, and also the application of mitigating circumstances.	charge when the evidence clearly shows Knox and Sollecito murdered Ms. Kercher?
4. The defenses of both the accused then proposed new reasons.	
4.1. In favor of Knox, two further reasons were submitted.	
In the first one, objected to is the violation of article 606 lett. a), b) e) of the code of criminal procedure, criticizing the entire reasoning process of the appealed verdict, which exceeded the fixed standard of the - already exorbitant - annulment ruling , with violation of articles 627 par. 3, and 623 of the code of procedure. Criticized, particularly, is the anomalous examination of the merits within the annulment ruling.	The C & V report cited evidence only to show the numerous faults in the H & Z report.
In the second reason, objected to is the contradiction and manifest illogicality in the rationale according to article 533 of the code of criminal procedure.	
And at the end, a delay of the judgment is proposed while waiting for the decision of the European Court of Human Rights, following the presentation to the international judicial body on the appeal of 11.22.2013, for alleged violation of the right to an equal trial, according to the article 6 par. 3 lett. a/c ECHR; for alleged violation of defense rights, according to the article 48 par. 2 of the Chart of Fundamental Rights of the European Union; and for the violation of the prohibition on torturing, according to the articles 3 ECHR and 4 of the Chart of Fundamental Rights of the European Union.	First, the defense teams claim that trial took too long, but now they ask to wait for an ECHR verdict first?
4.2 Also Sollecito's defense proposed new reasons, listed as follows.	
The first new reason challenges the incorrect reasoning on the time of Kercher's death. As defense has stated a careful examination of objective elements would have allowed the setting the time of death in a period of time between 9-9:29 and 10:13 PM.	The earlier time of death only considers a small subset of evidence, not all of it.
The exact determination of the time of death [exitus] was fundamental to proving the actual presence of the accused at the crime scene, at the time of the aggression.	Neither Knox nor Sollecito have confirmed alibis for the time period when Ms. Kercher was killed, i.e. from 21:10 to 5:30 the following morning.
In particular the examination carried out on the victim's cell phone revealed subsequent contacts between 9 and 9:13 PM, as reported in the Pellero report on the SMS and the aforementioned cellphone. This would have allowed acquiring – if not the certainty of the young English woman being alive until 10:13 PM, considering the possibility of accidental phone connections – at least useful information in this regard.	Someone could have taken Ms. Kercher's phones from her before she was killed.
More precisely, in the following contacts took place during the considered period of time:	
1) a first call, at 8:56, to her home number, in England, remained unanswered and not followed by a new call, strange considered the habits of the girl, who was used to calling her	

family every day; 2) another contact, maybe accidental, at 9:50 PM, on a voice mail, lasted a few seconds, without waiting for an answer; 3) a contact, at 10PM, with the English bank Abbey, which failed obviously because it was not preceded by the international prefix; 4) at 10:13, an SMS was received by the cellphone, in the place where it was abandoned, in via Sperandio. On the other hand, the examination carried out on Sollecito's computer registered an interaction at 9:20 PM and a subsequent one at 9:26 PM, not found by the postal police, but discovered by the defense expert D'Ambrosio by means of a different operative system application (MAC), for the watching of an animated cartoon (Naruto) of the length of 20 minutes, demonstrating that Sollecito was at home until 9:46. This helps to demonstrates the non-involvement of the accused, also evident from the Skype contact occurred between Guede and his friend Benedetti. To be sure, a new IT analysis by judge-appointed experts would have been necessary, as requested in vain by the defense. The previous [a quo] judge, then, also committed an obvious misrepresentation in the evaluation of Curatolo's testimony, not realizing that the declarations of the witness were, actually, in favor of the accused, especially in the part where he states to have seen the couple in piazza Grimana at 21:30 PM until 12:00 AM. Therefore, there was an internal contradiction of the judging: it wasn't true what was stated at p. 50 concerning the supposed absence of extrinsic elements confirming that the two accused, from 9:30 PM to 12:30 PM of the next day, would have been in a different place than the one where the homicide took place. Within the reconstruction of the crime, then, it was not taken in account that witnesses Capezzali and Monacchia located the harrowing scream that they heard at a time around 11 –11.30 PM. However, Ms. Capezzali was contradicted by other witnesses, residents of the area, who declared they didn't hear anything. Furthermore, not examined was the video clip captured by the camera placed near the parking lot which had filmed the passing by of a person similar, in features and clothes, to Guede. The time of filming was 7:41 PM, though 7:39 PM effectively because of a clock error of 12 or 13 minutes. Also the autopsy, in observing the gastric situation, allowed the fixation of the hour of death between 9:30 and 10 PM. Furthermore, during the cross-examination hearing, the forensic pathologist Dr. Lalli rectified an error contained in his technical report, pointing out that the time of death would have had to be set not at "not less than 2-3 hours from the last meal (that took place around 6 PM, with the English friends)" but at "not more than 2-3 hours from the last meal". Considered this uncertain conclusion, a new analysis by judge-	Both the M & C and the N & C reports reviewed this. This is not proof of an intentional call. Both the M & C and the N & C reports reviewed this. This was obviously an accidental dial. So phone localization is certain for this SMS text but it is uncertain for the SMS from Knox to Lumumba (cited above)? The N & C report considered this evidence. No, this demonstrates only that the film was started, and it could have been started automatically. Nor is this datum important as the murder could have occurred much later. Even if Sollecito was at his apartment at 21:46, it was only a five minute walk to the cottage, so he could have been at the cottage in time for the murder. In the Skype chat and in further phone calls between Guede and Benedetti on November 19, 2007, Guede acknowledged it was someone like Sollecito, describing Sollecito's height, hair color and high cheekbones. 1) Hence, it is true that Knox and Sollecito were at piazza Grimana, less than a minute's walk from the cottage. This means Knox and Sollecito lied to police, their family and friends. 2) Also Curatolo did not testify to seeing them continuously. See his testimony during the M & C trial here, especially the last part of his testimony: http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/trials/knoxsol/massei/2009-03-28-Testimony-MC-Curatolo-Gioffredi-Sollecito-Aiello-Kokomani.pdf The same police report indicates that many of the other witnesses did not hear anything because they were on vacation. Also, not all the apartment bedrooms face the garage or the cottage. Guede's presence at cottage has been already established. His earlier presence in the garage, even if true, is irrelevant, since it has been also established that Ms. Kercher did not arrive to the cottage until 21:00 roughly. No. The coroner and other medical consultants noted that digestion could be slowed by stress and other factors, and the time factor could be as long as seven hours. See above. See the N &C ordinance of why the request was rejected.

appointed experts [perizia] was requested in vain, in the new reasons for appeal, dated 29 July 2013.[17]	
So, in the light of the trial data, as stated by the defense, the time of death of the young English woman would have had to be approximately set between 9 and 10:13 PM.	1) This is incorrect and fails to look at all data. It is not just Capezzali and Monacchia who heard a scream, but no one else came forward to say they heard screaming earlier, despite there being consistent pedestrian traffic to the garage from 21:00 to 22:30. Also Capezzali and Dramis heard running and Dramis also confirmed the running she heard was after 23:00, which is consistent with Capezzali's and Monacchia's testimony. 2) The families involved in the broken down car, as well as the tow truck driver all testified to not hearing any screams while they were next to the cottage from roughly 22:20 to 23:15. 3) Another witness heard strange sounds coming from the cottage at around 01:00 in the early morning of November 2nd.
The second new reason challenges the failure to order a judge appointed experts review [perizia] in order to verify or otherwise the possibility of a selective cleaning of the crime scene which would have removed only the traces referable to the two accused, leaving only Guede's ones. In fact, in Kercher's room multiple traces of Guede were found but none of Sollecito.	Except that the missing bloody footprint heel, as well as the bloody footprints revealed by luminol, all show that some had cleaned the floor. Crime scene photos also show someone cleaned the floor in Ms. Kercher's room.
Incorrect reasoning is also suggested on the supposed alteration of the crime scene by the accused. It was not, however, considered that Sollecito had no interest in polluting [the scene].	Of course he had an interest!
The third reason challenges a flaw in rationale regarding the plantar imprints presumed as female footprints (size 37 EU) demonstrating a participation of more than one person in the crime. With reference to the imprints, there was an obvious error in the judgment, also present in the judgment of annulment of Cassation (p. 21), considering that the only imprint retrieved in Kercher's room belonged to Guede.	The N & C report considered this as well and found the defense consultant was wrong. The defense consultant tried to force a different match. See the police consultant's rebuttal report linked above.
The fourth reason again claims violation of the law, with reference to the article 606 lett. c) and e) regarding the evidence on the participation to the crime and the violation of the articles 111 Const, 238, 513 and 526 of the code of penal procedure on the usability of the interrogation of Guede and the observance of the evaluation standards on a charge of complicity.	All three committed the crime, and Guede has consistently placed Knox at the cottage during the murder, and also hinted at Sollecito's presence. Guede's statements are not the only pieces of evidence the place Knox and Sollecito at the crime scene.
The fifth reason claims misrepresentation of the evidence and manifest illogicality, related to the results of the genetic investigation on the knife (item 36) and also on the supposed "non-incompatibility" of the instrument with the most serious wound observed on the victim's neck. Claimed further is the violation of the evaluation standards of evidence according to article 192 of the code of criminal procedure.	The wound in fact is compatible with the knife, and the knife prints on the mattress are also compatible with the knife. There were no violations of "evaluation standards".
The sixth reason claims lack of rationale, because there was no consideration of the violation of the international recommendations on the sampling and examination of traces of small entity and the interpretation of the results. Also claimed is misrepresentation of the evidence and manifest illogicality of reasoning on the results of the genetic examinations carried out on the kitchen knife and also violation of the proof evaluation standards, according to the article 192 of the code of procedure.	There are no international recommendations on sampling techniques as noted above. See the N & C report where he quotes Dr. Novelli, a pre-eminent Italian geneticist, who confirmed that the police procedures were proper and the DNA results reliable. There is no 'manifest illogicality' on the results of the knife's DNA traces.

The seventh reason claims incorrect reasoning with reference to the violation of the international recommendations on the sampling and analysis related to the genetic examinations carried out on the brassiere hook (item 165 B) and the objected-to contamination of the item, after the inspections carried out by the Criminal Investigation Department.	There were no international recommendations on sampling at the time, and there was no proven contamination. Note that the C & V report required contamination to be shown by those who invoke it.
The eighth reason challenges the violation of articles 192 and 533 of the code of criminal procedure on the interpretation of the genetic examination on the item 165 B and lack of rationale on the objected violation of the international recommendations in matter of interpretation of mixed DNA.[18]	Again, there were no international recommendations on sampling or analysis techniques, apart from best laboratory practices. The Roma Scientific Police lab was already in adherence with these practices.
The ninth reason challenges a violation of article 192 of the code of criminal procedure and manifest illogicality of evidence for misrepresentation of the scientific investigation, considering the failure of the DNA proof in this case.	There has been no failure of DNA proof. The DNA corroborates the remaining evidence. Note too how the defense teams are always questioning only two DNA results: the bra clasp and the knife. They do not comment on ANY of the other DNA traces that indicate: 1) Mixed DNA traces of Knox and Ms. Kercher in blood traces in three locations in the bathroom- the sink, a cotton bud and the bidet drain. 2) The presence of Knox's blood in the bathroom sink. 3) Mixed DNA traces of Knox and Ms. Kercher in blood spots in Romanelli's room and in a luminol revealed bloody footprint on the floor in the apartment corridor. 4) Ms. Kercher's blood on the bathroom light switch. And at least one hundred other positive results with DNA profiles.
The tenth reason challenges a manifest illogicality in the motivation in the luminol evidence related to the supposed presence of blood imprints in areas of the house of via della Pergola and also on the bathmat, and manifest illogicality of rationale related to the mixed traces of Knox and Kercher and the evaluation of the circumstantial evidence in relation to the participation of more than one person to the crime.	1) There is no "manifest illogicality". 2) The luminol footprints are certainly from blood, given the copious amount of blood found in Ms. Kercher's bedroom. 3) The footprints were shown to be compatible with both defendants, and none were shown to be compatible with Guede. Guede's traces were only in visible bloody shoeprints.
The eleventh reason challenges a manifest illogicality or contradictory nature in the motivations related to the evaluation of the motive of the murder. The twelfth reason argues the same incorrect reasoning and misrepresentation of the evidence related to the time of the 112 call.	1) No errors have been shown. The C & V report did not ask to evaluate motive. 2) The N & C report extensively dealt with the timing of the 112 calls, which show the Knox and Sollecito lied again.
The thirteenth reason argues the same incorrect reasoning in relation with the alibi and the supposed tentative of Sollecito to cover for the supposed co-perpetrator Amanda Knox.	Sollecito would cover for Knox if he were also involved in the murder. The evidence shows he was involved in the murder.
The fourteenth reason challenges the violation of the law principles stated by Cassation and the violation of the judicial standards of "beyond reasonable doubt" according to article 533 of the code of criminal procedure.	The case was proved beyond reasonable doubt as expressed by twelve different Italian courts.
CONSIDERED THAT	
1. Logical and exposition reasons call for an immediate	

examination of the preliminary matters advanced by the defenses.

In fact, these are issues of prejudicial relevance, since they are potentially capable of influencing the subsequent developments of decisions which, even if devoid of substantial definitiveness, could nevertheless have a decisive effect, at least in relation to the remand back to the lower court and postponement of the present consideration.

How can something that is prejudicial but also "devoid of definitiveness" have a "decisive" effect?

First of all, we will address the issue of constitutional legitimacy of the combined provisions of articles 627 par. 3, and 628 par. 2 of the code of criminal procedure, for supposed violation of the principle of reasonable length of the judicial process in light of article 111 of the Constitution; also the request to delay judgment until the decision of the European Court for Human Rights, subjected to an appeal submitted by the defense of Amanda Knox complaining about coercive treatment to which the aforementioned was supposed to have been exposed by the investigators during the preliminary investigations; also to the multiple requests of Raffaele Sollecito's defense to refer examinations to the United Sections of this Supreme Court [a panel of all Chambers] about matters of particular relevance to their capability to generate interpretative alternatives in the case law of this Court.

2. All the requests are clearly unfounded.

2.1. Unfounded, first of all, is the restated issue of constitutional legitimacy of the laws that rule judgment by the courts after Supreme Court remand. And in fact, the motivating report of the previous [a quo] judge [Nencini, ed.], who, with the preliminary court order dated 30 September 2013, has considered the matter as clearly unfounded, is irreproachable. To the arguments brought forward [by the judge] in relation to the first matter – an illustration of how the dynamics of the relationship between a judgment of annulment on legitimacy grounds, and a replacement judgment by the lower judge after remand, are guided by a progressive narrowing of the thema decidendum [matter], which, serves to preclude an extension ad infinitum of the trial process – this can be added: the effect of the progressive delimitation of the res iudicanda is followed by the judiciary as a possible result not only of the rescinding [annulling] judgment, but also of the requirements of article 628, par. 2, of the procedural code, according to which in all cases the sentence of the appellate judge can be challenged only in relation to reasons not concerning points already decided the Court of Cassation, or for failure to abide with the requirements of article 627, chapter 4 , of the code of criminal procedure, according to which "the appellate judgment by the court following Supreme Court remand cannot reopen the issue of nullity, even absolute, or inadmissibility, decided during previous trials or during preliminary investigations."

Thus legitimacy jurisprudence is prohibited to extend as far as non-usability, since it is considered as an expression of a general principle of the decree which tends to confer definitive status to the decisions of the Court of Cassation (Section 5, n. 10624 dated on 12 February 2009, Barbara, Rv. 242980; Section 5, n. 36769 dated on 03 September 2006, Caruso, Rv 235015; Section 1, n. 22023 of the 18 April 2006, Marine, Rv. 235274; and, about preliminary judicial review, Section 6, n. 47564 of

the 14 November 2013, Tuccillo, Rv. 257470; contra, Section 3, n. 15828 of the 26 November 2014, Rv. 263343).	Okay.
It is thus perfectly acceptable to affirm that the legislative [parliament] has designed a procedural module with a progressive foundation (principle of so-called "progressive ruling"), which can be viewed – in a slice of time – as "concentric circles".	This is a bad analogy, though the sense is understood. In fact, as this case has shown, much depends on the remit imposed by previous courts. What is clear is not that less evidence or material is considered, but that if there are specific issues, that these must be dealt with. The appeals court is also tasked with looking at the reasoning of the lower court, and may well look at all of the evidence, which is what happened in this particular sequence.
Furthermore, the previous court – in the instances described in the appeal document signed by the lawyers Ghirga and Della Vedova – had already had the opportunity to take care of this matter, declaring it inadmissible on the basis of argumentations that the current defensive explanations doesn't seem capable of rebutting, since they do not proffer arguments that could possibly promote a different deciding conclusion.	Okay.
It cannot be ignored that the criminal trial is, constitutionally, aimed at the acknowledgement of the material truth by means of a cognitive progression, excluding possible errors in procedendo or in iudicando, medio tempore occurring, to reach its final purpose, in terms of approximation as close as possible to that objective, [20] rendering back to the community a result commonly intended as "judicial truth", that means truth found procedurally (rectius, the one which has been possible to verify by means of the ordinary gnostic and inferential instruments at disposal of the judge). All of this, within the ineluctible contexts of the procedural formalities, which represent, obviously, the maximum expression of juridical civility and the prestigious spirit of a centuries old process of advancement of procedural knowledge typical of the Italian juridical culture.	Okay.
And when one deals with, as in this case, matters of particular evidence in absence of direct proof, or of reliable technical-scientific contribution, or of pertinent and usable declarative contributions – the judicial truth, detached from factual reality, ends up being a mere fictio iuris, considering the limits and the ordinary subjectivity of the instruments of human knowledge, commonly depending on a reconstructive and re-elaborative process a posteriori.	Even a video of the crime could be fake, so the idea that indirect evidence necessarily leads to a mere fiction is incorrect. It is possible to arrive at truth through considered evaluation of all the evidence, so long as all the evidence, taken together, does not offer multiple interpretations that lead to entirely different culprits.
So, it is precisely in this circumstances that the respect of standards is most necessary, representing an unswerving parameter – objective and privileged – for the verification of correctness and adequacy of the cognitive process of the judge during the pragmatic approach to the material truth.	The respect of standards is all well and good, but it is logic, more than science, that should form the cognitive process of the judge.
And the Judge of the legitimacy is, in fact, called to attend to the aforementioned verification with cognitive powers only ab extrinseco, meaning that they are limited to a mere external check of the formal correctness, congruency and logical coherence of the set of explanations justifying that cognitive progression, without any possibility to observe the real demonstrative importance of the evidential elements used in it.	The C & V report did not say this. If evidence shows the reasoning to be illogical, then that is of real demonstrative importance. As noted above, the Cassazione does not reconsider evidence since it is a court of legitimacy. Cassazione should consider whether the court reasoning is correct and whether such reasoning takes into account all the relevant evidence without making logical blunders, or whether the court reasoning excludes other relevant evidence that would render the reasoning illogical or invalid.
And furthermore, such pursue of finalization will have to comply with the constitutional principle under article 111 of the Constitution about reasonable length of a trial process intended to develop through phases and predetermined sequenced articulations.	Okay.

