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TRIBUNALE PER  
PERU' VIAGGIO IL

13. NOV. 2007

DOTT. CLAUDIA MATTEINI

**TRADUZIONE**

**DELL'ORDINANZA DI CUSTODIA CAUTELARE IN CARCERE  
EMESSA DAL G.I.P., DOTT.SSA CLAUDIA MATTEINI, IN DATA 9.11.2007**

**Perugia, 13 novembre 2007**

**Riccardo Bianchini**

*Riccardo Bianchini*

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CIVIL AND CRIMINAL COURT OF PERUGIA

OFFICE OF THE JUDGE FOR PRELIMINARY INVESTIGATIONS (G.I.P.)

The Honourable Judge Claudia Matteini

In view of the records of the proceedings referred to in the epigraph, against:

- **DIYA Lumumba** called Patrick born in Kindu (Zaire) on 5/5/1963 – resident in Perugia via Raffaello n. 16, living in Perugia via Eugubina n. 77

- **KNOX Amanda Marie** born in Washington (U.S.A.) on 9/7/1987 living in Perugia via della Pergola n. 7

- **SOLLECITO Raffaele** born in Bari on 26/3/1984 resident in Giovinazzo via Solforino n. 4, living in Perugia Corso Garibaldi n. 4,

**under investigation** with regard to the offences referred to in Articles 110 – subsection 81 – 609 b – 575 – 576 No. 5 of the Criminal Code for resorting to violence and threats in order to force British citizen Meredith Susanna Cara Kercher, whose particulars are in the records, to engage in sexual acts and for killing her by means of a pointed slashing tool in the neck area, in the act of committing the crime of sexual abuse – these events occurred in Perugia during the night between 1 and 2 November 2007,

in view of the request submitted by Public Prosecutor Giuliano Mignini with regard to the confirmation of the arrest of the above-mentioned people by the Flying Squad of the Questura of Perugia on 6 November 2007 in execution of the arrest warrant issued by himself on 6 November

2007,

in view of the fact that the arrest was made in connection with offences that entitled it,

that all its necessary grounds prevailed,

that there were specific elements that could lead to believe in a risk of escape,

that all the elements listed in Article 384 of the Code of Criminal Procedure need not represent direct evidence of the escape plan, this being always a future uncertain event (Cass. pen. sez. I 26.4.1994, Matina),

that in this case such risk was real and not imagined, as it need not be particularly serious or there must be a certain degree of probability of an escape (Cass. pen. sez. I 29.4.1991, Matina),

that in this case it could have been possible for the American and the Zairian suspects to leave the country in order to escape investigations,

that it could have been possible for the Italian suspect to leave Italy, also with the help of Ms Knox, with whom he has a romantic relationship, thus making it more difficult to ascertain the facts,

that serious circumstantial evidence of guilt existed, as stated hereinafter,

that the request was submitted in accordance to the law,

#### FOR THESE REASONS

**Confirms the arrest of DIYA Lumumba called Patrick, KNOX Amanda Marie and SOLECITO Raffaele, whose particulars are stated above, made by the Flying Squad of the Questura of Perugia on 6 November 2007.**

In view of the request submitted by the Public Prosecutor for the enforcement of the precautionary measure of prison for DIYA Lumumba called Patrick, KNOX Amanda Marie and SOLLECITO Raffaele, firstly it must be noted that the essential grounds for the enforcement of a precautionary measure are represented by serious circumstantial evidence of guilt and precautionary needs. Their existence is precisely what must be ascertained during the investigation for the above enforcement to be legitimate.

With regard to serious circumstantial evidence of guilt it is important to focus on the provisions of

Article 273 paragraph 1 of the Code of Criminal Procedure, explicitly stipulating that **"nobody can be subjected to precautionary measures if no serious circumstantial evidence of guilt exists against him/her"**. This refers to a body of evidence that can lead to believe – although without the degree of certainty required for a conviction – that it is highly likely the crime was actually perpetrated and that it is attributable to the person under investigation, hardly allowing of any alternative interpretation (Cass. pen. sez. III 3.12.2003 n. 306; Cass. pen. 6.11.2002 n. 37159).

