

REASONS FOR THE DECISION

[1] During the course of the morning of the 2nd of November 2007, at various times, the owners of a house situated at Number 5A, Via Sperandio, in Perugia, came to find two mobile phones in the garden belonging to the property, and so directed themselves to the Postal Police of the regional capital to signal the occurrence (this also for the singular coincidence of having received, in the preceding hours, a strange menacing phone call which made known the presence of explosive ordnance in the bathroom, and was later revealed to be the fruit of the imagination of a little boy). Checks having been carried out on the first of the phones in question, the subscriber of the relevant SIM card resulted in being one FILOMENA ROMANELLI, domiciled at Number 7, Via della Pergola: a Postal Police team took themselves therefore to the ascertained address, but - in place of Ms ROMANELLI - they encountered the presence of another two young people, the American woman AMANDA MARIE KNOX (who resulted as occupying one of the other rooms in the residence) and her boyfriend RAFFAELE SOLLECITO.

[2] They maintained to having already called the Carabinieri due to various circumstances that had stirred up their anxiety: in truth, subsequent findings by the preliminary inquiry led to the verification that the presumed call to 112 (in reality, there were two, immediately after a first call that Mr SOLLECITO made to his sister, an Officer in the Corps in service elsewhere), followed, and did not precede, the arrival of the Agents, but it is to be specified that the current judgment will not treat of, except for within the limits of what is strictly indispensable for the examination of the position of RUDY HERMANN GUEDE, the circumstantial evidence collected as against the two co-accused. As a point of departure of the course of reasoning followed also in the present pronouncement, as well as a substantively historical given (being an act now well-known to the defence of the accused in question), there will be reproduced in the following the orders *ex* Article 299 Criminal Procedure Code issued by this Office at the conclusion of the ordinary preliminary hearing as against the co-accused, but nothing more: as an example thereof, we will refrain from reconstructing the presumed movements of Ms Knox during that morning, as regards declarations made by her to the investigators, treating of aspects that - whether her reconstruction be held credible or whether the contrary prospect - remain totally neutral as regards the evaluation of the investigative data that relate to Mr GUEDE.

[3] According to what was represented to Insp BATTISTELLI, Ms KNOX and Mr SOLLECITO had therefore discovered the presence of blood stains in various of the rooms of the apartment, in particular in one of the bathrooms, as well as traces of an apparent burglary (even if neither of the two referred to having noticed if anything had been in fact stolen) inside Ms ROMANELLI's room where there was a broken window pane and a big rock on the floor. In the other bathroom there were faeces in the toilet, unflushed.

[4] As well, the door to one of the rooms, the one occupied by the English student Ms MEREDITH KERCHER, was closed, such that Mr SOLLECITO - the young woman not responding to the phone calls by Ms KNOX - claimed to have tried to force it without success: on the handle, and in any case in proximity to the doorway, there were further haematic traces.

[5] In the meantime, two other young men were arriving on the scene (LUCA ALTIERI and MARCO ZAROLI, this latter presenting himself as Ms ROMANELLI's boyfriend): Mr ZAROLI was explaining about having received a phone call from his girlfriend, adverted by Ms KNOX as to the state of the apartment, so she - having spent the night with him at another location, but having already gone out with a friend - had anxiously sent him over to have a look. In the course of another few minutes or so, there arrived the same Ms ROMANELLI and PAOLA GRANDE, Mr ALTIERI's girlfriend: and it was Ms ROMANELLI, after having explained that the phone with the card ascribed to her belonged, in effect, to Ms KERCHER (she had given it to her herself, because the fourth young woman living with them, LAURA MEZZETTI, had made an analogous gift of a different card to Ms KNOX), to insist on that MEREDITH's door be broken down.

[6] Despite Ms KNOX - according to what was referred to later by the two young couples - having had signalled to those present of Ms KERCHER's habit of locking her door even when going to the bathroom to have a shower, declarations which in any case appeared to be conflicting with the preceding attempt of Mr SOLLECITO to force that door, Ms ROMANELLI displayed immediate alarm in the face of the discovery of a behaviour that she did not recognise as habitual with her English friend: above all, the Italian woman underlined that MEREDITH was never apart from her phones, in particular the one with the British SIM card that she was using to keep in frequent touch with her mother, and it was that mobile phone that resulted in being the second one found in the garden on Via Sperandio.

[7] In the face of caution by the Postal Police Agents, who were considering themselves not permitted to cause damage to private property solely on the basis of what had been evidenced, it was Mr ALTIERI who took upon himself the trouble of breaking down the door with kicking, but, having barely made a step into the room, he recoiled in horror noticing blood in great quantity and a bare foot - obviously of an inanimate body, lying on its back on the floor - jutting out from beneath a quilt. It was, as immediately afterward ascertained, the body of Ms KERCHER, which presented a large wound on the neck from an edged weapon. Insp BATTISTELLI, at that point, forbade everyone present from entering the room, and called in his colleagues from the Flying Squad.

[8] Which in turn led to, in succeeding days and under the supervision of the Scientific Police Service, a minute search of the crime scene, from which it resulted that

- the entrance to the apartment, where there were a metal grille-gate and a wooden door, presented no signs of forcing: the latch of the lock resulted as blocked, but this (as verified on a testimonial basis, *in primis* from the statements of Ms ROMANELLI and of Ms MEZZETTI) was due to an initiative by these same occupants, due to the defective functioning of the same lock;

- immediately after a small access in front of the threshold, one accesses a space allocated as a kitchen-living room, where several shoe prints and tiny traces of blood were recovered;

- on the right of the living room there was the door of the room occupied by Ms MEZZETTI, inside of which nothing of any significance was revealed, while in a first bathroom, adjacent to said room, the toilet was obviously unflushed, with faeces and toilet paper inside'

- on the opposite side instead one accesses Ms ROMANELLI's room, which was presenting wardrobe doors and drawers overturned, with pieces of clothing and various objects discarded on the bed and on the floor, in merit of which the crime scene report of 2 November 2007, 14:00 hours, gave notice that:

[8.1] *"The room receives light from one window, built in the middle third of the anterior wall facing the access lane of the house. The same is protected externally by a wooden Florentine shutter green in colour with a locking mechanism termed 'espagnolette'. The window is constituted of a white wooden frame, with glass panes. The right shade of the shutters is furnished with a small locking bolt, in contact with its respective slot, in its turn affixed to the underlying shutter, and of a second locking mechanism, termed 'espagnolette', furnished with a latch larger than the preceding, open in a regular way (...). The left shutter window presents broken glass in the lower half and a hole of irregular form, measuring 53 cm in length and 27 cm in width. The inner and outer sill are strewn with fragments of glass of various dimensions, present also in the inside of the room. The inside surface of the left shutter, in correspondence to the hole made in the glass, presents an evident scratch in the wood of irregular form, about 2 cm, with fraying of the wood fibres and various small slivers of glass driven therein (...). The outer sill of the window stands 3.78 m above the underlying terrain (...).*

On the anterior quadrant of the floor, beneath the window, 0.93 m from the right wall, 0.66 m from the anterior wall, and 2.31 m from the posterior wall, is a medium-sized paper bag (...), containing items of clothing and a rock measuring 20cm x 15 x 15 approximately; a second fragment of stone, of smaller dimensions, rests on the floor, outside of the bag, near the rock (...)."

- along the dividing wall, holding to the left of the threshold of Ms ROMANELLI's room and right of Ms MEZZETTI's, there opens a narrow corridor (through which one accessed the other two rooms and a second bathroom) on the floor of which were collected other shoeprints and haematic traces;

- in the bathroom, which was ascertained as being in use by the two occupants of the latter rooms (that is to say, Ms KNOX and Ms KERCHER), there was found the presence of numerous blood stains, described thus in the mentioned crime scene report:

[8.2] *"On the floor, in the space beneath the basin, we observe a small mat of sky-blue colour of size 74 cm x 48. The same, in its posterior right portion, is marked with haematic material (...). On the left anterior edge of the basin, rests a plastic box containing 'cotton buds', whose lid, right lower corner, presents a stain of haematic substance (...). A further three drops can be observed on the left edge of the basin, at the same height, on the inner sink, there is a haematic drop, which extends towards the trap (...). The basin tap in aluminium, on the upper surface, is noticeably marked with haematic material (...). Small haematic traces, in the form of drops, are on the toilet lid, upper surface (...) as well as on the bath*

tiles, in proximity to the toilet drainage pipe and on the aluminium pipe fastener (...). On the inside of the bidet, we can observe a striation of haematic material flanked by a haematic drop of circa 2 cm, with direction downwards. Another haematic drop is on the upper edge of the bidet, left side, at the height of the trap (...). On the plastic plaque of the light switch, is a drop of haematic substance, a second drop is present on the switch button (...). On the right face of the panelling of the bathroom door is a haematic drip of total length 26cm (...). ”

- whilst in the room used by Ms KNOX (the first on the left) nothing of any significance at the investigative level came to light, it was obviously in the last room, where the body of Ms KERCHER had been found, where the attention of the investigators was focused. Starting from the door, those making the record thus described the state of the locations:

[8.3] *“The inner handle affixed to the panelling, in metal of brass colour, height from the floor 99 cm, is noticeably stained, the majority on the upper part, with haematic material. Further small haematic marks with dripping are present between the brass platelets of the inside handle and the wing, as well as on the lock plaque, in brass, planted in the thickness of the panelling, and finally on the adjacent wood, in proximity to the same plaque (...). Anteriorly, there is a wardrobe with two sliding doors, which measures 1 m in width, 1.9 m in height and 0.6 m in depth. The left door is open to the right and on the left panel, internal side, lower left corner, we can observe an area of staining by haematic material and dripping, with lengthened striations curving back, most likely made by the fingers of a hand, which is at a distance of 35 cm from the base and 58 cm from the rear panel of the wardrobe (...). At the same height, on the same panel, outer surface, we can observe a haematic staining of irregular form (...).*

Against the left wall, with its head touching the anterior wall, is the single bed with the mattress covered only in an undersheet, on which are resting: a woman’s faux-leather purse, beige colour; two terry-towelling socks; a book (...) stained, on the upper right corner of the cover, with haematic material; a terry-towelling towel, ivory-coloured, heavily stained with haematic material (...). On the sheet, between the aforesaid towel and the purse, are two haematic marks of irregular shape (...) which measure respectively 9.5 cm in length and 2 cm in width and 14 cm in length and 3 cm in width.

[8.4] *On the left wall, above the bed, above the bed, at 0.61 m from the floor and 2.28 m from the posterior wall, is a small haematic mark, of irregular shape, with dimensions of 3 cm in length and 1 cm in width with piliform striations parallel to the upper part with the eye towards the right (...).*

[8.5] *On the lower panel of the desk, inner side, are visible two small haematic drops (...). On the anterior wall, at about 1.02 m from the left wall and 1.20 m from the floor, is an area of staining with haematic material, with striations almost parallel between themselves, of elongated form, most likely made by the fingers of a hand (...) measuring 22 cm in length and 6.5 cm in width. On the floor, at 39cm from the posterior wall and 99 cm from the left wall, is a foot trace, with circular concentric marks, left by haematic deposition (...). A second foot trace, with concentric circular marks, left by haematic deposition, is at 0.89 m from the posterior wall and 0.85 m from the left wall (...). A third foot trace, with concentric circular marks, left by haematic deposition, is at 0.81 m from the posterior wall and 1.13 m from the left wall (...).*

[8.6] *On the floor, at 1.5 m and 0.78 m from the posterior wall, we can observe a bra of white colour, soaked in haematic material, for the most part on the right strap and the outer upper part of the left cup. The same presents with the non-elastic part of the left strap, stripped from the plastic anchor ring and missing a piece of material where the rear clasps are fixed (..).*

[8.7] *On the floor, at 1.30 m from the posterior wall and 1.58 m from the left wall, are some women's panties, rolled up, black in colour (..). On the floor, at 1.10 m from the posterior wall and 1.08 m from the left wall, are a pair of jeans coloured blue (..) partially stained with haematic material on the posterior part, at the height of the right pocket. On the floor, between the wardrobe and the night-stand, are visible (..) a hot-water bottle coloured blue and a pair of leather boots brown in colour, which lie (..) in a large dried pool of haematic material (..).*

[8.8] *On the floor, on top of a terry-towelling mat coloured blue, at 1.52 m from the posterior wall and 2.52 m from the left wall, is a purse with shoulder strap in cotton of beige colour (..) On the same mat, we can observe a white cotton tennis sock, stained on the sole part with haematic material (..).*

[8.9] *On the floor, at 1.20 m from the right wall and 3.14 m from the left wall, can be seen an area of haematic staining measuring 15 cm in length and 11 cm in width, containing various small marks of irregular shape and piliform (..). On the floor, right anterior quadrant (..), is an area of haematic staining, of elongated shape, with semicircular direction and parallel striations, that in total measures 69 cm in length and 40 cm in width, also containing piliform shapes, flanked by a spread of miniscule haematic streaks, propagating to the right and anteriorly, which involve both the left third of the right wall and the door of the wardrobe (..).*

[8.10] *On the floor, in the space between the wardrobe and the bed, we can see the body of MEREDITH KERCHER.*

[8.11] *The same, supine, rests with its head in the direction of the anterior wall and the left foot in the direction of the posterior wall. Taking the navel as a point of reference for the measurements, it is at a distance of 1/84 m from the posterior wall and 1.80 m from the left wall. The body is covered with an eiderdown of beige colour, except for the left foot and the upper half of the face, which remain visible (..).*

[8.12] *At around 00:45 hours on the 03.11.2007 (..) we had proceeded to uncover the body (..). The trunk, intermediate and extended, rests with its back on the floor and with the gluteal region, right and left, on a pillow (..). The body was wearing only a cotton top rolled up to the thoracic region, quite visibly stained with haematic material.*

[8.13] *In the course of inspecting the body, following its turning over, we can observe on the floor the second white cotton tennis sock, partially stained with haematic material, a terry-towelling towel green in colour, a terry-towelling towel ivory in colour, completely soaked in haematic material, the upper sheet from the bed, cotton of white colour, stained at multiple points with haematic material, a top with zipper, in fabric of sky blue colour, with cuffs and collar in blue, stained with haematic material. Lying*

beneath the pillow, at 1.41 m from the right wall and 0.95 m from the anterior wall, we find the piece of material from the bra that was missing the same, where there are affixed the claws of the clasp”.

[9] The first crime scene report dwelt on the wounds found on the body of the victim, which in any case would have been much later and thoroughly enough described during the autopsy and for forensic pathology findings.

[10] Dr LUCA LALLI, first consultant nominated by the Public Prosecutor during the course of the preliminary investigations, was participating directly in the recorded crime scene search: in the subsequent reports, after having specified that the cotton tops worn by the young deceased woman were indeed two, both raised up to the thorax to reveal the breasts, gave notice of having revealed at 00:50 on the 3rd November the relevant chrono-thanatological data, that is to say:

[10.1] “ - *true rigour in all the muscle regions*

- *hypostasis of wine-red colour localised in the declivities of the supine position, paling under digital pressure*

- *rectal temperature 22° C ambient temperature 13° C”*

[11] The *rigor mortis* and the signs of hypostasis also came to be observed a few hours later, when further examination of the body was carried out at the Perugia Hospital: at which location, availing themselves of Dr GIORGIO EPICOCO as auxiliary obstetrics and gynaecology, the expert noted that

[11.1] “*examination of the vulvar region does not show lesions or elements that led one to suspect traumatic action (..). On the inner face of the labia minore, parallel to the insertion line of the hymen, at around the middle third and posterior third, ecchymotic lesions evidence themselves, of violaceous colour, which are directed to the fourchette, both right and left. The mucous of the vaginal canal, in the proximal tract, appear normally folded, pallid and with traumatic signs (..).*

[11.2] *At the level of the ano-rectal line, between the anal semimucosa and the mucosa of the ampulla, there are present small discontinuities of mucous of dubious origin (..). Posteriorly are also evident some small lesions with an ecchymotic aspect, of violaceous colour”.*

[12] Dr LALLI carried out at the same time several vaginal and anal swabs, which came to be consigned to the personnel at the Scientific Police.

[13] In describing the results of the external examination of the body, the consultant found, amongst other things:

[13.1] “*Face (..): fine petechiae perceptible on the conjunctival eyelid and bilateral bulb, prevalent on the right. On the nostrils tenuous ecchymotic bruising prevalent on the right nostril wing and the limen nasi on the left (..). On the lower lip in proximity to the labial commissure small ecchymoses of bluish colour, tenuous excoriated areas are present on the external mucosa of the lower lip, prevalent on the left. Numerous ecchymotic and excoriated areas of small dimensions on the intraoral mucosa of the upper lip*

and lower prevalent on the left, ecchymoses on the lower gingival fornix. On the left cheek, 2 cm below and 2 cm anterior to the external acoustic meatus, linear superficial solutions of continuity, obliquely disposed with two in number even more superficial solutions of continuity of length 0.6 cm; 2 cm below this, corresponding to the horizontal branch of the mandible, an oval ecchymotic area with major transversal axis with dimensions of 2.5 cm x 1.8 cm; 3.5 cm anterior to this, still corresponding to the lower-anterior margin of the horizontal branch of the mandible, another rounded ecchymotic area circa 1 cm in diameter; 5 cm anteriorly, below the left paramedian symphysis mandibulae, another rounded ecchymosis with maximum diameter of 0.5 cm; 2.5 cm laterally, corresponding to the right horizontal branch of the mandible, another rounded ecchymosis of 2.2 cm diameter; 3 cm from the preceding, corresponding to the right mandibular angle, another ecchymosis of 1 cm diameter. IN the median submandibular region, an excoriated area roughly quadrangular in shape with major axis oblique in the direction posterior towards the left of the body, with maximum dimensions 1.6 cm x 0.4 cm.

Neck: In the left latero-cervical region, 8 cm below and 1.5 cm anterior to the external acoustic meatus, the presence of a large wound with clean edges of length 8 cm, obliquely disposed, in the caudal direction, and amply diastased, revealing the underlying tissues which appear sectioned down to the osteo-cartilaginous level. The margins present minimal haemorrhagic infarction prevalent at a distance of 3 cm from the lateral extremity where a small fishtail can be seen. A minimal excoriated and ecchymotic border of maximum size 0.2 cm is present at the extreme anterior of the upper margin. Following this wound a gap which deepens into the soft tissues with apparent oblique direction from front to back, from left to right, and slightly from below upwards.

[13.2] In proximity to the anterior extremity of the wound previously described, there is present, contiguous with the lower margin, an excoriated area of maximum size of 1 cm, immediately below this appears another wound with clean edges but lightly infiltrated with blood, with contusive border of 0.2 cm and with fishtail localised at the lateral extremity. Aforesaid wound has dimensions of 1.4 cm x 0.3 cm, presenting an oblique direction downwards and posteriorly resulting as disposed in parallel with respect to the preceding, and is followed by a subcutaneous opening with a direction of oblique upwards, from right to left, and slightly from front to back. The wound passage seems to intersect the preceding wound described, terminating at a distance of 2 cm on the upper edge of the wound opening above. From the anterior extremity of the wound there runs a tenuous ecchymotic area with superficial solutions of continuity of maximum length of 2 cm.

[13.3] In the right latero-cervical region, 6 cm below and 5 cm anterior to the eternal acoustic meatus, an ecchymotic area of maximum dimension 3cm inside of which there is a linear wound of dimensions 1.5 cm x 0.4 cm, obliquely disposed from high to low, and towards the left, with a minute fishtail at the anterior edge. From the aforesaid wound there follows an opening which deepens in the oblique direction upwards, towards the right and posteriorly for a maximum length of 4 cm. Below this, superficial excoriations irregular in shape 0.5 cm in length. 5 cm anteriorly, another linear excoriation of length in total of 1.5 cm, which presents a partial obliquity in the cranial sense and towards the left.

[13.4] In the left later-cervical region, in proximity to the basal region of the neck, superficial excoriations three in number, linear, parallel to each other, obliquely disposed downwards and in the anterior sense,

from left to right; the upper one has dimensions of 0.8 x 0.4 cm, the middle one, positioned 1.3 cm from the preceding one, has dimensions of 1.5 x 0.2 cm, the lower one, positioned 0.8 cm from the preceding one, has a length of circa 1 cm.

[13.5] Upper limbs: on the rear-lateral face of the right elbow, two rounded ecchymotic areas of maximum diameter 1.2 cm x 1, positioned at equal distances of 1.5 cm. On the rear-lateral surface of the middle third of the forearm, an ecchymotic area lightly oval in shape with major longitudinal axis of circa 1.8 cm x 1.4. On the palm of the right hand, corresponding to the third ray, a superficial transverse linear wound of length 0.6 cm, barely infiltrated with blood; below this, a longitudinal linear ecchymotic area of dimensions circa 2 cm x 0.3; corresponding to the fourth ray, another superficial wound 0.3 cm in size. On the pulp of the first digit, volar face, another superficial wound, linear, transversal, of dimensions 0.3 cm. On the ulnar face of the first phalange of the second digit of the left hand, superficial linear transverse wound, of length 0.6 cm. (..)

[13.6] Lower limbs: on the antero-lateral face of the left thigh there seem to be various (3 in number) tenuous rounded ecchymotic suffusions, barely visible, of maximum diameter of circa 1 cm. positioned along the same line at a distance of 5 cm from each other. On the anterior face, middle third, of the right leg, rounded ecchymotic area of dimensions circa 2 cm. (..)"

[14] The Prosecution's medico-legal expert, on the opening up of the body, evidenced amongst other things:

- that the passage of the larger wound had a length of 8 cm;
- that the wounding action caused the complete sectioning of the upper right thyroidal artery;
- the fracture of the hyoid bone;
- the outflow of fluid blood into the vessels of both lungs.

[15] Limiting, for the moment, the reconstruction from the investigative findings to the objective facts that emerged during the crime scene search and the autopsy, beyond the various evaluations made by the investigators, it therefore resulted as evident how Ms KERCHER had been the object of multiple aggressive conduct, the most significant of which had been realised by means of a bladed instrument intended to cause a very large wound but only one "fish tail" (and so, in all likelihood, single-edged): from which there certainly resulted a haemorrhagic shock, due to the cutting of an artery. A further objective observation, based on the "subconjunctival petechiae" found, relates to an asphyxial phenomenon, of redirecting the aspiration of blood into the respiratory passages. Finally, a fracture was recorded indicative in any case of a violent action.

[16] To these medico-legal findings were combined what was ascertained *de visu* in the act of uncovering the body: the young woman presented as practically nude, thereby fostering the hypothesis of a context of aggression aimed at sexual ends, and under this aspect the presumed ecchymoses in the vaginal and anal regions, to which Dr LALLI and Dr EPICOCO gave context, came to assume significance.

[17] Initiating investigations, the Public Prosecutor and the Judicial Police [= the investigative taskforce] proceeded to reconstruct the movements of the young woman during the last hours of her life, moving also from the hypothesis formulated by the medico-legal expert in point of the time of death, located at a distance no more than 2 or 3 hours after the last meal consumed, and likely to be understood as having occurred around 23:00 on the 1st November 2007. It was thus found that MEREDITH KERCHER, in Italy for reasons of study, had been with some of her co-national friends both the evening of 31 October (on the occasion of the festivities of *Halloween*, going to dance in a couple of clubs with a lot of dressing-up and makeup), and on the successive evening, going to dine at AMY FROST and ROBYN BUTTERWORTH'S house.

[18] Ms FROST, already examined in interview on the afternoon of the 2nd November and then again subsequently, stated to having first met MEREDITH about two months prior, both attending the University for Foreigners in Perugia, and to having seen her quite often during that period, going out together with other English girls multiple times a week. The young woman recalled that the dead girl had a relationship with an Italian student, named GIACOMO, who lived on the lower floor of the same property of Number 7, Via della Pergola.

[19] Still according to Ms FROST, on the afternoon of the 1st, MEREDITH had joined her around 16:00/16:30 in her apartment on Via Bontempi which the witness shared with Ms BUTTERWORTH and another young woman (who had left for England the same morning): another friend, SOPHIE PURTON, had arrived a half an hour earlier. They had set themselves to chatting and preparing something to eat, they had watched a film on DVD and, more or less at 21:00, MEREDITH and SOPHIE had left to return to their respective abodes. The evening before, after having dined, again at Via Bontempi. Together with other English girls, the same quartet (MEREDITH, SOPHIE, ROBYN and AMY) had taken themselves to the "Merlin", a disco-pub in the Perugia city-centre, to dance and drink in company, they had spent from midnight to around two there, after which they had gone to another local, the "Domus", enjoying themselves in the same way until half past four or thereabouts. At that point they had returned home, with the exception of Ms PURTON who had left later, being in the company of other friends.

[20] Ms BUTTERWORTH stated to having arrived in Italy much more recently, and to having known MEREDITH through AMY, her room-mate; she also mentioned MEREDITH'S relation with GIACOMO, adding that the deceased young woman had spoken about it as a relationship, inasmuch as not serious, but with a strong *feeling*. The witness confirmed occasions and times of the evening of the 1st of November in identical terms as expounded by Ms FROST, adding likewise that during the stay at Via Bontempi MEREDITH had neither made nor received phone calls.

[21] SOPHIE PURTON, still on the 2nd of November, declared to having often visited Ms KERCHER, with whom she liked to go to the "Merlin" and meet friends; on her part, she said she knew of her friend's relationship with the young man from downstairs, although she had never seen him. Ms PURTON, also, located the time at which they had left the other girls' house together as 21:00 on the 1st of November (confirming to having arrived there at 15:30, before MEREDITH): they had walked up till Via del Roscetto, and there they had separated given that Ms PURTON'S apartment was in one of those side streets. As far as the young lady could recall, the dead girl had not presented anything out of the

ordinary, save for saying she was or appearing a bit tired due to the small hours the day before celebrating *Halloween*.

[22] The following day, after a second interview in which she described the facts of the 31st and dwelt in particular on a young Moroccan man with whom she had spent some time, Ms PURTON was interviewed for the third time, at which time she specified to being very close friends with MEREDITH, to the point of having heard her make very intimate confidences, amongst which was having smoked a joint or two: so that, she felt herself able to rule out that Ms KERCHER could have been tied to or interested in other men, apart from GIACOMO, otherwise she would have been informed about it. Just as Ms BUTTERWORTH had done, she ruled out that MEREDITH had received any phone calls on the evening of the 1st, even while they were returning home. She added, finally, to having known from her friend that Ms KNOX, sometimes, had brought men home to their house, referring to a “strange” sort (without entering into further particulars) who was working in an Internet café.

[23] The same young woman, also because of having been the last to have seen Ms KERCHER alive, came to be repeatedly interviewed during the course of the early days of the investigation: on the 5th, the Public Prosecutor attended personally, to whom she explained that she was living in a house in Via del Lupo (where Ms FROST had also lived for a month, and it had been through her that she had met MEREDITH, on the 2nd of September) barely two minutes’ distance on foot from the house in Via della Pergola. Ms PURTON considered herself, together with AMY, the friend with whom MEREDITH had the strongest rapport; for this reason, she specified to not considering that there could exist someone else of whom Ms KERCHER could be afraid of, otherwise she would have been informed about it. As for the people that MEREDITH was seeing, Ms PURTON nominated the usual GIACOMO; it did not appear to her that she knew a South African, but she did not rule out that she might have known some of the regular players in the Piazza Grimana basketball courts, seeing that she was passing by there daily. As regards stupefactants, the witness declared that her friend used to smoke them, but only when she found herself in the company of the boys from downstairs and without particularly liking it: as well, MEREDITH had received from those young men – who had left her the keys of the house during their brief absence because of the “unofficial long-weekend” of All Saints’ – the charge of watering the *Cannabis* plants, something which she didn’t like.

[24] Ms PURTON confirmed in addition the particular about the a-bit-strange young man from the Internet café (once again, without indicating why: later, the young man would have probably been identified as a certain JUBA, who was also working at the “Le Chic” pub) that Amanda had brought home, as MEREDITH had recounted to her.

[25] Describing the evening of the 31st, Ms PURTON recalled that the idea to dress-up for *Halloween* had come a little bit from all of them, likewise the decision to take themselves to the two pubs already mentioned: here they had seen lots of young people, some already met on prior occasions and others no, but the witness emphasised having remained in direct contact with MEREDITH only at the “Merlin”, while at the “Domus” she had spent time with other people and her friend had been in closer company with AMY and ROBYN. During the evening, in any event, they had all drunk enough.

[26] On the afternoon of the 1st, when Ms KERCHER had arrived at the Via Bontempi house, they had begun talking girl talk about old flames or things of that sort, lingering on an ex of MEREDITH's who was in England; they had also commented on the evening before, without however her friend having confided in her to having been approached or having been struck by someone in particular. Ms PURTON, in another demonstration of the confidences from her friend, specified that MEREDITH had recounted to her about having had sexual relations with GIACOMO, and she had made observations and comments in the past about a young man from Switzerland, in any case who had already departed, with whom there was no relationship at all. That evening, as has already emerged from other depositions, MEREDITH had received neither calls nor texts; the four young women had eaten a pizza and some dessert, then watched a DVD: in practice, they had finished dining while the film was also concluding. Having exited AMY and ROBYN's house, she and Ms KERCHER had descended the stairs at the bottom of Via Bontempi, rejoining Via del Roscetto; here they had separated, because Via del Lupo was to be found on the right, while MEREDITH had followed the course along Via Pinturicchio, descending by some more stairs to Via della Pergola (at least, thus the witness hypothesised, it being the usual and shortest way). Ms PURTON was certain about having checked the time at the moment of re-entering the house, and it was 21:00.

[27] On the 17th of November, Ms PURTON made another statement to the lead magistrate, confirming her earlier declarations without in any case being able to be more specific about the time at which the four friends had started to eat at AMY and ROBYN's house (probably 18:00, or maybe before): she instead corrected the time at which she had arrived back home in Via del Lupo, remembering that it was still 20:55. On MEREDITH's clothing, she maintained that her friend was wearing jeans that were a bit torn, a sky-blue jacket and a blue top, both "Adidas".

[28] She added that for a small part of the afternoon they had spent time looking at photos on the Internet of the evening before (which one of the friends had put on her own blog), specifying that MEREDITH, on the way home, had agreed with Ms PURTON on the fact that they were both tired and would have gone straight to bed, without saying anything at all on where AMANDA was that night or what she was doing. She rule out, finally, having ever met any of the usual visitors to the basketball courts in front of the University for Foreigners.

[29] One of the other English girls who had dined at the Via Bontempi house on the evening of the 31st of October came to be identified as NATALIE BETINA HAYWARD, and the young women stated to having been very close friends with Ms KERCHER: MEREDITH had confided in her to being very attracted to a boy by the name of GIACOMO, who was living downstairs, even to telling her about having kissed him for the first time and then having slept together (without adding though if they had made love); she had also told her, in any case, she found one of the other boys downstairs lovelier. To Ms HAYWARD's knowledge, MEREDITH didn't use drugs, or in any case she had never spoken about it; it did not appear to her that she had received any molesting phone calls, or that some boy rejected by her had given her any trouble.

