COURT OF PERUGIA

Criminal division

The Court of Perugia, convened in Chambers, comprised of:

1, Dr. Massimo Ricciarelli President.

2. Dr. Cecilia Bellucci Judge

3. Dr. Lidia Brutti Judge

Having regard to the request of review presented in the interest of Knox Amanda Marie, born in Washington in date 9 July 1987, against the judgment delivered on 9 November 2007, with which the GIP (Preliminary Investigating Judge), in this court, has applied on the aforementioned the measure of preventive custody in prison for the crimes of aggravated homicide and sexual violence, committed against Kercher Meredith Susanna Cara on the 1st November 2007;

having regard to the records transmitted by the former A.G. ;

Having examined the results of the hearing in the Council Chamber of the 30 November 2007, during which had been carried out new productions and the inquired has released spontaneous declarations;

having reiterate the necessity to reject the defensive demand for the acquisition of a report of declarations that the co-suspect Guede Hermann Rudy, arrested in Germany after M.A.E., has informally rendered to the German Judicial authority during the preliminary procedure of identification, also linked to the acquisition of consent for the use of simplified procedure (as signaled by the GIP who notified this Court to be non-guaranteed declarations, to be considered as unusable in the matter and submitted for mere informative purpose on the status of the extradition procedure, without prejudice to the fact that is not possible to understand to what extent the aforementioned declarations could constitute subsequent favorable element for the inquired one),

SUMMARY OF THE FACTS

1 - Perugia is a city that boasts a long and consolidated tradition of culture, civilization and acceptance.

Its roads, its public squares and its places echo with the free, multiracial and happy voices of a multitude of students of all ages and origins that attend its two famous Universities.

But freedom presupposes responsibility and this, in its turn, presupposes a mature awareness.

If such combination is missing, it can produce risky situations, much more when drives are not assisted by some kind of ideality.

The case hereby examined reflects one of those situations, unfortunately culminated in tragedy.

2 - On the morning of 2 November 2007 around 9:00 AM Biscarini Alessandro, resident with his mother and sister in via Sperandio 5 bis, discovered, in his garden, a MOTOROLA cellular telephone, which did not belong to anyone of his family [end p 1]

It was assumed that it could have been lost by one of the agents who intervened the previous evening, as a result of an anonymous telephone call received on the cellular phone of his mother, Lana Elisabetta (telephone call that would have been subsequently assessed to be fruit of an inconsiderate joke).

Thus, the decision of Ms. Lana to carry the cellular phone to the Local Police (fraud department).

The telephone turned out to be corresponding to a number assigned to Romanelli Filomena, resident in Perugia, via della Pergola 7, near via Sperandio.

During the same morning, around 12:00 PM, Ms. Lana's daughter discovered in same garden, in the vicinity of the point of retrieval of the first on, another cellular phone, this time branded Ericsson.

The cellular phone, hidden under the leaves, was noticed only because it was heard ringing.

This second cellular phone was also carried to the Fraud Police and taken into custody by the police commissioner Bartolozzi.

It is a fact that in that same period of time a patrol of the same police force was sent in via della Pergola 7.

Inspector Battistelli had to attest of being arrived on-spot at 12:35 PM where was detected the presence of Knox Amanda Marie, who resulted to be resident there with her boyfriend Sollecito Raffaele.

They reported of being waiting for a patrol of the Carabinieri, having called the 112, after noticing that a window of a room had a smashed glass.

It is a fact that, shortly thereafter Altieri Luca and Zaroli Marco arrived on the spot, followed some minutes later by their girlfriends, Grande Paola e Romanelli Filomena.

The apartment turned out to be situated inside a two story building: the ground floor was occupied by Romanelli, a certain Mezzetti Laura, absent in that moment, the aforementioned Amanda and the young English Kercher Meredith Susanna Cara; the basement was occupied by four Italian boys, all absent.

From a first examination it turned out that in Romanelli's room, although it was cluttered, actually nothing was missing, even if the glass of the window, found open, turned out to be smashed with a stone retrieved inside the room along with the shards of glass.

It was considered most significant the fact that the two recently retrieved cellular phones belonged both to the young housemate Kercher Meredith Susanna Cara and that the door of her room turned out to be locked.

For this reason, after some uncertainty, it was decided to knock down the door.

The task was carried out by Altieri Luca, which, however, pulled back immediately, after noticing blood and devastation inside the room and above all a foot, protruding from under a blanket.

In such way the corpse of the poor Meredith was uncovered. [end p 2]

3 - It followed, since the 2 of November, all the appropriate evaluations carried out by the forensic department of Rome's police, the forensic investigation lasted several days and was aimed to locate biological material, palm prints and fingerprints.

Among other things it was immediately retrieved, under the blanket which covered the victim, a shoe imprint left on the hematic material. It was photographed at once.

Moreover it was retrieved hematic material both inside the room where the killing took place and in the small adjacent bathroom.

In the toilet of the biggest bathroom of the house, placed on the opposite side and usually used by the two Italians, were found some feces and other residues of biological nature.

Furthermore, it seems peculiar that during the first inspection Sollecito Raffaele, present at the moment, as stated before, together with Amanda Knox, turned, at a certain moment, towards the inspector Napoleoni, reporting to her that his girlfriend, while she went to the house alone in the course of the morning, had found some feces in the toilet that at the moment of their return weren't there anymore.

However, inspector Napoleoni had subsequently noticed that those feces were still present, so that, as stated above, they were being sampled.

4 - From some photographs taken in the immediacy and from the investigations carried out by the coroner Dr. Luca Lalli emerges that in the room there was blood everywhere, that the girl laid on her back under a quilt and over a lake of blood at the height of her head. Once the quilt was removed, her body was almost integrally uncovered as she was only wearing two T-shirts raised over her breast.

From the preliminary report written by the technical adviser Dr. Lalli it appears that:

1. with regard to the face, it was present a light petechia on the palpebral and bilateral bulbar conjunctiva; in the nostrils there were found ecchymotic suffusions prevalently on the right nasal wing; on the lower lip there was a small bluish ecchymosis with light excoriations on the external mucosa of the lower lip , prevalently on the left side; ecchymotic areas and excoriations were also present on the endoral mucosa of the lower and upper lip, prevalently on the left side; there were also ecchymosis on the inferior gingival fornix; on the cheek there was a cutaneous disruption of 3,3 cm of length , while in the mandibular region and in correspondence with the mandibular symphysis there was a sequence of numerous roundish ecchymotic areas (described with more details at page 23); in the lower mandibular region was present an excoriated area of quadrangular shape;

2. with regard to the neck, on the left lateral cervical region. 8 cm. under and 1.5 cm. forward to the external acoustic meatus were present a wide wound with net margins of the length of 8 cm. , obliquely disposed, in caudal and lateral direction , [end p 3] widely diastasized, with section of the below tissue to the cartilaginous level; on the lateral end there was one small incised wound, while a small scraped and bruised region was visible on the forward part of the upper edge; from this opening the trajectory of the wound entered the soft tissues in an oblique direction from front to back, from left to right and slightly upwards; near the foremost extreme of the aforementioned wound and in continuity with its lower edge there was an excoriated area and underneath this another clean-edged wound was located: the edges were slightly infiltrated with a small “tail” of bruising located at the lateral extreme; this wound, presented a downward oblique direction and had a subcutaneous trajectory slanting upwards, from left to right and from front to back, forming an intersection with the wider wound described above; in the right lateral cervical region, at 6 cm down and 5 cm forward from the external acoustic meatus, there was an ecchymotic area within which a linear wound of dimensions 1.5 x 0.4 cm could be seen, obliquely disposed downwards and to the left, with a small “tail” at the foremost edge, and a trajectory that penetrated obliquely going upwards, to the right, and towards the back for a length of at most 4 cm. 4; in the same zone there were small excoriated areas; in the left latero-cervical region near the base of the neck, three parallel superficial linear excoriations were found: slanting downwards, towards the front, and from left to right .

` 3. With regard to the upper limbs, two roundish ecchymotic areas were present on the back of the right elbow; on the back of the middle of the forearm there was another ecchymotic area; on the palm of the right hand there were a superficial linear wound, an ecchymotic area and another small superficial wound; on the fingertip of the thumb, a small superficial wound was present; on the ulnar side of the first phalanx of second finger on the left hand was noticeable a linear cross-sectional wound;

4. with regard to the abdomen, at the level of the iliac spine, a small ecchymotic area was noticed.

5. with regard to the lower limbs, on the front side of the left thigh there were some light ecchymotic suffusions and on the front of the right leg there was a roundish ecchymotic area; on the right foot, a post - surgical cicatrix was present.

During the autopsy it was noticed, in the medial occipital region, Hemorrhagic infarct of the deep scalp surface, while no encephalic damage was found, thought it presented blood filled vessels. In the oral cavity had been observed signs of biting on the upper and lower side of the tip and the bilateral margin of the tongue. The opening of the neck layers had evidenced a hematic extravasation in the same spot [end p 4]

of the external ecchymotic lesions; in the right lateral cervical region it had been observed an hemorrhagic infiltration of the superficial and deep tissues: the wound found in such region turned out to be deeper in the belly of the sternocleidomastoid muscle with oblique upward direction, posteriorly, and lightly towards the right side, finishing under the mandibular angle, with integrity of the nervous vascular axis of the neck, in spite of the surrounding hemorrhagic infiltration.

