

## Evidence Collection

By Steve Moore



The case against Amanda Knox and Raffaele Sollecito is centered on two pieces of evidence. These two pieces are a knife and a bra clasp. Their collection and interpretation defies logic. The knife (by the prosecution's own testimony) could not have inflicted 80% of the wounds on Meredith, and the bra clasp mysteriously appeared 6 weeks into the investigation.



**THE KNIFE:**

From examination of the crime scene in Meredith's room, it should have been obvious to any experienced or trained investigator that the rape and killing of Meredith Kercher was likely what is known as a "crime of passion." These crimes are unplanned, opportunistic crimes that usually occur spontaneously.

Some of the hallmarks of these crimes are highly disorganized crime scenes, where little, if any attempt has been made to conceal evidence or hide one's identity. No planning is evident. These are also sometimes called "clustered" crime scenes. A clustered crime scene is a location where the initial confrontation, the attack, the rape and the murder occurred at the same location, sometimes all within one room. Another hallmark of the crime of passion is that the murder weapon is almost always nearby or at hand. Whether it is a blunt object, a kitchen knife, or a pair of scissors, the assailant usually avails himself of the nearest makeshift weapon he can find within arm's reach. Sometimes, the person carries a weapon with them habitually. But rarely if ever do they bring a weapon with intent to use it to kill. That is because the attacker hadn't planned the crime.

Therefore, what an investigator should be looking for are any and ALL items which could inflict stabbing and/or slashing wounds. The logical thought for a crime scene analyst would be that the murder knife in this case was obtained from inside the cottage where the murder occurred. Stabbing wounds at the crime scene are so vague that simply by looking, an investigator cannot tell the difference between a letter-opener wound, a scissors wound, or a knife wound. Had I conducted the search of the cottage, I would have collected (and have in my cases collected) every single weapon of the type I could find in the house. This is "Investigations 101". What if the murderer got a letter opener from one of the OTHER girl's rooms, wiped it off and returned it? Do we not look in the other rooms? Of course we do.

Yet the police did not seize a single knife, letter opener, scissors, screwdriver, nail file...ANYTHING from the murder cottage for testing. Not one thing. It is inconceivable that in a cottage where four women lived, there was not a kitchen knife, or a letter opener, or scissors, or anything which might have been used. It leads one to suspect an investigation intent on proving a theory, rather than searching for truth.

Possibly the reason that nothing was seized from the cottage was that even if Meredith's DNA was found on an object there, it could not be used to implicate Amanda. But if Meredith's DNA was found in Raffaele's apartment, then it would be powerful evidence.

Instead of taking anything from the cottage, the police went to Raffaele's apartment; a five-minute walk from the cottage. A five minute walk is absolutely out of the question for the suspect in the frantic seconds a "crime of opportunity" would take. Undaunted by the sheer lack of logic, they enter his kitchen, and open a drawer to find a utencil tray. Jackpot! There were at least two knives in the drawer and From my viewing of the film taken by the crime scene analysts, both of them could have been a murder weapon. If the investigators were looking for a possible murder weapon in Raffaele's apartment then the same rules would apply. ALL items which could inflict stabbing and/or slashing wounds should have been collected. (though why they felt it would be in Raffaele's apartment I can't explain).

The police are staring at a gold mine of potential murder weapons. What do they do? If it had been an FBI investigation, the Agent would have scooped up every possible item in Raffaele's apartment that could inflict a stabbing and/or slashing wound. You never know until the lab reports get back. You might just get lucky and find DNA, or invisible blood or something. Every possible weapon seized gives police a better chance of finding the murder weapon! The more possible weapons, the better their chances! They would take them all and add them to the pile of potential weapons seized from the cottage, (which weren't there because the police didn't take them).

But in Raffaele's apartment in Perugia, the officer chose one. One. As if he knew which one he wanted.

If the murder weapon is in the apartment and let's say as an example, you take one out of 5 possible weapons; you have an 80% chance of missing it. If you take all of them, your chances are 100% of finding it. Choosing just one possible weapon is counter-intuitive. It is unprofessional. It is negligent. It

makes no sense. It absolutely devastates your chances of finding the murder weapon—if it was in that apartment to begin with. Mainly, though, it seems inconsistent with a search for the truth. I can only imagine having to explain to the United States Attorney that I left 80% of the potential evidence in the apartment. That would be an unpleasant conversation.

Now imagine their luck! That very knife blade allegedly bore a speck of DNA so infinitesimal that only two things could be determined for sure. #1: It wasn't blood. #2. But it was Meredith's DNA (kind of). The amount of DNA "found" was too small for legitimate testing, but that didn't stop the authorities. The size of the sample was also too small to be admissible in reputable courts, and substantial evidence indicates that the alleged DNA might have been only in the prep equipment in the lab. It turned out to be so small that it was "consumed" in the test. Therefore, no second test, or even a test by the defense was possible. The only thing not microscopic about this find was the luck of the find. This coincidence was immense beyond words. Or odds.

