

Mr. Luciano Ghirga Lawyer Carlo Dalla Vedova
Piazza Piccinino n. 10 Via Vittorio Bachelet, 12
006122 000185 Perugia Rome
phone 075.5732555 tel.06.4440821
fax 075.5723956 fax.06.4462165
e.mail avvocatoghirga@libero.it e.mail dvsl@dallavedova.com

COURT OF PERUGIA ASSISE

REQUEST PURSUANT TO ART. 507 cpp

Criminal Procedure. n.9066/07 RGNR

Hearing October 9, 2009

Ill.mo Mr. Chairman Director Dr. Giancarlo Massei Court of Assizes - Perugia, the undersigned attorney Ghirga lawyer Luciano and Carlo Dalla Vedova, such as defenders of Miss. **KNOX Amanda Marie**, charged in case no. 9066/07, account and ask the following.

It should be said, first of all, as it considers that the preliminary hearing just ended has amply demonstrated the strangeness of Amanda Knox to the facts of the charges A) B) C) D) E) F) of the decree which ordered in court on October 28, 2008 (all.to 1).

That conclusion is supported by evidence from witnesses from both the scientific evidence taken during the trial.

In view, however, the satisfaction of needs of undeniable proof and completeness of the picture of serenity in taking the final decision, so that will appeal instance MISUSE Ecc.ma Court should order, pursuant to art. 507 Code of Criminal Procedure, the recruitment of the following new evidence.

I) REPORT TRACES ORGANIC ARTIFACT 36

The trial has highlighted the unreliability of the results of the investigations of forensic genetics, by virtue of omissions and erroneous practices reported about the capture and execution of the findings of the investigation of the genetic type.

With particular reference to Exhibit 36 track B must first be stated as follows.

The knife, Exhibit 36, was kidnapped on November 6, 2007 at the home of Raffaele Sollecito from the kitchen drawer. From the reading of the deposition of the inspector Finzi are deduced how repertazione and conservation of the knife. In particular, it appears that the knife was inserted in a paper bag and then in a non-sterile box door agenda (see transcripts of the hearing 28 February 2009, p. 174/194 (all.to **2**)).

Later investigations were carried out on both the blade and the handle by the Scientific Police in Rome converged in the Technical Report of Investigation Forensic Genetics, signed by Dr. Stefanoni of 12 June 2008 (all.to **3**)

In the same report shows the result of the investigations related to finding n. 36, and, in particular.

➤ The Exhibit 36 is described as *"Big knife overall length of 31 cm, with 17 cm long blade and handle in black ..."* (Annex **to 3**, page 5);

➤ Are also attached with the images of the knife affixed to the letters in correspondence with the SEVEN withdrawals (A, B, C, D, E, F and G) and, simultaneously, shows the results of the generic diagnosis of blood conducted with tetramethylbenzidine and the diagnosis carried out with species specific anti-human antibody on the sample B, C, E and G. Both diagnoses have had **negative results** for all **samples** (all.to **3**, p. 77).

➤ E indicates the method of extraction (BioRobot "EZ1" QIAGEN) and the method of quantification used for tracks C, D, E, F, and G, (7700 Sequence Deceptor ABIPRISM - Applied Biosystems), quantification that has provided a negative result for all these samples. Nul the is specified about the instrument used for the quantification of the samples A and B, quantification,

writes Dr. Stefanoni, had, however, **positive outcome**: "... *The traces tested positive for quantification (tracks A and B), were subjected to amplification and subsequent capillary electrophoresis. The traces negative to the quantification (tracks C, D, E, F, G) were analyzed after concentration through the use of instrumentation Speed-Vac SC110 brand "Savant" ...* " (All.to. **3**, p.78

➤ During the hearing before the judge for the preliminary hearing, Dr. Stefanoni stated that the method used for the quantification of sample B of Exhibit 36 was the Real-time PCR quantification and that the (already reported as positive in the Report) was "... *in the order of a few hundred picograms ...*" (October 4, 2008 hearing transcripts, all.to **4**, p. 178).

