REPUBLIC OF ITALY

IN THE NAME OF THE ITALIAN PEOPLE

THE SUPREME COURT

FIRST PENAL SECTION

COMPOSED OF Ill.mi Sigg.ri Magistrati:

Dr SEVERO CHIEFFI	- President
Dr MASSIMO VECCHIO	- Council Member
Dr GIUSEPPE LOCATELLI	- Council Member
Dr PIERA MARIA SEVERINA CAPRIOGLIO	- Recording Council Member
Dr GIACOMO ROCCHI	- Council Member

has pronounced the following

JUDGEMENT

On the appeal proposed by:

THE PROCURATORE GENERALE FOR THE APPEAL COURT OF PERUGIA
KERCHER STEPHANIE ARLINE LARA, DOB 21/07/1983
KERCHER ARLINE CAROL MARY, DOB 11/11/1945
KERCHER JOHN ASHLEY DOB 21/10/1976
KERCHER LYLE DOB 03/07/1979
KERCHER JOHN LESLIE N. IL 11/12/1942
against:

AMANDA KNOX MARIE DOB 09/07/1987
SOLLECITO, RAFFAELE DOB 26/03/1984
Also:
AMANDA KNOX MARIE DOB 09/07/1987

against the judgment n. 10/2010 APPEAL COURT of PERUGIA of 03/10/2011

Taking account, of the facts, the judgement and the appeal,
heard in PUBLIC HEARING on 25/03/2013, proceedings recorded by
Councillor Dr PIERA MARIA SEVERINA CAPRIOGLIO

Hearing in person Procurator General Dr Miji RIELLO
Which has concluded with the rejection of the petition by KNOX; annulling the judgement in relation to Headings A, B, C, D, E, and concerning heading F, annulment limited to the aggavating factors which relate to the act,Glu2cp *(hand-written, barely legible)*

Heard on behalf of the Civil action, advocate Francesco MARESCA and Eurica FABIANI for KERCHER Stephania Arline Laura, KERCHER Arline, Aarol Mary, KERCHER John Ashley, KERCHER Lyle, KERCHER John Leslie

Also Advocate Carlo PACELLI for *(blank space!!)*

Hearing the defence of the accused, advocate Carlo DELLA (*sic)* VEDOVA for KNOX and advocates Giulia ONGIORNO and Luca MAORI for Sollecito

Summary of facts

1. With the judgment of 5.12.2009, the Court of Assize of Perugia condemned Amanda Marie Knox and Raffaele Sollecito for the crime of murder of Meredith Kercher, which occurred in the night of Nov. 1 - 2 2007, at her home, in 7 Via della Pergola Perugia, by suffocation and after she had been sexually abused and received numerous stab wounds, together with GUEDE Rudi Hermann, convicted by a final judgment after having opted for the abbreviated process, as drawn from the results of insurmountable scientific evidence that led back to him some of the biological traces left in the victim's appartment, the *locus commissi delicti*, and to the victim's body itself; the guilt of both defendants for the crime of taking a knife from the home of Sollecito, for stealing from the house Kercher's two mobile phones, for staged simulation of the crime of theft in the bedroom of Filomena Romanelli, located in the same apartment where the victim lived in 7 Via della Pergola, staged simulation to point to the murder being committed by third parties stealthily entering the building. Finally, Knox was convicted of the crime of slander, to the detriment of Lumumba Diva, falsely accused of the crime of murder in the course of the investigations that were activated as a result of the bloody deed. And finally as is all too well known, because the fact has been prominent in the news media, the victim was a British student who was following the Erasmus project in Italy, who lived in that rented house in Perugia, in 7 via Della Pergola, with three other girls, including the young American student Amanda Knox, who had come to Italy to attend a course at the University for Foreigners and that shortly before had become entangled, from 26 October that year, in a romantic relationship with Raffaele Sollecito, who was majoring at that time in computer science at the University of Perugia. The battered body of the young British student was found the next day, November 2, 2007, at about 13.30 pm, after Sollecito and Knox had lodged a complaint of theft inside the apartment and after the two phones used by the victim had been handed over to the Postal Police, having been found in a garden in Via Sperandio, when they had been abandoned by the author or authors of the murder, even though at first he had tried to claim they had been thrown there by the author of the simulated theft. The bedroom of the young victim appeared locked and it was necessary to break the door open, which revealed the macabre sight.

   The Appeal Court decision, object of the present action, almost entirely overturned the First Instance judgment, acquitting the two defendants being prosecuted for not having committed the crime of murder and because the crime does not exist in regard to the crime of simulation, but recognising the guilt of Knox solely for the act of defamation.

It is therefore necessary to state, precisely because of the absolute difference between the two substantive decisions, albeit in summary, brief notes on the line of argument that followed the judges of First Instance, and then highlight the work of integrating evidence accomplished in the second hearing, which is considered absolutely necessary, and the reasons for the divergence of the two supporting reports, before entering into the details of multiple profile of issues in this present Court.

1.1 The judges of the (first) Assize Court were convinced of the guilt of the two defendants, concerning the more serious crime at issue, based on a compendium of strictly circumstantial evidence, but conclusively validated in the light of a logical path of reasoning that started from the false alibi and from the simulation of the crime of theft in Romanelli's room (apartment shared with Kercher, Knox and Mezzetti), to pass through genetic investigations, the biological traces found in the bathroom of the *casa locus delicti commissi* and the prints enhanced by luminol, as well as the examination of phone records. According to the judges of First Instance, the two defendants suddenly finding themselves to be free from the commitments previously assumed on the evening of 1 November 2007, were able to spend the time after dinner at Via della Pergola, where they had sex, intoxicated by the stupifying substance (marijuana) they had taken (by their own admission), where Rudy Guede (to whom the two gave access to the house) was also present, who was attracted for some time to the young British student who was on her own that night to follow her studies, and who certainly denied herself to her admirer, so as to trigger a mechanism of sexual assault characterised by sexual impulses, in which the two young lovers placed themselves, attracted by the mixture of eroticism and violence to which Sollecito had shown interest, given the type of reading and the kind of film that he seemed not to disdain. So the crime was considered to have arisen in a context of violence and eroticism of which the purpose was to subjugate poor Meredith to sexual appetites, which would have been repeatedly rejected, in a dynamic of progressive excitement followed by violence, and in which the two defendants would have taken part, wanting to engage in an exciting new experience.

In essence, in the Court of First Instance the following elements of evidence were assessed as being keys in demonstrating the guilt of the two defendants

• The traces of a burglary in Filomena Romanelli’s room had been cooly and artfully created to divert suspicion away from the occupants of the house, *locus commissi delicti*, as the shards of window glass broken with a stone, probably from inside the house, were found, mostly above and not beneath objects scattered around the house; nothing was missing from the room, not even the jewels and the computer of the student, even the bedside tables did not appear to have been opened; the Assize Court therefore considered that the staging was the work of those who had access to the house and who were seeking to divert any suspicion against themselves, and to direct it to another person. So whoever came into Via Della Pergola, because he could not get through the window on his own, had access to the front door, which had to mean using the key, to do which access was needed thanks to someone who possessed the key, given the lack of signs of breaking of the lock. The key had been given to each of the four young men *(sic)* who were using the property, but that night clearly two of them (Romanelli and Mezzetti) were absent. To support further the conclusion on the simulation was that Romanelli said she had closed the shutters of her room, even if only by pulling them to because they were defective, so that the hypothetical thief, unaware that the fixtures were just pulled together before breaking the glass would have had to climb the wall, leaving traces both on the wall, and on the vegetation below, which were not detected, even though the window was about three and a half metres above the ground.

• Rudi Guede as a result was found in the *casa locus commisi delicti*, as evidenced irrefutably by the undisputed traces of DNA and papillary prints on the vaginal tampon, on the pillow placed under the gluteal region of the body, on the left cuff of the sweatshirt that was found on the floor near the corpse, on the bra at the foot of the girl's body, on the victim's purse, on toilet paper left in the biggest bathroom of the house of the young students, namely the one used by Romanelli (because it had not been flushed after defecating). Not only that, but there were his shoe prints in the blood of the victim left on the floor of the flat, going from the victim's room, towards the door out of the house, the door that had been pulled behind him. It was certain that Guede had entered the victim's home thanks to the intervention of those who possessed the keys, being able validly to exclude the possibility that the victim had opened it, seeing that she never had, it would not have made sense to simulate a break-in (quite apart from the fact that the young English woman was having an affair for the past two weeks with Giacomo Silenzi, who lived in the other apartment at the house on Via della Pergola 7, unoccupied at the time of the offense and she did not intend to respond to Guede’s advances).

• The witness Nara Capezzali said she heard at about 23.00 - 23.30 a heart-rending scream, such that after hearing it she had difficulty going back to sleep, a circumstance confirmed by Antonella Monacchia who said she had gone to bed around 22.00, and after having fallen asleep was awakened by hearing a loud scream coming from below (ie from Via della Pergola), while the witness Dramis Maria had reported that she went to sleep around 22:30 and had been woken up by hurried steps along the path that connected with her house and Via della Pergola, such as she had never heard before.

• The witness Antonio Curatolo (a tramp who spent much of his time on piazzetta Grimana, close to Via della Pergola and who was aware of the two defendants having seen them in previous occasions) claimed to have seen them on the evening of 1 November in the time between the hours of 21.30 and 23.00 on the square a few metres from Via della Pergola and in particular to remember them on the wall of the basketball court and that when they left before midnight, he remembered that they were no longer present; in particular, the witness added that he had seen them going towards the railing located on Grimana square and looking below (that evening at 22.30 in fact a breakdown van was called and there had been a commotion produced by car horns); the witness also said that he remembered that he realized that the two were no longer present at the time of departure of the bus with young people to discoteches, and that on the day following that on which he last saw the two young people on the square, his attention was struck by a going back and forth, in Via della Pergola and especially by the arrival of men dressed in white who looked like extraterrestrials (identified as the workers of the Scientific Police, who rushed to the scene of the crime, after noon on 2.11.2007).

• The forensic investigations having established that the poor girl had died following an invasion of a sexual nature through a dual mechanism of asphyxia and haemorrhage; the haemorrhage derived from a vascular injury caused by the biggest wound inflicted higher in the neck, while the asphyxia was due to the aspiration of her own blood and a final action of asphyxiation/suffocation, probably following the scream perceived by third parties; the constrictive action to the neck appeared to fracture the hyoid bone. The time of death was estimated at between between 20.00h on November 1 and 04.00h of 2.11.2007. The knife found in Sollecito's house and labelled specimen 36 was found to be compatible with the larger wound.

• From an examination of the victim’s puncture wounds and cuts and bruises there emerged a prejudicial picture, arising from the number, wide distribution, diversity, especially with regard to the wounds inflicted on the face and neck (the wounds had a depth of 4 to 8 centimetres), a picture which contrasted with the absence of defensive wounds, which did not reconcile with the fact that the young British student had a strong physique, and was trained in self-defence through a course in karate which she had taken, which led to the inevitable conclusion that the criminal action had been carried out by more than one person, who together acted against the victim, who was therefore placed in a condition where she could not defend herself, nor shield herself with the hands to prevent vital parts such as the neck, from being repeatedly struck. Even considering the type of activity undertaken by the attacker, it is very difficult to imagine an isolated and individual action, because it includes actions to strip the victim (who was fully dressed when the aggressor came), to violate her in her private parts and to strike her with the knife, and the victim was definitely grabbed by the wrists to avoid a reaction, since the DNA of Guede was found on the cuff of the sweatshirt of young English woman; but the varied nature of the lesions, their number and their wide ditribution led to the belief that there was more than one attacker. In particular, it appeared that many injuries were caused by activities of grasping, others with a pointed and cutting weapon, they were very different in size and type of injury and had struck the victim, now from the right and now the left. This led to the conclusion that more attackers holding her limited the girl's movement, and struck her from right and left, depending on the position taken with respect to her, but above all covering the mouth, in order to avoid repeating the cry that had been heard, as represented by the two witnesses mentioned above.

- The witness QUINTAVALLE, owner of a grocery of the Conad food chain, located in Corso Garibaldi, not far from home of Sollecito, said he saw the morning after the night of the murder, a young woman enter his shop, just as the shutters were opened, at 7.45 in the morning, who had been already waiting for the store to open, and recognized her to be Knox, who went immediately to the detergents shelf, even though he was not able to say whether or not she made a purchase. This finding suggested the urgency to purchase cleaning materials, even though it was not brought into focus until a year later by the trader and his staff. These include among others the witness Chiriboga, whose memory was different from that of Quintavalle, but said that she recognized in the accused the young woman who came early in the morning into the shop.

- The statements of Knox, that from evening of 1 November to the morning of 2nd she was at the home of Sollecito, until 10.00, were deemed incompatible, not only with the indications of Curatolo as to the presence of the couple on the square the evening of 1 November, but also with the indications of Quintavalle, concerning the presence of Knox at his emporium at 7.45; besides the young woman had not referred to the phone call recieved by her boyfriend at 9:30 am from his father, a sign that she was not present in the house at that time and had the urge to lie when she placed dinner the previous day to 22.00, while Sollecito, talking with his father on the phone at 20.42 told him that he was washing the dinner dishes probably from dinner, considering that the youth had initially other commitments and suddenly found expectedly that he had the night off (Knox only knew she was free after 20.00h, following the call from Lumumba).

• It appeared that after the phone call of 20.42 from his father, Sollecito had turned off the phone, to turn it back on at 6.02 the next morning (November 2) since only then did he get his father's message sent the night before, and this not resulting from any limitation of function of the mobile phone network and the mobile phone; at the computer, Sollecito appeared to have worked for the last time at 21.10; the device was then reactivated, after this interaction, at 5.32 of 2 November for about half an hour to listen to music. It also emerged that the programmed trip to Gubbio, on the day of November 2, which was also anticipated even by Sollecito's father as discussed, had undergone a sudden change.

• The genetic investigations carried out had detected a genetic trace of Raffaele Sollecito on a piece of bra clasp that had been cut (with an incision made with a sharp cutting edge) and found dirtied with the victim's blood in her room, under a cushion which partially supported her body, whereas the remaining part of the bra and in particular on the bra-strap, was found the trace of Rudi Guede, which led to the belief that the two men were both present at the crime scene, at a particular time that marked the violent despoliation of the victim, in an erogenous zone (sic). The examination on the clasp had revealed during the investigation operated on the trace, 17 loci with clear evidence that there were present (in each of the loci) alleles constituting the genetic profile of the defendant, compared with the haplotype obtained from the saliva sample of Sollecito.

• In Sollecito's home a kitchen knife was found that was different from those supplied in the house on Via Garibaldi that he occupied, which appeared especially clean; on the handle of this knife, raised at the part of the handle where the blade begins, there was found a biological trace (track A) attributable to Knox: the place where the trace was found suggested that the knife had not been used in a horizontal direction, but at a certain angle, which suggested an act of slipping of the hand holding the knife in order to strike rather than to cut. In respect of that knife a conversation was intercepted between Knox and her mother, after the fact, however, disputed in its exact translation, with which the young woman declared herself particularly concerned "about a knife of

Raffaele”. On the blade, invisible to the naked eye, was detected another trace (trace B) containing low amounts of DNA, found relatable to a single person, that is the victim.

• In the house on Via Della Pergola, and particularly in the bathroom used by the victim and Knox, were found mixed biological traces, attributable to both young women (defendant and victim): on the box of cotton swabs that was on the sink, stains were found of blood and biological traces attributable to both; mixed traces were then found in the sink and bidet, as a result of activity of rubbing to clean the blood of the victim and which resulted in the loss of cells from flaking from the part that had been cleaned. The two biological traces for the presence of blood, were faded red color, such as blood in the bidet that is washed in the sink, while on the mat within said bathroom were imprinted stains in Meredith’s blood.

• On this mat one of the marks in blood was a footprint impressed by a bare foot, which could not have been caused by Guede, as he appeared to have walked in the apartment with shoes on having left several traces of his presence with his feet shod, and (so) was attributed to Sollecito - it was believed he had washed in the shower with copious water, so as to eliminate any other trace, - thanks to the particular size of the big toe and its metatarsal. This trace was the only one left, which showed the intervention of a work of cleaning and that traces of blood that remained were nothing more than the residual traces of what had been far greater.

• Following the procedure of exposure through the Luminol, it was shown that Knox, with her feet stained with the blood of the victim, went into Romanelli's room and into her own leaving impressions exposed by Luminol, some of which are mixed and biological traces attributable to Knox and Kercher (one in the hallway, labelled L8, and one, L2, in Romanelli's room) with others due solely to Knox (three found in her room L3, L4, L5) and one due solely to the victim (L1 found in Romanelli's room). The presence of traces of Knox in Romanelli's room, gave reason (to believe in a) later act of simulation, put in place to create the staging of the unknown offender entering through the window. It was noted that these traces had been formed by blood diluted with water, which was considered highly demonstrative of the presence of Knox at the time of cleaning of the house from marks of blood of the victim. It appeared that the attackers of the young English girl had placed a blanket on the body of the same, had closed the door of her room with the key that they threw away, and had thrown away her two phones in via Sperandio, outside the city walls, around 0.10 hours (according to the time of the change of cell connection) where they were found the next day and handed over to the Postal Police, before the discovery of the murder.

• At 12.08 the day 2.11.2007, Knox was to call the English phone of Meredith Kercher and receiving no answer, since the poor girl had already been dead for several hours, she didn't call her friend on her other phone, the Italian one she also used, which led them to believe that the defendant had just wanted to make sure that others had not found the missing phones.

• Immediately after this call Knox was to call Romanelli to tell her what had happened in her room (entrance of a thief through the window with her room alone turned upside down), while Sollecito was to call the police to report precisely the theft, without either reporting the locking of Kercher's room and the lack of response to the call by the same friend of Knox.

• The two defendants by express admission of Knox, in the evening between November 1st and 2nd had used drugs, and were together, having both been released from the commitments that were on the agenda (Knox, as mentioned, should have gone to work in Lumumba's place, but was told that he did not need her presence that evening, while Sollecito who was due to have accompanied Jovana Popovic to the station to pick up luggage, was then informed that it had not been sent).

• The accusation by Knox of Lumumba having committed the murder of and sexual violence to poor Meredith Kercher turned out to be false, in the light of such recorded conversations between the defendant and her mother, during which in the memoriale of 6.11.2007 which she had surrendered to police she showed great regret for accusing him.