[30] SAMANTHA LEE ANNE RODENHURST stated to having been, in her turn, at the "Merlin" on the evening of the 31st, and to having encountered Ms KERCHER there around midnight, while the witness had been there already for about an hour; later, after 02:00, she had seen MEREDITH again at the

“Domus”, in the company of Ms FROST and Ms BUTTERWORTH (while she had not noted Ms PURTON), and when she had left – around 03:30 – the dead girl was still there. Ms RODENHURST ruled out that her friend had problems due to someone who was importuning her.

[31] SUSANNE CHARLOTTE PAGE, confirming having seen Ms KERCHER at the “Merlin” on the 31st, without specifying the time, claimed then to having gone at around 01:30 to the “Domus”, where however she did not recall having noticed her.

[32] JADE BIDWELL had been in her turn at the “Merlin” on the evening of the 31st, and had seen MEREDITH, whom she had met during a meeting at the University in the month of September: she stated she had a good rapport of friendship with her, so much so that on the occasion of another evening in the same local, some time before, she had told her about an Italian boy that she was seeing. On Ms KERCHER’s say so, though, he wasn’t a real and proper boyfriend, because she had had the means to confirm that he didn’t always tell the truth (one night, she had called him on the phone knowing that he would have had to stay at home, and instead she had understood that the young man was out) and she was thinking that he might not be faithful to her.

[33] In the meantime, information was also acquired from Ms ROMANELLI and from Ms MEZZETTI (not to mention from Mr ALTIERI and Mr ZAROLI, who in any case were only able to usefully refer to the circumstances relating to the discovery of the body of the dead girl), and both of them had already mentioned the bond between Ms KERCHER and the young student who was living in the apartment beneath.

[34] Ms ROMANELLI stated to having personally received the phone call from MEREDITH, interested in occupying one of the rooms still free in the apartment that the two Italian women had rented, following up on ads posted on the Internet and in the places frequented by students (Ms KNOX had instead contacted Ms MEZZETTI); thinking that she and AMANDA could be the right girls, they had quickly reached an understanding, and from there, there had derived an absolutely tranquil living arrangement, with the American and the Englishwoman – through age and common interests – often went out together.

[35] The witness did not define MEREDITH as “engaged” to anybody, specifying though of knowing that MEREDITH had been seen a couple of times with GIACOMO; for her part, Ms MEZZETTI confirmed to having often seen, in the last two weeks, the two young people in each other’s company, with the Italian boy coming up to their apartment and watching TV with Ms KERCHER, or else went with her to her room. According to her, MEREDITH had mentioned to her of finding herself quite comfortable with him, without any disagreements.

[36] Both of the Italian women observed that MEREDITH, to their knowledge, had never brought boys home, with the exception of the aforesaid GIACOMO, whilst it had happened with Ms KNOX: Ms ROMANELLI mentioned on a first occasion that something of the sort had been told to her by the same KERCHER and by Ms MEZZETTI, as well as having seen AMANDA with some boy without particularising the circumstances, while the other mentioned the names of a couple of boys, one of which was

introduced to Ms KNOX by her herself. The same names, in addition to that of SOLLECITO, were also given by Ms ROMANELLI in a subsequent statement.

[37] At a certain point, in fact, more or less starting from the month of October, according to Ms ROMANELLI the relationship between MEREDITH and AMANDA cooled a bit, probably because Ms KNOX exhibited a much extroverted character; both of them, occasionally, smoked joints, which the witness had seen her housemates smoke of an evening in the company of the boys from downstairs.

[38] In relation to the payment of the rent, Ms ROMANELLI and Ms MEZZETTI both declared that the amount in total was 1,200 euro per month, that the girls divided it between themselves, 300 euro a head; as far as they knew, as they would have specified subsequently, Ms KERCHER had already gotten the money for her November share ready, or at least so she had told them.

[39] Interviewed personally by the Public Prosecutor concerning the state of her room on the evening of the 1st of November, Ms ROMANELLI stated that there were certainly items of value, in particular a portable computer, a pair of designer sunglasses and some gold jewellery, resting in a drawer: from a superficial glance, it seemed to her that nothing was missing, save perhaps for some article of make-up. As for the window, she recalled having definitely shut the window panes, leaving the shades probably open instead: about the shutters, although not being one hundred per cent certain, she thought she had shut them without in any case locking them together, insofar as the left shutter was encountering resistance from the windowsill due to swollen wood. Her recollection was not more precise, inasmuch as she thought she had definitely opened the shutters in the morning, having need of some light to change clothes (because not having slept at home, but rather at her boyfriend's, she had passed by there to then rejoin Mr ALTIERI who was celebrating his birthday), but she had then departed in haste because she was already running late.

[40] Statements also being taken from the four boys from the Marches, who were occupying the apartment beneath, there was nothing of interest that emerged – except for STEFANO DALIO BONASSI, to which we will return in the following. GIACOMO SILENZI confirmed having had a relationship with Ms KERCHER, even having sex with her (the first time in her own apartment, and subsequently in the boys' house), while MARCO MARZAN said he knew about the relationship, adding that, according to him, the more involved in sentimental terms was GIACOMO himself (who in any case had recounted to them some of the particulars of the type of relations that he had had with MEREDITH) and LUCIANO RICCARDI – who, it appeared to be, was the most isolated of that group, as if he'd intended to cultivate friendships outside that group and hadn't wanted to see them so much, more or less – had next to nothing to say that was useful. GIORGIO COCCIARETTO, a friend of and from the same county as the tenants, who in any case wasn't living with them, indicated having met MEREDITH at the other boys' house, seeing her on those occasions as always natural and sociable, but he had noticed that her behaviour would change when she was around town or in the local meeting places, to the point that she wouldn't even say hello to him and seemed haughty, he then adding that he had known that in the last two or three weeks Ms KERCHER had started going out with GIACOMO. Later it would have resulted that COCCIARETTO himself was the only one, in that setting, of having had occasional phone contact with the accused RUDY

HERMANN GUEDE, of Ms KNOX he was only able to say that she had a very extroverted way of behaving, with lots of friends and many male visitors.

[41] In the days immediately subsequent to the crime, the investigators focussed their attention on the version supplied by Ms KNOX, considered to be objectively little credible.

[42] Uncovering a series of contradictions between the statements of the girl and those of Mr SOLLECITO, not to mention taking note of an accusation directly formulated by the American woman as against DIYA LUMUMBA, called PATRICK (her employer at the “Le Chic” pub, who AMANDA indicated as responsible for the murder, although in somewhat rather confused terms), the Public Prosecutor ordered the arrest of all three, and the GIP – at the conclusion of the subsequent validation hearing – disposed their restriction to prison with precautionary custody orders.

[43] Only afterwards, following a comparison in the Data Bank of a palm print in blood and found on the pillowslip of a pillow that was found underneath the body of the victim, it was instead ascertained that present at the scene of the crime was 21-year-old RUDY HERMANN GUEDE, a citizen of the Ivory Coast but brought up in fact in Perugia, a city where he had lived for a while with his own father, being subsequently fostered with an Umbrian family: the young man had recently returned after a prolonged stay in Lombardy, but without stable references, so much so as to appear untraceable for the moment.

[44] To him were attributed, with a more detailed examination, some 14 partial fingerprints which, collected by the Scientific Police and adjudged as useful for probable comparisons, did not result in being attributed to any of the subjects identified as possible visitors to the apartment; amongst said partials, the major part of which had been collected from different locations in Ms KERCHER’s room, the first, marked as “Exhibit B”, was – with annotations from 16 November 2007 by the Legal Identity Section – attributed with absolute certainty to Mr GUEDE, from whom there was prior fingerprint data from 2005 and in the same 2007. On 16 June 2005, Mr GUEDE had been placed under legal proceedings according to Statute No 189/2002, in the ambit of matters concerning his Italian residency permit, while on 27 October 2007 (ergo, just five days before the murder) he had been identified in the Milan jurisdiction and had been charged without arrest for theft, receipt of stolen goods, holding and carrying arms.

[45] On this latter occasion, in particular, it was established that the accused had been surprised inside a kindergarten, the manageress of the institution, arriving there during the morning, had found Mr GUEDE, who justified himself by claiming that he had slept there not having any place to go; from the subsequent search conducted by personnel from the State Police “Garibaldi Venezia” Commissariat, it emerged that the young man was in possession of a laptop computer complete with accessories (which turned out to have been stolen from a legal office in Perugia), as well as a lady’s watch, a hammer and a large kitchen knife, this latter the property of the school and therefore purloined by Mr GUEDE immediately prior.

[46] Analysing, then, the prints taken from the accused for the purpose of the previous identifications, and comparing them to the one on the pillow, there emerged “analogies in the general characteristics

relative to the direction of the papillary traces and the correspondence of more than 16-17 point characteristics equal in shape and position”.

[47] The determinations concerning GUEDE led to his individuation as the young man of colour who had already emerged from various depositions, in particular that of the already-mentioned BONASSI: this latter had in fact signalled that, one evening, a South African young man nicknamed “the Baron” had spent time at Number 7, Via della Pergola, on the ground floor, and during the evening there had been present both Ms KERCHER and Ms KNOX; he had further added that the young man in question had exhibited a certain attraction for the American woman, and – once going to the bathroom, having had a bit too much to drink – he had straightaway fallen asleep on the toilet.

[48] On the heels of these findings, respectively on the 12th and 27th of November, another two witnesses had mentioned revealing particulars of notable importance. ALESSANDRA FORMICA, a 26-year-old woman from Strozziacapponi who on the evening of the 1st had come into the city centre to dine with her boyfriend, stated to having had arrived at around 20:00 at the booked restaurant, in Via Ulisse Rocchi, but she had been told that there was still about an hour or so to wait; so, together with her boyfriend, she had gone for a *passaggiata* [an evening stroll] until 21:00 or thereabouts, returning to the local and having dinner. Here they had eaten an antipasto each, some gnocchi and a small chocolate cake, spending the time there corresponding to the number of dishes and the service: when that was completed, though, they had decided to leave because it was getting cold.

[49] Having left the car at the Sant’Antonio car park, they thus headed for Piazza Grimana, and then took the stairs for the garage, but in the act of descending the witness recalled that her boyfriend – LUCIO MINCIOTTI – had been violently jostled by a young man of colour intent on running very quickly towards Via Pinturicchio: on the basis of the times above indicated, Ms FORMICA fixed this episode at around 22:30 / 22:40. Reaching the car park, in the environs of the “Il Contrapunto” pub, they had noticed a car, on whose rear seat there were a woman and a male child, being attended to by a tow-truck. Later, the witness GIAMPAOLO LOMBARDI, working for a car repairer’s with duties relating to towing, had stated to having had a call to use his tow-truck right in Via della Pergola, at around 22:40 on the 1st of November, arriving on site at 23:00 and remaining engaged in the operation for 8-10 minutes: Mr LOMBARDI recalled having noticed, inside the car he was giving assistance to, two men and two women (but, the owners of the vehicle being identified, it emerged that in effect there was also more than one minor).

[50] Mrs NARA CAPEZZALI, resident in Via del Melo on the first floor of the building which overlooks the just-mentioned car park, and therefore a short distance from the house that was the theatre of the crime, told the Public Prosecutor of having the windows of her apartment facing in the direction of the building at Number 7, Via della Pergola, of which, though, she could only see the roof. The night of the 1st-2nd of November, she said, the woman had gone to bed early, more or less at 21:30 (as was her habit, and also because of recently having become a widow), but after a stretch of time that she was unable to specify, restricting herself to saying maybe she had slept “two hours or so”, she had needed to go to the bathroom.

[51] At that juncture, while she was still up and finding herself in front of the French doors giving access onto a terrace, she had heard a woman's scream which she described as "blood-curdling", such as to get goose-bumps and make her flesh crawl: she had the distinct perception that the scream had come right from that small house in front, so she had set herself to look in that direction through the bathroom window, without seeing anything, but as she was turning away she had heard scurrying on stones and leaves, corresponding to the access driveway of the Via della Pergola house. Shortly after, she had heard running, someone running away: in particular, there was someone who according to her was running up the metal stairs there, which go to Via del Melo and from there to Via Pinturicchio, and someone else who "was running along the driveway", towards Via del Bulagaio or the zone of the University for Foreigners. Following that, she had heard nothing more, however she went on to particularise not having been able to fall asleep again due to the agitation that the scream had provoked: on the contrary, she had gotten up again to go and drink a little bit of water but without ever – neither the first time, nor after – noting what hour it was. She mentioned, finally, having phoned the Police only the day before her statement because of her own state of health and the fact that initially she didn't feel sure, but she had remained in any case firm in the certainty of having heard that very loud scream, thus she had herself linked the scream to the matter of the homicide.

[52] Turning to Mr GUEDE, his untraceability didn't last long: it being ascertained that one of the references of the young man was the TIBERI MANCINI family, Mrs IVANA TIBERI having been his primary school teacher, the investigators turned to her son (GABRIELE MANCINI), as well as another childhood friend (GIACOMO BENEDETTI) to attempt to track him down.

[53] Mr MANCINI, already by the 18th November 2007, recalled knowing and being a friend of RUDY for years, exactly because of the bonds of affection that his mother had established with him: the young man had suffered with his own father, who Mr MANCINI described as a violent man (so much so as to specify having asked RUDY on one occasion whether his father had made any sexual-type approaches to him, hearing him respond with no), while the mother of the young man had practically vanished immediately after having brought him into the world.

[54] Over the years, especially after RUDY's father had returned to the Ivory Coast to come back to Italy only sporadically, social services had occupied themselves multiple times with the young man, first organising a fostering with a family in Ponte San Giovanni, then – for a long time, until GUEDE's 18th – with the CAPORALI family, owners of a rather successful company ("Liomatic") which also sponsored a basketball team, a sport in which the young man so distinguished himself as to play in that team for several seasons.

[55] According to the reconstruction by MANCINI, who described his friend's characters as a bit "rebellious", on attaining his age of majority RUDY went to live with an aunt in Lecco, so he had moved to Pavia where he had also found some small jobs, having also the occasion to train with the local basketball team. Losing contact with Mr GUEDE for a year, the witness had tracked him down by chance through an Internet search out of curiosity, from which had emerged the existence of a blog bearing his friend's name: so he had been able to contact him, making him give him a new mobile phone number and learning that – at least according to the account that RUDY was giving him – that he was continuing

to work between Pavia and Milan, and that he had also become engaged to VERONICA, an architecture student from Potenza. Between the end of 2006 and the start of 2007, as well, RUDY called Mr MANCINI at home, saying he was desperate of having lost his job and insisting that Mrs TIBERI recount the story of his problems and abandonment to VERONICA.

[56] After another couple of months, during which Mr GUEDE had been unable to procure another job, he returned to Perugia, staying with his friend's family, such as also to take up residency: after which the said MANCINI had helped him with various formal matters to do with work, RUDY turned to the CAPORALIs, who had offered him a place as assistant gardener on their agrarian holdings. However, with some difficulty, due also to the fact that he had not yet obtained his driver's licence and did not have a car, he had started working, sending his stipend to Mr MANCINI's parent until the opening of his own postal savings account: his situation having improved, the young man had realised the proposition – made known since his return to Umbria, of not weighing so much on those who were giving him hospitality – of going to live by himself, and so renting a flat in the city centre, situate at Number 26, Via del Canerino.

[57] Despite Mr MANCINI and his parents having tried to make RUDY desist from that idea, for around two months things had seemed to have been going well; by the end of August, though, after a period in which he had not been seen and in which he always had his phone off, Mr GUEDE had finally responded to the phone, telling his friend he was in Trieste without explaining anything about what he was doing, and restricting himself to saying that from there in a short while he would be returning to Perugia to take up his job again.

[58] Some days afterwards he had effectively re-appeared, even participating in a baptismal reception for Mr MANCINI's niece, but he had manifested confusion and restlessness, such that the witness had advised him to go and see a friar at the Monteripido monastery whom he knew was able to give psychological help.

[59] At that point, RUDY had disappeared again, and in the month of October Mr MANCINI's father had gone to look for him at his place of employment, learning that he had been sacked for some time because he had claimed to be sick, without then producing any medical certificate to justify his absence.

[60] Mr MANCINI had at the time searched for him with some insistence, even among those who could have known him and given news of him, and only after several days it was Mr GUEDE who made himself known again, passing by then to visit the MANCINI family and to stop for lunch more or less towards the 20th of that month: from which moment, though, he vanished again, despite Mrs TIBERI having given him a card to call from public telephones.

[61] The Monday or Tuesday preceding the statement (ergo, the 12th or 13th of November), three days before the identity became known of the person who had left the palm print on the pillow in the murder room), Mr MANCINI stated to having surfed the Internet and – by means of the Messenger system – he had become aware that someone had logged on with RUDY's account: thinking that it was his friend, he has sent various messages, all initially unanswered. After a bit, in response to another message in which Mr MANCINI was accusing him of running away again, even from him, Mr GUEDE responded, writing "I

can't"; to which the witness replied "What can't you?", and the other replied with the words "You know". The subsequent reply by Mr MANCINI "What thing should I know?", even though repeated twice, remained without response.

[62] In the meantime, the investigative taskforce went to the Via del Canerino apartment, contacting the owner (RINA MARANI, resident at Foligno): the woman freely handed over the keys of the residence, making it known that for some days she had not had any news from the tenant, who had already told her before in mid-October of having to go abroad, and he had not complied with the request of the landlady to show her his new work contract (Ms MARANI wanting to satisfy herself concerning the possibility of Mr GUEDE being able to make his rent payments). For this reason, she had passed by the apartment together with a friend, and it had been them who had entered discovering that there was no one there, despite the kitchen being untidy.

[63] GIACOMO BENEDETTI, another childhood friend of RUDY's, came to be invited by the investigators in assuming the role of taskforce assistant for the Web search for the defendant: the young man in fact made contact with him on the 19th of November by means of the Skype program, ascertaining that he was to be found in Germany, and from that there arose a long conversation during the course of which Mr GUEDE put forward his own extraneity to the crime and his intention of returning to Italy.

[64] We will return to this, in the following, illustrating Mr BENEDETTI's statement to the Public Prosecutor in April 2008, on the contents of that conversation, from the moment that – even if *incidenter tantum*, in a decision on the personal liberty of the current accused, but with reasoning that certainly has to be accepted – the Court of Perugia resulted in having ruled inadmissible the physical means containing the relevant recording: the fact is that Mr GUEDE, convinced by Mr BENEDETTI about the opportunity of catching a train that would carry him to Milan, with the idea of meeting him at the station of that regional capital, he had in effect commenced the journey, then being arrested by the German police before crossing the border.

[65] On the 20th of November 2007, the GIP signed European arrest warrant for him, to be combined with the precautionary custody order that in the meantime the Public Prosecutor had already requested and obtained. BY reason of his provisional arrest, he was invited by the Judicial Authority in KOBLENZ to make a statement, and claimed to have been in contact with Mr BENEDETTI finding himself in an Internet café in Dusseldorf, receiving information from him about the accusations relating to him, based on what they had published in the newspapers or what had been heard on TV. Mr GUEDE denied those accusations, pointing out having known Ms KERCHER on a not better specified occasion in which the young woman found herself in the company of two young men with whom he had played basketball a few times: a little while before, at the "Le Chic" pub, he had instead met Ms KNOX.

[66] The accused claimed to have met MEREDITH on the evening of the 31st of October, while he was out with some Spanish friends, and on that occasion they had "flirted", making an appointment for the following evening at 20:30. On the 1st of November, around 19:30 (without being more precise, because he claimed he didn't have a watch), Mr GUEDE had passed by, firstly, a friend's by the name of ALEX, then he had gone to Ms KERCHER's house, not finding her in; at that point he had gone by the basketball

fan boys, without making known whether it was the boys from the ground floor, but even those he hadn't found. So, he had gone back to the city centre, buying a kebab, to then return to Via della Pergola: here he had waited for a few minutes, after which MEREDITH turned up, who had opened the door and let him in.

[67] After a short conversation, partly due to what had occurred between them the evening before, the two young people had kissed each other, without though going on to have sexual relations: first, though, it had happened that Mr KERCHER had discovered her money was missing from a drawer near her bed, and she had gone into AMANDA's room – who wasn't there – to check if the money was there. From which there arose generic accusations by MEREDITH concerning the American, complaining first above everything else that the other one was smoking drugs (a particular that Mr GUEDE confirmed, because he had already happened to see Ms KNOX on a prior occasion in which he had been present).

[68] Without adding further details, the defendant mentioned that at a certain point he had gone to the bathroom, and from there – despite having put on iPod headphones, had heard someone knocking on the door and coming inside: after about five minutes (he recalled in any case having listened to two or three songs, of which he also indicated the titles), he had heard a scream that was louder than the, somewhat loud, volume of the headphones, and so – without even pulling his trousers up – he had come out, seeing the back of a man at the front door of the house, slightly shorter than him.

[69] Mr GUEDE specified to not having known that person, but to having seen MEREDITH bleeding on the floor, so he had grabbed the man, asking him what had he done, but the other had turned violently trying to strike him with a knife that he had in his hand, probably the left, and in effect brining about a wound on his right hand (from various photographic records made by the German Police, there appear in truth to be small cut wounds on the hand of the accused). Trying to sidestep the blows, Mr GUEDE had stepped backwards, but fell to the floor due to not pulling his trousers all the way up: from here he had taken up a chair trying to defend himself, and the aggressor had escaped from there in a moment saying, before leaving the apartment, the phrase “Black man found, guilty man found”, without however the accused understanding whether those words were directed to a third person present.

[70] Noting a great quantity of blood in MEREDITH's room, and above all a cut wound on the girl's neck from which blood was pouring, RUDY had tried to help her, taking a towel from her bathroom to staunch the haemorrhaging: in the course of a few seconds, it was totally soaked in its turn, so he had taken a second. In those moments, according to Mr GUEDE's statement, Ms KERCHER was still alive and she was moving, trying to speak, but he had understood only one word or part of one word, which is to say “af”, so he had tried to write those two letters on the wall. The young man claimed however to find himself in a state of total confusion, without the lucidity necessary for calling for help or requesting the intervention of a doctor, such that – perhaps from having had the impression of noises from the floor below – he had left without closing the door of the house, probably after having touched almost everything in the victim's room. He was unable to recall whether, at the moment at which he had exited, MEREDITH was still conscious; he recalled instead that even at that moment the young woman was dressed, with a dark jacket, a white pullover and blue jeans. He finally specified that when he had

entered the house he had not noticed any sign of presumed theft, nor broken windows; on leaving, he had crossed the basketball court in Piazza Grimana, where there were Chinese intent on a game.

[71] On his alleged flight to Germany, he repeated his state of confusion, so as to supply false particulars (on the advice of other people of colour, not better identified, who had also suggested he lodge an asylum request) on the occasion of a check by the German police in Stuttgart; he added in any case of having formed the intention of returning to Italy, after the conversation with Mr BENEDETTI, giving his assent to the simplified extradition procedure for the express purpose of clarifying his own position, and not objecting to the arrest and the extradition itself.

[72] Mr GUEDE was handed over to the Italian authorities in the first days of December, and on the 7th he attended the GIP hearing.

[73] Prior to that, though, information was obtained from numerous subjects who had had ways of knowing or visiting the accused, with particular regard to the more recent periods: already on the 13th of November, RUDY's name had been put forward by Mr LOUIS PATRICK TEMGOUA NDONGMO, a Cameroon student/worker who had indicated him as a regular game companion for the basketball games in the small courts in front of University for Foreigners (where the witness denied having been on the late evening of the 1st of November, having left not later than 19:00, without in any case having seen Mr GUEDE with whom he had been playing for about a month).

[74] Another basket-baller, the Lithuanian VYKINIAS RAKAUSKAS, stated knowing Mr GUEDE through having played together in the "Liomatic" team and to knowing that recently – however not having been in phone contact with him for three months, nor seeing him in the last two weeks, despite usually turning up at the Piazza Grimana courts – he was working as gardener with the CAORPALLI. The young man had given him his mobile phone numbers, which were 329/1819627 (the last that had been indicated by Mr MANCINI, on which he had made the most recent contacts), 340/7969958 and 335/5690231.

[75] As to RUDY's habits, Mr RAKAUSKAS claimed to have sometimes seen him "very drunk", specifying that among other things he himself also drank a bit, up until about a month earlier: on a further and more specific question by the investigators, he represented himself as having ceased to meet with him because he was excessive in his drinking, such that in the evenings he was often drunk; he had never met any likely girlfriends, except for having heard from him about a relationship with a female student during his stay in Lombardy, but he knew that Mr GUEDE liked white girls, and not those of colour.

[76] SANITA KEISA, a Latvian girl, referred to having met RUDY on the 11th of October, during the course of an evening out at the "Rock Castle" pub, and they had exchanged phone numbers (Mr GUEDE had left her his 329/1819627 number, but not having the phone with him, nor a piece of paper to write it down on, he had told Ms KEISA that he would have memorised hers).

[77] The evening out had then concluded at the “Domus”, and the young woman recalled that RUDY had suggested to her and to the friend she had gone out with to go home in a taxi, given the late hour, a suggestion that the two young women had not taken up. The day after Mr GUEDE had called her to invite her to dinner, but she had not accepted, as had happened a few other times following: the accused, in any case, had never bothered her, such that -- even having encountered him on successive occasions – Ms KEISA specified having had a good impression of him.

[78] The American students REBECCA SAVOY and BENEDEK AVITAL, giving statements on the 22nd of November, declared knowing Mr GUEDE for about a month, through having visited the same group of friends at the night clubs of Perugia: in particular, they specified having seen him for the last time at the “Domus” on the night of the 2nd/3rd of November, when one minute of silence was requested in memory of the girl killed the night before. They didn’t have a precise recollection in any case of the young man’s behaviour in that circumstance, mainly because of also of having had drunk a bit, it being the birthday of another friend: the two Americans, in answer to the question whether they had ever seen RUDY drunk, responded in any case with yes.

[79] The same day, JULIA DAVIS, another American in Italy for study reasons, gave a statement totally conforming to that of her two co-nationals, claiming though to not remembering if she had ever seen Mr GUEDE drunk and of finding herself dancing with him at the moment when the request for MEREDITH was made: at that point, while another girl had approached her to explain what was happening, Ms DAVIS had noticed that RUDY had remained impassive.

[80] SOFIA CONCETTA CRUDO, an Australian jurisprudence student, stated to the investigators to having met RUDY in October, without being able to specify where and how; she added in any case that the young man came sometimes to see her little brother ALEX, and that they visited the “Merlin” or the “Rock Castle”. Sometimes Mr GUEDE was drunk, but in any case – after Ms CRUDO came back from a brief stay in Greece at her parents’, from 26 to 30 October – it was a little while since she had seen him.

[81] MARTA FERNANDEZ NIETO and CAROLINA ESPINILLA MARTIN, originating from Spain and domiciled in Perugia as university students of economics, stated having known Mr GUEDE in September, because he was occupying an apartment at Number 26, Via del Canerino, beneath the one they were living in: from this there arose a series of chance encounters, especially because they had a shared laundry, and sometimes they went out together, in particular on the 29th and 31st of October. In this last circumstance, coinciding with *Halloween*, they had gone to Via Campo di Battaglia to another Spanish student’s house, one ADRIANA, for a party with their co-nationals: in all, there were about thirty Spaniards, and RUDY had spent time with them.

[82] Towards midnight, the two young women had gone to another Spaniard’s, by the name of CARLOS, at his house in Piazza Italia, and RUDY had followed, remaining with them until about one: and so MARTA had gone home, while CAROLINA – together with RUDY – had gone round the circle of parties, going to the “Domus”, where she stayed until half past five, without being able to say exactly what time RUDY had left in his turn. Ms ESPINILLA specified that the young man had spent time with their Spanish friends, and she had seen him dance only with a blonde girl with long straight hair.

[83] The night of the 1st/2nd of November, still on the account of the two Spanish women, they had returned to the “Domus” where they had seen Mr GUEDE once again around 04:00 in the company of people they did not know; they weren’t able to say at what time they had arrived there.

[84] At the due process hearing, Mr GUEDE claimed above all to knowing DIYA LUMUMBA superficially, and to have been no more than three-four times to the “Le Chic” pub, he knew Ms KNOX, through having seen her the first time that he had been in PATRICK’s local, where AMANDA had approached him in the role of waitress, and so he had bumped into her a few times on the street (limiting himself to a hello) and he had spent an evening with her and the boys who were living on the ground floor at Via della Pergola. This last episode occurred in, according to him, early October, in any case coinciding with the birthday of a friend of his, a certain OWEN: after having celebrated with the young man and his circle of friends, RUDY had met Ms KNOX around town along with two of the students from the ground floor, who he knew through having played basketball on the customary courts, and it had been those two who had invited him to pass by their place.

[85] AMANDA had gone up to her apartment, and it was in that time span that Mr GUEDE had made some comments about her (and the other young men had contributed with their own, rather heavy, comments), while a “joint” was circulating: a little later the American had come downstairs, and there were several laughs due to it being the person they were talking about. The defendant recalled even Ms KNOX had smoked, so he mentioned he was feeling a bit tired, due to having drunk a lot and the effect of the smoke in the house, and he had gone to the bathroom for a call of nature, to then return to the others (ruling out that he had fallen asleep on the toilet and claiming to have flushed as usual). After a short time, MEREDITH had come downstairs; Mr GUEDE emphasised having already been informed of the presence of an English girl in the apartment, but he had never seen her; hearing her accent, he had understood that it was her, and had exchanged a couple of words with her, complimenting her beauty.

[86] In the meantime, Ms KERCHER also set about smoking, but it was her to exhort AMANDA for both to go to their house and sleep, seeing that it had gotten late; RUDY, due to tiredness, had then asked the ground-floor boys if he could sleep on the sofa, and they had said yes.

[87] The next day he had woken up, due to the presence of a cat which had jumped up to lick his face, he had greeted one of those men, and he had gone away; he added that he had returned to that apartment the following Sunday, without meeting MEREDITH, on the occasion of the last Grand Prix of the Formula One season, following it on TV together with them.

[88] On a different occasion, however, he had spoken again with MEREDITH, met by chance at the “Merlin” or around about town; that’s what had happened the night of the England-South Africa rugby game, which he had watched at the “Shamrock” pub in the Perugia city centre, noticing MEREDITH among those present. Mr GUEDE, together with his Greek friend ALEX, Austrian PHILIP and Dutch FREDERICK, were there to support South Africa, while MEREDITH was obviously part of a group of co-nationals, and they had participated in reciprocal friendly teasing, including some final comments at the moment of the British defeat. During the course of the game, RUDY had talked a lot with her, though

without arranging a date or agreeing to see each other after that evening: on the 31st of October, on the occasion of *Halloween*, he had instead seen her again, and this time things went differently.

