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Innocent Blood on Manicured Hands: How the Media has Brought the New Roxie Harts and Velma Kellys to Center Stage

**INNOCENT BLOOD ON MANICURED HANDS: HOW THE MEDIA
HAS BROUGHT THE NEW ROXIE HARTS AND VELMA KELLYS TO
CENTER STAGE**

MICHELLE GONZALEZ¹

I. INTRODUCTION

“It's all a circus. A three-ring circus. These trials, the whole world. It's all show business.”² In the 2002 film adaptation of Tony Award® winners Bob Fosse³ and Fred Ebb's⁴ Broadway musical *Chicago*,⁵ the notorious lawyer Billy Flynn utters those

¹ Michelle Gonzalez, Esq.; J.D., St. Thomas School of Law, 2014; B.A. in Political Science, Florida International University, 2011.

² *Chicago Script*, DREW'S SCRIPT-O-RAMA, http://www.script-o-rama.com/movie_scripts/c/chicago-script-transcript-play-lyrics.html (last visited Dec. 4, 2013).

³ See *The Stars - Bob Fosse*, PBS, <http://www.pbs.org/wnet/broadway/stars/bob-fosse/> (last visited Dec. 4, 2013) (providing the biography of director-choreographer Robert Louis Fosse); see also *Our History*, TONY AWARDS, http://www.tonyawards.com/en_US/history/index.html (last visited Dec. 4, 2013) (elaborating on the history and development of the Tony Awards®). Tony Award® winner director-choreographer Robert “Bob” Louis Fosse was born on June 23, 1927. *The Stars*, *supra*. Fosse's contribution to the stage and to film were revolutionary as his work was “always provocative, entertaining, and quite unlike anything ever before seen.” *Id.* “The American Theatre Wing's Tony Awards® got their start in 1947 when the Wing established an awards program to celebrate excellence in theatre.” *Our History*, *supra*.

⁴ See *Fred Ebb*, THE KENNEDY CENTER, http://www.kennedycenter.org/explorer/artists/?entity_id=3725&source_type=A (last visited Dec. 4, 2013) [hereinafter *Fred Ebb I*]; see also *Fred Ebb*, FRED EBB FOUNDATION, <http://www.fredebbfoundation.org/fred-ebb.htm> (last visited Dec. 4, 2013) [hereinafter *Fred Ebb II*] (providing the biography of Fred Ebb). Writer, lyricist, composer, and director Fred Ebb was born on April 8, 1935. *Fred Ebb I*, *supra*. “[Ebb] is a Tony®, Grammy®, Emmy®, Olivier® and Kennedy Center Honors Lifetime Achievement Award winning recipient.” *Fred Ebb II*, *supra*.

⁵ See Elvis Mitchell, *Chicago (2002) Film Review; 'Chicago,' Bare Legs and All, Makes It to Film*, N.Y. TIMES (Dec. 27, 2002), <http://movies.nytimes.com/movie/272628/Chicago/overview> (reviewing the film adaptation of Bob Fosse and Fred Ebb's musical *Chicago*).

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words to his client Roxie Hart who is on trial for the murder of her paramour.⁶ The peculiarity of the statement is how accurately the fictional lawyer has described, most especially, trials that involve female criminal defendants. This article will explore how the media has unfairly exploited and commodified female criminal defendants through the recent cases of Casey Anthony⁷ (“Anthony”), Amanda Knox⁸ (“Knox”), and Jodi Arias⁹ (“Arias”).

In *Chicago*, it is the year 1929, and vaudeville star Velma Kelly (“Kelly”) and small-time chorus dancer Roxie Hart (“Hart”) find themselves in a dueling media frenzy after each faces trial for two separate and distinct murders.¹⁰ Kelly is on trial for the murder of her husband and her sister (also her dance partner) after discovering they were engaged in an affair.¹¹ Hart, desperately seeking fame, cheats on her husband with a man whom she believes is connected to show business.¹² After discovering the man is simply a furniture salesman and has no intent to make her famous, Hart shoots the man to death.¹³ As the story unravels, Kelly and Hart battle for the spotlight in the public eye as the media

⁶ See *Chicago Script*, *supra* note 2; see also Valerie Valdez, “Chicago” Broadway Musical Summary, LOCAL.COM ENT. GUIDE, <http://entertainmentguide.local.com/chicago-broadway-musical-summary-5157.html> (last visited Dec. 4, 2013) (describing the essence of the charges against Roxie Hart and the nature of her “sleazy” lawyer Billy Flynn).