1.2 The Court of Second Instance granted the request from the defenses and ordered a new genetic appraisal, even though the ordered phase of the investigation was conducted with the rights of defense, in accordance with art. 360 cod.proc.pen., expertise solicited with reference to traces recorded on the knife, which led to the identification of DNA, even if the amount of the trace was lower than that considered to be sufficient to achieve a reliable result and with reference to the DNA found on the clasp bra, raised the possibility of contamination of the specimen and of the crime scene, since the hook was collected and tested only after the second intervention by the Polizia Scientifica, more than forty days after the bloody event. The reason the court of second instance acceded to this new assessment was justified by the fact that "*the identification of DNA on two findings and its attribution to the defendants was particularly complex for the objective difficulty, by parties that do not have scientific knowledge, to make assessments and options, especially on technical matters without the assistance of an expert of the office.* "

- Considering traces on the knife (exhibit 36), the new experts appointed by the court observed that the cytomorphological investigations had not revealed the presence of cellular material structures other than ones explained by starch granules; concerning genetic investigations, trace A was correctly attributed to Knox, while the amount of trace B was insufficient to be attributed to the profile of the victim. Considering its attribution to blood, the sample was considered a 'Low Copy Number' (sample with low quantity of DNA), to which should be applied the most rigorous standards suggested by the scientific community such that it could not be said to be certain that the profile on trace B belonged to the victim Meredith Kercher, it not being possible to rule out that the result was due to contamination. For this reason it was not subjected to examination, neither was the third trace found by assessors on the knife (and never amplified), since the sample was not deemed susceptible to correct amplification being a Low Copy Number, that is to say an amount such that cannot guarantee results are reliable. As for the exhibit 165B, which is the trace on the bra clasp, the conclusions of the appointed experts in the Second Instance affirmed an erroneous interpretation of the electrophoretic pattern of autosomal STR and of Y-chromosome and did not exclude that the results obtained were derived from phenomena of environmental contamination, or contamination at some stage of collecting or handling of the specimen.

The Assize Court of Appeal considered, therefore, that the procedure followed by Polizia Scientifica had not been correct, as it appeared deficient in the phase of quantification of the extract; on trace B two amplifications were not made in quantities of extract which would have allowed demonstration at least twice, of the presence of the same allele; it was underlined, accepting the opinions of the newly appointed experts, that in the presence of a minute quantity of extract, below that suggested in the kit, to have a valid result it is necessary to lower the threshold of sensitivity of the machine, and this leads to increased stochastic phenomena so that only a comparison of the most amplified are able to be highlighted. Since no evidence was seen of compliance with the precautions suggested by the scientific community that protected against the risk of contamination, according to the court, it was not necessary to prove the specific origin of the contamination. Therefore, it was the agreed opinion of the new assessors, according to which the third trace identified by the experts themselves, being deemed insufficient to allow two amplifications, was not subjected to analysis, in order to avoid the same mistake that had been made by the Scientific Police. The instruments indicated by Prof. Novelli, consultant for the civil plaintiffs, were considered too avant-garde, and therefore not yet tested on such very low quantities available.

The judges of Second Instance believed that the knife in question had not been washed, since starch granules were detected that could not be attributed to residues released from gloves used by the forensic team (powdered with starch plant), but no blood residue, with the presence of the DNA of Amanda Knox being explained by the fact that the young woman was staying in Sollecito's house and probably had used the knife for domestic purposes; it was considered that the knife could well be grasped in different ways, in as much as the trace had been found on the step that goes from the handle to the blade. From the evidence therefore nothing demonstrative was recognised.

- As for hook on the bra, the Court of Second Instance found that the experts did not have the possibility to extract DNA useful enough for analysis, probably due to poor conservation of the specimen. The experts therefore made their conclusions on the basis of the traces and procedures followed in order to arrive at this point, reaching on the other hand, the conclusion that in each trace there was definitely present as well as the profile of the victim, also a profile compatible with Sollecito, but for which there was no guarantee that it was the right result, given that if one took account of other peaks also present in the tracing, one could come to a different conclusion. The mixed nature of the trace would need a different calibration of the apparatus, in order not to miss the detection of peaks that could be relevant. Without considering that the sample was collected and analysed only a month and a half after the event, and that on that occasion it was found about a meter away from the point where it was seen during the site inspection on November 2 and the workers had used already contaminated gloves. It was therefore concluded that the hook had been contaminated as a result of previous interventions of the Scientific Police without the adoption of due precautions, with which it was considered likely that the DNA, thought to be from Sollecito, had been transported by others in the room and even on the hook by contact with the hands, or even through contact between objects and clothing that were present, since during collection of the exhibit no necessary precaution was respected in order to ensure the authenticity of the same. The fact that traces of Rudy Guede, the undoubted author of the attack, were also detected, and that none was found of the two defendants on trial today, could not be put down to cleaning, because the environment had not been washed. Every evidential element was therefore deemed unreliable, and therefore not usable as a base for inference.

- As for the print on the bath mat, soaked with blood and stamped in the shape of a foot, which had been concluded with high probability to be that of Sollecito, from the length and breadth of the big toe, the Appeal Court referred to the argument of the defense that the right foot of Sollecito had an obvious peculiarity and that is the almost non-existent support of the distal phalanx of the first digit, with the lack of continuity between the big toe and forefoot, which had been totally neglected, so that it should be considered that the distal phalanx of the big toe of Sollecito, which does not make contact should not have been stained and therefore should not have left visible traces on the mat. On this point, considering that the same consultants of the prosecutor raised the usefulness of the print only for negative and not for positive purposes, the incontrovertible morphological difference from the reference print taken from Sollecito, and dimensional differences highlighted by CT, did not allow determination of the probable identity between the two footprints, leading the Court of Second Instance to speculate that the foot could have been from the bare foot of Rudi Guede, seeing that the left foot of Guede had left prints of a gymnastic shoe. So therefore the said evidence was completely valueless.

- As for the footprints marked with luminol, the judges of Second Instance also believed that these traces were likely to be the result of contamination; the generic test for blood giving a negative response, not for lack of biological material available, since the test with tetramethylbenzidine is sensitive even to the presence of five red blood cells; that the trace with mixed biological profile, attributable to Meredith and Amanda, was found in only two cases, while that of Amanda alone appeared in four other cases. There would not have been sufficient DNA to provide a reliable result, from which it was concluded that the prints in question were not sufficiently probative.

- As for the prints shown up by luminol, without a useful biological profile, it was noted that several other substances commonly used react with luminol reagent, such that their probable attribution only to blood, was considered highly misleading. The presence of prints attributable to Amanda were justified by the fact that she lived in the house and that she happened to walk around on the floor with bare feet. The same could be said of Sollecito who frequented his girlfriend’s house. Not only that, but the statement of utility of these data was only true for negative and not for positive comparisons, and was thought to be lacking altogether through failure to show they had been made in blood.

- Also, as for the traces of blood in the small bathroom (traces of blood of the victim were found on the light switch, the toilet seat cover, on the framework of the door, while in the samples on the bidet, on the sink and on the container of cotton swabs was detected human blood with the mixed profile of Kercher and Knox), the court decided that there was absolutely likely that the DNA of the two girls would be on the fixtures of a small bathroom: in this situation, the sampling that appeared to have been made by repeated rubbing from the margin to the waste outlet and vice versa (where the testing should have been point-like), as seen from the recording of sampling in the investigation, it appeared to be the least suitable method to yield a reliable result, because in doing so all the DNA on the path would be picked up, creating a mixture that originally did not exist. The data also were judged to have no probative value.

- On the time of death, the court believed that the wide span that the first judges had fixed had to be reduced, as the reference to the cry heard from the the witness Capezzali was not linked to a particular date (she also said that she went to bed at 21 – 21.30 and usually got up two hours later to go to the bathroom, but with good approximation), and in view of the extreme ambiguity of the circumstances reported by the witness. Also with witness Monacchia, reservation must be exercised, given the fact that she presented herself to testify only a year after the fact, not spontaneously, but under the stress of (a keen) trainee journalist, as well as for the imprecision on the time referred to as the scream "around 23.00 ". The judges of Court based themselves on the fact that Guede, in a chat with a friend, had said that he found himself in the house on Via della Pergola around 21.00 – 21.30 and the fact that the victim's phone registered a connection at 22:13 lasting nine seconds, which did not require human interaction, where the last (human) interaction took place 21.58, after an attempt at 20.56 to call the family when there was no answer. The court therefore held that the young woman could not repeat the call to the family, due to an unexpected event. Therefore, the time of death was placed before 22.13 hours, from which arose further evidence of the unreliability of the testimony of Curatolo.

- The slander against the Lumumba,– unquestionably referrable to the defendant Knox, for which the Court of Second Instance reaffirmed guilt, was not considered as relevant to the other more serious crimes charged to her. Pointing to Lumumba as the author of the murder was for the defendant the shortest and easiest way to put an end to a tense situation in which she found herself, being inevitably subjected to stringent and lengthy interrogations.

- The witness Curatolo – who was reheard by the Court of Second Instance on 26.3.2011, two years after he had been heard in the Court of First Instance – who was to testify to the presence of two defendants in the square Grimana, was reduced significantly in the first place by the decay of the mental faculties of man directly perceived by the Court, then by his unsatisfactory lifestyle, full of violations of the penal code and the kind of life led by the same; not only that but the Court found that the presence of the two young people had been timed to when the bus left Piazza Grimana to take young people in clubs, in a time interval that ranged from 23.00 to 23.30, whereas it was established that on the evening of 1 November, the said buses were not in service, having gone the night before, for the Halloween celebrations. The defense, also due to the fact that the witness had spoken of a day of celebration, with the presence of masks and "*of young people who were doing casino",* suggested that the witness had superimposed the memory of the evening of November 1 on 31 October. It was not considered significant by the Assize Court, that the witness added that the next day he had noticed the arrival of men dressed all in white, precisely because of the confusion shown by the witness having overlapped memories. Based on the single deposition of Curatolo, in the opinion of the court, the defendants had to be completely exonerated.

- As to the deposition of Quintavalle, proprietor of the Conad franchise, the court prefaced that in any case, if in fact the hypothesis were true, the fact that Knox had been to a store to purchase detergents even before the store opened the morning after the night of the murder, constituted very weak evidence; furthermore the evidence of the witness could not be evaluated because when Quintavalle was interrogated by police immediately after the event, to know whether the two defendants shown in photograph had presented themselves to buy detergents (two bottles of Ace bleach having been found in Sollecito's house, and the investigators having found a strong smell of bleach on entering the house), he did not refer to the girl waiting for the opening of the store, but decided to introduce himself to investigators only a year later, after pressure from of a young budding journalist, saying he is convinced by the color of the eyes and the pale complexion of the young customer, that it was Knox. Therefore, according to the court it was a witness who waited a year to be convinced of the accuracy of his perception as regards the identification of the girl accused. Not only that, but the same employees of Quintavalle expressed doubts that the girl appearing that morning had been Knox: the court thus held that it could not be certain of retrospective recognition, seeing that at the time when the memory was more vivid and genuine, because it the closer to the time of the encounter, the evidence was uncertain. This testimony was then evaluated unreliable and in any case demonstratively very weak.

- As for the murder weapon, the Court of Second Instance believed that in addition to genetic investigations, there were other less specific objective elements relating to the use of this particular weapon in the crime. The experts appointed by the investigating magistrate had referred to the non-incompatibility of the knife seized, with the wounds on the victim's body, basing the conclusion on the fact that a 17.5 cm long blade can still cause wounds of 8 cm and with the single-edged blade tip, where the evaluation of non-incompatibility for probative and cirumstantially indicative purposes, amounts to nothing. The court then held that whatever the knife that had been used, the two defendants, new to the crime, could not have put it back among the cutlery supplied into the dwelling house, but they would have to get rid of it, even if it were inventoried material to the time of taking the lease of the apartment.

- As for the simulation of the crime of theft, the Court of Second Instance held that it was made on the basis of mere conjecture, since nothing precluded a true break-in, abandoned then through the tragic unfolding of events. The Court recognized the validity of the defence argument that access across an existing nail through a window on the outside wall of the young women's house was not impossible and did not have to leave tracks; it added that the launch of a rock from outside was absolutely feasible, that the existence of the shutters was not an obstacle to breaking the glass, because among other things, the said shutters were not closed, the dynamics of the launch of the stone and the force of impact did not make it necessary that any shards end up outside, rather than inside the room and that the glass shards not only appeared over the objects, but also below, as is clear from the deposition of Romanelli, at the hearing on 7.2.2009. It was also underlined that the deposition of Inspector Battistelli, according to which the curious thing noticed "*was that the glass was also on clothes"* did not rule out that they were also below. The fact that nothing was removed from the room was not considered relevant by the court, since the initial intent was probably abandoned with the unfolding of events. Not only that, but the Court of Second Instance hypothesized with conviction that it had been the real mode of entering the house, ascribable to Guede, accustomed to this type of crime, although convicted of the crime of simulation together with others, in the final judgment. On this point the Court concluded that there was a lack of fact.

- Concerning the alibi, being silent on the fact that the falsity of the alibi should be assessed in order to constitute proof of guilt in the context of other, more significant evidence, the Court of Assize of Perugia assumed that none of the elements emphasized in First Instance might disprove the version given by the two defendants. The same applied to the fact that mobile phones of the two were switched off in the night, which was to be understood in the sense that the defendants did not want to be disturbed for reasons easy to understand; and the fact that at five in the morning, Sollecito felt the need to listen to some music, was reconciled with awakening after a night spent in sweet company with the intention to go to back to sleep, after a period of listening.

- Lastly, regarding the conduct subsequent to the verification of the murder, the court considered it illogical that the calls from Knox's cell phone were for the sole purpose of ensuring that no one had found the thrown away cell phone, thereby making it ring and so be found, as in fact happened; Amanda called Romanelli before the arrival of the Postal Police, and participated in the same abnormal situation in the same house where they had found her and Sollecito; it was considered totally inconsistent to argue that Sollecito had reported to the Police that nothing was stolen, and then corrected this once he noticed the presence of the Postal Police who reported the loss of mobile phones; nor could a detection of different behaviour also apparently distant from the drama of death be held as abnormal, as there are many and varied ways of a person reacting in the face of tragic situations.

2. Against this ruling the Procurator General at the Court of Appeal of Perugia, the defenders of the civil parties and the defense of Knox, presented against the remaining sentence for the offense of slander.

2.1 The Procurator General has strongly objected to the ruling on appeal, claiming a number of methodological faults, first of all the existence among the judgments of Second Instance of frequent *petitio principii*, having given instead what they set out to demonstrate, petitions which signify serious defects of reasoning, and have incurred incorrect application of the procedural provisions of articles. 192 c. 2, 237.238 cod.proc.pen. and still have incurred manifest distortions of the evidence, wheras they have ignored the investigation of facts implacably against their own reconstruction. Going into detail, we have developed the following grounds divided into16 points:

2.1.1 Violation of procedural law and in particular of art. 192 C. 2 cod.proc.pen.: the Assize Court of Appeal did not operate a unitary appreciation of the evidence, so that it was not evaluated in a global and unified dimension, but arrived at in multiple pieces, each having been evaluated separately, in an eroneous logico-judicial process, finishing with criticising the qualitative valdity of each, whereas if the Judges of Second Instance had followed the lines of interpretation of this Court of Legitimisation, each clue would have been integrated with the others, resulting in an unambiguous clarification of acquisition, such as to arrive at the logical proof of the fact of responsibility of the accused. This is because the informative and justifying data supporting the conclusions are not entirely included in the premises, but are supplemented by additional elements of knowledge outside the premises themselves, since the single element, covering a mere segment of fact, is inevitably not unequivocal. While the lower courts opined that each element should always have a single voice and therefore reasoning that they followed was of a deductive type. Not only that, but the individual elements would then be obtained in an isolated cognitive process that aroused doubt and uncertainty, neglecting other aspects rigorously highlighted in the judgment of First Instance as anchor points useful for ex post reconstruction.

2.1.2. Breach of Article 238, cod.proc.pen.: the definitive conviction of Rudy Guede had been reached, but the Court of Second Instance considered it to be of a particularly weak indicative level, "*since from the moment the judiciary examined Guede it was celebrated by using the fast track'*, weakness that would be affirmed in breach of the principles affirmed by this Court (which had to recognize that even a plea bargain may be acquired and evaluated pursuant to art. 238 cod.proc.pen.) and would have led the Court of Second Instance not to concern itself with the content of that final judgment, even when observations on the debatability of the decision of First Instance were at odds with the decision given, if found to be unsustainable. Likewise on the point of complaint about a lack of reason.

2.1.3 Failure to observe art. 237 cod.proc.pen.: the memoriale written by Knox should have been entirely overlooked, even though this same Court of Validation had confirmed its usability, with decision 990/2008, when considering the decision of the Court of Review, dealing with documents coming by the accused, written by herself for defensive purposes. In this memoriale the young woman had said that she had hidden in the kitchen and have covered her ears with her hands so as not to to hear the screams of her friend and to have seen blood on Sollecito's hand, during dinner. According to the Local (Appeal) Court, this memoriale would not have credibility, because it does not represent the actual situation of the event, save to have been usable for the motivation of the libel, in a passage that would mark all the contradictory evidence in the path towards judgment.

2.1.4 Lack of reasoning of the ordinance of 18.12.2010 with which a new group of experts was arranged, and manifest lack of logic in this regard: the renewal of experts in Appeal has a completely exceptional character, defeating the presumption of completeness of the probatory investigations in First Instance; the Judges of Second Instance would explain the decision based on the particular complexity of (genetic) material which suggested the need for appointed experts, without indicating the holes in the genetic testing left in First Instance, such as the themes to be developed, as well as aspects that require further explanation, where it is immediately evident that the judges of Second Instance had to appoint an expert panel to delegate to others the assessment of the evidence taken at First Instance, contrary to the prohibition on delegating the evaluation to scientific knowledge, confusing the principle of free conviction based on the conviction of the First Instance judge, who had ignored the request received in this sense, art. 507 cod.proc.pen., with the presumed assumption by the latter of the power to formulate their hypothesis of a scientific nature. Especially since the Court of Second Instance completely ignored the findings which took place in accordance with the provisions of art. 360 cod.proc.pen., without there being any significance in the course of the phases of operations, and without the suspects or their counsel having indicated any probative reserve. No reasons would be given by the Court to support the absolute necessity of experts, despite the fact that the report of the Dr Stefanoni, an official in charge of the forensic biology section, was part of the dossier of the proceedings and was fully usable for the decision. With the consequent reasoning given in the judgement the Court had *a priori* to examine the findings of the Scientific Police which it said did not make them "less ignorant" by the fact that they had been completed in dispute of the parties, thus blatantly confusing the evaluation of the evidence, with its source.