But on the left, in the same spot of the previously observed widest wound, a broad cutaneous incision with regular margins was found, having dimensions of cm 8 x 4, concerning the muscular belly of the left sternocleidomastoid, with a path going deeper towards the right of the corpse for cm. 8 passing behind the epiglottis and reaching up to the contralateral lateral cervical region. Has been observed a complete section of the right superior thyroid artery and the fracture of the hyoid bone in proximity of the median on the left.

It has to be added that, before the autopsy, Dr. Lalli, assisted by Dr. Epicoco, nominated as his assistant, carried out a gynecological exam.

In such circumstance it had been found that the labia majora, the interlabial sulci, the external side of the labia minora, the clitoris, the periclitorial and urethral regions did not present any kind of trauma. The hymen presented proof of previous sexual relationships. On the inner side of the labia minora had been observed purple ecchymotic lesions, both on the left and right sides. In the circumstance it had been used a high vaginal swab. On the vaginal fornix it had been found and sampled a dense material of dark yellow color.

In the anal and perianal region it had been found that the anal sphincter was expanded by 2-3 centimeters and that a dense material beyond the anal contour was present. On the anorectal line were present small discontinuities of the mucosa of dubious origin. Posteriorly were present small ecchymotic purple colored lesions.

Dr. Lalli on the basis of such results had come to envision that;

the death of the poor Meredith would have been caused by a meta-hemorrhagic shock from a vascular lesion of the neck from a puncture and sharp wound;

the wounds did not permit to trace back to the wounding instrument, provided that such instrument must have had tip able to penetrate and blade sharp enough to excise the tissues: presumably the weapon should have been single-edged;

from the thanatochronological data available and in relation to the digestive phase achieved (based on the assumption of a dinner consumed at 9 PM of 1- November -2007) it should have been possible to assert that the death would have been occurred - with a possible error of 1 hour - around 11 PM of that same first November;

there were not unequivocal proofs of a sexual violence, even if should have been considered of some interest the anal expansion, the observation of light ecchymosis on the back of the anal sphincter [ end p 5] , moreover compatible with situations of constipation, and above all the purple spots on the inner side of the labia minora, evocative of a rapid sexual relationship, completed before the feminine subject had had the time to produce adequate lubrication, and happened in a period close to the observation but however before the death of the women, in accordance with the ecchymotic lesions and their color.

5 - The investigation was carried out in every direction aiming to reconstruct the social circle of the victim and to comprehend what could have happened the first November and the morning of the 2nd November, among other things marked by the recovery of the two cellular phones, both belonging to the victim.

On a general level emerged that the victim attended the University for foreigners under the so called Erasmus project and she was resident in the apartment located in via della Pergola 7, together with the aforementioned Amanda Knox and the two Italians mentioned above.

Once the hour of death was placed in the evening of the first November, it was assessed that Ms. Romanelli was outside Perugia from the previous day, and that Ms. Mezzetti had passed the day and the successive night with her fiancée and that, like stated before, also the four Italian boys, residents of the basement apartment, were absent for a couple of days in order to spend the All Saints' Day holidays in their homes.

The fact results to be solidly proven by a congeries of matching probatory acquisitions and it does not deserve any further verification.

Among the Italians it has to be considered Silenzi Giacomo that was recently maintaining a relationship, totally satisfactory for both, with the young victim.

It is a fact that, according to every friend and acquaintances, in that period of time Meredith, even though she loved to go out and have fun, like she did on the occasion of the festivity of Halloween, she did not have romantic relations with no other than Giacomo (otherwise the fact would have been surely confided to her friends).

It turned out also that the young woman had passed the afternoon of the first November with four friends in the house of two of them (Amy and Robin), where she had eaten and watched a movie, an then returned home in the evening around 9 PM,

From the clarifications supplied by Purton Sophie emerged that the dinner had actually been consumed from 6 PM and that she went out from the house of Amy and Robin (located in Via Bontemponi) with Meredith and they rapidly reached, approximately at 8:55 PM, via del Lupo, where she resided.

Meredith would have had therefore to cover alone an ulterior stretch of road, for which, like emerged from a dedicated experiment, would have been necessary a few minutes, less than ten.

In any case it is sure that, that evening, the young woman told that she was feeling tired and that she wanted to go to bed early. [end p 6]

Amanda Knox, other housemate of via della Pergola, has turned out instead to be a much more troubled person : in fact, she did not disdained occasional or even multiple relationships at all, as happened some time before with a friend of the four Italian boys, hosted by Amanda in her room for one night.

For approximately ten days she was engaged with Sollecito Raffaele, student of computer science, almost graduated, and resident in the near via Garibaldi and, according to the effusions described by the housemates and several friends, really into her.

6 - Amanda as well as Raffaele were specifically questioned in different occasions about their movements of the first November and the morning of the 2nd of November.

It is considered to be appropriate to report, even if schematically, what has gradually emerged from several stories (it has to be specified that the declarations produced by the two as persons of interest before the insurgence of concrete evidences on their charge, and not mere suspects, are only usable erga alios and therefore respectively towards the other, having regard to the provision of the art. 63/1° and 2° Co. cpp).

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6a - Questioned on the 2nd of November, Amanda reported that the previous day Meredith went away from the house during the middle of the afternoon, while she remained with Raffaele, until they went to his house around 5PM, in order to pass the night there.

The morning of the 2nd of November between 10 AM and 11 AM she returned in via della Pergola in order to have a shower: in that circumstance she noticed that the entrance door of the apartment was opened while the rooms inside were closed, at least those of Filomena and Meredith.

she thought that someone of the girls had momentarily left, maybe in order to go to the Italian boys dwelling in the same mansion.

However, she re-closed the door and she went to the little bathroom situated near Meredith's room, where she noticed the blood spots on the bathmat and the washbasin: the blood on the washbasin was not recent, so that she thought that it could have been menstrual blood.

Then it she went to the other bathroom she found that the toilet was dirty with feces.

Then she took a floor washer and returned to her fiancée in order to clean his room that got dirty the previous evening.

She remained at her fiancée’s house for approximately an hour from 11:30 AM and she told him what she saw.

It suggested her to call the other girls.

Therefore she telephoned to Filomena in order to ask her some clarifications about the blood and right after she tried to call Meredith to the English telephone in her possession, without being answered.

At this time she returned with Raffaele in via della Pergola and this time she tried to open the other girls' rooms. [end p 7]

Once opened Filomena's room, she found with Raffaele that the window was opened and that on the pavement there was broken glass.

The room of Meredith turned out to be closed and it could not be opened.

From the keyhole, without key inserted, she could only notice Meredith's purse on the bed.

She took another look in the big bathroom, but she did not pay attention to the presence of feces.

Raffaele called her sister, who is a police officer, in order to ask her some advice, and shortly after she telephoned to the Carabinieri.

Meanwhile she called Filomena to tell her about the broken glass on the floor.

Raffaele tried in vain to break down the door of Meredith's room.

Therefore the police patrol arrived, some elucidations were given to them, and at last Filomena with her friend arrived with their respective boyfriends.

It followed the breaking of the door and the recovery of the corpse.

6b - Questioned the same 2nd of November Raffaele reported that the first of November he went out with Amanda from the apartment in via della Pergola around 05:30 PM, after that they went for a short walk, reaching finally, his house along with his girlfriend, where they remained the entire night.

in the morning, around 10 AM, Amanda returned in via della Pergola to have a shower and change her clothes.

Around 11:30 AM she returned to him, expressing her concern, because she had found the entrance door open and traces of blood on bathmat and the washbasin of the bathroom, while the door of Meredith's room was locked.

After trying in vain to contact the Italian boys from the lower floor, Amanda returned to him, but she immediately had asked him to re-escort her there.

Arrived in via of della Pergola, Amanda had noticed that the feces in the big bathroom, that were present when she had gone out shortly before, were disappeared. Moreover in that moment the door of Filomena's room was opened wide with the window opened and the glass of one of the shutters smashed.

Also he, at this time, had noticed the blood tracks in the little bathroom, so he had asked to Amanda to call the other girls.

The young woman had only succeeded to contact Filomena.

Amanda had tried in vain to call Meredith.

His attempt to knock down the door of the aforementioned had resulted in vain.

Finally, after he had consulted his sister, he had telephoned 112.

Meanwhile the Police patrol arrived, hence, the epilogue.

6c - It deserves to be signaled at this time also the story of what happened the morning of the 2nd of November, supplied by Romanelli Filomena and Grande Paola.

The two girls went out that morning in order to go to the Fiera dei Morti, a traditional market, prepared during the festivities of the first days of November. [end p 8]

Around 12 PM Romanelli was contacted by Amanda, which reported her about the open entrance door and the blood in the bathroom.

The girl agreed with Amanda that she would have better inspected the house.

Grande Paola has added that in such circumstance Filomena tried to call Meredith but in vain.

Shortly after, Filomena talked again with Amanda and she told her about the smashed window in the bedroom.

At this time the two girls contacted their respective boyfriends that reached quickly the apartment in via della Pergola to check the situation, while the young women, because of the traffic, succeeded to reach the place with a bit of delay.