The pursue of that ultimate purpose (seeking of the material truth) – particularly in trials of particular delicacy like the one examined here, of such difficulty in carrying out of procedural activities, and technical investigations of particular complexity – has therefore to be related to the necessity of a judicial reply of a length as short as possible, for the obvious necessity of respect for the value of the subjects involved and of the ineluctible claim for justice both of the victims and the community.	In fact, the technical investigations were not particularly complex.
2.2. The request of Amanda Knox's defense aimed at the postponing of the present trial to wait for the decision of the European Court of Justice [sic] has no merit, due to the definitive status of the guilty verdict for the crime of calunnia, now protected as a partial final status, against a denouncement of arbitrary and coercive treatments allegedly carried out by the investigators against the accused to the point of coercing her will and damaging her moral freedom in violation of article 188 of penal procedure code. [21]	Okay.
And also, a possible decision of the European Court in favor of Ms. Knox, in the sense of a desired recognition of non-orthodox treatment of her by investigators, could not in any way affect the final verdict, not even in the event of a possible review of the verdict, considering the slanderous accusations that the accused produced against Lumumba consequent to the asserted coercions, and confirmed by her before the Public Prosecutor during the subsequent session, in a context which, institutionally, is immune from anomalous psychological pressures; and also confirmed in her memoriale, at a moment when the same accuser was alone with herself and her conscience in conditions of objective peacefulness, sheltered from environmental influence; and were even restated, after some time, during the validation of the arrest of Lumumba, before the investigating judge in charge.	Yes, Knox is guilty of calunnia against Lumumba.
2.3. Finally, denied also is the request from Sollecito's defense seeking to obtain referral to the United Sections of this Court of matters related to the evidential value of scientific results acquired in violation of international protocols which contain specific prescriptions meant to assure the genuineness of the sampling and the analysis; also related to the standards of evaluation of expert testimony during the trial process under strong media exposure; also related to the usability of accusative declarations reported in the verdict that had been acquired according to article 238–bis of the procedure code. These are, clearly, matters of particular weight, of some agreed relevance for purposes of defining the present judgment, but of dubious capacity to generate potential jurisprudential contrasts. Anyway, interpretative tangles are checked out here which this Court could not ignore, with the pertinent conclusion having binding effectiveness within the purpose of defining the present proceeding.	As shown above, at the time the labs did their analysis, there were no international protocols or standards for sampling. Also, there are no international standards to "evaluate expert testimony". One evaluates testimony, expert or otherwise, based on logic and conformance with the other evidence.
3. Having thus stated, the main topic of the present proceeding can now be approached, the leitmotiv of the claims of the appellants, revolving around a prejudicial claim of inobservance, on the part of the [Florence] appeal judge, of the dictum of the [2013] annulment ruling by this Court and the principle of law established within it.	Okay, but consideration should also be given to why the other appeals (to reject the defense team appeals) are not valid.

The investigation requested to this Court is only apparently simple, considered that the ratio decidendi of the annulment ruling is founded on the finding of a manifest illogicality of the rationale supporting the appealed judgement; a finding which consists – and specifies itself – in the observation of a violation of the principles of completeness and of non-contradiction.	Okay.
It is an established jurisprudential rule that, in presence of such reasoning for an annulment, derived from a deficit in the reasoning, the new appeal judge [giudice di rinvio] is tasked with the comprehension of the whole body of evidence, which he is expected to revisit [22] in full freedom of conviction, without any bound, being only supposed to produce, as a result, a reasoning deprived of those flaws of manifest illogicality or manifest contradiction which caused the annulment of the first appeal verdict. In the case law of this Court of Cassation there is, in fact, the recurrent statement "following an annulment for incorrect reasoning, the new appeal judge is prohibited from basing the new decision on the same arguments considered illogic or inconsistent by the Court of Cassation, but he is however free to reach, on the basis of different argumentations from the ones claimed in the Supreme Court therefore integrating and completing the ones already issued, the same judicial result of the annulled ruling. This because it is an exclusive task of the courts of merit to reconstruct the resulting facts from the trial findings, and to assess the signification and value of the relative sources of evidence". (among others, Sect 4, n. 30422 of 21 June 2005, Poggi, Rv. 232019; Section 4, n. 48352 of 29 April 2009, Savoretti, Rv 245775).	Okay.
A problem – suggested with appreciable discretion within the new reasons [of appeal] in favor of Knox – appears when, as in this case, the Court of Cassation has entered in the merits, going beyond the institutional limits assigned to it, such as when for example it offers a range of causal alternatives for the murder and assigns to the judge the task of picking, within that predetermined numerous clausus, the one most appropriate to the case at bar.	This is fundamentally incorrect and shows the M & B court did not adequately read the case documentation or the pertinent motivation reports. Again, the paragraph in question from the C &V report is: *In conclusion, the challenged judgment must be annulled due to the numerous deficiencies, contradictions and manifest lack of logic indicated above. Using the broadest faculty of evaluation, the remanded judge will have to remedy the flaws in argumentation by conducting a uniform and global analysis of the evidence, through which it will have to be ascertained whether the relative ambiguity of each piece of evidence can be resolved, as each piece of evidence sums up and integrates with the others in the overall assessment. The outcome of such an organic evaluation will be decisive, not only to demonstrate the presence of the two defendants at the crime scene, but also possibly to clarify the subjective role of the people who committed this murder with Guede, against a range of possible scenarios, going from an original plan to kill to a change in the plan which was initially aimed only at involving the young English girl in a sexual game against her will to an act with the sole intention of forcing her into a wild group erotic game which violently took another course, getting out of control.* The C & V report did not ask that the appeals' judge "pick a scenario" from those cited by the C & V report. The C & V report asked the judge to clarify the subjective role of the murderers acting with Guede, against a range of possible scenarios of how the crime might have occurred. Certainly had the evidence led to another scenario, the judge would have been free to select it. There is nothing in the range of scenarios offered by C &V that necessarily limits the appeals judge to consider only that specific range or that specific scenario. The C & V report is asking

	if the judge, in their re-evaluation of the evidence, can provide some light as to the roles of the murderers, by evaluating how the crime might have taken place. It should be obvious that a consideration of how the crime happened is well within the purview of the appeals court, which must establish if the lower court reasoned correctly and if it applied the proper and adequate sentences.
There's no doubt, in the opinion of this panel, that in such peculiar event the new appellate court cannot consider itself either bound or influenced, because of the aforementioned clear problem of this institutional kind, that, for what was stated before, exists between cognizance of legitimacy and cognizance of the fact, the latter being the exclusive prerogative of the judge of merit. In this regard the Supreme Court has already given its contribution, stating that the new appellate judge cannot be influenced "by evaluations possibly over-stated by the Court of Cassation in its argumentations, since the spheres within which the respective evaluation are carried out are different, and it is not the task of the Court of Cassation to put its conviction before the judge of merits in regards to those matters.	The C & V report did not offer any convictions; the C & V report clearly states a "range of scenarios" that may include any number of possibilities, some of which are highlighted by the C& V court (going from a action of extreme criminal responsibility to lesser criminal responsibility.) It is also worth recalling what the N & C report ultimately said in their conclusions after evaluating all the evidence. From page 327 of the N & C report: *The Court believes that, in the absence of any assistance during the trial on the part of the perpetrators of the homicide, the assessment of the criminal responsibilities of the individuals in causing the joint crime must be performed by examining the results of the investigation and the facts objectively obtained from the proceedings.* *The analysis of the trial evidence leads us to point out that all three attackers contributed through actions that were coordinated and that sought the same result, with no interruption in the causal link to the event of the death of Meredith Kercher. There is no room whatsoever, given the evidence provided, for any differentiation of criminal responsibility, which would be founded on petitio principii [begging the question] not demonstrated in the trial. The homicide, aggravated by sexual violence, following the scheme of the complex crime, was brought about not only when Amanda Marie Knox struck the blow that caused the bleeding that caused the victim's death by suffocation, but also as a direct consequence of the simultaneous actions of Rudy Hermann Guede and Raffaele Sollecito, who overwhelmed Meredith Kercher, immobilizing her and preventing any defensive reaction on her part, therefore collaborating causally in the event.* *A final observation must be made. The homicidal intention of the attackers is obvious due to the weapons used in the attack, specifically the knife (Exhibit 36), clearly a lethal weapon, which can be ascertained by anyone; this is also obvious due to the body part touched by the knife, i.e., the neck, a vital body part, as anyone can understand, especially two well-educated young people, certainly more educated than the average. The following point is therefore unassailable, if we consider that Meredith Kercher knew her assailants; once the decision to attack the young woman was made, and to strike her on the neck with the smaller knife in order to constrain her, surely producing a painful wound, and to attack her sexual region, in face of the girl's resistance, letting her live would have meant certain punishment for the attackers. At a certain point in the attack, things went too far. Meredith Kercher had to be put in a state where she would not report the attack she had suffered.* ***[328]** Concluding this long overview, the Court believes that the penal responsibility of both defendants in the crimes contested under counts (A), (B) and (D), limited to the mobile phones owned by Meredith Kercher and removed from the Via della Pergola flat after the consummation of the murder of the young English woman, is clearly established and supported by a body of multiple pieces of circumstantial evidence, of univocal meaning and convergent, so much as to become full proof beyond every reasonable doubt.* *In the same manner, given the reasons expressed several times in the body of this decision, the existence of the aggravation*

	must be affirmed, relating to the crime of calunnia, ascertained with final [adjudicated] sentence against Amanda Marie Knox. In fact, once a conclusion is reached that Amanda Marie Knox and Raffaele Sollecito are jointly responsible for the murder of Meredith Kercher, the crime of calunnia committed by the sole defendant Knox finds its logical place exactly in the need to deflect suspicions of murder from herself and Raffaele Sollecito; ultimately to gain impunity from the more serious crime of murder. Nowhere in the evaluation above is the N & C report citing the examples or range noted by the C & V report. Instead the N & C report relies on the evaluation of the evidence to come to a conclusion that all three defendants are responsible for the murder of Meredith Kercher.
After all, in those cases where the Supreme Court possibly focus its attention over some specific aspects from which the lack or the contradiction of reasoning emerges, this doesn't mean that the new appellate judge would be tasked with a new judgment only on the specified points, because the judge retains the same powers which originally belonged to him as a judge of merits in relation to the identification and evaluation of the trial data, regarding the point of the verdict affected by annulment" (Section 4 n.30422/2005 cit.).	Okay.
In the same sense it was stated that "… possible factual elements and assessments contained in the annulment ruling are not binding for the new appellate judge, but are considered exclusively as a reference point in order to position the complained-about error or errors, [23] and therefore not as data imposed for the decision requested of him;	Correct. The C & V report offered possible examples of crime scenarios to indicate a range of possible scenarios with varying intent. The N & C court was not bound to consider any of these if the evidence led them elsewhere, and as shown above, they did not make any mention of the C & V examples in their concluding evaluation.
moreover, there's no doubt that, after the ruling of annulment for incorrect reasoning through the indication of specific points of deficiency or contradiction, the powers of the new appellate judge cannot be restrained to the examination of the single specified points, as if they were isolated from the rest of the evidential material, but he must also carry out other acts of evidence-finding on which results his decision has to be based, providing the reason for this within the judgment report" (Section 4, n. 44644 of 18 October 2011, defendant F., Rv. 251660; Section 5, n. 41085 of 3 July 2009, defendant L., Rv. 245389; Section 1, n. 1397 of 10 December 1997 dep. 1998, Pace, Rv. 209692).	Okay.
All of this is the background to a reiterated doctrine of this Court of Cassation, consolidated to the point of constituting a ius receptum, according to which "the powers of the new appeals judge are different depending on if the annulment has been ruled for violation or erroneous application of the criminal code, or for absence of manifested illogicality of reasoning, since, while, in the first hypothesis, the judge is bound to the law principle expressed by the Court, without changing the evaluation of the facts as they were found by the appealed verdict, in the second hypothesis, a new examination of the evidential compendium can be carried out, without repeating the same incorrect reasoning of the annulled order. (among the others, Section 3, n. 7882 of 10 January 2012, Montali, Rv. 252333).	Okay.

3.1. As we will see, the appeals judge [Nencini] was influenced on many points by the suppositions of factual aspects emerging within the annulment judgment, as if the convincing and analytic evaluations of the Supreme Court were unavoidably converging in the direction of affirmation of guilt of the two defendants. Being misled by this error, the same judge encounters clear logic inconsistencies and obvious errors in iudicando, which need to be challenged here.	Hopefully these errors will be shown.
4. Meanwhile, it can't be ignored, on a first summary overview, that the history of these proceedings is characterized by a troubled and intrinsically contradictory path, with the only fact of irrefutable certainty being the guilt of Amanda Knox regarding the slanderous accusations against Patrick Lumumba.	This is completely incorrect. See the introductory paragraph above that highlights the complete judicial sequence and shows that the vast majority of Italian courts found merit in the evidence. The fact that Guede was convicted of murder Ms. Kercher with others is the starting point. The judicial path has not been "intrinsically contradictory".
On the concern of the murder of Kercher, the declaration of guilt of Knox and Sollecito, in first instance, was followed by a ruling of acquittal from the appeal Court of Assizes of Perugia, consequent to an articulated evidential integration [the Conti-Vecchiotti report, ed.]; the annulment by this Supreme Court, First Criminal Section; and finally the judgment, on appeal, of the Court of assizes of Florence, today considered under a new Cassation appeal.	This scenario leaves out the cautionary arrest proceedings and the PM trial that found the evidence sufficient for Knox and Sollecito to stand trial. This also leaves out all of the Guede trials, all of which considered evidence that showed Knox's and Sollecito's participation in the murder.
An objectively wavering process, the oscillations of which are the result of glaring failures or investigative "amnesias" and of culpable omissions in [24] investigating activities, which, had they been carried out, would have, probably, allowed from the start the outline a framework, if not of certainty, at least of reassuring reliability, in direction of either the guilt or the non-involvement of the current appellants. Such scenario, intrinsically contradictory, constitutes a first, eloquent, representation of an evidential set of anything but "beyond reasonable doubt".	1) The process has not been "objectively wavering". Only one court found the evidence insufficient beyond a reasonable doubt and that court, the H & Z report, was resoundingly annulled by the C & V report. Again, twelve Italian courts have found merit in the evidence. Only one court did not understand the evidence, and its illogical reasoning was annulled. 2) What are the "glaring failures or investigative "amnesias"? 3) The scenario has not been "intrinsically contradictory" as borne out by the sequence of court decisions on this case.
4.1. Surely, an unusual media fuss about the crime, caused not just by the dramatic modalities of the death of a 22-year old woman, so absurd and incomprehensible in its genesis, but also by the nationality of the persons involved (a USA citizen, Knox, accused of participating in the murder of her housemate who was sharing a foreign study experience with her;	Knox was not sharing anything with Ms. Kercher, except the cottage. They did not take the same courses nor did they attend the same program.
an English citizen, Meredith Kercher, killed in mysterious circumstances in the place where she likely used to feel most safe, her home,	The circumstances are not "mysterious". Why is the court trying to "color" the evidence?
and additionally the international implications of the case itself, prompted the investigation to suffer from a sudden acceleration,	1) Why is the court making subjective assessments, and where is the evidence to back up these claims? 2) Where is the statistical data backing up the claim that the investigations had a "sudden acceleration"? (See introductory paragraphs for actual description of the sequence of investigations.)
which, in the spasmodic search	How was the search "spasmodic"?
for one or more culprits to be delivered to international public opinion, surely didn't help the search for substantial truth, which, in complex murder cases like the one examined here,	1) Why is the court making subjective assessments, and where is the evidence to back up these claims? 2) How does the M & B court know how to evaluate media

	influence and how media can or cannot "push" an investigation? Where is the evidence this happened? 3) By what parameters is this murder case to be judged as "complex"?
has an ineluctible requirement both for accurate timing, and also the completeness and accuracy of the investigation activity.	The investigation considered the full gamut of possible evidence as noted above: (DNA traces, biological traces, footprints, shoeprints, witnesses, computer data, phone data, crime scene assessments, alibis, statements and depositions, etc).Where is the inaccuracy and incompleteness?
Not only that, but also, when – as in this case – the result of the search is greatly based on the results of scientific examinations,	1) The search for suspects was completed when the two accused could not offer an alibi and one of them put themselves at the scene of the crime. They were arrested prior to any DNA being analyzed. The investigations continued for another seven months and ultimately showed Knox and Sollecito were involved. 2) It is incorrect to say the "search was greatly based on scientific results". The evidence gathered was varied and multi-faceted, and the DNA and biological traces only constitute a part of the evidentiary framework. 3) Why is the court making subjective assessments, and where is the evidence to back up these claims?
the antiseptic sampling of all the elements useful to the investigation – in an environment provided of the appropriate sterilization, so to shield it from possible contaminations – constitutes, normally, the first cautionary strategy, itself the vital prelude to a correct analysis and "reading" of the retrieved samples.	1) The scientific police and the police provided all the protections normally required when investigating a crime scene. It seems this M & B court has watched too much CSI. 2) The Rome Scientific Police DNA lab had an ISO 9001 certification in 2008 which established it operated under appropriate best lab practices. 3) No contaminations have ever been shown. 4) Why is the court making subjective assessments, and where is the evidence to back up these claims?
And if the key part of the activity of technical-scientific research consists in specific genetic investigations, whose contribution in the investigative activity emerges as more and more relevant, the reliable parameter of correctness can only be the respect of standards imposed by the international protocols which outline the fundamental rules of procedure of the scientific community, on the basis of statistic and epistemological observation.	1) Why is the court assessing the importance of specific parts of the evidence? Does the court not know the evidentiary framework had many other types of evidence? 2) As noted above, at the time the DNA analysis was performed, there were no international protocols other than best laboratory practices.
The rigorous respect for such methodological standards provides a reliability, conventionally acceptable, in the assembled results, firstly related to their repeatability – that is the possibility that those findings, and those alone, would be reproduced by an identical investigative procedure in identical conditions, according to the fundamental laws of the empiric method and, more generally, of experimental science, that since Galileo has been based on the application of a "scientific method" (typical procedure meant to obtain knowledge of "objective" reality, reliable, verifiable and sharable; by common knowledge this consists, on one hand, in the collection of empiric data in relation to the hypothesis and theories to be confirmed; on the other hand, in the mathematical and rigorous analysis of such data, that is associating – as stated for the first time by aforementioned Galileo – "sensible experiences" with "necessary demonstrations" that is the experimentation with mathematics.	This is incorrect on multiple counts: 1) The Cassazione is not a scientific body and has no role in any scientific assessment. Cassazione cannot (nor should it) attempt to describe the history of science. 2) The history of science noted above is completely inaccurate. Science and use of scientific method existed well before Galileo. (Egyptian medical texts, Babylonian astronomy, Aristotle, Epicurus, Ibn al-Haytham, Avicenna, Roger Bacon, etc.) Roger Bacon discussed the needs for experiments three hundred years prior to Galileo. Galileo's contribution to developing the scientific method was to postulate notions as mathematical demonstrations, rather than rely on experiments. Isaac Newton was the one who most contributed to today's understanding of the scientific method, not Galileo. 3) Repeatability is not the basis of science. Repeatability is the basis for postulating a theory, not a hypothesis. The

