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**To Supreme Court of Cassation  
Sections Penalties**

## **Appeal for Cassation**

### APPEAL TO SUPREME COURT A SUPREME

#### Sections Penalties

Appeal for Cassation former. ar t. 606 c. p. p. and et seq. adverse the judgment the Court of Assizes of Appeal of Perugia No. 9066/2007 of 3 October 2011 (filed on 15 December 2011) against KNOX Amanda Marie and PROMPT Raffaele only to reasons here deducted and deductible.

The present appeal is proposed by Defenders of trust, as in acts, of KNOX Amanda Marie, the lawyer. Luciano Ghirga (CF ghrlcn45c25g478e) Forum of Perugia and the lawyer. Carlo By Widow (CF: dllcrl63h10h501 w) Forum of Rome with study and domicile elect at the second in Rome Via Vittorio Bachelet No. 12, Chapter 0018 5.

Each communication will be able future to recurrent Amanda Knox at the lawyer. Carlo By Widow - by Vittorio Bachelet No. 12, E-mail: [cdv @ dallavedov to. com](mailto:cdv@dallavedov.to) tel. 06-4440821 fax 06-4462165; carlodallavedova @ ordineavvocatirom to pee. Org

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In 'Interest of Knox is proposed appeal alia Supreme Court limited to head of condemnation for the offense of slander - head F Heading - of which to device as follows:

*"DECLARE IVlox Amanda Marie guilty of offense of which a / head F, esc / usa  
'Aggravated of which the / Article. 61 No. 2 c. p., c. recognized Mitigating generic equivalent  
'aggravating of which a / second paragraph of 'ar t. 368 cp. Ia condemnation  
alia penalty of age three of reclusion, and; confirmation only to such Chief,  
'And rulings civilians of which alia judgment respondent and condemnation Knox Amanda  
Marie / payment of expense of No constitutional and and defense of part civil incurred I /*

*this degree by Patrick Diya Lumumba, liquidated in total euro  
22170.00 for Rights and fees to rimborsofor: fettario expense creates / s and accessories  
Iegge. " (P. 142 felt.) firm the the rest.*

One propose, then, the following complaints, save ALTR and:

FIRST REASON: Violation, false application of Iegge criminal breach of standards established to penalty of inoperability, inconsistent and manifests illogicality of motivation in point alia subsistence of offense of slander to senses Article. 606, co. llett. b) c) and e) cpp

1. Shortage delPelemento material of offense pp. Article. 368 cp The judgment contested believes the subsistence element material the offense as follows:

*"I were acquired to proceedings of process the statements "Spontaneous , "Released by Amanda Knox if 6 November, as also the memory and the by she later written.*

*This Court of Assizes of Appe / l, confirming on point The 'Ordinance of Court of Assizes of first able, has however stated already that these dichiar z ion i, while used in order a / crime of AC / unnia in damage Patrick Lumumba, can not be in order ag / s other crimes in damage of Meredith Kercher to / from momentary that, as qffermato also from / to Court of Cassation (Case number*

*990108 in date 1.0 4. 2008), are with, under and s ta qu profile by nu / lita absolute in much King's and in absence of defender, by person that had already assumed Ia as investigated.*

*Between the and / ementi to load of current defendants, in order a / crime of aggravated murder by vio / ence sexual (Such as also in order to other crimes to connection therewith),*

*not can be, therefore, ricompr and if these statements 'S pontanee "but, in hypothesis, so / so the memorial written subsequently. "(P. 19 felt.)*

2.The proceedings relevant to point, acquired to process, are here shown in cadence temporal in which are occurred:

- Minutes of "Summary infonnazioni" of Knox from hours 1.45 of November 6, 2007 assumed by Officers of PG assisted " Interpreter of languages English Anna Donnino " during the which, being emerged clues of reita, the 'Authority proceeding I interrupts the examination (Art. 63 cpp) with the obligation of warn the Knox that as a result of these statements can be carried out investigations against him and with the invitation to appoint a defender;
- Minutes of "Spontaneous statements " of Knox of 5.45 hours of the same 6 November 2007 received from the PM, Officers of PG and interpreter in obvious violation of grandmothers mandatory of which Articles. 63, 350, 374 and then 64.65 and 364 cpp;
- memorial of Knox of same 6 November 2007 delivered alia AG aile hours 20.00 of same Giomo in obvious violation of same rules.