One of the policemen already on site asked Filomena for some information about the numbers of the two recovered telephones and she answered that they belonged to Meredith.

The same Filomena, knowing that Meredith would have never get rid of her telephones she did not use to lock the door, was alarmed.

Hence the decision to knock down the door.

6d - Amanda was questioned again on the 3rd and 4th of November.

In the first occasion she just restated the previous declarations, adding details about the relationship with the others housemates, that is with the Italian boys, and specifying to have not made use of marijuana.

She declared to work at the club "Le Chic" and she lingered on a non-European, known as "Shaky", that previously had insistently court her.

In the second occasion she lingered particularly on her social circle and, indirectly, on Meredith's one, also considered what previously reported by Purton Sophie regarding the men who, in accordance to what Meredith told, Amanda brought to the house.

7 -In the meantime it began to emerge that Amanda was effectively employed, at least for some evenings during the week, at the Le Chic club of via Alessi, managed by such Patrick Lumumba Diya.

Theoretically the evening of the first of November, being a Thursday, she would have had to go to work, something that she pacifically did not do.

The analysis of Amanda's cellular phones allowed to find that the evening of the 1st of November she had received, at 8:18 PM a message from Lumumba's cellular phone.

She had sent a response message at 8:32 PM of the same evening.

the content of the message was the following: "Sure. See you later. Good evening."

Hence the reasonable doubt that the exchange of messages hid secret appointment. [end p 9]

It has also to be considered that the verification carried out until then supported the hypothesis that the club had not opened at the usual time that evening and that, in particular, in a compatible time with the one of the homicide it was still closed.

8a - therefore we arrived at the crucial days of the 5th and 6th of November.

At first, Raffaele was questioned, who provided a significantly different version that evening.

He stated that he went out with Amanda around 5:30/6 PM and that he stayed in the city center with her until 8:30/9 PM.

At this time he headed alone towards his apartment while Amanda told him that she would have gone to the Le Chic in order to meet her friends.

Once inside the house, he remained at the computer and smoked a joint, until approximately 11 PM when his father called him on the house phone.

Amanda was not returned yet.

He continued to surf the web approximately for two hours until Amanda returned, around 1 AM

In the morning, after waking up at 10 AM. Amanda said that she wanted to go back home to have a shower and change her clothes.

At this time the girl brought with her a bag for the dirty clothes.

She returned at 11:30 AM and during the breakfast Amanda told him that she found the door wide opened and traces of blood in the small bathroom.

He suggested her to call her friends and Amanda replied that she had spoken with Filomena but she didn't succeeded to contact Meredith.

At 12 PM they went back together in via of della Pergola.

He immediately noticed that the door of Filomena's room was opened wide and that in the room there was confusion and glasses on the floor.

He also observed the blood on the washbasin and the bathmat of the little bathroom.

Suddenly Amanda, all scared, pointed out that the feces in the big bathroom, where she saw them before, were missing.

He just glanced towards her, trusting her words.

Hence, the successive phases already told above.

The boy also pointed out that he previously had said a "lot of bullshit", because convinced by Amanda about her version of the facts.

8b - Amanda was in turn questioned at 1:45 of the 6th of November.

In such circumstance she considerably referred to the aforementioned Lumumba.

In fact she stated that the evening of the first of November the aforementioned communicated to her, through an SMS, that the club would have remained closed because there was no people and that she would have not be due to go to work. [end p 10]

Consecutively she answered that they would have met immediately; therefore she effectively left the house, waiting for Lumumba near basketball court of Griming square.

Shortly after, the two went home.

Lumumba had sex with Meredith of whom he was fond of.

Amanda, at the moment, wasn't able to specify if the man had made use of threats.

But she added "I confusingly remember that he killed her”.

From this moment the report was interrupted and the girl was put at the disposal of the authorized judicial authority.

Moreover at 5:45 AM a report of spontaneous declarations was written up.

In such circumstance Amanda reported that Patrick and Meredith withdrew ,in the house, while she remained in the kitchen, and that at a certain point she heard Meredith shouting so loudly that she had to bring her hands to the hears.

Amanda added that she did not remember anything else about that evening. Moreover she ambiguously specified to not be sure if Raffaele was also present.

Certainly she woke up during the morning at her boyfriend's house and in his bed, after that, she returned to the house in via della Pergola, founding the door wide opened.

9 - Such elements, together with the twofold acknowledgment of the possession on the part of Sollecito of a switch-knife, judged compatible with the wounds found on the victim, and his use of a pair of Nike shoes number 42.5 (EU) having a sole with the designs corresponding to those observed on the imprint photographed close to the corpse, and therefore considered in turn compatible with those used by the one who left that imprint in Meredith's room, motivated the preventive detention of Amanda, Raffaele and Patrick Lumumba.

During the validation period this last one precisely denied every accusation, stating that, that evening he had regularly opened his club, remaining inside of it until the closing time, even if in the sales receipts, of which release had been observed, referred to the hours following 10:30 PM, compatible with the commitment of the crime.

Amanda for her part asserted her right to not answer.

Raffaele instead answered.

And these answers let it be said from now, cast sinister shadows on his role and his reliability.

He reported, in fact, that the evening of the first November, with Amanda, he remained in her house until 6 PM approximately.

Subsequently he went to the city center with the girl and at last, always with her, he returned home, at 8/8:30 PM.

In other respects, he remembered that that evening Amanda received a message, and that surely in the course of the same evening he had dinner in his own house and that he placed himself in front of his computer for a lot of time, not being able to say if Amanda went out of the house alone or not. [end p 11]

It is a fact that, as he says, throughout the evening he got to know from the girl that she was not due to go to work and that shortly before going to sleep, when Amanda was surely at home, he tried to dry the pavement of the kitchen that got wet because of a leakage from washbasin tube.

Raffaele specified that he stopped using the computer around midnight and that he received a telephone call from his father on house phone at 11 PM.

He also reminded that in the morning Amanda went away in order to take a shower and change her clothes in her own house and that, at her return, she told him about the blood and the open door.

He also reiterated the episode about the feces inside the toilet, stating that he just leaned towards the water and believed see only the transparency of the water.

Raffaele added to have called the 112 before the arrival of the police patrol.

During the interrogation Raffaele supplied clarifications on the content of some of his writings appeared on his blog, in which he made strange references to the monster of Foligno and where he declared to be in search for strong emotions.

Moreover, in the meantime it was verified that the 112 calls were made by Sollecito at 12:51 PM and 12:54 PM, therefore they were consecutive to the arrival of the Police patrol, attested at 12:35 PM, and that no call from his father arrived to his home phone during that night.

10 - The Gip, in conclusion, decided to validate the preventive detention and to apply in regards to Sollecito, Knox and Lumumda the measure of pre-trial detention with order dated on 11- 09-2007: the provision was based on the reconstruction of the facts deducted from the preliminary relation of Dr. Lalli and the spontaneous declarations of Ms.Knox, involving both Lumumba and the girl, it was also based on the contradictions emerged from the respective declarations of the aforementioned and on the lack of proofs about the presence of Lumumba in his pub, and also on the inconsistency of Sollecito's report, on the proof provided by his possession of shoes presenting correspondent sole to the one which had left the imprint in the room of the victim and on the ulterior observation of the possession from part of the boy of a switch-knife whose blade had been considered by Dr. Lalli compatible with the wounds inflicted on Meredith.

11 - The situation photographed since the contested order has however been subject to remarkable further adjustments

Some information regarding this can be considered impressive.

Particularly it has come to light that a palm imprint found in the blood on the pillow where the victim was lying, belonged to a recorded subject named Rudi Hermann Guede from Côte d'Ivoire. Subject corresponding to the so called "il barone" (the baron) of whom Bonassi Stefano, one of the four residents of the lower flow, briefly talked about, outlining him as a muscular subject, very attracted to Amanda and who, in a particular circumstance, being drunk, had slept in the house over the toilet.

Furthermore, during the analysis of the found biological material it has come to light that the DNA obtained from the vaginal swab during the autopsy and form the fragment of toilet paper found inside the bathroom, where some feces were recovered, corresponds to the same male individual, different from the previous suspects and allegedly traceable to Guede.

In such perspective, it is very easy to comprehend the revocation of the pre-trial detention applied on Lumunda, originally carried out according to direct and concrete elements.

It appears to be crucial, not the contorted alibi proof, that is based on not always coherent and matching declarations, but much more the circumstance that the prosecution against Lumumba obtained from the declarations of Amanda, according to which the aforementioned would have had a sexual relationship with Meredith.

The fact that the vaginal swab indicates a different subject constitutes an irreparable dividing line of the prosecution's elements.

We can wonder about the reasons for which Amanda had made those allegations against Lumumba, on the other hand concealing the presence of Guede.

Probably the literal tenor of the message of answer sent by the girl can have played an important role, in which could have been distinguished the premises for an imminent appointment.

This can have convinced the investigators that that one was the right track to follow and induced the girl to think that supporting that conviction could have produced some kind of advantage.

It is a fact that the message could have been interpreted as referred generically to a future encounter, like if the girl, transposing in Italian an English sentence, had wanted to say "See you", coherently followed by the salute "Good evening".

12 - But at the same time such observations suppose more serious questions about the other suspects.