	scientific method is: *The **scientific method** is a body of techniques for investigating phenomena, acquiring new knowledge, or correcting and integrating previous knowledge.[2] To be termed scientific, a method of inquiry is commonly based on empirical or measurable evidence subject to specific principles of reasoning.[3] The Oxford English Dictionary defines the scientific method as "a method or procedure that has characterized natural science since the 17th century, consisting in systematic observation, measurement, and experiment, and the formulation, testing, and modification of hypotheses.* 4) Court reasons and police investigations are not a matter of applying science, mathematics or any experiments. Police investigations and justice are about determining the truth of an event, quite often by inference from circumstantial evidence. This does not involve mathematics or mathematical rigor or experiments, but merely logic and common sense.
4.2. As we will see, all of this is basically missing in the current judgment.	What is missing and where specifically is it missing in the 338 page N & C report?
Not only that but, the media attention, besides not helping the search for the truth, has produced further prejudicial feedback in terms of "procedural diseconomy", generating undue "noise" (in the IT meaning), not so much from the delay of the availability of witness testimony from certain persons (considering that from this point of view it is anyway just a matter of verifying the reliability of the corresponding declarative contributions), but because of the introduction into the trial of extemporary declarations by certain detained subjects, of solid criminal caliber [defense witnesses Alessi and Aviello], surely intent on self-serving mythomania and judicial attention-seeking behavior capable of assuring them a media stage, including on TV, so breaking at least for one day the grayness of their prison regime.	Please see the N & C report where the court discusses at length how Alessi and Aviello were used to pollute the investigations and how the report completely disregards their testimony as evidence. The C & V report in fact shows how the Alessi and Aviello testimony suggest defense attempts to pollute the trial.
And by the way this was a common instance of claims from "fetchers" of truths collecting within the prison environment unworthy confidences between co-inmates during the routine yard time. Clearly not commendable situations, which, also, had had the outcome of assuring – for the first time during the appeal – the active participation in this case of Rudy Guede (when he was summoned during the first instance judgment, he invoked his right to not respond; p. 3): [he's] a key element in this case, even if unshakably reticent (and has never confessed), a bringer of half-truths differing from time to time.	In fact, the G & I Cassazione report confirmed Guede's involvement in the murder.
Rudy Guede is the Ivorian citizen who was also himself involved in the Kercher case. Tried separately with a separate judgment, as a co-participant to the murder, he was sentenced, at the end of an abbreviated trial, to the penalty of thirty years imprisonment, reduced on appeal to sixteen years.	And Guede's confirmed sentence stipulates that he acted with others to commit the murder, namely Knox and Sollecito.
Our mention of him is to make it worth introducing the second, irrefutable, certainty of this trial (after the one concerning the responsibility of Knox for the crime of calunnia), that is the guilt now under irrevocable ruling, of the Ivorian as the author – participating with others – of the murder of the young English woman.	Guede was not condemned as the author of the murder. This is completely incorrect. The charges read the Guede, Knox and Sollecito all acted together to murder Ms. Kercher. And, Guede's traces were not found on the knife, so according to the evidence, he did not materially deliver the fatal blow to Ms. Kercher.
The finding of guilt of the aforementioned was reached on the	The finding of Guede's guilt was not just based on his

basis of genetic traces, definitely attributable to him, collected in the house in via della Pergola, on the victim's body and inside the room where the murder was committed.	traces on the victim or in Ms. Kercher's bedroom. His guilt was also based on his feces in the toilet, on his shoeprints, on his hand print, on his multiple statements and on the lies he apparently told. All of this is well documented in the PM, B & B and G & I reports.
4.3. The same reference [to Guede] also raises two relevant points of law, highlighted by the defense: one concerning the usability and the value of the aforementioned irrevocable verdict in this proceeding; the other related to the usability of the declarations - in terms less than coherent and constant – produced by Guede within his own trial, which may involve the current appellants in some way.	
4.3.1 As for the first question, the use of the [Guede's] definitive verdict in the current judgement, for any possible implication, is unexceptionable , since it abides with the provision of art. 238 bis of Penal Code [sic]. Based on such provision "(…) the verdicts [p. 26] that have become irrevocable can be accepted [acquired] by courts as pieces of evidence of facts that were ascertained within them and evaluated based on articles 187 and 192 par 3".	Okay.
Well, so the "fact" that was ascertained within that verdict, indisputably, is Guede's participation in the murder "concurring with other people, who remain unknown".	This is not what the criminal charges say nor what Guede's confirmed sentence says. See the motivation reports noted above. The "other people" are NOT "unknown". The sentence specifically mentions Guede, Knox and Sollecito participating in Meredith Kercher's murder.
The invoking of the procedural norms indicated means that the usability of such fact-finding is subordinate to [depends on] the double conditions [possibility] to reconcile such fact within the scope of the "object of proof" which is relevant to the current judgement, and on the existence of further pieces of evidence to confirm its reliability. Such double verification, in the current case, has an abundantly positive outcome. In fact it is manifestly evident that such fact, which was ascertained elsewhere [aliunde], relates to the object of cognition of the current judgement. The [court's] assessment of it, in accord with other trial findings which are valuable to confirm its reliability, is equally correct. We refer to the multiple elements, linked to the overall reconstruction of events, which rule out that Guede could have acted alone. Firstly, testifying in this direction are the two main wounds (actually three)	In fact there are two main knife wounds, of different types and size, on each side of Ms. Kercher's neck. There are also several glancing knife cuts on the neck and face.
observed on the victim's neck, on each side, with a diversified path and features, attributable most likely (even if the data is contested by the defense) to two different cutting weapons.	Why is the court entering into the merits of the evidence? This report should be an assessment of the correctness of the N & C report's reasoning (that the crime was committed by more than one person), not an assessment of the merits of the evidence.
And also, the lack of signs of resistance by the young woman, since no traces of the assailant were found under her nails, and there is no evidence elsewhere [aliunde] of any desperate attempt to oppose the aggressor; the bruises on her upper limbs and those on mandibular area and lips (likely the result of forcible hand action of constraint meant to keep the victim's mouth shut) found during the cadaver examination, and above all, the appalling modalities of the murder, which were not adequately pointed out in the appealed ruling.	What modalities were not adequately pointed out?
And in fact, the same ruling (p. 323 and 325) reports of abundant blood spatters found on the right door of the wardrobe located inside Kercher's room, about 50 cm above the floor. Such occurrence, given the location and direction of the drops, could probably lead to the conclusion that the young woman had her throat literally "slashed" likely as she was kneeling, while	1) None of this is logical. The different knife wounds could have occurred at different times. 2) The location of the fatal stab wound and its proximate location to the floor and wardrobe (as determined by blood pattern analysis by the Scientific Police) does not by itself make it unlikely the crime was carried out by one person.

her head was being forcibly held [hold] tilted towards the floor, at a close distance from the wardrobe, when she was hit by multiple stab wounds at her neck, one of which – the one inflicted on the left side of her neck – caused her death, due to asphyxia following [to] the massive bleeding, which also filled the breathing ways preventing breathing activity, a situation aggravated by the rupture of the hyoid bone – this also linkable to the blade action – with consequent dyspnoea" (p. 48). Such a mechanical action is hardly attributable to the conduct of one person alone.	The court cannot know if her head was restrained or not and cannot say if the knife wounds occurred at the same time or not. 3) What points to the presence of multiple people in the attack are: a) the lack of defensive knife wounds on the victims arms and chest b) the victim had knife wounds and above all bruising around her neck, jaw and arm c) the victim had been subjected to sexual violence d) traces of the assailants were found in her room and in the cottage in the form of DNA traces, bloody footprints and shoeprints, hairs e) someone had came back to rearrange the body after the victim had been stabbed, covered her with the duvet, went through her purse while using a sock to protect against leaving fingerprints, and throw receipts on the mattress and take the victim's wallet and keys. f) someone cleaned the corridor, bathroom and bedroom floors of bloodstains except Guede's shoeprints g) someone locked Ms. Kercher's bedroom door and took the key. Guede's shoeprints indicate Guede walked out of the room and down the corridor, without turning to close and lock the door. There he could not have locked Ms. Kercher's bedroom door.
On the other hand such factual finding, when adequately valued, could have been not devoid of meaning as for researching the motive, given that [27] the extreme violence of the criminal action could have been seen – because of its abnormal disproportion – not compatible with any of the explanations given in the verdict, such as mere simple grudges with Ms. Knox (also denied by testimonies presented, [even] by the victim's mother);	1) That Ms. Kercher and Knox were not friendly was testified to by Ms. Kercher's roommates and her closest English friends. 2) How can one sustain that a grudge cannot be the basis for a knife attack? 3) Why is the court considering the merits of evidence, rather than analyzing the reasoning of the N & C report?
with sexual urges of any of the participants, or maybe even with the theory of a sex game gone wrong, of which, by the way, no mark was found on the victim's body, besides the violation of her sexuality by a hand action of Mr. Guede, because of the DNA that could be linked to him found inside the vagina of Ms. Kercher, the consent of whom, however, during a preliminary phase of physical approach possibly consensual at the beginning, could not be ruled out.	1) This is incorrect. The testimony of the lead (and only) gynecologist in the case testified that the internal bruising found in Ms. Kercher could ONLY be by violent action. 2) The statement of 'no mark was found on the victim's body' is incorrect, contradicted by all the bruising found on Ms. Kercher.
Such finding is even less compatible with the theory of the intrusion of an unknown thief inside the house, if we consider that, within the course of ordinary events, while it is possible that a thief is taken by an uncontrollable sexual urge leading him to assail a young woman when he sees her, it's rather unlikely that after a physical and sexual aggression he would also commit a gratuitous murder, especially not with the fierce brutality of this case, rather than running away quickly instead. Unless, obviously, we think about the disturbed personality of a serial killer, but there is no trace of that in the trial findings, since there are no records that any other killings of young women with the same modus operandi were committed in Perugia at that time.	1) Why do M & B even raise the possibility of a serial murderer when there is no evidence for it? 2) How can the court assume that the attack was vicious to the point of necessarily requiring a serial murderer? Do not vicious murders occur in the heat of arguments, during bouts of rage, and worse, by perpetrators who are completely indifferent? 2) The PM report already stipulated to the extraordinary unlikelihood of a thief committing rape and murder on a sudden whim.
4.3.2. With regard to the second matter, relative to the option of allowing – as article 238 bis of the code of criminal procedure allows – declarations "against others" made by Guede	Guede did describe Sollecito, but did not actually name Sollecito until Guede wrote his letter to the media in 2011.

in the context of his own procedures in absence of other defendants (with reference to declarations, not always coherent and consistent, during the preliminary investigations and noted in his sentencing reports, somehow involving Knox in the homicide, but never explicitly Sollecito,	
while continuing to plead innocence, despite the presence in the crime scene and on the victim's body of multiple biological traces attributed to him), the ruling can only be negative. Such a mode of allowance would result in an evasion of the guarantees dictated by article 526 chapter 1- bis, of the code of criminal procedure, according to which "the defendant's guilt cannot be proved on the basis of declarations produced by anyone who, in free will, had always voluntarily avoided the examination by the accused or his defense team". And furthermore, it seems a clear violation of article 111, chapter four. of the Constitution, which dictates identical an prescription in order to harmonize judicial processes according to article 6 letter d) of the European Convention for Human Rights (Section F. n. 35729 of the 1st August 2013, Agrama, Rv 256576).	1) Including Guede's statements would, in fact, be a harmonization of the rulings. Guede is part and parcel of this crime and is only separated because of his choice to have a fast-track trial. Guede was convicted of having participated in the murder and he was available to cross-examine during any of his proceedings. 2) Guede's statements do not prove Knox and Sollecito's guilt; but, they are a part of the network of evidence.
In this regard, it appears useful to refer to the principle of "non-substitutability", accepted by the United Divisions of this Supreme Court under the category "legality of the proof", meaning that, when the code establishes an evidentiary prohibition or an expressed non-usability, it is forbidden to resort to other procedural instruments, typical or atypical, with the purpose of surreptitiously avoid such obstacle (Section U, n. 36747 of the 28 May 2003, Torcasio, Rv. 225467; cfr,, also, Section U, n. 28997 of the 19 April 2012, Pasqua, Rv. 252893).	That is not what the N & C report did.
And also during this trial, Guede – asked to speak as contextual witness, following the accusative declarations of the convicted offender Mario Alessi (sentenced for the horrible homicide of a child) – after denying the accusations of the aforementioned, confirmed the content of a letter sent by him to his attorneys which was then, surprisingly, shared with a television news service,	Guede addressed his letter to the media, so it is no surprise it was shared.
in which he accused the current appellants - has then, substantively, avoided cross-examination by the defendants. And in fact, after recognizing the authenticity of the missive, where he denied what was stated by Alessi, regarding some asserted confidences related to the innocence of Raffaele Sollecito and Amanda Knox, he didn't wanted to be cross-examined by the accused's defense, claiming his presence (as contextual witness) was limited to the content of Alessi's declarations, which was with regard to him. So, the non-usability of what he declared – in the part concerning the letter that related to the current appellants – that is not useable in a different procedural context because it was produced absent the prescribed guarantees.	Except that his statements do not constitute proof as indicated by the law above. But, he was convicted of acting with Knox and Sollecito in the crime. Please note that the N & C report already considered all of this in the section of Guede's statements: *It may therefore be affirmed that, while Rudy Hermann Guede, during the hearing on 27 June 2011 when pressed by questions posed by a member of Knox's Defense, stated that he had already previously affirmed the "same truth" - that is to say, had already placed the defendants at the scene of the crime, attributing the murder to them – he was not lying, at least explicitly with respect to Amanda Marie Knox.* *A final observation must be made in relation to the statements made in Court hearings by Rudy Hermann Guede.* *The witness testified to having written a letter to his lawyers in which he attributed the murder to Raffaele Sollecito and Amanda Knox as retaliation for the statements made by Mario Giuseppe Alessi, which directly involved him in the murder of Meredith Kercher, a murder to which Rudy Hermann Guede has never confessed. The correlation between the accusations received from Mario Giuseppe Alessi and the accusation made against Amanda Knox and Raffaele Sollecito could escape notice, unless the conviction expressed by Rudy Hermann Guede in answer to a member of the Defense of Amanda Knox is not held*

	to be founded, that Alessi's conduct had been "manipulated" by the defendants; "puppeteers" who manipulated Mario Giuseppe Alessi. This is obviously Rudy Hermann Guede's conviction, but it objectively enters into the category of possibilities that offer an explanation for an activity of tampering with the evidence in a heavy-handed way, in this trial, by detainees who are certainly without a personal stake in the outcome of the present proceedings.
Furthermore, facing such unmoving and non-cooperative behavior, the appeal judge [Hellmann] did automatically insist on cross-examination of the Ivorian, despite the final irrevocability of the sentence against him, and failed to resolve the incompatibility of speaking in the present proceeding, according to article 197 of the code of criminal procedure.	So the N & C report was looking at Guede's trial statement not to offer further confirmation of Knox's and Sollecito's presence in the cottage, but to show that Guede's statement was a piece of evidence supporting the idea that Alessi and Aviello were used to pollute the trial.
And in fact, according to article 197 bis chapter 4 of the same standard code of procedure, he could have not been obliged to depose on the facts for which he had received a sentence, having always denied, during the proceeding against him, his responsibility and, not being able, in any way, to depose on facts involving his responsibility regarding the crime for which he was accused.	Obviously. Since Guede could not be forced to re-implicate himself, and since the N & C report did not use his statement to corroborate the presence of Knox and Sollecito at the cottage, then there should be no issues, correct?
4.4 Finally, continuing on the preliminaries, the matter of standards must be faced, as claimed by the defense, regarding the denial of the claim for renewed court hearings during the appellate trial, on the request of carrying out requested external investigations as requested.	
The appeal exception was founded upon the observance of the presumed obligatory nature of the request of evidential integration of article 627, chapter 2, second part, according to which "[….] if a sentence in appeal has been annulled and the parties request it, the judge can order a reviewing of the court hearings by obtaining proofs relevant to the decision"	
Clearly, the letter of this norm is far from the discipline of the regular powers of the appellate judge regarding this matter under article 603 of the code of criminal procedure "non-decidability of the state of proceedings", in the hypothesis above in part 1, that the defense request referred to evidences already collected or new; referring to the criteria of article 495, chapter 1, on the hypothesis of new evidences found after the first instance ruling; there is "absolute necessity" of its integration with supplementary investigations, in case of review ex officio, beyond the special subject matter (originally in application and now canceled, according to article 11 law 28 April 2014, n. 67) of the requested review in favor of a defendant absent from the trial in the first instance.	
The Supreme Court here states that the particular formulation of the aforementioned rule does not require the appellate judge, in the hypothesis of annulment of the first instance ruling, to be obliged to renew the court hearings just because the parties request it. A different interpretation would not have a rational basis and, instead, would introduce a dystonic element in the discipline of the institution.	Right.
In fact, the first part of the second chapter of article 627 of the code of criminal procedure highlights that the appellate judge decides with the same powers of the judge whose ruling has been annulled, except only for limitations originating in the law.	

For a harmonic reconstruction that follows the code's architecture it is imperative, then, to consider that the specific observance of the trial ruling renewed during the appeal judgment should not create an exception to the general requirement dictated in article 603 of the code of criminal procedure.	Right.
Furthermore it is clear that the reference, in chapter 2 of article 627 of the code of criminal procedure, to the assumption of "relevant" evidence for the decision constitutes a mere repetition, given that the trial judgment is, necessarily, central to the evaluation by the appeal judge charged with the requirement of evidentiary integration and the same appreciation of absolute necessity inspiring the appeal. And in fact, in case of renewing of the trial hearings on appeal no evidence that is not "relevant" to the decision may enter the proceeding; and the same thing applies, more generally, to the whole evidential section of the criminal proceeding, according to the fundamental principle stated in article 190 of the standard code of procedure, according to which the judge has to approve the evidence requested by the parties, excluding, beyond the instances prohibited by the law, any "manifestly irrelevant or unnecessary" evidence.	Right.
In this sense, with this clarification, it is worth, therefore, restating the orientation expressed, regarding this matter, by this Supreme Court on similar occasions (Section 5, n. 52208 of 30 September 2014, Marino, Rv. 262116, according to which "the appellate judge, charged with the proceeding following the annulment declared by the Court of Cassation, is not obliged to reopen the court hearings every time the parties demand this, because his powers are identical to the ones of the judge whose sentence was annulled, and he has to accept assumption of the suggested new evidence only if it is necessary for the new decision" according to article 603 of the code of criminal procedure, and article 627, second chapter, of the code of criminal procedure; Section 1, n. 28225 of 09 May 2014, Dell'Utri, Rv. 260939; Section 4, n. 20422 of 21 June 2005, Poggi, Rv, 232020; Section 1, n. 16786 of 24 March 2004, De Falco, Rv. 227924)	Right.
Also, without question, the use of the powers conferred upon the appellate judge regarding new investigation, has as always to be concretely motivated and the relative motivation is, of course, again contestable by the Supreme Court.	
In this specific case, the appeal judge [Nencini] has given a concrete reason for denying further evidentiary incorporation, considering it irrelevant for his decision purpose.	
Furthermore the motivations for the denial of appeal implicitly emerged from the judge's motivational construct, which declared complete the evidentiary compendium.	
Furthermore, there is no reason to assume, even within the specific appellate judgment, that the general principle of neutral expertise separated from the viewpoints of the parties and remitted to the discretional power of the judge, was not observed because "it does not come within the category of decisive proof and the consequent ruling of denial is not arguable according to article 606, chapter 1, let. d), of the code	

of criminal procedure, because it represents the result of a factual judgment which, if supported by adequate motivation, cannot be reversed by Cassation" (Section 6, n. 43526 of 3 October 2012, Ritorto, Rv. 253707).	Right.
5. Now having resolved, in the sections above, the defense's prejudicial claims, and the preliminary standard ones, the "merit" of the judgment can now be considered, in relation to the substance of the appealed matters.	
Firstly, it has to be assumed that, according to the loss of rights claimed under point b), relative to the charge of illegal carrying of the knife, this is now beyond the statute of limitations.	Okay.
This has to be accepted, even in absence of more favorable reasons for acquittal on the merit, referring to article 129, second chapter, of the code of criminal procedure, and also the declarations of guilt in the trial sentence and the second appeal court.	
Moreover, according to the undisputed decision of this Court of Cassation "the acquittal formula on the merit prevails on the statute of limitations in appeal cases where, with a mere analysis, the absolute absence of the proof of guilty against the defendant that is in fact positive proof of innocence can be observed, though not in the case of mere contradiction or insufficiency of the evidence which requires a pondered judgment between opposing conclusions, n.10284 of 22 January 2014, Culicchia, Rv. 259445).	Okay.
6. The examination of the motivational structure of the appealed sentenced, the object of multiple claims by the defenses, can now be proceeded with.	
Even from a very first reading, we can identify contradictions, incongruencies and errors in rulings which deeply permeate the whole argumentative structure.	Hopefully this report will list the vast number of errors that deeply permeate the 338 page motivation report. They can use the C & V report as a guide.
6.1 Firstly, the judges' statement is erroneous that the motive for homicide does not have to be determined with precision	The motive can be futile or can be any mixture of reasons. Is it necessary to list all the different reasons for which murder have been committed throughout human history? The motive does not and in this case cannot be determined with precision. But it is worth recalling what N & C said on this point: *The Prosecutor General ventured a hypothesis, in his final address, specifically mentioning the motive for the murder, that such [motive] should not be identified with an act of sexual aggression but rather with a conflictual situation between the young women, a conflict that exploded suddenly on the evening of 1 November 2007; specifically, Meredith Kercher might have blamed Amanda Marie Knox for letting Rudy Hermann Guede, who had made an "inappropriate" use of the bathroom, into the flat.* *Regarding motive, firstly it is necessary to quote the teaching of the Court of legitimacy [the Supreme Court] in whose opinion the precise indication of a motive for the crime of murder loses relevance when the attribution of responsibility to a defendant derives from a precise and concordant evidentiary framework (see for all Supreme Court, Section 1 Criminal, Sentence no. 11807 of 12 February 2009).* *Secondly, the motive for a serious, bloody crime is not always easy to ascertain. It is so [i.e., easy to ascertain], surely, when the crime has its origins within a criminal group, or when the*