This Supreme Court, invested by Knox, in seat of provvedirmenti precautionary has indicated the following principia (SC section first felt. 990 on 1 April 2008):

*"With reference alia second complaint defensive Ia Court notes that statements indizianti are characterized by a different regime of usability under the profile subjective. In case in which they come by person to load of which already there were clues in order a / same offense owero to offense related or connected with that / or attributed a / third the same not can be used, over that against if, not even in against of co-defendants of same offense (Or of defendants of crime related or connected).*

*Il regime of inoperability absolute of which to 'Art. 63, paragraph second, cpp and instead, by exclude in the 'hypothesis in which i / registrant is called to answer, he / him same or in more process, for a offense or for offenses attributed to third, that not*

have alczm bond case with THAT in for which one proceeds, respect to which he assumes Ia what [Pussy of witness.

In (act, while in first case, in (Luffs of the 'intimate connection and of 'Interdependence between the done just and that a / TRW · rises Ia needs tu t and are 011che the right to silence of registrant, in second case, instead, Ia position of extraneousness and of indifferently. (erence of registrant respect to Facts of cause makes it immune by any exploitation made by of investigative bodies (Cas s., Sect. A. The 3 February 1997, Carpanefli).

Alia like of these principles, the statements yields by Amanda Marie Knox aile hours 1.45 of 6 November 2007, outcome of which the verbal was suspended and Ia girl was mass to available dei'Autorita Judicial proceeding, emerging clues to his load, are use only against alios, while the "spontaneous diclziarazioni" of hours 5.54 not are used / izzabili I to Load dell'indagata I in against of other subjects accused of competition in the same offense, in as yields sem; to the garanz.ie defensive by part of a person that had already form / mind assumed Ia dress of investigated.

AI Conversely, the memorial written in language English by Knox and translated in Italian **and** completely usable, to senses d and ll 'Art. 237 cpp, because one is Document from from / 'investigated, that I **and** was Ia spontaneous authoress matter / s in purpose defense. The dispositions and in and examination or c nsente of attaching importance evidence to document not only in as such and p and r the his c ntenuto or representative but also inforza of particular alloy and m that the / Ega to / 'investigated (Or defendant), so lumeggiando i / union of Eligibility that the judge **and** held to operate. "

3. It the judgment contested identifies the element material the offense of slander in "Statements spontaneous " of hours 5.45, and in the "memorial" of 6 November 2007 of Knox you Iegge in judgment:

"P and r assess Ia rea / and door / a and d lle statements "Spontaneous" and of Memory / e. written practically immediately dopa, be keep account of context in which are s and t t yields the first and r and input value the second.

The duration obsessive of interrogations, carried forward of Giomo and of nolle, conducted by more people in C01! {rmzti of a girl young and foreign, that

a / the time not included **I** spoke at all well Ia Italian language, unaware of their rights, Private of assistance of a defender, a / which would was itto · t being now i d. did investigated for crimes so grav i, and assisted, for of pil'1 by a interpreter that - as highlighted by the lawyer. Bongiorno - rather than simply to · tradun and Ia induced to s.forzarsi by remember, explaining that,. perhaps because of trauma immediately was conjitsa in memories, makes of all understandable she one found in a situation of considerable pressure psychological - that defined as stress appears reductive - such by to doubt of effective spontaneity statements. Spontaneity singly arisen in full night, dopa hours and hours interrogation: the so-called spontaneous statements are were yields aile hours

1.45 (Full night) of 11.06.2007 (day after to that in which was started / 'Questioning) and more aile 5, 45 subsequent and if memorial **and** state and he prepared some hours dopa. " ..... ""AI of **la** of 'Appearance . Formal , if context in which are been made those statements was clearly characterized by wza condition psychological to become Amanda Knox really a unbearable burden: ago witness Donnino r hurt of a true and just shock emotional Amanda Knox, ver ficatosi a / momentary in which vemze . Out Ia story of Post scambiatosi with Lumumba.