It has to be pointed out that Amanda has not been re-questioned but at the same time, after her spontaneous declarations of the 6th of November she has written a sort of defense report, in which she has reproduced her truths, and which she has specifically quoted even during the review hearing.

So, such defense report constitutes an alarming attempt to represent the truth with the same dreamlike features used in some movies that would want to be suggestive.

However, It is worth to revisit this plot.

First of all Amanda reports that she spent the afternoon with Raffaele watching the movie "Amelie", at the end of which she received the message from Lumumba.

She answered with an Italianized formula which did not imply an immediate appointment. [end p 13]

Amanda declares not to be able to remember what happened next, also because of the marijuana smoke.

She reported that Raffaele would have remained at home, after that she made something in the house and perhaps she made love with Raffaele.

Surely she took a shower with him.

They ate at home around 11 PM and subsequently she saw some blood on Raffaele's hand, blood that could have come from the fish.

Subsequently the pavement flooded, but it was not possible to well dry everything for the lack of adequate equipment.

Surely the two went to bed late and in the morning they woke up at 10 AM.

After this, she went to her house.

Amanda, in her defense report, declares of experiencing flashbacks in which she confusedly sees Patrick: she says to have seen him near the basket court and then close to the house door. It her turn, has seen herself huddled in kitchen with the hands over her ears because in her head she felt Meredith screaming.

However she adds that these things seem unreal to her, like a dream, and that she is not sure about that truth no more.

She blames her declarations to the strong pressure exercised by the police.

The girl demonstrates to have a very clear idea about the topics on which she is called to supply explanations: about the blood she declares to have thought that it was of menstrual nature and belonging to one of her friends, also adding of being sure to have said to Raffaele that she would have not had to go to work and that she didn't ask him to lie for her.

In the end she declares not to remember if that evening she was at her house.

Moreover, at the same time, she declares to confirm the declarations made the previous night with regard to the events that could have been happened in her house with Patrick, even if she wants to make clear that those events seem more unreal than what she declared before, and that is that she was at Raffele's house.

In fact, she continues making references to the endured shock and her state of confusion, all in the constant attempt to make and unmake, to say and to deny what she has just said, as for wanting to please every taste.

A similar attitude seems, at the same time, the fruit of deceitfulness and naivety.

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13 - But, as it was pointed out before, if the scene described on the 9th of November is considerably changed, it cannot be said that this goes to damage the involvement of Amanda and Raffaele in the issue. [end p 14]

From the already carried out analysis of the found biological material it has surfaced a list of very relevant data.

Particularly, on a knife with dimensions of 14 cm of handle and 17 cm of blade, confiscated from the cutlery drawer situated in Raffaele Sollecito's apartment, have been retrieved DNA traces which can be referred to Amanda, regarding the material observed on the handle, and to the poor Meredith for what concerns the material observed on the blade.

It has to be stated that Meredith never went to Raffaele's house and that the knife did not belonged between those fitted in the apartment of the victim (Romanelli and Mezzelti have ruled out it).

On the other hand nobody has reported that a simile knife had been carried in that apartment for a momentary use.

During a conversation in jail with her parents, subject of audio surveillance in date 11-17-2007, Amanda restated not to have carried a knife from her house to Raffaele's one.

But in such perspective the presence of the victim's DNA constitutes a formidable validation

of the allegation.

It has been attempted to observe, in contrary sense, that actually a modest quantitative would have been recovered and that the amplification operated during the analysis could have altered the evidence.

Moreover it has been assumed that it could have took place an involuntary contamination.

It is to be considered, at least in this phase, as proof lacking of value.

In fact, it is not seriously contestable that the DNA extracted from the examined material is related to the victim, provided that also a compatibility judgment confers meaning of certainty, considered that the comparison should be carried out in the picture of the narrowest microcosm, due to the infinitesimal number of visitors of Raffaele's room.

Neither the merely conjectural value of the envisioned contamination can be avoided, considered that the operations have been carried out with guaranteed procedures and according to the leges artis.

From this, comes that that knife has to be related to that only moment when it would have been used against Meredith, which is to say during the murder.

14 - It has also to be observed, that the cause of the woman's death has been contested by the Amanda's defense, according to the results provided by an expert consultancy.

In fact, it has been advanced on the base of some elements taken from the same assessments completed by the technical-legal consultant, to begin with from the not modest presence of blood in the corpse, from the type of observed postmortem lividity, from the petechiaes in the orbital zone and also from the numerous ecchymosis on the mandibular region and under the chin, from the nature and characteristics of the aforementioned and from the fracture of the hyoid bone, that the death of the women would have been caused by choking, associated [end p the 15] with the slitting of the throat by means of a bladed weapon, all carried out by a subject, presumably of male sex, endowed with the necessary force.

But actually, none of the proposed elements is able to deprive of causal or co-causal relevance the deep neck wound on the left laterocervical region, such as to produce a path of eight centimeters and also the severing of the interested musculature and the thyroidal artery.

Indeed Meredith has been found on the floor within a lake of blood, present only to the height of her head, indicating the spacial position of the point in which the young women died.

It has also to be said that neither the ecchymosis nor the fracture of the hyoid bone are suitable to give a precise explanation of the event, even if worth to represent the violence exercised on the body, of which all the damages found on it constitute expression, included the oral cavity, the lips and the gum.

It is wanted to be said that the poor Meredith fell victim to one or more executioners, whose without mercy won over her attempts of resistance also exercising pressure on her neck, therefore producing the aforementioned lesions, and finally striking the mortal blow carried out with a presumably single edge knife which produced the observed wound and the consequent hemorrhage.

It is not considered that the death, presumably occurred around 10 PM, came much later, with regard to the circumstance and the cutting of an artery.

On the other hand, it is unavoidable that an asphyxia phenomenon had occurred, considered the bleeding produced by the aforementioned wound.

It has to be added, logically, that the reconstruction proposed by Amanda's defense advisers is completely incongruous, focused on the twofold violent action, without and understanding of the reason of the use of the second one during the development of the first.

The pressure applied on the neck, attested by ecchymosis and fractures of the hyoid, had instead an instrumental nature, aimed to immobilize the victim.

And all of this could only be functional to the sexual violence, without this automatically being worth to highlight the final purpose of the act.

15 - With regard to this, it is easy to observe as all of this relates to the scenario close to the recalled one.

The poor Meredith was found naked from the breast down, exhibiting the stomach. It was not a natural situation denoting a shared sexual intercourse.

Furthermore the vaginal swab has found the presence of biological material pertaining to the one who had defecated in the big bathroom.

The labia minora of the victim presented bluish ecchymosis, as evidence of a frenetic and fast penetration.

Actually there was also an anomalous anal expansion, even if, at this time, it cannot be asserted with certainty that it had been an anal intercourse. [end p 16]

All the rest speaks about a tireless and vain resistance.

The mortal blow was however in arrival, also because to that point the victim would not have had to speak.

In fact, it cannot be explained in another way, in that given context, how a stranger came out from nowhere had to rage in that way and without cause.

And so it is inevitable to think that the criminal act had been carried out by someone who was part of the victim's social circle.

All of this is strengthened by the meaningful fact of the lack of signs of forced entry on the entrance door.

Such element postulates that the executioner did not have to exercise any violence in order to enter, having used the keys or being let enter by the victim herself.

As regards to the weapon, at this time there is no element worth to exclude the use of the large knife retrieved in Sollecito's room, the entity of the wounds depends on the force applied by the culprit.

One could imagine, as a mere hypothesis, a contamination carried out on the crime scene on the assumption of a contact between the blade and the biological material of the victim.

On a motivational plan, that would not change the importance of the fact, considering that the knife should have been however purposely carried on the crime scene.

But, it has to be restated, it is a matter of mere hypothesis, having given more relevance to the thesis of a directed use of that blade, provided that the poor victim had to suffer multiple wounds.

On the other hand it can be considered sure that the knife was brought back at Raffaele's house and there washed.

Besides, the founding of that trace related to the victim's DNA it is a fact, while the washing can explain the fact that the obtained DNA was in meager amount, than that due to Amanda, retrieved on the handle.

16 - Instead, it can be restated how the multiple traumatisms inflicted to Meredith resemble a convergent action of more subjects.

And then it can carried out an examination of some further elements of confirmation of the aforementioned perspective.

It has been already observed how, in the big bathroom, have been retrieved some feces that can be related to a subject different from the original suspects.

It has now to be restated that the analyses carried out on the material recovered in the small bathroom have made possible to ascertain that the blood retrieved on the bathmat belonged to the victim, that the blood retrieved on the washbasin belonged to Amanda and that the blood retrieved on the bidet has turned out be a mixture pertaining both to Meredith and Amanda.

Such elements, jointly evaluated, lead to precise conclusions. [end p 17]

In the first place It must be excluded that it was a not recent blood, otherwise, being placed on the tap of the washbasin, it would have been already cleaned up before.

At the same time, it cannot be supposed that that blood was ascribable to menstrual cycle: beyond the complexity of such evidence, the fact that Amanda has not precisely identified the cause, merely hypothesizing the origin of it, moreover assuming that i was another person's cycle.

Neither such hypothesis can be expressed in relation to Meredith.

