



From the Chambers of
JUDGE MICHAEL HEAVEY
9403 44TH AVENUE SOUTHWEST
SEATTLE, WASHINGTON 98136

May 16, 2011

The Honorable Barack Obama
President of the United States of America

The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Re: Failure of Rome Consular Officials to Protect the Rights of U.S. Citizen Amanda Knox

Mr. President,

United States citizen Amanda Knox is a neighbor and a high school classmate of my oldest daughter. Amanda was wrongfully convicted of murder on December 5, 2009, in Perugia, Italy. Two days later, State Department spokesman Ian Kelly, in response to questions about the Knox conviction, stated:

"The highest priority of this Department is the safety, welfare, and well-being of American citizens who are living abroad... it is the responsibility of our consular officials to make sure that American citizens are treated fairly under local law..."

Mr. President, I respectfully request your executive inquiry into the failure of the State Department to fulfill this highest priority and responsibility. I respectfully submit that your involvement and investigation will make it clear to you that U.S. citizen Amanda Knox has been openly and egregiously abused by a predatory prosecutor and that American consular officials in Rome abrogated their highest responsibility and did nothing to ensure that United States citizen Amanda Knox was treated fairly under Italian law. I repeat – they did nothing. The following are glaring violations of Amanda Knox' rights that should have set off alarms at the Embassy in Rome:

1) On November 6, 2007, at 5:45 a.m. 20 year-old Amanda Knox was arrested for the murder of her roommate after an all-night interrogation performed by a dozen polizia officers who operated in "tag team" rotation. The Perugian police denied her food and water, cuffed her on the back of the head and, most importantly, prevented her from sleeping. After her arrest, she was paraded as a trophy through the streets of Perugia. The police, prosecution, and judge espoused a theory, never supported by any evidence, that this was a drug-fueled sex orgy gone wrong. Consular officials should have been alarmed by this outrageous treatment of American citizen Amanda Knox. Why did consular officials do nothing?

2) Under Article 111 of the Italian Constitution and Article 104 of the Italian Code of Criminal Procedure (CCP), a detained suspect is entitled to legal counsel from the beginning of their detention. When a witness becomes a suspect, the police are obligated to appoint a lawyer, *ex officio*, for the accused. Amanda Knox was denied a lawyer even though she specifically requested one. Surely, our consular officials know Italian law. U.S. citizen Amanda Knox was denied her Italian law right to have the police appoint her an attorney. Why did consular officials do nothing?

3) Article 141 of the CCP requires that every interrogation of a person in custody (for any reason) must be fully recorded by audio or audiovisual means. Prior to November 5th and 6th of 2007 hundreds, if not thousands, of interrogations at the modern police facility in Perugia had been video recorded. Yet, according to the police, the interrogation of Amanda Knox was not recorded. This violation of Italian law should have set off alarm bells with consular officials. This right of fair treatment under Italian law was denied American citizen Amanda Knox. Why did consular officials do nothing?

4) Under Article 111 of the Italian Constitution, the accused has the right to an interpreter if he or she does not understand the Italian language. Article 143 of the CCP states that an accused who does not understand the Italian language has the right to be freely assisted by an interpreter so as to be able to understand the charge against him or her and understand her rights.

Amanda spoke little Italian, yet was not allowed to have an interpreter to assist her with understanding the questions put to her, the charges against her, or anything else. This right of fair treatment under Italian law was denied American citizen Amanda Knox. Why did consular officials do nothing?

5) Amanda Knox' prosecutor is Mr. Giuliano Mignini. Prior to Ms. Knox' arrest, prosecutor Mignini was well known in Italy for a bizarre theory; to wit, he hypothesized that sixteen murders in Florence Italy were committed by a Masonic satanic cult. Mr. Mignini acted on this theory, launching a series of investigations and filing charges against 21 innocent people. All of this was chronicled throughout Italy, formed the basis of Douglas Preston's first hand account in his New York Times best selling book, *The Monster of Florence*, and was shown on a 2006 NBC Dateline in this country.

In 2007 when Meredith Kercher was murdered, Mr. Mignini was under investigation for abuse of office for his actions in those investigations. In January of 2008, Public Minister Luca Turco formally charged Mr. Mignini with eight criminal counts of abusing his office. In open court, Turco stated that Mignini "had fallen prey to a sort of delirium." In January of 2010, a month and a half after the Knox conviction, Mr. Mignini was convicted of four counts and sentenced to sixteen months in prison, suspended, pending appeal.

American consulate officials were well aware that Giuliano Mignini had previously driven American journalist, Douglas Preston out of Italy with spurious threats of legal charges. The Committee for the Protection of Journalists has written an open letter (<http://www.cpj.org/2011/05/italian-prosecutor-files-defamation-lawsuit-shutte.php>) protesting Mignini's ongoing attacks on the press, and even a physical assault by the police on one blogger. The CPJ petitioned the President of Italy as follows:

"Your Excellency, we are urging you to ensure that reporters and writers are not afraid to cover, comment on, and criticize the activities of Perugia authorities. This is particularly pressing now that the appeal of two defendants in the Kercher murder case goes on at a local court."