This general principle is of the utmost importance as it marks a clear distinction on the one hand between the evidence that allows the investigation to continue in order to ascertain and corroborate a working hypothesis, and the serious evidence justifying such severe measures as the partial or total restriction of someone's personal freedom – this evidence being qualitatively and quantitatively different from the first one, postulating the objective accuracy of each circumstantial element in such a way that leads to believe in the highly likelihood of the existence of a crime and of its being attributable to that suspect; on the other hand, between the said evidence and the circumstantial evidence leading to a judgement of certainty, which must be accurate and consistent as well as serious.

It follows that for a framework of evidence to be referred to as serious, which is a necessary and sufficient condition for the enforcement of a precautionary measure against an individual, there must be one or more elements suitable to form the basis for a judgement of qualified probability regarding the criminal liability of the person under investigation (Cass. pen. sez. IV 4.7.2003 n. 36610; Cass. pen. sez. IV 21.6.2005 n. 30328).

Furthermore, in order to check whether or not this judgement is actually based on a serious framework of evidence it must be ascertained that it can resist alternative interpretations.

Having reasserted these general principles, it is necessary to verify their existence in this case with regard to the evidence that has been collected up to now during the investigation. In order to do so it is essential to reconstruct the investigation from the very beginning.

On 2 November 2007 at 12.35pm some officers of the Perugia Postal Police went to via della

Pergola n. 7 in order to track down Filomena Romanelli, because on the same morning, Elisabetta Lana had found two mobile phones on the lawn of the garden opposite her house located in Perugia via Sperandio n. 5. One of the phones had a Vodafone SIM card for the number 348 4673711 registered in Ms Romanelli's name. Upon arrival, the officers found two young people outside the building at via della Pergola n. 7. They were identified as Amanda Marie Knox, who lived at that address, and Raffaele Sollecito. They said they had called the Carabinieri and were waiting for them because on returning home that morning, they had found a broken window and had suspected a burglary. In the meanwhile, at 1pm, the above-mentioned Ms Romanelli, a flatmate of Ms Knox's, arrived. She checked that nothing had been taken from the flat.

On inspection of the premises, it was ascertained that the door of the room used by Meredith Kercher, another young lady who lived in the flat, was locked and it was decided to break it down because Ms Romanelli thought it strange that both Ms Kercher's telephones could have been stolen – as Ms Kercher was also using the one with the above-mentioned SIM card – and that the door to her room should be locked. After opening the door they were confronted with a gruesome scene, in that the room was found in disorder with blood stains everywhere, on the floor and on the walls. In addition to that, a foot was visible under the duvet of the bed. In order to avoid any tampering of the evidence, the officers did not allow anybody into the room.

The young lady who was found dead with a wound on her neck inflicted with a slashing weapon was identified as Ms Meredith Kercher, an English student who had arrived in Italy in September as part of the Erasmus exchange programme and was enrolled at the University of Perugia.

The first medical examination carried out on the body by the Public Prosecutor's technical expert, Dr Luca Lalli, suggested that the death could have occurred at 11.00pm with a minimum and maximum time gap of approximately 1 hour. As a result, the period of time to be investigated had to be 10.00pm-12.00am on 1 November 2007. The expert's conclusion was based on the assumption that the victim had had dinner at 9.00pm. In fact, the records show that this time can be definitely brought forward because, according to Ms Sophie Purton's statement on 2.11.2007, dinner was

already finished at 9.00pm and she was on her way back home together with Meredith.

This is an important element, in that it allows the time of death to be brought forward to at least 10.00pm, indicating that the period of time to be investigated is 9.00pm-11.00pm.

With regard to the cause of death, the above-mentioned expert stated that it had been the result of a metahaemorrhagic shock due to a vascular lesion on the neck inflicted with a pointed slashing weapon.

Dr Lalli's first summary medical report, which was filed at the Public Prosecutor's Office on 8.11.2007, regarding the post-mortem examination on the body of Meredith Kercher, suggested that the wound had not affected the carotid artery. As a result, death was preceded by a relatively slow agony. This fact allows the crimes to be brought back in time, between 9.30pm and 11.30pm on 1 November 2007. In view of the fact that the victim had dinner before 9.00pm, this time span can once more be brought back to 8.30pm-10.30pm.