⁷ See *infra* Part III.A.

⁸ See *infra* Part III.B.

⁹ See *infra* Part III.C.

¹⁰ Rebecca Murray, “Chicago” Movie Review, ABOUT.COM HOLLYWOOD MOVIES, <http://movies.about.com/library/weekly/aachicagoreview.htm> (last visited Dec. 4, 2013); see *Chicago*, MIRAMAX, <http://www.miramax.com/movie/chicago> (last visited Dec. 4, 2013) (providing a brief synopsis of the film); see also Valdez, *supra* note 6 (describing how the character Mary Sunshine, a news reporter, “create[s] a frenzy where facts are easily twisted”).

¹¹ Murray, *supra* note 10.

¹² *Id.*

¹³ *Id.*

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obsesses, fascinates, and exploits the separate trials of the two women.¹⁴

The obsession, the fascination, and the exploitation of cases involving female criminal defendants is not a fabrication of the theatre or the silver screen,¹⁵ but the reality of the past as well as the present. The media are instrumental in popularizing criminal trials featuring female defendants.¹⁶ Statistically, men perpetrate the majority of crimes.¹⁷ “Gender is among the strongest predictors of crime, particularly violent crime. Arrest, self report, and victimization data consistently show that men and boys commit significantly more crime both serious and not, than women and girls.”¹⁸ However, it is the spectacle surrounding females who carry out crimes similar to those more serious crimes committed by men that captivates audiences across the nation.¹⁹

The “three-ring circus”²⁰ surrounding female criminal defendants is hardly a new development in the United States, let alone the world. It should be of no surprise that women have committed crimes spanning all ranges. Some of the most heinous and gruesome crimes have been committed by women.²¹ Howev-

¹⁴ *Id.*

¹⁵ See Robert Vaux, *The History of Black & White Film*, EHOW, http://www.ehow.com/about_5099040_history-black-white-film.html (last visited Dec. 4, 2013) (“[T]he phrase ‘silver screen’ stems from those early days, when shimmering black and white images became synonymous with the medium.”).

¹⁶ See *infra* Parts II & III.

¹⁷ Deborah W. Denno, *Gender Issues and the Criminal Law: Gender, Crime, and the Criminal Law Defenses*, 85 J. CRIM. L. & CRIMINOLOGY 80, 80-81 (1994).

¹⁸ *Id.*

¹⁹ See *infra* Part III.

²⁰ See *supra* text accompanying note 2.

²¹ See, e.g., Richard Pallardy, *Elizabeth Báthory*, BRITANNICA ENCYCLOPEDIA, <http://www.britannica.com/EBchecked/topic/1489418/Elizabeth-Bathory> (last visited Dec. 4, 2013) (detailing the biography of the infamous Hungarian Countess Elizabeth Báthory who allegedly “tortured and murdered hundreds of young

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er, it is fair to mention that men have been behind a good number of the most horrific crimes in history.²² Most people's awareness and knowledge of crimes committed by women and men can be attributed to mass media,²³ *i.e.*, television, radio, newspapers,

women in the 16th and 17th centuries"); *see also, e.g., Irma Grese*, JEWISH VIRTUAL LIBRARY,

