



E2 The Amanda Knox Case: A New Scenario After the Supreme Court Verdict

Michele Vaira, JD, V. le 1 Maggio 27, Foggia 71122, ITALY; and Luciano Garofano, PhD*, Via G. D'Annunzio n.9, Parma, 43100, ITALY*

This goal of this presentation is to expose the reasons for which the Supreme Court set aside the acquittal handed down by the Court of Appeal of Perugia, ordering a new trial, with particular reference to: (1) the appointment of the board of experts in the second degree (and the subsequent declaration of inoperability of genetic tests made by prosecution); and, (2) the possibility, according to the prosecution, of examining a new Low Template (LT)-DNA evidence on the knife presumed to be the murder weapon, although it was never tested during the appeal trial.

This presentation will impact the forensic science community by underlining the procedural difficulty of demonstrating the possible contamination of genetic traces (not recognized sufficient, for the Italian Supreme Court, for the demonstration of the violation of analytical protocols). It will also highlight the procedural difficulties for the judiciary of overcoming the scientific theories of the opposing parties.

After attending this presentation, attendees will be able to understand the scientific and judicial issues that have characterized the criminal trial held in Italy against Amanda Knox who was accused of murder.

This case refers to the murder of Meredith Kercher, a young British student, who was found dead in her apartment in Perugia on November 2, 2007. According to the prosecutor's investigation, the murder was committed by Amanda Knox, Raffaele Sollecito, and Rudy Guede. Knox and Sollecito were indicted on murder charges on October 28, 2008. Guede was found guilty of murder in his fast-track trial and sentenced to 30 years.

The evidence offered by the prosecution was circumstantial. No witnesses were present at the time of the crime. Among other evidence, the key to the guilt of Knox and Sollecito was mainly represented by the scientific investigation of two findings: a hook from the victim's bra and a knife found at Raffaele's house. The first of these two elements (the hook from the bra) was found during the first crime search made by the police the day after the murder. But it inexplicably gets lost and is found and collected 46 days after the crime, during new technical activities at the crime site. According to the prosecution theory based on the DNA analyses made by the forensic science lab, the hook shows genetic material that matches Sollecito's, indicating his presence at the crime scene during the murder. According to the defense theory, the DNA found on the hook is due to contamination occurring from technical activities made at the crime scene during those 46 days.

The second element, the knife, showed DNA on the blade that matched the victim and on the handle that matched Amanda. According to the prosecution theory, this was the "murder weapon" and Amanda was the person who stabbed Meredith. This item has clear circumstantial evidence weight. According to the defense theory, the DNA found on the blade is LCN-DNA, thus too low in quantity to support a reliable conclusion, especially if it is to be linked to Amanda's guilt.

The court of first degree accepted the experts' assessments of the prosecution about the collection, preservation, and analyses of scientific evidence. Contrary to normal practice Italian courts, which usually appoint an independent expert to settle disputes among the experts, the Court rejects the request made by the defense.

After eleven months of trial, the court found Knox and Sollecito guilty on all counts in the stabbing death of Meredith Kercher. Sollecito received a 25-year sentence; Knox 26-years. On November 24, 2010, Knox and Sollecito's murder appeal process began.

Forensic specialists appointed by the second degree court told the court that DNA evidence linking Knox to the alleged murder weapon was unsound; while they agreed Knox's DNA was present on the knife handle, tests for Kercher's DNA were unreliable. The sample, however, was so small that forensic scientists were not able to double-test it in accordance with international forensic science rules, which Knox's legal team said raised doubts about its validity.

Court-appointed experts testified that police forensic scientists involved in the murder case made a series of glaring errors during their investigation. In a point-by-point deconstruction, the experts said that because of the errors made by police during the original investigation, the evidence against Knox and Sollecito should be considered "inadmissible." On October 3, 2011, an Italian jury overturned the 2009 murder conviction of Amanda Knox and Raffaele Sollecito.

The attorney general appealed all decisions of the Court of Appeal, asking the Supreme Court to set aside the acquittal. On March 26, 2013, the Supreme Court censured the verdict of second degree in



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many respects, including the misjudgment of the circumstantial evidence (which is only hinted at in this presentation).

The Supreme Court also ruled that the Court of Appeal did not adequately justify its decision to appoint a Board of Experts in order to resolve the dispute between the parties; that it is for the defense to prove the possible contamination of the samples, it not being sufficient to prove the non-compliance of protocols for the collection and the analysis of evidence; and that it is necessary to examine a third sample found on the blade of the knife, assumed to be the murder weapon, although it is an LT-DNA sample (which the experts had considered unnecessary to analyze).

Amanda Knox, LT DNA, Italian Supreme Court