Now, because Lumumba was really foreign to 'Murder the shock emotional can not be considered determined from having she view discovery (in that thing. In / 'have exchanged a message with person that with if d and Litto not c 'entered anything?) but rather than from / 'to have by now reached the maximum of emotional tension.

In this / context **and** understandable that Amanda Knox, yielding alia pressure and alia fatigue, have hoped of mel t ere end to u and q / is situation, giving to co / gold Ia were questioning that / or that, i n. based, they one vo / ed feel said: a name, a murderess " .

"Giving this / and no m "In pasta " to colors that Ia were questioning so hard Amanda Knox hoped, likely, of put w end to that pressure, by now dopa lrmghe hours wz real torment, while aggiwzgere of

particular, build a short story about to this! name not was some very difficult if not more because many details and many i / lations were appeared already the day after on Many newspapers and circulated conumque in City, considered / And modest dimensions of Perugia.

" and then the **conclusions**: "Do you think, dunqu and, this Court that Amanda Knox has indicated in Lumumba

/ 'Author of crime so / so because in this / momentary, having co / gold c h Ia were questioning insisted on / a explanation of message to he sent, the appeared as Ia by pil't short and easy for porrefine to situation in which one was.

By here drift that, for as regards The 'Murder not only not can be used / And statements "Spontaneous ", rna in rea / t not even if memory and the written later, from time that, bencize usable under i / Profile processua / e, does not deserve dependability under this / the substantial not representing if actual occurrence of each other.

A part that in such memorial Amanda Knox not indicates, however, also, m! she itself

**I** Raffaele Reminder as authors of the crime, but writes of a C01! (perfusion tota / e, not be in degree of remember as the v i and riclziest or: c one dares safety Ia extraneousness a / de / ict its and of Raffaele Sollecito.

(P. 30 felt.).

The Court of merit then believes, in primarily, the two proceedings in examination "I do not attendibil" under the profile substantial " Not representing the reate occurrence of each other. "

One aggmnge, moreover, the possible usability "Under the Profile of the case. "

It ' of all evidence Ia contradictory of motivation in which **and** incurred the Court of on; one establishes that the content of two proceedings not is the real occurrence of each other.

4.The terrible each other, so as hypothesized by Knox, not **and** corresponding to truth.

If in by substantial the Facts therein indicated not match to what happened and what was v ril and skilled *the ctu oculi* with simple investigations on

Lumumba. 11 crime of slander not **and** Configurable because lacking of certainty and univocity not being sufficient a hypothesis, a slander or wickedness to, or a suggestion proposed in 'Wrong understanding of collaborate aile investigations.

When the done imputable **and** state established in by substantial this ALSO stat or do, for as regards a possible relevance and usability under a more profile case - **and** procedural. The conclusion of merit **and** absorbent and final for each other evaluation related to procedure.

5. It ' necessary also point out, in case m examination, I to non-compliance action of 'Authority investigator to willing of 'art. 358 c. P. P.

The criteria of Objectivity, equity, must always preside to each activities investigation.

Alla light of uncertain indication of Knox, collection with the mode detected, appears censurable the decision diriment in damage of third, no a or forecasts, indispensable feedback.

In point of done to 6 November 2007 1 'survey on cruel killing of student English (Occurred four days first) was just started and each possible cue investigative was screened.

Not was was more formulated no imputation and in report alia

Knox were fate clues of reit to.

This - in believed spirit collaborative with the AG - confusedly is induced to indicate in by probabilistic a track obviously by assess, investigate and ascertain by part from the 'Authority jurisdiction.