[89] Mr GUEDE maintained that he had gone to a party at his Spanish friends', in a house behind the "Pavone" cinema theatre, and they were all in costume: at a certain point, a girl dressed as a vampire approached him, who he had exchanged a word with, without even realising that it was in fact MEREDITH. Once recognised, he had jokingly asked if she had wanted to suck his blood, as a sort of revenge for the rugby defeat, and then they had started talking: the defendant described the location of the conversation, with a room between two bathrooms, and specified having kissed the girl, saying that he wanted to see her again the following day. And so, they had arranged a date for the following evening, for about half past eight.

[90] Having left the Spaniards' house around 02:00, Mr GUEDE explained he had gone to the "Domus", because more or less everybody had displayed an intention of going to that local where there was a masquerade party: in describing the translocation and its aspect, the defendant said there was "a tide of people", specifying though that he had not noticed MEREDITH, who he was hoping to see again at the "Domus". At any rate, they had not come across each other: in the local, according to RUDY, there were a lot of people, but he considered it to be the case that Ms KERCHER was not there.

[91] Examining later some photographs already attached to the file, which portrayed the victim in the apparel for the party of the 31st, the accused was unable to identify in the environments therein portrayed the house in which he had been with Ms KERCHER, confirming however his version of the facts. He specified however, taking note of the statements of the Spanish girls who had already been examined, that in fact he had spent the first part of the evening in two different houses, always in the company of the co-nationals of these latter (and he had met MEREDITH at the second place): as far as he had understood or could recall, the owners of each house were both called CARLOS.

[92] Coming to the night of the 1st of November, RUDY recalled having left the house while the regional TG3 TV news was starting, therefore at 19:30: he had passed by Via della Pergola, but after knocking no-one had replied, neither from the girls' floor nor from the one below. At that point, Mr GUEDE had decided to visit his friend ALEX, who was living not far from there: upon ringing the doorbell, he had waited 5 minutes before the door was seen to open, because the other young man was having a shower, so therefore he had exchanged only a couple of words with him, reaching an understanding of meeting up later, still at ALEX's house. RUDY had then gone to buy himself a *kebab* near the "Turreno" cinema, meeting his other friend PHILIP along the way: at first he hadn't stopped, seeing that PHILIP was talking to a girl, then he had chatted for a few moments, telling him that he would be seeing ALEX later and that in the meantime he was on his way to see someone. PHILIP had asked him if it was a man or a woman, and he had responded to him that it was a girl.

[93] Back at Via della Pergola, Mr GUEDE had knocked again and still there was no response; after a few minutes, though, Ms KERCHER actually arrived, and asked him how much time he had been waiting. RUDY replied to her that he'd been there for only a minute, even if it had been somewhat longer, the girl had smiled at him, she had taken her keys from her purse and both had entered the house. More or

less, it was 21:00. MEREDITH had said in English, "I am here", so as to make her presence known, but no one had replied, and in effect there were neither lights nor sounds. The defendant, due to the rather spicy *kebab*, had asked her permission to drink something, and Ms KERCHER had said to him to make himself at home, such that he had taken a bit of water and some fruit juice from the fridge. While he was in the kitchen, he had heard the young woman complaining and swearing, and so he had gone to her: MEREDITH, in her room, had found an open drawer and was saying that the money she had put there wasn't there anymore, without specifying the value of the sum but making it understood that it was a substantial amount, and that that immediately was the last straw with AMANDA, describing her as a junkie.

[94] Mr GUEDE had tried to calm her down, or in any case not to accuse Ms KNOX like that, without knowing what had happened, and together with her he had gone round the house, for the purpose of checking whether there were signs of a break-in, without coming across any; Ms KERCHER, for her part, had wanted to check a drawer in the American's room, without finding the money. As a little bit to calm her, as a little bit to try a move, the accused had turned to her with the utmost tenderness, starting to talk about himself and his family: in a subsequent moment, he explained having entered into MEREDITH's confidence, such that she had spoken to him about a relationship of hers in England (and not of a boyfriend or boy in Italy).

[95] So, while they were in the kitchen/living room, he had told her that he liked her, starting to flirt and kiss, until they were touching each other in their intimate parts. Mr GUEDE specified having partially penetrated the girl with his fingers and of also having touched her breast (and her bra) underneath her jumper. At that point after about ten minutes, it was MEREDITH to ask him if he had condoms: he had replied with no, and both of them withdrew realising they had gone a bit far. Thus, they had recomposed themselves (not having undressed completely, but having both loosened and lowered their trousers) and RUDY had said to her about needing to go to the bathroom because the *kebab* had given him a bit of indigestion.

[96] He had gone to the bathroom with the door near the fridge, on the instructions of the girl, he had uploaded his *iPod* with the usual 25 most-played songs and he had sat on the toilet after having cleaned the little shelf, as was his habit: he indicated it was also his usual habit to do his business with his headphones on, listening to music. The young man also recalled the first three songs listened to, being the usual, and while he was half through the third song – despite the very loud volume - he had heard a scream: cleaning himself in haste, without fully putting his belt back on, he had gone straight to MEREDITH's room, finding a man on the threshold (but just inside the room) with his back to him. At that point, Mr GUEDE had placed his hand on the shoulder of that individual, glimpsing in the same instant the girl's body on the floor: the other person had abruptly turned around, trying to land blows with a knife that he was holding in his left hand, about which he was unable to indicate the length or other characteristics.

[97] He described the subject in question as slightly shorter than him, similar body shape, with light-coloured jeans, a black "Napapijri"-brand jacket of which he had noted the logo, a white cap bearing a red stripe in the middle and his hair – which could be seen underneath – was chestnut coloured: he was

unable to furnish a better description due to the aggression under way, which had induced him to devote attention to not getting wounded, even though the man had drawn blood in a small cut on his right hand. In addition, the illumination was rather low, because there was only one table-lamp lit in the victim's room.

[98] In pulling himself back, the defendant first knocked over a clothes-horse in the corridor and then reaching the kitchen again, falling over between the table and the fridge due to the lunge from his antagonist, who he was describing as coming "ferociously" onto him: he was able to grab a chair, pushing it against the other man, and these [*sic*]— after a brief moment of hesitation — had fled, pronouncing in perfect Italian the words "he's black, black man found, black man guilty, let's go".

[99] RUDY continued the account explaining that, hearing the steps of the man on the gravel in front of the house, which were going away, he had heard the sound of footsteps of other people, having the distinct impression that besides that subject there might be someone else: looking out of the window of the room that faced the driveway (that is to say, Ms ROMANELLI's room), he had tried to see if there was anyone in the courtyard or on the road, but without result.

[100] Back in MEREDITH's room, which he described as not in disorder, he realised that the girl was bleeding from the neck, with her shoulder all "drenched": she was wearing jeans and a white cotton top, with her chest covered. Mr GUEDE had then tried to give her help, taking a towel from the bathroom, which though was too small and became immediately soaked with blood, so he got another one and tried again to staunch the wound; during that time, Ms KERCHER had given him the impression of wanting to say something, in spite of the blood that was also pouring from her mouth, and RUDY — thinking he was able to hear in her phrase the letters "a" and "f" — had taken the trouble to write them on the wall with his fingers, his hand being bloodstained.

[101] Asked by the Judge how come he had never thought to call anyone for help, the accused replied that he didn't have a phone with him (nor had he seen one in the house), his mobile phone having been seized from him in Milan a few days back; as well, due to the fright, he hadn't been able to remain lucid, thinking that no-one would have believed him in the condition he was in, all covered in blood. He then repeated having touched more or less everywhere in the room, including with blood-stained hands, without in any case being able to explain how a print of his found its way onto the pillow beneath the body, when he recalled the pillow being as usual on the bed, where there also was the jacket and the purse that the girl had put there on returning home. The bed was, according to his description, covered with a red or beige bed-cover (but he was insisting much more on the first colour): the pillow was on top of the quilt.

[102] Possibly hearing a noise from the apartment below, Mr GUEDE got frightened even more and had decided to run away, leaving open both the door to MEREDITH's room as well as the front door (and all windows unbroken): he went through Piazza Grimana, where someone was playing on the basketball courts, and had headed towards Via del Canerino, trying to avoid Corso Garibaldi so as to not meet people who would have been able to notice his blood-stained clothes.

[103] As for his own clothes, he recalled having worn, amongst other things, a sweatshirt and “Adidas” shoes, these latter – according to him – staying clean. Arriving at home, he had washed his clothing, so – still strongly agitated – he had changed and gone out again, going to ALEX’s house: arriving here, also finding his other friend PHILIP there, they had started to exchange a few pleasantries but still feeling almost in a trance, making appreciable efforts to remain calm and give an impression of normality. The defendant indicated the time at which he had entered the other boy’s house as being around 23:30, where he had stayed until half past midnight or thereabouts, to then go for a walk around the historic centre, to meet another American friend and go the usual “Domus” (but maybe not with ALEX, who had had differences with the personnel of that pub): here they remained more or less until 02:30 / 03:00, and from there they had gone to the “Velvet”, since one of their friends had to speak with one of the staff of the local.

[104] Looking back, and on the basis of the distances covered on foot and the length of his stay at Via del Canerino to clean himself up, he hypothesized that he had left the house at Via della Pergola around 22:30, or a couple of minutes later. He indicated as well the interval of time was more than five or six minutes from when he had heard the girl’s scream to the moment in which the unknown aggressor had fled from the house, wanting to underline that the scuffle had been prolonged. In answer to a subsequent question, he also remembered having heard, while he was still in the bathroom, the sound of the front door bell, just as he had stated in the first interview in Germany.

[105] In front of the photo of the crime scene, Mr GUEDE denied that the position of the young woman’s body was that where he had left her, repeating above all the fact that she was dressed and not half-naked, ruling out that, when he had looked out the window of Ms ROMANELLI’s room to try to see towards the road, the glass was broken, specifying that the inside shutters were open just like the outer ones.

[106] Coming to the successive days, the defendant recalled having been at home on the 2nd of November, and having gone out in the afternoon to go to ALEX’s again, before, passing by the many-times-mentioned small basketball courts, having heard various young people talking about a killed female student, and the topic was also mentioned by the owner of a nearby takeaway pizzeria. At ALEX’s house he had also found the sister, as well as PHILIP, and it had been the girl who had spoken of the murder: in total it was limited to a gesture in acknowledgement, without any comment being made on the part of Mr GUEDE. Taking notice that SOFIA CONCETTA CRUDO had already stated not having seen him after the end of October, the defendant in any case maintained having met her that night. He then admitted having been at the “Domus” also on the night of 2nd and 3rd, but – denying the presumed “impossibility” of which Ms DAVIS had spoken – he emphasised having respected the minute of silence called for by the DJ for the death of MEREDITH.

[107] Spending further days practically holed up at home, he had left Perugia on Saturday (but taking not that Saturday was the 3rd, therefore the day successive to the last episode as narrated): proceeding on a train trip more or less in stages, he arrived first in Florence, then Bologna. From here he proceeded to Milan, but without having a ticket because he had little money (subsequently, he would have also have sold his iPod): surprised by the people at Modena, he was made to leave the train, but the first

chance he had, he had taken another train, reaching Milan past midnight. Here he had gone to a local he already knew, just right for passing the time, and around five he had gone back to the station, seeing it also being checked by the forces of law and order: and so it happened that he jumped on an express train for Germany, without understanding the destination, and he let himself be carried away.

[108] After various journeys to various cities, meeting other people of colour, he finally confided what had happened to him, and hearing people say understanding words about the fact that no-one in Italy would have been predisposed to believe him, he had arrived at Dusseldorf: from there he had come into contact with GIACOMO BENEDETTI, coming to be informed that the Police were looking for him. He had told him his truth, and manifested an intention to return, which the friend had encouraged: during the trip to Milan, though, at the first check in the train, he was found to be without a ticket and without papers, and – his particulars being ascertained - he was arrested.

[109] Immediately thereafter the investigative taskforce effected various corroborations of Mr GUEDE's statements, and already by the 18th of December had statements from ALEX CRUDO, brother of SOFIA CONCETTA. The young man, an 18-year-old, stated having met RUDY "around", without knowing how to better indicate on what occasion: in any case a friendship was born and a meeting up with each other, with the other who used to call him often enough and passing by his house to see him. In Mr CRUDO's view, as much as he was able to tell, the defendant did not use drugs, nor drink excessively. À propos of Ms KERCHER, ALEX confirmed the particular of the rugby game watched at the "Shamrock", it was RUDY himself, after the murder, who told him that the dead girl was the same one as the one they had been with at the match when they were there too. At any rate, the young man underlined never having seen Mr GUEDE speak with MEREDITH, nor having received any confidences from his friend on the matter of his possibly liking that girl or that he had arranged a date with her. To the question of how he had spent the evening of the 1st of November, the witness responded with this: "I don't remember what I did on the first of November, neither during that evening nor on that day; although I'm certain that RUDY didn't come to my place that evening, not even late in the night".

[110] Mr CRUDO recalled instead that on the day the news of the murder was on TV (which is to say the 2nd) RUDY visited him, and it was during that span of time that the underlining of the girl's identify came out as being the one at the "Shamrock"; on the same occasion, Mr GUEDE had announced his intention to spend a few days in Milan, just to dance. At the meeting – taking place in the afternoon, with the accused who had remained for half an hour – there was present the sister of the witness, but no-one else: on the following evening, which ALEX was unable to say where he had spent it, RUDY was not in his company.

[111] After having learned of the involvement of his friend in the murder, Mr CRUDO had reflected on the behaviour of his friend on the 2nd of November, coming to the opinion that he in fact seemed to him to be little calm: at the time, at any rate, he hadn't noticed anything particular, nor had he noticed possible wounds on Mr GUEDE's hands. The young man concluded his deposition by saying that Mr GUEDE had confided earlier in him to feeling alone, and that he would have liked to have had a girlfriend.

[112] MOHAMMAD EGBARIA, an Israeli agriculture student and SOFIA CRUDO's boyfriend, claimed to know RUDY, but to having seen him for the last time on the 24th of October or around about then: he recalled having received a phone call from him, from a different number compared to the usual one, on the 27th of October, with Mr GUEDE telling him that he was in Milan and that he would be back the next day. He also added that he had spent the 1st of November in the company of his girlfriend and of ALEX, but couldn't recall what they had done.

[113] The Austrian PHILIP MICHAEL MALY stated having met Mr GUEDE around the 20th of October, on the steps of Perugia Cathedral, because he was with their mutual friend ALEX; from then on, without ever exchanging phone numbers, he had seen him again another 6 or 7 times, always part of a group (ALEX, his sister, MOHAMMAD and others) and on one occasion they had all had dinner at RUDY's house. He too confirmed having followed the England-South Africa match at the "Shamrock", and of having found out only after the murder – from various American friends - that Ms KERCHER would have been present that evening: he ruled out, though, that RUDY, during the evening in question, had spoken with her. On MALY's say so, Mr GUEDE had never told him of being attracted to MEREDITH or that he might have had dates with her, being a girl that the young Austrian did not know: he knew instead from RUDY that he liked a certain ALESSIA, a German. Asked what he had done on the 1st of November, and when he had last seen the accused, Mr MALY replied: "The day first November ult. I had been home all day and maybe also the evening, I'm in any case certain about not having seen RUDY either during the day of the first of November nor during the evening of the first November (...). I'm very sure of having seen Rudy for the last time 4 or 5 days before Halloween in a local getting a *kebab* in this Via U. Rocchi". The witness finally specified having learned from Mr CRUDO that Mr GUEDE had visited the Australian's house the day after the murder.

[114] SAFIR SALIM, a Kuwaiti student and DJ in the locals in the historic city centre, affirmed having known MEREDITH from the first days of her arrival in Italy, through having seen her many times at the "Merlin" or at the "Domus", always and only with her English friends; he also knew RUDY, who though he didn't recall seeing at the "Domus" on the evening of the 2nd of November. He had instead noticed him at the "Merlin" a few days before: according to him, Mr GUEDE would sometimes get up and dance on the tables at the "Merlin", demonstrating on those occasions that he had drunk a bit too much.

[115] On the 11th of December 2007 it was then the turn of ABUKAR MOHAMED BARROW, nicknamed "Momi", a young Somalian basketball player: it will be necessary to return to the deposition of the aforesaid in the following, he having been also heard during the enquiry activity carried out during the preliminary hearing.

[116] In the meantime, both Ms ROMANELLI and Ms MEZZETTI were examined again, as well as Ms KERCHER's English friends. Between the two Italians, while Ms ROMANELLI stated to never had seen or known Mr GUEDE ever, the other told the Public Prosecutor that someone amongst the boys from the floor below had recounted to her how one evening RUDY was at their place and, being a little bit drunk, had fallen asleep on the toilet; the same MEZZETTI had then seen the accused in person, one Sunday when she had visited the boys below for a moment, and it was that day of the last race for Ferrari.

[117] Amongst MEREDITH's co-nationals, Ms HAYWARD claimed simply not to know Mr GUEDE, saying she was certain that not even Ms KERCHER knew him; Ms RODENHURST, returning to the Halloween festivities, ruled out that some young man of colour might have approached the dead girl during their time at the "Merlin" or at the "Domus", indicating a certain FARSAD, an Iranian, as the only stranger that she might have exchanged a few words with (at any rate, she specified she had remained at the "Domus" only for a short while, while MEREDITH and the others had stayed on).

[118] SOPHIE PURTON, after having gone over the movements of the group of girls again for the evening of the 31st, specified that during that evening MEREDITH had not received any phone calls, while she could not rule out that she might have received any texts: during the course of their stay at the "Merlin", they were always together, which is why she remembered that the only boy to come up to Ms KERCHER was an Italian, 20-something, with blue eyes and a bit short; she was unable to say anything useful on what happened later at the "Domus" because – as she had already said in a statement earlier – she hadn't stayed constantly by the side of her friend. As to Mr GUEDE, she specified to having seen his photo in the newspapers after his arrest, but had never seen him before: she ruled out that MEREDITH would have spoken about him as a friend or acquaintance, and according to her probably didn't even know him.

[119] On the evening of the 1st, while they were returning to their respective abodes after having dined with AMY and ROBYN, Ms PURTON stated having told Ms KERCHER that she was tired, and probably the other one had said the same thing: for certain, she had not spoken of any dates that she had lined up or of the possibility of seeing someone, not even to underline that due to her tiredness she would not have felt like it.

[120] On her friend's general behaviour, SOPHIE was at pains to point out that she had never seen her kiss a boy in public: she also recalled in that regard some criticisms that she had heard levelled against Ms KNOX, about whom she [Meredith] was saying that she [Amanda] brought men home to sleep with.

[121] AMY FROST recalled that on the evening of the 31st, in her Via Bontempi apartment, she and MEREDITH had finished dressing up together for Halloween, having both chosen a vampire costume: at the "Merlin", it had happened that at times they had been separated, due to the large number of people present, but she had not in any case noticed boys of colour approaching her friend. She indicated some Italian acquaintances as the young men they had spent time with, and then specified having seen Mr GUEDE for the first time in the photographs in the newspapers: she ruled out ever having heard Ms KERCHER pronounce his name, or speak in general about a boy with his characteristics. On the 31st, she had absolutely not seen RUDY converse with or even flirt with MEREDITH, neither at the "Merlin", nor at the "Domus".

[122] The evening after, seeing her leave around nine, she had had the sensation – like everyone else – of feeling tired due to having had a late night the night before, and so she intended to leave and go to sleep. She knew in addition that Ms BUTTERWORTH had loaned MEREDITH a history book, and was of the opinion that her friend intended to read it in order to return it as soon as possible.

[123] As for the relationship with GIACOMO, Ms FROST limited herself to specifying that the story between him and MEREDITH had just started, still however being able to consider them an item: as well, she mentioned that her friend had recounted to her that Ms KNOX had gone and said that she also liked that boy, but (almost as if she was making a gift) she had nothing against Ms KERCHER if she were to go for him.

[124] ROBYN BUTTERWORTH, finally, confirmed that MEREDITH had spoken to her about the relationship with GIACOMO, which had been going on for a couple of weeks, and she knew that on that weekend the young man would have been elsewhere, at his home or skiing; she also confirmed, for the evening of the 31st, the particular of the costuming being completed at home. In both the locals where they had been, except for brief interruptions where the one or the other had gone to the ladies, they were always together: both the “Merlin” as well as the “Domus” were very crowded, but no one in particular approached to speak with Ms KERCHER, still, the witness made known, that for about an hour, in the “Domus”, she had not been near her (in contrast though to AMY, who had always been with MEREDITH).

[125] Ms BUTTERWORTH, as well, maintained never having seen Mr GUEDE, not even by chance on the street, and to know about him only through the images appearing in the newspapers or on TV; she ruled out above all having ever seen him with MEREDITH, and denied that her friend had ever spoken to her about a certain RUDY or – apart from GIACOMO – about a boy to whom she felt attracted or she had displayed an interest in, however specifying that she would certainly not have described him as a boy of colour, but simply as someone that she had met.

[126] The witness referred in her turn to remarks made by Ms KERCHER on AMANDA’s behaviour about the men that she was bringing back to the house, and she spent time describing what MEREDITH wore on the evening of the 1st, as in: a sky-blue “Adidas”-brand sweatshirt with blue stripes on the sleeves, a long-sleeved beige cotton top and another or maybe two tops underneath, with some design, as well as a pair of faded jeans and a pair of “Puma” shoes.

[127] On the 7th of January 2008, as well, CHRISTIAN TRAMONTANO and MUSTAPHA AOUAD presented themselves to the Perugia Flying Squad. The former informed them that he had suffered a theft from his house on the 1st or 2nd of September preceding, carried out by a young man of colour who – following publication in the organs of the press of numerous photos of Mr GUEDE – he thought he recognised as the current accused. In particular, the man mentioned that at six in the morning on the day indicated he had been woken by some noises originating from beneath the location of his bedroom, disposed as a built-in overhead-cupboard: looking out, together with his companion who was with him, he had seen a young person of colour intent on rifling through his things, therefore he had gotten hastily and angrily out of bed to try and send him away. The other, at that point, had started to go down the spiral stairs that led to the floor below, but – finding the door closed – he had turned back towards Mr TRAMONTANO who had followed him, first grabbing a chair to brandish it against him, then pulling out a flick-knife: the citizen, frightened, went back upstairs, while his girlfriend was calling “113”, and in the meantime the thief – who had spoken a few words in perfect Italian, and had an alcoholic breath – managed to escape.

[128] Checking what had been rifled through, the man realised that some small change and three credit cards were missing; the evening immediately after, going to the “Domus” discotheque, it had seemed to him that he had seen the young man in question again among the patrons of the local. In the course of time, seeing the photos of Mr GUEDE in the newspapers, Mr TRAMONTANO had had the impression that it was the same person as the author of the theft.

[129] Mr AOUAD, owner of a rather well-frequented bar and restaurant in the city centre, instead told the investigating officers that he had often seen Ms KERCHER in his local, always in the company of the English girls with whom she usually went out (only one time had he noticed her in a group that also included men, and the KNOX-SOLECITO couple was also there), and she had seemed to him to be a rather reserved girl, who was not self-confident. He also claimed to know RUDY, but only by sight, and to never having noticed him frequent MEREDITH or the other girls of British origin.

[130] The investigations continued with the acquisition of the first results of the biological tests, the genetic profile of Mr GUEDE having been reconstructed by means of various samplings (in particular, the saliva sample from his toothbrush found following the sequestration of the apartment in Via del Canerino), which appeared identical to those isolated from various evidence items, and significantly on one of the vaginal swabs taken from the body of the victim and on a piece of toilet paper from the bathroom where the unflushed faeces had been found. Regarding the vaginal swab, in any case, the presence of sperm was not found, and the comparison of two profiles could only be carried out on the basis of the Y haplotype, characterising the male individual and his probable ancestors and descendants in a direct line.

[131] On the 26th of March, Mr GUEDE attended a new interview at the Public Prosecutor’s. On that occasion, he denied first of all that anyone of his acquaintances would have ever called him “Baron”, and he confirmed that in March 2007 he had returned to Perugia from Lecco, going to see the MANCINI family to help him find a job, which he almost immediately had found at the agricultural concerns of the CAPORALI; in August, though, he had left that position, and had looked for some casual work in the restoration sector, looking for new occasions through his other friend GIACOMO BENEDETTI. Even during his periods of employment as gardener or suchlike, he had continued with basketball, graduating to playing quite often at the Piazza Grimana field: here he very often found the Chinese young men, a Cameroonian by the name of PATRICK (probably Mr TEMGOUA) and the Lithuanian VIKI, but sometimes it also happened with a couple of the Italian boys who were living below Ms KNOX and Ms KERCHER’s place.

[132] Also repeated in the same terms were the circumstances in which he had met AMANDA at DIYA’s pub. RUDY transported himself back once again in his memory to the evening spent at those young people’s place when he had met them (together with Ms KNOX) after OWEN’s birthday party: according to him, it was the 12th or 14th of October. He confirmed, once AMANDA had gone up to her place, and before she could return, everyone had said she was a good-looking girl, putting forward fantasies more or less of a university-student sort, so – the American having had come back down – a “joint” did the rounds, which the same KNOX had taken and smoked in a manner that to him had appeared exaggerated.

[133] After a while, Ms KERCHER had also come down, and Mr GUEDE underlined again that that had been the day on which they had been introduced, adding though he had already seen her in some pub: being seated in front of him, having spoken at length amongst themselves, while AMANDA was exchanging remarks with the other boys, without at any rate any of them demonstrating themselves to be – neither with her nor with the English woman – in close confidence or in fact tied to some relationship. In contrast to Ms KNOX, MEREDITH had smoked doing only one “pull”, and it had been her to first say that she wanted to leave to go to sleep, being immediately followed by AMANDA.

[134] The accused repeated having slept in that house, feeling a bit tired and dazed by the smoke (not to mention tipsy from having drunk a lot at the party before), not to mention having gone to the bathroom, though returning normally to where he had been seated. He returned to the boys from the Marches’ house a second and last time on the afternoon of the Grand Prix, and on that occasion had seen one of Ms KERCHER’s Italian roommates, who had come downstairs to the boys and bought a “smoke” for 5 euro.

[135] He had then seen MEREDITH again on the occasion of the rugby game, where he had taken the opportunity to get closer to her inasmuch he really like the girl: at the “Shamrock” he had gone in first, accompanied by ALEX, PHILIP and FREDERICK, then he had seen her arrive and sit in the row immediately behind. According to Mr GUEDE, even ALEX had greeted her because he knew her already. Afterwards, during the month of October, he had met Ms KERCHER again many times, at the “Merlin”: here the girl turned up often, always in the company of some of her English friends, with whom at any rate RUDY claimed to not have had occasion to meet.

[136] In his reconstruction of events, at that point, the defendant claimed to have been somewhat confused earlier, having claimed to having seen MEREDITH where in reality she wasn’t and ruling out instead that she was where he had seen her in truth: in reality, Ms KERCHER in fact had not come to the Iberian boys’ house, but he had seen her – as well as kissed her, as he had already said in locating the meeting elsewhere – at the “Domus”.

[138] Around 02:00, with the same group of Spaniards, RUDY had in fact also left the second house and he had gone to that local, finding it crammed full of young people: in the middle of the throng, when he was near the bar for drinks, turning towards an arch and a room, he had found himself in front of MEREDITH dressed as a vampire, and he had joked with her about the fear that she would have wanted to suck his blood because her team had lost the rugby match.

[139] Having described the state of the place again, the defendant specified having had spoken with the girl for about ten minutes, at the end of which he had asked if he would be able to see her again the following day, and she had consented: without specifying whether they had made an appointment or whether it was a matter of his belief about the possible time when he could pass by her place, Mr GUEDE added that the plan was to see her again the following evening after half past eight, because for the 1st he already had an appointment with his Spanish friends at nine and at CARLOS and THOMAS’s place, in Via Campo di Battaglia, at ten.

[140] The defence team likewise produced several photographs taken at the “Domus” on the evening in question, from which it emerged that the same young men snapped in the other photos at the Spaniards’ house were also there in that local with the same clothes and behaviour, corroborating the statements of their client.

[141] On the 1st, according to the defendant’s version, he had slept until 18:00, and convincing with the start of the regional TV news on RAI3 he had left the house: in a few minutes, definitely less than ten, he had arrived at Via della Pergola but had found no-one, nor had he seen lights on (neither on the floor below). Then, as already recounted, he had gone to ALEX’s when he had stopped for a short while, confirming the particular that the Australian had made him wait a bit, being in the bathroom: then he had seen himself off from Mr CRUDO’s, telling him generically that they would have met up a bit later, and he had headed towards the Cathedral. He repeated about having seen PHILIP who was talking to a girl, and he had not interrupted him, then they had exchanged a few remarks when he already had the kebab sandwich in his hand, and he had also said to him that they might meet up later, because first he had to meet a girl: perhaps the Austrian had also asked him the time, and it was a little before half past eight.

[142] Given that MEREDITH had not given him her mobile phone number and he had not adverted to the exigency of asking for hers, both because as much as he was bumping into her in the usual places, as well as he no longer had his own phone since from the time that it had been seized from him on the 27th of October in Milan, Mr GUEDE claimed to have returned to Via della Pergola approximately at the time set for the meeting, noting also a utility-type car just outside the gate of the house and a Moroccan, a sort of scruffy vagabond, not far away. He had knocked, after having found the gate open, and no one had responded; in retracing his steps towards the road, he had noticed Ms KERCHER turn up unexpectedly, while the just-mentioned car was no longer there.

[143] While chatting for a few moments with the girl, RUDY recalled having heard someone who was talking in the outside part of the car park opposite: he instead ruled out having seen buses in Piazza Grimana leaving for the discos or any homeless men seated on benches: MEREDITH, on seeing him, had asked him what he was doing, and he had responded by saying he had passed by, taking pains to specifically say that he had not been waiting for long.

[144] In any case, the girl had not shown any fright at finding him in front of her, and she had invited him inside; the defendant confirmed that Ms KERCHER had said in a loud voice that she was back, as well as the particular of having drunk water and fruit juice from the fridge, after which it had happened that MEREDITH had become aware of the alleged theft of the money. More or less, it could have been 21:20. From there had arisen the accusations and the invectives directed towards AMANDA of which he had already spoken, and amongst other things he had heard say that she had had it with the boys that Ms KNOX was bringing back to the house and her way of doing things: seeing the strong anger, RUDY had understood that the English woman’s missing money was not a small amount.