	*crime is committed with a clear objective (for example a financial gain). Whenever, instead, as in this case, the consummation of the crime is outside a criminal framework, having its roots in personal reasons or in **[314]** sudden impulses, finding a motive can become very complicated.* *The motives that drive a group of people to commit such a serious act as taking the life of another human being may not be the same for all, each of the perpetrators could have been driven by a mixture of reasons, some with roots in previous personal relations, others as a reaction to sudden impulses of a base nature, or even mere [acceptance and] participation in the behavior of a loved person.* *The difficulty of knowing the real motive behind human acts, among which criminal acts, calls for an approach to the analysis that must remain as objective as possible. Therefore, to perform a reading of the trial material in order to understand the precise motive that drove the defendants to commit the murder of Meredith Kercher together with Rudy Hermann Guede, we cannot leave aside certain facts that, if evaluated together, can indicate the reasons why the murder was committed; the reliability of such motivations, reconstructed ex-post, cannot undermine in the least the validity, in terms of responsibility, which derives unambiguously from circumstantial and direct evidence emerging from the trial material and which was investigated at length.* AND *The Court believes that the search for a reasonable motive for the murder must remain within the facts emerging in the trial; it is absolutely not credible, as unsupported by any objective fact, that the four young people had initiated a group sexual activity, with Meredith Kercher **[319]** later suddenly changing her mind. This hypothesis was shown to be incompatible with the character of the young English woman, as it emerges from the witness statements collected during the trial. The image witnesses leave with us is that of a "very serious" young woman, almost "puritan", even disturbed by the behavior of Amanda Marie Knox, who she deemed almost shameless in admitting young men she did not know well in the flat. Imagining that suddenly, in the evening of 1 November 2007, Meredith Kercher decided to have a group sexual experience with Amanda Marie Knox, with whom she had no special friendship and really could not stand, Raffaele Sollecito, and Rudy Hermann Guede, people she had met only superficially, is an interpretive exercise with no objective support in the trial material.* *Last, it must be noted that the search for a motive does not mean that such motive will be foundwith certainty and, on the other hand, once we exclude, for the reasons already expressed, that the murder was committed by a burglar caught in the act of entering the flat after breaking Filomena Romanelli's window, no other allegations apart from the one outlined above was ever brought to the Court's attention to provide a reasonable motive for a murder that clearly originated outside a context of common criminality.* *The fact remains that at a certain time in the evening the events precipitated; the young English woman was attacked by Amanda Marie Knox, Raffaele Sollecito, who supported his girlfriend, and Rudy Hermann Guede and forced into her bedroom where the final moments of the assault and the stabbing took place.* AND *The analysis of the trial evidence leads us to point out that all three attackers contributed through actions that were coordinated and that sought the same result, with no interruption in the causal link to the event of the death of Meredith Kercher. There is no room whatsoever, given the evidence provided, for any differentiation of criminal responsibility, which would be*

	founded on petitio principii [begging the question] not demonstrated in the trial. The homicide, aggravated by sexual violence, following the scheme of the complex crime, was brought about not only when Amanda Marie Knox struck the blow that caused the bleeding that caused the victim's death by suffocation, but also as a direct consequence of the simultaneous actions of Rudy Hermann Guede and Raffaele Sollecito, who overwhelmed Meredith Kercher, immobilizing her and preventing any defensive reaction on her part, therefore collaborating causally in the event. *A final observation must be made. The homicidal intention of the attackers is obvious due to the weapons used in the attack, specifically the knife (Exhibit 36), clearly a lethal weapon, which can be ascertained by anyone; this is also obvious due to the body part touched by the knife, i.e., the neck, a vital body part, as anyone can understand, especially two well-educated young people, certainly more educated than the average. The following point is therefore unassailable, if we consider that Meredith Kercher knew her assailants; once the decision to attack the young woman was made, and to strike her on the neck with the smaller knife in order to constrain her, surely producing a painful wound, and to attack her sexual region, in face of the girl's resistance, letting her live would have meant certain punishment for the attackers. At a certain point in the attack, things went too far. Meredith Kercher had to be put in a state where she would not report the attack she had suffered.* The point of the excerpts is to show that N & C did consider motive, but did not find it decisive in establishing guilt. Why? Because the circumstantial evidence already indicates that Guede, Knox and Sollecito are guilty of the murder of Meredith Kercher.
The assumption is not acceptable in relation to the indisputable principle of this regulatory Court (from Section 1, n. 10841 of the 24 September 1992, Scupola, Rv. 192865) regarding the relevance of the motive as bond between multiple elements that the proof has constituted, during evidential procedures like the one examined here. Furthermore, the value in this as one of the strengthening elements of the evidence is, obviously, contingent on verification of the reliability coefficient of the evidences, by way of clarity, precision and concordance, with analytic and resulting appreciation of these, individually considered and subsequently placed in a global and unitary perspective (Section 1, n. 17548 of 20 April 2012, Sorrentino, Rv. 252889 in the wake of Section U, n. 45276, Andreotti, Rv. 226094 according to which the "cause", representing a confirming element of the involvement in the crime of the subject intent on the physical elimination of the victim as it converges in its specificity and exclusivity in an unequivocal direction, nevertheless, but still preserving a margin of ambiguity, in the meantime can work as a catalytic and strengthening element of the evidential value of the positive elements of proof of responsibility, from which can be logically deduced, on the basis of known and reliable experience rules, the existence of an uncertain fact (that is the possibility of attributing the crime to the instigator), when, after analytic examination of each one of them and in the framework of a global evaluation, the evidences in relation to the interpretation supplied by the motive reveal themselves as clear, precise and convergent in their univocal significance). This, as will be stated below, cannot be confirmed in this case, because of an evidential compendium which is equivocal and	Motive may act as a bond, but the motive may be different for different attackers involved in the same crime. And the motive can be futile or can be fleeting. Motive can assist in focusing the network of evidence, when the motive is clear. In this case, the motive is not clear, but the evidence points to the presence of Knox, Sollecito and Guede during the murder. Experience would suggest that the trio raped her and then either killed her because Ms. Kercher resisted, and/or they killed her to avoid having her blame them for the rape. Where is the evidence equivocal and intrinsically contradictory? How has that been shown in the twelve court proceedings that confirmed the trio's guilt in one

intrinsically contradictory. Specifically, none of the possible motives in the scenarios of the appealed sentence have been firmed up in this case. The sexual motivation attributed to Guede during the separate procedure against him is not wholesale extensible to the supposed other attackers; for as has been stated before the hypothesis of a group erotic game has not been demonstrated; it is not possible to presume for each appellant a shared or combined motive assuming a sharing in the attack. Such an extension would have to postulate the existence of trusting interpersonal relationships between the appellants, which within the particular and sudden character of the criminal pact would lend verisimilitude to such a move. Now, though the sentimental relationship between Sollecito and Knox was fact, and though the girl had occasion to know Guede to some extent, there is no proof that Sollecito would have known or hung out with the Ivorian. On this point it is contradictory and clearly illogical to assume (see f. 91) the unreasonable hypothesis of participation in such a brutal crime with an unfamiliar person by the housemates Filomena Romanelli and Laura Mezzetti (who certainly didn't know Guede), but not extend this argument to Sollecito, who also seems to have never known the Ivorian. 6.2. Another error of judgment resides in the supposed irrelevance of the verification of the exact hour of Kercher's death, considering sufficient the approximation offered by the examinations, even if assumed as correct during the trial phase. With regards to this, Sollecito's defense has reasons to appeal, since they signaled the necessity of a concrete verification specifically in the evidential proceedings, every consequential implication. Furthermore, the exact determination of the time of Kercher's death is an inescapable factual prerequisite for the verification of the alibi offered by the defendant in course of the investigation aiming to verify the possibility of his claimed presence in the house at via della Pergola at the time of the homicide. And for this reason an expert verification was requested. So, specifically on this point, it is fair to note a despicable carelessness during the preliminary investigation phase. It is sufficient to consider, in this regard, that the investigations carried out by the CID had proposed a threadbare arithmetic mean between a possible initial time and a possible final time of death (from approximately 6:50 PM on 1st November to 4:50 AM on the next day) setting the hour of death approximately at 11-11:30 PM.	form or another? If the motives are futile, how can they be "firmed up"? If the evidence shows guilt, a motive is not required nor necessary. Okay. Though evidence does not show Sollecito and Guede knew each other, the evidence does not confirm they did not know each other. Guede lived several minutes walking distance away from Sollecito, and it is likely they knew each other at least by sight. It is not unreasonable to assume strangers will work together to perform a crime. That strangers will commit crimes together has been amply shown throughout history. Also, Romanelli and Mezzetti had alibis. If the evidence cannot determine an exact time of death, then how is that an error? Why is pinpointing the exact time of death a necessity in this particular case? The time of death range starts from 21:00 to the early hours of the following day, and that Knox and Sollecito have no alibi for that time period, and that Curatolo and possibly Kokomani saw them near the cottage during that time period. 1) This is hardly "despicable" or careless. Determining time of death is not an exact science. 2) Two teams of medical consultants (six in all) agreed with the coroner's assessment of the time of death, and no other medical consultants have shown the time of death to be outside that range. 3) As noted in the N & C report, the location of Ms. Kercher's cell phones restrict that range further from 21:00 to 00:10 of the following day. 4) The time of death can be further restricted when considering that Curatolo was in piazza Grimana, well within earshot of the cottage, and he did not hear any screams during the time he was there. 5) No one else came forward to claim they had heard screams from 21:00 to 22:30, despite the consistent pedestrian traffic to the parking garage during that time. 6) Capezzali and Monacchia both testified to hearing a scream around 23:30, with Capezzali and Dramis both testifying to hearing running shortly after. This timing

	works with no one (neither Curatolo or the people involved in the car breakdown) hearing any scream or seeing anyone running from the cottage.
The examinations of the gastrointestinal tract of the victim, who, in the late evening, had consumed a a meal with her English friends, has allowed – once again only with approximation, adjusted during the trial hearings – to much further circumscribe the temporal range.	1) Why is the M & B report contradicting the findings of two different teams of medical consultants appointed by the GIP and the prosecutor? Is the M & B court not aware that as noted by the GIP medical consultants, digestion can take anywhere from 2-7 hours? (see page 45 of the Cingolani-Aprile-Ronchi report) 2) Is the M & B court not aware that digestion is not a reliable method of determining time of death and that stress (such as when one is being raped and then murdered) has significant impact on digestive timing?
The Appeal Court further reduced the temporal range, placing it in the hours between 9 PM of the 1st of November (time of Kercher's farewell to her friend) and 12:10:31 AM of the next day, on the basis of the recording (resulting from the acquired phone records) of a signal of one of the cellphones of Kercher intercepted in a telephonic cell covering the area of via Sperandio, where the cellphones had been abandoned by the perpetrators of the homicide.	Right.
But this observation also suffers from approximation, because at the last indicated time, Meredith Kercher was already dead, even if only for a little time, precisely because the signal was registered in the area where the telephones had been abandoned, after being stolen, shortly after the homicide, within the house in via della Pergola, some hundreds of meters from the place of their retrieval.	The approximation is not a detriment in this case, as Knox and Sollecito have no alibi from 21:30 to 05:30 the following morning when someone played music on Sollecito's laptop. Therefore a precise time of death is not required.
The appellant's defense has offered, in this regard, a more reliable analysis, backed up by incontrovertible facts.	
From the examination of the telephonic traffic has emerged that, after the departure from her English friend's house at 9 PM, the young woman had, in vain, tried to call her parents in England, like she used to do every day, while a last contact was registered at 10:13 PM, so that the temporal range has been further reduced to approximately 9:30/10:13 PM.	1) The M & B court apparently does not realize that this phone activity could have been entirely casual, mistaken or erroneous. 2) The phone activity noted and extensively analyzed by the M & C report does not show any particular intent. Calls were either incorrectly dialed or not long enough to have any meaning. 3) The phone dialing activity could have been carried out by Ms .Kercher or anyone else. Ms. Kercher could have been alive well after 22:13, since at time the phones were still located at the cottage. 4) Why is the M & B court reviewing the merits of the evidence rather than evaluating the N & C report?
7. The second critical observation, relative to the appealed judgment, introduces the central matter of the judgment value attributable to the results of the scientific examinations, with particular reference to the genetic investigations, acquired in violation of the rules dictated by international protocols.	No international protocols or rules were violated. See above.
The specific question falls within the doctrinal debate on the relation between scientific proof and criminal procedure, in search for an equilibrium between the orientation – which is amenable to certain foreign schools of interpretation – which tends to recognize ever more weight to the science contribution, even if not validated by the scientific community; and the	None of this applies to this case. It is a matter for legislature to establish what the acceptable scientific standards should be in criminal investigations.

orientation which claims the supremacy of the laws and postulates that, according to the rules of criminal proceeding, only scientific results tested according to methodological standards which are routinely accepted could be considered as relevant here.	
The present cultural debate, even if respecting the principle of free conviction of the judge, also tries to critically revisit the notion, by now obsolete and of dubious credibility, of the judge as a super-expert. In fact, the archaic rule of thumb reflects a cultural model that is not current anymore and instead is anachronistic, at least in the measure of what is supposed to be handled by the judge's real capacity to manage the scientific knowledge flow that the parties would enter into the proceedings, where, instead, a more realistic configuration wants him completely unaware of that contribution of the knowhow, the result of scientific knowledge that doesn't belong to him and cannot – and has not to – belong to him. And this is truer in relation to genetic science, in which complex methods postulate a specific knowledge in the fields of forensic genetics, chemistry, and molecular biology, which are part of a knowledge patrimony very distant from the prevalently humanistic and juridical education of the magistrate.	So if judges lack scientific knowledge, how can they claim international protocols where violated?
But the consequence of the inescapable acknowledgment of such a state of legitimate ignorance of the judge, and therefore of his incapacity of managing "autonomously" the scientific evidence, cannot be his uncritical acceptance, which would be equivalent – maybe for a misunderstood sense of free convincement and maybe also of a misunderstood concept of "expert of experts" – to a substantial renouncement of his role, through totally uncritical acceptance of the expert contribution to which is delegated the resolution of the judgment and therefore the responsibility for the decision.	Okay.
But also, in a situation of a one-sided scientific contribution coming from just one of the procedural parties, and thus standardly disposed of by the same judge, this can be welcomed as a paraphrasing in a more or less rational way of the technical argumentations presented to support the procedure, a problem dramatically arises when in a situation of conflicting scientific contributions, the same judge is called upon to settle upon a choice, and, in this case, the paraphrase is more complex, requiring a pertinent and valid motivation to explain the reasons for which an alternative scientific prospection would not be shareable. (cfr. Section 6, n. 5749 of 09 January 2014, Homm, Rv. 258630, according to which the judge who considers to adhere to the conclusions of the expert, in discordance with the ones presented by the defense adviser, even if not obliged to provide, as a reason, an autonomous demonstration of the scientific exactitude of the firstly cited, and the erroneousness, on the contrary, of the others, "he is however called to" demonstrate the fact that the expert conclusions have been valued "in terms of reliability and completeness", and that the advisers' argumentations have not been ignored).	This would mean the judge would need to comment on each and every expert who testified. There is no reason for this. Also, this would be the purview of a first instance trial judge, not of the appeal judge.
The court considers that this delicate problem, with regard to the present judgment, requires a solution within the general rules which compose our procedural system, and not from elsewhere in an abstract claim of a supremacy of the science over the law or vice versa. The scientific evidence cannot, in fact, aspire to an unconditional endorsement of reliability during the trial	That is not the definition of a pseudoscience. Why is the court digressing into subjects that have no relevance to the case, and subjects which the court clearly has no actual knowledge of?

proceeding because the criminal procedure rejects every idea of legal proof. Also, known to everyone is that there doesn't exist a single science, a bringer of absolute truth and immutability throughout time, rather various sciences and pseudo-sciences, both the official ones and the ones not validated by the scientific community because they reflect research methods not universally recognized.	
And therefore the solution to this problem must result from the consideration of principles and rules which regulate the acquisition and the formation of the evidence in the criminal procedure and, then, of criteria which support the relative evaluation.	Okay.
The citation points must be ones relating to the adversarial principle and the judge's control over the path of formation of the proof, which has to respect predetermined guarantees, the observance of which must be a rigorous parameter of the judging and reliability of the relevant outcomes.	"Citation points" must be objectively valid. There is no relation to an "adversarial principle" (whatever that means).
So, a result of a scientific proof can be considered reliable only when examined by the judge, at least with reference to the subjective reliability of those who advance it, and the scientific method employed, and a more or less acceptable error margin, and the objective value and reliability of the obtained result.	1) The judge is not a science expert as this report stated above, so the judge does not need "scientifically proven" evidence (whatever that is). Evidence is not a result of a scientific proof or of scientific method. It is data that is found, and its confirmation is obtained when the data is COMPARED WITH OTHER EVIDENCE. The relevance of evidence is determined by logic and the context of the case. 2) According to the notions in the paragraphs above, if evidence needs to be scientifically proven, then all witness testimony must be disregarded. Clearly, witness testimony is never "scientifically obtained", much less "proven".
Therefore, observing a method of critical approach [is] not different, conceptually, from the one required for the appreciation of ordinary evidence, aiming to elevate as much as possible the degree of reliability of the legal truth, or alternatively, reduce to reasonable margins the inescapable gap between procedural truth and substantial truth.	Okay.
Moreover, in procedures of inductive-inferential logic, which allow one to trace back from the known fact to the unknown one to be proved, the judge, in his full freedom of convincement, can use any element which would work as a bridge or bond between the two considered facts and allow one to trace back from the known one to the unknown one, according to parameters of reasonability and common sense. The connection can, therefore, be of the most varied nature: the so called "experience rule", legitimated by common knowledge or by direct observation of the reality of a phenomenon, which registers the repetitiveness of specific events in constant, identical, determined, conditions; a scientific law, of universal value or more narrowly statistical; a law based on logic, which presides and orients the mental paths of human rationality and anything else useful to the purpose.	Reality does not have 'specific events in constant, identical, determined conditions'. This is only possible in a thought experiment.
The evidential reasoning which allows passing from the element of proof to the result of proof it is an element of the exclusive competence of the judge of merit, who has obviously to supply a concrete motivation and who, with regards to evidential proof, is required to apply a duplicable confirming scrutiny: a first	1) A judge cannot "supply a concrete motivation". Only the evidence can show that. The judge certainly cannot invent something to make the evidence fit. 2) A judge is not a qualified "tester" of "scientific law".