The statement of Knox **and** inherent object survey already started

and then was be preceded from guarentigi.e constitutional of fundamental right of defense former ar t. 63 c. p. p. paragraph 2, ar t. 64 and 650 c. p. p.

This landing interpretative **and** then shared by more recent case law and doctrine (Delfino Syracuse, John Tranchina, Enzo Zappala - Right case criminal Giuffre).



6. Not one will create for rindagato a spaz10 of limbo (After the break former ar t. 63 c. p. p.) n and, nor, create a sort of Criminal incapacity for which the suspect not could be called to answer of offenses that could be committed through the statements spontaneous, rna one is of a correct respect and implementation of Constitutional Guarantees of difes to.

The 'Authority proceeding, with the interruption former ar t. 63 c. pp. poses in be a principle fundamental of democracy, legal, a break temporary the continuation of work investigative in report to each and any development of 'investigated.

The suspension **and** readily nmosa with the respect of 'obligation of information of Rights of the suspect; particularly articulated against of a foreign that not includes Ia language Italian and therefore beyond the call to appointment of a lawyer Ia possibility of perform investigation in its against and the right to silence enrollment former ar t. 335 cp p., even assistance of translator, the notice alia its agency Diplomatic and to family.

Only after these mandatory information absolutely mandatory and preliminary - increasingly becoming a focus to person alien / foreign to system national legal - . Also in hypothesis of voluntary and spontaneous statements,

the suspect **and** place in situation responsible of behavior and Ia test is acquired with those characters of genuineness, truth and force proof imposed by standard case.

So Ia jurisprudence of legitimacy to:

judgment of S. C. V Sect. No. 1002 del2000 the S May 2000:

*"Ex Article. 63 cpp, the statements indizianti yields by someone alia pg if n z a I 'Support of a defender, contrary to to 'Assumed of Judges of review, no s ono used not even in seat of investigations preliminary as this court of legitimacy has, after a different preceding address, reiterated also in Sections United. The Starting accusatory d and s wnibile also to load of third, then co-accused rispetlo a / registrant, some ' only • Attil are Ia pg to investigations opportzmamente targeted rna not constitute element circumstantial useful against alios, for c*

and h, is also indirectly, The 'Use of cennate statements, would be solved, however, in zm possible harm to who the has yields without Ia warranty imprescindibi / e assistance of defender " as well judgment S. C. Sect. IV No. 31599 of 01/07/2002:

" The sanction of inoperability in cotifronti of third of statements in person that is was or would due be felt which suspect of offense and not has received The 'Notice of which alia letter c) of third co. of 'art. 64 c. pp. (who makes statements sufatti concementi the responsibility of other will assume Ia as of witness, prejudice the incompatibility and the guarantees of Iegge), so as estab / eng in / 'last part of paragraph 3-a of itself normally work also n and E s and does and d lle investigations Preliminary and afini Precautionary of so that said statements can not and ssere pastes base of prowdementi c or e rcitivi in con.fronti of stakeholders " and more judgment of S. C. Sect. IV No. 35629 of 19/5/2005:

"In matter of statements indizianti, / 'Ar t. 63 co 2 cpp ties Ia sanction / 'Usability absolute and erga omnes is to / 'hypothesis of statements yields by subject that was be heard since from 'Beginning as person submitted aile investigations, is to the 'hypotheses of subject that in course of deposizion and make statements from here / s emerge clues of reita to his load and that despite what continues to be heard without that the examination is interrupted and are the facts events of which a / the ar t. 63, co.1. c. p. p. The ratio de / art. 63, and particularly of such penalty, not and always represented only by warranty law of of f and knows of registrant, but cos t i s ce tui w deterrent, introduced from / Egislatore against hypothesis pathological, in c ui b and deli installment m and n and t or culpably s ignore the the already existing clues of reita in against of 'Escuss or, with danger statements to ccusatorie, complacent or iate neg or z, to load of tert i, feasible

also through / "'Ob / iteration ", by part of / 'and inquired. of offenses by c ui one **and** mossi and of which the registrant **and** / 'And author. "