<http://www.jewishvirtuallibrary.org/jsource/biography/grese.html> (last visited Dec. 4, 2013) (providing a brief biography of the female Nazi war criminal Irma Grese). *See generally*, Allan Hall, *Nazi Women Exposed as Every Bit as Bad as Hitler's Deranged Male Followers*, DAILY MAIL (Feb. 11, 2009, 7:42 PM), <http://www.dailymail.co.uk/news/article-1142824/Nazi-women-exposed-bit-bad-Hitlers-deranged-male-followers.html> ("The fact is that women allowed their female characteristics to be suppressed to bind themselves to the Nazi state and its agencies. To say . . . that they knew nothing of the terror and torture is absolutely unbelievable. They supported and underwrote such terror and torture."). At only 19 years of age, Irma Grese ("Grese") was a source of some of the most inhumane murders and tortures at the concentration camps at Auschwitz and Bergen-Belsen during World War II. *Irma Grese, supra*. It was reported that Grese had "the skins of three inmates . . . made into lamp shades [which] were found in her hut." *Id.* Following the war, "[survivors of the concentration camps] testified to her acts of pure sadism beatings and arbitrary shootings of prisoners, savaging of prisoners by her trained and half starved dogs, to her selecting prisoners for the gas chambers." *Id.*

²² *See, e.g., Gilles de Rais*, BRITANNICA ENCYCLOPEDIA, <http://www.britannica.com/EBchecked/topic/489979/Gilles-de-Rais> (last updated Sep. 9, 2013) (detailing the biography of French baron and marshal of France Gilles de Rais who was accused of "abduct[ing], tortur[ing], and murder[ing] more than 140 children"); *see also, e.g., Joseph Mengele*, U.S. HOLOCAUST MEMORIAL MUSEUM,

<http://www.ushmm.org/wlc/en/article.php?ModuleId=10007060> (last updated June 10, 2014) (chronicling the life of Nazi Joseph Mengele whose cruel and sadistic experimentation played a horrific role in the Holocaust). Joseph Mengele, also known as the "Angel of Death," "engaged in a wide spectrum of experiments which aimed to illustrate the lack of resistance among Jews." *Mengele, supra*. "Many of his 'test subjects' died as a result of the experimentation or were murdered in order to facilitate post-mortem examination." *Id.*

²³ *See* RICHARD T. SCHAEFER, SOCIOLOGY: A BRIEF INTRODUCTION (NAI) 137 (5th ed. 2004), available at <http://highereducation.mcgraw-hill.com/sites/dl/free/0072824131/77252/Schaefer5ChapterPreview.PDF> (defining mass media as viewed by sociologists). "By *mass media*[,] sociologists refer to the print and electronic instruments of communication that carry messages to often widespread audiences." *Id.*

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internet, magazines, etc.²⁴ Though there have been numerous highly publicized trials involving male defendants,²⁵ there is arguably a unique public interest surrounding female criminal defendants.

This article will examine poignant cases within the past seven years where three female criminal defendants accused of

²⁴ See Robert J. McDermott & Terrance L. Albrecht, *Mass Media*, ENCYCLOPEDIA.COM (2002), http://www.encyclopedia.com/topic/Mass_media.aspx (providing several types of media).

²⁵ See, e.g., *Charles Manson on Trial: Madness Visible*, LIFE, <http://life.time.com/history/charles-manson-on-trial-madness-visible/#1> (last visited Dec. 4, 2013) (recounting the highly publicized nine month trial of the ultimate conspirator Charles Manson for the murders of Sharon Tate and Rosemary LaBianca); see also, e.g., Rachael Bell & Marilyn Bardsley, *John Wayne Gacy, Jr.*, CRIME LIBRARY, http://www.crimelibrary.com/serial_killers/notorious/gacy/gacy_1.html (last visited Dec. 4, 2013) (detailing the trial of Chicago serial killer John Wayne Gacy, Jr.); see also, e.g., *Scott Peterson*, BIOGRAPHY.COM, <http://www.biography.com/people/scott-peterson-12353513> (last visited Dec. 4, 2013) (elaborating on the life and murder conviction of Scott Peterson). Charles Manson (“Manson”) was convicted for ordering the murders of Sharon Tate, Leno LaBianca, and Rosemary LaBianca. *Charles Manson on Trial*, *supra*. Manson did not kill the two women himself but instructed members of his “Family” (cult) to act on his orders. *Id.* Acting on Manson’s orders, “the Family” savagely murdered: Sharon Tate; Jay Sebring; Wojciech Frykowski; Abigail Folger; Steven Parent; Leno and Rosemary La Bianca. *Id.* Serial killer John Wayne Gacy, Jr. (“Gacy”) was found guilty for the grisly murder of thirty-three young men. *John Wayne Gacy, Jr.*, *supra*. Gacy handcuffed his victims, lodged underwear or socks in their mouths, and then sodomized them. *Id.* While Gacy sexually assaulted his victims, he pulled a rope or board against their throats to suffocate the young men. *Id.* After Gacy committed his murders, he would bury the bodies in the crawlspace of his Chicago home. *Id.* In 2002, Scott Peterson’s (“Peterson”) pregnant wife Laci Peterson (“Laci”) went missing. *Scott Peterson*, *supra*. Laci’s disappearance launched a “media frenzy.” *Id.* “Peterson was arrested in April 2003 after [Laci’s] body and the fetus of their unborn son washed up on the shores of the San Francisco Bay.” *Id.* It was the state’s position that Peterson’s motivation was his affair with a masseuse. *Id.* Peterson was convicted of first degree murder for the death of Laci and second degree murder for the death of the fetus. *Id.* Peterson was sentenced to death by lethal injection. *Id.*