2.1.5 Contradictory and illogical reasoning, lack of engagement of a decisive piece of evidence, in reference to the order 7.9.2011 with which the request for a new expert was rejected: the Court rejected the request for integration of expertise on quantitation of DNA extracted from the new trace sampled by the expert on the blade of the knife found at Sollecito's house, near the point where the trace was found by the Scientific (Police) referable to Kercher, given that new sampling was inherent in the task entrusted to the experts, with analysis of DNA eventually found, but this task was not completed on the assumption that it was irrelevant regarding *law* (sic*) copy number*, ie the minimum amount of DNA. On this point it is noted that Prof. Giuseppe Novelli, geneticist of undisputed fame, had shown that already at the time of the unrepeatable tests, it was possible to analyze *law* (sic*) copy number* traces of DNA with reliable results and that it was also possible to perform DNA extraction from small amounts, less than 100 picogram, which he has available. The discovery of a new trace of human DNA (unusual on the blade of a knife) and the availability of increasingly sophisticated tools should have imposed the new study, but the court rejected the request with an apparent motivation, in clear contradiction with the spirit which had animated the decision to order a new appraisal. Rejecting this as all the more unjustified not only because the need arose from an investigation that was to be accomplished, but also considering that according to the state of technology Prof. Novelli reported in 2011, this allowed him to make profiles even if they have only ten psichograms (sic) to conduct such investigations on human embryos, in which is alleged the need for the highest accuracy and precision. By admitting new evidence then the court would have to admit evidence to the contrary, not doing so, incurred a further clear violation of the law.

2.1.6. Violation of Article 190, 238 c. 5 and 495 cod.proc.pen., whereby the request by the Public Prosecutor for the hearing of Aviello Luciano, who had been examined at the request of the defense of Knox, was rejected on 18.6.2011, but who subsequently had retracted this in front of the PM (Procurator), to whom he requested a new hearing which was denied, although he claimed to have heard from Sollecito in prison that Amanda had killed her in the course of an erotic game and also for financial reasons with knife exhibit sub 36. The Court did not explain the non-indispensability of the evidence, seeing among other things that the minutes of the interrogation were acquired (and they do not see how it could be used). All the more so in the report the confidences received from Sollecito, who could not be held to be irrelevant to the proceedings, were referred to. Thus incurring the violation of the above rules, having considered only the statements heard already and not the new aspect of the confidences received from Sollecito, let alone that it was in breach of Article. 511 bis, 511 c.2 and 515 cod.proc.pen.

for having arranged for the acquisition of a record without prior examination of the person concerned.

2.1.7 Breach of the principles of rights in its assessment of the witness Quintavalle, illogical reasoning in the assessment of the reliability of the witness: the testimony was considered weak evidence, *"by itself not capable of proving even presumptive guilt",* whereas such testimony was used to prove the falsity of the alibi. The Court's assessment would be followed by an uncritical reception of the defence objections, without even making a complete reading of the information from the witness, given that it took him a year to convince himself that he had identified in Knox the young woman on the morning of 2.11.2007, who showed up at his shop at 7.45, due to his doubting the usefulness of the data, and not to doubting the identity of the girl who he pointed out he had indeed seen well, having greeted her at a very close distance (one meter or 70-80 cm). Her recognition by Quintavalle was anchored to the rest of her significant features, such as the eyes, the skin color and the face and not the red coat that the defendant says she has never possessed. Especially since the statements of Quintavalle would have been reflected in the indications of the witness Chiriboga, taken at the hearing on 26.6.2009 and never mentioned in the judgment of the Second Instance, in blatant external as well as internal contradiction.

2.1.8 Illogical and contradictory reasoning over the affirmation of the unreliability of witness Curatolo: according to the Court it needed to re-examine the witness, these superimposed memories as represented in the evening of November 1, rather than the one of 31 October, forgetting, however, that in the evening of 31 October, Knox could not have beeen seen on the square, as she was working at Lumumba's local Le Chic, full of customers for the Halloween party and the same excluded that the interested party had been on the square in the evening of 31 October, as well as excluding the witness Spiridon Gatsios; it would have been an omission to consider that that night Sollecito celebrated the graduation of his friend's sister's boyfriend Angelo Cirillo. Whether or not the tramp Curatolo had misunderstood when Halloween was, having said that it was celebrated the November 1 or 2 (having it confused with the feast of the dead), could not take away significant importance that the day after meeting the two, Curatolo remembered the intervention of subjects dressed in white that looked like Martians, to which he made specific reference, in spite of other flaws. The allegation that there was no certainty about the identification of the two young people, would be completely detached from treality, since no one ever put into question that Curatolo did not know the two defendants, who he also pointed out in Court. The judgement expressed by the Court of the unreliability of the witness would be bound to an *a priori* judgment on the person accustomed to the consumption of heroin (a substance which among other things has no impact on the mental faculties and the lucidity of memory), a judgment that was not revised even though poor Curatolo was a key witness in another bloody story concerning an old lady, which ended with the final sentence of murder, as part of a process in which Curatolo was witness to significant times in demonstrating the guilt of the accused.

2.1.9 Lack of and manifestly illogical reasoning as to the time of death unreasonably fixed by the Appeal Court at 22.15, at a time earlier than the time in which a witness heard a heartrending cry, on the basis of the claim that Guede made to a friend in a message sent to him, where he said that he was in Via della Pergola at around 21.00 - 21.30h. The logical explanation was not given concerning the fact that Rudie (sic) had lied concerning his participation in the crime, but not on the time of his presence in Via della Pergola, seeing that in order to validate his claim of innocence, Guede had to bring forward the time of his arrival in Via della Pergola, where he had left traces clearly identifiable, in the bathroom of the house. The conclusion that the two telephone contacts recorded on the victim's phone to 21.58 and 22.13 were traceable to the time of the attack, does not stick, because the court had to assume that the first contact was a failed attempt switch off her phone, which was then inexplicably followed immediately by a second. The second contact could have been the reciept of a multimedia message, but the explanation is that it is entirely demonstrated and otherwise attributable towards placing the time of death at 22.15 on the assumption that if she had not been killed, Meredith would have called her parents that evening, who however had both already heard from her that sad day.

So even in this way, the petitioner notes the collapse of logical rigor of the argument, with use of continuous question of principle. We then have the completely illogical evaluation by the court of the evidence of the three women who referred to a heart-rending scream, around 23.30, justifying this invalidation by the simple fact of uncertainty at the time of its significance, and of the time when it occurred. But the testimony of two women witnesses who heard the scream are facts reported by credible and reliable witnesses, recognized as such by the same judgment, and therefore had probative value, especially as the same Amanda spoke of the cry in her memoire. It is considered as an inadequate *modus opinandi,* especially given that the local court did not dispute the scientific data, which led back the time of death with greater approximation, at around 23.30. Once again therefore the local court would fail in a petition of principle and in disjointed conclusions from the evidence available.

2.1.10 Lack of motivation, contradictory and illogical reasoning as to the genetic investigations. The territorial court (First Court) would assume as axioms mere opinions of experts, devoid of scientific value, even when the interpretation of a scientific phenomenon was not in question, but in fact a condition that can affect the interpretation thereof, only if proven: this is the case of the phenomenon of contamination of the specimens that the experts assumed was possible, looking good from providing reasons demonstration, contamination that has been placed at the base of the evaluation of substantial nonusability of genetic profiles. The reasoning of the judgment, settled on the evaluations of experts, would be this: even if one wants to share the findings of the forensic attribution of DNA extracted from the two objects (knife and hook), it cannot be excluded that the DNA was placed not by contact, but by contamination, arising in any of the stages in the examination by the reporting laboratory. The non-exclusion of certain events is not the same as their successful verification, and here we see the nth logical flaw, where the Court although they cannot actually affirm the contamination occurred, assumes such a contamination invalidates results of genetic testing carried out in the course of the investigation, adding that the onus of proof falls on the prosecutor, who has to provide the impossible positive proof of its non-occurrence. Whereas Prof. Novelli warned that it is not enough to say that the result arises from contamination, but its origin must be shown. The error of reasoning should be clear where the burden of proof is upon he who alleges it, not on the one who denies it: if the refutation of scientific proof concerns a factual situation such as contamination of a specimen, that fact must be specifically proven. Nothing was said in the judgment about how the DNA found on the knife blade and the DNA of Sollecito on the bra hook worn by Meredith could have resulted from contamination, considering the interval between which the two tests were made in the laboratory. Not only that, but it was said that there were no negative controls of contamination run by the forensic biologist and geneticist, while in contrast it turned out they had been carried out by the experts, nor were the experts able to indicate any specific source of contamination, confining themselves to saying that anything could happen. Moreover the same experts have instead shared the findings that led to identify the trace of Knox on the same knife that bore the traces of the victim, provided that if the error is suitable to invalidate the results of the analysis, everything is swept away regardless.

2.1. 11 Lack of motivation, contradictions and illogicality as the analysis of prints and other traces: also concerning traces imprinted with blood from a bare foot on the bath mat, as well as those shown up with luminol on the floor of the corridor due to bare feet of the two defendants, the territorial Court (of Appeal) completely distorted the meaning of the conclusions of the expert engineer Rinaldi, director of Print Section of the State Police, demonstrating that they had not fully understood that the limits highlighted covered all the footprints, accepting the absence of the minutiae that characterize the fingertips of the hand, on the foot prints and toes. But after criticizing the indicative value of the assesment, the court then ventured to attribute the bare foot o(print) to Guede, speculating against all probability (which showed he had both shoes on) that he had pulled off a shoe that was too dirty, in order to wash blood off the foot. Without anything opposed to the compelling arguments of the Court of First Instance that had discounted the arguments used by Prof.Vinci, technical consultant to the defence, who had used the Robbins grid for the alignment of the prints to be compared, starting from a different reference point to that used by the technicians of the Polizia Scientifica, in conformity with the directions on the specific point in the literature. As for the bare foot prints enhanced by luminol along the corridor of the house in Via della Pergola, the reasoning of the lower courts was considered illogical, that the prints would be compatible with that of the two defendants left on other occasions, since luminol enhances mainly traces of blood, and as there was no evidence that on the floor there had been other sensitive material sensitive to luminol; it can be argued that Knox and Sollecito had their feet smeared with blood during a previous occasion other than as a result of the murder (!) Even the traces collected in the small bathroom were spared from rejection, for the unreasonable reason that traces of blood containing the DNA of Knox and Kercher would be the result of a mixture resulting from the error of sampling by the crime lab that would have mixed together the blood of victim in the bathroom left by someone else, with other biological material of Amanda Knox already there before the crime. The argument would not even attempt to justify the singular coincidence of the presence of the DNA of Amanda in all traces mingled with the blood of the victim, failing to explain besides, the absence of the DNA of others that could explain who else had carried Kercher's blood there.

2.1.12 Misrepresentation of trial and illogical reasoning, violation of procedural rules, relating to the presence of the accused at the scene of the crime: Knox had reported to her friends, who testified on this point, that she had found the corpse, that it was inside the wardrobe, that the victim was covered with a quilt, that a foot was sticking out, that her throat was cut and that there was blood everywhere, circumstances she did not learn at the time when the door of the victim's room was broken open, since clearly at that time the two defendants were not present, so that the exact reality represented could not be considered the result of direct knowledge of the facts, before the door had been broken down, but only reconciled with the accused being present at the time of the event (murder). The behavior of Amanda after the discovery of the crime was therefore highly suspicious, but at the point the Court for no reason dismissed the relevance of the behavior after the crime, stating that the reactions can be different, whereas in this case you would not regard them as emotional reactions, but pointing to outside knowledge with alarming accuracy. Nor could it be overlooked that at 12.47 and 23.00 on 2.11.2007, Knox called her mother in America where it was three in the morning (before Sollecito phoned his sister at 12.50 and then dialed 112 (ie the police)), which call happened to be the middle of the night in America, before Kercher's body was found, which pointed to the young woman phoning her mother through anxiety within her before the body had been discovered. On this point, which constituted a profile of circumstantial evidence as examined by the Assize (First Instance) Court, the Courts of Second Instance attributed nothing.

2.1.13 Illogical reasoning in relation to Sollecito's call to the Carabinieri on the morning of 2.11.2007, when he said that there was no theft and that nothing had been taken anything away, whereas instead to the Postal Police, unaware that they had come to deliver the missing phiones, he said they were waiting for the police, having reported a burglary. Contrary to the view taken by the Judges of Second Instance, Sollecito correctly used the word 'theft', as a synonym for removal; Sollecito proved to be informed about the real situation, that nothing had been removed from the house, a circumstance to be considered to indicate the presence of the subject on the site, at the time of the crime.

2.1.14 Violation of procedural rules and illogical reasoning with respect to statements made on appeal by Guede: contrary to what has been delivered by the court papers, the Court of Second Instance blamed the prosecution for the fact that the Guede had never appeared, whereas it was mentioned to him, but he availed himself of the right to remain silent, yet being accused of an offense connected at that moment, something which did not concern him in the Court of Second Instance, when he had already passed final judgement. Therefore when it was heard, in Second Instance, Guede did not avail himself of the right to remain silent on the position of third parties and in fact had to respond, so the profile pertains to his reliability. The judgment of absolute unreliability expressed on the declarations of the same would not be correct, since Guede had never changed what he said about others being present, indicating always the current defendants. From a legal point was excluded the reference to art. 111 c. 3 of the Constitution and 526 c. 1a cod.proc.pen. concerning the unreliability of Guede, since Article. 210 c. 4 cod.pnoc.pen. enabled him not to respond in the first instance because he was defendant in a related process, art. 197 c. 4a cod.proc.pen., so he was not obliged to give evidence on appeal on facts on which sentence was pronounced against him, seeing that he had denied his guilt or had not made statements, so that Guede availed himself of the powers granted to him by law, and the founding of a judgment of unreliability on this constitutes an error of law. Guede made the statements that he was able to make, responding on the content of the letter sent to the television station in which he had indicated that the two defendants were present at the crime scene and how they were perpetrators of the murder; evidence on the point came from the memoriale of Knox in which she placed herself in via Della Pergola, when Meredith was killed. The reasoning followed by the Court of Second Instance, that Guede did not mention the two defendants in the chat that he had with his friend Benedetti - in which he said that he had been in the house in question at 21.00 – 21.30 – which shows that the two were not present, would be entirely without logical basis, since in the chat Guede had no intention to clarify the events, having tried to antedate his presence (which he could not deny) the house on Via Della Pergola.

2.1.15 Lack of motivation and manifest illogicality of the same regarding lack of simulation of the crime(of breaking and entering): the acquittal of the two accused of the crime of simulation, ‘because the crime does not exist’, not in their failure to establish criminal liability, but was instead the result of the paradoxical recognition of the responsibility of Guede, who was not charged with this, to have committed the attempted theft, and who also had been convicted by a final judgment under art. 238a cod.proc.pen. for the crime of aggravated murder, but not for the simulation of crime, recognized in the judgment of him, but considered attributable to others partaking in the crime. The arguments raised by the Appeal Court would not be able to support the opposite view to that put forward at First Instance in adherence to the available data, failing to show how the thief had been able to climb at night without a ladder, how absence of traces could be explained, given that the climb had to have been done twice, the first to open the shutters and the second after the launch of stone, how could it be explained that the broken glass were all found inside the house and had not prevented the ascent of the climber, who did not leave traces of blood on the windowsill. Then, if the thief had actually broken glass before entering, one cannot do not see how the glass could be found even under clothing. Furthermore we ask how the petitioner can explain this happening when Kercher was still

awake, why the thief would go to all this trouble and then not steal anything, except the phones of the above, once who became caught up in the killing frenzy, after a violent approach, also in terms of sex. The alternative hypotheses formulated by the lower courts would have to be tested by using inductive reasoning and instead not only were subjected to logical scrutiny and verification with the findings of the proceedings, but they were certainties which were made fallacious consequences arising from the initial hypothesis, with absolutely reprehensible circular reasoning.
2.1.16 shows contradictory and illogical reasoning as to the non-recognition of aggravating teleological links, considered in relation to the crime of slander. The Court of Second Instance in recognizing the crime of slander on the part of the Knox, excluded any relationship with the murder. It would not be explained how the Court inferred that the young defendant was stressed by the interrogation and therefore had committed slander in order to free herself from the questions of these investigators, since none of the young people who lived in that house, none of the friends of Kercher or others who in the days immediately after the murder were called and subjected to hearings, had the insane idea of committing slander to remove the weight of the same; it had to be considered that it was Knox who went to the police station of her own free will to accompany Sollecito; and those that the Court called interrogations were nothing more than summary information, to which the young woman was subjected without any forcing; the indication of Lumumba was by no means suggested by the police who asked Knox if she had simply responded to the message which he had sent and which resulted from his cell phone and the negative response of the young woman and the opposite appeared to be what she answered. But nothing had emerged before the unfortunate girl mentioned his name, even knowing him to be innocent. This conviction of innocence, however, could only have arisen from the fact that she was aware of the alleged offender as she had directly participated in the offense, whereas the Court of Appeal justified its conclusion by asserting that Knox was aware of the innocence of Lumumba because the lack of connecting elements between Lumumba and Meredith made her feel safe that Lumumba was extraneous to the crime, even if she was actually innocent herself and away from the house on Via della Pergola. In addition to being fallaceous in itself, the reasoning did not call into account the contrary facts, that is that it was really Kercher who was the intermediary acquaintance between Knox and Lumumba. The contradiction is thus manifest.

2.2 The plaintiffs Stephanie Arline Lara Kercher (the victim's sister) with the lawyer, Vieri Enrico Fabiani, Arline Carol Mary Kercher (mother of the victim) with advocate Francesco Maresca, John Ashley Kercher and Lyle Kercher (brothers of the victim), as well Jhon (sic) Leslie Kercher (victim's father), all also represented by avocato Maresca, seeking recourse with absolutely the same reasoning to a large extent modeled on those more fully developed in the appeal of the Procurator General of Perugia:

2.2.1 lack of reasoning over the order 18.12.2010, manifest illogicality and inconsistency with which it was prepared concerning a new appraisal on appeal: the only reasoning used in that decision for a renewal of scientific investigation was the difficulty of scientific appreciation, without detailing the deficiencies of the assessment carried out.

2.2.2 Manifest lack of logic and contradictory reasoning in reference to the application of Article. 360 cod.proc.pen., In relation to art. 192 cod.proc.pen.; the Court of Second Instance has underestimated that the investigations conducted were carried out in debate, where at the time nothing was pleaded as regards the activities of sampling and in the laboratory, nor were reservations made of their probative value, thus showing compliance with procedures. Not only that, but the Court supported the need to bring in new expertise to settle disputes created between the consultants, whereas on other aspects of a scientific nature the court without expert help would use scientific arguments of the consultants of defense of the accused, without giving reason for choosing these options. The uncertainty manifested should have prompted the Court to seek a "security expert" for the examination of all the exhibits used in the first instance, to support the conviction, without making a discretionary separation and graduation done the same, as if they had the same evidential value. The planned development of the inspection work by the first judges clashes with illogical and contradictory applications in the second evaluative judgment, both in relation to the footprint on the mat, the prints enhanced by luminol, the prints without biological profile, the traces of blood, profiles for which overturning the first conclusions was never adequately supported.