The investigators have spoken to several young people who had become acquainted with Meredith since her arrival in Perugia. With regard to her private life, the only noteworthy aspect was the three-week romantic relationship she had had with Giacomo Silenzi, one of the four young men living on the ground floor at via della Pergola n. 7, the others being identified as Marco Marzan, Stefano Bonassi and Riccardo Luciani. When questioned informally, they said they had all left Perugia between Saturday and Monday to go back to their respective residences, i.e. Marco Marzan, Stefano Bonassi and Giacomo Silenzi in Porto San Giorgio and Mr Riccardo Luciani in Bologna.

Filomena Romanelli, who was questioned informally on 2 November 2007, said she shared the flat on the second floor of the building at via della Pergola n. 7 with Laura Mezzetti, Amanda Knox and Meredith Kercher. Ms Romanelli said she was especially close to Laura Mezzetti, not least because of their common interests, while the two foreigners were close friends and had similar lifestyles, in that they were both students who used to go to university together and had the same circle of friends. When questioned informally again on 7 November 2007, she also said that Meredith had never let any man into her room, with the exception of Giacomo Silenzi, her boyfriend.

However, the investigators focused their attention on Amanda Knox and her boyfriend, Raffaele Sollecito.

With regard to them, it is firstly necessary to point out that contrary to what they told the Postal Police officers, it is not true that before the officers' arrival they had dialled 112 to call the Carabinieri on suspicion of being burgled. It was ascertained that the Postal Police officers had arrived at 12.35pm, while the calls to 112 were placed at 12.51pm and 12.54pm (see note by the Postal Police issued on 6 November 2007). This fact leads to believe that they intentionally behaved like that in order to justify their presence after being surprised outside the house where the murder had been committed, in view of the state in which the flat was found, with particular reference to the discovery of blood stains on the floor and on the walls.

Amanda Knox was questioned informally for the first time on 2 November 2007. She said that she had seen Meredith at about 1.00pm on 1 November at their flat, where she was in the company of her boyfriend, Raffaele Sollecito, that she had seen her going out at about 3.00pm-4.00pm without knowing where she was going, that she had stayed in with Mr Sollecito until 5.00pm, that the two had then gone to his flat, that she had spent the whole night there, that she had gone back to her flat in via della Pergola at about 11.00am on the following morning, that she had found the front door open, that she had called her flatmates but nobody had answered, that she had gone to one of the bathrooms and that she had found traces of blood which she had not bothered to clean, that she had noticed faeces in the toilet bowl of the other bathroom, that she had been surprised but had not cleaned up, that she had left her flat at about 11.30am after locking the front door, that she had gone back to Mr Sollecito's flat and had told him what she had discovered, that she had tried to contact Meredith but to no avail, that she had returned to her flat in via della Pergola together with Mr Sollecito, that she had discovered a broken window, that the door to Meredith's room was locked, that she had resolved on calling the Carabinieri after Mr Sollecito had phoned his sister to ask for advice on how to behave.

Raffaele Sollecito was informally questioned on the same day. He fully confirmed Ms Knox's



statement, but he said the toilet bowl in the other bathroom was clean, which is in contrast to the statement of the young lady.

However, as the Carabinieri arrived and discovered that there were still faeces in the toilet, his statement was proven wrong.

On 5 November 2007 at 10.40pm Raffaele Sollecito was once again questioned. He changed his previous version of the facts by saying that on the afternoon of 1 November, after Meredith had gone out, he had stayed in with Ms Knox until 6.00pm, when the two had left the flat to go to the town centre. At about 8.30pm-9.00pm Ms Knox told him she would go to the pub Le Chic to meet some friends and left, while Mr Sollecito returned home. He said that his father had called him on his landline telephone at 11.00pm, that he had used the computer for two more hours while smoking a joint, that the young lady had probably returned at about 1.00am, that they had woken up together at 10.00 when Amanda had left to go back to via della Pergola. He confirmed what he had said before and he justified his behaviour by saying that Ms Knox had persuaded him to lie.