Moreover, it has been noticed that the feces found in the great bathroom and the biological material found in the vaginal region belonged to the same man.

At last, it has been found that the murder could be related to sexual violence, primarily ascribable to the one who left that biological material on the vaginal zone of the victim.

This automatically means that, before the fact, both bathrooms had been occupied, one by who left the blood traces, and the other one by whom, being the first one occupied, went to defecate in the bigger bathroom.

It has to be considered that the imprint on the pillow belongs to a subject present in that place in that crucial circumstance.

And then it can easily be stated that more subjects were contextually present and that they had, at that moment, the necessity to supply to their personal cleanliness, more or less succeeded.

From such reconstruction the subsistence of serious indications of guilt related to Knox Amanda results clear.

17 - But the judgment can be even more strengthened.

Every reference to the lack of prints of the young woman, except for that on a glass, has been covered up. It is a singular but irrelevant fact, given that have been recovered traces of every kind of the others housemates and that one cannot be imagine a selective cancellation of all imprints in the house.

It is of great importance instead the fact that, according to some witnesses, including from the housemates, the day of the fact Amanda wore a particular sweatshirt that has never been retrieved.

And it is of even greater importance the fact that during the spontaneous declarations of the 6th of November and also in her defense report, even if inconsistently in this case, the girl had however admitted of being present at the moment of the homicide.

Such declarations and the defense report represent the only statements usable against her.

On the usability of the aforementioned there is no doubt, precisely because these are spontaneous declarations produced after that the previous examination was being interrupted for the sudden occurrence of evidences against the suspect (arg. former art. 350/7° Co. cpp).

It will be said that Amanda was lying and that those declarations were fruit of pressures. [end p 18]

Surely she outlined a truth that has been denied in the part in which it was placed Patrick Lumumba, with a precise role and conduct.

But it is not clear which relevance can quite have such fact even with the exclusion of her from the crime scene.

And it's not even clear to what extent the aforementioned pressures could have induced the girl not only to accuse Patrick, a circumstance, if anything, that denotes her attempt to distance herself from more serious responsibilities, but also to collocate herself in that same scene, even if with a certain distance, on the basis of an envision still valid, moreover, at the moment of the writing of her report.

18 - On the other hand every conduct carried out by Amanda from the morning of the two of November until her arrest leads to the same conclusion.

It has to be considered, in the first place, which the surreptitious preparation of the scene consequently showed to who entered the apartment in the late morning of the 2nd of November.

It turns out completely unimaginable that an intelligent girl, which Amanda surely is, was not in a position to notice the gravity of the situation from her described to her boyfriend and that she did not thought to call immediately the police.

She spoke about an opened wide door, about blood traces and feces, about the rooms' doors locked.

No one answered to the telephone calls made to Meredith.

To this it has to be added the scenic element, actually the most alarming one, constituted by the smashing of the window's glass of Filomena's room.

So what she should had to wait to call for an intervention?

But the fact is that the previous reconstruction was surreptitious, since it was never adequately represented by Amanda and Raffaele in the several phases, also with regard to the numerous contradictions emerged from their stories (like the issue of the smashed glass for example, regarding which Raffaele reported that Filomena's room was opened wide, while Amanda reported that previously it was locked, since she wasn't initially able to see those glasses; or the moment when Filomena would have been called, moment on which have been supplied multiple versions, some based on a first warning from Raffaele's house, others based on a call made after noticing of the smashed glass; or even the uncertain timetables regarding the multiple showers taken by Amanda).

And that all of this was a mere invention is easily deducible, considering the smashed glass, from the photographs of the small building.

Strictly speaking everything would have been the work of an unknown person determined to penetrate in the apartment: supporting this theory, actually, there is the retrieval of the stone and the broken glasses in the room, moreover, in disarray but without anything missing. [end p 19]

However it would have been an operation of which only Spiderman could have been capable of, since the window was more than three meters high and the margin in order to hit the glass from an appropriate distance with a large stone would have been however meager.

In any case in order to enter would have been necessary a ladder that nobody has recovered.

And then a clear conclusion is easy to draw.

the interest to create a false appearance is not typical of an external subject who, came from nowhere, is destined to get back to that nowhere.

Such interest is instead of who is not an external subject at all and therefore feels the need to remove from himself every suspicion.

Such interest therefore was of someone like Amanda, who lived in that apartment and had waited hours before turning to, at least, the housemates, called not before 12 PM.

At the same time the fraudulent set-up can be well related to bad conscience, which constitutes an important validation of the proposed reconstruction.

In such circumstance, a defense based on instrumental "I don't remember", related to stress situations or marijuana consumption, than nevertheless had not prevented the girl to complete precise actions, even if ingenuous in the end, results worthless.

It is easy to observe how incongruous it would have been for an unknown person, author of the fact, on one side to lock the door of Meredith's room and on the other to leave the entrance door of the apartment wide opened.

It is also meaningful the fact of Meredith's cellular phones left at a very short distance

from the house.

Considered that precisely that cellular phones, according to the acquired information, were the only items missing from the apartment, it is not clear why the unknown thief would have wanted to immediately get rid of them and also why the unknown murderer would have had to carry the cellular phones with him after the fact, in order to abandon them at such short distance.

Surely Meredith would not have been in the conditions to ask for help, considered her conditions (the death, if not instantaneously, took place in a very short time).

It can instead be prospected, at least in this phase, that the cellular phones had been thrown away, albeit at a short distance, in the framework of a studied scenic construction, as otherwise, ringing inside the house, would have been impossible, without create the necessity of an immediate intervention, to carry out telephone calls towards Meredith, theoretically absent from the house.

19 - Around the involvement of Meredith there are further arguments in support.

First of all she was not a stranger to Guede, considered that the aforementioned was a frequent visitor of the below apartment and was attracted to her. [end p 20]

This supports in concrete terms the existence of a connection, regarding which it is indeed alarming the lacked revelation on the part of the girl.

And still Amanda, in the phase of the first investigations, whilst she was hostile towards the interest shown by the police, she has never revealed a concrete pain for the tragic loss of her friend, rather indulging in showing off affection towards Raffaele until the paradoxical purchase of a lingerie ensemble, ostentatiously functional to a "wild sex" night.

This can be deduced also from the tone of the numerous talks intercepted at the Police headquarters during the phases that preceded the interrogation of several of the protagonists of the happening.

And in such context it has to be underlined what has been written by one of Meredith's friends, called Robyn Carmel Butterworth, who, once returned to her native land, some days after the happening, felt the necessity to inform the concerned authorities about some facts.

It results that, while Amanda and the other characters appeared on the scene were waiting for the interrogation, Amanda let herself go with a spectacular story about the vicissitudes occurred to her the morning of 2nd of November and between other things she asserted to have seen the body of Meredith on a closet (or reflected on a closet) with a blanket over her. According to Robyn Amanda she reported to have also seen one of Meredith's foot after that a policeman had opened the door.

So, all of this is impossible, considered that the door was not opened by a policeman, but by the fiancée of one of the girls arrived on the spot, while Amanda was behind all of them, without being in a position to watch inside, provided that the door remained opened only for a moment, since the participation of any strangers became immediately forbidden until the arrival of the criminal police and the magistrate.

20 - Finally it cannot be neglected the cue provided by a conversation with her parents in jail, intercepted on the 17th of November, in the course of which she spoke to her mother who was talking about possible lies propagated on purpose, she says: "It is stupid, because I cannot say anything else, I was there and I cannot lie on this, i don't have any reason to do it."

This is, indeed, an ambiguous data, especially because it emerges from a still partial and synthetic transcription, but that surely it can be considered as a confirmation of the presence of the young woman in her own house at the moment of the crime.

Moreover: either Amanda admits to have been present or she intends to say the contrary, but in this case it must be considered invalid the asserted defect of memory related to drugs and to other things that would have conditioned her at the moment of the editing of her defense report.

It's a pity that the girl related again to this defense report during the review hearing.

The persistence of this ambiguity therefore constitutes strongly suspicious element, having to presume that the girl cannot speak in clear terms if not at the cost of revealing her involvement. [end p 8]

21 - The combination of such elements, all important and convergent, leads to acknowledge the existence of serious indications of guilt against Amanda both with reference to the homicide and with reference to that part of the conduct that results in a group sexual violence, moreover suitable to add an aggravating factor to the framework of a complex crime.

22 - The seriousness of the evidences, strengthening the described framework, does not reach Amanda only, but also Sollecito Raffaele.

It is curious to notice how Amanda in her spontaneous declarations of the 6th of November and in her defense report never decidedly excluded the presence of him on the crime scene, albeit in the picture of a memory described as very confused.

On the other hand Raffaele, after trying to dissociate himself from the position of Amanda the evening of the 5th of November, when he declared of being returned home alone, while Amanda told him that she wanted to go to the Le Chic pub and returned only much later, has subsequently chosen to cover a different and more complicated road, moreover similar to the girl's one, based, like in her case, on forgetfulness derived from drug abuse.

It is a fact that the version supplied by Raffaele is unforgivably improbable.

Actually, it would have been comprehensible that, in the immediacy, Raffaele had found himself in the condition of not being able to remember.

Instead, such effect, moreover intermittent, in his case took place only in the more distant future, with the aggravating factor that such circumstance had happened after that his mind had been already called to clarify and express itself.