[145] He had consequentially calmed her, making some compliments on the fact that she was a beautiful girl, and getting angry would have given her lines: at that point, they had started talking, a bit

more about the difficulty that MEREDITH was having with the American (about whom she was saying that she didn't even keep the bathroom clean [=flush the toilet]), then to personal and more intimate things. Mr GUEDE had told her about not having a mother, although in his life he had had the good fortune of meeting others, and Ms KERCHER had taken the opportunity to talk about hers, telling him that she was ill (as far as the accused was able to understand, from a cancer of the kidneys) and that she was afraid of losing her. Then the girl, to questions about whether she was engaged, had spoken of "someone special" in England, and he had drawn the conclusion from that that she had no ties in Italy.

[146] In that context, there had been the approach, totally natural. RUDY had kissed her on the lips, then they had caressed each other, including their genitals, and after a bit there emerged MEREDITH's qualms about the lack of prophylactics, so that they had stopped themselves and pulled up their trousers. It all happened in the living room, with the two young people seated on nearby chairs.

[147] Feeling a stomach ache, Mr GUEDE had gone to the bathroom, asking the girl's permission to do so and hearing her indicate the nearer one; just as he had entered, with MEREDITH who was heading towards her room but was still in that sort of sitting-room or parlour, someone had rung the doorbell. RUDY had heard Mr KERCHER ask who was it, after which – without having heard the response of whoever it was who was ringing – he had heard her say in English and in an altered tone, "we need to talk" or something like that, which means to say "dobbiamo parlare" [we have to talk].

[148] The response, this time, was heard by the defendant (who still had the bathroom door open), because the person having had in the meantime entered the house, in a female voice which he reputed to recognise as that of AMANDA KNOX, had replied, still in English, 'what's happening', that is "cosa succede?" [What's happening? What's going on?] or "qual è il problema?" [What's the problem?].

[149] Mr GUEDE had held himself out as not being worried about it, and that it wasn't his business: thus, he had started listening to his iPod, while he was doing his business. As already mentioned in the first interview, during the third song he had heard a scream louder than the sound in his earphones, and had then tried to go and see what was happening, in such haste as to not take the time to dress himself properly, nor to flush the toilet.

[150] RUDY specified in the course of his statement that, still with his earphones on his head, he had continued to hear a loud argument between women, always thinking that it was MEREDITH and AMANDA, but not in terms of making him think that there was something really serious under way. Exiting the bathroom, the young man was astonished to find the light off in the kitchen, seeing that a short while before it was on, so he headed for the hallway which gave onto MEREDITH's room, and repeated the narrative about the individual who he had seen from the back in the doorway, and who had turned around suddenly with a knife in his left hand, just as Mr GUEDE had arrived near to him and had noticed the body of the wounded girl on the floor. With regard to the previous interview, he added that that man had high cheek bones and a sort of double chin: he wasn't wearing glasses, and could have been about the same age as him. RUDY, who while maintaining having heard Ms KNOX's voice, had not seen AMANDA inside, found only the subject with the knife before him, such that he had taken a chair to throw it against him and to try and distance him from himself: he corrected the first, and rather

hasty and unlikely, indication relative to the time for that species of confrontation, defining as “lightning fast” an aggression that in December he had held had lasted five minutes or more.

[151] Once again, the alleged phrase came to be repeated, that that young man had pronounced, addressed to someone else, about having found “a black” and “the guilty person”, which had been followed by the later phrase “let’s go”, and – straight afterwards – the sound of steps of more than one person on the gravel: the novelty was though, that, in the interview with the Public Prosecutor, Mr GUEDE was claiming to have seen from the window of Ms ROMANELLI’s room a female figure with loose hair, in which he recognised the silhouette of AMANDA KNOX. The girl, near to whom there was no one else, was – according to RUDY – at the height of the access gate of the driveway, practically already on the road: at the same time, a sound of steps towards the rear of the house had made him think that someone was heading towards the entrance of the abode below.

[152] There were, instead, no version changes à propos of the way in which he had tried to help MEREDITH, nor about the condition in which he had found the victim or the room: he confirmed, amongst other things, his impression that the quilt on the bed was possibly red, and insisted on saying that at that moment it was not all in disorder like the crime scene photos had then shown. As to his shoes, he repeated having worn green-coloured “Adidas”. He explained again about not having seen Ms KERCHER use the phone, nor discovered any mobile phones around the house, adding that had he noticed them he would have called “113” without further ado.

[153] Having repeated the particular concerning the presumed noise heard to come from the floor below, which had induced him to run away, Mr GUEDE specified having left via transiting the stairs beside the basketball courts, where he had noticed someone who was playing: he denied having bumped into someone, just as he denied ever having used the metal stairs of the car park to get to Via Pinturicchio (specifying knowing how to get to the car park zone without necessarily using those stairs) and confirmed having arrived at home avoiding Corso Garibaldi, then he had changed and gone out again.

[154] On his subsequent movements, he confirmed having gone to ALEX’s, specifying at any rate having stayed with him, PHILIP and others (including MJ, the initials with which he indicated the boyfriend of CRUDO’s sister) but was not sure about actually going to the Australian’s house: it had been ALEX who had left the group of friends, after they had gone to the “Domus”, because he had had an argument before with the staff at that local, and they had not let him in. For the rest of the night, RUDY had therefore remained with PHILIP and the others, going also to the “Velvet”.

[155] Pressed by the investigators on his description of the man with the knife, above all in terms of the likely possibility that it might be RAFFAELE SOLLECITO, Mr GUEDE specified to being in a little bit of a conditioned state, through having seen images and photographs, and of having therefore reconstructed something (evidently, in terms of an evaluation of similarity, if not in fact of full recognition) of that unknown subject in the person who he had happened to see, without expressly mentioning Mr SOLLECITO: he considered it preferable to try an Identikit, exactly because of those suggestions, which

he insisted on even in the face of more direct questions. In any case, as to the accent of the young man in question, he decisively ruled out that it was Perugian or from Northern Italy.

[156] Speaking finally of the Skype chat with Mr BENEDETTI, the accused declared having responded to GIACOMO's questions sometimes with a bit of haste and because he was conditioned by the situation: when his friend had asked him whether it had been AMANDA who had killed MEREDITH, he had said no to him, because at that moment he was specifying that in his mind he was concentrating only on the male figure with the knife.

[157] Mr GUEDE concluded his statement representing himself to be feeling responsible for not having had saved the life of a dying girl, but of being totally extraneous to the murder, hoping that all necessary investigations would be undertaken.

[158] On the 4th of April, it was GIACOMO BENEDETTI giving a statement to the Public Prosecutor: the young man, 21, considered himself probably the defendant's best friend, with whom he had attended Ponte San Giovanni middle school, in the same class, and they had also shared the same passion for basketball, although playing in different teams. The witness reconstructed the personal vicissitudes of Mr GUEDE, including in relation to the different periods in which he had been adopted out to various families: he referred in particular how, as it appeared to him, RUDY had decided to go to his aunt in Lecco because he was no longer at his ease with the CAPORALIs, without, though, his friend ever having told him that he wasn't being treated well, simply due to lifestyles that were not fully compatible.

[159] After his transfer to Lombardy, the two had not seen each other for a year and a half, or thereabouts; when he had returned, in the spring of 2007, they had instead renewed ties, likewise with the group of boys from Ponte San Giovanni, who had tried – aided by their respective families – to help Mr GUEDE to find a job. Employment which had arrived in a short span of time, with an offer at the CAPORALI's agrarian business: Mr BENEDETTI claimed that in that period RUDY had set himself to work at a fixed job, getting up early in the morning, but during the summer (at any rate during his holidays, because of which he hadn't had many occasions to catch up with him) he had had some problem, absenting himself from the business for unspecified reasons of health, and - with the job gone – he had become depressed.

[160] Asked whether, as far as he knew, RUDY used drugs, the young man responded with never even having seen him smoke, and equally in his presence never having drunk enough to become drunk; at any rate, during those months he had gone a bit "to ground", whether for lack of money, or whether for the impossibility of doing what he really liked, which is to say being with people and visiting places where there was always new people to meet. Towards September, Mr BENEDETTI had tried again to cheer him up a bit, calling him in the evening to go out and seeing about going about to try and find him another position, but because of his own study commitments it was not possible to meet up with him regularly: however, he had substantially lost sight of him again, and apart from some phone call (he also indicating his friend's number to be 329/1819627) they no longer had occasion any more to truly talk to each other.

[161] The witness indicated more or less the 31st of October, but maybe already some days before, as being the last telephone contact with Mr GUEDE, with him always calling, but not hearing from him for a bit had not raised in him any reasons for worry, seeing that that disappearing act every so often was a characteristic of RUDY's.

[162] On the 16th of November, when the State Police officers had gone to his home, Mr BENEDETTI had quickly grasped the situation: on the 19th, checking via *Messenger* that RUDY was online, they had started a long conversation which had then led to the defendant forming a determination to return to Italy. The witness mentioned that in the course of that conversation, Mr GUEDE had tried to point out he had nothing to do with the murder; seeing that there had been other people arrested, Mr BENEDETTI had asked him if it had been AMANDA – having understood that RUDY knew her – or Mr LUMUMBA, and the other had typed no to him, using the expression “non c’entra” [she’s got nothing to do with it] for the girl and “non c’entra un cazzo” [he doesn’t matter a fig] for the Congolese. The one responsible, according to what the defendant was telling him, was a young Italian, and to the question if it had been Mr SOLLECITO (whose picture was in all the newspapers, and certainly downloadable from the Internet), he had replied in vague terms, more or less with the phrase “boh, non lo so, penso di si” [meh, I wouldn’t know, I think so], though repeating again, on the question being put again, that “I think so”.

[163] At that point, instead of typing questions and answers on the *chat*, Me BENEDETTI had suggested a Skype phone contact with him, sending him some money via the Money Transfer system thus allowing him to pay for the Internet Point fee where he was: and so there was a real and proper chat, above all focused on the decision – which according to the witness had already been made by RUDY – to come back to Italy to explain his position. Turning to describing that which had occurred on the evening of the murder, Mr GUEDE had said that there had been a date with MEREDITH, and they had met at her place: after a short while, there had been caresses, and RUDY had touched her including her intimate parts, penetrating her with his fingers (he had also specified that traces of that penetration would probably have been found), ruling out therefore a completed sexual rapport but emphasising that Ms KERCHER was consenting. Then he had gone to the bathroom and had heard a scream, coming out “like a somersault” without even cleaning himself or flushing the toilet, and this was how he found himself in front of a man (definitely Italian, even if he hadn’t dwelt on speaking about accents and dialectical inflections), with whom there had been some shoving or something of the sort.

[164] The defendant had insisted on the particular of the alleged theft MEREDITH had suffered before their entry into the house, as well as the fact that there were no signs of a break-in or broken windows, in contrast to what was found by the forces of law and order: ergo, according to him someone had falsified the scene of the crime, making people think it was unknown burglars who had clandestinely secreted themselves into the house. Still according to what RUDY had told him, the girl was still alive when he had left the house, after he had tried to staunch the wound.

[165] In the course of subsequent conversations in prison, Mr BENEDETTI says, Mr GUEDE had represented to him that he had better organised his recollection, adding at the end his having also seen AMANDA, but the witness specified he hadn’t asked for too many particulars, and of having invited him to speak more widely with his lawyers: RUDY had dwelt on the type of life that AMANDA was living,

describing her as a girl who “went off her face” on drugs, even though they weren’t of the hard sort, and specifying instead never having known Mr SOLLECITO. Finally, he had also expressed the conviction that the false accusation by the American against PATRICK could have derived from the fact that the Italian man surprised by him, having seen a young man of colour who he did not recognise, had mentioned the presence of that person in the house to her, and AMANDA had jumped to the conclusion that it could have been Mr LUMUMBA.

[166] On the 15th of May, having asked to give more information to the investigators, Mr GUEDE signed a new statement: departing from various steps of the *de libertate* provisions disposed in the meantime by the Court of Cassation in his matter, he wanted to specify that on the night of the murder he was not wearing a pair of “Adidas” shoes, rather “Nike”, matching the type of footwear (Outbreak 2, size 11) for which the packaging had been found in his home at Via del Canerino. The circumstance assumed a particular importance, from the moment various sports shoe prints found at the Via della Pergola house, and above all in proximity to the body, had initially been attributed to a different “Nike” type (Air Force) found in the possession of Mr SOLLECITO, later assessed instead as incompatible: subsequent comparisons in effect led to the attribution of the prints in question to the footwear indicated by Mr GUEDE, which the defendant claimed to have thrown in a dumpster during his stay in Germany.

[167] He then repeated the version already given last, turning to describe the young man seen by him and specifying – in addition to its availability for probable comparisons – of having formed a “conviction based on seeing the photos in the newspapers”; he added finally that, as far as he could recall, the black lamp that he had seen in various photographs in the court evidence file, positioned on the floor in MEREDITH’s room, probably wasn’t there when he had given help, having had the impression that the light beam might have been coming from a different direction.

[168] The lamp in question, in the meantime, had been recognised by Ms ROMANELLI and by Ms MEZZETTI as being part of the furnishings of Ms KNOX’s room, which had no light points (and in fact, during the crime scene search, no other sources of illumination had been found in that room).

[169] In all, the scientific tests were pursued: on the one side, a preliminary forensic pathology hearing was undertaken for ascertaining the cause of Ms KERCHER’s death, with the parallel verification of the circumstance of whether or not the victim had been involved in sexual activity prior to death (and whether if so it was consensual sex or sexual assault); on the other side, biological investigations led to the acquisition of further data about the attribution to Mr GUEDE of traces found at the scene of the crime.

[170] Returning to the examination of the outcome of the debate between the experts and party consultants at the preliminary hearing, as regards the DNA analysis the Scientific Police technicians were able to identify the genetic profile of the accused – in addition to the vaginal swab from the young woman and his leavings on the toilet paper in the bathroom where the unflushed faeces were, as already mentioned – also in traces of biological material on the right side of the bra found at Ms KERCHER’s feet, on the purse found on the bed in her room (in this case, it was a matter of a mixture

with the DNA of the victim) and on the left cuff of that sky-blue top that during the crime scene search had been described as “jumper with a zipper”, stained with blood because it was found near the body and partially underneath it.

[171] Already for some time, though, it had been ascertained that on the blade of the kitchen knife seized from Mr Sollecito’s house there was a trace of biological material ascribable to Ms KERCHER, while on the handle of the same knife, in proximity to the attachment point of the blade and therefore at the point in which the person who was gripping it would have had in theory to exercise major pressure, there was a distinct trace, from which it had been possible to recover DNA from Ms KNOX. On the other side, on the hooks of the bra clasp, adhering to the piece of fabric stripped from the item of clothing and only discovered after the removal of the body (as indicated in the first crime scene search statement), other traces were found, bearing mixed DNA of the victim and of Mr SOLLECITO: results, these, considered by the respective defences to be particularly controversial both for the possible unreliability of the testing due to the scant biological material available, and for complained-of risk of contamination of the pieces of evidence (a grievance applied above all to the piece of material from the bra, already identified by the Scientific Police on the night of 2-3 November but physically collected and examined only after a second crime scene search on the 18th December 2007).

[172] Criminal action being exercised by the Public Prosecutor with a request to remand for trial, already before the hearing of the 16th December 2007 a motion for fast-track trial was lodged in the matter of Mr GUEDE, conditioned by the questioning of three witnesses and documentary production.

[173] Besides Mrs TIBERI and the already-mentioned GABRIELE MANCINI, the accused’s defence was asking that there be called to depose HERKURAN KOKOMANI, an Albanian citizen who, already questioned multiple times during the course of the preliminary investigations, turned out to have been the only person to have had seen Mr GUEDE, Ms KNOX and Mr SOLLECITO together, right in the proximity of the Via della Pergola house and on a day that could have been either the 31st of October or the night of the murder, in any case in rather vague circumstances; the documentary production was in strict relation with that deposition, being attestations from the Meteorological Office [=Weather Bureau] on the occurrence or otherwise of pluvial precipitation during the two days mentioned (the witness having already referred to a shower in progress, at the moment of encountering the three).

[174] As appendix, as an investigatory act pursuant to Article 391-*bis* Criminal Procedure Code, the defence for Mr GUEDE were offering in production a statement from ENZO PULA, owner of an *agriturismo* with restaurant annex which Mr KOKOMANI had represented as having worked at in the past, and inside of which he would have been seen by Mr GUEDE, as an occasional patron: in the statement, Mr PULA negated that the witness would have been at his businesses during the period indicated by him, and he in any case ruled out that he had ever been employed as a waiter.

[175] In the preliminary hearing there intervened the civil-party constitution, by various relatives of the victim (her parents and siblings), by the owner of the Via della Pergola property, and by DIYA LUMUMBA, this latter only in respect of Ms KNOX, charged with calunnia to his damage; some formal questions settled and various exceptions by the defence overruled, the fast-track trial was granted in

terms in accordance with the motion, with the decision reserved on the motion advanced by the Public Prosecutor for witnesses in counter-evidence, but at the same time it was disposed that, pursuant to Article 441 paragraph 5 Criminal Procedure Code in the matter against Mr GUEDE, testimony be acquired from Dr PATRIZIA STEFANONI, in service with the Scientific Police in Rome and head of the Forensic Genetic Investigations Section.

[176] So on the 26th of September 2008 the testimony of IVANA TIBERI was received into evidence, with her recalling knowing the accused having been his teacher at primary school, from second class onwards: seeing his personal circumstances, given that RUDY was living with his father but was spending a large part of the day alone and he also had to look after himself, the lady had taken some proactive steps – together with a colleague and some of the mothers of other students – to allow that the little boy spend afternoons at her house or with the other families. This is how he became, as well as because of the good upbringing that he was displaying, friends of many people in the Ponte San Giovanni context, and these relationships had persisted even after the lad's entry into middle school at the boarding institute in Assisi, even though the number of occasions for meeting up were reduced.

[177] During the second year of high school, there had been some problem with RUDY's father, who had gone to the Ivory Coast but had had difficulty or in any case was delayed in returning to Italy, so – with the agreement of social services – it was considered opportune that the youth be transferred to an aunt in Lecco; on the father returning, the situation was not ironed out, seeing that the young boy didn't find himself in a good situation with him, so much so that the intervention of the Children's Court was required and RUDY fostered with a Perugian family. Continuing to visit her, the young boy was confiding to his ex-teacher about his scholastic difficulties or his personal problems that he was having, but at a certain point he had vanished, making even GABRIELE (son of the witness) lose all track of him, he having repeatedly tried to contact him by phone.

[178] Reappearing telephonically at the end of 2006, he had made it known that he was to be found between Pavia and Milan, and also of having found work and a girlfriend; after that initial enthusiasm, though, already by January 2007, he had let it be known that he was no longer working, and that his girlfriend had difficulty with letting him live with her. Mrs TIBERI, together with her son, had convinced him of the opportunity to return to Perugia, where it would have been easier to find him a job, so RUDY had set about to be with them, remaining with them from the 18th of February until early July, and in the meantime obtaining employment thanks to the preceding foster family. Aware of the prospect of consolidating the job with a permanent contract, the young man had also looked for an autonomous living arrangement, finding the apartment in Via del Canerino for which the same Mrs TIBERI had helped him organise the move into, not to mention settling in there: after a couple of months of apparent normality, contact with RUDY had once again become less frequent, until the woman's husband had learned that the young man had lost his position, apparently because he had not handed in a medical certificate attesting to a bout of tonsillitis that had prevented him from coming in to work. Tracked down again and asked how come he had kept his job-loss hidden, he had spoken in general terms of a new possibility of employment, turning up for lunch at their place around mid-October, after which the witness claimed to not have had any more contacts with him.

[179] Responding to specific questions, Mrs TIBERI specified that Mr GUEDE's comportment in relation to people that he was meeting was totally normal, and it had never happened that she had had to deal with (or to receive news about) violent acts by the young man, not even in terms of arguments between young children, explaining that RUDY always demonstrated a polite and thoughtful demeanour. In relation to the accused's brief stay in Germany, the witness specified having received a phone call from him on the night of 19th November, so subsequent to the conversation that he had had with Mr BENEDETTI, and Mr GUEDE had told her he was waiting for the train that would have brought him back to Italy: after which Mrs TIBERI had passed the phone to her son.

[180] Concerning his relationships with girls, the witness could not recall any episodes of difficulty in relations with RUDY, and in the end she ruled out ever having seen him take drugs, nor of having known through other means that he could have used them.

[181] Mr MANCINI, heard in particular on the facts of 2007 and not only the friendship with Mr GUEDE maturing over the years, in relation to what he had already made a full statement on during the course of the preliminary investigations, repeated what he had told investigators, in his turn ruling out that the defendant had anything to do with drugs and specifying that latterly RUDY had had occasions of work with various firms, even though for casual jobs. As for his loss of the gardening position, the witness explained the lack of communication of the circumstance to his family as if RUDY might have been afraid that they would have gotten angry, given the huge effort made to find it for him; and, finally, he confirmed the phone call received at home on the night of the 19th of November, specifying that Mr GUEDE had only told him about having run away because he was really scared, so he had spent time describing to him the itinerary he would have had to take by train, in agreement with GIACOMO BENEDETTI.

[182] The witness then added that the question put to RUDY years back, about the possibility that the father could have abused him, was not the result of any particular facts or circumstances, but rather solely the evident difficulty of the relationship between the parent and his son, who for example was usually very angry when the boy – which used to happen a lot – ignored the times that were imposed on him: a habit which, in any case, the accused had kept up even in the following years, and exhibited sometimes even during his stay with the MANCINI family. Only in regard to the lack of respect for indicated or promised times, amongst other things, the witness specified to having been able to confirm that Mr GUEDE did not tell the truth: in his experience, he had never heard him lie in the true sense, but only say that he was going to come back home at a certain time and then do something different. On his personal habits, he specified that RUDY was definitely used to flushing the toilet, and he even showered every day; he maintained, finally, that the accused had never had problems in his relationships with girls, being on the contrary someone who normally excited a certain fascination.

[183] Then the questioning of HERKURAN KOKOMANI got underway. He was invited firstly to clarify whether or not he had been invited to participate in TV shows after his admission as a witness. On the merits of the facts, the Albanian substantially confirmed the essential core of declarations already made to the investigators, with various additional and corrective amendments: in practice, he said that during the course of a night that might have the 31st of October or the day after (initially, presenting himself at

the Police Station on the 19th of January 2008, he had said the time was 18:30) he had seen a sort of black bag or sack in the middle of the road, right there in Via della Pergola, and a short distance from the house where the murder happened.

[184] Proceeding very very slowly, so as to touch that bag with the nose of the “Golf”-model car that he was driving (he had braked, but had not been able to stop because of the slippery asphalt, given the light shower then in progress), he had then become aware that there were a boy and a girl lying down, who immediately had gotten up and had directed words at him in a menacing manner, making him think that they had wanted to have it out with him because he had run across them [with the car]. While Mr KOKOMANI was fronting the pair, landing a punch in the face of the boy who was approaching him on the driver’s side of the “Golf”, and throwing a fistful of olives through the small window on the other side at the girl (zealously wielding a knife, holding it both by the handle and by the blade), a young man of colour had also come out, who had been standing further along the same road, practically at the level of the house at number 7, from which there was coming some noise: while the witness was telling them to let it go and forget about it, and of being an Albanian (earlier, Mr KOKOMANI had instead said that it had been the girl to advert the last arrival on the scene that there was an Albanian present), this latter had replied that he was black, not Tunisian, so therefore he wouldn’t have been able to do anything to him, and the woman had turned to the young blond man next to her (earlier he had said that the girl had turned to both of her friends) to say not to show his face, otherwise the man would have been able to recognise them. At a certain point, a friendlier conversation with the African youth had started (a particular that Mr KOKOMANI had mentioned only in his second deposition to the Public Prosecutor, where amongst other things he had repeated the first reconstruction of events according to which it had been him who had gone to nudge the presumed black bag on the road to see what it was, not to end up on top of it due to being unable to brake), and they had told him they recognised him because he had been seen a couple of years before on agriturismo farm where the Albanian was working as a waiter, recalling as well that they had talked a bit, and presenting himself as being named RUDY, like a cousin of Mr KOKOMANI’s. And there was also a huddle also for hiring the car, which according to the self-styled RUDY would have served him the following day for moving furniture.

[185] In the meantime, a vehicle had stopped whose driver was looking for directions to Cesena, and he didn’t understand exactly whether it was a van, a broken-down car or actually an assistance-vehicle (the witness had always spoken, up until that moment, of a tow-truck, speaking in the hearing, instead, about a van); finally seeing, in his rear-vision mirror, the white youth turning towards him with a knife in his hand, Mr KOKOMANI had definitively removed himself from there. The same evening, he had mentioned that strange event to various co-nationals in a bar, being then exhorted to forget about it: one of the regulars, looking at a couple of photos that the witness had taken with his mobile phone, had perhaps recognised the person therein portrayed (a particular, another one, not mentioned before), and had offered him the advice of minding his own business, repeated by another Albanian two evenings later, when he had gone to a party and the topic had come up (a party in any case pinned down to the 2nd November, giving credence to the fact that the events had taken place on the 31st).

[186] After a bit, though, news of the murder came out, and Mr KOKOMANI had recognised the three accused (including Mr GUEDE, who in any case he had already recognised, sharing with him the memory

of the encounter at the agriturismo) through the photographs appearing in the newspapers: word had also spread that someone was looking for him to offer him money, but he had thought that it could have been a trap to eliminate him, so he had taken advantage of having to go back to Albania in any case, to let the waters settle.

[187] Returning to Italy, he had sought the advice of his lawyer and had decided to refer that information to the investigators; he specified then, and this was new also, having already seen the American girl and her Apulian (as he said) boyfriend walking in front of a bar in the Elce neighbourhood, at the start of summer, while he was accompanying an illusory Italo-American uncle of Ms KNOX, sipping beer. Responding to further specific questions, Mr KOKOMANI claimed to have been admitted to hospital, on one occasion, for ulcer problems, which he had been told to treat with a medicine which he thought might have been aspirin; he instead denied, but the particular resulted as documented, that he was an alcoholic.

[188] Making our decision known on the witnesses in counter-evidence, two of them were admitted out of a total requested set of 6: the already-mentioned BONASSI and BARROW, whose examination was undertaken on 27th September.

[189] STEFANO BONASSI had already been heard three times during the course of the preliminary investigations, between the 2nd and the 4th of November: only on the third occasion, as mentioned, had he signalled that at his house (the ground floor of Via Della Pergola, Number 7, which he was sharing with his fellow countrymen SILENZI, MARZAN and LUCIANI) had been visited by a boy nicknamed 'the Baron', of South African origin, recalling that he had been in the apartment with his friends one evening when the witness had come back home. Mr BONASSI had stated having noticed that the 'Baron' was very drunk, so much so that shortly afterwards he had fallen asleep on the toilet: he had added that the boy in question "had a physical attraction to AMANDA".

[190] Deposing in court, the witness recalled having already glimpsed Mr GUEDE at the basketball courts before the narrated episode; he fixed the evening of RUDY's presence in the house therefore to about a week before the homicide, specifying that on that occasion – unless he was mistaken – AMANDA and MEREDITH were there also, and Mr MARZAN and the already indicated COCCIARETTO (in the construction of the narration, though, Mr BONASSI also indicated GIACOMO SILENZI). He in any case corrected the preceding version on the point of what he had said about having found that group on re-entering the house: in reality, he was sleeping, and had been woken exactly by the noise of the others coming back home, so he had popped into the lounge room.

[191] In answer to specific question, the witness affirmed not having noticed whether Mr GUEDE had been speaking with anyone in particular, recalling instead having seen him staggering and drowsy while he was leaning against a column: he had deduced from that that he had abused alcohol, although not being able to say with certainty that he was drunk because he didn't know what or how much he had drunk, nor had smelt his breath. Also the others present, in any case, had given him the impression of having 'raised the elbow', as the saying goes, while the witness couldn't recall if some 'joints' had done the rounds, as he admitted sometimes happened. After a bit, RUDY had gone to the bathroom, but after

a few minutes, Mr MARZAN, probably becoming aware that the accused had gone from there without so much as a by-your-leave to anyone and so wanting to find out where he was, had called Mr BONASSI, to show him that the accused had fallen asleep on the WC: the witness recalled that the coloured youth had at that point woken up by himself, without anyone having had to wake up or call him, and he had gone back to them, to settle down to sleep. Still in response to direct questions as to whether RUDY had flushed the toilet, Mr BONASSI replied with no, having verified it in person: he mentioned as well to having reached the conclusion that Mr GUEDE might have been drunk also by virtue of the strange behaviour of not flushing the toilet.

[192] Subsequently, MARCO and GIACOMO had told him that the accused had been attracted to AMANDA, using the dialect expression 'he fancies her', probably for shooting the breeze and without Mr MARZAN or Mr SILENZI knowing of Ms KNOX's engagement with Mr SOLLECITO. Shortly after that evening, maybe the day after or later, Mr BONASSI had seen RUDY in the house again, on the occasion of the last Formula One Grand Prix: as far as he knew about it, the young man had dropped by for a quick visit, without an invitation, and so had stayed to watch the race on TV.

[193] Describing MEREDITH's behaviour and character, the witness recalled her as rather reserved, relaxed and self-assured enough but somewhat close: he considered her, as far as he knew her, that she would have had difficulty in opening the door and letting a stranger inside. Mr SILENZI, according to MR BONASSI, liked being in her company but he didn't think that that relationship would be an enduring one; he could say nothing instead about the girl's expectations and what she wanted from that relationship, nor about whether Ms KERCHER might have seen RUDY again after the meeting at his place. As far as knew, in any case, MEREDITH usually went out with her co-nationals.

[194] Mr BARROW, already interviewed by the Public Prosecutor on the 11th of December 2007, which is to say a few days after Mr GEUDE's return from Germany, had declared to knowing Mr GUEDE for some years, having often played basketball. On that occasion, though, he specified not moving in the same circles as him, due to RUDY being an habitual liar, drinking and using drugs, not to mention annoying the girls by molesting them in public and trying to kiss them.

[195] As for Ms KERCHER, who he described as shy and reserved, Mr BARROW had said he knew her from their shared visiting of the night clubs in the town centre, and in fact he had seen her on Halloween at the *Domus*, where – he says – RUDY definitely wasn't; nor did it appear to him that the accused knew MEREDITH, and according to him it was not in fact true that he had spoken to her or had met her.

[196] In court, Mr BARROW restructured his grounds, saying for example that Mr GUEDE used to drink but a bit like how all the other young men were doing it, even if he had often seen him drunk; he instead denied being certain about any drug use on the part of RUDY, about whom he had mentioned it only for having heard gossip. And also as regards the molestations, he corrected the gist of what he'd said in remembering only once when the detainee had struck up a conversation with a girl, without knowing that she was actually Mr BARROW's girlfriend, and a squabble arose: on other occasions, he had seen

him pull a girl towards himself while they were talking, although describing it as a gesture common to many others of the same age.