**Undisputed facts about the knife collected at Raffaele Sollecito's apartment:**

1. Meredith's blood was not on it.
2. The Italian Medical Examiner who conducted Meredith's autopsy testified that 4 of the 5 wounds found on Meredith COULD NOT HAVE BEEN INFLICTED BY THAT KNIFE.
3. The remaining wound could have been inflicted by any number of knives—including the knife that actually inflicted the stab wounds.



**THE BRA CLASP**

***EVEN IF RAFFAELE SOLLECITO PARTICIPATED IN THE MURDER AS DESCRIBED BY THE PROSECUTION; HIS DNA WOULD NOT BE ON THE BRA CLASP.***

With the knife discredited, only one piece of potentially real physical evidence exists in the case. A microscopic piece of DNA found on a bra clasp that in the course of 6 weeks, had been moved multiple times, finally swept into a corner and left.

It is undisputed that after her murder, Meredith Kercher's bra was cut off. The first cut was a vertical slice on the rear horizontal strap. This could not have been accomplished (and would be totally unnecessary) if the bra was not fastened. Next, the two shoulder straps were cut through and the body was rolled over. The bra at this point was removed from the front so that the breasts could be exposed without the need to remove her other clothing. This is not just the opinion of Steve Moore, it is also the official position of the Italian forensics experts

It is undisputed that Rudy Guede (alone) sexually abused Meredith. It is undisputed that he did so after the fatal wounds were inflicted.

Even the prosecutor's imaginative stories about the event do not allege that Amanda Knox or Raffaele Sollecito cut Meredith's bra off and removed her pants and panties after the murder so Rudy Guede could rape her. This left Rudy Guede to cut off the bra, as he took Meredith's clothes off. Yet Guede's DNA was not on the clasp! Why?

Simply because Guede cut off the bra, he didn't unfasten it.

Guede's DNA was not on the bra clasp because he never touched it. He didn't have to. He cut off the back of the bra, and as he removed it from the body, the short-end of the clasp strap fell to the floor. And there it sat for six weeks. If the rapist himself cut off the bra and never touched the clasp; what possible explanation is there for Raffaele Sollecito to touch the bra clasp if he was even in the room? There is no explanation that can pass any test for logic and reason.

So why was DNA consistent with Sollecito's found on the clasp? Why was the clasp not collected for six weeks? Is it possible that it had something to do with the complete lack of credible evidence against Sollecito and Knox to that point?

Join me at the crime scene the day after the murder. Humor me and accompany me as if it was an FBI case and I was assigned to investigate it. Assume the sublime for a second; that I think (though it defies logic) that Amanda and Raffaele were the murderers, and I had not already been relieved by my superiors for this strange, irrational theory.

I am now in Meredith's room. One of the first things I and everyone else notice in the room, after the body, is the bloody brassiere at Meredith's feet. I examine the bra evidence closely, without touching it, of course. And as a trained investigator, I notice that the clasp on one side of the bra is missing—physically sliced off.

This is important evidence. If it's in another room, it could indicate that the assault started elsewhere. It MUST be found. It would be on our "to find" list, much like the 'black box' at a plane crash. I would instruct that nobody leave that day until the bra clasp is found, or that I could definitively state in court that it was not in that house that day.

But, the bra clasp is plainly visible on the floor in Italian forensic videos that day. As well as center-frame of a photograph on the day after the murder. It is not an ancillary piece of evidence, it is a key piece. The Policia Scientifica saw it, but didn't pick it up. They picked up the bra, but not the clasp that was physically cut off. Possibilities:

**Possibility 1:** They failed to notice that the bra clasp had been cut off.

**Conclusion:** They are incompetent and any of their findings should be viewed with great suspicion.

**Possibility 2:** They didn't think it was important.

**Conclusion:** They are incompetent and any of their findings should be viewed with great suspicion.

**Possibility 3:** They looked but could not find the bra clasp.

**Conclusion:** They already had the bra clasp on video. Incomprehensible. (See Conclusions 1 and 2 above).

**Possibility 4:** They saw it, but didn't realize what it was.

**Conclusion:** They are incompetent and any of their findings should be viewed with great suspicion.

Finally, join me on one last trip. It is December 18, 2007, six weeks into the investigation, and I have returned to the crime scene to see if there is more evidence. Why would I do this? There are only two possible reasons:

- 1.) I'm in trouble. I have no real evidence. This is a "Hail Mary". Every competent investigator in the WORLD knows that anything found after 6 weeks at a crime scene (if not thrown out by a judge) will be at best suspect, and at worse, cause people to question my motives, and cast doubt on any other evidence I have already submitted—such as the knife. So the only reason I would go back is desperation  
OR
- 2.) Dramatic new information has been developed, and the evidence I'm looking for is for evidence of a completely new and different suspect. This was not the case in the Kercher matter.

