

Flawed DNA Evidence Amanda Knox case

Introduction

Kercher 21-year old female the victim of the case was found dead in 2007 in her apartment in Perugia central Italy that she shared with Amanda. The prosecution reported that she had been stabbed multiple times her throat was slashed, and her body had signs of sexual assault. Amanda and Sollecito (Amanda's boyfriend) were charged guilty of murder. In 2008, Rudy Guede who is an Ivory Coast national and had known Kercher briefly, was convicted and sentenced to 16 years in prison because his DNA was found on Kercher's body. He accepted that he was in the apartment but denied killing Kercher saying that Amanda and Sollecito had framed him.

Amanda and Sollecito were convicted of sexual assault and murder in 2009 but in 2011 the ruling was overturned by an appeal court (Castonguay2014). Amanda was freed from prison where she had been sentenced to serve 26 years and had spent four years and she returned to Seattle. Later in 2013, an Italy Supreme Court ordered a trial. It argued that the reasoning that was behind the 2011 reversal was contradictory, and a new trial began in an appeal court in Florence. Amanda declined to attend the trials and she said that she was afraid she would not get a fair trial. They (Amanda and Sollecito) were not obliged to attend the trial, but Sollecito made a few appearances, but he was not present during the verdict. The judges sentenced Amanda to 28 years in prison and Sollecito 26 years.

Amanda appealed again but if she loses Italy can seek her extradition. A U.S. judge can invoke the principle of double jeopardy where, in this case, a suspect is not supposed to be tried twice for the same crime. On the other hand, the Italian law does not consider a conviction final until the appeals process is exhausted regardless of the number of times a defendant has been on trial.

Forensic evidence

Kercher's bedroom was the crime scene. It was reported that she had been sitting on the bed when the attack began. On the floor, there were blood drops, and on the bed slats where the mattress had been moved. It appeared she had been stabbed in the bed but struggled towards the other side of the room where her desk was. There were shoe prints in blood, blood drops by the desk chair and Kercher's bloody fingerprints on the inside of the wardrobe giving an impression that she was trying to rise from the floor. There were also drag marks in the center of the room showing that she had been dragged from the wardrobe to the desk area by the killer.

Forensic analysis

The crime scene was dusted using fingerprint powder, and numerous fingerprints were found, but they were not found to belong to anyone involved in the case. Only one print on a water glass matched Amanda's print. An incriminating evidence against Rudy was found and this was a bloody palm print under the pillow (Weiss 2014). There were shoe and footprints also, and the shoe prints belonged to Rudy. Rudy's DNA was found in Kercher's purse sweatshirt and also touch DNA in her body.

A cooking knife was found in Sollecito's kitchen drawer and had Amanda's minute DNA mixed with DNA samples in Kercher's blood found in the bathroom sink (Weiss 2014). This was what was incriminating Amanda. Six weeks later after the murder, a broken bra clasp was found in Kercher's bedroom and when a forensic analysis was done it was found to contain minute samples DNA of

Sollecito. At the initial trials, the prosecution argued that it was a sex game gone wrong and then presented this evidence and argued that the murder originated from an argument between Amanda and Kercher regarding cleanliness in the apartment. Rudy was granted a fast-track trial in 2008 and was sentenced to 30 years in prison but was reduced to 16 years on appeal in 2009. The prosecution also provided witnesses that placed Amanda and Sollecito near the crime scene, and this contradicted their alibis as they had maintained that they had been together that night. The knife incriminating Amanda was reported by the prosecution to have been bleached by the defendants (Sollecito and Amanda). The witnesses also reported having seen the two defendants purchasing bleach in a nearby store. The prosecution also had strong evidence against Amanda that was a statement she had signed, and it placed her at the crime scene and also when she accused her boss Lumumba of committing the crime.

The defense brought evidence and claimed the expert testimony of the biological material not credible. The argument was that the materials were too small, and there could have been contamination in the crime scene or the lab (Lenth 2013). The police had searched the crime scene without gloves and had moved things. The knife could also have been contaminated with primary and secondary DNA of Kercher as Amanda and Kercher were roommates, and Amanda could have transferred Kercher's DNA to the knife while cooking in Sollecito's kitchen. The credibility of the evidence of the bra clasp was questioned on the basis that since Amanda and Sollecito were dating Kercher knew Sollecito. Shaking hands with him would have transferred Sollecito's primary DNA to her (Kercher) and easily to the bra clasp.

Another issue was that the two defendants were allowed back to the apartment after the initial evidence collection. This was not right it could have led to more contamination of the crime scene. Also, after microscopic examination of the knife, it was found to contain potato starch if it had been bleached like the prosecution had reported then there wouldn't be potato starch. The defense in the case of the signed statement argued that Amanda had been coerced into signing it as she had reported being slapped on the head twice during interrogation.

Conclusion

As seen, Amanda has been through many trials, and even the credibility of the evidence presented was in question. Moreover, there was no evidence collected against her at the crime scene. She was sentenced to 28 years in prison. This leaves one questioning the Italian Justice System.

Reference

- *Castonguay G. (2014) Italy Court Finds Amanda Knox Guilty of Murder of U.K. Student in Retrial. The Wall Street Journal.*
- *Lenth D. (2013) Life, Liberty, and the Pursuit of Justice: A Comparative Legal Study of the Amanda Knox Case. McGeorge Law Review / Vol. 45*
- *Weiss D. (2014) Veteran Forensic Scientist Examines Negligence in the Collection of Evidence against Amanda Knox. Retrieved from <http://inpublicsafety.com/2014/02/>*

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