On 6 November 2007, first at 1.45 a.m., then at 5.45 a.m., Amanda Knox told the Public Prosecutor that on Thursday 1 November at 8.30 pm, while she was at Mr Sollecito's place, she had received a text message on her mobile phone. The message had been sent by Patrick, the owner of the pub Le Chic, where she had been working, to tell her that the pub would be closed on that night and therefore she did not need to go to work. In her answer, she told him that they would meet later, then she left after telling Mr Sollecito she was going to work. In fact, she headed for the basketball court in piazza Grimana, where she met Patrick. The two went to her flat in via della Pergola. She did not remember whether Meredith was already in or whether she arrived a few minutes later. She added that, despite her hazy memories due to hashish consumption during the afternoon, Patrick had retired with Meredith – with whom he had become infatuated – to her bedroom where they had sex, that she did not remember whether Meredith had previously been threatened, but that it had been Patrick who had killed her. She also stated that in those moments that she has not been able to quantify she had heard Meredith scream and she had been so scared that she had put her hands over



her ears, imagining what could have happened.

She also said she was not sure whether or not Raffaele Sollecito had been present, but when she woke up the following morning she found herself at her boyfriend's place, in his bed. In addition to that, she confirmed her previous statements regarding the course of events from the moment she had woken up at 10am to the moment when the Postal Police had arrived.

This is when Amanda Knox and Raffaele Sollecito cease to be persons informed about the facts and they become suspects themselves. It should be noted that on 6 November a pair of Nike size 42½ gym shoes and a black flick knife 8.5 cm long and 2 cm wide belonging to Raffaele Sollecito were seized, as stated in the records. After a first check on the crime scene, the investigators found footprints showing a clear compatibility with Sollecito's shoes.

Checks carried out by the forensic police revealed the presence of three footprints under the duvet that covered Meredith's body. The shape and dimension of the one marked with the letter A on the technical report of 6.11.2007 – the only one which it was possible to analyse because the others were indistinct – are consistent with the sole of the shoe seized from Raffaele Sollecito. The report reads, "The shoes seized from Raffaele Sollecito can have left the footprint (letter A) found during the check".

In the light of this new evidence it is clear that the statements issued by Raffaele Sollecito and Amanda Knox cannot be used against themselves, under Article 63 paragraph 2 of the Code of Criminal Procedure, but they can still be used against what each one said with regard to the other and also about other people, in that the statements were issued when Mr Sollecito and Ms Knox were still persons informed about the facts and not yet suspects. A change in the legal status of the declarant cannot invalidate previous acts, also by virtue of the principle of the conservation of procedural acts and the general rule of *tempus regit actum* (Cass. pen. sez. III 1.4.2004 n. 15476; Cass. pen. sez. VI 4.6.2003 n. 24180).

It follows that the statements given by Amanda Knox when she was a person informed about the facts can be used against both Raffaele Sollecito and Lumumba Diya and the statements given by

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Raffaele Sollecito can be used against Amanda Knox.

Having made this clear, during the hearing for the confirmation of the arrest, Raffaele Sollecito said that he had spent the whole night between 1 and 2 November with Amanda Knox, that he had returned to his flat at around 8.00pm-8.30pm, that he had had dinner with her girlfriend, that he had realised she had received text messages on her mobile phone, that she had told him she would not need to go to work to the pub Le Chic that night, as she had been told via text message on her mobile, that they had gone to bed, they had woken up the next morning at about 10.00am and that Amanda had then left to go back to via della Pergola to have a shower. He added that he did not remember whether or not Ms Knox had gone out, but he repeated that he had not left his flat and had used his computer. He claimed he had received a phone call from his father at about 11.00pm, but shortly after he pointed out that he did not remember whether he had actually received the call or whether he had said he had received it to corroborate his claim that he had stayed in.

As can be seen, Mr Sollecito changed once again his version of the facts with regard to Ms Knox's behaviour on the night between 1 and 2 November and justified himself by claiming that he had been influenced by her as a result of the statements she made on the spot to the Postal Police. In fact, she had not made any such statement to the Postal Police officers, also because of her difficulty in speaking and understanding Italian, as Mr Sollecito himself explained later.

As for Amanda Knox, while previously stating that Mr Sollecito had spent the whole night with her, on 6 November she said she did not remember whether or not her boyfriend had been present with Patrick at the flat in via della Pergola on the night between 1 and 2 November, because she had taken hashish during the afternoon and since she was not used to similar substances she only had indistinct memories. However, she confirmed that Mr Sollecito had been with her the next morning at 10.00am as she had woken up in his bed.