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murder became the obsession of a nation, and how their grotesque treatment in the public eye is influenced by the media's control over the legal discussion. Part II explains key literary and psychological concepts such as character, archetypes, and stereotypes that help in understanding how the media is capable of effectively relating a case how they want you to perceive it.²⁶ Part III provides an extensive explanation and analysis of the Anthony, Knox, and Arias cases, and how the media utilized factors such as youth, beauty/sexuality, and murder to influence society's view of each woman's character, and create archetypes and stereotypes for each.²⁷ Part III analyzes the unfairness and injustice towards female criminal defendants and how the media must dispose of the stereotypical notions of females when reporting cases involving female criminal defendants.²⁸

II. KEY CONCEPTS

If trials, especially those of female criminal defendants, are “all show business,”²⁹ then it is appropriate to assume that there are certain roles that females are categorized into by the media. Prior to exploring the media-fueled public intrigue in female criminal defendants, a foundation must be laid so that there is a clear understanding of what certain terminology connotes throughout this article.

A. CHARACTER

Though one could say that a defendant in a trial is the main “character,”³⁰ it is the moral character (“character”) of the defend-

²⁶ See *infra* Part II.

²⁷ See *infra* Part III.

²⁸ See *infra* Part III.

²⁹ See *supra* text accompanying note 2.

³⁰ See *Literary Analysis: Using Elements of Literature*, ROANESTATE.EDU, <http://www.roanestate.edu/owl/-elementslit.html> (last visited Dec. 4, 2013) (defining character as a “representation of a person, place, or thing performing traditionally human activities or functions in a work of fiction”).

ant that can play a significant part in a court of law.³¹ Although character evidence, legally, should not play a role in court, it is inevitable that uncontrollable character traits such as dishonesty or unprofessionalism can come to light just by a defendant being his— or herself.³² The defense attorney, the prosecuting attorney, and the media will find themselves in a tug of war. The defense will pull for one representation of his or her client’s moral character and, usually with female criminal defendants, the prosecution *and* the media will pull for an opposing representation. If the audience (the jury and society) feels that the defendant lies, cheats, deceives, or misleads, then they will believe the defendant does not possess good character or, at minimum, the defendant’s character will come into question.³³ In order to evince good moral character, it is crucial that the following traits be demonstrated by a defense attorney and, arguably, by the defendant as well: “[1.] Truthfulness[,] [2.] Candor[,] [3.] Zeal[,] [4.] Respect[,] [and] [5.] Professionalism.”³⁴

B. ARCHETYPES

A defendant’s character will assist in the overall public perception of who they are. However, the media must walk a fine line when molding the public view of a defendant. Defendants

³¹ *Cf.* FED. R. EVID. 404(a)(1) (“Evidence of a person’s character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.”). Character is not meant to persuade a jury as to whether it is more likely one of a certain character is more likely to commit a specific crime. FED. R. EVID. 404(a)(1). However, if a jury should perceive a defendant as dishonest through their demeanor or inability to stay consistent with their testimony, then a poor character trait such as being dishonest will be created via mere perception rather than evidence which a court cannot necessarily control. *Id.*

³² *See supra* note 31 and accompanying text.