2.2.3 manifest lack of logic and contradictory reasoning in reference to the use of the principle of reasonable doubt in support of the Ordinance of 18.12.2010: the decision of conviction, and that of beyond reasonable doubt, could also intervene in the outcome of the experts commissioned in Second Instance, because the examination of the clues had to be global, joint, being able to be bearable in the fallacy of these assumptions being claimed, as long as the remaining were - as they should be - considered sufficient to achieve the necessary degree of certainty, because what you ask of the individual elements of proof placed in the evaluative circuit is to show credentials matching corresponding facts, at least with the preponderance of probability. The proof of guilt beyond reasonable doubt may rest on circumstantial pieces of evidence not all of which are equally certain, and so not carrying the same degree of probability.

2.2.4 Lack of reasoning in the decree of 7.9.2011 rejecting new appraisal requested by the prosecutor, contradictory and manifestly lack of logic of the judgment on this point: the Court denied the testing of the new trace found on the knife by the experts Vecchiotti and Conti, on the basis of a scientific judgment (smallness of the specimen) in stark contrast to the initial theme of investigation and especially disconnected from the evolution of the instrumentation used for this purpose.

2.2.5 Contradiction in the grounds of the orders issued on 18.12.2011 and 22.1.2011, contradiction and manifest illogicality of the judgment on the point, since the acquisition of the documents attached to the acts of appeal, had been omitted from any assessment, as is essential for such documents, in breach of Article. 603 cod.proc.pen. (eg. regarding the examination of Sollecito's computer). Not only that, but being mostly verbal defense investigations carried out after the First Instance judgment, these were deposited in a file pursuant on art. 433 cod.proc.pen., foreseeing the possible acquisition of the file of the proceedings only upon agreement between the parties, so that the acquisition made was in violation of the rules of the usability of the records.

2.3 Amanda Knox finally lodged an appeal through the medium of her lawyers against the judgment establishing her guilt for the crime of slander (chapter F), against Patrick Lumumba, raising four reasons:

2.3.1 breach and misapplication of criminal law, failure to comply with rules laid down under penalty of invalidity, contradiction and obvious lack of logic as to the offense of slander, for lack of the material element and psychology of the crime: it was the same court that considered slander to lie in spontaneous declarations and in the memoriale of Knox, recognizing these, however, as acts not representing a real event. If so then it manifestly did not match what happened, and the crime of slander would not be sustainable, because it lacks certainty and uniqueness and is not sufficient hypothesis, a slander, a suggestion proposed in the mistaken intention of cooperating with investigations. Not only that, but the track indicated confusedly by the young defendant needed be verified. It was stressed that acts of merit and evaluated in an accusation of calumny should be argued without the prior completion by the proceeding from information of certainty from the suspect (right of defense); the time interval would then be entirely lacking, warnings and questions provided for by Articles. 64, 65 and 364 cod.proc.pen. Also lacking would be the mental element, she lacking the full knowledge of the innocence of Lumumba: the ambiguous statement at 05.45 hours was to be interpreted in the light of the subsequent memoriale. Knox never had the intention to highlight the heavy intention that characterised the crime; with the exclusion of the aggravating circumstances, the judges of Second Instance gave note that there was no reason to accuse an innocent person.

2.3.2 Breach, failure and erroneous application of articles. 181, 191 cod, proc.pen. and 54 of the Criminal Code: the spontaneous declarations and the memoriale were taken in violation of the general principles of the protection of moral freedom of the suspect, seeing that the same was subjected to examinations and interrogationst on days 2,3,4,5, and 6 November 2007 finishing with the time of detention. The same girl was twenty years old at the time, was not familiar with the Italian language, was assessed based on statements made in a state of altered abilities of intention and volition as a result of pressure brought to bear, coming to say something untrue without having any awareness, driven only by the desire to get out of that situation. Not only that, but it had to be considered the extenuating circumstance of necessity in the face of an imminent danger that she could only avoid by giving a name to appease the insistence of the accusing investigators.

2.3.3 Breach of Article 51 of the Criminal Code: the overall psychological situation of Knox connotes the certainty she had to exercise a right of justification, also putatively extendable to the assessment and involvement of third parties, to which she showed herself to be extraneous.

2.3.4 Infringement of Articles 125 c. 3, 546 c. 1 letter. e) cod.proc.pen. as to the amount of the penalty that would have been imposed being much greater degree than the minimum, without specification of reasons, but by referring to the seriousness of the offense.

3. Have been filed, pending the discussion, a memoriale and additional grounds by the defense of Knox and a defensive memoriale on the part of the defense of Sollecito.

3.1.1 With additional arguments linked to the defense of Knox insists on the manifest contradiction and inconsistency between the reasons and conclusions of the PG, and the applicant alleges misapplication of Articles. 581, 597 and 614 cod.proc.pen. According to the defense, the PG Cassation plaintiff asked this Court to set aside the judgment of the Court of Assizes of Appeal 3.10.2011, referring to another court under Article. 623

cod.proc.pen., then asked for the cancellation of all the rulings of the judgment in question, both acquitted of that sentence, so by adhering to the formal request for cancellation of the defensive part of the judgment which condemns Knox for slander. In this regard, the PG has formulated specifically why no 10 of the application, regarding "the lack of recognition of teleological aggravation in the crime of slander" so that this Court would only have the ability to re-evaluate it and then cancel with reference, the annulment of the entire judgment being sought, even for the head of condemning Knox, thereby inhibiting further ruling on the point, given that the parties agree in formal conclusions.

3.1.2 a further added plea alleges infringement and misapplication of Articles. 63,64 and 374 cod.proc.pen. The appellate decision identifies the material element of slander in spontaneous declarations issued by Knox, the 6.11.2007 and subsequently signed memoriale by her, acts considered usable. The defense argues that the act referred to as spontaneous statements was in a major way an act pursuant on art. 64 cod.proc.pen., which has to be preceded by the incumbent fundamental of guarantee. In the judgment under appeal, that act is described as "interrogation", the same Court denies the profile of the spontaneity of the statements. If, therefore, this was an interrogation, then the general rules of interrogation would have been not only neglected, but violated. In addition, the young defendant was helped by an interpreter who not only translated, but forced the detainee to remember, which would be a technique used to influence the freedom of self-determination and to change the capacity to remember and evaluate the facts, with the result that there would be lacking the material element of slander. Not only that, but Knox that night was in a particularly psychologically disturbed condition such as to be unable to express free will, with the consequence that she could not be imputed for the false accusation of Lumumba, even when it was included in the memoriale.

3.1.3 In an attached submission, the Knox defense harshly contests the approach of the PG who has stigmatized a series of logical steps of the Court of Appeal referred to as *"petitio principii",* that is, as conclusions drawn from the same assumption. According to the defense, the sentence of Second Instance was structured on a paralogical analysis of the assumed evidence. It should be repeated that the theory of insufficient professionality by the investigators who wanted to defend the initial errors, in spite of successive developments of investigations and evidence, such as the arrest of Guede in Germany, the disavowal of the footprint of Sollecito in the house of the murder, the absence of motive, the presence of an alibi, the absolute insufficiency of genetic material for any relevant analysis, carelessness in the application of international protocols of genetic testing, the presentation of unreliable witnesses such as Curatolo, Quintavalle, Kocomani and Monacchia, who offered their contributions only a long time after the events.

As for the alleged charges that the Judges of Second Instance have parceled out the clues, the defense contends that the elements for the prosecution did not have the probative value due to their lack of seriousness, such that linking them was impossible with extensive and comprehensive scrutiny of the possible changes.

Totally incongruous is the charge concerning non-utilization of the judgment against Rudy Guede, given that the judgment of the Supreme Court should be to reject the proposition of involvement in the offense.

As to the disputed assessment of the memoriale drawn up by Knox on 6.11.2007, at about 12 noon, it is done to detect that the memoriale, examined and eventually as written by the Judges of Second Instance, did not deserve reliability in material respect, as it does not represent the actual situation of the story. This is in the light of what gradually emerged.

As for expertise on appeal, the Assize Court of Second Instance held there to be appropriate reasons of having to have a new assesment, in the presence of decisive tests, in a particularly complex area, asking the opinion of experts of particular excellence, not considering themselves capable of making a correct decision. Nor would they merit the deduction on the methods used in First Instance, who had not regarded the two artifacts as objects to be assessed on appeal. As for the rejection of a third examination, it was suitably substantiated by the fact that the traces could never lead to a convincing answer, nor be of assistance to the Court in its search of the truth.

On the witnesses (Aviello, Curatolo and Quintavalle), adequate reasons were offered as to their unreliability, on the insufficiency of the evidence, on non-correlation of the evidence, and the uncertainty of fact.

As to the hour of death, the Court of Appeal would not have denied the relevance of scream and noises heard by three excluded witnesses, but found ambiguity and vagueness in the circumstances and thus in their ability to determine with certainty the time of death.

On genetic investigations it should be recalled that international protocols were not followed concerning "low copy number", which cannot be exceeded, otherwise the result is unreliable, uncertain, imprecise and therefore cannot be raised to the level of evidence. This is in contrast with the assumption of the prosecutor that it would be pretentuous to claim that the defense, which does not participate in the acquisition or preservation of evidence, be burdened with a charge probatively impossible to perform. It should be remembered, by way of example of the shortcomings, that the knife was kept in a diary box and that the bra clasp of the victim was found forty days after the murder.

As for the print on the mat, the court after a long debate came to its conclusion, based on each point advanced by the parties and on the merits of the propositions.

Finally, no value could be attributed to the fact that Knox made multiple phone calls to her mother when the facts were emerging and the information was contradictory and incomplete.

As to the censorship on the simulation of the offense, the Procurator General once again deduced essentially a distortion of the facts that was ruled out in this (Appeal) Court.

Finally, we submit inadmissibility of the appeal on the part of civil party John Ashley Kercher, on grounds of tardiness, it having been filed it on 17.2.2012.

3.2 In its defensive submission, the Sollecito defense observed how the impugnment took no account that the true anomaly was pronounced in the Court of First Instance which was based on unreliable findings, while the genetic expertise displayed in the Second Instance would allow him to chip away at the prosecution's theories, based as they were on flimsy conjecture, as well as on technical analysis of no substance. It is then inferred, primarily on the inadmissibility of the recourse, all the indications of which are that the solicitation of a third judgment on such grounds is not permitted by our procedural system. It is to be remembered that criticism of the choices made by the trial court, concerning the relevance and reliability of sources of evidence, are excluded.

With regard to the deduction of begging the question, a complaint which assumes the tendency of the Assize Court of Appeal to circumvent the issue through the use of circular arguments, in the opinion of the defense this would be vague, so vague as to be a lamentable violation of the principles of due process for the Court to neglect those aspects supporting the prosecution’s case.

The acquisition in probative function of the judgment entered against Rudi Guede could not have binding effect, as correctly found, in the face of data that emerged, which disproved the hypothesis of competition. The alleged lack of consideration of the memoriale incorporates a censorship that invokes a question of fact not permissible. Especially since the Court of

Second Instance gave proper reasons concerning the psychological pressure Knox was under, the state of emotional shock besetting her was also confirmed by the interpreter Anna Donnino, which led her to mention Lumumba, statements that could not possibly be used to represent the reality of what happened: in fact, the defendant was a young twenty year old, American, recently in our country for study, with little command of our language, who was suddenly thrown into a situation unknown to her, held at police headquarters , subjected to very considerable psychological pressure and heard without the presence of a lawyer.

The injunction which was placed by which the genetics experts were charged in Second Instance was amply explained and does not merit censure, since the first judges had considered that the overall contribution coming from the dialectic of the consultants would allow the court to have a clear perspective of the issue, while the Judges of Second Instance have, however, considered that the identification of the DNA in some samples and its attribution to the profile of the defendants was particularly complex to assess, due to the objective difficulty by persons other than those with scientific knowledge. In essence, in the view of the defense the Court was fully entitled to call for expertise in the perspective of the review of the judgment, not being qualified to make technical scientific appreciation in complete isolation, without recourse to experts.

As for trace B on the blade of the knife, technical assessments were considered unreliable, since there was no evidence of a probative nature, of blood on the trace; the relevant sample was in *low copy number*, therefore requiring the adoption of the precautions indicated by the international scientific community, which is why the trace could not be considered to be ascribed to the victim Meredith Kercher, it not being possible to exclude that the result from sample B on the blade of the knife resulted from contamination occurring at any stage of the sampling and/or handling. On the trace 165B on the bra clasp of the victim, there was a misinterpretation of the trace of the autosomal STRS, misinterpretation of the electrophoretic pattern on the Y chromosome, international procedures and protocols on site not having been followed for the collection and sampling, so that it cannot be excluded that the results obtained were derived from environmental contamination, or contamination in any step of the sampling and/or manipulation. Therefore the initiative to send in experts has proved, according to the defense, with the supportive science, the absolutely necessarity to attest to the unreliability of the methods used by the Scientific Police, both in the stage of reporting, and in the stage of analysis.

The fact that the commissioned experts declined to evaluate a genetic analysis of a new trace sampled by the experts on the blade of the knife (trace 1), near the point where the Dr Stefanoni had detected a trace of Kercher, is adequately supported by the fact that the result could not have been trusted for reason of non-compliance with international protocols, given the insufficient quantity. The refusal of expertise then is not one of the complaints made to the Supreme Court, nor would the presence of a sample giving evidence to the contrary, given that the prosecution had not formulated at the time of appointment requests and observations in this regard.

The failure to hear Aviello is the result of a correct procedure, since the prosecutor had argued on appeal that the witness was untruthful, so it was natural that he should be denied a new hearing. Especially since the witnesses Chiacchiera and Napoleoni (investigators) repeated in the Second Instance that he should be discounted as completely unreliable. The fact that it verbal statements from Avioli were delivered to the Court, without him being willing for an adversarial hearing, does not allow you to plead the uselessness of the act, since it is the public party that has argued the nullity.

On retaining as unreliable the witness Quintavalle, the Courts has correctly highlighted the emergence of the witness only after one year from the event, in spite of the fact that when he was heard immediately afterwards he did not reveal that he had seen Knox. In this case to claim a re-evaluation of the testimony is not allowed, assuming the testimony was properly considered by the judges of the Second (sic) Degree, on the supposition of temporal distance with which his contribution was offered to investigators. The statement of the witness was also compared with those of his employees who have reported prospective doubts on Quintavalle concerning his precise identification. Therefore it would be illogical reasoning, since the lack of logic must be perceived *ictu oculi*, being irrelevant despite small inconsistencies.

Likewise on the evidence of witness Curatolo the petitioners made a new foray into the merits, where the court gave ample reason for the unreliability of judgment expressed by the decay of the mental faculties of the man, by his personality (being burdened with a criminal record) and especially by the subsequent acquisition of facts showing conflict with his version, namely that the night he saw the two defendants on the square was designated by him as the evening of Halloween (October 31), since there was a lot of activity with many young people waiting to be driven with the coaches to the clubs, and this contradicted the witness. The proposal would therefore be inadmissible as well as irrelevant, not even applying the lamentable illogicality and inconsistency of the decision.

As for the time of death, the Court of Appeal will have recognized the difficulty of fixing the time of death based on medical-legal criteria, excluding that the vacuum could be filled by resorting to arguments of speculative nature, such as those offered by the witnesses that they referred to a scream or steps on the path adjacent to Via della Pergola, timing uncertain. But the point is reiterated that the judicial review is limited to monitoring compliance with the criteria established in the evaluation of the evidence, based on conventional parameters for completeness, correctness and reasonableness of the motivational speech, where what is not possible is a new finding of fact in the sense of repetition of the knowledge of the trial judge. The Appellate Court would also have focused on the declaration of Guede to a friend and in his explanation of its free conviction to assess that conversation, retaining it as useful for the given time, given the massive evidence that declaimed his presence at the scene of the incident. On the equivocal meaning of the scream accredited by the witness Capezzali, the Court would have opposed the likelihood of a series of elements that had a closer connection with the movements and intentions of the victim. No alternative reconstruction is permitted, but only to verify if the justification is compatible with common sense and with the limits of plausible opinion.

On genetic investigations, the judges of the Second Degree are linked to the experts' conclusions, which arise without them being obliged to provide independent scientific demonstration of the accuracy of the expert's thesis. The argument of the petitioning Procurator General is thus a general complaint, without solidity, given that the Judges of Second Instance have fully and logically evaluated the scientific data, drawn from consultations, obtaining a final unimpeachable evaluation, having taken account of the various positions.

As for the print of the bare foot, attributable according to the Scientific Police to Sollecito, found in the bathroom of the house on Via della Pergola, the defense points out that contrary to what the applicants claim, the appeal judges will be limited in the view that the mere plantar footprint without great individualizing characteristics, was not in itself sufficient to identify the person to whom the mark refers, and with an absolutely consistent reasoning showing a probatory value lacking in persuasion. In this framework, the Court of Second Instance has evaluated the considerations of Prof. Vinci which highlighted the morphological characteristics of the foot of Sollecito, represented by the significant absence of continuity in the reference impression collected by plantar inking and subsequent support of a sheet placed on a smooth surface, highlighting that in the resulting print the big toe and metatarsal were united in a single blood stain. Then the judges came to the conclusion that if it had been Sollecito's footprint, the big toe on the mat should not have a quadrangular shape, since the impression left by the comparison of Sollecito's right foot would show a triangular toe. The claims made by the applicant are lacking in merit, urging an alternative reconstruction of the story.

On the trace enhanced with Luminol, the applicant seeks to force the seal of the reasoning with weak arguments (such as the fact that it would be illogical to think that the two lovers had had their feet smeared with blood from murder on a different occasion), since as noted by the Court of Appeal, the test results on reports of the SAL laboratory of the Scientific Police on these prints recorded that the generic test for blood was made on these prints, with negative results due to the paucity of biological material available.

On the trace of blood in the small bathroom of the house in Via della Pergola, containing the DNA of Knox and Kercher, the defense contends that the comments made by the lower courts, that in sampling by rubbing from the edge towards the outlet and vice versa on both sides with the same tampon, in the sink and bidet, was not suitable for a secure result, cannot be contested.

On the presence of the accused at the scene of the crime, the applicants propose evaluation of facts anchoring them to the statements of Knox on November 2, in the call to her mother, to the call by Sollecito to the Police. In the judgment of legitimacy, the defense argues, the synthesis of relevance of indicative procedures cannot consist of a reconsideration of the gravity of the clues, such as to lead to an appreciation of their merit.

On the value of the statements by Guede on appeal, the defense insists that the bias during the trial of the two defendants, in First Instance, did not allow his examination in front of the defense, so it was correct to say that he was never questioned. The fact that it was evident that Guede had to represent in a letter sent to a television station, that the two lovers were present at the place of the crime, and were the perpetrators of the murder, conforms to the parameters that govern contradictory evidence, such that this written statement has no evidential validity. All the more so since after Guede had escaped and had a chat with a friend, he made no mention of the two lovers as authors of the crime. Moreover, the judgment of the total non-credibility expressed on Guede is declared by the Court of Legitimacy (Supreme Court), in the final sentence of his condemnation of 16.1.2010.