Mr Sollecito's presence in Meredith's room is arguable on the basis of the hard fact represented by the footprints found right under the duvet that covered the victim's body. This fact was pinpointed by the checks referred to in the technical report dated 6 November 2007 and by the more accurate

inspections referred to in the forensic report issued in Rome on 7 November, which confirms the perfect match between the above-mentioned footprints and Mr Sollecito's shoes.

This objective element is indeed to be regarded as serious circumstantial evidence of guilt against Raffaele Sollecito with regard to the facts being examined, even more so if we add the fact that he was carrying an 8.5cm flick knife, which – according to the Public Prosecutor's technical expert – could be the possible murder weapon.

With regard to this last point, it must be noted that during the hearing for the confirmation of the arrest he himself declared that since the age of 13 he had always carried a knife with him; in fact, the knife had become a permanent accessory, so much so that it changed according to what he was wearing.

Confirmation of this came when another flick knife was found when his house was searched.

With regard to Amanda Knox, her presence on the crime scene is confirmed by Mr Sollecito's last statements, when he claimed that he had always been with her and by the fact that she was the only one who had the key to the flat in via della Pergola and therefore could open the front door without there being any sign of a break-in.

Besides, there is no indication that Mr Sollecito had ever had that key or that Ms Knox had ever handed it to him. Furthermore, the two of them never contradicted each other as to their being together the next morning at Mr Sollecito's place. This corroborates the fact that they spent the whole night together.

Finally, with regard to the position of Lumumba Diya, Amanda Knox's statements on 6 November are of the utmost relevance, as they show that he was present in Meredith's bedroom at the moment of her murder when she was screaming.

These statements are corroborated – although only indirectly – by some hard facts concerning the opening hours of the pub Le Chic. During the hearing for the confirmation of the arrest, Lumumba claimed that he had opened the pub in the afternoon of 1 November at about 5.00pm-6.00pm, but the first receipts were issued at 10.29pm. The suspect failed to provide any logical explanation for

these circumstances, in that he was not able to give any information as to any customers who could attest to his presence in the pub before 10.29pm. He also failed to provide specific and therefore verifiable information as to a person named Usi, who would have come into the pub at 20.00, nor was he able to provide his contact number or other identifying elements, despite claiming he was a friend.

In addition to that, it must be pointed out that when this judge challenged his statement, the suspect remained silent for a few minutes and then tried to justify this "gap" by stating that the receipts are issued not when customers order but when they leave.

However, this justification does not stand up because it does not explain why no receipt was issued between 6.00pm and 10.29pm, while they were issued on a regular basis from 10.29pm to closing time.

Further corroboration of the fact that the pub closed earlier can be found in the statements of one of its regular customers, Gerardo Pasquale Vulcano. When questioned informally on 7.11.2007, he said that on the evening of 1 November at about 7.00pm he saw that the pub was closed and noticed it was still closed later on his way back from a pizzeria.

With regard to the text message the suspect sent Amanda at around 8.30pm, the young lady's statement is at variance with the suspect's, in that Amanda referred to a message informing her that the pub would be closed and therefore there was no need for her to go to work, while Patrick stated he told her he did not need her that night as there were only a few customers.

This circumstance may appear to be of little significance, but it is not, in that there is considerable difference between the two messages; it is likely that Patrick had actually intended not to open the pub, thinking he could spend the night with Meredith, but in the light of the following events, he thought it better to open the pub with the deliberate intention of fabricating an alibi for himself.

It is not known and there is no logical explanation as to why Amanda should have lied about the reason for her not going to work – the pub being closed or there being only a few customers –, while a much more compelling reason emerges from Patrick's behaviour: by opening the pub he

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would have an alibi for the whole night.

These inconsistencies cast doubts over the actual content of the text message, especially if we look at it in the light of the answer Amanda sent to Patrick, something like "see you later", which is the logical answer with reference to the pub being closed in order to have a night off and arrange a meeting at a later time.

This statement is indeed confirmed by the following course of events, as Patrick met Amanda in piazza Grimana. Patrick himself stated that he was used to arranging his meetings there. As to the time frame, it must have been approximately 9.00pm-9.30pm, which perfectly corresponds on the one hand with the events occurred – as stated above – between 9.30pm and 11.30pm, on the other hand with Meredith's arrival that night, as stated by Sophie Purton on 2.11.2007. She said that after eating a pizza at some friends' place in Perugia via Bontempi, at 9.00pm she and Meredith left their friends' house and Meredith went back to her place in via della Pergola.