verification concerning the so called “external justification” by way of which the same judge has to test the validity of the experience rule, or scientific-logic law, or any other rule observed; and a further verification related to the so called “internal justification” through which must be demonstrated, concretely, the validity of the result obtained through the application of the “bridge-rule” (Section 1, n. 31456 of 21 May 2008. Franzoni, Rv. 240764).	
7.1. With these general and abstract considerations, we now examine from a new particular perspective specific details of a broadly problematic case.	1) What specifically is so “broadly problematic” about the case? 2) Why does the M & B report continually make broad criticisms of matters irrelevant to the N & C report, without pointing out specific instances?
In this specific case, in fact, it is not a question of verifying the nature and admissibility of a scientific method that is not really new, as in the Franzoni sentence formerly mentioned, , on the admissibility of the “Blood Pattern Analysis” or B.P.A. (a procedure already accepted in the United States and Germany, combining scientific laws of different universally recognized disciplines) because the objects of examination are the outcomes of the one science, genetics, of well-known reliability and increasing use and utility in judicial investigations.	
Furthermore, this Court on multiple occasions has already recognized the procedural value of genetic investigation into DNA, given the statistically great number of confirmative recurrences, making the possibility of an error infinitesimally small (Section 2, n. 8434 of 05 February 2013, Mariller, Rv. 255257; Section 1, n. 48349 of 30 June 2004, Rv.231182).	Okay.
Here it is more a matter of verifying what kind of procedural value can be assigned in a trial to the results of a genetic investigation carried out in a context of verifying very small samples with very little respect for the rules included in international protocols by which, normally, such scientific research is inspired.	There were no international protocols. The Rome Scientific DNA lab observed best laboratory practices. Why is the M & B court continually criticizing police methods rather than analyzing the reasoning of the N & C report?
Implicitly referring to the jurisprudential interpretation of legitimacy, the judge has not hesitated to attribute to the aforementioned outcomes evidential relevance (f. 217).	Which attribution? Over 480 DNA tests were performed and over 150 of them had DNA results. In most cases, the DNA results matched in excess of 15 loci.
The attribution cannot be shared.	
Important to note that the case law of this Supreme Court, cited above, has acknowledged of genetic investigations – specifically their degree of reliability – full evidential value, and not a mere evidential element, according to article 192, chapter 2, of the code of criminal procedure; adding that, in cases where the genetic investigation doesn’t have absolutely certain outcomes, it can be attributed lesser evidential value (Section 2, n. 8434 of the 05 February 2013, Mariller, Rv. 255257; Section 1, n. 48349 of the 30 June 2004, Rv.231182). This means that, in the situation of placing suspects in terms of firm identity, the outcomes of the genetic investigation can have conclusive relevance, while in case of mere compatibility with a determined genetic profile, the outcomes have a mere circumstantial relevance.	Okay.
This enunciation of principle needs a further clarification.	
Generally, it is possible to accept the respective conclusions,	

provided the sampling activity, conservation and analysis of the sample were respectful of the requirements stated in the relevant protocols. This is true also in the less firm hypothesis, in which the outcomes of the analysis don't arrive at a firm identity result, but merely a compatibility one.	This is stipulated to in the DNA genetic test report.
The principle of necessary methodological correctness in the phases of collection, conservation and analysis of examined data to preserve their maximum integrity and validity has been stated by this Court in Section F, n. 44851 of 6 September 2012, Franchini, although that was in the area of IT evidence, on the basis that those principles have been included in the code of criminal procedure with the modification of the second chapter of article 244 of the code of criminal procedure and the new particular requirement of article 254 bis of the same code, introduced into law on 19 September 2008, n. 48.	If the law citation was for computer evidence, how is that relevant to genetic testing?
Justifying reasoning resides, for this Court, in the same notion of evidence offered by the standard code of procedure, which in article 192 chapter 2 states that "the existence of a fact cannot be deduced from evidence, unless they are serious, precise and concordant", so that a procedural element, to be elevated to firm evidence, has to present the characteristics of seriousness, precision and concordance, according to a configuration borrowed from the civil law (article 2729, first chapter, civil code).	Okay.
This is all summarized in the so called "certainty" requirement of circumstantial, even if such a requisite is not expressly enunciated in article 192 of the code of criminal procedure, chapter 2. It's about, in fact, a further connotation considered non-failable in consolidated case law and intrinsically connected to the requirements for systematic evidential proof, through which, using a procedure of formal logic, a demonstration of the proof matter – a previously unknown fact - is achieved flowing from a confirmed fact and, therefore, considered true. It is well understood, in fact, that such a procedure would be, in short, fallacious and unreliable, in cases where it moves from non-precise to serious factual premises and therefore to certain. Given, obviously, the fact that the certainty, discussed here, is not to be understood in absolute terms, in an ontological sense; the certainty of the evidential data is, in fact, always a category of a procedural nature, falling within that species of certainty which takes form during the evidential procedure. (cfr. the Franzoni sentence).	Okay.
In the light of such considerations it's not clear how the data of the genetic analysis – carried out in violation of the prescriptions of the international protocols related to sampling and collection – could be considered endowed with the features of seriousness and precision.	1) The M & B report continually states this false assertion, without having yet provided a single insistence of proof that such violations occurred. 2) Why is the M & B report indicting the police when they should be looking at the N & C report? If one looks at all the DNA data obtained, one can see whether the genetic testing was done correctly. This is a quick summary of the genetic testing done in this case: *227 objects and site traces were logged (0 through 228 = 229 + item '118B' would be 230 items, minus 131, 152 and 153 which are all missing or skipped)* *30 objects and site traces were not analyzed at all (1 site trace and 29 objects- the site trace has two separate samples)*

	197 objects and site traces were analyzed (15 car samples, 106 objects, 76 site samples) *484 traces were set up, consisting of multiple traces of site elements and objects (93 hair samples, 391 other samples)* *of the 484 traces, 69 traces had no DNA extraction done (69 hair samples which either where not human, or if human had no bulbs, or bulbs not containing DNA cells)* *of the remaining 415 traces an additional 88 where not amplified and analyzed since no human DNA was yielded after quantification (various trace types, including hair, biological substances, presumed blood traces and various other items- 18 of these traces yielded cat blood)* *of the remaining 327 traces amplified and analyzed, 134 yielded no human DNA* *of the remaining 193 traces that yielded human DNA:* *6 where from 3 different unknown women* *27 matched Guede's DNA or his Y chromosome* *100 matched Ms. Kercher's DNA* *2 had a mixture of Ms. Kercher's and Guede's DNA, and had blood* *5 had a mixture of Ms. Kercher's and Knox's DNA, and all 5 had blood; 3 were in the bathroom; 1 on the corridor floor in a luminol revealed bloody footprint; 1 in a luminol revealed blood stain on the floor in Romanelli's room* *2 had a mixture of Ms. Kercher's and Sollecito's DNA* *18 matched Knox's DNA* *9 had a mixture of Knox's and Sollecito's DNA* *2 matched Lumumba's DNA or his Y chromosome* *11 where from 7 different unknown men* *11 matched Sollecito's DNA or his Y chromosome* *7 traces having Knox's DNA were in blood; 3 traces were in blood on a pair of boxers in the groin area; 3 traces were found in luminol revealed bloody footprints at cottage; 1 trace was in blood on the sink faucet* *3 traces having Sollecito's DNA were in blood; all 3 were in tissue paper in his bedroom* *of the 411 traces, 26 were from luminol revealed traces* *of the 26 luminol revealed traces:* *2 were from Sollecito's car* *9 from the cottage* *1 from Guede's apartment* *14 from Sollecito's apartment* *of 6 black hairs found that were 4 cm or less, 4 where on the duvet in Ms. Kercher's bedroom, 1 was on her mattress cover and 1 was on a sponge in the kitchen at Sollecito's apartment* *of 21 blonde hairs found, 15 were Sollecito's apartment at 6 were at the cottage* *of 6 blonde hairs found at the cottage: 2 were on the duvet in Ms. Kercher's bedroom, 1 was on the mattress cover, 1 was on Ms. Kercher's purse, 1 was on the mop in the corridor and 1 was in the sink in the small bathroom* So where is the above information lacking in “seriousness and precision”.

And in fact, rules for crystallizing of the results from valid samples, strengthened through repeated experimentations and methodical statistical verifications of experimental data, promote the standards of reliability in the results of the analysis both in hypothesis and identity and simple compatibility with a particular genetic profile.	DNA testing sometimes cannot be repeated, as in the case where the sample has little quantity of DNA.
Otherwise, no relevance could be attributed to the acquired data, not even of minor evidence (cfr. Section 2, n. 2476 of 27 November 2014, dep.2015, Santangelo, Rv. 261866, on the necessity of a correct conservation of the vessels containing the genetic imprints, for the purpose of "repeatability" of the technical verifications capable of duplicating the genetic profile; repeatability also is dependent on the quantity of the trace and the quality of the DNA present on the biological samples collected; id. n. 2476/14 cit. Rv. 261867).	Why is the M & B report using 2014 verdicts to judge scientific data developed in 2007 and 2008 with far less sensitive equipment. DNA testing is an evolving industry. Is the M & B court not aware that technology evolves and that DNA testing equipment has become more precise?
In this case, it is certain that these methodological rules have not being fully observed (cfr, among others, ff. 206-207 and the outcomes of the Conte-Vecchiotti survey, acquired by the Court of Appeal of Perugia).	1) The Conti &Vecchiotti report was roundly criticized by consultants and courts alike. Conti & Vecchiotti did not know how to sample DNA and did not have a exhaust flow hood in their "lab" a basic requirement for DNA analysis. 2) The H & Z report was annulled and the M & B would be wiser not to rely on consultants that the Cassazione already criticized (see the C&V report.) 3) Other geneticists (both Italian national and foreign) have stipulated to the validity of the police genetic tests.
Just consider, in this regard, the modalities of retrieval, sampling and conservation of the two items of major investigative interest in the present judgment: the kitchen knife (item n. 36) and the brassiere hook of the victim (item n. 165/B), regarding to which, during the process, the conduct of the investigators was qualified as lacking in professionalism (f. 207).	Conti & Vecchiotti maintained this, though it is they who lacked professionalism by making significant errors, stipulating to falsehoods and demonstrating a lack of understanding, ability and qualification for genetic testing. See the Barti & Berni evaluation of the Conti & Vecchiotti lab and Dr. Stefanoni's commentary on their lack of procedure in sampling methods.
The big knife or kitchen knife, retrieved in Sollecito's house and considered as the weapon of the crime, had been kept in a common cardboard box, very similar to the ones used to pack Christmas gadgets, like the diaries normally given to local authorities by credit institutes. More singular – and unsettling – is the fate of the brassiere hook.	1) Police testified that the box had not been used, and that there was a real (and obvious) concern of the knife puncturing the evidence bag. Therefore the knife was placed in an empty box, formerly housing an unused an agenda, and the box was then bagged and sealed. See the video on when the police opened the box in front of all the medical consultants. 2) Nothing in the procedure above exposed the knife to any more contamination than it would have had sitting in a kitchen cutlery drawer.
Observed during the first inspection of the scientific police, the item had been ignored and left there, on the floor, for some time (46 days), until, during a new search, it was finally picked up and collected. It is sure that, during the period of time between the inspection in which it was observed and when it was collected, there had been other accesses by the investigators, who turned the room upside down in a search for elements of evidence useful to the investigation. The hook was maybe stepped on or moved (enough to be retrieved on the floor in a different place from where it was firstly noticed). And also, the photographic documentation produced by Sollecito's defense demonstrates that, during the sampling, the hook was passed hand in hand between the operators who, furthermore, wore dirty latex gloves.	The item was not ignored, but forgotten. Please refer to Dr. Stefanoni's May 22, 2009 testimony. The result of all this was that a mixture of Ms. Kercher's and Sollecito's DNA was found on the clasp. There were no other sources of Sollecito-only DNA, or of Kercher and Sollecito mixed DNA in the cottage, despite the police having tested over 100 samples from the cottage.

Questioned on the reasons for the absence of a prompt sampling, the official of the scientific police, Dr. Patrizia Stefanoni, declared that, initially, the collection of the hook was not focused on because the team had already collected all the clothes of the victim. Therefore, no importance was attributed to that little detail, even if, in common perception, that fastening is the part of major investigative interest, being manually operable and, therefore, a potential carrier of biological traces useful for the investigation.	Yes, one would expect to find biological traces of the victim. It is reasonable to have assumed that traces of the perpetrator given that the clasp had been was cut off with a knife. In any event, the police did eventually go back and retrieve and analyze the bra clasp.
Also, the traces observed on the two items, which the analysis of has produced outcomes that will be discussed further, were very small (Low Copy Number; with reference to the hook cfr. ff. 222 and 248), so little that it didn't allow a repetition of the amplification¸ that is the procedure aimed to "highlight the genetic traces of interest in the sample" (f. 238) and attribute the biological trace to a determined genetic profile.	The "low copy number" is only valid for Ms. Kercher's DNA on the blade. The DNA quantity on the bra clasp was within normal levels. The court is incorrect in saying both the bra clasp trace 165B and 36B were both "low copy number" results. They were not. This is valid ONLY for trace B on the knife blade. Please note the trace 36B was amplified and analyzed and Dr. Stefanoni ran two capillary electrophoresis procedures as a way to confirm that trace 36B did indeed contain Meredith Kercher's DNA.
On the basis of the protocols of the matter, the repetition of the analysis ("at least for two times" testimony of Major CC Dr Andrea Berti, an expert nominated by the Appeal Court, f. 228; "three times" according to Professor Adriano Tagliabracci, technical adviser for Sollecito's defense, f.126) is absolutely necessary for a reliable analysis result, in order to marginalize the risk of "false positive" within the statistical limits of insignificant relevance.	This is valid ONLY for trace B on the knife blade. Dr. Stefanoni stipulated only a single amplification was possible. Dr. Novelli, a well-known, leading Italian geneticist, agreed with her decision and agreed that the result (showing Ms. Kercher's DNA on the blade) was a valid result and not the result of a "false positive".
In essence, it is nothing less than a procedure of validation or falsification typical of the scientific method, of which we have talked before.	No, this is not what was mentioned before.
And it's significant, in this regard, that the experts Berti-Berni, officials of the R.I.S. of Roma, carried out two amplifications of the trace retrieved from the knife blade (f. 229).	Berti & Barni were using more advanced lab equipment, since six years had passed in the meantime. They had the ability to carry out two amplifications on a sample that contained more DNA than the DNA in trace 36B.
In absence of verification for repetition of the investigation data, it is questionable what could be the relevant value to the proceedings, even if detached from the scientific theoretical debate on the relevance of the outcomes of investigations carried out on such scarce or complex samples in situations not allowing repetition.	Does fingerprinting require repeatability? Does shoeprint or footprint analysis require repeatability? Does witness testimony require repeatability? The M &B report clearly has not understood that what makes a result reliable is the method used. The methods used have been shown to be reliable and, most importantly, the results are consistent with the rest of the evidence.
The Court is sure that the scientific truth, regardless of elaboration, cannot automatically be introduced in to the process to transform itself into procedural truth. As stated before, scientific proof requires a mandatory postulate, verification, so that the relevant outcome can take on relevance and be elevated to the rank of "certainty"; since otherwise it remains unreliable.	1) Evidence is not scientific proof and does not need to be "verified" (whatever that means). 2) Certainty is not a requirement and cannot be obtained from a single piece of evidence. Certainly is obtained from an analysis of concordant data. Why is M &B weighing the merits of the evidence, yet ignoring all the remaining evidence and ignoring the reasoning of the N & C report?
But, independent of the scientific evaluation, an unverified datum, precisely because it is lacking in the necessary requirements of precision and seriousness, cannot be granted in the process any evidentiary relevance.	The datum in question (trace 36B) was matched to Ms. Kercher's DNA in 15 loci points, the probability of which is one in 300 million billion (per Prof. Novelli). And more importantly, trace 36B is not the only piece of data. See here for a relatively complete list of the evidence:

	http://themurderofmeredithkercher.com/Evidence_List
Certainly, in such a context, is not a zero, to be considered non-existant. In fact, it is still process data, which, although lacking in autonomous demonstrative relevance, is nevertheless susceptible to appreciation, at least as a mere confirmation, within a set of elements already equipped with such inclusive indicative value.	1) This is contradictory. Either something lacks relevance or it is relevant and therefore can be confirmatory. 2) Trace 36B, when taken with all the other DNA, hair, footprints, luminol prints, witnesses, lack of alibis, lies, etc. does point to all three having killed Ms. Kercher. In particular because there is no evidence that ANYONE ELSE was present during the murder. 3) Why is the court considering the merits of evidence?
Therefore hidden here is the judicial error in which the trial judge committed in assigning evidential value to the outcome of the genetic investigation unsusceptible to amplification and resulting from an unorthodox procedure of collection and sampling.	In fact, Nencini considered this. To quote the N & C report: *There is no doubt, in the opinion of this Court, that the result of the analysis on trace 36B would be absolutely insufficient, considered in isolation, to indicate the penal responsibility of anybody for the murder of Meredith Kercher, but this is not because it is a question of altered or contaminated DNA, a circumstance that was already excluded above, or an ambiguous result. The reason is a different one, situated in the fact that the amplification could not be repeated, and thus, even in the presence of a piece of evidence that was properly admitted and has an unambiguous meaning, it still does not have* ***[217]*** *the probative strength to constitute a unique element whose evaluation indicates the penal responsibility of any person in relation to a given crime.* *However, in the case at hand, the result of the attribution of the DNA to the profile of the victim, arrived at by methods of analysis and interpretation that were quite correct, should constitute an element of evidence that can be evaluated in the trial, just like all of the many other elements of circumstantial evidence which, evaluated as a body, can rise to the status of a proof.* *In the course of a trial based on circumstantial evidence, no one piece of the admitted evidence is by itself entirely apt to constitute a proof of the penal responsibility of the accused. All of the admitted evidence previously analyzed, evaluated, and critically interpreted by this Court are elements of evidence which, examined one by one in order to evaluate a possible extraneousness with respect to the facts of the trial – an extraneousness which, if present, would exclude them ab origine [from the start] from judgment – should then be evaluated as a body to see whether each of them, interacting with the others, is suitable to participate in a comprehensive picture that can rise to the status of a proof.* AND *These assertions were made directly on the basis that the sample was Low Copy Number, and thus the unreliability is asserted as a consequence of the omitted repetition of the amplification.* *This question was already discussed earlier, and thus it is sufficient to refer to the conclusions already expressed above. Certainly, the sample from the knife blade designated by the letter B was Low Copy Number and thus cannot produce an attribution result that is absolutely certain.* *Nevertheless, the interpretation of the analysis is held by this Court to have been correct for the reasons explained above: namely because it was the profile of a single contributor – which makes errors in analysis much less probable – and because negative and positive controls showed the absence of any contamination of the exhibit.* *Indeed, as observed earlier, even if the searches and investigations and the collection of exhibits were performed without proper observation of international protocols, it was still*