Despite repeated requests from the defense tended to get some data necessary for the evaluation and interpretation of the data provided by the Scientific Police, only on July 30, 2009, have been filed so-called SAL (Progress Report) and the report relating to the quantification of DNA extracted from various samples.

An examination of the documentation described highlights several inconsistencies with the data in the Report of Investigation Forensic Genetics and with the statements made by Dr. Stefanoni in the course of its hearings or before the GUP is dibattimentali.

In particular:

1. it appears that the statement of Dr. Stefanoni arrangements have been made to quantify the sample B) taken on Exhibit 36 with RealTime-PCR can not find correspondence in reports generated by this machine and made available to the defense on July 30, 2009 .

2. Conversely, it is learned as the quantification was carried out, as well as for samples A and C of the same rep. 36 (as opposed to the one shown on p. 77 of the technical report signed by Dr. Stefanoni) with Qubit fluorometer and that the outcome was "**too low**", in Italian "**too low**" or "**insufficient**", as clearly indicated in its report of 13 November 2007 which is attached. (All.to **5**).

It 'absolutely evident the differences, substantial relief, in order to quantify the sample B) of Exhibit 36 of the Report genetics of 12 June 2008 (positive to quantification), as stated by Dr. Stefanoni at the hearing (quantification order of a few hundred picograms) and information that results in a clear and unambiguous from the scanned documents on record in July 2009 (quantification "**too low**", in Italian "**too low**" or "**insufficient**").

If, in fact, as can be seen from the reports of the quantification with Qubit fluorometer, the quantification of 36B finding was **negative-it** is legitimate to assert on the basis of the electrophoretic pattern also got-that there may have been contamination of the sample during amplification.

In this regard, consider, also, like almost all the tracks that have given to the quantification result of "**too low**" / **too low** / **poor** have not given rise to any genetic profile.

3. From the technical report is also possible to detect only the tracks as C, D, E, F, G of the rep. 36 have been concentrated, unlike the track B for which the concentration is not indicated.

Otherwise, in front of the GUP, Dr. Stefanoni claimed to have proceeded to the concentration of the trace also 36 B (all.to 4, pp. 177 and 178).On the basis of this information the expert asserted that the genetic analysis of the trace B of Exhibit 36 (knife) can not be repeated.

There remains, therefore, a contradiction between what is written in the Technical Report and reportedly at the hearing and is once again legitimate to ask the question about the concentration of the trace B of the rep. 36, and, in the negative case, in the hypothesis of unique amplification - as repeatedly-reported, since the volume of the same is shown in the SAL to be equal to 50 l (microliters), the extract still exists as indicated in the SAL of 13 November 2007, which is attached hereto (all.to 6).

In the light of these observations is quite clear the usability of the results obtained with the genetic investigations with particular reference to Exhibit 36 B).The defense counsel, Dr. Sarah Gino, has amply clear the unreliability of the genetic result considered non-compliance with the Recommendations of the International Society of Forensic Genetics and the numerous inconsistencies documentary.

We ask, therefore, that MISUSE Ecc.ma Court should give appointment to a board expert for an assessment of the fairness of the procedures used, the analysis of the results obtained, as well as the completeness of the documentation gathered, with particular reference **to the following questions:**

- 1) based on the characteristics of the Qubit fluorimeter used for the quantification of trace 36 B, the result is equivalent to what "too low / too low / too little";
- 2) if such conditions and with such a result, it is possible to carry out a proper analysis of the sample according to the procedures and rules of practice of the laboratories;
- 3) If so, is it correct to say that we are in the presence of "Low Copy Number DNA"(LCNDNA), and what are the procedures laid down by the protocols of the international scientific community on the point;
- 4) If in this case the above-mentioned protocols have been complied with;
- 5) If you can exclude by reference to Exhibit 36 track B a hypothesis of contamination: i) the preservation of the specimen, repertazione, storage and transport, and / or ii) in the laboratory during exams.
- 6) If in case of non-concentration of trace B of the rep. 36 - as reported in the report submitted-and amplification of only the same track - as advocated by Dr. Stefanoni

before the GUP-, it is possible that there is still extracted, given that the volume of the same reported in the SAL is equal to 50 l microliters;

7) If there is inconsistency between what is declared or included in the technical report by Dr. Stefanoni and how much is apparent from the documents filed on July 30, 2009;

8) if the arrangements for repertazione and conservation of the knife-Exhibit 36 - are suitable for securing the authenticity of the artifact itself;

II) GENETIC SURVEY OF THE FOOTSTEPS OF HIGHLIGHTED WITH BARE FOOT luminol.