As for the simulation of the offense, the plea advanced on the point would be equally unacceptable to the defense, as proclaiming the innocence of Sollecito, the lower courts had not been able to do other than to deny the existence of the fact; given the fact that the offense was considered to exist in summary proceedings that saw Guede, does not constitute an aporia, since the conclusion was arrived at in the light of a much more limited outline. The Appeal Court found specifically that they were at least two and more persuasive reconstructions of historical fact, so has to undermine the foundations of the conviction that only presupposed Sollecito and Knox could have had an interest in simulating the theft.

On absence of recognition of the teleological link with the crime of slander, the defense is interested albeit only indirectly as the deduction directly concerns only Knox, noting that more than denouncing this as a vice, a different appreciation is called for. The defect should lie in the evidence concerning its causation, or by other acts of the process set out in the grounds of appeal, where the applicants should have drawn attention to the pleadings which does not at all contradict the judgment under appeal, there being a large number of documents that can prove the stress condition to which the defendant was subjected.

Finally, with regard to eavesdropping, the defense complained that they have been extrapolated by the applicants individual details, failing to take into account all the other factors showing in a convergent and unambiguous way the existence of shock resulting from the pressure experienced by Knox .

Provisions in law

The appeals of the Prosecutor General of the Court of Appeal of Perugia and those of the civil parties are reasonable and should be accepted, as was requested by the Procurator General at the hearing. In reference to the appeals of the civil parties Kercher, that the defenses of the defendants referred to as filed on February 17, 2012, requesting a more or less expressed in the Declaration of inadmissability, it must be said that at the foot of the contested judgment the date for filing the appeal on the day of 14.2.2012: the lawyer Maresca, defender of the relatives of the victim, showed up at the hearing on 25.3.2013, the accuracy of the registration, producing a copy of the documents filed at the Registry of the Court of Florence, pursuant to art. 582 c. 2 cod.proc.pen. The appeal filed on behalf of plaintiffs Kercher is not exposed to any relief on its timeliness and must therefore be declared admissible. Instead, the appeal filed by Amanda Knox, in relation to the sentence imposed for the offense of slander against Diya Lumumba, known as Patrick, must be rejected, This is the start of the judgment that will be developed in this motivation, which must be preceded by a brief introduction on the parameters that have moved this Court, and led to the decision.

1. - (Introduction to the limits of the role of this Court)

1.1 The compendium of evidence collected and processed in the two sets of proceedings on the bloody act in which the victim was a young British student, is undoubtedly an indicative character, since we are lacking sources that directly saw or recorded the crime. This does not mean that the so-called critical or indirect evidence have lesser capacity than direct evidence, since the evidence is qualified by its content and its degree of representativeness. What is relevant is the logical procedure, through which from certain premises is affirmed the existence of additional facts *"the same way as canons of probability with reference to a possible connection and likely events, whose sequences and recurrence may occur according to the rules of common experience "*(Section A. Civ. 13.11.1996, n.9961): with art. 192 this was introduced c.2 6 - 6 as was mentioned in a recent arrest of this Court (Section I, 20.12.2011, n.47250) - the rule operating in the civil trial with respect to those elements which cannot be recognised as having the same persuasive efficacy as evidence.

The living law has developed solid evaluative parameters in terms of absolute uniformity of adversarial procedure, which they send to the trial court to carry out a double operation: first is the obligion to undertake an evaluation of those elements indicative in character individually to determine whether or not the requirement of accuracy and ability to detect it, that is usually in terms of mere possibility, then must come an overall examination of the elements, in order to determine whether the margins of ambiguity, inevitably related to each (if they were not present uncertainties you would have regard to true and correct tests), can be overcome *"in a unified view, so as to permit the allocation of the crime to the accused, even in the absence of direct evidence of guilt, on the basis of a complex of data between them without gaps and logical jumps, necessarily leading to this outcome as strictly consequential"(*Section I, 9.6.2010, no. 30448, Sec. A. 4.2.1992, no. 6682).

1.2 The trust of legitimisation of this Court on the logical process that allows us to come to the judgment of attribution of the fact with the use of inferences or maximum experience is directed to ascertain whether the trial Court has indicated the reasons for its belief, and if these are plausible: the audit must be performed in terms of ascertaining whether the Court had taken into account all the relevant information present in the file, thus respecting the principle of completeness, if the conclusions adopted can be said to be consistent with the material acquired and found to be legitimate criteria of inferential and logical deductions unexceptionable of advancing the argument, respecting the principles of linearity and non-contradictory logic of reasoning. The subject of election of the Supreme Court is therefore the evidential reasoning, then the method of assessment of evidence, encroachment into circumstantial summary not being allowed. This has in fact been underlined in Article. 606 c. 1 letter. e) cod.proc.pen. which precludes the Court from undertaking a re-evaluation, but does not hamper it in any way from verifying if the assessment took place according to logical criteria *"if that is the criteria of inference used by the trial court may be considered plausible, or if they are permitted to different methods, suitable for finding different solutions, equally plausible"* (Section IV, 12.11.2009, n. 48320). It has been recorded that this task was entrusted to the judge of legitimacy already occurred before the reform introduced in letter. e) art. 606 cod.proc.pen. with law 46/2006 and with news that the vice of misrepresentation of evidence has been brought in the bed of lack of reasoning, without thereby reshaping the scope of the ballot remitted to the judge of legitimacy, allocating, however, to the Supreme Court limited access to the records of the same, without the need for an assessment of them, but by their very explanatory value, whose contents are such as to undermine the conclusions that are reached by the judges of merit.

1.3 It is therefore according to these valuation parameters, in strict compliance with the route marked by legislation that does not allow trespassing, that this Court has conducted an examination of multiple profiles of violation that the Procurator General and the defenses of the civil parties have advanced in the seat of recourse, coming to the firm conclusion that the contested judgment suffers from an incorrect processing of all available evidence, not coordinated properly, having drawn conclusions incompatible with the acquired data, in open violation of the principle of the completeness of the evaluation and the principle of non-contradiction, shown to have overlooked significant evidence that had been placed at the base of evidential reasoning of the First Court, without adequate justifying arguments. In addition, the contested decision *ictu oculi* presents a fragmented and atomistic evaluation of the evidence, items considered one by one and with their demonstrative potential then discarded, without a broader and more complete evaluation, to operate on full beam, so that the fragmentation of the individual elements has chipped away at the valency and the thickness, such that there inevitably follows a disjointed scrutiny of their necessary synthesis, ignoring the value that the pieces of the mosaic take when evaluated synergistically. The missing unitary examination failure has prevented gaps that inevitably each clue brings with it being filled with exceeding the limit of the ability to prove of themselves the existence of the unknown fact, given that *"the set can take on a meaningful and unambiguous demonstrative meaning, from which can be achieved the logical proof of the fact…. that doesn't constitute an instrument less qualified, in respect to direct or historic proof, when followed with rigorous methodology that justifies and sustains the profile of the so-called free conviction of the judge* "(Sez. Un. 6682/1992 cited above). This rule recalls the ancient maxim that "*quae singula not probant, simul unita probant*".

2. (The conviction of KNOX for the crime of slander).

2.1 The item of conviction of Knox for the crime of slander to the detriment of Diya Lumumba has been the subject of complaints, both by the defense of the accused, and by the Procurator General, who objected to the exclusion of any connection with the murder and the lack of recognition of the finality of this criminal action to distance the investigation from the real perpetrators of the criminal act.

The judgment of First and Second Instance are convergent on this one fact, that the young American, subjected to stringent requests for information by the investigators in the days immediately after the act of violence, also because of the fact that she was profiled as the only one of the young inhabitants of the apartment *locus commissi delicti* with an available key for access present in Perugia on the evening of the facts (other than the victim), has unjustly inculpated Diya Lumumba of the crime of murder and violence against Kercher. The overlap of assessment on this one point is due to the strength of the given facts, of a documented nature, given that the accusation was "*wrapped up*" in the memoriale, 6.11.2007, in which Knox wrote that she could "*see Patrick as the murderer*" and in the verbal declaration of spontaneously made statements, even if in the depths of night, a few hours before by the accused, who indicated Lumumba as the perpetrator of the homicide. The incident happened clearly after Knox had denied responding to the message that Lumumba had sent her, communicating that it was not necessary for her to come that evening to the pub that he managed, so that when she was shown the contrary, she collapsed emotionally and made the false accusation. That the young woman was perfectly aware of his innocence emerged from the content of an intercepted conversation on 10.11.2007 with her mother, which was recorded and therefore could not give rise to doubts of her subjective state that marked the absolute failure to make clear immediately to the investigators that the indication she had given them was false, even less in the next few days, since according to her, she felt strong remorse. According to the Judges of First Instance, since the young woman had no reason of anger to involve Lumumba with such a serious accusation, so freely, her action was inevitably attributed to a *commudus discessus* undertaken to distance herself and her co-defendant from whichever other suspect and to close off further investigations that could involve both her and Sollecito. In the eyes of the Court of Appeal instead, the name of Lumumba was given by her to the investigators, in order to overcome without further consequences at a time of unbearable psychological pressure that she was under, to the extreme insistence and force being applied in order to make significant progress in the investigation. It seemed in the opinion of the judges of the Second Degree, that if Knox had been in Via della Pergola at the time of the murder, the easiest way to defend herself would have been to indicate the author of the murder. Therefore, according to the judges of Second Instance, even if were to be ruled out that the stressful situation had been such as to limit her ability to understand and wish, the false incrimination, in view of the lack of connection between Lumumba and Kercher, was rationally reconciled with the fact that Knox could not have been present at the *locus commissi delicti*. The given historical fact of slander was not elevated to the rank of element in the indictment, neither considered in isolation, nor as part of an overall assessment of the available evidence, which as is easily understood was never made (p. 34 and 36 sent. CAA) .

2.2 It is good to admit, in refutation of the claims of the grounds for appeal of the defense of the defendant, which is the principle stated by this Court with the continuity that the news of crime may well be drawn from the statements of the person subjected to preliminary investigation, although in cases unsuitable for the lack of warning pursuant to art. 64 cod.proc.pen. is that therefore one can correctly ascribe the crime of slander to the declarer, based on indications from unusable accusatory statements contained in the act of an anulled interrogation (Section V, 30.9.2010, n. 45016, Sec. IV, 12.5.2009, n. 36861). The extreme crime of slander was sustained by both the Courts of Merit, since the offense is applicable even when used by the suspect to defend herself, not merely to support the groundlessness of the accusation against her, but to provide precise information direct to establish the liability of other parties, who she knows to be innocent, given that the right to remove oneself from any accusation is limited by prohibition to accuse innocent third parties.

The given objective is therefore absolutely undeniable, as agreed between both grades of justice, whereby from the point of view of the subjective argument assumed, according to which the young woman with extreme misconduct gave the name of Lumumba purely to escape from a situation of intellectual discomfort caused by the excessive zeal and unjustifiable force of the (police) investigators, could not have any foundation, given that as noted, the indication of Lumumba was maintained after the first statements and was reiterated in the memoriale, written in solitude and at a time after the first uncontrolled reaction, in the wake of a growing call for a name by the police. Knox, although very young was a mature girl, with an adequate cultural level, born and living in a State whose law does not permit a person to freely accuse others, just to rid oneself of an awkward situation. Thus she was in a condition, even after an initial, even long moment of confusion, amnesia, confusion, to regain control of herself and understand the gravity of the conduct she was engaging in; at least in the days immediately following the made-up initiative, she could have reported to the investigators that she had set them on a false trail, with the support of the defense, because in the meantime, she had taken on the role of accused. The protraction of this criminal attitude (discovered only after the recording of a conversation with her mother) marks a clear divergence from a behavior to be interpreted in terms of collaboration, as the defense suggests and cannot be accepted in response to a state of necessity, the existence of which is linked to a condition of inevitability and hence to the non-existence of alternative ways, so that it cannot be recognized even as erroneously imagined. Nor can the exercise of any right be validly invoked, given that the right of defense does not extend, in any sort of state law, to the point that so heavily involves an innocent person, who it should be recalled, underwent a period of imprisonment solely and falsely on the basis of false indications of the aforementioned. It has been said that regarding the relationship between the right of defense and slanderous accusations, in the course of proceedings brought against her the defendant cannot be denied, even lying, the truth of the statements unfavorable to her, but when going beyond the strict functional relationship between her conduct and the refutation of the imputation, not merely reiterate the non-existence of the charges against him, but take more initiatives to involve third party – of whose innocence she knows - it is beyond the mere exercise of the right to defense and realising, at the expense of the agent, all the elements constituting the crime of slander (Section VI, 16.1.1998, n. 1333).

This reality could only weigh also in the sanctioned treatment that has been appropriately related to the gravity of the offense, with motivation logically supported on this point. The appeal then of the defense must be rejected as was anticipated: the reliefs advanced concerning the memorale, to which the Procurator General referred, requesting annulment of the judgment under all heads, both in regard conviction for slander and absolution of the conviction, advanced by the Knox defense, regarding the cancellation of the judgment of blame for slander, does not have merit, since the PG had to invest this Court, in point 10 of his application (p. 98 et seq.) with request for annulment of the judgment of conviction in the head for the crime of slander, only in the aggravating point arguing for reliefs founded the manifest lack of logic in the evaluation of Judges of Second Instance, which would have confined that heavy reality almost to the rank of a detail, insignificant in the economy of reconstruction of the bloody deed.

2.3 The complaints of the PG are based, not only in regard to the isolated assessment of the probative data, but because the discourse of justification suffers from very weak rules of inference, failure to consider all the evidence and inadequacy in the advance of logic. First it must be said that as noted by the PG, the Court of Second Instance neglected at least a couple of inputs, the evaluation of which does not support the conclusion adopted. This is the content of the conversation between Knox and her mother in which the same said she had been forced by the aggression of investigators (as Sollecito also contended), spoke of the condition of solitude in which she wrote the memoriale, quite different from those considered by the Court that thus disregarded data with greater level of objectivity. Second, the claim that there were no connecting elements between Lumumba and Meredith was dissected apart by procedural information, and in particular from the indications of Lumumba himself, who said he had been introduced to Kercher by Knox. The passage of the judgment in which it was justified that Knox had considered the innocence of Lumumba is therefore manifestly illogical, although distant from the scene of the crime (and therefore not aware of the identity of the killers) on the assumption of the absence of evidence connecting Lumumba and Meredith: the argumentative passage as well as an inference besides is very weak, in contrast with the flow of information gathered and inadequate to overcome the level of logic on motivation in the paragraph of the judgment of First Instance, which is more plausibly connected to a desire to slander, and a wish to mislead. Not only that, but the justifying argument still leans to the side of strict censure, whereas in a true and proper conjectural drift, it has been argued that to build a story around

Lumumba's name was not difficult, because many particulars and deductions were circulated in newspapers, affirmations among which lacked a link to the facts of the case, which consigned the name of Lumumba to the newspapers only after publication of all made up expressions and sounds completely disconnected from fact which the slanderer constructed, which could not be worked out by the effort of the investigators alone, given the serious consequences that her conduct was to produce, especially for poor Lumumba, but also for the defendant herself. Even more illogical is the passage of the judgment where it was written, to exclude the presence of the young girl (that is to say Knox) in Via della Pergola at the time of the offense and justify the release of whatever name came into her head, "*if she was really inside the house in Via della Pergola at the time of the murder, the easiest would be to indicate the true perpetrator of the crime ...* " (See p. 33). This *modus opinandi* reveals a totally inadequate assessment of the facts, which overlooks that among the plausible hypotheses to be considered should be taken count of the fact that the aim of the lie could have been to direct the investigators away from the person of the defendant, who was holder of the keys that had given access to the *locus delicti commissi* and an inclination to demonstrate exactly what she wanted to demonstrate. The complaints made by the PG are correct on the construction of hypotheses that are pure speculation, on contradictions and fractured lines of reasoning on a crucial point in the economy of the reconstruction of her presence at Via della Pergola, warding off the finalization of judgement of the fact of slander.

The reasons for the judgment to be set up on the correlation between the fact of slander and the more serious crime of murder and therefore on whether or not the teleological link challenged and considered, is manifestly illogical and should be reformulated within the parameters of greater plausibility and greater adherence to information flows, and having missed a critical analysis about the plausibility of connection supported by the first judges. The passage is fundamental in the economy of the reconstruction, because the profile impinges, far from irrelevant, on the presence of the young girl inside the house at the time of the murder, a presence that although not automatically indicating proof of participation in the homicide, is such as to illuminate with intense light of the development and the protagonists of the horrible crime.

On this point, the judges in the new trial must proceed in light of the most suitable parameters for the evaluation of available evidence.

3. The simulation of theft.

3.1 With the reason discussed on page. 93 of the submission, the Procurator General has complained with soundness against to the reconstruction made by the Court of Appeal, on the facts established in the immediacy of site inspection in the *locus delicti commissi*, held to point to simulation of crime, arguing that it is interwoven with factual inferences arising from conjecture, and no reliable evidence base, in sharp contrast, among others, to reconstruction made in the context of trials held against Rudi Guede to the crime of murder, concluded with a judgment of this Court dated 16.12.2010, under which the simulation was deemed to be definite and certainly attributable to entities other than Guede.

According to the judgment of First Instance, Guede had no interest to simulate the theft (and in fact was not sentenced for that offense, even though the fact was discussed in the judgment that he was given, accepting that it had occurred), where the interest was recognised to be in the hands of the person who allowed Guede to enter the lodging of the young student, using keys (given that no force had been detected.) The simulation of the offense was deemed to exist on the basis of a set of data of high demonstrative aptitude, constituting a valid inferential basis, which was followed by a logical dissertation from p. 35 to page 42 of the judgment of First Instance, which is anchored in: 1) the fact that nothing was missing from Romanelli's room that had been targeted (even jewels and computer), 2) the fact that there were no evidence of climbing on the outside wall of the house to cover the distance of 3.5 meters between the ground floor and the window from which the mysterious thief would come, and there was no trace of trampling of plants on the ground below the window, 3) the fact that there were no traces of blood on the window sill from the climber who would have been cut by shards while sneaking inside the room, 4) the fact that the glass shards were found inside and not all outside the window, a sign that the stone had been thrown with closed shutters that formed a shield and prevented the fragments from spreading outside, 5) the fact that the pieces were abundant over the clothes and objects that would have been ransacked by the thief, which showed that the ransack had occurred before the glass broke, 6) the fact that the noise of the rock, in the event launched from the ground, would have aroused the concerns of the young English woman, so as to make her ask for help outside the house, before being attacked (the expected useful period of time between the two operations and the launch of the climb). The analytical dissertation of the first judges, in the light of these insights into the improbability of the dynamics that accredit entry into the house through the window, not only for the hard work, but also for the uncertainty of success which it presented, for the reiteration and the noise of the movements that would have attracted the attention of those who had passed on the street, has been entirely overlooked by an overlapping axiomatic assumption, excluding Guede from interest in simulating the theft.