[197] On RUDY's lies, the witness limited himself to saying that one time Mr GUEDE had been accused of having robbed something in a discotheque from a girl's purse, the accused had immediately denied it, but then it had come out on the grapevine that it certainly had been him; on the presumed certainty that Mr GUEDE had not been at the "Domus" on the evening of the 31st of October, finally saying (and in effect he could not have said otherwise, *ab initio*) that he had not seen him, without ruling out in truth that he was there.

[198] The testimony, which in practice had not led to anything of significance being acquired, was then interrupted by the emergence of the outlines of an offence by Mr BARROW, concerning negotiations of a monetary nature with a leading television journalist, in whose regard he had presented a claim of trespass (when in reality he had invited those reporters in asking them for money for an interview), and it turned out he had then put forth a further request for money to settle things back to normal.

[199] And finally, on the 4th of October, a long and finely detailed examination of Dr STEFANONI was undertaken, which at any rate related for the most part to the items of collected evidence weighing against Ms KNOX and Mr SOLLECITO.

[200] The witness, after a precise technical overview of the significance of various concepts referred to in the reports already deposited, pointed out that there is no immediate correlation between the peak heights measured in the electropherograms and expressed in RFU (relative fluorescence units) and the reliability of the result of the biological test: in broad-brush terms, she put it that statistically the RFU data is in the majority of cases directly proportional to the possibility of an interpretation with certainty of the result of the analysis, there are, at any rate, many cases of "high peaks" which are hard to read (due to "background noise" from the apparatus, or something else) and examples of "low peaks" which are objectively inconfutable, with the consequent necessity of proceeding to examine even the apparently irrelevant data and of not considering it unreliable *a priori*.

[201] The doctor further indicated that, in the conventional manner, an RFU value less than 50, for example, could be defined as low, giving notice that the *locus* attributable to Ms KERCHER and identified from a biological trace on the blade of the knife seized from Mr SOLLECITOS's home had genetic characteristics with RFU values of 41 and 28 (specifying in addition to having proceeded to that examination through having noted *de visu* a striation of the surface of the blade, and that the test on the nature of that trace, to ascertain if it were blood, had produced a negative result: a result, however, which was not definitive, notwithstanding the test itself being particularly sensitive, because of the possibility of the collected biological material being too scant to produce a certain result). After a long scrutiny of the trace collection method and analysis, aimed above all at disproving the contamination hypothesis advanced in the defence experts' reports, the witness dwelt on other items of evidence, amongst which the sky-blue top on whose left wrist the DNA of the current accused had been found: on the subject of which, Dr STEFANONI claimed that exfoliated epithelial cells, in principle, could not easily be left behind by a light touch, rather via a tight one or under rather energetic pressure: brushing

against something, according to the thinking of the biologist, would render it impossible to leave behind cells of that sort. Vigorously questioned later by the defence expert, the specialist agreed that the quantity of biological material referable to the accused could have been categorised, in effect, as minimal: this because the DNA therein confirmed as nuclear genetic material profile was of the victim, not a mixture, compared instead with the presence in the same context of the Y-haplotype, characteristic of the male chromosome. In this situation, where there is a proportional imbalance evident in the quantitative data of two DNAs which however have to be considered as co-existing in one trace, it is reasonable to deduce that the chemical reproduction procedure (PCR) will amplify only the more abundant DNA (an assumption shared by Dr STEAFNONI and by the party expert, Dr BARBARO): with the conclusion that the biological material of Ms KERCHER was abundant, and Mr GUEDE's, in proportion, was quite small.

[202] The witness detailed however that even the Y-haplotype analysis was carried out analysing RFU peaks, which had produced in this case distinctly elevated results (164 at one locus, 838 in another, 132 for the lowest peak). On the purse, instead, there was found both a genetic mixture of the victim and the accused, with quite high peaks on the whole (including above 1,00, and values in any case higher than 300), and also the same Y-haplotype: the biological material had been retrieved from more or less the middle of the zipper, on one of the two sides. As for the bra, the trace attributable to Mr GUEDE was present on one side of the item of clothing, towards the posterior part: even in this case, there was the connotation of male chromosome, with RFU values from 113 to 687.

[203] After a set of hearings devoted to argument, as to the respective conclusions and replies, the present Judge retired to chambers to consider the decision.

[204] As has already been adverted to, one point of departure for the evaluation of the evidence acquisition phase above may be constituted by what was evidenced in the *de libertate* orders handed down by this Office contemporaneously at the conclusion of the preliminary hearing carried out in the normal way as against the other two accused, their respective legal representatives having made submissions pursuant to Article 299 Criminal Procedure Code.

[205] Leaving aside, obviously, the part of the orders dedicated to the illustration of the custodial exigencies which are still to be considered reviewable, the text of the provisions will be reproduced below, to constitute an integral part of the current judgment reasons and for the purpose of giving context to the line of reasoning followed by the judicial officer on those aspects – specifically underlined – which assume particular relevance in dealing with Mr GUEDE, for example the problem of the shaping or otherwise, in the case at hand, of the sexual assault conduct. Only where required, as a preliminary

advertence is necessary, the development of the line of reasoning in the present judgment will go beyond the points that were the object of scrutiny, in that venue, it being understood the themes under discussion have otherwise already been considered – and resolved in terms already known to the parties.

[206] In the custody orders, the writer observes:

[206.1] The first element to examine, and which – as tested against the various submissions made by defence counsel for the accused in the present case – appears *ictu oculi* [apparent at first glance] to be of major weight in Ms KNOX's and Mr SOLLECITO's legal position with respect to Mr GUEDE's, regarding the objective emergence from the evidence of a homicidal act carried out by multiple persons rather than by a single author.

[206.2] On this point, in terms of data relevant at the medico-legal level, the initial opinion of Dr LALLI as expert witness for the Public Prosecutor must be noted, according to whom there would exist no results supporting either the one or the other hypothesis. The report by the Scientific Police (UACV) lodged during the course of the preliminary hearing dwelt instead on the presence of typical defence wounds in the palm region and on the thumb of the victim's right hand, evidently coming into contact with the blade of the knife; this circumstance, in combination with the bruising sustained, leads to the hypothesis of: "an action of violent restraint on the part of multiple aggressors, including for the purpose of impeding the woman from opposing herself against the blade of the weapon".

[206.3] The technical note lodged by the KNOX defence consultant instead argued that the state of the scene and of the body showed wounds "fully compatible with the violent action of only one person": those on the face and on the neck are producible by an agent who was harming the victim "by bare hands to strangle her, suffocate her or silence her and who therefore [or simultaneously] wounded her with the knife"; those in other locations (right elbow and forearm, to the two sides of the pelvis, the left thigh and the right leg) "are quite clearly attributable to violent contact (intended to hold, immobilise) between victim and aggressor", hypothesising that this latter was standing over her while she was supine on the floor, and could thus cause the bruising on anatomical parts (knee, legs) different from the hands. In the opinion of those experts, "there is a total lack of, instead, any trace of wounding or restraint on the wrists or the calves, potentially indicative of an immobilising and restraining action carried out by more than one subject".

[206.4] Above all in light of wounds thus variously located, including on both sides, and with one hand likely employed in brandishing the knife, it appears however somewhat bold to claim that the aggressor had in substance "jumped onto" the young woman; and traces of wounding on a wrist, although on the basis of data recovered *aliunde*, do seem to exist.

[206.5] As noted, on the left cuff of the top found in Ms KERCHER's room, a trace was found from which there emerged Mr GUEDE's DNA: for reasons which will be shown in the judgment regarding him (and also on the basis of reasoning to which we will turn in the following), this Court does not give credence

to the contamination hypothesis, nor do the arguments seem at all convincing that posit that the top was not being worn at the moment of aggression. It has been said that, if the top were being worn, the blood stains on the left hand – when the top was then removed, seeing that it came to be found on the left side of the body – would have had to have been characterised by striations and signs of sliding, instead they are neat and clear: the matter is not decisive, seeing that the photographs of that hand taken in the immediacy of the discovery show various neat and clear stains and other, more “striated” ones, which however (given Dr LALLI’s subsequent report which revealed only a small wound on that hand, on the ulnar face of the first phalange of the second finger) were certainly not derived from wounds there located, and are therefore to be attributable to the contact of the hand with the blood that was to be found on the left side of the body, through direct outflow. *Ergo*, the bloodstains, as much as they are objectively visible, do not lead contextually to any aggressive action if not to a minimal degree, originating from the successive contact of the hand with the blood that was flowing copiously from another source: the problem, therefore, is to understand when the top came to be removed, and whether this occurred immediately after the fatal blow when there was still no blood on the hand, like when – if it happened later, which is likely – the blood could have dried up similarly to what the Scientific Police found for the stains on Ms KERCHER’s bust, not reproduced into the bed-cover placed on top of her.

[206.6] It is likewise shown, within the confines of what is relevant for these current proceedings, that if the left hand in effect presents a possible defence wound (as already noted), it is in point of fact a matter of one single wound, while the right hand has some: one on the palm, 0.6 cm, an ecchymosis immediately underneath, another smaller wound little distant, one on the fingertip of the index finger, as well as two ecchymoses on the elbow and forearm, all on the right. From which it follows, in all likelihood, that the upper left limb was placed in a condition of being unable to move freely, unlike the other limb (while reasoning would suggest that a person, physically faced with violent acts carried out with the use of a bladed weapon, would instinctively protect themselves using both their hands and their arms, if they were able to do so).

[206.7] It is also to be noted that -- a matter on which the trial Court is to pronounce on – the footprints are going to lead nowhere, because at the most the Public Prosecutor’s experts are speaking of the probable identity of two of those with Mr SOLLECITO’s feet and another two with Ms KNOX’s feet, but after quite other discussions on the utility of the prints for positive ID purposes: the observation will have its own weight, but if – and the Assize Court will verify this – it can however certainly be said that they are footprints, different amongst themselves to the point of considering they are referable to distinct subjects (whether or not the accused), it appears of interest to show that multiple persons were wandering around those rooms in bare feet after the offence.

[206.8] Finally, the testimonial contribution offered by Mrs CAPEZZALI is not to be forgotten (a witness, to be said parenthetically, which the writer has held to be not indispensable in terms of counter-proof in the ambit of the fast-track proceedings requested by Mr GUEDE, but that he would have been in a hypothetical special proceedings proposed by the other two).

[206.9] The witness, whose statements also offer hints regarding the time of the murder, as well as those of ALESSANDRA FORMICA which confirm an aspect of the dynamics referred to by her, heard a woman's spine-chilling scream: after a lapse of time described with some approximation ("two seconds, a minute") but intending to convey its brevity, she heard a sound of footsteps, definitely more than one person, on the gravel and the leaves of the little space in front of the Via della Pergola house. According to Mrs CAPEZZALI, someone went in the direction of Via del Bulagaio and Piazza Grimana, and someone climbed the stairs towards Via del Melo and Via Pinturicchio: it is not important in this venue to dwell on how many of those subjects there truly were (she said that she heard one on the steel stairs and "someone else", who could always possibly be one other, on the other side), but rather underline we have before us a particularly credible person, because – as shown in its turn by the Re-Examination Tribunal – she is a woman who has lived there for a long time, and well knows how to distinguish the typical noises that can be produced from nearby, even identifying the various streets or staircases followed by fugitives. And she heard, it must be repeated, at least two.

[206.10] It was objected, by the defences, that the lady's house is about 70 metres from the one where the crime occurred, that it was a cold night and that Mrs CAPEZZALI has double-glazing, but the perception of the scream – including in the account the woman gave to the Public Prosecutor in terms of the state of agitation that it provoked in her, and it is not clear what reason she would have to invent certain particulars – was clear and precise: it was also said that the reference to multiple persons was a consequence of a rather pressing [questioning] technique on the part of the person interviewing her, almost wanting to suggest the responses to her, but it was actually the lady who said straightaway that someone was going this way and someone else that way (if anything, the investigators would have appreciated specificity on the total number); and finally, there is no merit in the consideration according to which the unfortunate victim was in a condition, with her airways opened through a knifing and filling with blood, to do everything but scream. A person screams in desperation even when they see someone getting ready to strike at them, or even if it is limited to menaces, perhaps pricking them before the final wound, with a large knife: it is thus quite reasonable to hypothesize that that lethal wound was struck exactly because of the scream and the imminent invocation of assistance that the scream entailed.

[206.11] The sustainability of the converging data concerning the plurality of those responsible results likewise, *a contrario*, from the inconsistency of the proposed thesis concerning the ingress of the presumed random burglar through the window of FILOMENA ROMANELLI's room.

[206.12] According to Mr SOLLECITO's defence, the glass of that window was broken by a rock picked up from the embankment in front, situated at about 3 metres' distance: the inside of the window had a shade, but it wasn't fixed to the wing and therefore was splintered by the effect of the blow received from the rock (in fact, there are fragments also on the outside, on the sill, that confirm the rebounding of the pieces of glass off the shade).

[206.13] As for the choice of that somewhat awkward point of entrance, but in any case easy for an athletic person, the burglar did not think to enter the back way because he didn't know how the house was built on the other side, or at any rate considered that possibility already applied in his case: demonstrating the clandestine ingress, as well, were two fragments of glass located inside the house

that have never been collected, one of them would have also had a shape similar to a mark characteristic of many of the prints left by the “Nike” shoes attributable to Mr GUEDE. The latter’s conduct would also have made sense, in this way, in his not flushing the toilet: he would have come in through the window to start turning the place over to then go to the bathroom, so the young woman would have come back home and the man in the bathroom would not have flushed the toilet so as to not reveal his own presence.

[206.14] In truth, this Court holds that to enter through that window did not need a veritable *Spiderman*, as the Re-examination Tribunal posited wanting to refute the hypothesis: it would have needed a physically agile man, as Mr GUEDE certainly was, and as, without anything further, are the burglars who visit peoples’ apartments at night time.

[206.15] Nor would doing the climbing require the rock be in hand, it effectively could have been launched from that sort of parapet (and not from below, like the Public Prosecutor wanted to object, with the risk that it fall back on to the head of the thrower). In any case, the choice of the window in question presented a certain risk, which a burglar would have run with difficulty: given Ms ROMANELLI’s statements, she had left the panels practically closed to, one in fact jammed on the sill due to the swelling of the wood over the course of time: and nothing, not being definitely any light from inside, would have revealed to the man with the rock in his hand that the shades behind were not hooked onto the wing, with the risk of hurling the rock and seeing it rebound below. Without forgetting that the biggest risk consisted of having chosen exactly the window facing the street and in the headlights of vehicles in transit.

[206.16] Admitting further that that unknown burglar ought to give himself the name of RUDY GUEDE, he resulted in being – with that dynamic – an even less likely burglar: from his point of view, because in not attempting to rob the floor below, where it was more likely he would have known that no one was home because he had more in confidence with those boys and was cognisant of their coming from other regions, so maybe they had told him (or he could in any case have learned from them, asking them appropriate questions) that they would have gone home for the holidays? How would he have been able to take for granted that there would have been no one on the upper floor and no one would have returned home during his activity, seeing that an American and an English woman lived there, not definitely gone home for the long-weekend? Going to see the ground floor as a first step, he would have also been able to climb the most easily accessible way to the upper floor, acknowledging that he had not already taken note of it during at least two [prior] occasions (the evening of the comments about AMANDA and the sleeping in the bathroom, therefore the day of the last Grand Prix) on which he had passed by to visit the boys from The Marches.

[206.17] The hypothesis is likewise totally inconsistent which sees Mr GUEDE (but the point applies to any more-or-less savvy burglar) having to wait in expectation for more than half an hour, having himself snapped in fits and starts by the CCTV camera in the parking lot, with the risk – ever-growing, with the passage of time – that someone might come back home: and again, if RUDY entered by the window intent only on theft, such that he set about going through Ms ROMANELLI’s purses, to then go to the bathroom and become aware of MEREDITH’s return home (lucidly, not flushing the toilet so as to not

reveal his presence), why didn't he run away rather than decide to go to her and attack her on the opposite side of the house?

[206.18] The observation, which in any case has to be tested against the obvious contradiction of the defence assumption (on the one hand, a burglar is hypothesized to enter clandestinely, on the other, it is contested that there is evidence of sexual assault) means that Mr GUEDE – excluding that he encountered the victim and attacked her in some other place, because there are no signs of a scuffle -- would have had to have been under some who-knows-what kind of *raptus* to immediately acknowledge the possibility of killing a girl towards whom he had displayed up until a moment before a desire to steal some money from a drawer: he, in fact, was no stranger to MEREDITH, and yet he would have decided to cross the entire apartment just to put his hands on her (with the idea of a consensual sexual act which, at that point, would have gone to the dogs quicksmart). And the idea may be acknowledged – and casuistry knows of many instances – of a thief who takes the opportunity to violate the mistress of the house, which event happens when the delinquent knows that they won't be reported by the victim to the forces of law and order.

[206.19] Mr GUEDE, it must be repeated, in the bathroom where he found himself, was very close to the front door and to the same room through which he had entered, so he could have run off without being noticed: even granting that he tried to leave by the door but he found it closed from the inside (because it always needed a turn of the key, according to what the witnesses said) what problem would an athlete like him have had in escaping through the same window by which he had entered? Considering his height, letting himself dangle from the sill would have meant an easy jump of a couple of metres on to the grass.

[206.20] As for the fragments of glass, which subsequent detailing by the Public Prosecutor (but already timestamped on the video frames, that is to say 01:03:12 on the 3rd of November) situated in the kitchen and not in Ms KERCHER's room, they appear much less significant than the traces revealed with Luminol in Ms ROMANELLI's room, from which the victim's DNA was recovered. Any burglar or person who wanted to enter unnoticed into the house, once they had succeeded in doing so – with some difficulty – would have at least tried to rob something and then would have gone into the other rooms, would have committed the murder but then would have exited through the door, as luck would have it found open the following morning by Ms KNOX (intending to lend faith to her version); who forced him to throw himself back out of the window, or to cross that room again leaving all the valuables? Ergo, that DNA – with all the necessary and future tests on the precise nature of the trace, given the multiplicity of substances that are so-called Luminol-positive, besides blood – stands today as witnessing with reasonable probability that whoever entered that room did so when MEREDITH had already been struck, and therefore (from inside, not from outside) broke the glass.

[206.21] This line of reasoning, at this point, ties up with that of the alteration of the crime scene, and above all with that of – admitting the probable alteration – of subjects who could have had an interest in doing so.

[206.22] The first element of mystification has already been noted: the window was broken from the inside, and it was done by the person who carried into that room the DNA of the girl already killed. Ms ROMANELLI, in one of the statements containing her declarations, remembers that the pieces of window glass were on top of the clothes thrown on to the floor, which would confirm that the breakage of the glass followed the activity of the person who turned over the room; even though from the crime scene report and from the photographs this particular does not seem to appear, it is significant to record what the perception of the young woman was. There is no doubt, as well, that objects of a certain value remained blissfully behind in full view in that and in other rooms (but this data can be misleading, seeing that a determined thief, on becoming a murderer, well understand that it is not worth it to carry off objects through the possession of which he could be tracked down as the one responsible for a more serious crime).

[206.23] There are then logical arguments underpinning a clean-up activity, seeing the lack of almost any fingerprints belonging to Ms KNOX in the whole house, as if she were not living there (apart from one, on a glass found in the kitchen) and despite the accused having represented that she had gone around through all the rooms that same morning, having a shower despite signs of acts of violence that she would have had to have noticed. Neither is the profile counterbalanced by the fact that 14 prints belonging to unidentified subjects were found, as if in other words the hypothetical cleaner would have cleaned hardly anything: that is, in terms of the number of prints in question, regarding Ms KERCHER's room, they amount to the one on the pillow (later attributed to Mr GEUDE), two on the plastic cover of a Chinese calendar (totally irrelevant and certainly outside the scope of the usual perceptions of a subject interested in removing signs of their own presence from an environment) and one in proximity to the door jamb (probably left there by anyone of those who were trying to break it down, on the morning following the murder).

[206.24] The state itself of the body revealed signs of modification from its initial aspect. Taking up the report by the KNOX defence medico-legal consultants, it can be read that on MEREDITH's body there were found "minute point-like marks on the anterior face of the thorax, indubitably originating directly from the source of bleeding at the neck (their dimensions suggesting that they had been projected by respiratory activity through aerial pathways encumbered with blood). Their aspect (small and rounded) tell us that they were projected upwards with the victim substantially supine (facing upwards) to fall down again, therefore, on to her chest"; analogous small marks are not found on the upper part of the thorax, evidently covered up by the rolled-up top, by which "when those marks were made the bra was no longer being worn: there is no screening or shielding done by this item of clothing, and the droplets stained the cutaneous areas that originally had been covered by it".

[206.25] We cannot agree with the assumption just espoused.

[206.26] The bra, and the statement is objective, had been found a few centimetres' distance from the right foot of the young woman, in a zone not stained at all with blood, and yet its right shoulder-strap was thoroughly soaked; as well, by sheer coincidence, on the cups can patently be seen the same type of small point-like spots that can be found on her chest. This signifies that the victim had her top rolled up to her neck, when she was struck (as will be seen, it is a matter of an empirical observation of fundamental importance for providing a sexual connotation to the aggression), otherwise the small spots would not have been visible on her skin or on the bra, and she was wearing the latter as normal. Photos number 268 and 770, amply displayed by Mr GUEDE's defence, then reveal with clarity the signs of that item of underwear (a vertical strip, rather clean-edged) both on the body of the young woman as well as on the floor beneath: a further demonstration that the bra had been removed after the blood had had time to soak into the shoulder strap for an appreciable amount of time, being the one revealing itself as soaked at the time of discovery.

[206.27] Apart from the intimate finality of an action of that sort, seeing that be aimed at the purpose however, and inevitably, of accrediting the idea that there had been some stranger who had entered, and an alteration of the state of the scene being of utility for giving credence to the idea of a burglar, or in any case of admitting of an unauthorised ingress, only someone who was living in that house could have an interest in doing so. Excluding the victim, and Ms MEZZETTI who was at Montafiascone and Ms ROMANELLI who was spending the night peacefully and quietly with her boyfriend, the only subject resulting in having an interest in that script is Ms KNOX. KNOX who, -- discounting however any significance of the conclusions as to the particular preparations for the crime and even hypothetical aggravating factors (a little illuminated by the Public Prosecutor, though not contesting them, in the, in a few words, fantastical descriptive reconstruction of the rites, festivities of *Halloween*, *manga* publications and not letting the opportunity escape, maybe after a general trial run in front of the unfortunate KOKOMANI) --, was indeed always the only one in a position to know that that evening MEREDITH would have been home alone.

[206.28] The hypothesis of wanting to organise a visit any old how and at the last moment, to Ms KERCHER, to sound her out, even at the cost of running into violence, about her availability for group sex is not therefore a mere conjecture by the Public Prosecutor (if, it is to be repeated, emptied of all comic-strip implications and decidedly out of place outlined during the course of the Public Prosecutor's final address and duly abandoned during reply). And it seems proper, in effect, to have to confirm in cases of this sort grave elements indicative of guilt, à propos of the contested sexual violence, inasmuch to hold it assimilated into the count of homicide as far as special aggravation goes.

[206.29] On the theme of sexual violence, in the current proceedings everything and its total opposite has been said, prosecution experts were heard, saying that maybe there wasn't, replaced by others of the opposite opinion, up to being obliged to point out the oddity of subjects who would have been interested in maintaining the configurability [of the charges] (save for calling up their own clients) and to instead contest the allegation as material fact.

[206.30] Never as in this case, perhaps, is it necessary to apply logic, and to the empirical facts, rather than to the results of medical science (of which each one, in the opposing reconstruction, spins to their own use and purpose, in spite of a law mishandled by clichés, but probably more credible because also founded on common sense). Particular obstinacy, in the final arguments and already during the preliminary hearing, is shown on the question concerning a specific bruising in the genital and perianal region, for one it has become a hypostasis, for another something quite different again.

[206.31] Dr LALLI – including on the basis of indications offered by gynaecologist Dr EPICOCO – writes in his report that “the violaceous marks of ecchymotic type present on the inner face of the labia minora have characteristics and positions reminiscent of a sexual rapport, completed or attempted, before the female subject had had the time to adequately lubricate the vaginal canal (..); during the course of the examination of the body, there emerged no “external signs” of a traumatic nature to which could be attributed the sense of a carnal violence strictly speaking (..); it is likewise undoubted that it is impossible to indicate the circumstance of a possible psychological coercion (for example, menaces) that could have led the young woman to ‘submit’ to an unwanted rapport, in this case not putting up an effective physical resistance”.

[206.32] The preliminary court [GIP] experts concluded their own report with sustaining that there was proof of a previous sexual activity, and recent in relation to the homicide, without being able to affirm that it was non-consensual activity, specifying however that “the genital and anal objectivity of victims of sexual abuse is frequently privy of significative traces even when the medical examination is performed by personnel expert in the field and in a time period quite close in relation to the violent episode”, so also “even consensual sexual relations can give rise to ano-genital traumatic lesions”.

[206.33] In the discussion of the report in a preliminary hearing, Professor UMANI RONCHI hypothesized aspects, albeit indirect, *à propos* of the wounding action by the blade, opining it “started with an absolutely insignificant lesion which is the one on the left cheek, then, and this could be a reconstruction, the first lesion is almost as if it was desired to threaten someone (..), it would almost seem that there had been an escalation in the action of this .. of this violent action that could have been preceded by a series of threats”. On this point, a successive intervention by Dr LIVIERO (responding to a question by the legal representation for the civil party on the correlation of the mentioned escalation of threats with the sexual activity) clarified that: “if you are asking a question in terms of compatibility, the answer is definitely yes (..), but if your question is asking, that the technical-biological data permits the determination of this link, it is definitely no”.

[206.34] Professor UMANI RONCHI’s one is obviously a hypothesis, which in any case is supported by logic: what significance could a small cut on the cheek ever have, inflicted on a victim already struck to the ground and with a violence such as to bring about a true and proper slaughter?

[206.35] If this is true, and when what has just been stated provides a measure of the absolute evanescence of the problem, if faced in exclusively medico-legal terms: it is clear that signs in the genital region typical of violence will not be there when a person is induced to submit to sexual activity under the threat of a knife. But, and more importantly, it is not important to resolve the problem whether

there was or not an ecchymosis at the level of the labia minora, perhaps not confirmed at the distance in time of a histological examination effected in an incorrect zone because it is no longer characterised by discolouring (a circumstance difficult to hypothesize, as logically objected to during the preliminary hearing by Professor FORTUNI): this is because the lack of ecchymoses does not constitute proof of consensual sexual activity, just as the presence of ecchymoses does not constitute proof of violent sexual activity.

[206.36] Professor APRILE, in the preliminary hearing, had to confirm how, in terms of dynamics, in many situations of known sexual violence there are found only indicative elements of generic violence (through containment, compression, grasping); and so – to the Court’s question – specified that “the ensemble of collected data indicates that there had been an activity of a sexual nature recently with respect to the decease. On the fact that this activity had been carried out by a method that was against the will of MEREDITH, it is so evinced, but from the ensemble of general information at the disposition of the court, and not from information of specifically technico-biological competence”; the signs attributable to actions of containment of the limbs “are indicative of a grasping manoeuvre and are frequently found in the dynamics of sexually based homicides or crimes”.

[206.37] And this is enough.

[206.38] The appropriate venue – that is to say, in the decision concerning the fast-track trial initiated in the matter of Mr GEUDE – will deal with the credibility of the accused in his adducing a consensual sexual encounter with Ms KERCHER: but, in general terms, it is the objective context of the scene of the crime itself which deposes to an activity of sexual violence. It is true that, in principle, three people armed with a knife (amongst which are two young men in full strength) intent on getting the better of a young woman who did not show herself as available for sex with them could have easily overcome her resistance and achieved carnal knowledge of any sort: but, in the case in hand, the undeniable sexual connotation of the aggression is not contradicted by a sudden and unexpected interruption of the goal, deriving in all probability of the desperate and very loud scream of MEREDITH, which the aggressors considered it necessary to interrupt by bringing about the homicide.

[206.39] Finally, and above all, it must not be forgotten that the young woman’s top was certainly pulled up, so as to uncover her whole chest and bra (otherwise there would not have been the point-like marks of blood): and where has ever been seen a thief or a burglar who, so as have a look at the underwear that he wants to rob, sets about to strip his victim, if he is not however animated with the intent of profiting sexually?

[206.40] This suffices, to document the sexual violence *per tabulas*, carried out then by Mr GUEDE with the start of penetration which causes traces of his DNA to remain behind on Ms KERCHER’s vaginal swab; inasmuch as it relates to the current proceedings, it is not the case that anyone sees her as a young woman (whether standing or kneeling, makes no difference) who is immediately placed supine

and here overcome finds herself in a position where, having her trousers on or not, but with her top pulled up and her abdomen exposed, easily consents to whoever wants to profit from the situation to undo her jeans or to simply insert a hand into them to have his way.

[206.41] This writer, but the theme will be developed later in the judgment relating to the fast-track decision, does not much believe the kneeling position put forward by the Public Prosecutor to describe a scene suggestive of an orgiastic context: it was a sexual violence in broadbrush terms, and the penetration was probably not effected with the penis of Mr GUEDE (the material author, under the same rubric). But it is still sexual violence.

[206.42] In the unfolding of argumentation directed to the search for grave indications of culpability as against the detainees, -- having just recalled the alleged executor of the violence – the matter of Ms KONX's and Mr SOLLECITO's complicity with Mr GUEDE must now be dealt with.

[206.43] Clearing the field of ambiguities, but having already espoused our thoughts in the lack of cross-reference from amongst the sources of proof relevant for the purposes of remand to stand trial, it must be said that HEKURAN KOKOMANI's deposition furnishes nothing contributive, neither for the purposes of demonstrating the complicity under discussion, nor for any other.

[206.44] In a somewhat slipshod attempt to save his corner over the inauspicious result of his testimony, the Public Prosecutor has intended to underline that Mr KOKOMANI does not know how to express himself in Italian, but in his slipshod attitude thinks he is able to: in any case, what he says would be to reclassify it according to a deduced category of "super witness", given that he was referring to facts from the 31st of October and not from the 1st of November (but it was also hypothesized that the collocation of the black bag or of the throwing of the olives to the 31st that, the [memory] revived, could be simply demonstrating that the evening before the murder the three accused were carrying out a sort of reconnoitre). Counsel for the prosecution have also stated that Mr KOKOMANI is Albanian, has nothing to do with the case and its protagonists, it would have been in his own interests to stay a little bit in the shadows because he has some minor priors: he then refers to an account that is so singular and apparently incredible as to not possibly be tinged with falsity, and it is only when he thinks he has become important because it was the newspapers and the TV who emphasized the legal implications that he becomes the leading actor, even refusing the assistance of an interpreter and therefore falling into a confusion of concepts, as like between van and tow-truck.