The prosecutor claims that those who left the footprints marked with luminol has walked with bare feet dirty in the blood of the victim Meredith Kercher.

It should be noted as well as with regard to these findings, the preliminary hearing showed similar gaps and inconsistencies.

In particular, both in the Report of Investigation Forensic Genetics and in the course of the hearings Dr. Stefanoni testified the performance of only the generic diagnosis of blood by virtue of the positive luminescence (all.to 3, p. 14-218-219 - 220).

During the hearings led to two important circumstances: Luminol is a substance that reacts not only with blood but many products and highlighted so that footprints are not datable. To this is added the further ground that the 'biological analysis of the footprints of bare foot highlighted with luminol did not provide the biological profile of Kercher.

By filing the documentation relating to SAL (Feeds Workings) of the Scientific Police in July 2009, for the first time, it appeared that the same samples were analyzed with an additional test for the presumptive diagnosis of blood to the generic tetramethylbenzidine to detect the presence of blood. This test was negative as indicated by SAL tracks from 176 to 183 made on 29 December 2007 (all.to 7).

We ask, therefore, that MISUSE Ecc.ma Court should give the task of assessors for an assessment with reference to **the following questions:**

- 1) if the generic diagnosis of blood samples luminol positive should be confirmed by testing specific about the nature of blood;
- 2) whether it is possible to date the footsteps highlighted with luminol;
- 3) if the reading of the report relating to SAL showing the execution of the tetramethylbenzidine test on the samples marked with the luminol and if that test negative results;
- 4) if the results of these tests have been reported in the Technical Report of Investigation Forensic Genetics, signed by Dr. Stefanoni of 12 June 2008;
- 5) where scientific evaluation about the possible presence of blood may be expressed in the presence of positive samples luminol but negative to the test tetramethylbenzidine.

III) EXPERTISE IN ORDER TO IDENTIFICATION OF SHOE dell'orma DETECTED ON THE PILLOW CUSHION SHOE WOMEN ATTRIBUTED TO POSSIBLE.

The assessment in question is necessary in terms of the evaluation of the "method" of investigation followed by the consultants of the Prosecutor.

We read about it in the technical report signed by Rinaldi and Bohemia that *"it is possible to assume that that mark has been stamped by the heel and the central part of the sole of a shoe left. E' can be considered, based on the small size detectable and especially for the limited width of the heel, that the imprint probably refers to women's shoe. It is observed, in fact, that the imprint on the part of the heel measures approximately 39 mm while in the upper part (corresponding to the plantar arch, namely the point where it begins to widen, forming the sole of the foot) measuring about 46 mm. For these considerations, the size of the shoe that made the fingerprint verification may vary in number from 36 to 38"* (Report Technical Consulting signed by Lorenzo Rinaldi and Peter Bohemia, p. Slides 21 and 42 and 43 of the presentation all.to **8**)

".The report examined a photograph of the pillow case despite the finding was available for direct examination.

During the hearing hearing, the Inspector Bohemia claimed to have taken to comparing a shoe Asics measure 37.5 and to have *"found a sort of compatibility in the width of the heel, as well as investigating these insoles, I was able ... , it is a female shoe print* (May 9, 2009 hearing transcripts all.to **9**, p. 190).