7. By as above above, it is of all evidence that **and** the missing element material of offense of slander because:

- a. the proceedings evaluated from Judge of merit and places to foundation the challenge of offense of slander are were assumptions without the subject to mandatory completion by part of the 'rita or Aut proceeding of infonnazione of

Guarantees of investigated and what for respect constitutional law of defense and for avoid accusatory statement, complacent or negotiated to load of third with great risk of pollution of test and - as in case in examination - of severe error judiciary;

b. firm Ia inoperability for the reasons of which above the investigated not

infonnata of its Rights of defense **and** ALSO incompatible with the 'office of witness right the preclusion of which former Article. 197 c. p. p.

co The letter. a);

c. are also affected by absolute uselessness the news and directions taken without assistance of defender former ar t. 350 co I, para 6 c. pp.;

d. to senses Article. 374 cp p. because the statements Spontaneous may, m vta substantially equivalent to GM effect from the 'interrogation these must be taken with the Prior fonnalita of Articles. 64, 65 and 364 c. p. p. Are of all deficient scans the temporal, the warnings, the questions proposals required by norrne;

and. only after the ritual information the registrant **and** exposed to

take Ia responsibility dell'indagat to.

8. About the crime of slander that requires the fraud intentional one **and** expressed the Cassation Criminal Sect. VI of 29 January 2009 No. 10972, which has established that who complaint a person with doubt about the commission of criminal act by part of same not can, then, be punished for slander if the subject accused **and** innocent. Why technically missing the element subjective of crime of which Article. 368 cp 11 fraud of offense of slander, in fact, excluding in case in which a subject has plausibly and reasonably acted in awareness of blame someone no, however, have the certainty innocence of person accused.

The Knox in first act of defense that must considered the memorial of 6 morning, spontaneously says of be confused and of not be Secure its statements in against of Lumumba.

**b) Shortage element psychological of offense**

9. By investigations confirmed by Court of merit appears ALSO deficient The 'element psychological of to king.

Il offense challenged requires the precise voluntary of attribute a that constituent offense to person that one knew innocent.

Properly the judgment contested excluding the aggravating of which Article. 61

**No. 2 cp**

In purpose Ia Knox not has certainly would to depend the existence the crime of slander in damage of his employer of work as consequence of the its share.

In point of done is excluded the possible causal and vtene indicated the statement of Knox whose behavior "Extreme" for exit by a situation of "Stress exasperated. "

The statement ambiguous of 5.45 **and** by interpreted alia light of the next memorial that the Knox has considered immediately of prepare for certify the situation of absolute uncertainty.

Not **and** conceivable the incrimination for suspect or for probability. Not is characterized in fact, the offense all the times that the circumstances particular, combined with survey psychological of person of complainant, leave think that this has acted in base to a impression Wrong when are expressed genuinely doubts.

It ' always necessary Ia full awareness Innocence not it being possible the slander to title of fault. In offense of slander the psychological element is in done that who formula the false accusation has the certainty Innocence the accused (Supreme Court pen. Sect. VI, 24.05.2004, No.

39 529).

10. In theme of slander, to for integration psychological element not assumes no relief the form of fraud possible, in As the formula regulations "Someone that he know innocent " is particularly pregnant and indicative awareness some innocence of the accused (Supreme Court p-and n. If z. VI Sent., 16-12-200 8, No. 2750)

In by Summary then:

a. the Knox in the overall evaluation of "Statements

spontaneous', ·

of slavishly "Memory] and" and, for how much can

occorrer and, both in 'e-mail of 4 November 2007 sent to all acquaintances in USA that in after memorial second memorial - of 7 November 2007, papers all acquired the process or, not has never highlighted the intention arson of which to and r ato;

b. with Ia exclusion of the 'aggravating one **and** given act that not there was

reason for accuse a innocent;

c. one **and** of conversely established that neue terms of place and of Subjective time of Knox this has always understood collaborate with Ia A.