3.2 According to the path followed by the Appeals Court, the only one with interest to simulate would be Guede, who just entered the front door of the house, after the tragic event, would have wanted to distance the suspects from himself: that assertive statement, was not recognized, because undermined by contradictions and result of failure to take account of the acquired data permanently on record. The judgment was to condemn Rudi, not contradicted on the point by new emergings, had occasion to remark that the traces of blood on the shoes mentioned that he marked the path followed by the room of poor Meredith, to the external door of the house, without going into Romanelli's room, since as was written, the traces of the victim's blood marked the path followed by Guede, without any deviation. Therefore, the Appeal Court decision on the point is in patent collision with objective data contained in the acts of the process, who reject the argument on the interest to the simulation, already deficient in terms of logic. The reference to the personality of Rudy and the fact that he was accustomed to commit crimes of trespass and had also accumulated experience to climb the walls of three meters and a half to launch from the ground, late at night, using stones of ten pounds to break window panes, certainly cannot be considered to reinforce of the weakness of the method used, since these are really conjectural driftings, without dignity in a discourse of justification duly anchored to all the objective evidence that emerged in the process, coordinated with each other in an *excursus lineare*, with no falls. The argument below shows the multiple fractures in logic: even if it were assumed that the thief had made the first ascent to open the shutters just pushed together and then still in the dark was back on the mound to throw the stone of eight pounds in the room, data with a demonstrative attitude listed in the judgment of first instance cannot be neglected: lack of shards on the outside, the difficulty of access to the interior for the thief to the presence of the fragments on the sill, failure to alarm the young woman Meredith from the noisy launch of a stone of four kilograms, and the presence of numerous shards over the clothing. These junctions in the argumentative course have been totally neglected, having been pivotal in the reasoning of the Court of Appeal, given the personality of Rudy, which indeed could not constitute a solid inferential base. But even more inconclusive and tautological is the passage of motivation in which, reflecting the fact that breaking of the window would have taken place before the entry into the victim's room (and was therefore the work of a real thief), was rated the fact that a small piece of glass was found next to the foot of the victim:

the demonstrative weight of this in a defensive sense was nil, because it is absolutely compatible with the contrary hypothesis that after the murder, while Rudy had to flee out of the room of the victim to gain the door without detour (as stated in the judgment of condemnation), others would have remained at home to recompose the scene and simulate the theft and in doing so they could carry a rock, maybe at the moment they covered the corpse. Thus from this passage is demonstrated that what it means is it had yet to be demonstrated, with a further collapse of argumentative rigor. The reconstruction work is missing adherence to information flows, also in another respect: it exceeded the target figure for the presence of at least a substantial part of shards of glass above and not under clothing (just as the rest was also documented by photographs and the recorded images) demonstration that the break-in followed and did not precede the ransacking, using an argument devoid of plausibility and leveraging on the frenzy of wrecking by the thief. Symptom of incompleteness of the evaluation is then the enhancement of the fact that after almost two months, Rudy was found with wounds to his right hand compatible with the breaking of the glass of the windows, given that the data could have meaning if there had been ascertained traces of blood of the same, lost at the time of the hypothetical entry through the window with broken glass, a fact which was not recorded and then because it had been denied by friends (Crudo Alex, Crudo Sofia and Philp (sic) Maly) who did not notice any injury on the hand of Guede on 2 November 2007, before his flight to Germany, as was written in the judgment of Guede, acquired during the act and ignored by the Court of Second Instance (*vide infra).*

3.3 The manifest illogicality of the judgement of Second Instance, also in this second passage, is of significant importance in the reconstruction of the facts, seen through an incomplete reading of the acts, seen by the application of woefully inadequate inferential criteria, making leverage on the personality of the person who has been convicted of murder by final judgment (judgment which also had to recognize that he was not the only author), as well as an evaluation method not following the principles of process. Once again, the judgment reflects the fragmented vision, whereas if the pieces had been made to connect with each other, they could provide the result of their osmosis and could lead to a more complete assessment. As noted, the simulation of the offense would have to be assessed in the light of the investigative data collected in the immediacy, such as the shoe prints of Rudie (in the path of escape from him later) and the traces of the victim's blood, found in many parts of the bathroom in use by Knox and Kercher, certainly carried out by third parties, in the house after the bloody event. Also essential to the point is that the method of judging is based on criteria other than those adopted by integrating the profile in question with decisive evidence in the economy of verification of the presence in the house at the time of the *locus commissi delicti* of other subjects, in addition to Rudi (sic) Guede. Especially since the First Instance judgment had carefully assessed the hypothesis offered by the defense that Guede entered through the window of Romanelli's room, giving analytical account of differences with other offenses committed by the aforesaid, always in contexts where it was necessary to use ladders or climb up on the walls, judgements on which point have not been properly denied.

4. - The testimony of CURATOLO

The Appellate Courts have ruled out the credibility of the testimony of Antonio Curatolo who in the re-enactment of the Courts of First Instance which had been placed as fundamental to proof of the falsity of the negative alibi advanced by the two defendants and that was one of the pieces of the mosaic that had led to consider them at the *locus delicti commissi*. In this regard it is worth remembering that the judges of the lower court had held, by correct reasoning from the point of view of straight logic, that the false alibi was taken as a heavy indication, considered in relation to the other elements of test and in the context of the overall probative results.

The method of analysis of the testimony, as detected by the petitioning Procurator General, is absolutely reprehensible, as manifest failure of the assumption of a thorough examination of the data and circumstances, so that the conclusion - taken that the witness was confused in indicating the two young students today accused were present in Grimana Square on the evening of October 31 and not November 1 - clashes with the acquired data that contrasts with the apodictic assumption, so as to manifest in all his evidence a foundation of debit of consistency and therefore manifest illogicality of the discourse of justification (it was in fact demonstrated by other sources that on the evening of 31 October both Knox and Sollecito were busy, the first at Lumumba’s place where there was seething activity for the celebration of Halloween, the second at a graduation party, so they could not have been present on the square Grimana around 23.00 h). The claim according to which the sighting of the two young people by the witness went back to October 31 (page 50 of the judgment) because it was suited to the context described above, rather than the next day, as previous to the arrival of forensic science, but taken out of context, is a manifestly illogical statement, not only because it conflicts with the data that substantiates unequivocally the distance of the two from the square on the evening of October 31 (as of paramount importance in the context of evaluation) and then the inability to make square the circle in the way suggested, but because it fulfils rules of inference of absolute weakness. Starting from the need to untie the knot of contradictions that the witness presented (having seen the two young people the night before the activities of the Scientific Police and having put it down to the context of Halloween), the Court of Appeal, after hearing the witness in renewed testimony and found that he had mistakenly placed Halloween on the night between November 1 and November 2, heard the witness reiterate that its timing was anchored to what he described as actors all dressed in white that afternoon, the day after sighting of two young young people, in Via della Pergola (given with a very high quotient of uniqueness, more than any other), clearly the police; the court nevertheless concluded that the testimony could not be accepted, due to the decay of the mental faculties of the man, accustomed to heroin and his *modus vivendi*, being held in custody at the time of his second deposition, for drug trafficking.

Again, this line of argument is manifestly illogical, since the evaluation of testimony was correlated (regardless of its conclusions, being in discussion the method of evaluation) with the sole objective fact that was highly reliable (namely the presence of subjects in white suits, the day after the sighting of the two in the square, around 23.00 h to midnight), because given the certain fact in his subsistence, which represented individualizing circumstances, unique in its kind, which would be bound to remain etched in the minds more than any other; and instead once again have been made to come into play data of personality, however, alleged without any acknowledgment of a scientific nature that had to show the decay of the mental faculties of a man. Not to mention that Curatolo had to show up, once called to testify, both at First and Second Instance, and never found it difficult to recognize, even after a long time, the two defendants as those who he had seen on Grimana Square the evening before he noticed men dressed in white in Via della Pergola (who he called "extraterrestrials") and the police. The fact that he was a tramp who was stationed on the square all day, did not allow to rule out a priori his reliability, on pain of collision with the principles laid down in terms of reliability of testimony. In conclusion this cannot be overcome, except by a process of development of his informative contribution data of otherwise demonstrative force, a contribution expressed in terms of certainty, given by the witness at the trial papers, also in renewing the testimony *("absolutely certain as I'm sitting here"* as to the fact that he saw the two defendants in the evening before the day on which he saw the ones with the white suits and the police), referring to the status of the author of the contribution. Likewise on the point that the judgment should be set aside, for the reason that the reliability of the witness Curatolo lacks completeness (for not taking into consideration the data that contradicted the conclusion to which the Court came) and is vitiated by an incorrect application of normative parameters of reference. The precise and serious nature of the testimony has been rejected by the judgment without taking into account the correlation with other evidence, on a basis of conjecture (superimposition by the witness of the evening of October 31 with that of the 1 November) that it was not even placed in comparison with data that belied their conclusions.

5. -The testimony of QUINTAVALLE-

Also on the testimony of Quintavalle, which was heard by the Court of Assizes on 21.3.2009, the motivation is vitiated by manifest illogicality, as claimed by the plaintiffs, since the information flows have not been correctly transposed by the judges of the Second Instance, so integrating a manifest incompleteness, with collapse in terms of manifest unreasonableness of the motivational response on this point. Meanwhile, the inference rule used by the judges of Appeal shows all his criticability only if one considers that the court had to preface (p. 51 above) that the claim that Knox had shown up in the early morning to buy the detergents the day after the act of violence, even if established, was not of any significance: on this point it is worth noting that not only the reality once established would have destroyed the negative alibi (as regards the alleged continuous presence of Knox in Sollecito's home from the previous evening until ten o'clock the next morning), but it would have attested to the need for urgent cleaning in the early hours of the morning, on its own absolutely without significance, but of a different impact in an integrated assessment of the individual pieces of the puzzle, since plausibly connected to an urgent need for elimination of traces on clothing, given the time when the purchase would taken place. The reasoning of the court is therefore unsatisfactory, first of all because it has not even been considered to test the possibility of a different conclusion, precluding the relevance of the data. But what more serious is that the flow of information have been completely misrepresented: in fact, the Court has based its assessment on the distance of the testimony in respect of the event, stating that the witness provided the information at a distance of one year, spending all this time convincing himself of the accuracy of his perception and of identification of Knox with the young woman who he had seen the morning after the murder: and therefore wondering how the memory of Quintavalle, not unequivocal at the time of the offense, such that he had not been able to provide clear guidance to investigators in the immediate aftermath, becoming consolidated with the passage of time, given that he had reported seeing the girl only in passing, in the corner of his eye and not full on. In fact, the receipt of information from the witness, as maintained by the PG is absolutely biased, since the view from the corner of the eye was referring to when the girl came out of the shop, while the witness pointed out that he saw the young woman at close range (70-80 cm.), that the memory was imprinted in the mind *"from her clear blue eyes"* to her *"very white face",* and to her *"very tired expression."* Not only that, but the witness had clarified in the course of his testimony, that he was convinced of the identity of the girl shown in the newspapers with the one who appeared to him in the early morning Nov. 2, 2007, seeing that the colour of the eyes was not shown in the photo, but it acquired certainty, once he had seen the girl directly in the courtroom. The acquisition of the information flow was absolutely biased, finishing with the misrepresention of the evidence to make it appear uncertain, whereby the witness had to explain the reasons for his doubts and the evolution of his belief to the point of certainty.

As noted by the plaintiffs, the motivational passage assumed importance in the economy of reconstruction and demands an explanation, which gains power by close scrutiny of all the multiple steps of the testimony, whereas instead they were enhanced with an unacceptable selection procedure, just a few steps deemed more suitable to a conclusion which should have been proved rigorously, thus incurring again in a vice of manifest unreasonableness, as the evidence showed; it is not at stake the claim to the revaluation of the test, obviously inhibited in this Court, as rightly pointed out by the defense of the accused, but the display of a defect of macroscopic evidence consisting of an intolerable ungluing between what was reported by the witness and what was implemented in the discourse of justification, on a point of significant importance, namely relating to the merits of the alibi.

The new trial should be conducted in the light of the above observations.

6. The invalidity of the memoriale of the Knox-

The criticism of the Procurator General plaintiff is correct, regarding the lack of exploitation of the memoriale written in English by Knox and enclosed with the records of appeal in translation, already evaluated as fully usable by this Court with ruling no. 990/2008, being a document originating from the accused, of which she was the spontaneous author, for defensive purposes, in a moment of solitude (and thus after the alleged *pressing (sic) suffered* at the hands of the investigators) pursuant to art. 237 cod.proc.pen. In this text the young woman, albeit without wanting to clarify to herself and to others the sequence of actions performed in the evening of the crime *("maybe I checked the e-mail, maybe I read and studied, perhaps I made love with Sollecito…")* , admitting only that they had smoked marijuana, to having taken a shower with Sollecito and to having had a very late dinner, then placing herself in a state more dreamlike than real, wrote of seeing herself curled up in the kitchen, with her hands over her ears, because in her head she heard Meredith scream, even if this seemed unreal, like a dream, and she was not sure that what she envisioned had really happened. She added very enigmatically, the fact that she saw blood on the hands of the Sollecito, but got the impression that it was blood from the fish (attributed to fish cooked for dinner). Her presence "curled up in the kitchen" at the time of the scream of the victim, as well as the fact of seeing blood on the hands of Sollecito (traced back to cooking fish) if not a key to trying to clarify and admit to her presence in the house, is repeated with the statement that she saw Patrick (Lumumba, patently maligned) near the front door. The same concluded her paper by saying that she "*does not remember for sure"* if she was at her house that night.

It is true that these reflections are of doubtful substantive meaning, but it's also true that they cannot be dismissed – as they were - on the assumption of psychological pressure the author was under and of mental manipulation carried out, primarily because it was acknowledgd in complete solitude following excess interrogation and then because the script was used by the same Court of Second Instance as convincing evidence of the crime of slander, on the assumption of full capacity of consent, whereby Knox was convicted on the basis of this paper (as well as on the basis of what is narrated once again in full autonomy and away from urgent intervention, to her mother, in the course of a conversation with her). On this point, there is therefore a blatant contradiction apparent in the evaluation of the same piece of evidence, which calls into question the structural coherence of the decision: in this respect too, the Court of Recall will have to formulate a new judgement, with greater consistency of argument, treating this also as a significant step the discourse of justification, afferent to the presence or absence of the young woman in her home at the time of the murder.

7. - Failure to evaluate the content of the final judgment against Rudy Guede –

The submission by the public plaintiff on the violation of Article. 238 cod.proc.pen., whereby the Court of Second Treatment is correct, even though he has obtained the final judgment pronounced by this Court against Rudie Guede, after properly considering that the judgment was not binding, it has completely "snubbed" the content of the same, also neutralizing its scope as undisputedly circumstantial, on the presupposition that its profile was particularly weak, since the judgment concerned the state of the act, without the enrichment of data acquired as a result of the renewal of the investigative hearing arranged on Appeal. In fact, the Court was not in fact authorized only for this not to worry about the content of the final judgment, on the position of Guede alone, and pronounced the outcome of the other inquisitorial action, at linked the conclusion of his sentencing for *"contributing to the murder"* of the young student. The conclusion of the Court of Second Instance, according to which *"will also hold the possibility of competition necessary for people, not for this judgment, assumes the probative value crucial to recognizing the defendants in the action of Rudie* (sic)*",* is the result of reasoning based on insufficiency of argument, since the presence of other people was necessarily correlated with the facts of the *casa locus comissi delicti*. Not only that, but the ruling that Guede had acquired excluded him as author of the simulation of crime which became recognised as attributable to other parties. On page 20 of the relevant judgment (no. 7195/2011) the Supreme Court pointed out that it *"must be observed, as the lower Court has properly considered, that subsequent to the homicidal act, a supplemental activity occurred that was intended to simulate an attempted theft, which the lower Courts and the defense of the plaintiff himself agree to have occurred at the hands of others and not the accused".* The fact that Guede at the time of the arrest (which occurred two months (sic) after the fact) presented with hand injuries, was not considered significant by the judges in the fast track trial, in light of the informative fact that three friends of Rudie (sic), that he was in touch with the day after the murder, excluded the presence of wounds on the hands of the aforementioned. Such passages of argument, duly documented, were completely ignored by the Court of Appeal, which returned the traceability of simulation (sic) to Guede, as a subject expert in theft, incurring an obvious interpretative flight, which marked the distance from the findings asserted and judicially affirmed in another judgment, without giving adequate reasons for the incompatibility with the reconstruction carried out in the

Judgment, denoting once again incomplete information, which is inevitably translated into a defect of reasoning. The sentence in question, even if the outcome of a judgment issued at the state of the proceedings, falls within the category of judgments covered by art. 238a cod.proc.pen. , on a par with the sentencing decision, pursuing the provision in question the noble intent of the plaintiff, not to disperse the elements of knowledge acquired in actions which they have taken, that have assumed the qualities of judgements.

So the contested decision opens the way to the defect complained of as violation of the law and lack of adequate reasoning in the crucial passage of the reconstruction of the crime that relates to the presence of accomplices in the crime, in the home as well as in the availability of the victim, one of Knox on that accursed evening, the profile that is certainly not meant as automatic proof, but which constitutes a significant segment in the reconstructive itinerary, to be assessed together with the other evidence. On this point the Court of Reassessment must make a closer examination bearing in mind these regulations, as well as an evaluation of the data in the wider osmotic analysis of indicators.

8. The evaluation of the statements made by Rudy Guede in the Court of Appeal.

The grievance is also advanced with good reason, concerning the vice of legal violations found, *ictu oculi*, in the passage of the judgment in which the whole load is placed on Guede (and probably on the prosecutorial body) not to have ever been cross-examined either at First, or Second Instance. As correctly pointed out by the public appellant, Rudy Guede at the time of the First Instance judgment against him alongside the two lovers, being defendant in the connected process ex art. 12 c. 1 letter. a), which with the art. 210 C. 4 cod.proc.pen. was allowed to remain silent. Article. 197 bis c. 4 cod.proc.pen. which gave him the right not to respond. to matters for which he was pronounced guilty, having denied his responsibility and failed to make any statement. So no forcing of the procedure could take place to please the co-defendant, to the detriment of Knox and Sollecito, but in strict observance of the normative parameters; neither can the unreliability of the same be deemed, on the simple premise that he had refused to testify, having just exercised his right, conferred on him by law. And in fact the Guede was quoted by the Procurator General in the Second Instance trial, not to be heard on the facts of that night, but to clarify whether or not he had had from his fellow detainees any confidence on the strangeness of the two defendants to the fact in question, different from which Mario Alessi and other detainees had represented , cited by the

Knox defense. He was then asked, once again by the Procurator General of the hearing - if he had ever written a letter in which he explicitly accused the two defendants of being present at the scene of the murder and to have taken part and he answered in the affirmative, justifying the initiative just as a reaction to the disclosure of confidences to Alessi, which were in fact never made. It was then that the defense of Knox and not the Procurator General, asked for confirmation of what is written in the letter which he expressed verbatim: *"A horrible murder of a splendid wonderful girl, who was Meredith, by Raffaele Sollecito and Amanda Knox"* and the person concerned agreed to answer and said that what was written was *"very true"*. Given this reality, certainly insufficient in itself from the point of being indicative, Guede having confirmed a revelation made outside of the process, an evaluation could be expressed in terms of unreliability - evaluation on which this Court cannot speak since we are not open to judicial review - but what is certain is that this assessment was to be released from the options made by the trial of Guede, on pain of falling into a clear error of law, where it finds the judgment of absolute unreliability on the intervention exercised as a right on the part of the person concerned.