This conclusion is based, as admitted by Bohemia during his hearing on the *"presumption"* that it is possible to find the shape of the heel of a shoe:

- page 221: "I have already stated that this is the part of the heel, because it is an element that makes them assume that the heel turn here"

- pag. 223: "this element here that is slightly curved, which makes me assume that this is a squirt of blood"

- pag. 223: "I assume is the heel"

The consultants defense Knox and Sollecito have largely resisted that conclusion. In particular, the prof.Torre commented on the observations of Advisors for the PM stating that *"it is a mere invention"* nell'orma analyzed to identify the part of the heel.Argues, rather, the defense counsel as the clearest picture to color the entire pillowcase is clear as it is a *"fold of the cushion that is that for some sort of plication has meant that here there is an open net , in fact I do not understand why it is always fully black and white image of this and a line that corresponds to a fold of the bloody pillow, here you can see it even better, this is a fold, there can be no assessment of the width of this mark that is attributed to a heel. "* (July 6, 2009 hearing transcript, all.to **10**, p. 1-2-30-31-32 and slides n.118-119-120-121).

In a more analytical Professor Torre showed that the footprint in question can be attributed to partial footprint of a Nike shoe break out 2: *"If we compare this image with this and taking into*

account repeat here that this curvature does not match to one edge of the shoe, but it corresponds to a fold of the cushion we see a series of footprints mutually parallel and curvilinear with cavity facing right, and here it seems a accennarsi increment ie reduction of the radius of curvature and it would seem an imprint of this part of the shoe, which in short means that this is a heel is absolutely arbitrary "(all.to 10, p. 32 et seq - n slides. 118 to 121).

Prof. Vinci claimed and demonstrated that the footprint on the pillow have been burned out from the shoe break 2 (Annual Technical Consulting Professor Win 11 slides all.to 11).

It 'obvious that it is essential to entrust the task to an expert to provide useful background information about the footprint in question and the reliability of the results achieved by the consultants of the Prosecutor.

We ask, therefore, that MISUSE Ecc.ma Court should give task to an expert in order to answer **the following questions:**

- 1) if the analysis dell'orma in sull'orma verification allows you to locate the part of the heel.In particular, if we can say on the basis of objective data *"that this element here that is slightly curved, which makes me assume that this is a squirt of blood is placed on the heel and has played the final part of the heel, then after here begins to turn, so here ends "(all.to 9, examination Inspector Bohemia, hearing transcripts May 9, 2009, p. 223);*
- 2) if you can and if it is methodologically correct to make a judgment in terms of attribution to a female shoe;
- 3) if, conversely, the footprint in question has similarities with the endorsement of a partial print of a shoe model Nike Outbreak 2 measures or, if, however, you can exclude the footprint in question have been omitted from the Nike break out 2;

IV) EXAMINATION OF THE EXPERT APPOINTED BY PROFESSOR GIP Bernaschi ABOUT THE ANALYSIS OF HARD DISK SEIZED

Prof. Massimo Bernaschi was conferred expertise in pre-trial procedures with the following question: *"Our review of the computers in the acts that it deems necessary, extract the data stored on computers seized from Raffaele Sollecito, Amanda Knox and the computer belonging to Meredith Kercher and recoveries from its hard disk all the data they present with the creation of a single clone of the hard disk, on a suitable magnetic finds, however, also causes the block occurred on the computer "as shown by the report of 21 March 2008 Prof. Massimo Berneschi to GIP Dr. Claudia Matteini (all.to 12).*

The Professor puts down the phone and dials another number. Bernaschi was heard at the hearing for recording evidence of 'April 8, 2008, and presented his conclusions about the electric shock that he "burned" irremediably indicating some causes that might cause such a technical flavor. However, he could clone the contents of the hard disk of Kercher and Sollecito, while it has not been able to clone the hard disk of Knox. The contents of the hard disk is not mentioned were analyzed.

The defenders deem necessary integration of the expert examination in the light of conflicting statements made by dibattimentali texts of the Postal Police about the delivery and the verifications of personal computers seized from the defendants in particular exams TROTTA Marco and Claudio TRIFICI of March 14, 2009 GREGORI and Mirko. The use of the machine Logic Cube as reported by the witnesses mentioned, it does not appear described in the report of Prof. Massimo Bernaschi March 21, 2008 as describing the activities of the witnesses during examinations at the institute of Prof. Massimo Bernaschi.

We ask, therefore, that MISUSE Ecc.ma Court should order the examination of the expert, Prof. Massimo Bernaschi.