G. for Ia resolution horrible crime - and what Ia Knox has also expressed after be was fennata and is in prison - trusting that

1 'Aut or rita charge would valued and used, in way used

neue investigations, with the degree of uncertainty, hesitation, doubt and doubts the indication provided.

SECOND REASON Violation, Failure and misapplication of legge criminal and in particular of Articles. 181, 191 cpp as well Article. 54 cp to senses Article. 606 paragraph 1, letter b) cp p.

11. As reported duly in judgment contested the "statements spontaneous " and the 'Memorial' " of 6 November 2007 Knox over alia censorship of inoperability of which above, appear taken in violation of General principles of protection of freedom Moral of 'investigated.

As established with the papers in proceedings (P. 13 reasons of Appeal) Ia Knox after the finding of corpse - occurred to hours 13.00 about of 1

November 2007 - **and** was submitted in days: 2, 3, 4, 5, and November 6 2007

- up to to momentary of , they did - to examinations, interrogations, inspections and activities Investigation by part of 'A. G. for a total of about h. 53.45, as is apparent by various verbal and testimony to the att.

In memorial of same 6 November 2007, npreso by judgment under appeal, the Knox writes quote - with clarification in relation alia libera translation - :

*"To how much regards this "Confession and" that I I made Ia last nolle, vog / I clarify that I serious doubts the truth of my statements because are were*

*yields under Ia pressure of stress. shocks, and because I exhausted (Or rather: "extreme exhaustion" **and** by result "Extreme sfiniment or ").*

*Not only me was state say that I was arrested and mass in prison for 30 years rna are was w1che co / pita in head when not remembered correctly a fact. I see that Ia police is submitted to stress and then I see if treatment*

*that lw receive. However, **and** was just this pressure and after all / And hours of*

*confusion that by my mind are venute.fuori these responses. In my mind I had of . Flash in which I Patrick in images confused (Or rather: "Unreal images" are by result "Images unreal, lying " - Dictionary Hazan).*

*The I view close a / pitch of basketball. The I view close alia port of home. Are you going to hit me?!*

*are view rmmicchiata in kitchen with the hands above the ears because in my head I heard Meredith shout rna I said this many times in way to clarify to me same: these homes me seem to unreal, as a dream and not I'm sure if are homes rea / mind succeeded or are so / so of dreams that Ia my mind has created for groped of answer aile questions that I in head and aile*

*questions that me are were pastes. But Ia truth **and** that not are ceria of truth*

*that and here because:*

*1. The police me has say of have of evidence overwhelming that I me found s to approx, s to approx I a, in 'Now of 'Killing of Meredith Not I of that try one traits, but if this **and** true means that I are very confused and that the my dreams have be true. "*

Not appears Shareable the statement of Court of merit for Ia which the Knox object of interrogations obsessive "Brought forward of Giomo and at night " (P. 33 felt.) in a "Situation of considerable pressure psychological and stress " (P. 34) can have made "Statements spontaneous" and ie to she caused by alteration of capacity of remember and assess the facts.Recall alia Court that Ia Knox to time of Facts had 20 age and did not know more the language Italian, being arrived to Perugia 2 weeks before of fact.

12. The Court of merit indicates as factor of pollution of The test 'Extreme situation of suggestibility morbid induced that can cause u n a pseudo amnesia with the creation of false memories of events do not exist (Gaspar Vella- Psychiatry and Psychopathologists to, Liviana Medicine).By these correct premises the judgment contested indicates, which parameter inutilizzabilit to, the maximum extreme only caused by serious to pathologists.

One would claim none the state of inability of mean and will

(Art. 428 c. c.) and ie the 'Exclusion of validity of ita and imputability of a or att.

Of against there **and** all a gradation of situations objective and subjective which can alter the 'Acquisition of test, as also explained by the consultants of part in process of first degree - especially the Professor. Carlo Caltagirone that has related on "Memory amnesia psychogenic and remembered the false " (Report filed in hearing hearing 25 September , 2009). The Knox during Ia evening was under suggestion for the effects of long interrogation and such suggestion has involved effects of **and** confusion.