	the task of the expert to explain to the Judge the actual time and manner of any probable contamination, so that the Judge could then assess the well-foundedness of the argument rather than being asked to accept the argument on faith. The sentence "it cannot be excluded that the result obtained from sample B (knife blade) could derive from contamination phenomena that may have taken place during any phase of the collection and manipulation or of the analytical investigations", reported in the conclusions [of the expert report], shows, by its total generality, the complete lack of substance of the assertion made by the expert, not to mention, for the reasons already explained above, its extraneousness with respect to the principles of the criminal trial. *Indeed, nothing can be excluded a priori in any criminal trial. Thus, what counts in the trial is that which can be documented; not that which can be excluded abstractly, but that which can be asserted concretely. In the case at hand, examining the operations performed by the State Police in their professional role and the biological analyses performed in laboratories with certified reliability, it was the task of the court-appointed experts to inspect the methods and results of the analyses and furnish the Judge with a contribution of knowledge that he expressly asked for by entrusting them with this task.* *And it was also one of the precise tasks of the expert panel, on the basis of the task entrusted to them, to make sure they obtained all the necessary information to perform the job correctly, diligently seeking out everything that could be useful in responding to the questions.* *But this turns out not to have been done, if it is true that in the report submitted to the Court of Assizes of Appeal of Perugia the appointed experts asserted that the negative and positive controls relative to the electropherograms were never made available at the trial; yet on the basis of this assertion, they drew conclusions as to the unreliability of the investigations performed by the Scientific Police in view of the possible contamination of the exhibits.* ***[221]** Now, it turns out from the records of the preliminary hearings, which were produced during the first instance trial with the agreement of all parties, that on 4 October 2008, during a hearing before the Preliminary Hearing Judge of the Court of Perugia and in response to a specific question by Prof. Pascali (one of the consultants for the defendant Raffaele Sollecito), Dr. Stefanoni asserted that the negative and positive controls existed, that they had been examined and evaluated by her, and could be produced on simple request (and in truth at that very hearing she submitted those relating to Exhibit 165B, the bra clasp). This circumstance, also mentioned in the report submitted by Dr. Stefanoni following the outcome of the expert report submitted by Conti and Vecchiotti, was true and in fact was confirmed by the fact that Prof. Giuseppe Novelli made the effort to ask for them and duly obtained them, so that he was able to examine them and deduce the absence of contamination of the exhibit under analysis.* So the N & C court was well aware of the objections over trace 36B and did not assign it any status of absolute proof, but instead considered as another part of the puzzle of evidence to evaluate. Also note that the N & C report evaluated the defense objections and found them to be lacking, correctly, because a specific path of contamination was never shown. And indeed, Conti & Vecchiotti made a number of mistakes in their report and showed their lack of professionalism in their own "DNA lab" by not having the proper equipment and not knowing how to carry out proper sampling procedures, as documented by Dr. Stefanoni here: http://themurderofmeredithkercher.com/docupl/spublic/filel

	ibrary2/trials/knoxsol/hellmann/reports/2011-09-01-Report-Stefanoni-comments-on-Conti-Vecchiotti-report.pdf
7.2 In order to clarify any possible misunderstanding in this regard, it is worth considering that if it is impossible to attribute significant demonstrative relevance, in the court process, to outcomes of genetic investigations not repeated and made unsusceptible to repetition, because of scarceness or complexity of the sample, it is not possible to compensate by way of claiming the efficacy and usability of the "unrepeatable" technical verifications, in case of, as in this circumstance, observance of the defensive guarantees accorded in article 360 of the code of criminal procedure.	1) The M & B report is attempting to use "repeatability" as some defining threshold of usability of evidence. As noted above, this is incorrect. DNA testing need not be repeatable, as many other types of evidence are not repeatable (witness testimony, assessments made in situ in the crime scene, etc.) The important criteria of DNA results are should be their clarity and if they are the result of contamination. No contamination was shown. The result of trace 36B matches Ms. Kercher's DNA to 15 loci, a probability of 1 in 300 million billion (see Dr. Novelli's report here.) This is quite unequivocal. 2) Also, the M &B report keeps critiquing this one piece of evidence, but has yet to discuss the merit of any other evidence or N & C reasoning.
In fact, the technical investigations to which the procedural rule mentioned are those that – for crystal-clear positive formulation – are related to "persons, things or places the status of which is subject to modification", in other words situations of any type or category which, according to their nature, are variable, therefore it is necessary to crystallize their status unequivocally even before the preliminary investigation phase, to avoid irreversible modifications with an outcome that under standard procedures is destined to be utilized during the court hearings.	What piece of evidence had their status 'reversed' during court hearings?
This is allowed because the verification to be carried out, especially in cases of impossibility of repetition because of modification of the item to be examined, is still capable of highlighting already-accepted realities or entities equipped with demonstrative value.	Correct! But note that trace 36B was not "modified" during the investigation.
In this case, despite the observance of the rules expressed in article 360 of the standard code of procedure, the acquired data – not repeated and not susceptible to repetition for any reason – cannot assume either probative or evidential relevance, precisely because, according to the aforementioned laws of science, it requires validation or falsification.	Repetition is not a requirement of science. It is good practice for genetic testing, but not required to guarantee the effectiveness of outcome. The effectiveness of outcome is the matching of a minimum number of loci to achieve statistical certainty, which was achieved in the case of trace 36B.
So, in one instance the empiric data, when immediately "photographed", acquires demonstrative significance; while in another instance it's lacking such a feature, precisely because its indicative relevance is indissolubly bound to its repetition or repeatability. 8. Now, in fluid succession, the points of clear logical disparity in the appealed motivation should be positioned.	This makes no sense. The merit of a bit of evidence is whether it ties with others and whether that resulting whole is open to multiple interpretations. There is no requirement that evidence be repeated. The M & B court must know that police investigations often require "Unrepeatable assessments".
8.1 A process element of incontrovertible value – as will be explained further – is represented by the asserted absence, in the room of the homicide or on the victim's body, of biological traces attributable with certainty to the two defendant, when, in contrast, there copious traces have been detected firmly referable to Guede.	This is of no any value whatsoever. And the statement is completely false! There were traces of Knox and Sollecito in Ms. Kercher's room and just outside her room. The traces attributable to Guede were not "copious". Why is the M &B report making assessments on the merit of the evidence rather than ruling on the N & C report reasoning? See this quick chart: http://themurderofmeredithkercher.com/docupl/spublic/filelibrary2/2008investigations/policescientific/2008-09-08-Chart-Scientific-police-Guede-Knox-Sollecito-biological-

	traces.pdf
This was an insurmountable roadblock on the road taken by the trial judge to arrive at an affirmation of guilt of the current appellants, who were already absolved of the homicide by the Hellmann Appeal Court.	1) The H & Z report was annulled and should not be considered. 2) The above statement is incorrect, based on a completely false premise. 3) There is no need to find evidence of a murderer in the precise location of where the victim is found. The M & B court is apparently not aware that murderers are convicted for pieces of evidence that may not be anywhere near where the victim is found.
To overcome the inconvenience of such negative element - unequivocally favorable to the current appellants – it has been sustained, in vain, that, after the theft simulation the perpetrators of the crime carried out a "selective" cleaning of the environment, in order to remove only the traces referable to them, while still leaving those attributable to others.	Not only was cleaning done, but items and the victim were moved in the bedroom. The M & B court clearly has not read the N & C report.
The assumption is manifestly illogical.	The above statement is incorrect because the premise is false.
To appreciate, in full, the amount of disparity it is not necessary to carry out an expert investigation ad hoc, even if requested by the defense. Such a cleanup would be impossible according to common-sense rules of ordinary experience, an activity of targeted cleaning capable of avoiding luminol examinations which are in commonplace use by investigators (also used to highlight different traces, not just hematic ones).	The M & B court would be wise to consult the evidence, which clearly shows some cleaning took place at the cottage. The fact the blood was cleaned and subsequently revealed with luminol shows cleaning took place, in the corridor, the bathroom, in Knox's room and Romanelli's room.
After all, the same assumption of an asserted precision in the cleaning is shown to be wrong in point of fact, considering that "in the little bathroom" hematic traces on the bathmat, on the bidet, on the faucet, on the cotton buds box, and on the light switch were found. And also, in a case of guilt of the current appellants, certainly they would have had enough time for an accurate cleaning, in the sense that there wouldn't be any reasons for hurry that would have animated any other perpetrator of the crime who would probably be worried about the possible arrival of other persons.	How can the M & B court assert the perpetrators had enough time for cleaning? Since the M & B court had not reviewed all the evidence in the case, how can the court possibly know what the murderers did?
In fact, Knox, was well aware of the absence of Romanelli and Mezzetti from the house and she knew that they would have not returned home that night, therefore there would have been all the necessary time for an accurate cleaning of the house.	1) Maybe Knox thought it was enough to clean the floor. Does the M & B court know that hairs matching the perpetrators were also found in Ks. Kercher's bedroom? 2) Please note that footprints, shoeprints and bloodstains were revealed with luminol. The bathroom also looked clean, as testified by witnesses, and as can be seen in the crime scene photos.
With reference to the asserted hematic traces in the other environments, especially in the corridor, there's also an obvious misrepresentation of the proof. In fact, the progress-of-works reports of the Scientific Police had excluded, consequent to the use of a particular chemical reagent, that, in the examined environments, the traces highlighted by the luminol were of hematic nature.	1) This is not true! NONE of the luminol stains, footprints or shoeprints found on the floor of the cottage were subsequently tested with TMB. Why? Because luminol is already a presumptive blood test and because, in this particular case, copious amounts of blood were found on the floor in Ms. Kercher's room. In addition, as testified to by Dr. Stefanoni, luminol fluorescence from blood is much brighter than it is from other substances, and this can be seen in the phots taken. Therefore it is reasonable to assume that the traces had been done with blood and subsequently cleaned to hide their presence. 2) In addition, nine samples were tested from the luminol traces and one had only Ms. Kercher's DNA, three had

	Knox's DNA, two had a mixture of Ms. Kercher's and Knox's DNA and three provided no DNA results.
Those -of-works certificates, despite being regularly compiled and registered in evidence, were not considered.	This makes no sense.
Also manifestly illogical, in this regard, is the argument of the trial judge who (at f.186) assumes that he could overrule the defense objection in relation to circumstances in which the luminescent bluish reaction caused by the luminol is also produced in the presence of substances different from blood (for example, detergent residues, fruit juices and others), on the assumption that that, even if theoretically exact, would have to be "contextualized" in the sense that if the fluorescence manifests itself in an environment involving a homicide, the luminol reaction can only be attributed to hematic traces.	This is hardly illogical.
The weakness of this, even at first sight, doesn't require any notation, and it would furthermore require the assumptions that the house in via della Pergola was never subject to cleaning or that it was not ever lived in.	It is incorrect that such an assumption would be required, and it overlooks what the N & C report actually considered, as they also considered normal cleaning: *In truth, the Defense, referring exclusively to the traces highlighted using the luminol technique, also objected that the latter substance does not, in actual fact, indicate with certainty that the revealed traces are blood, [since] they could be some other substance that is nonetheless reactive to luminol, as is recognized in the scientific literature.* ***[186]** Luminol, a chemical compound used by the Forensic Police in order to highlight traces of blood [which are] not visible using the human eye because they have been removed during the cleaning of the surroundings, is in fact a very versatile substance which, [when] mixed with the appropriate oxidizing agent, produces a bluish chemi-luminescence as a reaction to the presence of a catalyst, which may also be accounted for by the iron found in hemoglobin. Luminol also produces a bluish chemi-luminescence with other substances, such as copper or bleach, human blood present in urine and animal blood, and the enzymes contained in some vegetables (potatoes) as well as in widely used commercial products ([such as] fruit juices). In essence, the Defense pointed out that the luminescent reaction detected by the Forensic Police in the apartment at 7 Via della Pergola was not necessarily indicative of the presence of blood, but could well have derived from contamination of the premises with other luminol-reactant substances, such as those mentioned above.* *The Court notes that this criticism has scientific value in theory, in the sense that it is unarguable that the bluish luminescent reaction is not necessarily indicative of the presence of blood. But this emphasis, while certainly accurate in general terms, loses all value in the case under consideration, as soon as the traces detected with luminol by the Forensic Police are put into context.* *And in fact, if we delve into the hypothesis that some traces were found in an area that was of no significance in relation to a murder, it might well be hypothesized that the [luminescent] reaction could be the result of a spill onto the floor of reactive substances (traces of potato, fruit juice, or something else) that were not adequately addressed through routine cleaning activities that would normally be carried out in any home. On this basis, one might not necessarily arrive at the conclusion, therefore, that blood had been shed inside that apartment. Just as one might judge the luminescence resulting from the luminol application to be a reaction to the use of bleach for cleaning the surrounding areas, for example, if extensive traces were highlighted in a single room and the area had no significance with regard to the occurrence of a murder.* *In the case under consideration, however, the context is entirely*

	*different, since we are certain that a murder occurred in the cottage at 7 Via della Pergola, and we have an area **[187]** that is extensively affected by a copious loss of the victim's blood, and not just in the bedroom occupied by the latter. In a context of this sort, and in the presence of specific and localized traces (some of which are actually in the shape of a foot- or shoe-print) highlighted by luminol, asserting that these traces reveal the presence of substances other than blood, such as potatoes, fruit juices or bleach, without, however, providing any concrete proof in point, seems from an objective point of view to be a remarkable exercise in dialectical sophistry rather than trial evidence on which any Judge might base reasoning that would be beyond criticism.* *In the house on Via della Pergola, blood was abundantly present in the bedroom of poor Meredith Kercher, just as it was also significantly present in the small bathroom next to the bedroom, and more or less everywhere. One must not forget the evidence that, together with the traces highlighted by luminol, there were likewise other traces that were visible to the naked eye and that were analyzed as involving human blood. Thus the presence of blood traces highlighted using the luminol technique, rather than representing a disparate trial fact, is on the contrary confirmation that, after the murder, the apartment underwent intensive and thorough cleaning.* *Lastly, it should be pointed out that Dr. Patrizia Stefanoni, when testifying at the 22 May 2009 hearing before the First Instance Court, expressed herself, word for word, thusly: "Then we turn to the results obtained from the luminol test. This test was carried out during the course of the second crime-scene inspection, after all the other activities were completed, on the floor of these areas; the room used by Filomena Romanelli, the room used by Amanda Knox; the corridor; the living room-kitchen corner; and the big bathroom. The outcome of these technical assessments is in fact contained in this diagram, in this table/list (note21: the witness, at the time of the testimony in court, was explaining the table annexed to her definitive report, which was filed in June 2008). The sample called L1 in the minutes of the crime-scene inspection is "victim", so, [while] it cannot be said with certainty that it is blood, naturally, because it is luminescent in luminol, but not ... precisely [as I was saying], since luminol has other fluorescence possibilities, we can only say "the victim's genetic profile", so [in other words] the victim's DNA…" (Transcript [of the] hearing 22 May 2009 before the First Instance Court, page 83). Thus, the fact that it was possible to extract a genetic profile from the traces highlighted using the luminol technique signifies that they belong unequivocally in the category of **[188]** biological traces in which human DNA is present; therefore, at the very least, other misleading substances can be excluded.* 2) The fact that two of the samples taken in areas shown with luminol had mixed DNA of Ms. Kercher and Knox point unequivocally to those areas having human biological substance. The likelihood that a single area would contain, say, skin samples of both Kercher and Ms. Knox (as opposed to blood) is far less likely given that blood traces were visible in the same areas and was found in large amounts in Ms. Kercher's bedroom floor. 3) In addition, several luminol traces were in the form of footprints and one in the form of a shoeprint. So it is quite easy to surmise that someone walked around with the victim's blood on their foot or shoe immediately after the murder.
This analysis permits us therefore to exclude, categorically, that hematic traces were removed on that particular occasion.	1) The M & B court's analysis (which is not an analysis but merely a two-sentence assertion) is utterly erroneous. 2) Why is the M & B weighing on the merits of the evidence?

There's another clear logical disparity regarding the explanations given by the trial about the theft of the cellphones of Kercher, which the unknown perpetrator or perpetrators, while moving away from via della Pergola, got rid of, after the homicide, tossing them into a plot next to the road which in the dark could appear like open country (while was a private garden instead). Far from plausible further more is the judge's justification that the cellphones would have been taken to avoid their eventual ringing leading to discovery of the corpse of the young English woman before the hypothetic time, without considering that such an outcome could have more easily been achieved by shutting the telephones off or removing the batteries.	1) Shutting off the cellphones would have clearly alerted the Kercher family something was wrong. Most importantly, only someone who knew the victim was in constant contact with her family would know this. This was mentioned in the PM report, the M & C report and the N & C report. 2) Why would anyone think of removing batteries? That would leave the fingerprints! (obviously the M & B court are fishing for excuses.)
It is also clearly illogical – and also little respectful of the trial's body of facts – to reconstruct the motivation of the homicide on the basis of supposed disagreements between Kercher and Knox, enhanced by the irritation of the young English woman toward her housemate for having allowed Guede in the house, who had thereupon made an irregular use of the bathroom (f. 312).	The disagreements between Ms. Kercher and Knox were not offered as a motive for murder, but only as a trigger of events, and considering these aspects is neither illogical nor disrespectful. This is the N &C text in question: *It follows that there is a first element of fact that must be taken into account in the reconstruction of the motive for the murder. Between Amanda Marie Knox and Meredith Kercher there was no reciprocal fondness; instead, the young English woman had many reservations with respect to her roommate's behavior. On the evening of the murder, Amanda Marie Knox let Rudy Hermann Guede into the flat; the victim knew him but never had any relations with him apart from a few formal exchanges. Rudy Hermann Guede certainly behaved shamelessly inside the flat, certainly his behavior was such as to cause great annoyance to Meredith Kercher, who had also probably discovered that her rent money was missing, as stated by Rudy Hermann Guede (the fact that Rudy Hermann Guede insisted on repeating this circumstance in every one of his interrogations, together with the certain proof that the sum of 300 euros had in fact been set aside by the victim for the payment of her share of rent, makes the story of the Ivorian objectively credible).* *The two events could have actually been, as noted by the Prosecutor in the trial, a valid reason for Meredith Kercher, who had no fondness for the defendant, to press her for explanations.* ***[318]*** *It is therefore reasonable to believe that at a certain moment a discussion began inside the cottage, triggered by the specific accusations the young English woman felt she had to make to those present. Similarly, it is reasonable to assume that the reaction of the defendants and of Rudy Hermann Guede was not docile.* *We know from the statements made by the defendant [Knox] that on the evening of 1 November 2007 Amanda Marie Knox and Raffaele Sollecito had made use of narcotics and had had sex. Amanda Marie Knox said these activities happened in the flat at 130 Corso Garibaldi at an hour of the evening when certainly both defendants were elsewhere, reasonably they were inside the cottage (the presence inside the cottage of an ashtray with a cigarette butt with mixed DNA of Amanda Marie Knox and Raffaele Sollecito, to be precise of a hand-rolled cigarette, could be a significant element in this respect, although Dr. Patrizia Stefanoni, expressly questioned on the point, stated that no chemical analysis was made on the traces but only those finalized to identify DNA, which means no data can be obtained from this trace).* Clearly, the above is a consideration of how the attack on Ms. Kercher might have started.