It must be added that the Court of Appeal has, however, dwelt then in a passage on the reliability of Guede, - in a rebuttal of what had been argued on appeal by the judges of Second Instance who had sentenced Guede, who had characterised him with the trait of absolutely liar, also observed by the defense of Sollecito, - in the revelations transmitted via chat friend Giacomo Benedetti, heard by the police on 19.11.2007, the revelations in the course of which he had never indicated as the authors of the crime the two defendants today. According to the Court of Appeal, Rudy having told his friend that he was present in the house of the massacre around 21.00 - 21.30, while always maintaining he was not involved in the murder, might well have been true - if it ever was true – to indicate the two defendants today, in order to play his last card to defend himself; according to the Appeal Court, the demeanor of Rudy was in itself rivelatory of the absence of the two in Via della Pergola at the time of the event. The pace of argument on the point denotes an openly manifest further lack of logic and therefore cannot but fall under the censure of this body of legitimisation, having regarding to evaluation parameters not already replaceable with others no less valid and consistent (a situation that would preclude any incursion by this Court Sec. A. 31.5.2000, n. 12), but as valuation parameters lacking the criteria of logic: the frailty of argument appears in its full extent, given that it is being used to prove the absence of the two lovers in the house on Via La Pergola, a message sent by Guede to his friend Benedetti, before being arrested and therefore at a time when he had every incentive to sidetrack, and place himself distant from the murder, standing in Via della Pergola at an hour not compatible with other available evidence (*vide infra*) . The message captured could not be assessed as reliable, if only for the fact that the author himself stayed away from that act of violence of which he was certainly the principal character, from the many traces that had left at the scene of the crime, and therefore his unreliability, without fear of lying, was attested in the definitive condamnation, as well as in the Fast Track trial, in which the judges affirmed the total unreliability of Guede, even when talking to a friend; nor could it be concluded, making reference to the fact that Benedetti was the only friend Guede could count on (an inferential principle proposed by Sollecito's defense), by which he was the only one to receive his confidences in sincerity even though it was obviously utterly inconsistent. So if it had to follow this policy, the Court of Second Instance, for completeness, should not have disregarded the conclusions that emerged from the First Instance judgment of Guede (confirmed in subsequent stages of court proceedings) in which Giacomo Benedetti, Rudie's trustworthy friend, his former classmate, had asked him to tell him, in the course of a connection via skipe (sic), if it had been Amanda or Lumumba who had murdered, and Guede had told him that the text, that the girl "*had nothing to do with it*" adding that the congolose (Lumumba) "*nothing to do with the shit";* Guede had told his friend that the man responsible was an Italian, and in response to the question of Sollecito, he answered in vague terms, with a phrase like "*boh, I do not know, I think so, yes",* repeating it several times (cft. p. gup 41 of the judgment the Court of Perugia 28.10.2008.) The same defense of Sollecito reported a passage of the judgment of conviction at First Instance of Guede, in which it was bluntly concluded that it was impossible to believe him. The judgement of his total unreliability in the process that involved him directly, could not be overcome by recovering fragments of inputs to, among other things denial of evidence acquired, to subvert the reconstructions made, as for example on the time of death (*vide infra*). So once again, the Court's assessment was based on a platform of data absolutely incomplete, leading to conclusions without adequate logical support, and above all conflicting with other available evidence, incompleteness and inconsistency that must be overcome in the (new) Trial Court, in reference to this crucial point of the reconstruction, which concerns the presence or absence of the two young defendants in the house on Via della Pergola, to whom obviously Guede was added.

9-Rejection of the request for hearing of Aviello Luciano.

Far from being inadmissible, as proposed by Sollecito's defense, the complaint is based on violation of procedural law uniquely related to the judgment, in which was rejected the request of the Procurator General of the (Appeal) hearing, of a new hearing Aviello Luciano.

The Court of Assizes of Appeal, after having called to testify, in response to the request of the Knox defense, persons in detention to whom Guede had confided, *"the deep conviction that it is not possible a priori, before hearing them, to exclude the reliability simply because of their personality and their being detained for serious crimes"* added, in hits legitimate belief, that the hearing of these led to the conclusion of a general unreliability, either for lack of objective findings, or for lack of proof of the friendly relations between Guede and divulgers, such as to justify trust on the point. This can this be evaluated in this Seat of Legitimisation. But what appears unacceptable in terms of strict compliance with the procedural rules is that, once the Procurator General had asked that Aviello be re-heard on the basis of new circumstances arising after the hearing, in the minutes of an interrogation before the Public Minister on 22.7.2011, at which was arranged the acquisition (not just of retraction of the above, but an explanation of the means through which he had been contacted and induced to give the false evidence), the Court did not allow a new hearing of Aviello, the above mentioned witness on the presupposed reason that *"the new hearing of the witness Aviello is not essential, in consideration of the acquisition of the transcript of the questioning by the prosecutor* ". The apparent fall in the interpretative rigor of the law underlying the introduction of the minutes of new revelations and their usability cannot be allowed to pass in silence. As correctly pointed out by the public petitioner, the lower courts had anchored their decision that his appearance was not indispensable, without saying a word, whereas this element is not among those listed for rejecting the request for new evidence concerning opposed declaration made by the same person at the hearing of 18 June the previous year, thus incurring in a blatant lack of reasoning. It was claimed that the new divulgance, besides being a retraction of those made already, had something of absolute novelty, as to revealing the path whereby Aviello had been induced to make false revelations, the Court thereby revealing another weakness in reasoning; finally the Court explaining the refusal to hear the evidence, on the assumption that it had already acquired the verbal alternative to the usual examination of the witness, thus fell into manifest violation of Articles. 511 a, 511 c. 2 and 515 cod.proc.pen., placing the allegation of the record preceded by the examination of the person who had made the declarations in different proceedings. Whereas, under the provision of Articles. 511 and 511 bis cod.proc.pen., the reading and therefore the acquisition of verbal statements made by the witness, is prepared only after the examination of the person who made them, unless the examination did not take place. It is shown that this is not applicable to the present case, since the Court rejected the request for re-examination.

It is good to clarify that the judgement on Aviello being unreliable is not at stake, on which we repeat this Court cannot interfere, but the logical argumentational path followed to justify not having a new hearing (on the outcome of which the judgment of unreliability should have come out stronger); the path does not respect the rules of procedure, not completed with the taking of new statements, not justified with the terms *“appearance of non-indispensability"* to acquire new data emerging, which would have led to a valuation of the absolute inadequacy of the source, but only following a proper introduction in the Court process of his divulgance, being unable to deny the affirmation of a design to agree statements of convenience in favor of the defendants, having a significance in the economy of the evaluation (obviously once its existance had been established). Especially since the request (in the first place) to hear the detainee had been made by the defense of Knox (to whom he had probably turned expressing his willingness to be examined) and that therefore the Court was required to allow the Procurator General the right to show evidence contrary to his spontaneity and reliability, to the fullness of its power (therefore not only to see the minutes of the interrogation dell'Aviello accepted, however, though without the consent of all parties, but to see it in the form of oral statements in the trial). It cannot be interpreted otherwise than that the Code of Procedure patently used (by the admission of Sollecito's defense) would be incurred on the initiative of the representative of the prosecution which would then give cause to ignore it, such that it could not be regretted. The confusion is clear that such a passage evokes the plane of the usability of a paper document, which was absolutely precluded to the Court, regardless of the error of the parties, without the prior examination of the witness, examination which as previously mentioned, did not depend on the importance of non-indispensability *"in consideration of the acquisition of the transcript of the questioning by the prosecutor”* which shows that the procedural error is entirely attributable to the court.

Even on this point, the judgment under appeal has serious shortcomings, both in terms of the management of procedural rules, and under the completeness of reasoning, which should be rectified by the judges of the

New Court. It is not possible to lead to the conclusion *a priori* and to leave out of consideration whether the contribution of Aviello would still be insufficient to overcome the resistance test, having no hypothesis in the evidence gathered to confer a higher weight against the accused.

10. - The recalibration made in Second Degree on the time of death -

Also worthy of attention is the censorship of the Appeal made by the public party, in terms of manifest illogicality of reasoning, in defining the time of the death of poor Meredith. According to the Appeal, the path of reconstruction of the Court of First Instance could not be anchored to the testimony of Capezzali and Monacchia who reported a piercing scream, the sound of running footsteps on the iron staircase leading to the car park below and the patter on the driveway leading to the house on Via della Pergola on the night of 1 .11.2007, as these contributions were affected by indeterminancy of time of the scream, and when the sound of footsteps on the stairs and clatter were heard and because these are adjacent to parking area haunted *"by young people and drug addicts",* so it was not unusual to hear noises. Neither was the testimony of witness Dramis, who had reported having heard running footsteps at about 23.30, in via del Melo, in continuation of Via della Pergola, after she had gone to sleep at around 23.00 – 23.30, considered reliable, as she appeared to the investigators only a year after the fact, after being ferreted out by a young journalist who had recalled the importance of her informative contribution. The Court therefore preferred, in full compliance with the requests of the defense, to favour information that the unbelievable Rudy Guede had transmitted via chat to his friend Benedetti, that he found himself in Via della Pergola, around 21.00 – 21.30 on 1 November 2007; this figure was correlated with traces resulting from the victim's phone, which was to record: a) a call with no reply at 20.56, b) the composition of n. 901 corresponding to an answering machine at 21.58, which was followed immediately by blocking of the call, c) the dialling at 22.00 hours of the first number in the directory, with name to Abbey Bank, without however the necessary prefix), d) at 22.13 hours a GRPS connection lasting nine seconds likely linked to the multimedia message, without the need for human interaction. Based on this fact, the court concluded that Kercher had not called her family in the time from 20.56 to 23.00, therefore after the first attempt there had been a sudden event, for example an attack, and the number at 22.00 had been dialed by another person, not used to this phone, in an attempt to silence it. Especially since the girl was attacked when she was still clothed, this would put the time of death at before 22.13h.

This reconstructive route is interwoven with factual deductions arising from a series of conjectures and inferences, without a reliable evidence base, in spite of the findings of most of those opposed with a demonstrative aptitude, underpowered in their scope on the basis of unsatisfactory reasoning, which points to the multiple pieces of inconsistency with other passages of motivation and the manifest lack of logic in the said place which should be duly censored. On the unreliability of the indications offered by the wavering Rudi Guede, on which the Court of First Instance in its judgement wrote that *"one cannot believe him nor do so even if one wanted to do so,"* has already been said. Just remember that it is the same defense that Sollecito on pages 81 and 82 of his memoriale, remembered the sharp opinion expressed by those who had to judge the affair in question, as well as bringing another passage from the judgment in which it was said that Guede followed with skilled surfing news of the investigation by Internet via a broadcaster Mediaset and that the text *"shows very clever and not at all naive building of an alibi and tuning its truth, as the media publish updates on developments in the investigation"* (pp 19 and 20 judgment of First Instance of Guede's conviction). So the chat sent to his friend Giacomo Benedetti could not be taken as a basis to overturn the strictly inferential *excursus* operated by the Court of First Instance to determine the time of death, if not entering into a collision course with reality found, right in the judgment that saw in Guede the defendant and that he had concluded his guilt, in spite of what the same had revealed in that same chat, elevated to the a level of evaluation. Not to mention that in that seat (the chat) Guede had to put Amanda in the house, said he had heard the unbearable scream, which would force him out of the bathroom five minutes after the entry of Amanda into the house and said he had not seen the broken glass of Romanelli's room all the time when he had been in that house. Reality entirely disregarded by the Court, in a passage immediately following the judgment under appeal, when it had concluded that Guede had entered through the window of Romanelli's room, after having thrown the stone of four kilograms from the embankment outside the window below, so creating an insane internal contradiction, which shows a level of more and more illogical judgment that permeates today's monitoring, so as to make proper the intervention of this Court of Legitimisation.

Even the effort to repair the breach of logic used, through the examination of traces on the victim's cell phone, might be a useful remedy. Indeed it sounds entirely implausible that one can establish an alternative reconstructive hypothesis on the basis of the fact that since the victim did not repeat the call home after 20.56 hours, it would be unavoidable to deduce the (time of the) ill-fated event: the first failure of response of family members could have led the young woman to remember the same evening commitments that could extend until late and then it is reasonable to think that the young English woman stopped, for reasons not necessarily related to the fate that would soon befall her. Still, it is implausible to link the contact with the first directory number to an assassin's attempt to mute the phone, which if this was his goal, would surely have been pursued by other means. The reality was in fact to show that the victim's two cellphones were thrown, still in working order, over an escarpment of Via Sperandio, after midnight, so much so that the one with the English phone card in the morning rang and the ring would lead to its discovery.

But the most obvious bias is certainly apparent in the underestimation of the statements of three witnesses, in tune with each other and absolutely autonomous. The Court of Second Instance was to confuse the noises of the square with "the agonizing scream", represented by the witnesses Capezzali and Monacchia, shortly after they had gone to bed, at a time after when the Court of Appeal was to fix the moment of aggression, in clear conflict with the information collected. Capezzali said she went to sleep at about 21.00 – 21.30, getting up in the night, probably a couple of hours later, as it was her habit to go to the bathroom, taking medications at the time that produced a diuretic effect: at that moment she was to hear a scream of a woman described as *"heartbreaking," "unusual", "long"* and *"single"* that made it difficult for her to fall asleep again and in a little while when she was about to reach the bedroom, she heard running on the iron staircase and then on gravel and dried leaves of via della Pergola. But even more precise was the timetable of Monacchia who said she went to sleep about 22.00 hours, when after falling asleep she was awakened by the sound of an animated discussion between a man and a woman passing along the road next to her window and soon to hear a loud and dry woman's scream, coming from below, that is from Via della Pergola. Dramis, in turn, provided a significant finding as to time, as she said she returned home after 22.30, having gone to a film screening from 20 hours to 22 hours, falling asleep a little after, was aware of running footsteps under the window, as she had never heard before. The reliability of the witnesses could not be denied merely because Dramis and

Monacchia only brought these facts to the disposition of justice a year after the fact, for their informative contribution, since the delay in itself does not affect the quality of the information itself.

Once again, we are not criticising the evaluation process, but the completeness of the platform on the basis of which the consequences are drawn. In the face of consistent data necessarily leading to a time subsequent to that established by the Court, to which you must certainly add the heartrending cry of poor Meredith, the territorial Court preferred to pull the strings from the representation of Guede, shown in circumstances external to the process to be a complete liar (having declared himself to be extraneous to the murder). The conclusions drawn are even more strident, if one considers that heartrending scream Amanda also mentions in her memoire, when this data was not yet in the public domain. Not only that, but the reconstruction made by the Court of Second Instance is not in line with the same thanatological data, indicating the time of death to be in the range from 18.50h (of Nov 1) to 04.50h of November 2, so at a time of around at 23.00 – 23.30 taking the average, as opined by the First Judges, with major adherence to the available evidence.

So even on the point, the judgment reflects a heavy deficit of logic and inconsistency with other available evidence, showing blatant inadequacy of reasoning, which should be rectified by the Court of Reappraisal.

11. - The ordinances with which a new genetic appraisal was undertaken and which subsequently rejected the request for further study on the new sampled trace –

The importance which was given by the public petitioner and by the civil parties on the deliberations of the Court to have a further genetic study in the Second Instance (trial), captures only part of the point, because although immediately perceived is the insufficiency of the reasons leading to the renewal of inquiry as ordered on appeal (which leverages particular difficulty *"of the subject by persons having no scientific knowledge to make assessments and options, especially on technical matters without the assistance of an expert of the house"),* it betrays an unacceptable delegation to the external scientific knowledge, regarding the assessment of evidence obtained from the adversarial party (being selected expert genetic opinion in the form of art. 360 cod.proc.pen., which had allowed the gathering of different interpretative options of the acquired data), cannot be overlooked that the decision to have expertise falls still in the assessment of merit that this Court cannot criticize. And in fact the principle has been repeatedly affirmed in the living law, that it is the concern of the Court involved in the proceedings to appreciate, with the Court of Legitimization to evaluate, if supported by adequate reasons, the merits of a request for experts (Section VI, 21.9.2012, n. 456). The judge's decision having to be based on a solid foundation of certainty, the right could not and cannot be disclaimed to operate with better insight in one of the key steps in the collection of evidence, as argued by Sollecito's defense. The necessity for integration, albeit within the limits of art. 603 cod.proc.pen., could not be considered non-existent, just because the investigations carried out had taken place in the art forms. 360 cod.proc.pen. that is in the dispute between the lawyers of the parties (which incidentally were not opposed during the execution of the findings, to the multiplicity of objections which were then subsequently advanced, nor did the parties have reserves of recording evidence). Thus the decision is not improper in this place, if not for a profile of inadequate motivation, to proceed to a new survey, revealing, however, beyond the unhappy motivational formula taken, the insecurity of the judges on the results acquired for believing in an incompleteness of evidential information and therefore on the evidence of a need for the purposes of deciding the new acquisition, which cannot be challenged in this Seat of Legitimisation.

That said, it should be added that the management of the assignment is certainly open to criticism, given that the chosen experts were asked to attribute DNA extracted from traces on Exhibit 36 (the knife) and the Exhibit in 165B (bra clasp) and to report on possible contamination factors. In the course of their investigations, the appointed experts found a third trace on the blade of the knife that had been seized in Sollecito's house (Exhibit 36), in addition to the one attributed to Knox and one which was attributed under strong objections to the victim, very close to the trace of DNA extracted and attributed to the latter. This trace was not subjected to genetic analysis – through a decision made by one of the experts, Professor Vecchiotti, alone, without documented prior authorization to that effect by the Court, who had also given a mandate to attribute the DNA on the present findings on the knife and on the bra hook- because the amount was not sufficient to provide a reliable result, amounting to *Law (*sic*) Copy Number*. This choice, however, met the subsequent sharing of the group, on the assumption that such a small sample would not have allowed two amplifications necessary for a reliable result (p. 84 of sentence).

So that when the Procurator General and the civil plaintiffs demanded to complete the examination, strongly as a result of the scientific contribution of Professor. Novelli, geneticist of undisputable fame recognized by the same Court (p. 79 sent.) on the availability of equipment able of operate with safety also quantities of less than ten picograms, in the areas of diagnostic character (even on embryos) in which the claim to certainty is certainly no less pressing than that which animates the legal field, the Court rejected that proposal, assuming that the methods to which Prof. Novelli had referred were *"in the experimental phase"* (p. 84 sent.), thus freely interpreting and misrepresenting the assumption of bias, which in fact was to remember the use of these diagnostic methods in areas in which you can be certain of the result.