[205.45] Things aren't exactly like that, because the contradictions in the witness' account, beginning with the same collocation of the time of the episode, and leaving aside the day, relate to the first deposition; in addition, a person who is familiar with motor vehicles such as to admit to doing commerce in them can – to be fair – make a mistake on the notion of tow-trucks, but not when he says that there was a woman and child inside. Finally, apart from the strangeness of a scene in which the protagonist is menaced with a knife and asks for a moment's pause to give directions to Cesena to a passing driver, not to mention in which olives are used as weapons, or maybe a phone which he uses to take a photo or maybe a video, of the girl or maybe the boy, Mr KOKOMANI is also the one who

remembers having seen Ms KNOX and Mr SOLLECITO in summer while drinking beer with a phantom American uncle ready to introduce the young man to him as the “Apulian boyfriend” of his niece (some months before the two met each other).

[206.46] Nothing relevant therefore can be recovered from Mr KOKOMANI’s ramblings, and it must be put on record that he was the only subject to have affirmed having seen the three accused together: at this point, in a procedural file that shows no telephonic contact between the KNOX-SOLLECITO monad on the one hand, and GUEDE on the other, and from which it emerges that this latter had seen Ms KNOX a few times (and never her new boyfriend), the conclusion must be made that the foundations of the criminous accord remain totally lacking in probative corroboration. This has major significance in a context in which – excluding however that the evening before there had been a “dry run” – the alleged festivity or in any case the desire to go and provoke MEREDITH for libidinous purposes would have been organized of necessity at the last minute, given that up until 20:18 (time of DIYA LUMUMBA’s SMS) Ms KNOX was expecting to go to work and up until 20:40 (when Ms POPOVIC advised him of the change of plan) Mr SOLLECITO was expecting to accompany a friend to the Station.

[206.47] Suddenly, the problem is turned upside-down.

[206.48] Starting with the certain fact constituted of items weighing against the accused (of which we will speak shortly), and above all of their and Mr GUEDE’s co-presence at the scene of the crime (deducible by the same items of direct proof, as well as logical facts espoused in the introduction *à propos* of the plurality of Ms KERCHER’s aggressors and the identity of the subjects having an interest in altering that scene), the unknown facts that constitute the necessary presupposition do not necessarily need to be proved with the rigour of final direct evidence, but it is sufficient to resort to logic and common sense.

[206.49] In other words, if it is to be affirmed that both Ms KNOX and Mr SOLLECITO found themselves in the house at Via della Pergola (and it is so), it is not compulsory to find a telephone call for the agreed appointment with Mr GUEDE (a telephone call which could not have occurred anyway, seeing that RUDY had no phone of his own), nor a witness who had remembered or photographed the meeting.

[206.50] It remains, as evidenced somewhat tardively (in reply) but opportunely enough by the Public Prosecutor, to acknowledge that it concerns young people who were living a few yards apart from each other, that Mr GUEDE had already spent an evening a few days before at Via della Pergola crossing paths of Ms KNOX and the boys from The Marches, and that it is normal for twenty-somethings in a university town to meet up in the usual places without having to first set up a notary’s deed.

[206.51] It is also evidence, on the logical level, that the items emerging against Mr GUEDE testify towards his behaviour of negation of the evidence, suggestive of the willingness to be silent on relevant particulars. He, in fact, is contradicted by his friends PHILIP and ALEX concerning his movements on the 1st of November, before and after the time of death: the former limited himself to saying that he had not seen him at all for a couple of days, but the latter – faced against the thesis of RUDY who claims with

a wealth of details of having seen him towards 19:45 after ALEX had just had a shower, going with him later in the evening to a couple of pubs to talk to the members of staff, still less the evening of the day after – confirms having seen him on the evening of the 2nd, not in the afternoon nor on the evening of the day before. It could be hypothesized that those young men wanted to distance themselves from any suspicions of aiding and abetting someone who they knew had fled and was involved in a murder case, but then ALEX CRUDO could have also denied having seen him on the 2nd, a date however following the fact, just as he could have admitted to having met him on the afternoon of the 1st when nothing had happened yet, if this had been the truth.

[206.52] Even if the question is to be remanded to the Court of Assize for examination, it is necessary to ask why Mr GUEDE lies even about his movements before 20:30 / 21:00 of the 1st of November. Logic suggests that the reason resides in the fact that he cannot allow himself to tell the truth, and the only truth that he cannot admit to (given that he also could have limited himself to saying he stayed at home without having seen anybody) is exactly the one of having met with the other two: a reasonable circumstance and anything but bizarre, in terms of what has just been espoused.

[206.53] Turning the problem around the other way, and starting with the direct elements against the various accused, the most important derive from – as already known to all and sundry – the results of the scientific investigations.

[206.54] On this point, the theme of the possible unreliability of those analyses needs to be fronted.

[206.55] Under the first aspect, as emerged during the course of Dr STEFANONI's examination, it must be established that the hypothesis that the false result arises not through contamination but through unreliability of the collected evidence is decidedly fantastic, when measured against the characteristics of the case in hand. It is unarguable that, if the quantity of DNA recovered from a biological trace is insufficient and at risk (perhaps because it's a matter of *Low Copy Number*) it might be that the "photocopy" procedures or other scanning measurements of the test produce results that one must tread very carefully with, and effectively the wrong DNA comes out.

[206.56] But, in general, that result has to be compared with the independent and later preliminary hearing results: if the resulting DNA in a homicide case in Rome is that of a Milanese suspect, then possibly trust has to be put in that result up to a certain point, where even when other evidence is not available to affirm the presence in Lazio of that person on a given day. In the case before us, the possibility that SOLLECITO's DNA is revealed (by sheer chance, the boyfriend of the housemate of the owner of the bra), or that of MEREDITH KERCHER on the knife (by sheer chance, the housemate of the girlfriend of the master of the house) was statistically identical to obtaining the DNA of the Judge or of the President of the Republic, and so the objection – based on a scientific conference – thus loses its weight in a criminal proceeding.

[206.57] Coming now to the contamination [issue], what is being discussed are items of evidence absolutely unrelated with each other: the knife Exhibit 36 was at SOLLECITO's house (where MEREDITH

had never been, as Ms MEZZETTI recalled) and the bra-clasp Exhibit 135 was in the victim's room (with which Mr SOLLECITO had had nothing to do with, inasmuch as his DNA, in the rest of the house, was only to be found on a cigarette butt in the kitchen).

[206.58] Now, there exists, without anything else, the risk of the deterioration of a piece of evidence (here also amplified by the blunder of the overlooking of the piece of the fabric for the clasp, at the conclusion of a crime scene analysis and collection activity as well), but it impacts, at first glance, on the progressive difficulty of recovering useful traces from an item of evidence which otherwise would have provided them, not certainly on the prospect of obtaining someone else's DNA from them. If, instead, one hypothesizes there was a contamination, one would have to imagine that Mr SOLLECITO's DNA (from another and non-suspect source) had "touched" the clasp in MEREDITH's room, and that hers had contaminated the knife in the accused's house: but, as mentioned, neither the one nor the other had anything to do with each other's environment.

[206.59] It makes no sense positing that there was contamination during the collection phase, nor during the period (which, unfortunately, should not have occurred as regards the clasp) between the 2nd of November scene inspection and that of 18th December: even if it can be thought that in lean economic times disposable gloves are re-used, gloves and booties were surely changed moving from one house to the other, and in any case the scenes were examined at different times by different personnel. Examining the documents, it emerges in fact that, on the 6th November 2007, there were only two searches effected by various personnel from Forensics in succession (in truth, contemporaneously) between 7 Via della Pergola and 110 Corso Garibaldi: at 9:40 that in the house where the crime occurred, with those putting matters on record being PROFazio, NAPOEONI, BIGINI GUBBIOTTI, BARBADORI and ZUGARINI; at 10:00 at Mr SOLLECITO's house, under CHIACCHIERA, FINZI, PASSERI, RANAURO, CAMARDA, ROSSI and SISANI. Where is the source, or even the suspicion, of contamination?

[206.60] It is surely to be remarked that overlooking the piece of material for 46 days, moreover at a scene with signs of sexual violence and after having collected the bra, constitutes grave thoughtlessness: and it is with as much significance as to be noted that the consequent risk could have been the loss of traces there-present, not just the discovery of traces surviving who knows how.

[206.61] It is not correct to affirm that there were things that, carried out of the victim's room, returned back there after having been sat elsewhere, perhaps in places where there could be found (who knows how, though) biological traces of Mr SOLLECITO: it is true that the black lamp (belonging to Ms KNOX, and by sheer chance present in MEREDITH's room) which on the 2nd of November was near the bed, with its cable and plug on the threshold, with the plug facing towards the inside, then it was found on the 18th of December on top of the desk facing towards the outside, and the cable was going and finishing up exactly under the small mat, near the famous piece of clothing with its clasp, but – looking at those same images – one can see that the cable was a few centimetres away from the clasp, not on top of it or in contact with it.

[206.62] How could it come about that that cable, resting for reasons of physics only on some parts of the floor, not being morphologically uniform, had been able to behave like absorbent paper with respect to the accused's DNA?

[206.63] It's true that the two doors of the wardrobe came to be moved, positioned outside and carried back into the room: but – and, once again, it is enough to look at the images – this occurs entirely during the course of the second crime scene search of the 18th December, as the video timestamp at the bottom attests. By sheer chance, in addition, the time at which the doors are carried back inside – constituting, therefore, factors of potential contamination, not being an actual contamination from being carried outside – is the conclusive one, after the task had been going for an hour, while the clasp had been found and already collected by the thirty minute mark.

[206.64] And further, how can it be imagined that it was in a shirt box [*meaning*, a carton], where the knife was collected more or less according to procedure, that the DNA of Ms KERCHER had gone to finish up?

[206.65] Finally, as regards the correctness of the results, on which, certainly, the Court of Assizes will be able to effect all the scrutiny required of the case, notice must be taken of an indubitably grave evidentiary genetic profile, deriving in any case from the Y haplotype evidenced by Forensics: during the course of the dialectic between Experts, a memorable theory of objections was put forward on allele pairs, argument on *stutters*, peak areas and other questions for initiates, while they had limited themselves to revealing that the test on the male chromosome – and this is the result of a different and further test – could have led to ambiguous results for possible ancestors in common between two different subjects. Subjects about whom we do not know whether they exist, where they live and whether they had ever set foot not only in Perugia but in fact in Italy or in Europe.

[206.66] Another point, on which the trial Court will equally be called to make determinations but which at the moment rises to a level of grave circumstantial evidence, is the identification of the already-mentioned knife as the murder weapon: given that the DNA of the victim (and that of Ms KNOX, in a position coinciding with the part of the handle where one exerts the greater force) is there, and it is to say in short little likely that it concerns an error seeing that if the trace was unreliable it could have resulted in the genetic profile of someone else, and it was explained that the scantiness of the trace could well justify a negative result from the test effected to determine its haematic nature, due to the problem of the length of the wound passage Professor CINGOLANI had observed in the hearing: 'the only problem is that the blade of the knife is 17.5 cm long, here the passage is 8 and then stops, we don't know the other part because, it's not a zone of resistance there in which it came to a stop, although it can be stopped by the action of the agent-subject or for any other reason or because the weapon had been withdrawn'; the second wound coincides because at 2 cm from the point of the knife it is 1.5 cm wide, exactly the width of the wound (depth in fact 2 cm); the third apparently leads to a different conclusion because the passage is 4 cm, and the knife at that distance from the point has a width of 3, but the wound is still 1.5 cm, although – still according to the expert witness – 'the passage realises the course that the blade makes in the inside of the organism and we are evaluating it in a static situation, while instead when there's penetration the weapon is in a dynamic situation (..), there could

have been compression of the cutaneous tissue towards the depth, there could have been a twisting of the neck in a particular manner, so it is not possible to illustrate this datum, given that at first sight it would seem to be incompatible to be absolutely incompatible'. Professor UMANI RONCHI explained correctly (as to the superficial excoriative lesions regarding the major wound): 'a knife that perhaps.. that had a wider back and had irregularities such as to shape these formations, yes, perhaps would be more suitable to the situation'.

[206.67] This information being espoused, Professor TORRE has explained his not agreeing with the possibility of a compression of the skin: on the larger wound, he further observed that 'the base of that wound (..) there is a sort of maceration of the deep tissues as if of a blade that proceeded in and out with an insistent and protracted action, always within the same wound'; on the possibility that the victim's neck may have moved, he added: 'yes, but it must have moved many times to create a wound as macerated as that', with the addendum instead, on the part of Professor APRILE, that 'two movements would have been enough'.

[206.68] Therefore, on the deduced 'maceration', Professor UMANI RONCHI added: 'this radial pattern of small excoriative erythematic zones, I... have convinced me, have confirmed my conviction that they could have been due to the fact that the blade, introduced in this manner, with the edge let us say adhering to the skin, through movements of the aggressor's wrist or through the victim's reactions, can be explainable without needing to think about a different weapon'.

[206.69] This is the 'state of the art' then: and logic, once again, imposes a conclusion: that certainly the wound-causing knife blade lingered in the victim's neck, seeing the width of the wound – truly unusual, even to the eyes of those who have seen many of them – which it caused: that, certainly, the neck of the late MEREDITH moved, inasmuch as she couldn't defend herself with her hands, at least not with both of them.

[206.70] Scarcely of significance, in full admission, appears the contribution of the SOLLECITO defence medico-legal expert witnesses regarding the print of a knife on the mattress, which those experts posit as a double print, almost in parallel: apart from the revelation that the blade of this phantom knife would be approximately 13-14 cm, and likewise much longer than the wound passage, the hypothesis that it came to be positioned twice in almost parallel positions is, in short, unrealistic (more reasonable would have been to find oneself before a knife there-placed, and which was then swiped or dragged to take up a different position), likewise difficult to explain is the action of having positioned it and then a sort of 'rebound' occurring from having someone having seated themselves immediately afterwards on top of the mattress.

[206.71] Beyond the scientific data, already more than significant even leaving aside the necessity of examining the topic of footprints, there is more in addition. Nor yet the other biological results relating to the traces collected in the bathroom as used by the victim and Ms KNOX: the possible contemporaneity of the deposition of the traces is not demonstrable with certainty, being a matter of an environment certainly rich in various biological substances, and neither is it important to note that there is blood on the light switch intending to rule out by necessity that the light was switched on in the

morning (it cannot be ruled out, because the bathroom has no windows). Nor yet the questions over the unseemly behaviour of both the accused outside of the house (a mere suggestion), over the fact that they knew that MEREDITH had had her throat cut (certainly constitutive at least of an hypothesis or of talk in general) or over it being Mr SOLLECITO who went and referred to the presumed disappearance of the faeces (totally insignificant). Nor the recordings of conversations made, with Ms KNOX saying she was there but not, effectively, being able to affirm that she had meant the Via della Pergola house or that of the boyfriend.

[206.72] Important, instead, is the witness contribution by ANTONIO CURATOLO: he (and nothing allows him being held unreliable *tout court*, due to the sole fact that he lives as a homeless person) claims to have seen the two accused together in Piazza Grimana around 23:00-23:30; and, according to the Public Prosecutor, it relates to the 31st of October, because he sees the buses leaving for the discos. To say the truth, there's some slippage between the statement summary and the transcription: in the former, he talks of masks and witches, but from the transcription it emerges that the witches were not spoken of in fact, only the masks and people joking around. In the face of this somewhat nebulous particular, and taking into account that on the evening of the 31st it emerges *aliunde* that Mr SOLLECITO and Ms KNOX were elsewhere, it must however be evidenced that according to Mr CURATOLO it was the night before the murder, because he remembers that the day after there were Carabinieri officers in the piazza asking questions about whether anyone had seen anything useful regarding the murder (and it's a particular that certainly remains more impressed in the mind than a Halloween mask).

[260.73] If therefore it was the evening of the 1st of November (incidentally, in case of a fast-track trial requested by the other two accused, this Court would have disposed Mr CURATOLO to testify *ex officio*, to remove doubt), the presence of Ms KNOX and of Mr SOLLECITO in Piazza Grimana at a subsequent time with respect to the murder would assume great relevance: on the one side, it is one of the directions in which Ms CAPEZZALI heard the persons fleeing in; on the other side, the same CURATOLO specifies not having seen the young people arriving from his left, and – taking into account that he had all of the piazza in front of him – one can deduce that they had not passed in front of him, coming thus from Via Pinturicchio, from the Etruscan Arch and from above Piazza Gallenga, rather than from below.

[260.74] Equally, after having noticed the male of the couple, who every so often went and looked towards Via della Pergola, he remembers not having seen them any more without having been aware of their departure, and he reached the conclusion that they had gone back down the same way from whence they had come.

[260.75] What confirms the hypothesis that the two accused, suddenly fleeing from the house after the murder, because constrained to do so due to MEREDITH's scream, remained in the area – or they returned after a time sufficient to remove all possible traces evident on their persons – to check whether the police had arrived or not, in hypothesis alerted by whoever had heard the scream: a key check for understanding if it were them possibly returning to that house, to begin the alteration definitely effected by them.

[260.76] The alternative between the hypothesis that sees Mr SOLLECITO enter onto the scene immediately (and therefore participate in the offence) or only at that moment (called by the girlfriend to help her only in the subsequent phase, keeping in mind that his DNA on the bra-clasp could have been left during the alteration activity, seeing the signs in the aforementioned photos 268 and 770 which document how the bra was removed from the body after an appreciable lapse of time) is necessarily resolved in favour of the former choice: even not examining the footprint test results for the umpteenth time, his phone and that of Ms KNOX were in fact inactive for some time already, and the datum cannot but be read in the sense that the two subjects were together.

[260.77] It must finally be taken into account, still on the level of serious indicia of guilt and however arguing *a contrario*, that the two accused have given implausible versions [of alibis] or not substantiated by objective corroboration.

[260.78] The circumstance of the missing memory or of the state of confusion, perhaps invoked with (convenient) reference to suggestive pressures on the one hand, or cloudiness of mind through use of stupefactants on the other hand, does not have concrete merit.

[260.79] As for Ms KNOX, her dilly-dallying inside and having a shower with all that blood around, her subsequent return with the “mop” wanting to busy herself with cleaning up Mr SOLLECITO’s house before recalling that there was something not right in Via della Pergola, her calming of Mr ZAROLI and ALTIERI regarding the normality of the fact that the door of MEREDITH’s room could be locked (when Ms ROMANELLI shortly thereafter had said the exact opposite) draws a picture that requires no further examination, even without wanting to consider the relevance of her conduct on the 6th of November for the purposes of calunnia against Mr DIYA.

[260.80] Mr SOLLECITO is contradicted by the before-mentioned Ms POPOVIC on his perambulations in the afternoon, and pretends to make believe he cannot remember whether and at what time Ms KNOX had left the house, including whether or not he had sex with her (and, at 20 years of age, certain things one does not forget); therefore, after having long insisted on his use of the computer deep into the night, then on his watching the film *Amélie* from 21:10 onwards (when instead it had finished at that time), he repositioned his stance in front of the monitor in the tranche from 21:16 to 21:46, because he was busy watching an animated cartoon, thus finally confirming the film above-mentioned had truly finished, unless he had set himself to watch two different things at the same time.

[260.81] Claims that, in any case, do not offer a true and proper alibi because they demonstrate, in the concrete, interaction with the computer at 21:26, and not right until the end: this in the face of a time of death that can not absolutely be indicated in the terms that the defence was finding in the phone traffic.

[260.82] Presuming that the sole significant datum deriving from the phones is the missing activity of the accused starting from around 20:40 on the evening of the 1st of November (that of Mr SOLLECITO’s is inactive on previous occasions only three times in the whole month of October, the 2nd from 19:32, the 9th from 18:58 and the 22nd from 19:32, otherwise operating often until late into the night; Ms KNOX

was not, in practice, used to switching her phone off early to save the battery, seeing that not much later on the preceding night she had used it up until 01:04), the prefix-less call to Abbey Bank at 22:00 does not necessarily document that Ms KERCHER's phone was being handled by someone who was not used to international calls. It is possible, and is even more probable, that it was an accidental phone call, as per the defence expert witness, that that was the first number in the alphabetical list in the phone's memory: an accidental call that lasted only the communication time to record the impossibility of making the connection and that, quite easily, could have been due to a handset that was always in the trouser pocket of the person who did not want to be separated from it in order to stay in contact with her ill mother (as Ms ROMANELLI recalls), when she was attacked and thrown backwards with overwhelming determination, so as to hit the back of her head.

[206.83] Similarly, the incoming MMS at 22:13 which saw the English phone in the Ponte Rio-Montelaguardia zone, does not, in fact, demonstrate that at that time the phone was already to be found in the precincts of Mrs LANA BISCARINI's house: the phone logs from previous days, as punctiliously noted by the Public Prosecutor, document on the contrary that many of the communications relating to that handset were going through that same cell, which signifies that there was a normal bouncing between the cells more directly covering the Via della Pergola zone and the cell in question (unless one were to hypothesize, outside of all logic, that MEREDITH had gone walking down Via Sperandio each time she wanted to call her family).

[260.84] Finally, there is no merit in the line of reasoning deployed to confute the thesis of Mr SOLLECITO's calls to "112" only after the arrival of the Postal Police. Apart from the contents of the calls in question, where Mr SOLLECITO says that nothing was stolen, while there was a locked door with an occupant sought-for but not answering, and faced with bloodstains (in theory, he could have trusted what Ms KNOX was going around saying about the apparent state of the place, to hypothesize that nothing was missing), it is clear that he called his sister – a Carabinieri officer – at 12:50, thence the "112" calls at 12:51 and 12:54. The Postal Police annotation, signed by Inspector BATTISTELLI, indicates the arrival time of the team as 12:35, and according to the Sant'Antonio carpark security cameras, bearing a time to be adjusted, perhaps the officers arrived even earlier.

[260.85] It has been claimed that in the reports of that intervention the police do not say they had immediately identified those present or to have immediately identified themselves, but certainly it is unthinkable that for a quarter of an hour or more they had gone shopping or had stood there looking at the scenery; then it was objected that Mr BATTISTELLI had referred to having gone there *in loco* because two phones had been found, but a statement was taken from Mrs LANA about the second phone being found only at 12:46; finally, according to LUCA ALTIERI, the officers were in the kitchen, with the two phones resting on the table. In support of these statements, it is noted that the Postal Police Director's information specifies that Mrs LANA had returned to hand in a second phone and, in light of what had emerged, it was decided to send personnel around to Via della Pergola.

[260.86] In reality, the succession of events is the following:

10:58 the first report made to BARTOLOZZI (and one can read that the first phone was consigned to him simultaneously)

11:38 checks are carried out on the item, from which it emerges the owner's name is ROMANELLI

11:50 second statement from Mrs LANA (probably remaining behind in those offices) from which it emerges that, to her and her family, Ms ROMANELLI is a perfect stranger: statement taken, again, by BARTOLOZZI

12:46 second report made, again taken by BARTOLOZZI, with simultaneous handing over of the other phone

13:00 the cell covering Police Headquarters is activated (Strada Borghetto di Prepo) by Ms KERCHER's English handset

13:50 seizure of the two phones, officially noted – as usual by BARTOLOZZI – at 14:00

The information just given has to be integrated, though, with the statement made by FIAMMETTA BISCARINI, Mrs LANA's daughter, according to whom she was called by the mother (before 11:50, it must be remembered) as to whether she knew a certain ROMANELLI and shortly thereafter, with the house cleaner, found the second phone; at that point, Ms BISCARINI called her mother immediately, the latter at that point probably was no longer in the precincts of the police station, not having a reason to remain there and not imagining the sequel to the story, and immediately after that the Police Commander, who advised that it was necessary to bring in that other phone. So, Ms BISCARINI went to pick up her mother near the PAM and they went back to the Police, a little before 12:46.

[206.88] From which it follows that the Postal Police already knew of the second phone around noon, in virtue of the call from Ms LANA's daughter, and probably it was decided to send BATTISTELLI around to Via della Pergola only to give the news (in fact, the Inspector says he had taken himself to the place due to the discovery of two phones, not after having formalised the second report and taking both the handsets in question with him). The only discordant note remains, then, ALTIERI's account, which states: "there were these two police officers still standing in front of the kitchen table, with the two phones resting on the table, a piece of paper, I think the police officers', with the phone numbers written on it"; but it is possible that the phones had been brought by other personnel, or else that BATTISTELLI had placed the first phone on the table – the one assigned to Ms ROMANELLI, since he can't have had the other one – and another one, perhaps his own, confusing the witness. Likewise it is possible that Mr ALTIERI had mistakenly recalled the phones being there, and not the piece of paper alone, since at 13:50 the phones had been seized at the Command Centre – based on statements made by others than Inspector BATTISTELLI, as well as because the personnel who were at Via della Pergola were having other matters to think about rather than worry about taking the phones back to proceed with their formal seizure.

[207] It is duly noted that in reproducing these orders, the parties' positions relative to the indicia of guilt, more specifically as against the co-accused, have been maintained, but only for completeness of exposition and in the terms already announced in the introductory paragraphs, being simply the charges moved against Mr GUEDE contested in the 'in company' form of the offence. By the same token, on the opposite side, it will be obvious that various of the considerations above-made have taken into account submissions that the other parties have introduced in the course of the proceedings after the accused here had exercised his option for a fast-track trial.

[208] We refer here in particular to the expert reports filed respectively by Ms KNOX's and Mr SOLLECITO's defences as regards the dynamics of the homicidal act and of the reports of the mobile telephone traffic, not to mention about the presence of presumed traces to impute the use of a knife with characteristics different from the one that has been seized: in any case, it must be affirmed with equal clarity that the insertion, into the body of the current decision, of the associated line of reasoning followed by the [Bail] Court in no way imports any violation of Mr GUEDE's defence rights. As emerges with crystal clarity, and also by reason of the peculiarity of a trial where the other accused – in more or less explicit terms – have intended to defend themselves by accusing the third, and vice versa, those items will come to be adduced for the salient purpose of pointing to Mr GUEDE as the sole and effective killer, and – as far as they are marshalled in that direction – have all been held to be non-probative [here] [*that is, not admissible as against Guede*].

[209] Moving therefore from the information that will have to be taken as already analysed and expanded on, it does not escape notice that on the occasion just recorded the necessity was anticipated of confronting the central problem of RUDY GUEDE's credibility: his presence in the house at Via della Pergola at the moment in which Ms KERCHER was attacked and killed is not in discussion, being even admitted by him, and it is necessary above all to understand whether he had told the truth or not in the moment in which he intended to justify that presence.

[210] By way of initial step, it must equally be clarified that admitting to having been at the scene of the crime was, for the accused, inevitable in any case: already the first test results leading to his identification, that is to say the palm print on the pillow, constituted an undeniable piece of evidence, which in turn was followed by the otherwise unequivocal results of the DNA tests relating to the vaginal swab, the toilet paper, the bra, the purse and the top, not to mention the comparison of the "Nike" brand shoe prints with those left on the floor of MEREDITH's room. Mr GUEDE, in the moment in which he decided to give his version of events, already knew that denying his presence *in loco* would have been like negating the evidence; and, as a further outcome of the fact, it cannot be forgotten that, from the date of the murder to that in which he had recounted to someone else what had happened, twenty

days had passed. An outcome that, however, lends itself to several ways of being read: on one side, it could be thought that the latitude of time was useful for him to reflect on and elaborate an account that was most conducive to his interests, whence excluding or re-dimensioning the significance of having found himself at that place, on the other side the objection could be moved that a period of reflection (if RUDY truly had intended to ponder his words, in the knowledge of being involved in the crime) would have had to suggest to him a less fantastic and “ramshackle” reconstruction, as his own defence team described it, to underline, though, its intrinsic genuineness.

[211] On that point, it must likewise be pointed out that the essential core of that story never changed, comparing what he had said via Chat or Skype to Mr BENEDETTI – and that, leaving aside the inadmissibility of the supporting means of proof, it had been in any case referred to the investigators by his interlocutor – with the contents of the interview: when RUDY spoke with his friend GIACOMO, and it cannot be considered likely that he would have suspected the conversation was being intercepted, he did not set about to rehearse with him what was the least inconvenient reconstruction he could have to offer to the Police or to the Judicial Authorities, but he limited himself to recounting that which, according to him, had been the sequence of events.

[212] The contents of the conversation, via *Messenger*, which Mr GUEDE had with GABRIELE MANCINI some days before cannot be read with a suspicious eye: the Public Prosecutor had emphasised that Mr MANCINI had his statement taken on the 18th of November, which was a Sunday, and only two days before he had been informed that RUDY could have had something to do with the murder, but already on the Monday or Tuesday prior – *ergo* the 12th or the 13th – his friend had replied with “you know” to his question of “why run away like usual?”; a response that can at any rate be understood to be in line with the behaviour of someone who wants to run away from something which he knew he had become involved in innocently, above all being able to imagine that in Italy they were looking for him even though the press or the TV knew nothing about him yet.

[213] The field must also be cleared of various preliminary investigation information which, taken in isolation, have a value even less than circumstantial: there is no great merit taking notice that, according to the young Lithuanian basketball player, RUDY had a predilection for white girls, nor that at the Marches’ boys’ place he had expressed the compliments of the house towards Ms KNOX, when it would have been rather strange if he had said nothing, seeing that all the boys had set about fantasising sex scenes with her or to make comments (maybe someone was wishful) about her availability. Rather, and there will be reason to return to the argument later, it is indicative to take notice that there has been testimony about an appreciation exhibited by the accused as regards AMANDA, while no one – including his friends, who would have happened to be waiting and listening during moments of conversation between him and Ms KERCHER, as on the occasion of the rugby game – had ever heard him say anything at all on the English woman’s account.

[214] As well, the fact that CHRISTIAN TRAMONTANO had claimed to recognise in Mr GUEDE the young man of colour that he surprised on the occasion of the burglary in his house, is feeble, however not

wanting to consider the circumstance – deduced by the defence, and which can be held to be admitted if not documented – that he had in his turn become a witness “mediated” by television: that recognition manifests in fact as being expressed in doubtful terms, with repeated “I think”s, actually mentioned already from the time when Mr TRAMONTANO had seen RUDY at the “Domus” on the evening after the burglary, and even less justifiable when he had had opportunity and means of seeing his photograph in all organs of the press and TV shows.

[215] That therefore Mr GUEDE would be adept with knives, seeing that according to Mr TRAMONTANO the unknown thief was brandishing one of them, cannot be admitted on the basis of that deposition, about whose content it is permissible to hypothesize an influence of suggestive reading of the journalistic chronicles: according to the one robbed, RUDY had taken up the knife after having menaced him with a chair (and it is not understandable why a man who knows has a knife in his pocket would have set himself about to pick up the seating, an implement of such weak intimidatory force and quite inconvenient to manage), but it would concern a conduct strangely superimposable on that – not yet offensive, but defensive – that the accused claims to have adopted in the face of the presumed murder of Ms KERCHER, and about which the press had given ample context.