The explanation offered by the Ivorian in one of his declarations during the proceeding against him (and usable, according to what stated before, only in the parts which don't involve responsibilities of third parties) is, instead, a different one. The young man in fact was in the bathroom, when he heard Kercher arguing with another person, who he perceived had a female voice, so that the motivation for the arguing could have not be constituted by his use of the bathroom.	1) This is completely illogical. Guede has never testified to knowing what Ms. Kercher and Knox were arguing about, though he did state many times that Ms. Kercher thought Knox had stolen her rent money, a circumstance he could only know if he had been present during the argument. 2) Why is the M & B court taking as fact a point that Guede does not mention (that the argument also involved letting Guede in to use the bathroom)?
Also illogical and contradictory is the judge's statement that, attempting to provide a cause for that disagreement (which was moreover denied in other declarations) doesn't hesitate to retrieve the hypothesis of the money and credit card theft which Kercher was said to have attributed to Knox, despite the fact that, in a definitive finding, Knox, and Sollecito too, would be absolved because "there is no hard fact" on the crime of thievery in relation to the aforementioned goods (f.316)	Why is such an attempt illogical and contradictory and where is it denied in other declarations? Just because there is no direct evidence that they did it does not mean they did not do it. The fact remains that the victim's money, credit cards and keys were missing, and her cell phones were taken and tossed elsewhere.
It is also arbitrary in the absence of any accepted confirmation to transfer to the house at via della Pergola the situations that Knox, in one of her declarations, had described and contextualized in a different timeframe and circumstance, which was in via Garibaldi n. 130, in Sollecito's house: viewing of a movie, light consuming of drugs, sexual intercourse, and nocturnal rest lasting until the late morning of the 2nd of November, in a period before, during and after the homicide. This was introduced as a dynamic of the murder, the possible destabilizing effect of drugs.	But it could have been a contributing factor, given Knox's known connections with drug dealers and given her spending habits! And since Knox and Sollecito had failed alibis, and since the murder had a sexual component, it is reasonable to assume that what Knox was relaying might have happened at the cottage.
This also was done in the absence of any verification, and also because – among the multiple omissions or disputable investigative strategies – the police teams, even after collecting a cigarette butt from the ashtray in the living room containing biological traces of a mixed genetic profile (Knox and Sollecito), didn't carry out any analysis on the nature of the cigarette's substance because that investigation would have resulted in an impossibility to verify the genetic profile, making the sample "unusable".	Please specify what are the multiple omissions. Dr. Stefanoni's scope was to find DNA traces as those are the most informative when it comes to criminal forensics. Otherwise one would have done an analysis on a cigarette butt that anyone could have left (since it would not be known who had smoked it.)
And all of this with the brilliant [sic] result of submitting to the trial an absolutely irrelevant data, considered that it is certain that Sollecito frequented the house in via della Pergola, because he was sentimentally bound to the American girl; while in contrast the verification of the nature of the cigarette sample might have offered investigative leads of particular interest.	Finding a joint but not knowing who smoked it is hardly an important clue! Does the M & B court understand evidence in a criminal proceeding?
What is underlined above is emblematic of the whole body of the appealed findings related to the reconstruction of the relevant event, reported in par.10 with the title: conclusive evaluations.	This not true. No actual faults have been shown yet and the remarks are not "emblematic" of all the investigations. What is apparent though is that the M & B court have no idea of the case, the evidence involved and most importantly, the history of all the prior rulings which would have clarified many of these "novice" remarks.
It is undeniably a faulty interpretation attempt of the judge in order to compensate for some investigative lacks and obvious proof shortfalls with acute speculative activity and suggestive logical argumentations, being merely assertive and dogmatic.	This is hardly the case, and the M & B reasoning has not shown this.
Now it is unquestionable that the factual reconstruction is an	Correct. So why is the M & B court attempt to evaluate evidence, attempting to critique police investigative

exclusive task of the trial judge and it is not the responsibility of the Court of Cassation to establish if the proposed assessment is actually the best possible reconstruction of the facts, nor to approve his justifications, requiring this court only to address verification if such justification is compatible - according to the basic jurisprudence formula – "with common sense and with the limits of a plausible appreciation of opinion" (among others, Section 5, n. 1004 of 30 November 1999, dep. 2000, Moro G, Rv. 215745), and also according to the probative requirements in the light of the text of article 606 lett. e) of the code of criminal procedure; it is also true that the chosen reconstructive version, even if in compliance with the standards of ordinary logic, has to adhere to the reality of the body of facts and be presented as the result of a process of critical evaluation of the points of proof acquired. Therefore the use of logic and intuition cannot compensate for shortfalls in proofs or investigative inefficiency.	methods and not concentrate on the other parts of the N & C report? Please note that the M & B report just noted above that the N & C reconstruction was arbitrary, illogical and even disrespectful(!) Where are the shortfalls in proofs, where is the investigative insufficiency and where are the proofs required?
In the face of a missing, insufficient or contradictory proof, the judge must limit himself to accepting that and deliver an acquittal sentence, according to article 530, chapter 2, of the code of criminal procedure, even if driven by an authentic moral conviction of the guilt of the accused.	The evidence is not proof and the evidence is neither insufficient nor contradictory. The M &B court has not shown this.
Also, there is no shortage of errors in the motivation text of the examined sentence. Accordingly the assumption is totally erroneous in f. 321, according to which in the almost imperceptible grooves of the knife which was considered the weapon of the crime (item 36) DNA samples were attributable to Sollecito and also Kercher. The assumption is, in fact, in conflict with the lengthy exposition in the part concerning the aforementioned item (ff. 208 ss), where the outcomes of the genetic investigations which had attributed trace A to Amanda Knox, trace B to Kercher, a finally, trace I – the examination of which was unjustifiably passed over in the Conte-Vecchiotti survey – attributed after a new test to Knox. As will be stated further, given the attribution of the traces A and I to the current appellant, the reference of the trace B to Kercher cannot have – for the reasons stated above – any possibility of certainty being a low copy number sample meaning a scarce-quantity sample which could allow only one amplification (f.124).	The grooves were not imperceptible. See the photos and video of the knife being examined by medical consultants. The grooves are readily visible! It is obvious this was a clerical error in a 338 page document. The M & B court has made a few errors as well. Trace 36B match the victim's DNA on 15 loci, which, as noted above is a probability of 1 in 300 million billion, as noted by Dr. Novelli. Clearly the M & B court has not studied the documentation or read the N & C report, where this is stipulated to (see above.)
It doesn't appear anywhere that the knife carried biological traces related to the genetic profile of Sollecito.	The knife was found at Sollecito's apartment.
9. The noted errors in judgment and the logical inconsistencies conflict fundamentally with the appealed sentence which therefore deserves to be annulled. The aforementioned invalidating reasons mount up in the absence of a possible framework of proof that could really be accepted as able to support a verdict of guilt beyond reasonable doubt as required by article 533 of the code of criminal procedure, in the recent text of article 5 of law n. 46 of 2006. Regarding the discussion of the range of meaning of that rule and its possible reflection on the evaluation of the evidence, this Court of Cassation has more than once had occasion to restate that "the normative prevision of the judgmental rule of beyond reasonable doubt which is based on the constitutional principle	No errors have so far been noted that "conflict fundamentally" with the appealed sentence. The M & B report has only considered so far, trace 36B, the luminol revealed traces, the cell phones and the time of death. It has yet to consider all the rest of the evidence evaluated in the N & C report.

of presumed innocence, has not led to a different and more restrictive criteria of evaluation of the proof, but has coded the jurisprudential principle according to which the declaration of the sentence has to be based on certainty with regard to the accused (Section 2, n. 7035 of 09 November 2012, dep. 2013, De Bartolomei, Rv. 254025; Section 2, n. 16357 of 2 April 2008, Crisiglione¸ Rv. 239795).	This is contrary to the "concentric circles" image stated earlier.
It is not in essence an innovative or "revolutionary" principle, but the mere formal recognition of a judgment rule already existing in the judiciary experience of our Country and therefore already in firm force regarding the conditions for a sentence, given the preexistent rule of article 530, second chapter, of the code of criminal procedure, according to which, in case of insufficiency or contradiction of the evidence, the accused has to be acquitted. (Section 1, n. 30402 of 28/062006, Volpon, Rv.234374).	The M & B report has failed to show how the evidence is insufficient or contradictory.
On the basis of such premises the principle was enhanced according to which "the judgmental rule contained in the formula for beyond any reasonable doubt requires the pronouncing of a guilty sentence only when the acquired proofs excludes all but the remotest eventualities, even if supposable in theory and considered possible in the nature of things, but it is obvious that in this concrete case, the investigation results lacked any verification during the trial, unless outside the natural order of things and normal human rationality" (Section 2, n. 2548 of 19/12/2014, dep. 2015, Segura, Rv. 262280); together with the enunciation that alternative reconstructions of the crime have to be based on reliable probative elements, because the doubt which inspires them cannot be founded on merely conjectural hypothesis, even if plausible, but has to be characterized by rationality (cfr Section 4, n. 22257 of the 25/03/2014, Guernelli, Rv. 259204; Section 1, n. 17921 of the 03/03/2010, Giampà, Rv. 247449; Section 1, n. 23813 of 08/05/2009, Manikam, Rv. 243801).	This is fundamentally not true, and the M & B court has failed to show where the investigation results "lacked any verification during trial". Correct. The doubt must be due to an alternative interpretation of all the evidence.
9.1 The intrinsically contradictory quality of the body of proof, the objective uncertainty of which is emphasized by the highlighted irregular progression of the proceeding, doesn't allow us to consider it as having passed the standard of no reasonable doubt, the consecration of which is a milestone in juridical civilization which has to be protected for always as an expression of fundamental constitutional values clustered around the central role of the person in the legal system, whose protection is effected at trial by the principle of presumption of innocence until there is definitive verification, according to article 27, chapter 2, of the Constitution.	The preceding is inaccurate and false. The M & B court has failed to show where reasonable doubt can be found in the evidence, and where N & C, in their reasoning, failed to highlight such reasonable doubt.
9.2. The terms of objective contradictions in the proof here can be illustrated for each appellant, in a synoptic examination of the elements favorable to the hypothesis of guilt and the elements to the contrary in the text of the appeal and the defense declarations.	1) What about the civil and prosecutor motions and comments? 2) None of the defense motions are accurate with respect to the evidence. Why does the court think the defense motions have equal weight?
9.3. It is useful to the side by side examination of these profiles to consider that, given the committing of the homicide in via della Pergola, the supposed presence in the house of the current appellants cannot, in itself be considered as a demonstrative element of guilt.	No one has maintained that the mere present of Guede, Knox and Sollecito at the cottage indicates their guilt. What indicates their guilt is all the evidence.
In the evaluative approach to the problematic compendium of	

proof offered by the appellate judge, we cannot ignore the juridical categories of “non-punishable connivance” and “participation of persons in the crime committed by others” and the distinction between them as accepted by indisputable decision of the Court of Cassation. In this regard, it is well understood that the distinction resides "in the fact that the first postulates that the agent maintain a merely passive behavior, of no contribution to the effecting of the crime, while the second requires a positive participatory contribution - moral or material – to the other’s criminal conduct in ways that aid or strengthen the criminal purpose of the appellant" (Section 4, n. 1055 of 12/12/2013, dep. 2014, Benocci, Rv. 258186; Section 6, n. 44633 of 31/102013, Dioum, Rv. 257810; Section 5, n. 2895 of 22/03/2013, dep. 2014, Grosu, Rv. 258953). Equally certain is the effect of this specific distinction in the subjectivity consideration, since in the actual participation by persons in the crime the subjective element can be identified in the conscious representations and will of the participant in cooperating with other subjects in the common realization of the criminal conduct (Section 1, n 40248 of 26/09/2012, Mazzotta, Rv. 254735).	
9.4 Now, a fact of assured relevance in favor of the current appellants, in the sense of excluding their material participation to the homicide, even in the hypothesis of their presence in the house of via della Pergola, lies in the absolute absence of biological traces referable to them (apart from the hook of which we will discuss later) in the room of the homicide or on the victim’s body, where in contrast multiple traces attributable to Guede were found.	This is false. As noted above, there are traces of Knox and Sollecito in Ms. Kercher’s room, and most importantly, there is evidence in Ms. Kercher’s room of things having been done that cannot logically be attributed to Guede.
9.5 It is incontrovertibly impossible that that in the crime scene (constituted by a room of little dimensions: ml 2,91x3,36, as indicated by the blueprint reproduced at f. 76) no traces would be retrieved referable to the current appellants had they participated in the murder of Kercher.	1) How is the lack of DNA traces “incontrovertibly impossible”? 2) Does the M & B court have statistical data of how often traces of perpetrators are found at a murder scene? 3) The M & B court is overlooking the bra clasp with Ms. Kercher’s and Sollecito’s DNA, Knox’s table lamp under the bed, the bloody knife print on the mattress that matches the kitchen knife found in Sollecito’s apartment, the hairs, a smaller female shoeprint on the pillowcase, the defendants statement about the crime scene generally, and most importantly, the lack of defensive wounds on Ms. Kercher that require that someone other than Guede be present in the room during the murder. 4) And immediately outside Ms. Kercher’s bedroom are bloody footprints, mixed DNA traces with Knox and Kercher DNA in the bathroom and on the floor in the corridor and Romanelli’s room, where the break-in was staged.
No trace assignable to them has been, in particular, observed on the sweatshirt worn by the victim at the moment of the aggression and nor on the underlying shirt, as it should have been in case of participation in the homicide (instead, on the sleeve of the aforementioned sweater traces of Guede were retrieved: ff. 179-180).	1) The premise is completely false that traces of Knox and Sollecito had to be found on the victim’s clothing if they were involved in the murder. Where is the statistical data that confirms this? 2) Hairs matching Sollecito were found on sweatshirt and bra, hairs matching Knox’s were found on the purse, mattress cover and duvet, and a hair matching Guede’s was found on a sponge in Sollecito’s kitchen.
The aforementioned negative circumstance works as a counterbalance to the data, already highlighted, on the absolute	Since luminol traces were found, a cleaning was obviously done. And, it is clear from looking at the crime scene of

impracticality of the hypothesis of a posthumous selective cleaning capable of removing specific biological traces while leaving others.	Ms. Kercher's bedroom that someone wiped the floor and moved objects on the floor after the murder and before moving Ms. Kercher's body.
9.5.1 Given this, we now note, with respect to Amanda Knox, that her presence inside the house, the location of the murder, is a proven fact in the trial, in accord with her own admissions, also contained in the memoriale with her signature, in the part where she tells that, as she was in the kitchen, while the young English woman had retired inside the room of same Ms. Kercher together with another person for a sexual intercourse, she heard a harrowing scream from her friend, so piercing and unbearable that she let herself down squatting on the floor, covering her ears tight with her hands in order not to hear more of it. About this, the judgment of reliability expressed by the lower [a quo] judge [Nencini, ed.] with reference to this part of the suspect's narrative, [and] about the plausible implication from the fact herself was the first person mentioning for the first time [46] a possible sexual motive for the murder, at the time when the detectives still did not have the results from the cadaver examination, nor the autopsy report, nor the witnesses' information, which was collected only subsequently, about the victim's terrible scream and about the time when it was heard (witnesses Nara Capezzali, Antonella Monacchia and others), is certainly to be subscribed to. We make reference in particular to those declarations that the current appellant [Knox] produced on 11. 6. 2007 (p.96) inside the State Police headquarters. On the other hand, in the slanderous declarations against Lumumba, which earned her a conviction, the status of which is now protected as final judgement [giudicato], [they] had themselves exactly that premise in the narrative, that is: the presence of the young American woman inside the house in via della Pergola, a circumstance which nobody at that time – except obviously the other people present inside the house – could have known (quote p. 96).	1) The M & B report has up to now tried to argue (based on evidence and not on N & C's actual reasoning) that Knox was not there. But now they claim she was there based on her own statements which constitute lies? And based on Capezzali and Monacchia's testimony? Which places the time of death after 23:15?
According to the slanderous statements of Ms. Knox, she had returned home in the company of Lumumba, who she had met by chance in Piazza Grimana, and when Ms. Kercher arrived in the house, Knox's companion directed sexual attentions toward the young English woman, then he went together with her in her room, from which the harrowing scream came. So, it was Lumumba who killed Meredith and she could affirm this since she was on the scene of crime herself, albeit in another room.	
Another element against her is the mixed DNA traces, her and the victim's one, in the "small bathroom",	And also in Romanelli's room and in the bloody footprint on the floor just outside Ms. Kercher's bedroom. If one accepts the mixed traces in the bathroom, then all the other mixed DNA traces on the floor should be accepted. And given that, then it becomes necessary to accept that the luminol stains revealed were indeed in blood.
an eloquent proof that anyway she had come into contact with the blood of the latter, which she tried to wash away from herself (it was, it seems, diluted blood, while the biological traces belonging to her would be the consequence of epithelial rubbing).	So this one DNA result in the genetic report is acceptable. What about all the others?
The fact is very suspicious, but it's not decisive, besides the known considerations about the sure nature and attribution of the traces in question.	The decisive comes about when considering ALL the evidence together, and that no traces of ANYONE ELSE other than Guede, Knox and Sollecito were found at the cottage, traces that point to their presence during the

Nonetheless, even if we deem the attribution certain, the trial element would not be unequivocal, since it may show also a posthumous touching of that blood, during the probable attempt of removing the most visible traces of what had happened, maybe to help cover up for someone or to steer away suspicion from herself, but not contributing to full certainty about her direct involvement in the murderous action.	committal of the murder. Why is the court considering a hypothesis never advanced by anyone? This does not tie in with the rest of the evidence. Who is Knox supposed to be covering for?
Any further and more pertaining interpretation in fact would be anyway resisted by the circumstance – this is decisive indeed – that no trace linkable to her was found on the scene of crime or on the victim's body, so it follows – if we concede everything – that her contact with the victim's blood happened in a subsequent moment and in another room of the house.	Does this mean that if no DNA trace is found on the victim, there is no way to assert beyond a reasonable doubt who killed the victim? This is counter to all jurisprudence prior to DNA tracing being developed. Does the M & B report realize what it is saying? The evaluation of circumstantial evidence is NOT based on a single trace tying the murderer directly to the victim but on the whole evidentiary framework that establishes their guilt. Is Scott Peterson then not guilty of having murdered his wife (just as one example)?
Another element against her is certainly constituted by the false accusations [calunnia] against Mr. Lumumba, afore-mentioned above.	Obviously the confirmed calunnia is an important part of the evidentiary framework.
It is not understandable, in fact, what reason could have driven the young woman to produce such serious accusations. The theory that she did so in order to escape psychological pressure from detectives seems extremely fragile, given that the woman [47] could not fail to realize that such accusations directed against her boss would turn out to be false very soon, given that, as she knew very well, Mr. Lumumba had no relationship with Ms. Kercher nor with the Via della Pergola house. Furthermore, the ability to present an ironclad alibi would have allowed Lumumba to obtain release and subsequently the dropping of charges.	Right!
However, the said calunnia is another circumstantial element against the current appellant, insofar as it can be considered a strategy in order to cover up for Mr. Guede, whom she had an interest to protect because of fear of retaliatory accusations against her. This is confirmed by the fact that Mr. Lumumba, like Mr. Guede, is a man of colour, hence the indication of the first one would be safe in the event that the latter could have been seen by someone while entering or exiting the apartment.	Guede did say Knox was there, almost from the very beginning.
And moreover, the staging of a theft in Romanelli's room, which she is accused of, is also a relevant point within an incriminating picture, considering the elements of strong suspicion (location of glass shards – apparently resulting from the breaking of a glass window pane caused by the throwing of a rock from the outside – on top of, but also under clothes and furniture), a staging, which can be linked to someone who – as an author of the murder and a flatmate [titolare] with a formal ["qualified"] connection to the dwelling – had an interest to steer suspicion away from himself/herself, while a third murderer in contrast would be motivated by a very different urge after the killing, that is to leave the apartment as quickly as possible.	And in fact, the visible bloody shoeprints show Guede did exactly that. He left the cottage immediately after the murder.
But also this element is substantially ambiguous, especially if we consider the fact that when the postal police arrived – they arrived in Via della Pergola for another reason: to search for Ms. Romanelli, the owner of the telephone SIM card found inside	The M & B court does not show how the arrival of the Postal Police makes the staging "ambiguous". The method of discovery has no impact on whether the staging is ambiguous. Either there is a staging or there is not. No