V) EXAMINATION OF MR. Aviello letters LUCIANO ON THE COURT

This defense notes that during the trial were delivered to the President of the Court of Assizes of Perugia n. 3 olografe letters signed by Mr. Luciano Aviello of March 28, 18 gi Ugno and 13 July 2009 are attached (all.to **13**) at the time detained for other offenses. The assessment of the circumstances brought to the attention of the Court with the letters, deserves a closer look by means of examination in court. The same applies to circumstances relating to:

- a) the innocence of Amanda Knox and Raffaele Sollecito with facts to report directly to the Court;
- b) investigations with contacts with the heads of the SCO of Perugia and in particular, and to have had contact with the manager dr. Marco Chiacchera Police of Perugia and dr. Gabriele Paci.
- c) To n. 2 intruders in the house on Via della Pergola, impounded, as best seen from the minutes of the February 2009 inspection of the Police and March 2009.
- d) Written statements to the punch by one Mr. Florio reports that the innocence of Knox and Sollecito.

The circumstances are accurate and are relevant in relation to the process that is being celebrated. The credibility of Mr. Aviello must be demonstrated by an examination of the same.

The repeated willingness Mr. Aviello to inform the Court, with the three letters, about the circumstances mentioned by the same element of evaluation that are a must place the Court in a position to listen to him in the process, and its examination may be helpful to the process.

This defense notes that the great attention from the media following this process, may have influenced Mr. Aviello. The utmost caution is necessary for the examination in court, but at the same time, the Court must acquire all of the evidence, in order to exhaust all activities, even those that appear *ictu oculi* marginal or questionable reliability like this.

We ask, therefore, that MISUSE Ecc.ma Court should order the examination of Mr.Aviello Luciano about the circumstances referred to by the same court contained in the letters mentioned (all.to 13)

CONCLUSION

By virtue of the above, the defenders of KNOX Amanda Marie Dear MISUSE ask the Court of Assizes of Perugia under and for the purposes of art. 507 cod. proc. pen. to take the following evidence:

- I.Examination of genetic about the biological traces of Exhibit 36 (knife).
- II. Examination of the genetic type of the footprints of bare foot highlighted with Luminol.
- III.Expertise in order to identify dell'orma shoe found on the pillowcase (photo 105).
- IV.Examination of Prof. Massimo Bernaschi of the National Research Council of GIP dott.essa consultant Claudia Matteini, about all the circumstances of which the Special Inquiry on 5 April 2008 and the report filed March 21, 2008.
- V. Gene

Attached are the following documents:

- 1) Copy decree which ordered the judgment of 28 October 2008.
- 2) Transcripts of the hearing 28 February 2009, p.174/194.
- 3) Copy extract of Forensic Genetics Survey Technical Report of 12 June 2008 on the Exhibit 36.
- 4) Copy extracted hearing transcripts October 4, 2008 before the GUP, hearing dott.essa Stefanoni.
- 5) Copy Report of the Qubit fluorimeter with the activities of 13 November 2007.
- 6) Copy SAL related to finding 36.del 13 November 2007.
- 7) Copy SAL related fingerprints / footprints rep. from 176 to 184 on 29 December 2009.

- 8) RINALDI Lorenzo Pietro BOHEMIA - Report Technical Consulting, extracted p. 21 and slides 42 and 43 of the presentation made at the hearing on 9 May 2009.
- 9) BOHEMIA Peter transcripts extracted hearing May 9, 2009, hearing
- 10) TORRE Carlo Copy extracted hearing transcripts 6 July 2009, p. 32 and ss slides nos. 118 to 121, hearing Prof. Tower.
- 11) VINCI Francesco extract n. 11 slides from the Report Technical Consulting signed by Francesco hearing of 18 September 2009
- 12) Bernaschi Maximum copy of the report of 21 March 2008.
- 13) Luciano Aviello copy of olografe 3 letters signed by Mr.Luciano Aviello of 28 March, 18 June and 13 July 2009.

Yours respectfully,

Rome / Perugia there October 9, 2009

Mr. Luciano Ghirga _____

Lawyer Carlo Dalla Vedova _____