The fact is that the declarations produced by Sollecito on the 5th of November were already false.

In fact, he sustained to be exited in the afternoon with Amanda and to have returned home alone around 8:30/9 PM.

However the witness called Popovic Jovana has reported that during the afternoon around 6 PM she went to Raffaele's and she saw Amanda, while Raffaele was in the bathroom.

Apparently she had asked Raffaele to walk her to the station around 12 AM, and the boy had agreed to that.

However, Popovic had returned to Raffaele's house around the 8:40 PM in order to communicate that she didn't had to go to the station anymore and in such circumstance she saw Amanda once again , who invited her into the house, telling her that there was also Raffaele.

The girl didn't walk in, but it is however sure based on such testimony that the position of Amanda and Raffaele could not have been separated on the basis of the declarations rendered by Raffaele on the 5th of November. [end p 22]

Moreover the change mind occurred in occasion of the custodial interrogation was did not depend from the knowledge of what stated by Popovic, but from a precise choice, so that during the aforementioned there is no mention of that episode.

It is a fact that the defensive line of Raffaele is not based on a clear affirmation of non-involvement, but on the completely improbable assumption of the impossibility to remember if in the course of the evening Amanda went out alone or not.

But is one or the other: since Popovie showed herself at 8:40 PM, after that Amanda already had learned not to have to go to work and had answered to Lumumba with the well-known message, it cannot be admitted that Raffaele had learned of that only in an uncertain future, having to necessarily state that Amanda had already told him that she didn't had to go to work or that she lied to him, telling him the contrary.

So, there is no possible escape.

23 - But the failure of the initial distancing and the lack of a consequent valid

divergence of positions results to be equal to the sharing of the same fate.

In fact, it is sure that Raffaele and Amanda were together at 8:40 PM and would have been still together in the course of the night and the next morning.

There is no reason to affirm, in absence of a precise stance in part of the protagonists, that they had not been together during the time of the crime, in which - as stated by the offered reconstruction, Amanda took part.

Particularly it has to be considered as relevant, on part of Sollecito, the use of the knife retrieved in his house and then brought back there, knife on which blade had been recovered DNA traces related to the victim.

Amanda alone would have never been able to secretly take such instrument and then brought it back, given that the knife was surely washed and, by admission of the same Sollecito, in any case, he went to bed with Amanda, element that is worth to attest the necessary sharing of their behaviors and strategies.

24 - All of this is supported, beyond the tired reasons derived from the purchase of bleach, before, after or during, from the fact that in Sollecito's house had been carried out in that circumstance considerable washes, variously justified by the two protagonists (in a declaration Amanda spoke about the necessity to clean up the room that got dirty during the evening) and such as to lead in any case the to the taking of a "mocho" from via della Pergola.

In support to all of this it can be underlined that in occasion of an inspection in the Raffaele's room were seized, among other things, a dust cloth and a scrubber, where were believed [end p 23] to be found blood traces: and, based on the analysis of the retrieved biological material it came to light that in one case it was related to the boy and in the other to the girl.

25 - It has also to be underlined that the successive morning mise-en-scene had, as non-brilliant protagonists, Raffaele and Amanda in the same measure.

In such perspective has to be noticed the sharing, on part of the boy, of the fake break-in, which constitutes an important data, and the amazing fiction regarding the presence or less of feces in the toilet.

Beyond the sometimes ambiguous declarations rendered by Amanda on the circumstance, it is sure that after the discovery of the corpse Sollecito perceived the necessity to signal to Inspector Napoleoni what he was told by his girlfriend, that is that the feces found at first in the bigger bathroom, were missing in a second moment.

Such element was consequently confirmed by Raffaele during several produced declarations, making reference, among other things, to Amanda's moment of fear at the moment of realization of the missing feces, circumstance that united to the discovery of the shattered glasses in Filomena's room it would have had to lead to the conclusion of the presence of an individual, hidden at first and then went away from the room.

But the feces were still present at the moment of the arrival of the police and, like it turns out from the acquired photographs, the water was visibly dirty, so the entire episode can only let everyone perplex, denoting a will to mask the truth united with a basic naivety.

26 - But in the same perspective it has also to be underlined the further instrumental episode of the telephone call made by Sollecito to the 112. After a short talk with his own sister.

Actually those few seconds constitute an evidence of a predefined choice, while it appears striking that the 112 had been called after that the patrol of the Fraud Police unexpectedly appeared on the scene.

Sollecito has repeatedly denied such circumstance, but the data, documented and witnessed does not give other choices.

It is also true that the report concerning the declarations produced by Lana Elisabetta, regarding the recovery of the Ericsson cellular telephone, turns out to being opened at 12:46 PM, but that does not mean at all that the Fraud Police patrol, not composed by the ones who redacted the report, wouldn't had already set offed in the direction of via della Pergola, searching for the holder of the first telephone, before that verbalization and according to the informally learned news .

Therefore it is believable that such patrol reached for the house, as attested, in non-suspect time, at 12:35 PM. [end p 24]

Moreover all of this is confirmed from what reported by Altieri Luca, who stated that he reached the place at 12:45 PM finding the police patrol on site.

It is not possible to understand the reason for which Sollecito would have had to enact that mise-en-scene, if he would have been external to the facts.

27 - Therefore, if on the basis of what has been found it is impossible to separate the positions, also because in the hypothesis in which he acted as simple accomplice, Raffaele would not have had a reason to hesitate further, submitting himself to the risk of a very more serious indictment, and it is also important to estimate ulterior arguments that are worth to confirm the reconstructive hypothesis.

In the first place it is very meaningful that during that evening, almost at the same hour, Amanda and Raffaele's telephone traffic stopped, after that he had received a telephone call on the cellular by his father at 8:40 PM.

And it is extremely relevant, also in relation to the matter of the pretended alibi, adduced by Raffaele, on which we will return diffusely, that, contrarily to what asserted by the aforementioned in more than one occasion, he wouldn't have gone to bed at 12 Am or 1 AM, but he had passed a very troubled night, to the point that he turned on his phone very early in the morning receiving a message from his father at 6 AM, which was confirmed by Sollecito, during the review hearing, to be a goodnight message, evidently sent when his telephone was off and for such reason it reached its destination only at the indicated hour.

All of this gives the idea of a particularly agitated status, that on the evidence it contrasts with the defensive assumption according to which the two, overwhelmed by fatigue and drug abuse, they would have fell asleep late to woke up from a deep sleep around 10 AM.

28 - To crown it all, it has to be mentioned the recovery on the crime scene , precisely under the quilt that wrapped the victim, of an imprint on the blood, which, after being immediately photographed, it has turned out to be related to the one which could have being left by Sollecito with a pair of Nike shoes, size 42,5 (EU), seized to the boy during the detention.

Regarding this, it has to be underlined that from a first technical report redacted by the Commissariato of P.S. of Foligno, signed by the assistant Mauro Capocci, had led to the conclusion that between the imprint and the shoe of Sollecito there was a possible correspondence for shape and dimensions.

A subsequent analysis carried out by inspector Ippolito and inspector Mainieri of the scientific police department

of the Direzione Centrale Anticrimine della Polizia di Stato had led to more significant conclusions, in the sense that through the comparison and the superimposition of the imprint and the photography of the shoe sole had been possible to arrive to a judgment of correspondence, motivated by the observation that the examined traces substantially coincided with the design (model and measure) of the Nike sole, related to the seized shoe. [end p 25]

In such sense it was carried out a measurements of the diameter of the inner circular trace, of the dimensions of the empty spaces between the circular signs left on the pavement and of the dimension comprised between the ends of the circulars signs, observing, every time, a gap regarding the sole of the shoe of a single millimeter, clearly justifiable in reason of the effect of expansion determined by laying the foot on the floor.

Through a proper advising, assigned to an expert, Sollecito's defense has contested the reliability of the verification, coming to the conclusion that, on the contrary, the observed imprint would not correspond to the sole of the shoe of the suspect.

Beyond a methodological problem, regarding the use of determined reproduction instruments for the comparison of the images, it has been attempted in particular to assert that there were not compatibility signs.

Among these, it has been underlined the lack of outline in the line correspondent to the edge of the shoe, the lack of a trace that justifies the release of an imprint reproducing some kind of "y" turned upside down, and the presence of 3 complete concentric circles at the center of the illustration.

But actually, observing the imprint in the original photographs exhibited by the prosecutor during the hearing, it can be noted the amazing correspondence between the signs and the designs of the sole.

However it does not seem at all that three entire circles are outlined in the central part, and also it doesn't observe that the border is not traced, having estimate the impact of the shoe on the ground and having to consider that the line assumed as a parameter during the comparison results to be the internal one on the traced edge.

Regarding the further point it can be relieved how the observed sign could correspond to a corpuscle of any kind insinuated in the interstice of one of the circles.

It is hardly the case to consider how incongruous appears the not precise correspondence found in the superimposed of the left sole on the trace in the point situated at the top right, where the defensive advising had found a convergence of lines, since is obvious that the imprint on the blood has produced a dragging effect, even if modest, probably in the moment in which the foot had been moved.

Instead, it results very meaningful the match between the measures, in particular of the one of 87 cm regarding the space between the margins of the circular signs, that, more than the others seems to lead back to a shoe of the same size.