It follows that Meredith was at home at a time consistent with that of Amanda's arrival. This explains why Amanda did not remember whether Meredith had been already in or whether she had arrived a few minutes later.

In explaining the reason why Patrick wanted to be alone with Meredith, Amanda said that he had become infatuated with her and wanted to make advances to her, which would have been difficult for him in other circumstances. This does not surprise, in that Meredith was described as other than an "easy girl"; so much so that, contrary to Amanda (as stated by Romanelli Filomena), she had never invited her male friends to her place, with the exception of her boyfriend.

Lumumba's intention to avoid that the message he had sent to Amanda on 1 November be traced back to him during the investigation is evident from the fact that he changed his mobile phone on the days immediately following the incident. This is an undeniable fact, as telephone records show that until 2 November he had been using a mobile with IMEI number 354548014227980, while on the day he was arrested he was using a mobile with IMEI number 354548014227987.

This occurrence would have been unremarkable if he had acknowledged it. Indeed, his telephone

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number being the same, it could have been easily tracked down anyway. What makes the event remarkable is the suspect's persistence in denying it, which leads to believe that he acted on the erroneous assumption that he could thus avoid being identified.

Having thus reconstructed the facts, in the light of the aforementioned principles, the evidence gathered is already sufficient to order a precautionary measure. It must be noted that the investigative outline of the situation is highly changeable as forensic tests are still under way on the many footprints and traces of blood and other organic material found on the crime scene. Further inquiries are being carried out by conducting investigatory interrogations of persons informed about the facts.

In this context, it is nevertheless necessary to establish some fixed points that, if not yet certain, can undoubtedly be said to have a high degree of probability with regard to the course of events described by the prosecution and of being attributable to the current suspects, even though their details need yet to be specified, especially in relation to their respective roles. However, this does not prevent the State from enforcing preventive measures with regard to the personal freedom of the suspects, since at this stage no formal charge has yet been brought; in fact, only a hypothesis about a crime has been formulated.

On the basis of the hard facts that have been ascertained up to now, it is possible to reconstruct what happened on the evening of 1 November as follows. Raffaele Sollecito and Amanda Knox spent the entire afternoon smoking hashish together. At about 8.30pm, while Ms Knox was at Mr Sollecito's, she received the message of Lumumba Diya who, instead of simply telling her not to go to work, confirmed their meeting later in the evening, the two of them having obviously agreed beforehand that the young lady would help him to have an encounter with her friend Meredith. Raffaele Sollecito, bored of the same evening routine and wishing to experience "strong sensations" as appears in an entry dated 13 October 2007 on his blog and as he confirmed during the hearing for the confirmation of the arrest order – sensations that can also originate from an intense sexual relation which breaks the monotony of everyday life – went out with Amanda. The two met



Lumumba Diya in piazza Grimana at about 9.00pm and went together to the flat at via della Pergola n. 7, of which only Amanda had the key.

It was more or less at this time that both Mr Sollecito and Ms Knox switched off their mobile phones, which were switched on again the next morning. A few minutes later Meredith returned, or she might have been already there. She went into her room with Patrick, then something went wrong, in that in all probability Mr Sollecito stepped in and the two started to ask something of the girl, but she refused. She was then threatened with a knife that Mr Sollecito was used to carrying with him at all times, and with which Meredith was struck in the neck.

When the three realised what had happened, they hastily left the house after creating a state of disorder, also with the intention of faking a break-in. In the attempt of cleaning themselves they smeared blood everywhere, as the blood stains on the bathroom floor and sink indicate.

The fact that Meredith was abused is evident from the state in which her body was found, with scattered bruises. In particular, Dr Lalli's medical report shows the presence of bruises with excoriated areas on her upper and lower lips, on her gingival fornix, on her left cheek and on her chin.

These injuries can be regarded as consistent with a forced prone position of the victim, possibly with her face pressed to the floor in order to immobilise her. They can also be consistent with the bruises found in the anal region together with an amply dilated anal sphincter that, if compatible with constipation problems, as Dr Lalli pointed out, could also indicate anal intercourse.

In this respect it is necessary to bear in mind how difficult it was for Meredith to have this type of intercourse, as stated by her boyfriend Silenzi Giacomo. He said they had tried to have this type of intercourse, but because of the victim's pain they had not repeated the experience.