Coming as young foreign without a correct and professional filter translation by language, to she foreign to say something of not true without aveme awareness no, push from desire and the need d i get out by a situation of strong stres s. The Knox waiting for the 'Arrival of mother by Seattl and, waiting in morning of 6 200 7 November, a few hours after the its statements, and also such element has contributed to the statements for get out by stress and by **and** confusion.

The genuineness of test in phase of acquisition can be compromised

- as in case in examination - by a competition extreme of suggestions; the Knox **and** entry in a state of oppression, confusion and stress just in Following the interrogation and aile its mode (P. 31 Sent.) on pressure of interpreter / prompter getting also a "Scappellott or " from a officials in service, that certainly pushed by situation of great

voltage and perhaps due to the in stanchezz to, view The 'now late, has **and** acted incautamente, all elements that hanna certainly altered the capacity Knox of assess the facts.

AI end of subsistence of shortage element psychological of or reactive, demand that the person concerned should be in terms of inability

psychic **and** a typical "Begging to excessw n ".

13. It the 'Recruitment of test **and** astretta by rigid parameters not travalicabili of referred to Articles. 188 and 64, paragraph Cpp 2 The to genuineness, spontaneity, frankness of acquisition of test **and** premise



unavoidable of right or process. Of conversely one subject alia sanction of the Nuti the izzab the litas.

Such proposition **and** well far and different by statement of Court on inability total of understand and will that cause measures of which Article. 70 and et seq. c. p. p.

One is of two positions between their greatly distant that then com p or rtano different Opinion: the 'A disabling devices, the other the nullity assolut to.

14. The recurrent will ALSO submit to 'test of Court 's additional grievance of omitted recognition by part of the Judges of merit dell'esimente of state of needs in which one was the When Knox would accomplished the offense criminal or contestat.

Wide and depth investigation **and** was conduct on situation subjective and objective in which poured the Knox in horrible night between the 5 and the 6 November In 2007 offices of Police Judicial of Perugi a.

The judgment contested reconstructs punctually the situation the defendant.

This was received in a position of • • extreme exhaustio n " for the pressures, for the blandishments (" Assisted by a in t and rprete that - as

*highlighted from 'Lawyer Bongiorno, - rather than simply to translate Ia induced in strive of "Remember explaining that, perhaps to cause of trauma was immediately confused in i remembered .... "(P. 30 judgment) for offenses materiali ("slaps") for the mancanza of assistance to she due, and above all for the specious news that the correspondent Raffaele Sollecito, would changed version and then for the threat of a penalty of thirty years, if not he recalled or confirmed the facts challenged.*

The case so as established confirmation the state of needs in which was the Knox and the threat of a imminent serious danger that the young not would otherwise avoided if not indicating a possible by Escape (" / And appeared as Ia more short and easy for put end alia situation in which one was ") (Sentence page. 33) also not true - as assessed

after the easy and inopportune control about ! 'alibi of Lurnumba

- that would pen) Mold 's insistence accusatory and avoided the serious danger threatened.

Dall'accertamento in done of Court of merit there all the conditions of which alresimente and in particular: the topical and the inevitability of danger, the damage serious to person and the proportion between the danger and the fact.

As **and** consolidated interpretation exempting the of state of needs postulates the existence of Facts concrete these by justify conviction dell'indagatalirinputato of be in such state.

These terms must exist objectively rna exempting the **and** ALSO when applicable the same there putatively in transparent behavior of irinputata.

It ' of all peaceful, conformed and stated in all the details (Rnemoriali and e-mail to friends) that the Knox in that night was in a situation also putative of serious danger and threat that justifies the behavior adopted.

THIRD REASON Violation of legge Article. 51 cp former Article. 606 co. 1 letter. b cpp

15. The defense of Knox will ALSO submit to this Court

1 'further discriminating former Article. 51 cp applicable to the in Knox in report a1 offense challenged.