The Italian police "found" the bra clasp six weeks after the murder in a swept-up dust-pile.

A 2009 University of Arizona study showed that 40% of household dust is organic, primarily consisting of shed human skin cells. This number, however, goes up significantly in a colder climate where doors and windows remain closed, and more than one person lives in the house. Perugia, that fall was cold. The doors and windows in the rented home were kept closed, and four women lived there, and at least two had boyfriends who were frequent visitors. So without scientific doubt, that dust pile contained a huge percentage of the DNA of many people who had previously been in the house. And the clasp sat in that dust for weeks. The police subjected the clasp to DNA examination and found, not surprisingly, that the DNA of five different people were on the clasp.

- 1.) Meredith Kercher's DNA was on the clasp. Not a surprise.
- 2.) Rudy Guede's DNA was not on the clasp. Not a surprise, he CUT the bra off.
- 3.) DNA was reported on the bra clasp which indicated it could be in a class of DNA that included Raffaele's DNA. Why he would ever touch the bra clasp, even if the prosecutor's stories were true, is incomprehensible.

The prosecution, for reasons they refuse to explain, have refused to allow any independent laboratory to test the DNA found on the bra clasp.

## **OVERVIEW**

In this case, at every significant step, the investigators' actions were counter to and opposite of established and recognized investigative procedures and "best practices". Every conclusion they took from evidence presented was counter to logic or reason.

For instance, at the crime scene, we have the following undisputed facts: A window was broken by a thrown rock; a grate below the broken window allowed access to the cottage, and a known burglar (who is also known to carry a knife) is present in the cottage. A female resident of the cottage, who we know to have returned about 9:00 – 9:30 p.m. is grabbed in her room, stabbed and raped. Her purse is rifled, \$300 stolen, and the burglar escapes the country. These are facts.

However, from this scenario, the detectives incredibly come to the conclusion NOT that a simple (but horrible) resident-surprises-burglar, burglar-rapes-and-robs-resident case has occurred—NO. From this simple scenario, we have the tortured hypothesis of a Dean's List exchange student from America engaging in a drug-fuelled orgy with a new boyfriend and an African stranger, and/or stumbling on her roommate being raped, and siding with the rapist, stabbing her friend and cottage-mate in the throat with a knife that isn't in the cottage.

The detectives in this matter chose to believe that this opportunistic "clustered crime scene" killer did nothing to hide his footprints, fingerprints, DNA, or shoeprints, hair or bodily fluids, but then decided to break a window and steal cash to stage a burglary. This defies any human logic.

The book "Practical Homicide Investigation" is the veritable 'Bible' of homicide investigation and homicide crime scene practices. It has been so for the last several decades, and was last updated in 2006. Its author, Vernon Geberth is a retired lieutenant commander of the New York City Police Department with 40 years on the job. His last assignment was as the commanding officer of the Bronx Homicide Task Force, which handled over 400 murder investigations a year. He is a graduate of the FBI National Academy, and is arguably the most qualified homicide investigator in the United States. He continues to teach homicide investigation at the New York City Police Department. He cautions against the dangers of preconceived notions at a crime scene:

"The investigators must keep in mind that their hypothesis is provisional. If new evidence emerges that suggests a different sequence of events, they must be willing to reassess and modify their hypothesis as the new facts dictate. I have been at many different homicide scenes over the years and have seen initial theories change over and over again. The key to success in this phase of the investigation is flexibility. Practically speaking, use your common sense in this process. Do not get bogged down in theory and hypothetical speculation. Many times the answer you are looking for is right in front of your nose. The problem is that with all the events going on at the scene, it is sometimes easy to miss a simple observation.

The police and prosecutor in Perugia decided on an outcome in this case very early on. They were undaunted by evidence that repeatedly contradicted and disproved their chosen outcome. These conclusions go beyond simply stretching credibility. They lead a rational person to question one of two things: Either the competence or the motivation of the prosecutor. But you decide. Here's a clue as to which scenario might be true: At the time of these investigations, prosecutor Mignini was fighting charges of gross misconduct which occurred during his conduct in a previous investigation, which involved illegal activities such as wiretapping innocent persons and journalists critical of them. He was subsequently convicted and sentenced to over a year in prison. He is appealing this ruling. While Mignini will most likely never spend time in jail, if his conviction is upheld, he will be removed from public office and never be allowed to serve as a prosecutor or judge again.