[216] Similarly, there is scarce weight in the proceedings of the 27th of October in Milan, save for the purpose of demonstrating that in the final days Mr GUEDE was moving about like a stray [or: drifter, dropout]: on that occasion, the yet-encumbered kitchen knife that was seized from him was not his, but belonged to the building where he had found refuge in, such that the personnel of the kindergarten recognised it and took it back.

[217] And finally, apart from the abundant evidence listed above, as an element of weighty circumstance against the accused there is to be added only the significative Summary Information statement made by Ms FORMICA, who, between 22:30 and 22:40 (but probably later, seeing that straight after she noticed the tow truck, which arrived at Via della Pergola around 23:00), sees a man of colour legging it up the stairs adjacent to the carpark: a circumstance which, joined with Ms CAPEZZALI’s account, according to which someone else (it is not known whether it was one person or more, but she expressed herself with the words “they were running away”) was running towards Via del Bulagaio, it is positioned aptly to give a snapshot of what was happening in the area immediately after the homicide.

[218] Coming to Mr GUEDE’s account, the confrontation between the respective conclusions of the prosecution and of the defence has led obviously to the result of antithetical opinions: according to the Public Prosecutor, with such a sudden and improbable (what with the show of affection which would have come to pass between RUDY and the girl) attack of colitis, as well as providential, being in the interests of the young man to vanish from the scene of the crime for a period of time suitable to allow someone else to enter and take up the role of protagonist; in addition, Mr GUEDE would have in large measure adapted the contents of his declarations to the parallel and progressive evolution of the investigation, indicating the presence of Ms KNOX in the Via della Pergola house not before the 26th of March interview, or admitting only in that venue that in reality he had not had a true and proper date

with MEREDITH, finally correcting the shot on the shoes he wore only with his last spontaneous statement.

[219] On the converse, his defence have instead insisted on the credibility of his account, whether on the basis of various arguments involving common sense, whether aligning the behaviour that Mr GUEDE would have assumed (fleeing after having discovered a dying girl, after a desperate but confused attempt to help her) on the idiosyncrasy suffered by their client. Under the first profile, apart from various aspects on the fact that concrete experience or even plentiful cinematographic fictions of cases where subjects who flee in the face of a still-veiled risk of seeing themselves accused of a capital crime, it has been shown that a murderer, intending to escape, does so immediately, without waiting around for 48 hours or thereabouts in the expectation of who knows what; that behaviour, instead, would show the absolute good faith of RUDY, who would have instituted a slapdash attempt to remove himself from the search area exactly establishing that the prophecy that the unknown intruder with the knife had said to him, about having found the guilty man, would begin to become reality, seeing that the papers had not mentioned any word from the police force about the search for the real killer.

[220] On the other side, the personal vicissitudes of the accused were surely such, from a tender age, to lead him to develop a strong instinct of self-preservation: whereas that character trait correlates with the circumstance that, certainly, it would not have been usual behaviour by someone like Mr GUEDE to show respectful conduct towards formal rules and social conventions (it is enough to think that he was not even capable of giving his employer documentation of having had the flu for a couple of days, as a result of which he was fired), thus explaining on the evening of 1st of November the overarching majority of people would have called “113” and waited for the forces of law and order to arrive, but not him.

[221] As for the interviews given, there would have been, according to his defence, no retraction or readjustment: the accused has not admitted so far that he had no date with Ms KERCHER, but he simply limited himself to explaining what that could have entailed – and what it can normally mean, in the context of visits between twenty-somethings in a university town – claiming to have been in agreement with her on their seeing each other on the following evening. His sincerity is out of discussion, in that the circumstance of having touched the girl’s bra was plainly admitted by the accused when he still did not know that his DNA had been found on that item of underwear, and the only change in version was regarding the alleged encounter with MEREDITH on the night of Halloween, which, instead of occurring in the Spaniards’ house, had taken place at the “Domus”: in any case, it was a simple confusion of memory, and he was able to document via photographs his having in truth been at the nightclub. Finally, he did not come up with Ms KNOX’s name at a late stage, since the defence rights interview under the GIP concluded with the manifest readiness of RUDY to furnish further clarifications, and it was only the Public Prosecutor’s calendar that set the new statements four months later.

[222] In reality, there is some embarrassing slip, yes indeed, and it is not in fact true that omitting mention of Ms KNOX can be explained in the terms as deduced by the defence, just as it is not possible to claim that locating the kiss given to MEREDITH as being in a room between two bathrooms in a private house, rather than near the bar of the “Domus”, was the fruit of a banal confusion.

[223] Analysing the narrations of the accused, for which we are preparing in fact to illustrate, the conclusion is inevitably reached that he is not credible because his version: (1) is intrinsically unreliable; (2) is radically denied both on fundamental aspects, as well as positively on points that are absolutely marginal and peripheral.

[224] To hold Mr GUEDE to be an unreliable witness, in reality, does not require any of the considerations proposed by the State Attorney: it is true that a sudden call of nature does not marry well with the idea of a young man who at the same time is kissing and caressing (for the first time) a girl to whom he felt attracted, but the circumstance is not, *ex se*, absurd; and nor is it worth much objecting that a simple kebab could cause those results, as the accused's representative argued with great detail of the ingredients. Apart from the aspect that nowadays, in common terminology, a *kebab* is defined as anything edible that is served at any place that is a little bit "ethnic", with a presentation (perhaps faked) different from a general food or sliced pizza establishment, to have disturbances of that type a cold drink would suffice: and, whatever rubbish was in the kebab, RUDY detailed that he had gulped down a "Fanta" before, together with the sandwich, therefore he sculled a bottle of water and a fruit juice, taken from the fridge of MEREDITH's house.

[225] It can also stand up, therefore, that during those caresses he felt a little not so well in the stomach: it stands up a bit less well, instead, that those kisses and touches were interrupted all of a sudden by the discovery by both of them that they had no prophylactics. As regards which it will be said in parentheses, that – in the terms used by the accused – was a date, and there is not great merit in setting about to argue the nuances or more informal usages of the current generation: a date in which he had in the circumstances been able 24 hours earlier to tell her how much he liked her, giving her a kiss and hearing her say yes to meeting up the following evening at half past eight. He would therefore have imagined, or at least hoped, that she was of the same mind, preparing herself with what she would have needed: it can be objected, it's true, that RUDY was a lad who was a bit *sui generis*, ready to improvise evenings without stopping to think about it much (on that same day, it appears that he had in mind going to CARLOS and THOMAS's place again at nine, and had in any case an understanding of also visiting ALEX and PHILIP again at who knows what time), by which he had displayed no great belief in his prospects for seduction; as well, he didn't have a penny, and the purchase of a packet of condoms could not have been at the top of his list.

[226] At any rate, according to Mr GUEDE's account it was MEREDITH who spoke of protection, not him, and if one rather ought to reach the conclusion that the girl, whatever she had heard the accused say about him having them, she would have been disposed to allow herself: *ergo*, it must be held that the young English woman was particularly taken with him. At Rudy's negative response, though, the curtain would have unexpectedly fallen.

[227] MEREDITH would have metaphorically shut the door without any inclination to pursue with the actions of *petting* (keeping in account that the two were in any case pushed forward enough, as described by the detainee), nor hypothesizing to go and peep into Amanda's bags, where she knew or could have thought to find a species of sample set of articles of the sort, having had – it appears – complained about it to her co-nationals. Even here it could be objected that that is perhaps not the type

of merchandise that a girl would calmly set herself to search through a friend's bag for, but it must be remembered that just a few minutes earlier Ms KERCHER had sent blessings in Ms KNOX's direction, thinking that she had robbed her of money, so it would have been a matter of giving her tit-for-tat, without even the pretence of settling the account.

[228] But this is still nothing.

[229] Taking a step backwards, and coming to the meeting of the evening before, Mr GUEDE said in the interview in front of the GIP about having exchanged a few words – and a kiss – with MEREDITH in the house belonging to the Iberian boys behind the “Pavone”, also describing the layout of the place (‘a bathroom here, one here, a room’) to indicate the location where they were kissing; he then adds about having agreed with Ms KERCHER to meet up the following day at half past eight at her house, confirming the matter even on the specific question by the Public Prosecutor, even adding that on the subsequent evening he left his house early with respect to the agreed time. Later in the same interview, as the transcript shows, he claims he went to the “Domus” with the hope of seeing MEREDITH again, thinking that she would have gone there as well, but he didn't see her (“we all left ... around two from that house to head to the ‘Domus’, after which I lost sight of her”).

[230] On 26 March 2008, though, RUDY explained to the Public Prosecutor clear as day that the group invited to the Spaniards' house moved practically as a block to the “Domus”, but it was exactly in the nightclub that he met Ms KERCHER, and not before; offering a description of the layout of that place as well, he said: “there's the bar for the drinks and there's a room, there's an arch and a room. I was going around there, it's there that I met MEREDITH”. On the context of the encounter, and the contents of the explanation, he detailed: “I started talking to MEREDITH ... I was talking anyway I gave her a kiss ... after which I expressed how much I liked her and I said whether the next day, in all the confusion anyway, whether we would see each other the day after and she said yes (..), we would see each other in the evening around half past eight, like that”.

[231] While not needing to delve into the, substantially irrelevant, question, of whether they both were agreed on a specific time or not (his having confirmed the 20:30 time in both statements in any case allows the thought that according to Mr GUEDE they did have a date), the patent dystonia between the two versions jumps out to the eye.

[232] A context of a room between two bathrooms, in an apartment, is radically different from one with a bar for drinks and an arch, in a pub; in being willing to concede the point, then, one can be mistaken in identifying the one rather than the other as the place where one last encountered a friend, but not the first time there was a kiss with a girl towards whom one felt attracted. It is worth noting, in addition, that it is the same accused who describes in strongly emotive terms his sensations at that moment, because, still meaning that kiss to be a superficial enough gesture, Mr GUEDE dwells on, in his first reconstruction for the GIP, the fact that he wasn't able to see MEREDITH again at the “Domus” despite holding the intimate expectation that she also joined in with the party group when leaving the Spaniards' house; an expectation that magically vanishes from in the second version offered to the Public Prosecutor on 26 March. How it is possible that RUDY remembers on 7 December of having been

confident of seeing Ms KERCHER again at the “Domus”, after a kiss at CARLOS and THOMAS’s house, and then of having looked for her without success, when in reality he had met her only at the “Domus” and not before? And, by the converse, how is it possible not holding that his change of ROTTA – given that he had really gone to the “Domus”, as various witnesses mention, beyond the produced photographs – depends on the circumstance of having become aware of the impossibility of maintaining MEREDITH’s presence at the Spaniards’, denied at root by the girls who had spent the night with her.

[233] Already at this point, it appears evident that to believe in Mr GUEDE requires a superhuman act of faith: but other matters still, in fact and for logical reasons, flow together to render that act of faith – regarding which this Court has adverted to the technical and moral need to prepare to carry it out – absolutely impassable.

[234] Returning to the night of the 1st of, once RUDY went into the bathroom, he would have put on the iPod and, with the music at high volume in the earphones, he would have occupied himself for a few minutes doing his business. It appears he has the habit of behaving himself like this, and one can even accept this even if that iPod has completely vanished, having the detainee tied to finding himself forced to sell it during his brief period on the run; what cannot be refused is, in any case, the revelation that those earphones and that deafening music (perfect for rendering possible the rest of the account and justifying the isolation in which the accused would have found himself while someone else was killing the girl) formed no part of Mr GUEDE’s accoutrements on the sole prior occasion for which there was testimony on his call of nature, that is to say during the evening with the boys from The Marches.

[235] As chance would have it, on that occasion there was what had been noted as another recurring particular, or rather circumstance, that the young man had not flushed but no-one saw any “ball” earphones, which moreover it is impossible that it can be reconciled with the fact that he had fallen asleep on the toilet seat.

[236] Even before going off by himself, in any case, RUDY heard some ring at the door: at the due-process interview, he does not say anything to tie the voice he heard to that of Ms KNOX, but in the version of facts given to the Public Prosecutor he manifests his conviction of having recognised the American’s voice.

[237] At this point, the article of faith above-mentioned but overcome yet another hurdle, to justify how come AMANDA would have rung the doorbell, seeing that she lived in that house and she was obliged to make use of the keys.

[238] The alternative, other than to take the main road which leads to Mr GUEDE not telling the truth, are convoluted enough: one would have to imagine that Ms KNOX had lost her keys who knows where, or thought – because she was carrying something heavy and unwieldy? – she couldn’t use them, or else she had found MEREDITH’s keys in the lock, which would have impeded her ability to open the door.

[239] A possibility, this latter, that is remote, to put it in few words: it's true that the latch in that lock was defective and it would always necessary to manhandle it, but exactly for that reason, and due to the fact that all the girls were aware of it, each of them would have been careful in not leaving their keys inserted. Perhaps Ms KERCHER had done so exactly that night, knowing that none of the others would have come back that night, and so ensure a guaranteeing for herself a major security against unwelcome intrusions? And how could she have been sure that no one would have changed their mind, admitted that they would have communicated their intentions, or not had the necessity, in any case, to stop by the house early in the morning the next day? As well, she had barely entered with Mr GUEDE, who – in the reasonable expectation from the moment she had opened the door and closed it behind him – was unable to open them like one who would have surely spent the night with her: and so, at least for him, she would have had to open it.

[240] In short, the question “Why would Ms KNOX have had to ring the doorbell, given that she had the keys?” appears fatally destined to remain without a plausible answer.

[241] Another, and more important question, is, though, a direct consequence of the profile – empirical and LAMAPANTE – that the name of Ms KNOX comes out only in the second, recorded interview (more accurately, the third, if one also includes the one given in Köln).

[242] On the 7th of December 2007, in front of the GIP, he said he had gone to the bathroom after the encounter had with MEREDITH, and adds: “I heard ringing at the door, the doorbell, and but after I turned the volume up and did my business”, without any reference to AMANDA; describing the moment in which he looked out of the window in Ms ROMANELLI's room to see outside, after the fleeing of the stranger armed with a knife, says: “there's a room, I went into that room, in that the window was visible, you could see out and the courtyard and the street, I didn't see anyone”, to then repeat not having seen, much less recognised, whoever it was.

[243] It cannot be affirmed, therefore, that on the 26th of March 2008, his statement about having recognised AMANDA's voice at the door and his having seen her figure up at the gate were a sort of complement of the preceding narration, perhaps because it was a case of particulars that there had not been the time to ask about and which Mr GUEDE would have clarified even in the second interview if it had taken place on the 8th of December: they were, instead, a radical change of gears, which it is incumbent to keep in account for holistically evaluating the accused's reliability. The question, implicitly put several lines back, is in fact: if that is true, that is to say if it really was AMANDA at the door and up at the gate and RUDY recognised her, why not say so straight away?

[244] To respond to the observations made by the defence as to the natural self-preservation instinct that characterizes Mr GUEDE's actions, and which would justify his choice to run away from the Via della Pergola house without calling for help, it must be observed here that we are talking about exactly that instinct, of which the accused has glaringly demonstrated not knowing how to make use of on the most important occasion that has ever happened to him. Neither pandects nor rules of convenience, but instinct itself, basic logic, the same behaviour by RUDY at the moment that he fled, knowing that the

killer had escaped before him leaving him in that bloodied room, would have made him understand that the first thing to do, having to explain his presence at that location and convince those listening that he didn't kill anyone, was to say: "yes, I was there and I don't want to deny it, but see, there was someone else". It's a fundamental allegation for a subject in his position, co-essential with the necessity of defending himself (to repeat, in the sense of a self-preservation instinct, definitely not that of procedural technicalities), of an importance at least equal with regard to evidencing lawful reasons for finding himself in the victim's house: instead, nothing.

[245] A silence even more inexplicable, where one thinks that – in the face of the guessable difficulty that the accused would have had, on a par with anyone else, in describing or supplying elements about unknown persons, where one found oneself in front of complete strangers – he had had the luck of seeing and recognising a girl whom he not only knew her name and surname, but who he knew had already been otherwise accused of that murder, and was already in prison for that reason.

[246] Nor did Mr GUEDE, therefore, the natural qualms that a witness displays in cases of uncertainty, knowing that they could put someone in the frame who, when all is said and done, might turn out to be extraneous to the matter: on the one side, there is little room to imagine that he had mistaken the person, seeing that he knew her and that it was – the last straw – about the girl towards whom the victim had set about launching insults a few minutes before; on the other side, he did not even have the burden of feeling himself responsible for having gotten her involved in the investigations, because she was already in it up to her neck with handcuffs on, with identity and photo appearing in the newspapers of the whole world and widely accessible via the Internet, and medium with which RUDY was markedly confident.

[247] The profile of the intrinsic non-credibility of Me GUEDE's versions is still not finished, because a further particular must be kept in mind: from the reconstruction offered by him, it is evident that MEREDITH's attackers were in action not knowing that RUDY was in the house, perhaps at the end of an immediately degenerating argument, therefore they would have found themselves with surprise in front of an man of colour exiting the bathroom, with the consequent necessity of fronting up to him or running away. In this regard, it must in the first place be considered that – ruling out the ingress of thieves or in any case subjects whom the victim would not have spontaneously opened the door to, given that the said accused remembers the doorbell sounding and he continues to detail that when he went away there was no broken glass or signs of breaking in – it is somewhat difficult having an argument between people who know each other, one of whom is a girl, in a way that in barely ten minutes from its start went up to taking a turn such that it led to knives; and it is in any case more probable that it resolved itself in a single blow, in imposition or in defence, rather than prolonged wounding behaviour, like that which the pathologists have given the context to. Therefore, even under the aspect in question, the act of faith above-mentioned would have had to call in dogmatic belief: to believe Mr GUEDE requires taking as given that, by sheer chance, Ms KERCHER found nothing better to do that switch suddenly from a moment of tenderness and passion with him to a violent argument with someone else, reaching that point exactly at the moment when RUDY took himself off to the bathroom.

[248] Besides, and above all, what could be a surprise to the killers, that is to say his presence in the house, was certainly not so for the other party in the context: MEREDITH, unlike those attacking her, knew full well that in the toilet there was a person to whom she had given permission to enter and withdraw, therefore, before someone who had started to raise their voice, graduating to restraining her by the arms and finishing with brandishing a knife and throwing her to the floor, why would she not have been able to AMMONIRLO admonish that person immediately saying that there was someone in the house who was able to help her?

[249] And why, especially, was she unable to immediately scream loudly, calling RUDY's name such that he would run to her aid, rather than limiting herself to a bit of a chat among women with somewhat raised voices, like that which the accused claims to having heard without there being even a worrying tone?

[250] The same forensic data testifies to a more than likely escalation of violence, against which the victim surely tried to react, and then – it is reasonable to think that a lady resident at 70 metres' distance could hear only the last and most desperate yell of the girl – it is quite difficult to admit that the earphones in Mr GUEDE's ears, at a distance of 4 to 45 metres from there, prevented him from hearing other screams, or the preceding noises.

[251] The detainee, instead, heard nothing at all until that scream, which caused him to leave the bathroom without thinking to recompose himself or to flush the toilet, and he would have found the back of a stranger, standing on the threshold of Ms KERCHER's room, or just inside. Apart from the unlikelihood of a prolonged bout, with a man armed with a knife who decides to run away when his opponent did his best with a chair or a clotheshorse, what that fellow was doing at the door of the room is not understandable: either the attack was still in progress, and then the killer would have been bent over his victim, or else it was already all finished, and that young man with the "Napapijri" top would have been intent on distancing himself, not standing motionless upright there in front so as to bump shoulders with Mr GUEDE who was trying to find out what had happened.

[252] The presumed attacker's behaviour, and in particular the words which he had addressed to no one knows who (to AMANDA, it must be presumed, remaining in the shadows in the house but reappearing on the lane in the contest of her running away), and then in his turn unreasonable: given the mismatch in force between the knife and the chair, and of the strangeness that to then run away was the one holding the first rather than the second, to say something like "black man found, here's the guilty party" makes no sense. The only person who could have seen any meaning in that phrase was, by sheer coincidence, RUDY himself, because it served him for justifying his reluctant behaviour in calling for help, not to mention his subsequent decamping: in his account, which at this point must be considered convenient, that phrase lingers on the pen nib, because – and in somewhat moving terms – it can be of worth in describing and explaining his state of mind and his behaviour subsequent to the fact, but from the point of view of the one who said it, it was an incomprehensible nonsense.

[253] Moreover, the one deciding to run away, after having become aware of the unexpected presence of someone in the house where he had just committed a murder, could have instinctively said to his accomplice to be careful, because he had found a person, maybe mentioning the colour of his skin not knowing how else to describe him: but it is one thing to say, “there’s a black guy, let’s go!”, a completely different thing to start planning future strategies (“there’s a black guy, we’ve got the culprit”).

[254] “Culprit” is not even a word in common slang, imagine if the one using it had just been surprised with a knife in his hand, and it can be more legitimately thought that the person in front of him, black, yellow, Turkish or whatever, grabs a phone and calls the Police: anyone, caught on the foul in that way, would have instinctively thought of RUDY as a fastidious and weighty prosecution witness, never someone to easily unload the burden of his own responsibility onto.

[255] That, in effect, would have been normal behaviour: stay there, call for help and immediately tell the forces of law and order what had happened. A behaviour which, recollecting his provocation, was also adopted by Dr RICHARD KIMBLE in the cinematic fiction which the defence had wanted to make reference to: that person became “The Fugitive” after having been accused and convicted, but in the immediacy of the fact – returning to the house and finding the wife’s body – had asked for help and called the police. RUDY, in front of what he claims had happened, does not do that: but if, admitting that he has told the truth, his fleeing could still have been comprehensible because he knew about the need to take into account possible traces of a sexual contact occurring shortly before, certainly it would not have been comprehensible, nor foreseeable, in the eyes of the presumed killer.

[256] The aspect of *ex se* non-credibility of the reconstruction offered by the accused thus being exhausted, the second of the aspects emphasised above can now be examined, that is to say the support for an elevated number of subjects which dismantle the case.

[257] On the basis of multiple testimonial depositions, it must be noted that Mr GUEDE told the truth in signalling he had been at the “Domus” on the night of the 31st: from the photographs it does not appear, if not on a deductive basis (he was in the company of various boys in the first photo, taken at the Spaniards’ house, and some of those boys appear likewise in images taken inside the pub, even if the exact days of the various photos is unknown), but Ms ESPINILLA stated she had seen him in that pub, thus superseding the bad recall of SALIM ZAFER and Mr BARROW’s idiocies.

[258] No one, though, remembers having seen him speak with Ms KERCHER, neither at the “Domus” nor elsewhere, and no one amongst the girl’s friends referred to her ever having mentioned RUDY as friend, acquaintance or occasional visitor of an evening, just as none of Mr GUEDE’s friends remembers remarks or comments by him on her account (while they do, still together with the others, about Amanda). We are dealing with an incontrovertible fact, which must be taken into adequate consideration: it cannot in itself be held impossible that on the 31st of October the accused had had the opportunity to start up a conversation with the girl, who – inasmuch as being with Mr SILENZI – was certainly not tied to him by a promise of marriage; simply, no one noticed, and in any case no one learned about it from Ms KERCHER subsequently, assuming that the Halloween party was not finished

there, and an entire afternoon still remaining, from 16:00 until 21:00, at the disposition of four English friends for talking about the evening before.

[259] The defence are understood to represent that MEREDITH was probably not so reserved and selective concerning visitors, as certain people have wanted to describe it, and it is likely that they might be right: but if she intended to live her 20 years in fullness and joy, it is then natural to hypothesise that for her it was normal to meet boys, and it was as much normal for her to talk with those of her friends to whom she was close.

[260] Leaving aside the preceding days, where maybe RUDY might have limited himself to a more or less mutual salutation, the evening of the 31st at the “Domus” he talked (he says) with MEREDITH for some good few minutes, though not sufficient time for a candid photo: that no one noticed him could be admitted as due to the throng and to the fact that perhaps Mr GUEDE profited himself, appositely, of a moment in which the other English were dancing or in the bathroom (but, by sheer chance, despite the confusion RUDY was noticed by the [female] Spanish friend only in the company of a blonde girl), much less likely is that Ms KERCHER might have been shy about talking about it with AMY, ROBYN and SOPHIE. The four friends had gone out to have fun, and – obviously – probable meetings with interesting males constituted the expectation and outcome of evenings of that sort; and yet, having felt herself attracted to, and having kissed, a boy had not driven MEREDITH to any comment, despite the time spent the following day looking at photos of herself on the web.

[261] It must be remarked, for the rest, that nothing permits positing that Ms KERCHER did not want to let herself be judged by others because, dating GIACOMO, she had let herself be kissed by the first person along; or even less because she did not want it be known that she was interested in a boy of colour. Ties with Mr SILENZI were of reciprocal responsibility, and if both of them were saying they were in a good relationship it is as much clear that neither of the two felt themselves obliged to show absolute fidelity, or absolutely be prevented from talking to others; Ms ROMANELLI and Ms MEZZETTI said, in one of the last statements supplied at the time, that MEREDITH expressed herself in totally negative terms concerning the possibility of betraying a boyfriend or friend, something which she had never done, but that it was a declaration of intent, above all thinking that about GIACOMO (as Ms BIDWELL remembers) it had happened that she had expressed some reservation. As to the fact that RUDY was of African origin, it is sufficient to note that not even MEREDITH’s mother is white, to clear the field of any bad-intention suspicion.

[262] On the other side, if it could not be imagined that Ms KERCHER was open with her friends about everything, the fact that Ms HAYWARD had not been informed by her of an occasional use of cannabis, as the defence has revealed, cannot be assumed as an example of discretion: that is certainly not a thing that one tells everybody about, as compared to the possible liking for a boy met at a party.

[263] The kiss given to RUDY instead remained a State Secret, despite Ms BUTTERWORTH, Ms PURTON and Ms FROST (this latter, according to her deposition and those of the others concerning the night of Halloween, had always been in MEREDITH’s company at the “Merlin” and at the “Domus”, except for a

gap of a few minute but only in the first local) having set themselves the day after to gossip with her about how the party went. Equally, Ms PURTON had greeted her friend at 21:00 almost with mutual yarns, both having the firm conviction of going to bed as early as possible, despite the circumstance that saw MEREDITH already half an hour late for the presumed appointment for the shy encounter with the accused.

[264] Yet more relevant then is the denial that Mr GUEDE was at his friends ALEX and PHILIP's, as already recorded in the *de libertate* orders that had related to the co-accused: Mr CRUDO had claimed he had not seen him for some days, and then receiving a visit from him at home on the 2nd of November, coinciding with the news of the murder (without noticing if he was injured on the hands), while Mr MALY – who equally with ALEX confirms the particular of Ms KERCHER's presence at the "Shamrock", through various American friends having told him after the murder, but denies that RUDY had spoken to him about it – recalls that he saw the accused the last time four or five days before Halloween. A version, this latter, that is not in contrast with other preliminary hearing outcomes: the defence has objected that on the 27th of October the accused was definitely in Milan, wanting thus to illustrate that the Austrian might have been mistaken, but five days before the 31st of October means landing on the 26th.

[265] So, on the evening of the 1st neither the one nor the other saw him, with the greatest respect to the particulars mentioned by Mr GUEDE concerning the respective encounters, for example as for the consideration that ALEX came out of the bathroom or the fact that PHILIP had been told by RUDY that he was going to see a girl. As already noted, it is not reasonable to attribute suspicions of reticence to the two friends of the accused, through having wanted to distance themselves from some potential accusation of aiding and abetting, having visited with a person who was known to have escaped to Germany or who knew were: if it were like that, ALEX CRUDO could have easily denied having seen him on the 2nd, by when in any case the murder had already happened, and it would have cost him nothing to admit to having seen him the afternoon of the day before, the murder not then having occurred.

[266] The last, and not less important, that retracts *aliunde* the accused's story is to be found in the more-than-once-mentioned deposition of Mrs CAAPEZZALI, who hears nothing more, after the scream and the contemporaneous flight from the scene of multiple persons, during the course of a minute: the woman heard then the passage of someone traversing the gravel once only, and everybody together (though however subsequently headed in different directions), contradicting Mr GUEDE who claims to have left after an appreciable time following the exit of the young man armed with a knife, time which he had spent going to and from the bathroom with the towels.

[267] It is true that the witness did not expressly say she had remained listening, but detailed in any case not having fallen asleep again straight away, following those sounds that had troubled her: and something would have been perceptible, with her sense on high alert for that reason, if one considers that RUDY's presumed and agitated stay in that house terminated in the course of a few minutes, besides the fact that he himself puts out having distanced himself from there with a certain haste,

frightened by a sound that he had heard coming from the floor below. Therefore, it is allowable to suppose that he had done so without giving too much attention to where he was putting his feet.

[268] The final point in the line of reasoning, thus concluding the analysis of the questions relating to Mr GUEDE, is yet one only: the accused cannot be believed, not even if one had wanted to.

[269] Nor does the observation by his defence have any concreteness, in the yet-appreciable attempt to offer a key to a coherent reading of the case of their client, according to which the knowledge demonstrated by RUDY as to the state of the health of the victim's mother can be explained only by it being admitted that he had received the confidences from MEREDITH: the homicide proceedings had this result on the means of information, through the whole world, to make even peripheral facts well-known, such as Mrs KERCHER's illness. From the beginning, the particular definitely emerged that her phones had been found, from which her friends were saying she would never be separated from, exactly because she was worried about her mother's health, and it is a matter of aspects of the case which the journalists never let be forgotten: and it is a notorious fact today, especially for people used to navigating on the Internet, like the accused, who spoke at that time also on that topic (a simple search reveals that already on the 4th of November MEREDITH's aunt had made statements concerning the necessity of a kidney transplant for her sister).

[270] To be fair, one of the few things that have been confirmed, regarding Mr GUEDE, does not refer to his invocations of familiarity with the victims or his movements *ante* and *post delictum* that he intends to describe, but rather a fact that he has wanted to rule out as one of his behavioural characteristics: RUDY did not flush the toilet at MEREDITH's house, nor had he not done so in the apartment below a few days earlier, as Mr BONASSI testified with certainty. Therefore, despite him having wanted to provide a justification for the forgetfulness, on the evening of the murder, through the urgent necessity of leaving the bathroom to see what had happened, it does not support the negation of the same particular for the evening spent with the boys from The Marches and the two girls: his was a kind of *habitus*, and if that first time it had happened he had not flushed due to being confused in his drunkenness, it is feasible to hold that on the evening of the 1st of November he found himself in the same condition.