Consular officials knew Mr. Mignini was prosecuting Amanda Knox. They knew he had been charged with abusing his office. They knew of the bizarre theory that he pursued, from which the charges arose. They also knew he was under tremendous pressure to achieve some vindication to save face. Why did consular officials do nothing?

6) During the preliminary hearing in October of 2008, Mr. Mignini stated, "the crime was a sexual and sacrificial ritual in accordance with the rites of Halloween." This groundless conjecture metaphorically calls Amanda Knox a witch. These and other statements should have shouted to consular officials that

Amanda was a defendant in what had become a witch trial, being prosecuted by a delusional prosecutor. Why did consular officials do nothing?

7) American prosecutors and police have a special duty to not release any information to the media that would heighten public condemnation of the accused (RPC 3.8 (f)). The Italian criminal code has a similar duty for police and prosecutors called "segreto istruttorio" or "judicial seal" in English. The main purpose is to protect the rights guaranteed under the Italian Constitution. These Italian constitutional rights include the right to be presumed innocent and the right to a fair trial.

From the beginning of this case, the police violated Amanda's Italian constitutional rights and rights under judicial seal. The police actually handed out DVD's to the media of their so-called evidence. The police fed a constant stream of misinformation to a hungry and opportunistic press. There were as many as 25 false leaks, many of which played out as front-page news in Italy, the U.K, and the United States. In this maelstrom of lies and rights violations, Amanda Knox stood trial for her life. It would have been obvious to a first year law student that the malicious pretrial demonization of U.S. citizen Amanda Knox destroyed her Italian constitutional right to be presumed innocent and her right to a fair trial. The hearts of Italy were wrongfully hardened against Amanda Knox. Why did consular officials do nothing?

Article 188 of the CCP Italian law prohibits, in absolute terms, any form of physical or moral abuse of a person in custody. The police are not allowed to resort to any method or technique that is capable of influencing the freedom of self-determination or to alter the capacity to remember. In violation of Article 188 of the CCP, a prison official lied to Amanda, telling her she had tested positive for HIV. This act subjected her to outrageous and extreme emotional torment. Prosecutor Mignini, meanwhile, has demanded a sentence of life imprisonment beginning with nine months of solitary confinement. Amanda Knox, a college student with absolutely no history of violence or criminal activity, could yet be subjected to this outrageous, and abusive punishment, a scourge that is normally inflicted only upon the most violent and recalcitrant of prisoners. Why did consular officials do nothing?

On December 6, 2009, Secretary Clinton appeared on ABC. She knew nothing of the Amanda Knox conviction of the day before. She was surprised by questions concerning the conviction and did not know that Senator Maria Cantwell had called the conviction and process into question. This is evidence that the consular officials had done nothing to protect Ms. Knox' rights to be treated fairly under Italian law, nor did they advise their superiors in Washington D.C. about the "trial of the century" taking place in Italy.

The injustice and maltreatment of US citizen Amanda Knox has compelled people to speak out in protest even though they are thousands of miles from Italy and normally don't get involved in such matters. Senator Maria Cantwell, The New York Times, The Seattle Times, The Christian Science Monitor, the Economist, nine American DNA experts, and many other knowledgeable observers have called the process and evidence highly questionable. The evidence and trial had been called into question by three CBS 48 Hour Mystery shows, three NBC Dateline shows, many ABC shows, two BBC specials, a CNN special, and many others. CBS' renowned Chicago investigator Paul Ciolino has called this case "the railroad job from hell." But our consular officials in Rome do nothing.

This profoundly unjust process is not without an impact on broader U.S.-Italian relations. There have been calls for boycotts of Italy in general, and of Perugia in particular. As reported in the Huffington Post, a recent study found that American tourism is down in Italy because of how Amanda Knox has been treated. Yet, our State Department, at home and abroad, knew nothing and did nothing. Mr. President, I respectfully submit that this is unacceptable.

Amanda Knox is just one person. She is not a war, a revolution, or an oil field. But in a spectacle that has unfolded before the eyes of the world, the rights, under Italian law, of that one American citizen have been trampled beyond belief. The ongoing neglect of American consular officials in Rome to address this injustice sends a high profile message – our government officials are too busy taking caring of business, to take care of our people.

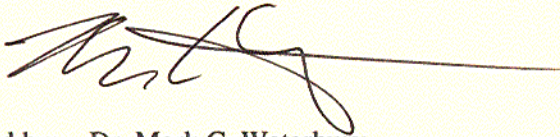
Mr. President, I pray that you take notice of this letter and I plead for your attention to this matter.

This letter is written in my personal capacity only and not in my judicial capacity.

God bless you,



Michael Heavey
sen34@comcast.net



Cosigned by: Dr. Mark C. Waterbury
waterbury.mark@gmail.com



Thomas L. Wright
info@friendsofamanda.org

CC: Members of Congress, Secretary of State, the press