In right of defense of em Article. 24 Constitution **and** was also recently, arnpiamente interpreted which a of three rights fundamentals of the 'individual on which one based the state democratic preminent on other rights or interests of citizens.

Because, then, for its nature and function **and** act to do Rights of second level that also must be protected in limits provided by legge ordinary.

The question the latitude of right of defense as expression Protection of individuality delraccusato maximally when such

situation **and** caused with violation of standard imperative by part Authority State **and** recognized in its more to m pia extension.

The examination functional of current of Facts during the which Ia Knox has referenced to a third foreign and in particular the mode objective and attitudes subjective lead to confirm that Ia Knox has acted in cases of justification of which Article. 51 cp

It ' certainly solver and final ascertain of state mood of Knox that - second the tradition of its education civil and religious - concurrently looming a serious danger, YES proposed of help the investigations with a hypothesis totally by occur.

It ' in fact ALSO connatural defensive attitude of Knox that any hypothesis Advanced - moreover at least other two were screened

same - would was subject to precise feedback first that you should arrive to serious Conclusions related the freedom personate of third.

This composite situation psychological of Knox connotes the certainty of itself of exercise a mere right of defense in of search truth relevant a done criminal of maximum to gravity.

Also on tip **and** considerable for the characters and the details established, the consciousness to exercise a right of justification also putatively extended alraccertamento and involvement of third, then rilevatasi stranger.

There **and** then clearly a relationship of connection functional between raccusa implicit fonmulata against the Knox and the object of dispute against him.

FOURTH REASON Violation of legge of standard case Former art. 606, co. 1, letter. d) and e) cpp in report to Articles. 125, co. 3 and 546, co. 1, letter. e) cpp

16. In by graded for completeness of defense - being absorbent the reasons of which above- this defense censorship also the omission and / or the wrong reasons in point to sensible aggravation of penalty imposed by Court of merit to Knox peril offense of slander. The Court of First Instance having evaluated the elements caught by the v i and objective and examined the circumstances significant former Article. 133, co 2, No. 2 cp had

increased the penalty imposed alia Knox of which to other offenses claims "of a further year for Ia slander " (P. 423 felt. CA).

The Court AA has reformed deeply the judgment with the following deduction:

*"No contradiction, therefore, in feel it guilty of offense of slander and, however, in / 'to exclude the aggravating of which the / 'Article. 61 No.2 cp*

*Kept in mind the criteria established to / 1 'Art. 133 cp and recognized, for considerations already explained by Court of Assizes of first degree (Lack of previous criminal young age, commitment in life school etc. ... ), the Mitigating genres h c, equivalent to 'Aggravating of which to 'Art. 368, second paragraph cp, in*

*consideration of particular gravity of crime object of slander, **and** fair determine Ia penalty for the crime of slander in ATMI three of imprisonment. {Sent. page. +35*

To light of these synthetic details appears of all evidence that Judge of merit **and** incurred in vice of omission and / or erroneous and / or illogical reasoning determining just Ia penalty in age three of imprisonment instead in Minimum prescribed by law.

17. 11 Judge Appeals referring aile same circumstances made from Judge of first degree had the obligation of justify such a choice just in consideration of considerable aggravation imposed.

It ' principia Consolidated that the 'use of expressions synthetic or simple reference standards procedural on evaluation and effects of penalty **and** justified only when is imposed a penalty very close to Minimum punishments not being in this case necessary a analytics enunciation criteria.

Of conversely when the Judge of second degree overwhelms the Conclusions the first Judge **and** held to give cognizance of circumstances, reasons and causality which offer justification of this change substantial of amount of penalty.

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18. The signed defenders of Amanda for the reasons all above and subject of reasons added conclude:

Why this Ecc.ma Court Supreme of Cassation in Upheld of this Appeal will cancel the head of condemnation F of book on alia slander .

With each consequent pronouncement and pronouncements of the law. Fenno the the rest. With each salvation.

Perugia 6 February 2012

In vv. Luciano Ghirga

In vv. Carlo By Vedova