[271] Circumstances which seem not all that unusual for him, from the moment that – even leaving Mr BARROW out of consideration, who exaggerated and overdid it only in his first version and who can be held to be unreliable enough – many people close to him remember that he used to drink a bit too much and had seen him drunk, more or less often.

[272] In a case as unique as this one, however, it is RUDY's own account that takes on a primary importance, and not to allow the adoption of anywhichever half-measures: given the uncontestability of his presence in the house, and of the fact that he had a sexual contact with the victim, the only alternative is that he is totally extraneous to the facts (if he has said the truth) or that he has committed the murder (if he has lied). There is no possibility, logical or concrete, to hypothesize that the detainee had said one part of the truth, because he was there and well knows how things went, but had no role in the dynamics of the facts that led to Ms KERCHER's death: this is to say that today he stands firm on his

own unsustainable position to cover for someone else. But, on the contrary side, it was he who chose not to co-involve others, there being no other explanation for his tardy recollection of Ms KNOX's presence, and evidently he shifted his comportment when he understood that there was someone else who wanted to let him go alone to face his destiny.

[273] If then Mr GUEDE committed the murder, and it is not in fact true that MEREDITH allowed him into the house because of any tender feelings or of the friendliness from the evening before, the sexual contact abovementioned was not correlated with a moment of intimacy preceding the homicidal action, but was on the contrary simultaneous with this latter, resolving itself thus in the evident finality followed through on by who gave it course (for the reasons already espoused in the aforementioned provisions *ex* Article 299 Criminal Procedure Code); and it is necessary at this point to again repeat that the elements collected from the preliminary hearings do not already depose to an hypothesis of unique responsibility, but indicate – as already adverted to on the occasion just recalled, without the necessity of repeating abundantly ardent argumentation – that the criminal conduct was set in motion by multiple authors.

[274] It is as much reasonable to hold that, after the realisation of the murder, a certain amount of time passed by before the crime scene alteration activity and – here indeed – it is not possible to take it as proved that multiple persons were participating in this second phase, or that it was a case of the same ones present at the moment of the attack on Mr KERCHER.

[275] That someone returned to the house, taking care to sketch out the pantomime of the clandestine ingress of thieves or other chance malcontents, has been equally affirmed, and it is once again sufficient to recall the precautionary custody order; in that same context, the authors of the falsification also intervened in the victim's room, and perhaps removed the bra from MEREDITH's body, if they had not already done so straight after the girl had fallen to the floor.

[276] The theme is of indirect interest, it being a case here of the position of an accused who has not been called to answer to a charge of simulating a burglary, but is in any case to be faced because – in the contrary perspective put by Mr GUEDE's defence – that someone re-entered and set about making it look like there had been a sexual assault in that room, aimed at falsely accusing the accused himself, and not satisfying themselves either with the suggestion of the idea of a robbery leading to an uncontrolled lethal outcome.

[277] Starting from the alteration, and therefore preceding in reverse, it is clear that the bra was being worn when the blows were received, otherwise it would not show the same point-like marks of blood as found on the girl's breast; it is as much evident that it was removed from the victim after some time had passed, it is not known how much in quantifiable terms, but in any case sufficient for the production, on MEREDITH's back, of some marks shown in photographs 268 and 770, corresponding to the shoulder straps. In any case, and with equal undeniability, those small point-like stains were able to be made only because the bra was the only item of clothing that the girl had on her chest, otherwise they would have stained her sweatshirt or one of the tops, which were instead rolled up, up to her neck. At the same time, it was staged that someone had introduced themselves in the house by means of the window in

Ms ROMANELLI's room (probably to rob, but they had possessed themselves neither of a laptop on the desk, nor of jewels easily accessible in a drawer) and effected a more or less rudimentary clean-up activity, sufficient to make totally vanish from the house, except for on a glass on the draining board, the fingerprints of a girl who was spending days and nights there.

[278] From which it follows that there indeed was an alteration, someone certainly having an interest in returning to the place (from which they had been determined to distance themselves in haste) to improvise artificial scenarios and to make any compromising trace vanish, but not sufficient to produce the result so as to dictate, by themselves, a conclusion that there had been sexual violence: that conclusion was already derivable from the context, since it would have been ascertainable in any case that the girl was semi-nude at the moment when she was being attacked. As well, taken the considerations from a few pages back up again, it is not clear why the unknown stagers, wanting to make all the suspicions converge right on that boy of colour that they had found on their path like a guilty party to offer up a bit like a sacrificial lamb, would have needed to force-feed a fiction of sexual violence: what did they know, themselves, that RUDY had gone to the bathroom struck by colitis after having intimate relations with MEREDITH, and that therefore the vaginal swab or other testing would have revealed evidence of a petting or something of the sort between the unfortunate and the deceased student, so as to render necessary corroboration of the thesis that it was a case of non-consensual sexual contact? Why would they not have been satisfied in making believe in a burglary gone bad, seeing that their fundamental interest was in any case steering the investigation towards subjects outside of the house?

[279] The so-called false trail activity, taking place during a second time period, was not deliberately aimed at inculcating Mr GUEDE. It is moreover likely to hold that Mr GUEDE did not take part in it, in conformation with the prosecution position: for the rest, if he had had means and reason to return to that house, he would have busied himself with the smallest of glances with making his faeces disappear from the toilet, with them being a sort of signature of his presence. And it cannot seem strange that only someone went back there, given the circumstances described – in the context of the scream heard by Mrs CAPEZZALI, that all those present were aware of the potential factor of the arrival of bystanders or of the forces of law and order – in which the aggressors were forced to run away: as mentioned several times, the witness heard the sounds of steps running on the driveway, then along the metal stairs and in the other direction, in the space of “two seconds, one minute” after the scream that had made her skin go into goose bumps, a time brief enough that for sure did not allow the full mise-en-scène in Ms ROMANELLI's room, or the likely cleaning activity.

[280] It follows that the decision to re-enter the abode was taken when whoever ran away was already separated from the other escapees, because they had gone in one of those directions, while the others had gone in the second: and, if RUDY himself had gone in the second direction, the others did not even have his phone number to tell him about the idea of going back, admitting that whoever decided that would have had an interest in involving him in it.

[281] A further logico-deductive consequence is, however, that of the impossibility of collocating in one rather than in another in those moments for removing the phones and money from the victim: the

circumstance that this happens after everyone runs away after the scream (and RUDY was part of the group) has the same value as that which has the stolen goods purloined in the same context as the clean up, the breaking of the window and the manipulations of the body. In the concrete, therefore, the last thesis appears more likely, since the initial moment of the flight from the scene was necessarily connoted by suddenness, and a conduct as thought-out as that of taking the phones not for lucrative ends but to make them disappear chimes ill with haste: the procedural outcomes that lead to a conclusion of holding Mr GUEDE guilty of murder in company aggravated by sexual violence cannot, in any case, be held sufficient to declare him also criminally responsible for the further offence of theft, as put to him.

[282] Nor can the discovery of mixed DNA from the detainee and from the victim on her purse result in being decisive for this purpose: on the basis of statements as made, it appears that MEREDITH had the habit of keeping at least one of the phone in her trousers or in any case on her person, and it is not documented anywhere that the 300 Euro allegedly stolen was to be found, in its turn, in that purse.

[283] The friends of the girl, in fact, remember her as being used to going around with a much smaller quantity of cash, and she would not have had a reason to go out with such a sum after, being able to keep it in the house safely. Without overlooking such a significant fact, suggested by the questions formulated by the party expert Dr BARBARO for Dr STEFANONI: in contrast to what was revealed by the sweatshirt, where the accused's Y-haplotype was identified but not a mixture of DNA in the form of a nuclear genetic profile, on the purse there were both; and if one PCR cannot reproduce two coexisting DNAs when one is significantly less than the other one, the more abundant one being the only one amplified, this means that on that exhibit there was quite a bit of biological material, also attributable to Mr GUEDE.

[284] The location of the trace, more or less halfway along the clasp, then allows the holding that the most likely active grip of the purse was to lift it and move it (to do what, is not necessary to be demonstrated), like one does when squeezing in the middle of the zip rather than grasping it by the handles, not to open it to search through the contents: nor inside the purse in question were the found other traces, or bloodstains.

[285] Turning to the principal charges, even to affirm Mr GUEDE's responsibility under the heading of complicity – and leaving aside obviously what will be the outcome of the trial against the co-accused – the considerations reached in the precautionary custody venue have value. In admitting Mr KOKOMANI's testimony, it was highlighted that it was only him who stated that on a certain night (but then he was not that certain) the three subjects were together, and so therefore his testimony was the only one pointing to a pre-existing acquaintance between the three protagonists in the proceedings, such as to make himself indispensable even though no one had urged him on it: the testimony had the result already mentioned, and does not merit other comment if not the confirmation of the expressions "ravings" already adopted to describe Mr KOKOMANI's contribution, but that is not to say that the charge *ex Article 110 Criminal Code* remains privy of the necessary probative support.

[286] There is no direct means of proof, or if preferred there was but it was diminished, at any rate the uncertain fact (meeting Mr GUEDE with the other two accused) does not require rigorous and detailed ascertainment in terms of modality, occasion and time, above all if the certain facts include the consequent outline of that supposed unknown (the presence of the three at the scene of the crime) they are abundant, and all abundantly proven: the picture used in the *de libertate* proceedings, according to which, in a context of twenty-somethings and a university town, young people meet up without the requirement of a notarial deed, also applies in this venue. Nor need we be troubled with looking through phone records for that evening, since, in those days, Mr GUEDE did not have his own phone.

[287] RUDY was living a very short distance away from Ms KERCHER's house, likewise from Corso Garibaldi, where Mr SOLLECITO was living, and from Via Sperandio; it had already happened to him that he had been invited to Via della Pergola (the evening of the little nap on the toilet, after OWEN's birthday) or to pass by to have a look (on the 21st of October: meaning this is also a notorious fact, easily accessible via the web, is the date on which the last Formula One race of the season was held; PER INCISO, the England-South Africa rugby game was played the evening before, but on the 21st – despite the clear recall of the pleasant conversation he had had with MEREDITH – he didn't drop by to say hello at all, neither before nor after the Grand Prix). By which there was indeed the potential of a meeting, and – as already adverted to – it is curious to note that he had not said the truth as regards his movements in the time period immediately prior to the murder, having been contradicted at root by Mr CRUDO and Mr MALY, with the sole consequence being having to hypothesize that the truth had not been said to hide something that was not to be permitted to be made known.

[288] At the same time, RUDY is not credible along the entire course of his reconstruction, included therein the particular of his ingress in the house with the blessing of Ms KERCHER, who would have acceded to a prior *rendez-vous* or perhaps only finding him in front of her then and there, by reason of the moment of tenderness and complicity shared the evening before: and, if it is not true that he heard an invite to him to come in from MEREDITH, if the signs of a break-in were after the death of the girl, if RUDY was in that case in the same context in which there was someone who would have then manifested an interest in making believe there was an ingress of low-life unknown persons, the only conclusion is the Mr GUEDE entered Number 7, Via della Pergola because someone else let him in, the holder of that interest just described (who can be no other than Ms KNOX).

[289] Coming to the dynamics of the attack, the certain facts, in merit of interest as it relates to the accused's position, are: the discovery of multiple blood stains between the zone of the desk (where there are two that seem to be the result of direct dripping) and the wardrobe (where the traces are much more numerous, for the large part spatter); the multiplicity of lesions caused to Ms KERCHER, some of which are on the right hand which evidently was, at least for an instant, brought by the girl to her defence; the presence of Mr GUEDE's DNA on the left cuff of the sweatshirt.

[290] Not certain, instead, is the presumed ecchymosis in the ano-genital region, which perhaps is a hypostasis (it could be nothing else because of the symmetrical distribution of the hypothesized lesions, unusual if one thinks of a violent action but normal when it is assumed that the marks originate from the

position of the body), because to imagine the histological sampling effected at a distance in time had not intersected with the ecchymotic area is pure conjecture: but this, as already shown, has no value in excluding sexual violence, clearly realisable on the heels of a menace by a knife and without leaving ecchymoses of any sort.

[291] The location and characteristics of the blood stains do not seem to point with absolute certainty to a forwards prone position by MEREDITH in the moment in which she was struck by the knife: if the girl had been forced to assume that kneeling position, some further signs on the upper limbs would have been expected. It is instead reasonable to hypothesize that she was still standing, as the more clear and sharp blood stains on the desk suggest, and immediately afterwards she was pushed backwards so as to assume a supine position, seeing that at the autopsy an ecchymosis on the back of the neck was noted: in this latter position she received the lethal blow on the side of the neck, such that her airways were blocked by blood, and she aspirated it, producing the small droplets on her chest and bra.

[292] The sexual aggression, in any case clear to see (it must be repeated) because a chance burglar, surprised by the owner of the house, does not stab with one hand while the other is pulling the victim's top up, is not contradicted by that dynamic: the outcome pursued, of inducing Ms KERCHER to consent by force or be subjected to sexual activity, could certainly have come about through an initial recourse to the knife aimed at causing a more superficial wound to the girl (and aimed at producing the first drops of blood), to then lead into an escalation of violence which was no longer controlled in the face of the reactions or the scream of MEREDITH. That which produced the stains on the desk was not, clearly, the fatal stabbing, which if it had been at that point in the room and with the girl standing would have produced a gush of blood over a large distance, not drops dripping vertically: and at that moment no one would have started wasting time with the top, or with the underwear and genitals of the victim, to whom it had only become evident, *per facta concludentia*, what the plan for the evening was that her aggressors were intending to realise.

[293] Straight afterwards, with the girl on the floor, there started a series of touchings, materially referable to Mr GUEDE, which left biological traces both on Ms KERCHER's bra as well as in her vagina: and it is shown, once again, how the passive supine position of the subject was the most convenient to allow touching of this type, therein encompassing the hypothesized manoeuvre to spread her legs, documented by the bruising on the left thigh. Therefore, it is pure fantasy on the part of the Public Prosecutor in assuming during closing address that RUDY would have had the task of "preparing" MEREDITH, while the others were involved in mutual play, so that MEREDITH would have been put on all fours while someone was trying to penetrate her with his penis or fingers until someone else would have buried the knife in her neck: a fantasy unsupported by the procedural outcomes, and in any case useless for reaching any affirmation of the criminal responsibility of the current accused.

[294] He was there, and actively participated in the aggression, both touching her in the way described as well as blocking MEREDITH's hand. The various lesions on her right hand, while there was only one,

much smaller one, on her left hand, document that the girl had her right hand free, and tried to defend herself with it, for a quite brief period but surely more freedom than was given to the left: this while her right hand remained unblocked (there is an ecchymosis surely here, and is interpretable as the consequence of a last violent wounding gesture). By sheer chance, Mr GUEDE's DNA was found right on the left cuff of the sweatshirt, that is to say corresponding to the zone where it is more natural to grasp an arm whose movement one intends to impede: there is no merit in maintaining that that item of clothing was not being worn by the victim at the moment of aggression, nor that to leave traces of biological material a mere superficial touch would have been sufficient, nor finally does a contamination of the exhibit appears likely.

[295] Under the first aspect, the fact that MEREDITH's left hand appears abundantly stained with blood in the photographic exhibits is not in fact in opposition to the assumption that has the sweatshirt being worn during the act or at least at the start of the attack: that blood does not originate, as already underlined, from wounds on the same hand, but from a subsequent contact of the limb with the zone majorly covered by the haemorrhage, prolonging well after the death of the young woman. Before touching all that blood that was flowing up through mere force of gravity, her hand had already passed across the cuff and sleeve of the sweatshirt, at a moment in which it was still practically clean: or else, an equally likely scenario, the sweatshirt was removed when the blood on her hand had already dried, as occurred with the stains on her chest that were not reproduced on the quilt.

[296] The defence thesis is not correct, as well, which has the sweatshirt as becoming stained only because of contact with the girl's body: it's true that the major quantity of blood stains appear in a kind of double stripe on part of the back, as documented in photo 241 in the photographic album produced by Forensics, but on both sleeves the immediately following photos – numbers 242 and 243 – otherwise show point-like marks or droplets.

[297] As regards major or minor contact force, to back-up the biological test results, the hypotheses of a superficial touching or so-called "secondary deposition" are scientifically respectable, but not concretely plausible in the case in hand: this is because of an alternative route, that is as well as on the basis of substantial lack of defence wounds on the left hand, by which one reaches the conclusion that that hand was impeded in its movements, therefore placed under a strong restraining force, and is by sheer chance right at the typical point of a grasping action that one finds DNA attributable to the accused.

[298] In point of concrete probability, not just abstract academic debates, what is the most reasonable reconstruction, the one that sees RUDY having brushed the sweatshirt (who knows how, in a context of caresses that certainly would not have let it be understood that the girl's wrist was an erogenous zone) or that which points to him as participant in the violent act?

[299] For the rest, if it is true that RUDY's biological material on the sweatshirt – as distinct from what emerged for the purse – was not much, or better was much less than that co-present and attributable to the victim, it must be kept in mind that the quantity has not been expressed by Dr STEFANONI in terms of absolute values, rather in proportions of how much DNA would be needed to lead to another genetic

profile: So, it is one thing to make an observation of the sort about the purse, found still on the bed and where MEREDITH's blood in fact was not except for that carried there on the hands of the accused, it is an entirely different thing to effect that proportion on an item of clothing which, above all for having remained in contact with the body in the hours following the death, was much more stained with blood. Without forgetting that, small or great whether the DNA in the traces be, the RFU data useful for identifying Mr GUEDE's Y-chromosome profile were all above 100.

[300] The same idea about contamination, vaguely pursued also in the interest of the accused on the back of the attitude assumed by other lines of defence, time will tell. It has been claimed that Mr GUEDE's DNA was abundant in that room (given the reconstruction offered by him), with him having touched more or less everything: So, it is possible that there had been transfer of biological material by mere contact of the sweatshirt with other objects or surfaces: as evidence, the images were illustrated of the second crime scene search by Forensics, on the 18th of December 2007, which show how the piece of clothing in question was found inside a clothesbasket on one side of the room, together with other clothing, and then grasped by officers not changing their gloves, straight after those same officers had lingered over visible blood traces.

[301] In reality, though, it is not as if a lot of the accused's DNA was found: as noted previously, there was some – in addition to the famous cuff – on the body of the victim and her bra (both carried out of that room, and therefore no longer factors for contamination), on the toilet paper (but that was in the bathroom) and on the purse. To be clear, nothing forces one to hold that RUDY's biological material was in great quantity, almost as if required in the room or parked on the floor: incidentally, there wasn't even any [DNA] on two of the three towels (on the third nothing was found useful for scientific purposes, owing to the deterioration of the evidence exhibit) which however the detainee claims to have extensively handled.

[302] For which, equally with what has already been observed analysing other positions, the contamination thesis has been maintained with energy worthy of better cause.

[303] In short, Mr GUEDE participated in absolutely active terms in the joint action of multiple attackers, even if it was not him dealing the mortal blow: however, the specific role adopted by each of the accused not having been described in point form, it has been clarified in the argument phase by the Public Prosecutor – and it was in any case evident already on the basis of procedural outcomes – that the charge of holding the knife not be raised against him. This consideration, incidentally, relieves this court of the onus of facing the question whether the seized knife is to be held to be the murder weapon, because nothing shifts in the viewpoint of the one who, in all likelihood, sees a weapon being drawn by someone else while there was evolving, and precipitating, a design planned otherwise.

[304] The question to face, with reference to Mr GUEDE's position, relates instead to the impact of the evolution of that criminal plan on whether the fullness of the complicity of the accused in the initiative thought out each time can be maintained or not: firstly in the idea of involving MEREDITH in a widened

sex play, even at the cost of resorting to forceful methods, so, the play becoming heavy, in real and proper sexual violence, and finally in murder, in the face of persistent resistance by the victim.

[305] A question which, in technical terms of substantive law, involves the necessity of evaluating whether on the facts given there is or is not identifiable an hypothesis of so-called “anomalous complicity” *ex* Article 116 Criminal Code.

[306] In cases of murder following an intended robbery, statistically the most frequent case in the potential application of the law just referred to, the Supreme Court has affirmed that “the foundation of the specific hypothesis of complicity in an offence pursuant to Article 116 Criminal Code has to be recognised in the fact that, while he who is committing the offence alone is in a position to, at every moment, control the unfolding of his conduct and direct the same towards the foreseen and desired event, instead he who joins with others to put a criminal action into motion is constrained to trust in the conduct and willingness of the accomplices, whatever be his level of participation and his role, for the completion of that action. From which it follows that in this situation he must not underestimate the danger that his co-participants or one of them would have in deviating from the principal action by the assumption of initiatives to face sudden likely difficulties, thus exceeding the limits of the agreed joint action and committing a crime different to, and more serious than, that initially intended” (Cass., Sez. I, 25 giugno – 22 settembre 1999, RV 214113).

[307] More recently, on a different set of facts, the Court of Cassation has held that “responsibility for anomalous complicity is recognisable only when the event different to and more serious than that desired by the co-participants constitutes a logical development foreseeable as a possible consequence of the agreed conduct by a subject of normal intelligence and average education [high school], according to rules of ordinary coherence in the unfolding of human affairs, un-interrupted by accidental and unforeseeable factors. There are therefore two negative conditions required: that the different event had not been desired under the aspect of either alternative intention [dolo alternative] or indirect intention [dolo eventuale], because otherwise it would trigger responsibility pursuant to Article 110 Criminal Code, and that the more serious event not be concretely realised as a consequence of exceptional factors, or overwhelming ones, or mere chance ones not aetiologically tied to the criminal conduct at its base, and not foreseeable on the part of the agent” (Cass. Sez. I, 24 ottobre – 17 novembre 2006, RV 235427).

[308] In substance, for there to be anomalous complicity and the consequent reduction in penalty, it is necessary that there be neither the extremes of an acceptance, on the part of the subject hypothesized as having wanted to be an accomplice in a particular criminal fact, of the risk that – through a foreseeable initiative by another accomplice – a further and more serious event occurs: but if the lesser form of dolo suffices, that of indirect intention, to allow argument about full complicity *ex* Article 110 Criminal Code, it is not seen how, in the case in hand, Mr GUEDE’s culpable willingness can travel beyond those confines. Admitting that he was tagging along with an initiative more or less improvised by others, rather than having devised it himself in the first person (when in doubt, for the rest, one

cannot but select the option most favourable to the detainee), one can in effect hypothesize that RUDY knew nothing about the knife, or perhaps nothing showed in any way that could be seen as a resorting to violence to induce the girl not oppose herself to it: at a certain point in the action, though, the knife came out, and someone made repeated and prolonged use of it. The foreseeability that the weapon would be used not to wound or menace, but actually to kill, originates in the same moment in which the knife was produced, and becomes ever more likely with the progression of the criminal *excursus*, connoted by the constant resistance of the victim and the set of the enduring and ever-increasingly insistent wounding activity by the material authors.

[309] In the face of so many wounds, both whether in large part defensive and of containment, and in any case of numerous wounds from a bladed weapon, even if he found himself participating in the action holding one hand to impede any movements by the girl, and using the other to satisfy his own lust, he could not be a mere spectator, incapable of being aware of what was coming about: the same, and not negligible, time that was necessary to realise that lesional activity, must be understood *ex se* a factor relevant for excluding that a likely accomplice remaining in the background (and Mr GUEDE was not that) was standing back on something that was escaping out of his control.

[310] The clear evidence of the violent act, at least from a certain point forwards, was unavoidably manifested even in the eyes of those who brought into the equation, and wanted to participate in, something much less brutal: at the beginning it must be held that there was an agreed plan to satisfy sexual instincts, but then the modification of the plan towards homicidal intentions (which indubitably happened in a moment subsequent to the introduction into the scene of the knife, used at first instance for menacing purposes, in emerging to the victim's reaction) was received, accepted, and followed through on by everybody, given that everyone kept on being co-protagonists in conduct which lasted well after the appearance of the weapon; no one ran away first or tried to stop the others, nor to seek help, nor display dissent with respect to that criminal progression. Assisting in repeated knifings, inasmuch as those initial ones could have had connotations of menaces, on the part of the one who was employed in holding the subject passive, does not indicate that that person could have foreseen and, further, accepted the risk that a mortal wounding would occur, but does make evident the participation of that subject for the ends followed through on by the person who was holding the wounding implement. The biological tests, mentioned multiple times, and the testimonial data (the simultaneous flight from the scene of multiple persons, according to Ms CAPEZZALI) speak unequivocally in the sense just illustrated.

[311] We find ourselves thus in front of a criminal accord to be held directly relatable to the sexual violence, and supervening in the course of the operation towards the later event constituting the death of Ms KERCHER; accords that at any rate, for both the offences committed, describe complicit concrete facts within the meaning of Article 110 Criminal Code as charged against all the co-defendants and, as regards what is of interest today, as charged against Mr GUEDE.

[312] The doubling of the criminal facts under discussion do not in any case encompass complicity of offences, neither materially (hypothetically, as a continuous offence) nor formally: according to what the Court of Cassation has specified, accordingly with the rest of the conclusions surveyed on the point by the Public Prosecutor, [“]formal complicity is ruled out between the crimes of murder and of sexual assault committed contemporaneously, this last being included within the first *sub specie* of the aggravating circumstances *ex* Article 576, first paragraph, number 5, Criminal Code, without there being any connection of a finalistic type between the two offences being called for” (Cass., Sez. I, 29 gennaio – 25 marzo 2008, RV 239365), and analogous indications were provided also as regards the particular offence to which Article 609-*octies* Criminal Code applies, when there is sexual assault by a group (Cass., Sez. I, 28 gennaio – 22 febbraio 2005, RV 230149).

[313] One solution remains, therefore, consistent with the structure and rulings of the complex offence, pursuant to Article 84 Criminal Code, being the sexual offence now absorbed into, as aggravation, the more serious offence of homicide governed by Article 576 paragraph 1 number 5 Criminal Code; it remains to be seen, though, being a matter of aggravation, whether there exist signs of the contrary, ideal for taking on a profile in a likely comparison judgment.

[314] The only possible mitigation, *ictu oculi*, is generic mitigation *ex* Article 62-*bis* Criminal Code, but it cannot be held, in the opinion of this writer, that Mr GUEDE is worthy of it: and in any case, in the hypothesis in which one would apply mitigation in favour of the detainee, it would be in line with justice to prevalently hold the aggravation above-signalled, which connotes the same reasons motivating all those responsible for the murder, and in particular of who it was who gave material course to the sexual assault conduct.

[315] This Court is of opinion to not grant generic mitigation, because the elements to consider in favour of the accused would not be calculated to overcome, in the contrary perspective, either the disconcerting gravity of the criminal conduct, or the weight of Mr GUEDE’s *post delictum* specific behaviour, above all where it is taken into account that he, given the unreliability of that which he has amply dwelt on, not only made false declarations, but he literally invented an almost unending series of tall tales [=whoppers, eyewash].

[316] In favour of the detainee there are: the prior clean record, in the face of a rather problematic personal experience; the circumstance that it was not him who was holding the knife that struck the girl; the possibility that Ms KERCHER was in any case being given aid, there being otherwise no explanation for the presence near the body of three towels more or less fully soaked with blood. At any rate, the clean record (apparently, seeing that only a few days before the fact Mr GUEDE was going around Milan with stolen merchandise) cannot always constitute always and in any case a kind of bonus refund to present at the cash register, especially when crimes are being discussed which reveal an absolute lack of inhibitory brakes and tendency to overcome weaker subjects; RUDY’s personal vicissitudes are to be then read in parallel with the numerous occasions given to him, with no ulterior purpose, by various families disposed to help him, who already were offering him the possibility of redemption and of

constructing a contributive and normal life, in respect of others, without at any rate finding any seriousness of intent in the accused; and the fact that it was not him who was wielding the knife is not enough to relegate him to second place at the scene of the crime, seeing that it was he himself at the same time offending against the sexual liberty of the young woman.

[317] There remains the particular of the towels, on the other hand, of an uncertain reading if one does not have faith (and one cannot, as demonstrated) in the declarations made by the accused: if they serve in any case to improvise some sort of aid intervention as regards MEREDITH, as much shoddy as useless, it is possible that it was only him to pick up those towels, or else that all the attackers did it, once they had realised they had overstepped the limit.

[318] But it is not possible that this tardy reversal of tendency, when already the size of the wound given to the victim's neck made the insufficiency of the attempt apparent, can go to overcoming the extreme gravity of the charge, with a girl of 20 years deprived of the worth of her life in such squalid circumstances (and these circumstances were due to whoever had decided to commit the crime with such shallowness and lightness), and to whom enormous suffering was caused solely for the disappointment of having seen base demands refused, as MEREDITH had the right to do.

[319] Coming then, and finally, to the sentencing aspect, by effect of the contested aggravation, it leads unavoidably to a life sentence, without at any rate the recurrence of further penalties which can determine day-isolation; from which it follows, it is substituted by a penalty of 30 years' imprisonment, as per the fast-track option. Following on from this by law, the payment of procedural costs and the reimbursement of prison maintenance costs during the period of precautionary custody, as well as accessory penalties pursuant to Articles 29 and 32 Criminal Code, by reason of the gravity of the penalty inflicted, and Article 609-*nonies* Criminal Code, given the recognised responsibility for the crime of sexual assault, although absorbed into the more serious charge.

[320] There is no standing to provision for, in this venue, property under judicial sequestration, by virtue of the prosecution of the trial as against the co-accused.

[321] By effect of the constitution of civil parties,

...

{costs orders follow}

...

[328] FOR THESE REASONS

The Preliminary Hearing Court

having regard to Articles 442, 533 and 535 Criminal Procedure Code

DECLARES

RUDY HERMANN GUEDE

guilty of the crimes charged against him under headings (A) and (C), holding this latter charge absorbed within the offence of aggravated murder, and – with the reduction provided for by the choice of proceedings –

CONDEMNNS

him to a penalty of **30 years of imprisonment**, as well as the payment of court costs as well as the reimbursement of prison maintenance costs during the precautionary custody period suffered;

having regard to Articles 29 and 32, 609-*nonies* Criminal Code

DECLARES

RUDY HERMANN GUEDE

debarred in perpetuity from holding public office and from any office touching tutelage and care, as well as in a state of legal interdiction during the expiation of the penalty;

having regard to Articles 538, 539, 541 Criminal Procedure Code

CONDEMNNS

RUDY HERMANN GUEDE

- to payment of damages to...

- to payment of damages to...

- to payment of damages to...

having regard to Articles 4442, 530 paragraph 2 Criminal Procedure Code

ACQUITS

RUDY HERMANN GUEDE

of the imputation ascribed to him under heading (D), for not having committed the fact;

having regard to Articles 442, 544 paragraph 4 Criminal Procedure Code

INDICATES

as ninety days the period for the deposition of the judgment reasons.

Perugia, 28.10.2008

The Judge

Dr Paolo Micheli