



Steve Sumner, Attorney At Law, Releases Statement on the Recent Amanda Knox Case

Examining the Italian legal system through the case of Amanda Knox sheds light on how fortunate we are to have the legal system we do in the United States.

Greenville, SC ([PRWEB](#)) October 14, 2011 -- Steve Sumner, Criminal Defense Attorney in Greenville, S.C., releases the following statement on the Amanda Knox murder conviction (Corte di Assise di Appello of Perugia, Criminal Section Criminal Case No. 10/2010 R.G.) that was recently overturned:

Several days ago, an Italian Appeals Court overturned Amanda Knox's previous murder conviction. According to the court, an independent forensic report concluded that much of the [DNA](#) evidence used to convict Knox in the first place was unreliable.

As most of us know by now, Meredith Kercher – a British college student studying in Perugia, Italy – was brutally murdered Nov. 2, 2007, in the apartment she shared with Amanda Knox, an American student studying at the same university.

Knox was arrested by Italian authorities four days later -- along with then-boyfriend, Raffaele Sollecito, and Patrick Lumenba – in connection with the slaying. Almost a year later, she was formally charged by an Italian judge with murder and sexual assault in the death of Kercher. After an eleven-month trial, Knox was found guilty and sentenced to twenty-six years in prison.

Knox's appeal trial began last November. The forensic report mentioned above (which found that the majority of the DNA evidence initially used against Knox to be unreliable) was received by the Appellate Court in June of this year. As has been widely reported, Knox remained in prison for the entire four years of the proceedings.

Steve Sumner says, "Aside from providing an intriguing story to follow in the media, what could Amanda Knox's case possibly mean to those of us here in the United States? As it turns out, a good bit. Because it illustrates, in part, how fortunate we are to have the [legal system](#) that exists in this country."

First, Ms. Knox spent almost a year in jail before any formal charges were filed against her.

Second, as illustrated in the Knox case, Italian trials often last several years (including the preliminary investigation, preliminary hearing, trial and appeals). Here, a defendant has the right to a speedy and public [trial](#).

Third, Italy does not afford anyone a trial by jury of their peers. All defendants are judged by professional judges or a panel of judges (anywhere from three to nine members). Occasionally, as was the case in the original Knox trial, the jury can include two judges and six citizens, with one of the judges presiding over the trial.

Fourth, in Italy, verdicts need not be unanimous; and only a majority vote of the jury or panel is required for a murder conviction.

Fifth, Italian juries are not sequestered until they are actually in deliberation to reach a verdict. So at all times,



they are exposed to the media frenzy and speculation surrounding a high-profile case such as this one.

Sixth, emotional and inflammatory character evidence is often allowed. In Ms. Knox's original trial, prosecutors linked her to the murder of Ms. Kercher with forensic evidence which included a DNA sample supposedly found on the handle of a kitchen knife. In their concluding arguments, prosecutors were allowed to show an animated version of how they believed the crime was committed.

Finally, Italian prosecutors were allowed to portray Ms. Knox as being of a "promiscuous character" as part of their proof of her guilt. Generally, in the United States, evidence of a person's character or reputation cannot be offered as proof that they are guilty of the crime charged.

"Fortunately, this four year nightmare for Knox ended recently with her flight home to America. Could this happen in America? The short answer is, no," declares Sumner.

"We are the only country in the world that has a real jury system," according to renowned legal scholar Alan Dershowitz. "In Italian criminal cases, the jury typically includes two professional judges. Many European countries have this mixture."

American citizens enjoy the full benefits afforded by the Sixth Amendment to the United States Constitution. The Sixth Amendment provides that in all criminal prosecutions the defendant has the right to a speedy and public trial by an impartial jury where the crime was alleged to have been committed. The Fifth Amendment provides that no person shall be held to answer for a serious crime unless they have first been indicted or charged by a grand jury.

Steve Sumner concludes, "Occasionally, we hear proposals to amend or significantly alter our Constitution. Amanda Knox's case reminds us once again of how fortunate we are as Americans to have the Constitution guiding our legal system, and any ideas to alter our Constitutional rights should be examined very closely."

Attorney [Steve Sumner](#) is a DUI Defense Attorney in Greenville, [South Carolina](#). He has been in private practice since 1994. From 1992 – 1994, he was a DUI prosecutor in State Court. He holds an "AV" peer review rating from Martindale-Hubbell.

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