All of this, it has to be said with clarity, does not show a sure proof that the imprint had been impress by the shoe of Sollecito.

On this purpose it would have been necessary to find true distinctive signs of this sole, but this is not happened.

Moreover it has to be stigmatized that the element deserves to be associated with a comparative verification of analogous soles of various sizes. [end p 26]

But in this phase it can be concretely observed a full compatibility between the imprint and the sole of Sollecito's shoe, which actually induces to exclude the possibility that that imprint could have been left by the analogous shoe size 45 used by Guede.

It is a fact that, given the non-distinctiveness in the sphere of that type of shoes, nevertheless in the microcosm object of observation, the found compatibility constitutes an element that it is worth to confer concreteness and therefore to assert the accusatory hypothesis related to the presence of Sollecito on the crime scene.

The fact that during the analysis of some samples of the sole has not been retrieved any biological material related to the victim, does not seem decisive in a contrary sense.

It constitutes a fact to be considered and indeed to be taken for granted, that the evening of the happening had been carried out a frenetic washing, that also interested the shoes of the suspects.

Neither could be replied that the shoes turned out to be dirty at the moment of the seize, since this last one took place some days after the happening.

29 - But Raffaele has tried to deny from himself every suspicion, spending an alibi proof.

He, very confusedly and adding or hiding details depending on the necessities has stated that the evening of the 1st November, beyond assuming drugs, remained for a long time at the computer.

Also during the review hearing Sollecito has remarked such circumstance, enclosing new details about the made use, details that contrast with the darkness that would have reigned in his mind because of the drugs assumption, unless we do want to consider a particular pathology, the loss of memory secundum eventum.

It is a fact that such allegation has induced the public prosecutor to investigate the topic of the use of the computer.

In a first report dated 19 November by the Police Fraud Department of Umbria attested that through the Encase program has been acquired all the data contained in the previously seized computer. It has been subsequently carried out at first a search among the files present in the hard drive and then through the non-allocated clusters, that is the part containing information relative to files not available for the operating system, because previously cancelled but still recoverable.

In such perspective it has been carried out a research to find human interactions in period of time around 6 PM of the first November and 8 PM of the 2nd of November.

Such analysis has produced a negative outcome regarding modified or cancelled files

The search of created files has allowed to verify that in the considered period had been created nine files, of which two at 3:15: 07 from the automatic system and the others automatically generated by the navigation browser Mozilla Firefox in its cache, all files are characterized by the fact that they have been created at intervals of 60-120 minutes from one another.

The search for written files has allowed to assess that during the examined period had been produced 17 files of which one inside of a damaged cluster, 8 related to files automatically written by [end p the 27] the Mozilla Firefox browser, 2 automatically generated by file sharing programs at the completion of the download from the net, 3 related automatically generated system logs and 3 related computer crashes of audio/video reproduction programs.

These last ones turn out to have been written by the VLC software at 5:32 AM in three subsequent moments.

The research of recent access files allowed to verify that in the examined period of time had been produced 124 files.

The analysis has allowed to assert that had been interactivity when, between the hours 6:27 PM and 9:10 PM, the movie "the fabulous world of Amelie" was played through the VLC program.

With appropriate procedure of regeneration of the hard disk of the suspect it has been observed that the last opening of the file related to the movie had took place at 6:27 PM of the first November.

In conclusion it would have been excluded a human interaction, except for what regarded the vision of the film and the use of the computer 5:32 AM of the next morning.

A second and punctual verification has been executed by means of interrogation of Luigi Rizzo, security director of Fastweb spa.

It has been particularly verified that Sollecito has a Flat type of contract, not subject to payment based on navigation times, but based on a fixed tax: this means that it doesn't require any authentication and that the session is always opened, while Fastweb can only see if the connection generates traffic and which events have occurred to it.

The analysis of the log files generated from the traffic of that on that line has highlighted that almost the totality of the activity carried out towards the net is related to peer to peer/file sharing programs : therefore has been verified if such activity could demand the physical presence of the operator to be carried out.

Therefore has come to light that such presence is necessary in phase of search and selection of the files to download.

After all It constitutes fact of common experience that once chosen the file to download it's sufficient to let the machine on to carry out the download of the files, such operation, sometimes, requires several hours.

Has been moreover verified that there are Fastweb services, that demand the presence of the operator: these are services that demand an authentication of the customer, such as the access to the e-mail fastwebnet.it, the access to the classified sections of the Fastweb portal, the transfer of call, the change of price profile.

Once acquired the log files related to the access to such services from part of Raffaele, it has been possible to verify that those services in the examined period of time had not been supplied.

Moreover, attested by Dr. Rizzo, the information that the UDP protocol presents in the log files can be related to services such as video, voice and broadcast and that the TCP protocol to other Internet activities, including navigation, it has been verified that in the considered period of time related to the TCP protocol, the activity had been of minimal consistency and attributable to active automatic services, like updates [end p 28] and page refresh on regular intervals, while the UDP protocol could not have been considered compatible with the effective use of a service, considering the few Mb of traffic generated.

On such bases it would have had to be restated that the only human interaction had been the one related to the vision of the movie, activated at 6:27 PM and ended at 9:10.

The defense has opposed to such verification a report redacted by the advisers Formenti and Lucchetta.

It has been supported that actually the time of activation of the movie would not have been the one at 6:27 PM, but the one considered by the Police as the closing time, that is 9:10 PM.

It has been deducted that the carried out analysis would have led to the verification of navigation activity on a period of time between 6,26 PM and the 3:33 AM of the next morning.

On the other hand, it has been assumed that the combination of the operating system MAS OS x 10.8.4 and the Firefox Mozilla browser would have created for the Encase software a filter for which several data would have not be accessible.

It has been underlined the importance of the cache files, which can hide useful information in order to determine the activity of a computer operator, since they represents files related to the use of the Internet browser named Firefox.

Mostly, has been noticed the presence of cache files, which, as stated by the advisers are generated exclusively in case of interactive activity of the system with Internet website never visited before, or, if already visited, that require an update.

It followed the exportation of the cache files from the Encase system, to reproduce them on a different magnetic support and make them usable through other programs.

Particularly was carried out an installation on personal computer with Windows XP professional system of the program Cach View ver.2.8.05.

Therefore it has been highlighted addresses, files, and various contents, produced by the Internet navigation in the examined period.

It has been acknowledge that in such activity would have been verified a most regular frequency in regards to the registered updates and it has been pointed out that the interruption between an update and the other, with frequency of 30' could have been caused by the temporary interruption of the connection and by the closing of the Firefox browser, such circumstances, anyway, attest an interaction with the system

It has to be noticed that between the activities have been verified some operations turned into a crash: beyond the one already observed by the Fraud police at 5:32 AM of the 2nd of November, there would have been another at 20:32 PM

It is acknowledged that at 7:18 PM the program Amule for the download of files from the internet results active, particularly for the download of movies.

3 movies appear to have finished their download, against 6 reserved at 5:03 PM

But in the list of the written files only one is present , created at 7:18 PM, while the others do not

appear, demonstrating their successive manual cancellation, in a period subsequent to 9:28 PM of the 1st of November. [end p 29]

Thus the proof of the presence of Sollecito in his own house during the examined time.

But the Department of Fraud Police has supplied, consequently to such verification, an ulterior report in which the defensive assumptions are contested.

This analysis appears definitive and unparalleled.

The assumption that the last access file related to the AVI file concerning the movie "the Fabulous World of Amelie" would attest that the time of start of the movie is radically wrong: in fact it has been notified that the Encase software indicates the last accesses, temporarily placing the moment in which on those file any activity has taken place.

Moreover, has been underlined that a clone of the suspected hard disk has been created and subsequently had been observed that the aforementioned file has been opened at 6:27 PM of the 1st of November and that the program associated to this is VLC

Regarding this, has been underlined that according to the report "last accessed files", attached to the report dated 19 November, results that the VLC program has been activated at 6:27 PM.

This has to be considered very meaningful when related to the use of a clone of the hard disk and of the same examined file and not of a file having same extension.

From 6:27 PM to 9:10 PM ,therefore, the system has interacted with the files, imagining that suspensions of the vision of the film had took place, provided that the last interaction has took place at 9:10 PM.

It is restated that in the period of time between 9:10 PM and the 5:32 AM it does not result any human interaction.

In fact the only created files, written the last time, of which the Encase program has given proof are 4 files attested in the cache of the Firefox browser and 2 files generated by the operating system.

But these are files automatically generated by the system, precisely by the Firefox navigation browser: in fact they are files that are characterized for the fact that they are generated with regular frequency, at a distance of 30 seconds from one another.

In case of electronic navigation, it would have been observed references to we addresses with relative components.

With regard to the interruption, in some cases, of the regular frequency of updates, is adduced with more than convincing precision that inside Fastweb log files the traffic towards Google turns out to be regularly generated with a frequency of 30 minutes, this proves that the machine has been always on and that the PC has maintained the browser opened.

With the same perspective it is added that the interruption of the continuity is found in the data related to the Firefox cache, since "this are components for the functionality of the web-browser application, they are not rewritten on the cache if already downloaded during the previous update".