Judging by the dot-like shape of the bruises on the victim's neck – which is consistent with the pressure of fingers – Meredith was probably pinned by the neck and held at knifepoint because in addition to the wound that turned out to be lethal there were other smaller wounds in the same area.

As evidence of the fact that the assailants wanted to pin the girl on her back, Dr Lalli found bruises



on the inner side of her labia minora, whose position and appearance suggest that sexual intercourse was either attempted or accomplished, hastily and anyway without the victim's consent. This is because the aforementioned bruises occurred as the result of vaginal penetration of the penis or the fingers without the adequate physiological lubrication of consensual intercourse. Furthermore, as stated by Giacomo Silenzi, there is no reason to suspect that the victim had problems in having normal sexual intercourse.

This evidence points to sexual abuse since the above-mentioned hard facts clearly indicate that Meredith had not given her consent to that relation.

The lethal wound inflicted to the victim's neck could have been the result of a threat that took a turn for the worse, as the three suspects did not have the presence of mind to tidy up the flat. Instead, they left taking Meredith's mobiles and discarded them later.

It is likely that the following morning Amanda initially went back to her flat alone, not so much to have a shower – as stated by Mr Sollecito – but because she needed some clean clothes. When she saw blood stains everywhere and given the abnormal situation, instead of looking for her flatmates she returned to Mr Sollecito's place. Then the two of them went back to her flat, informed the others only at that moment and were surprised at the fortuitous arrival of the Postal Police. They reported a presumed break-in and told the officers they had already dialled 112. This is not true, in that the call to 112 was placed after the arrival of the Postal Police, as stated before.

As to Amanda's clothes, Filomena Romanelli said that on 1 November the suspect was wearing a sweatshirt she did not see again later and it does not appear to be among the confiscated clothes. The following day Lumumba Diya and Amanda Knox spoke on the telephone, but this time the former used a different mobile. Having kept the same number, though, the swap was pointless.

As for the legal classification of the case, there are no doubts at this moment in presuming the truth of what follows: that there was an initial wish of the three suspects to experience a new sensation, especially on the part of Mr Sollecito and Ms Knox, while for Mr Diya the desire to have carnal knowledge of a girl he liked and who was spurning him. Then in the face of a denial from the

victim, instead of desisting they tried to force the will of the girl using a knife that Mr Sollecito always carried with him. Due to Meredith's reaction, they only managed to achieve some kind of hurried incomplete physical contact, which left her with bruises in the genital area, although semen was not found. Violence then degenerated into the killing, since the knife, having wounded the victim's neck on two occasions, penetrated it deeply the third time, leaving the fatal wound.

Since all three suspects were present on the crime scene, at this time and while waiting for more compelling evidence from the ongoing investigation – especially in relation to the forensic tests on the marks found on the crime scene – the crime must be attributed to them under a material and psychological profile with reference to aiding and abetting.

As for the motive, in the light of the above clarifications, no further comment seems to be necessary, as the futile desire to engage in sexual relations against the victim's will is clearly evident.

The case in point requires the adoption of precautionary measures to prevent the tampering of the evidence and the recurrence of the crime.

With regard to the first aspect, as investigations are still going on, the suspects' interest in diverting them is evident, e.g. by contacting people who could provide them with alibis. It must not be forgotten that Patrick changed his mobile phone on the very day after the murder, perhaps with the ill-conceived intention of hiding something in connection with it and the behaviour of the other two suspects shortly after the incident.

With regard to the second aspect, the absence of criminal records for the suspects does not exclude the risk of the recurrence of the crime, in view of the specific aspects and circumstances of the crime and the specific personality of the suspects (Cass. pen. sez. II 9.7.2004 n. 38738; Cass. pen. sez. I 8.1.2003 n. 171).

As for the choice of the precautionary measure, at the moment there is no doubt that custody in prison is the best option to meet the aforementioned needs.

FOR THESE REASONS

ENFORCES

against the aforementioned **SOLLECITO Raffaele**, **KNOX Amanda** and **DIYA Lumumba**, the  
precautionary measure of custody in prison for the duration of 1 year.

Perugia, 9 November 2007

The Judge

Hon. Claudia Matteini

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