Well, the *modus operandi* of the Court, which deferred final evaluation of the decision on whether or not investigation of the new trace to the experts with an unacceptable delegation of function, exposes it to understandable and reasonable censorship, given that the test – available to the Court - was already done, as was part of the task assigned to the experts, subject to the questioning of the outcome, though not retained credible. In any case, it was not up to one of the members of assessors to assume responsibility for the decision to authorise the mandate, a mandate which was to be conducted without hesitation or qualification, in full intellectual honesty, taking account of the insufficiency of the data and of the unreliability of the result. Especially since the renewal of genetic investigations were requested in 2011, after four years from the initial time and over which the evolution of instrumentation and methods of investigation had marked significant milestones, as was emphasised by the advisor to the Procurator General, Professor Novelli. Just on receipt of the information from the consultant mentioned who - under the constraint of the obligation to truth, spoke of cutting-edge techniques -, the Court fell into a new gross misrepresentation of argument concerning the reliability of the results of investigations carried out assuming no new findings of such remedies, even through developments emerging at a later time, concerning reasonableness of the grounds (Section I, 25.6 .2007, n. 24667). With complete prejudgement was the discounting of the equally authoritative Prof. Torricelli, who raised serious doubts had about a minimal amount, having quantified as 120 picograms the amount useful in the new trace (ud. 6.9. 2011, p. transcription 91.) which lent itself to a double amplification and who questioned the methodology by which Professor Vecchiotti had arrived at the conclusion not to proceed, in a report obviously not underwritten by the consultants of the Procurator General and the civil parties. The authority of the observations of the two consultants imposed on the Court the requirement to confront these proposals, which clashed irreconcilably with the assumptions of Prof. Vecchiotti which should have been taken up by the Board, but before evaluation of opposing positions, as well as scientific value.

It must be concluded that the decision is flawed to reject the request of the Prosecutor General and the defenses of the civil parties, to complete expert examination, with subjection to analysis of the new trace detected on the blade of the knife found in Sollecito's house, as was initially entrusted to experts, a body supported by a more than adequate scientific knowledge, which failed to comply with the relevant provision, which required the safeguard of the rights of all parties in the test (Article 190 cod.proc.pen.) especially in an area where the expertise (means of gathering evidence) had been requested by the defense, had been prepared, but was not taken to conclusion on the new evidence, which more than any other required response.

On this point, the complaints are well founded, since the survey once prepared, must be complete and must therefore, without fear and without *a priori* closures, bring to analysis also the newly sampled trace, according to the most accurate and modern "experimental" analytical techniques, under pain of violation of the law for not making a decisive test and the fallout in terms of manifest illogical reasoning (again for obvious incompleteness of the inferential platform, to have overlooked data that is not only important, but crucial), as was correctly pointed out by the public plaintiff.

12. - Genetic Investigations -

Also well founded is further criticism raised by the public plaintiff, according to which the signs of the experts were passively incorporated, as to the mere inadequacy of the investigations carried out by the Scientific Police, who were not renewed, the experts having considered inadequate the two samples in question (36 and 165 B) for the detection of the genetic profile and due to the fact that it could not be ruled out that the result was derived *"from contamination phenomena occurring at any stage of sampling and/or handling and/or analytical processes made*" . From p. 75 p. 82 the Court adopted the arguments developed in the assesment that, indeed, had been the subject of severe disagreement with both Prof. Novelli that Prof. Torricelli, consultants of the Procurator General and the civil parties, whose authoritative voices were completely neglected. Prof. Novelli had agreed that there are protocols and recommendations, but added that first of all the operator had to contribute his common sense (ud. 6.9.2011, p. Transcription 59.), otherwise it put in question all the DNA analysis done from 1986 onwards. Not only that, but he added that he had taken the alleles of Sollecito emerging in the analysis of trace 165B and made a statistical survey, and there emerged a chance of one in three billion, which is to say that there was one person out of three billion compatible with that profile. Even Professor Torricelli, who had participated as an auditor drawing up of guidelines to which the experts were appealing, as was pointed out in the protocols necessarily gone against because of the particularities of individual cases; the same had underlined with a wealth of arguments that on the clasp (track 165B), it was noted that the presence of Y haplotype, very clear in all its seventeen loci, in the database by entering the 17 loci that were recognized, it was found there was noone other than Sollecito with that same haplotype, whereas inserting eleven loci, rather than 17, thirty-one subjects were found with the same haplotype. These observations of extreme consistency with respect to the cultural expertise, were not even mentioned in the Sentence and even less were faced in their indisputable demonstrative power, manifesting such an unacceptably incomplete *modus operandi* of evaluation, with repercussions on the proper application of the rules of interpretation of the resulting evidence. On this point it should be remembered that in terms of control on motivation, the Court considers that to adhere to the conclusions of the appointed expert, which is different from those of the plaintiff party, it is not burdened to demonstrate the accuracy of the obligation to prove the validity of the first and the error of the second, having to consider on the contrary only that the arguments of consultants have not been ignored, especially when they are in irreconcilable conflict, coming as they do from reliable sources with cultural depth at least equal to that of (Court) experts. That can arise where there is failure to state reasons that may demonstrate the fallacy of the expert's conclusions (Section I, 17.1.2009, n. 25183), as has occurred in the present case.

Even more amazing was the uncritical acceptance of the argument put forward by the experts on the *"possible"* contamination of the exhibits, a thesis completely unmoored from given science fit to accredit practice. The unproven hypothesis of contamination was taken as an axiom, once again forcing the flow of information, to annul the probative value of evidence collected during the consultation pursuant to art. 360 cod.proc.pen., whereby the captured data did not allow similar conclusions.

It was also ruled out by the same experts that contamination occurred in the laboratory. Professor Novelli said that the origin, the vehicle of contamination must be demonstrated: he specified to have inspected 255 forensic sample extracts at the Polizia scientifica, had analyzed all profiles and did not see any evidence of one single contamination; he excluded absolutely persuasively that the contaminant could be present intermittently and that DNA could remain suspended, and then fall on a particular item.

Dr Stefanoni (technical consultant who wrote the advice art. 360 codaproc.pen.), heard also on appeal, had repeated that there was no evidence of contamination: investigations on the knife had been conducted six days before the last DNA trace of the victim, then the analysis had been blocked for a further six days, a period deemed by the same expert Vecchiotti time to be sufficient to prevent laboratory contamination, as declared in the SAL report, wrongly reported as missing initially. In particular, with regard to Sollecito, the salivary buffer was extracted and processed on 6.11.2007, the specimen was extracted 165B 29.12.2007; another profile on the shoes of Sollecito was from 17.12.2007. Between 17.12.2007 and 29.12.2007 twelve days intervened in which no traces from Sollecito were analyzed. Sollecito's DNA was never shown individually, since the only trace collected and analyzed was that of a cigarette butt found in the ashtray of the kitchen of the house of Knox, with Knox's DNA co-mingled, such that to imagine wanting to adventure that DNA transmigrated (!! (sic)) from the kitchen to the bedroom of the young English woman, you would have found on the hook also that of Knox. Nor could it be said, as was, that during the time between the first and the second site inspection, carried out at a distance of more than forty days at the *casa locus commissi delicti*, that"*it was all messed up*" since the house was boarded up and in that interval no one had the opportunity to access it, as seen from the results of the proceedings.

So the objective data collected indicating the absence of evidence (already highlighted in the judgment of first instance from p. 281 onwards, which made reference to the video recording of transactions that took place with the precautions of reporting protocols of the forensic team, accustomed to interventions of this nature) giving credit to the hypothesis of contamination, or the possibility of a degradation of the findings with the intervening passage of time, that would at most have reduced the trace somewhat but it would certainly have been able to enrich it, resulting the degradation of the specimen in a loss of information.

The Court of Second Instance, supported the probable contamination advanced by experts, based on the *"anything is possible",* which is not an expendable argument, because of its generality, again incurring an error of logical as well as legal nature: the vehicle of contamination must be identified in order to defuse the data offered by the technical consultants, it not being enough to assume insufficient professionalism of the operators in sampling, especially in a context in which laboratory contamination - which is the kind of contamination more demonstrable and most frequent - was mathematically excluded, in a context in which negative controls were made by Dr. Stefanoni, checks that had been stated too superficially to be missing by the experts, simply because they were not attached to the report. The discourse of justification, as maintained by the plaintiffs, did not take account of the authoritative voices of dissent concerning the presence of contaminanting agents; adequate explanation was not offered as to how this assumption had to cover only some (the most demanding in terms of defense) examined tracks and not others; but above all it is based on the erroneous belief that the burden of proof lies on demonstrating the absence of contamination, whereas the demonstration data that emerged from the technical advice was based on properly documented reporting activities carried out under the eyes of the consultants that had nothing to detect, in a clean laboratory environment, activities conducted according to methods tested, the results of which could certainly be called into question, but for their probative value, not for the operations carried out by preceding contradictory technique, from which did not emerge critical profiles at the time, but only in retrospect (about the decision at First Instance had dwelt from p. 289 to p. 298 on an abundance of topics only partially refuted in an appropriate manner, so that equally significant were the observations of Dr Stefanoni, brought to the attention of the court of Second Instance, at the hearing on 6.9.2011). This framework was such as to show that a correctness of procedure was followed inevitably falls on those who wanted to support the burden of identifying and demonstrating the factor of contamination, not being able to admit that the outcome of an investigation of a scientific nature may be placed in anything based on a ‘falsificationist’ approach, based on theoretical assumptions of contamination of the specimen, which would mean that every laboratory result would be easily attacked and deprived of probative value. Having to consider working, as recalled by the public supplicant, the principle is *"onus probandi incumbit dicit ei qui dicit, non e qui negat”*. Refutation of scientific proof must then, inevitably, go through the demonstration of specific factual circumstances and concrete facts, concerning the alleged contamination.

Also about the lack of reasoning outlined above needs to be remedied during the Court of Retrial.

13. - Analysis of footprints and other traces-

The complaints advanced in terms of manifestly illogical reasoning, as to the criteria for the evaluation of genetic evidence are well founded. Upon completion of an assessment of the results of the two consultations on the footprint soaked in the blood of the victim left by a bare foot on the bath mat, in the *casa locus delicti commissi*, with limited - to no negative comparisons - not questionably of probative value, the Court of Second Instance has again incurred a passage in open contradiction with the available evidence, attributing the footprint to Guede in dispute and postulating against all evidence that, *"after leaving the imprint on the pillow"* his right shoe came off *"during the violent aggressive manoeuvre to which he submitted Kercher",* the foot became smeared in blood, which was then washed in the small bathroom, because if not even the right shoe would have left some trace of blood in the hallway (see p. 100 of the sentence). The assumption not only recognizes its deep implausibility, considering that the imprint left by Guede on the cushion was a palmprint which is easily explained by the sequence of events; much more hard to explain - considering the conditions in which Guede, along with others, as has been stated in its judgment of conviction, had to stand over the young English woman, so that having immobilized her - how he could have lost his gymn shoe, of type Adidas. Not only that, but this assumption enters once again on a collision course with the available evidence, as to the traces of blood left by his shoes marked the departure from the room *locus delicti commissi*, directly towards the exit door of the house. The fact that only the left shoe was not stained is not per se indicative that Guede’s right foot was bare, since at most it shows that only the right foot went into the pool of blood that formed as a result of the many wounds inflicted upon the poor victim, with a high probability through the use of two knives .

Equally deficient appears logical rigour adopted in a further passage of the motivational response, in relation to the ascertained presence of traces enhanced by Luminol (because not perceptible to the naked eye), which gave the profile of Knox and the mixed profile of Knox and Kercher, found in Romanelli's room, in the room of the same Knox and in the corridor, traces that could not be attributed to the footprints left on other occasions, as implausibly considered by the Appellate Court, as Luminol shows up traces of blood and it was not really conceivable that Knox had her feet smeared with the blood of the victim on previous occasions. It was not justified, as pointed out by the appellant, the singular coincidence of the presence of DNA of Knox in all traces mingled with the blood of the victim, whereas the hypothesis formulated in the First Instance judgment much more plausibly evaluated the mixed character of the tracks (including those found in the small bathroom), leading to the conclusion with adequate *conducenza logica*, that with bare feet with the blood of the victim washed off, but still with some residue, Knox went to her room and Romanelli's room, through the hallway to perform the tasks of simulation considered in the initial reconstructive hypothesis, which was centered on the objective fact that just after midnight the phones of the victim were no longer linked to the cell covering Via della Pergola, but to that near Via Sperandio, where they were then discovered, which meant that unknown persons in Via della Pergola had removed them just after midnight. While the mixed traces found in the small bathroom hypothesis suggested in the indictment task of cleaning by Knox, who took the blood of the victim from the scene of the crime to various points in bathroom (on the faucet of the sink, on the box of cotton buds , on the toilet cover, on the bidet, on the light, on the bathroom door), where the traces were found, in reports to which the Court of Appeal has entrenched an apodictic reasoning, without explaining how the Court of First Instance had observed in dissent the defense arguments that were accepted by the judges of Second Instance: in essence, the (Appeal) Court found that if the two defendants had stayed in the house on Via della Pergola to clean up the traces of the victim's blood, so as to serve as a vehicle of the same blood in the small bath, Sollecito would have left some traces, where the judges of First Instance in respect of that objection had detected plausibly that Sollecito may have washed himself in the shower stall with plenty of water, so that the traces may have been deleted, perhaps without activities of rubbing, leaving Knox to the cleaning operation of the sink and the bidet with their traces of the victim's blood. The alternative explanation offered by the First Instance judgment objections to the submissions was not considered, thus involving the judges of Second Instance in a further lack of reasoning, by failing to treat different circumstances they should, in the economy of their approach, be examined and if applicable refuted with a higher level of argument.

14. - The statements of Knox -

A final listing of the criticism of the contested judgement needs to be highlighted, as has been called for by the petitioning Procurator General.

The court of Second Instance said, always in the wrong proposition parcelled into fragmented clues, that in the period following the discovery of the murder it was not possible to draw any element of circumstantial evidence against the two defendants. The peremptory character of this assumption has obvious repercussions on the logical premises of the motivational response, since emotional reactions following a traumatic event were not under discussion, but statements of the defendant demonstrating her knowledge of the details of the murder, which turned out to coincide with what was later ascertained by the investigators. The Court of First Instance had shown that Knox always had reported that she had not seen, nor had Raffaele, inside Meredith's room when the door was breached because they were both near the living room and did not go into the room *locus commissi delicti*, this being confirmed in sworn testimony from a cross-examined witness. It was however pointed out by all the English girls at the hearing on 13.2.2009, that Knox - the evening of 2 November - had told them that she had found the dead body of her friend, that it was in front of the wardrobe, was covered with a quilt, with a foot sticking out, her throat cut and that there was blood everywhere while in her interrogation, on 13.6.2009, she had ruled that she saw nothing. The plurality of detail given to her friends, potentially demonstrating knowledge prior to the intervention of the police, even if denied by the person concerned at the time of interrogation, was not taken into account, without giving reasons for believing it to be irrelevant. The carelessness appears even more inexcusable, if one considers that on 2 November, before the opening of the door into the victim's room, which led to the discovery of the body of Kercher, Knox phoned her mother in America where it was there around 3 in the morning, at the hour of 12.47 and spoke with her for 88 seconds, calling her again at 13.27 and 13.58. These calls emerged from the phone records and during them Knox's mother asked for an explanation of her daughter during a conversation that was recorded and asked whether at the hour of the first call anything had yet been discovered: on this phone call Knox could give no explanation, assuming she could not remember that particular phone very well, across the ocean in the middle of the night; a further dispute as to the exceptional nature that that phone call would assume, the defendant asserted that "*maybe"* had to think *"that there was something strange, but I did not know what to think".* The undervaluation of the circumstance is not a matter of pure evaluation, only if it is considered that the data has not been correctly transposed by information flows, the Court of Second Instance having considered that it had been contemporary with that phone calls Sollecto made first to 112 and then to his sister. In fact, the documents showed that the first to express concern on the morning of 2.11.2007 was definitely Knox calling her mother catching her in the middle of the night, and three minutes after that Sollecito called his sister and ten minutes later he called 112. This circumstance unopposed and with the character of objectivity, and inexplicably not correlated to the process looked at above, reveals a knowledge of the facts on the part of the accused, that the Court of First Instance established as a solid inferential base to show that the call the young woman made to her mother showed her concern for a fact that if she had been a stranger to the incident, she could not have known. On this point, the judges of the Second Instance have omitted any such an evaluation, distancing itself from the reasoning of the Court of First Instance as the basis of a merely declaratory excursion, leveraging on the subjectivity of the reactions of each person, in a general discussion, at most, in no way demolishing the reasoning of First Instance. The method of analysis was contested, but without taking account of the consistency of the elements evaluated.

In conclusion, the contested judgment is set aside for the many profiles highlighting the shortcomings, contradictions and manifest lack of logic, mentioned above. The Court of Review must therefore remedy, in its broadest powers of discretion, the critical aspects of argumentation, operating a global and unitary examination of evidence, through which examination is to be ascertained where the relative ambiguity of each piece of evidence can be resolved, as in the overall assessment each clue is added to and integrated with others. The outcome of this assessment will be crucial not only to osmotically demonstrate the presence of the two defendants in the *locus delicti commissi*, but possibly to delineate the subjective position of the co-conspirators of Guede, in the face of the range of hypothetical situations, ranging from agreement on genetic option of death, to the modification of a program that initially contemplated only the involvement of the young English woman in an unwanted sex game, to the forcing of an erotic game pushed by the group, which blew up out of control.

The defendant KNOX, whose application has been rejected, must be ordered to pay court costs and the costs incurred in these proceedings by LUMUMBA Diya, dismissing taking into account the number and importance of the issues involved, the type and extent of defensive performance, having regard to forensic rates (Section A. 14.7.2011, n. 40288) at four thousand euro, as well as overhead costs, VAT and CPA.

The Court of Review will however, in the event of conviction, settle in favor of the plaintiffs in the process related to the given case (the Kercher family), also in the present grade of judicial process.

Sentence is annulled limited to the offences under headings A (absorbed into heading C), B, D, E and to aggravation under art.61 n. 2 cod.pen. contested in relation to Heading F) and sends them for a new trial at the Court of Assize of Florence.

The request of Knox Amanda Marie which condemns her to the payment of the processual expenses, as well as the refunding of expenses in relation to the present process on the part of LUMUMBA Diya amounting to the sum of four thousand euro, in addition to general expenses, IVA and CPA, according to the law.

Decided in Rome, March 25, 2013.

Recording Council Member	President
Dr PIERA MARIA SEVERINA CAPRIOGLIO	Dr SEVERO CHIEFFI