Practically the update appears only when the system recognizes that the machine is not equipped with it, while if there is nothing new, and only appears the traffic generated between computer and server, but without writing on the memory, in particular on the Firefox cache. [end p 30]

with regard to the fact that the combination between operating system and the Mozilla Firefox program would have created a block to the Encase software, beyond the fact that the defense advisers had ignored that the system is not actually in commerce, it is assumed that using the same version of the software (Encase 6,8, updated to version 6.7 after the carried out operations) it was possible to generate the Internet history, whose examination has not allowed to find any navigation.

The examination of such Internet history had been allowed by the analysis of the log files provided by Fastweb: the search of IP addresses related to systems able to supply web pages, e-mail, ports related to communication services, has produced negative outcomes : the regular frequency and the scarceness of the exchanges bytes, related to the port 80, allows to attribute such traffic to activities of functional and/or informative updates .

With regard to the fact that two of the three files of which it had been finished the download had been manually cancelled after the 9:28, period of time to which corresponds the last download, it is deducted that that does not imply at all that the cancellation had happened before, being actually possible that, instead, it happened before the computer content would be analyzed, that is before the seizure, executed some days later.

The further observations of the defense advisers provided during the review hearing seem to shape a merely cosmetic reply, practically resulting in a repetition of the already rejected arguments.

On the other hand it is well-known that every technological or scientific proof is a mute proof, that needs to be enliven and activated by its insertion in the framework of further proofs, ordinarily acquired.

And then, beyond the fact that Sollecito during the review hearing has declared for the first time to have seen the movie "the Fabulous World of Amelie" from 9:10 PM, circumstance never reported before in the framework of that intermittent memory of which has been previously discussed, remains the fact that the analysis carried out until now would not be able to establish when the vision would have been finished.

But what matters the most is the fact provided by Amanda herself, who precisely wrote, in her defense report dated 6 November, to have seen the movie before receiving Patrick Lumumba's message at 8:18 PM.

It has to be added, in accordance to what previously observed, that the computer analysis constitutes a formidable positive validation of the involvement of Raffaele, because the recorded interaction at 5,32 AM gives the idea of an almost sleepless night, confirmed by the subsequent reactivation of the cellular phone, events very distant from the asserted serene awakening at 10 AM and contrasting with the stated use of the computer until the 3:33 AM (this would already contrast with the multiple activities, like washings, sex, smoke and other, which the two have confusedly affirmed to have carried out). [end p 31]

And then it is easy to conclude that Sollecito, wanting to create an alibi, has just ended up creating an ulterior and important proof against him, result of the failure of that alibi, denied by the convergent outcomes of the Fraud Police's reports and the declarations of the co-suspect.

30 - On the other hand the hour of death of the poor Meredith has to be placed over or between 22 PM, borrowing the conclusions of the consultant Dr. Lalli, to be updated to the light of the verified anticipation of the dinner of the victim.

So, once excluded that Raffaele was watching the movie, that is to say, for principle of non-contradiction, that at that hour he was not using the computer, must be concluded that the aforementioned is completely lacking in alibi for the hour of the woman's death and indeed that the failure of the alibi is worth to increase the quantity of proofs that concentrically reach up to him, having necessarily to think that he was carrying out some other unmentionable act.

31 - It is has not to be neglected in the same perspective that Sollecito, anything but accidentally, tried to attribute his own presence in the house also with the asserted telephone call received from his father on the home telephone at 11 PM.

However, also in this case, he has been resoundingly denied, not resulting any telephone call of the father at that hour.

Neither can simply be advanced that Sollecito could has gotten confused with another telephone call of his father, received on the cellular phone 8:40 PM.

Results clear the strategic indication of the time, that coincides with the crucial phases of the happening.

32 - And at this time it cannot be omitted that the further co-suspect Rudi Hermann Guede lived at short distance from Sollecito.

In such perspective it come out strengthened a reconstructive hypothesis based on an arranged action of more than one person, surely started after that Amanda had received the message from Patrick at 20:18 PM.

On the other hand the circumstance of the use of the knife recovered in the room of Sollecito implies that such tool had been from the beginning took with offensive purpose.

To this fact is also related the combined conduct of the couple that still at 8:40 PM, were at home together.

The proximity of the places and the actual suspects makes the proposed scenario very believable, even if currently it is not clear if the sexual purpose was the only objective of the act . [end p 32]

It results completely insignificant the observation according to which the presence of Sollecito would have been captured by a camera working along the path.

Actually it is simple to reply that as the passage of Rudi Guede does not turn out to be reproduced by any camera, equally the same can be asserted for Sollecito, and such element is worth to strengthen the hypothesis of the combined passage of the two along the same way, outside of the sphere of observation of any camera.

The probatory framework that has come to delineate is strengthened by the combined participation of the two fiancées, resulting illogical that one of the two remained external to the act, that has originated from an act of volition surely matured within the two.

And therefore on the whole it has to be noticed against both the suspects the circumstantial seriousness of the evidence which supports and legitimate the application of preventive custody for the crime of homicide aggravated by concomitant group violence.

33 - It has actually to be emphasized how in the light of the most recent case-law guidelines and precisely in the light of a fundamental arrest of the Joined Chambers of the Court (cfr. Cass. Sez. Un. 30-5-2006, Spennato) it is not consented to refer to the seriousness of evidence as a fact quantitatively different from the one which would support the imposition of a sentence .

The probability of sentence traditionally subtended to that judgment of seriousness today, therefore, postulates that the acquired material has a representative force correspondent to the one possessed by the necessary evidences in order to reach a sentence: from such evidences it only differs because the judgment is formulated on state of the proceedings, that is when it is still possible that it is progressively reached the acquisition of a novum, in the framework of an emerging collection, and because it concerns a material that reasonably waits to transform itself in evidence during the judgment, like a comedy already written by its author but not yet published.

But it is a fact that the series of elements gradually analyzed designs a picture that effectively possesses, that representative force, currently in absence - of concrete alternative scenes, not supported, considered that not even the eventual appearance or disappearance of further personages could influence on the involvement the current suspects, scientifically supported, where do not emerge elements worth to make it appear radically incompatible.

34 - In relation to Amanda Knox subsist multiple precautionary necessities, such as to keep the maintenance of the intramural restrictive status.

According to of the art. 274 point a) cpp it is configured a concrete danger for the acquisition and the authenticity of the evidence in the first place, since it is clear that in the phase in which, in execution of the European arrest warrant, return in Italy of Rudi Hermann Guede is awaited, places the problem to come without interference by the imminent acquisition of the defensive version of [end p 33] the aforementioned, on which the female suspect could directly or indirectly have an effect, if it is true that Amanda, despite the presence of the Ivorian on the crime scene, she has not mentioned it, reflecting a particular understanding, that, to safeguard interests of both, could lead to declarations of convenience.

Several are the modalities with which the girl, once free or in a state of house arrest, could try to reach up for, also through thirds party, the co-suspect.

On the other hand it is clear the necessity that the absolute authenticity of the declarations remain assured in this phase, declarations that could still be called to be rendered by Amanda and Meredith's friends, variously influential on the hour of death and the connected scenarios, as well as on the social circle of the two girls.

And still it has to be prevented to the suspect of being able to approach all those who have offered a side evidence to Patrick, being possible to observe a concrete interest of Amanda on bolstering herself as a subject external to thirds parties, like actually has, at least once, already happened.

According to of the article 274 point. b) cpp it is moreover easy to observe very high risk of escape.

Amanda, although she is a student in Italy, cannot be described as deeply-rooted here , while are very solid the bounds with her homeland, where her parents live, moreover comprehensibly came to visit her daughter in jail.

In such framework, in response to the concrete risk of application of a serious condemn for a crime whose ferocity leaves amazed, there is no doubt that the escape overseas can in concrete terms constitute for the girl the first option, subsisting all the material and logistic supports of the case.

According to of the art. 274 point. c) cpp the subsistence of a concrete danger of reiteration cannot be denied, since in the framework of the proposed reconstruction the role of Amanda cannot be secondary, considered the presence of the knife on the crime scene, for which all the indications lead to a high decay of inhibitions and therefore an actual disposition to be associate with every type of compulsion, therefore destined to give rise to violent and uncontrolled behavior.

Moreover Amanda has turned out to be a young woman with a multiform personality, made of self-confidence and deceitfulness, not disjointed from naivety, but with a strongly scenic inclination and an elevating, seems fatal, capacity for aggregation.

These are signals that impose extreme caution, in the waiting of the carry out of a process of acquisition of a more aware maturity.

The indicated requirements cannot otherwise be safeguarded except with the jail custody, every other measure, considered the described context, given the attraction and the possibility of contamination, escape and criminal reiteration, only containable by means of a constant vigilance. [end p 34]

From all of this comes therefore the refusal of the request of review with confirmation of the contested order and conviction of the contestant to the payment of the expenses of the proceedings.

P.Q.M.

According to the art. 309 cpp,

rejects the request of reviewing introduced in the interest of Knox Amanda Marie, born in Washington the 9th of July of 1987, against the order dated 9-11-2007 of the Gip in this Court, order consequently confirmed;

sentence the contestant to the payment of the expenses of the proceedings.

Addressing to the chancellor's office for the usual communications, and also to the director of the penitentiary institute.

Perugia, 30-11-2007 [end p 35]

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