one of the phones retrieved in via Sperandio – the current appellants themselves, Sollecito specifically, were the ones who pointed out the anomalous situation to the officers, as nothing appeared to be stolen from Ms. Romanelli's room.	else except Knox would have a reason to do a stage a burglary.
Elements of strong suspicion are also in the inconsistencies and lies which the suspect woman committed over the statements she released on various occasions, especially in the places where her narrative was contradicted by the telephone records showing different incoming SMS messages; by the testimonies of Antonio Curatolo about the presence of [the same] Amanda Knox in piazza Grimana in the company of Sollecito, and of Mario Quintavalle about her presence inside the supermarket the morning of the day after the murder, maybe to buy detergents.	1) Her account also offers different sequences of phone calls to Romanelli and Ms. Kercher. 2) Her statements are contradicted by Sollecito's statement in a few important details 3) Her account of her taking a shower in the morning oblivious to the blood stains in the bathroom and a wide open door generally lacks credence. 4) Sollecito and Knox related crime scene details only they could have known though they did not discover Ms. Kercher and were not able to see into Ms. Kercher's room at the time of discovery. 5) Knox failed to recall a phone call to her mother after the Postal Police had arrived but before the discovery of the murder. There is also the lack of proof they were at Sollecito's apartment during murder period, and they also had switched off their phones, a behavior quite different from all previous nights.
Despite this, the features of intrinsic inconsistency and poor reliability of the witnesses, which were objected to many times during the trial, do not allow to attribute unconditional trust to their versions, in order to prove with reassuring certainty the failure, and so the falsehood, of the alibi presented by the suspect woman, who claimed to have been at her boyfriend's home since the late afternoon of November 1st until the morning of the following day.	In fact the multiple versions and lies point very much to guilt all by itself.
Mr. Curatolo (an enigmatic character: a clochard, drug addicted and dealer) [48] besides the fact that his declarations were late	This is not true. When do declarations become "late"?
and the fact that he was not foreign to judiciary showing-off in judicial cases with a strong media impact,	This is not true. Curatolo testified in only one or two other cases with no media impact.
he was also contradicted about his reference to young people waiting for public buses to leave in the direction of disco clubs in the area, since it was asserted that the night of the murder the bus service was not operational; and also the reference to masks and jokes, which he says he witnessed that evening, would lead to believe that it was on Halloween night, on October 31., and not on Nov. 1. instead.	This was asserted by the defense, who checked with only two bus services, but not with others! Halloween parties are not necessarily restricted to October 31st!
The latter point apparently balances – still within a context of uncertainty and ambiguousness – the witness' reference to (regarding the context where he reportedly noticed the two suspects together) the day before the one when he noticed (at an afternoon hour) an unusual movement of Police and Carabinieri, and in particular people wearing white suites and head covers (as if they were extra-terrestrials) entering the house in Via della Pergola (obviously on November 2., after the discovery of the body).	There is no certainty. 1) Right, this confirms Curatolo he saw Knox and Sollecito the night of November 1st. Curatolo never waivered from this. 2) Why is the M & B report evaluating testimony and not the remaining parts of the N & C report?
Mr. Quintavalle – apart from the lateness of his statements, initially reticent and generic – did not offer any contribute of certainty, not even about the goods bought by the young woman noticed on the morning subsequent to the murder, when he	This is not true. Quintavalle answered police questions about Sollecito, not about Knox. It was only later, spurred by a reporter, that he made a deposition about seeing Knox.

opened his store, while his recognizing Knox in the courtroom is not relevant, since her image had appeared on all newspapers and tv news.	Quintavalle accurately described the clothing Knox wore the morning of the murder discovery. This clothing can be seen on Knox's bed in crime scene photos taken the day the murder was discovered.
Regarding the biological traces, signed with letters A and I (the latter analysed by the RIS) sampled from the knife seized in Sollecito's house and yielding Knox's genetic profile, they constitute a neutral element, given that the same suspect lived together with Mr. Sollecito in the same home in via Garibaldi, although she alternated with the via della Pergola home, and – as for what was said – the same instrument did not have blood traces from Ms. Kercher, a negative circumstance that contrasted the accusation hypotheses that it was the murder weapon.	This is fundamentally not true, as noted above. Also, the kitchen knife matches the bloody knife imprint found on Ms. Kercher's mattress. The trace result was agreed to by a couple of top Italian geneticists.
On that point, it must be pointed out that – again following a disputable strategic choice by the scientific police genetic experts – it was decided that the investigation aimed at identifying the genetic profile should be privileged, rather than finding its biological nature, given that the quantity of the samples did not allow a double test: the quality test would in fact would have "used up" the sample or made it unusable for further tests.	Right!
A very disputable option, since the detecting of blood traces, referable to Ms. Kercher, would have provided the trial with a datum of a formidable probative relevance, incontrovertibly certifying the use of the weapon for the committing of the crime.	1) Apparently, the M & B court has not understood that Dr. Stefanoni could only test for blood OR test for DNA. She could not do both. If she had tested for blood and found it positive, she would not know whose blood it was. 2) Instead, testing for DNA, and finding Ms. Kercher's DNA with a 15 point loci match, on a knife found at Sollecito's apartment is indeed an important (though not decisive) find.
The verified presence of the same weapon inside Sollecito's house, where Ms. Knox was living together with him, would have allowed then any possible deduction in this respect. Instead, the verified identification of the traces with genetic profiles of Ms. Knox resolves itself in a not unequivocal and rather indifferent datum, given that the young American woman was living together with Mr. Sollecito, sharing time between his dwelling and [49] the Via della Pergola one.	The location of trace 36A is not from normal knife use. Please see Dr. Stefanoni's testimony.
Not only that, but even if it was possible to attribute with certainty trace B to the genetic profile of Ms. Kercher, the trial datum would have been not decisive (since it's not a blood trace)	The M & B cannot affirm this that the trace is not blood. What can be affirmed is that biological material of the victim was found on the knife, in a groove created by scouring. The M & B court should know that TMB, a presumptive blood test, is not conclusive, and is prone to false negatives and positives, since it is not as sensitive as luminol. So, even if the knife had been tested for blood and the test had resulted negative, there could still be blood on the knife. The blood might be too diluted to register on the TMB test. The M & B court should also realize that DNA in blood is found in white blood cells, whereas the hemoglobin which triggers luminol and the TMB test is in red blood cells, and that red blood cells outnumber white blood cells 600 to 1. So even diluted blood might not yield a DNA result, as can be be seen in many of the DNA test results in this case.
, given the promiscuity or commonality of inter-personal relations typical of out-of-town students, which make it	Romanelli and Mezzetti never saw the knife and conjecturing that Knox would bring a knife from Sollecito's apartment in the ten days she knew him stretches belief,

plausible that a kitchen knife or any other tool could be transported from one house to the other and thus, the seized knife could have been brought by Ms. Knox in Via della Pergola for domestic use, in occasion of convivial meetings or other events, and therefore be used by Ms. Kercher.	given that the cottage had plenty of cutlery and knives, as testified to by Romanelli.
What is certain is, that on the knife no blood traces were found, a lack which cannot be referred to an accurate cleaning.	How can the M & B court assert this? The TMB test was negative, but this does not mean there was no blood. The DNA could have come from Ms. Kercher's skin, which was visibly affected by the 8 cm long 8 cm deep fatal stab wound. Just because no blood was found does not necessarily mean the knife was cleaned. The knife was obviously cleaned, as seen from the scouring marks on the blade.
As was accurately pointed out by the defence attorneys, the knife had traces of starch, a sign of ordinary home use and of a washing anything but accurate. Not only, but starch is, notoriously, a substance with remarkable absorbing property, thus it is very likely that in the event of a stabbing, blood elements would be retained by it.	1) The starch was not found on trace 36B. 2) The knife could have been used by the defendants after they had cleaned it after the murder. The defendants had four days to use the knife after the murder was discovered.
It is completely implausible the accusative assumption on the point, that the young woman would be used to carrying the bulky item with her for a self-defence purpose, using – it is said – the large bag she had for that purpose.	Except that a witness, Kokomani, testified multiple times to seeing Knox take a large kitchen knife from her purse on a night of or prior to the murder.
It wouldn't be actually understandable why the woman, if warned by her boyfriend to pay attention during her night time movements, was not in possession of one of the small pocket knives surely owned by Sollecito, who apparently had the hobby of that kind of weapon and was a collector of a number of them.	And one of the pocket knives had traces of Knox and Sollecito DNA, as well as blood spot on it.
Finally, the matching with the current appellant woman of the footprints found in the place location of the murder is far from being certain.	The Rinaldi & Boemia reports are quite certain. Dr. Vinci's rebuttal reports are incorrect.
9.5.2 Also the evidential picture about Mr. Sollecito, emerging from the impugned verdict, appears marked by intrinsic and irreducible contradictions.	Where?
His presence on the murder scene, and specifically inside the room where the murder was committed, is linked to only the biological trace found on the bra fastener hook (item 165/b), the attribution of which, however, cannot have any certainty, since such trace is insusceptible of a second amplification, given its scarce amount, for that it is – as we said – an element lacking of circumstantial evidentiary value.	This is completely false. Trace 165B was done twice and Sollecito's Y haplotype DNA found as well in a separate test.
It remains anyway strong the suspicion that he was actually in the Via della Pergola house the night of the murder, in a moment that, however, it was impossible to determine.	This is absurd.
On the other hand, since the presence of Ms. Knox inside the house is sure, it is hardly credible that he was not with her.	Finally the M & B court has arrived at some common sense. But where is the mathematical, scientifically proven certainty for this assertion?
And even following one of the versions released by the woman, that is the one in accord to which, returning home in the morning of November 2. after a night spent at her boyfriend's place, she reports of having immediately noticed that something strange had happened (open door, blood traces everywhere); or	Why is the M & B court evaluating evidence? It is not the scope of Cassazione to evaluate evidence on its own. This is the scope of lower courts!

even the other one, that she reports in her memorial, in accord to which she was present in the house at the time of the murder, but in a different room, not the one in which the violent aggression on Ms. Kercher was being committed, it is very strange that she did not call her boyfriend, since there is no record about a phone call from her, based on the phone records within the file.	
Even more if we consider that having been in Italy for a short time, she would be presumably uninformed about what to do in such emergency cases, therefore the first and maybe only person whom she could ask for help would have been her boyfriend himself, who lived only a few hundred meters away from her house. Not doing this signifies Sollecito was with her, unaffected, obviously, the procedural relevance of his mere presence in that house, in the absence of certain proof of his causal contribution to the murderous action.	Why is the M & B court evaluating evidence? His presence is confirmed by bloody footprints, DNA mixed with Knox's on a cigarette and his fingerprints on Mezzetti's door and on Ms. Kercher's door.
The defensive argument extending the computer interaction up to the visualization of a cartoon, downloaded from the internet, in a time that they claim compatible with the time of death of Ms. Kercher, is certainly not sufficient to dispel such strong suspicions.	True, but why is the M & B court evaluating evidence?
In fact, even following the reconstruction claimed by the defence and even if we assume as certain that the interaction was by Mr. Sollecito himself and that he watched the whole clip, still the time of ending of his computer activity wouldn't be incompatible with his subsequent presence in Ms. Kercher's house, given the short distance between the two houses, walkable in about ten [sic] minutes.	In fact it takes less time to walk between the two locations, but why is the M & B evaluating evidence?
An element of strong suspicion, also, derives from his confirmation, during spontaneous declarations, the alibi presented by Ms. Knox about the presence of both inside the house of the current appellant the night of the murder, a theory that is denied by the statements of Curatolo, who declared of having witnessed the two together from 21:30 until 24:00 in piazza Grimana; and by Quintavalle on the presence of a young woman, later identified as Ms. Knox, when he opened his store in the morning of November 2. But as it was previously noted, such witness statements appeared to have strong margins of ambiguity and approximation, so that could not reasonably constitute the foundation of any certainty, besides the problematic judgement of reliability expressed by the lower [a quo] judge.	This is not quite accurate! Curatolo observed them from roughly 21:30 to 23:00. See Curatolo's testimony during the Massei trial, when he is specifically questioned by Massei. 1) There is no certainty in any piece of evidence. The certainty comes about when the evidence is evaluated all together. From the C & V report: *Living law has devised strong evaluation guidelines (which are) in complete accordance on the subject of circumstantial evidence trials, which require the trial judge to carry out a twofold operation: first of all, the trial judge must proceed with the evaluation of the piece of circumstantial evidence on its own, to establish its probative value, which is usually in terms of mere possibility. Then it is necessary to carry out a global examination of all the pieces of circumstantial evidence, in order to determine whether the margins of ambiguity, inevitably connected to each one (if demonstrative uncertainties were not present one would be dealing with outright proof), may be overcome "with a unitary vision, so as to allow for the attribution of the illicit deed to the accused, even in the absence of direct proof of guilt, on the basis of a totality of facts which, fitting together among themselves without gaps or leaps of logic, necessarily lead to such an outcome as the strict consequential result" (section 1, 9.6.2010, no 30448, section 1, 4.2.1992, no 6682).* 2) How is the lower judge reasoning problematic? Umpteenth? Why is the M & B court incorrectly counting

	evidence pieces?
An umpteenth element of suspicion is the basic failure of the alibi linked to other, claimed human interactions in the computer of his belongings, albeit if we can't talk about false alibi, since it's more appropriate to speak about unsuccessful alibi.	1) Dr. Vinci's report were shown to be false and inaccurate by the Rinaldi & Boemia rebuttal presentation, and by court testimony. 2) Why is the M & B court taking the defense report at face value and not the Rinaldi & Boemia police report?
Finally, no certainty could be reached [was acquired] about the attribution to Mr. Sollecito of the footprints found in the via della Pergola house, about which the technical reports carried out have not gone beyond a judgement of "probable identity", and not of certainty (p. 260/1).	This is hardly the case and this report has not shown that.
9.4.3. It is just the case to observe, that the declaration of the lacking of a probative framework, coherent and sufficient to support the accusatory hypothesis regarding the more serious case of the homicide, reverberates on the residual, accessory charges referred in point d) (theft of the phones) and e) (simulation of crime).	
10. The intrinsic contradiction of probative elements emerging from the text of the appealed sentence, undermines in nuce the connecting tissue of the same sentence, causing the annulment of it. And in fact, when facing a picture marked by such contradiction, the appeal judge was not supposed to issue a conviction but rather – as we observed above – they were compelled to issue a ruling of acquittal with reference to art. 530 paragraph 2 of penal procedure code.	In fact the M & B report has not shown that the evidence has any "intrinsic contradictions". The M & B has failed to correctly evaluate all the evidence (which is outside the scope of Cassazione anyway) and have also failed to address all the reasons noted in the N & C report.
At this point the last question remains, about the annulment formula – that is, whether it should be annulled with remand or without remand. The solving of such question is obviously related to the objective possibility of further tests, which could resolve the aspects of uncertainty, maybe through new technical investigations.	Further tests are not necessarily needed. There is plenty of evidence offered up to look at more carefully (like the hairs found and noted in the genetic test report).
The answer is certainly negative, because the biological traces on the items relevant to the investigation are of scarce entity, as such they can't undergo amplification, and thus they won't render answers of absolute reliability, neither in terms of identity nor in terms of compatibility.	This is simply not true. See the above list of genetic traces obtained from the report, shows there is ample evidence, hardly "scarce".. 1) There is no such thing as absolutely reliability and absolute reliability is not required. 2) If so desired, the knife, bra, and other clothing could always be retested in different locations, and other samples could be retested with more sensitive equipment.
The computers belonging to Amanda Knox and to Ms. Kercher, which maybe could have provided information useful to the investigation, were, incredibly, burned by hazardous operations by investigators, which caused electric shock following a probable error of power source; and they can't render any further information anymore, since it's an irreversible damage.	1) Meredith's hard drive data was recuperated in full. 2) A hard drive may or may not contain any pertinent evidence.
The set of court testimonies is exhaustive, given the accuracy and completeness of the evidentiary trial phase, which had re-openings both times in the instances of appeal [rinvio; sic].	The M & B court did not consider all the testimony.
Mr. Guede, who was sure a co-participant to the murder, has always refused to cooperate, and for the already stated reasons he can't be compelled to testify.	
The technical tests requested by the defence cannot grant any	The M & B court should know that DNA sources have and continue to be found on prehistoric bones.

contribution of clarity, not only because a long time has passed, but also because they regard aspects of problematic examination (such as the possibility of selective cleaning) or of manifest irrelevance (technical analysis on Sollecito's computer) given that is was possible, as said, for him to go to Kercher's house whatever the length of his interaction with the computer (even if one concedes that such interaction exists), or they are manifestly unnecessary, given that some unexceptionable technical analysis carried out are exhaustive (such are for example the cadaver inspection and the following medico-legal examinations).	This certainly happened if one looks at the crime scene photos and reads the UACV report.
Following the considerations above, it is obvious that a remand [rinvio] would be useless, hence the declaration of annulment without remand, based on art. 620 L) of the procedure code, thus we apply an acquittal [proscioglimento *] formula [see note just below] which a further judge on remand would be anyway compelled to apply, to abide to the principles of law established in this current sentence.	In fact the wound pattern points to multiple assailants, and there are no traces of ANY ONE ELSE besides Knox and Sollecito at the cottage. Incorrect!
[Translator's note: The Italian word for "acquittal" is actually "assoluzione"; while the term "proscioglimento" instead, in the Italian Procedure Code, actually refers only to non-definitive preliminary judgements during investigation phase, and it could be translated as "dropping of charges". Note: as for investigation phase "proscioglimento" is normally meant as a not-binding decision, not subjected to double jeopardy, since it is not considered a judgement nor a court's decision.]	
The annulment of the verdict of conviction of Ms. Knox as for the crime written at letter A), implies the ruling out of the aggravation of teleological nexus as for the art. 61 par. 2 Penal Code. The ruling out of such aggravating circumstance makes it necessary to re-determine the penalty, which is to be quantified in the same length established by the Court of Appeals of Perugia, about the adequacy of which large and sufficient justification was given, based on determination parameters which are to be subscribed to entirely.	1) The H & Z sentence was annulled. 2) If the M & B court now postulates that Knox and Sollecito were at the apartment during the murder they are both guilty of not lending help, or of being of passive accomplices.
It is just worth to note that the outcome of the judgement allows to deem as absorbed, or implicitly ruled out, any other objection, deduction or request by the defences, while any other argumentative aspect among those not examined, should be deemed manifestly inadmissible since it obviously belongs to the merit.	All of the defense arguments were about merit of the evidence.
11. For what previously stated, we have to provide as disposed.	
THEREFORE	
According to article 620 lett. a) of the code of criminal procedure, it is annulled without appeal the challenged sentence in relation to the crime of paragraph b) of the rubric for being extinct for prescription;	
according to articles 620 lett. I) and 530, chapter 2 of the code of criminal procedure, in relation to the crime of slender, annuls without appeal the challenged sentence in relation to the crime of paragraph a), d) and e) of the rubric for having not committed the act.	

It is restated the inflicted sentence against the appellant Amanda Marie Knox, for the crime of slander at three years of prison. Thus the court has decided the 27th of March, 2015 Reporting Judge The president Paolo Antonio Bruno Gennaro Marasca Registered the 7th of September 2015 COURT OFFICIAL Carmela Lanzuise	

Conclusions:

It is obvious from the above that the M & B report is fundamentally garbage.

The M &B report contains the following errors:
1) many errors of fact about the evidence
2) many errors in evaluating the evidence
3) repeatedly considering only a few bits of evidence while ignoring all the rest
3) failure to evaluate all of the evidence
4) failure to evaluate the evidence altogether
5) failure to provide reasons why a court of legitimacy should exceed its mandate and evaluate evidence
6) offering crime scene scenarios never offered by anyone else
7) offering many general criticisms of police investigations without any correct arguments being put forward
8) offering many rehashed defense arguments without correct evaluations
9) considering defense reports over police or civil consultant reports
10) incomplete evaluation of the N & C report
11) failure to follow the C & V report guidelines
12) failure in logic and multiple points of internal contradictions
13) incorrect application of science, scientific methods and “certainty” principles to evidence