³³ MICHAEL R. SMITH, *ADVANCED LEGAL WRITING* 127 (3d ed. 2013) (discussing how a writer must show a reader that he or she is trustworthy and holds good moral character so that the “reader will be more receptive to the writer’s arguments and assertions”).

³⁴ *Id.* at 128.

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may be portrayed as a certain archetype³⁵ or, more unfortunately, a stereotype.³⁶ Archetypes and stereotypes are two very similar yet very different terms.³⁷ The distinction between the two must be clearly delineated because many are unfamiliar with falling into a certain archetype, but, on the contrary, most would understand and loathe the notion of falling into a stereotype.

According to psychiatrist and psychotherapist Carl Jung, “an archetype . . . derives from the often repeated observation that myth and universal literature stories contain well defined themes which appear every time and everywhere. We often meet these themes in the fantasies, dreams, delirious ideas and illusions of persons living nowadays.”³⁸ More easily stated, “*archetypes are inborn tendencies which shape the human behavior.*”³⁹ Some recognizable archetypes that Jung describes are: the father,⁴⁰ the mother,⁴¹ the child,⁴² the wise old man,⁴³ the hero,⁴⁴ the maiden,⁴⁵ and the trickster.⁴⁶ Characters in a fictional story may be written to fulfill certain archetypes that have been theoretically adopted from the real world. Therefore, it is safe to presume that the media, when handing the responsibility of reporting a story involving a criminal defendant, will often attempt to place the defendant in a certain archetype. Jung’s theory on archetypes essentially states

³⁵ See *infra* text accompanying note 38.

³⁶ See *infra* Part II.C.

³⁷ See *infra* text accompanying notes 38 & 48.

³⁸ See *Archetypes*, Carl-Jung.net, <http://www.carl-jung.net/archetypes.html> (last visited Dec. 4, 2013).

³⁹ *Id.*

⁴⁰ See Kendra Cherry, *Archetypes*, ABOUT.COM, <http://psychology.about.com/od/personalitydevelopment/-tp/archetypes.htm> (last visited Dec. 4, 2013) (defining ‘father’ as “[a]uthority figure; stern; powerful”).

⁴¹ See *id.* (defining ‘mother’ as “[n]urturing; comforting”).

⁴² See *id.* (defining ‘child’ as “[l]onging for innocence; rebirth; salvation”).

⁴³ See *id.* (defining ‘wise old man’ as “[g]uidance; knowledge; wisdom”).

⁴⁴ See *id.* (defining ‘hero’ as “[c]hampion; defender; rescuer”).

⁴⁵ See *id.* (defining ‘maiden’ as “[i]nnocence; desire; purity”).

⁴⁶ See Cherry, *supra* note 40 (defining ‘trickster’ as “[d]eceiver; liar; trouble-maker”).

that they are translatable to almost every culture.⁴⁷ Thus, a story can become clearer when there is a foundation of a certain persona in a defendant that most can understand.

C. STEREOTYPES

In contrast to archetypes, stereotypes do not hold the same respectable theory for the most part. A stereotype is “a widely held but fixed and oversimplified image or idea of a particular type of person or thing.”⁴⁸ The mere definition of a stereotype implicates a lack of depth in rationalizing a belief. Prevalent examples of stereotypes of women specifically have been found in literature.⁴⁹ These stereotypes include: the mother (wife),⁵⁰ the old maid,⁵¹ the virgin,⁵² and the seductress-goddess [commonly seen with women who commit murder].⁵³ These stereotypes do not solely appear in works of literature, but, arguably, as well as in the

⁴⁷ See *supra* text accompanying notes 38–46.

⁴⁸ *Stereotype Definition*, OXFORD DICTIONARIES ONLINE, http://oxforddictionaries.com/us/definition/-american_english/stereotype (last visited Dec. 4, 2013).

⁴⁹ See D. Jill Savitt, *Female Stereotypes in Literature (With a Focus on Latin American Writers)*, YALE-NEW HAVEN TEACHERS INSTITUTE, <http://www.yale.edu/ynhti/curriculum/units/1982/5/82.05.06.x.html> (last visited Dec. 4, 2013).

⁵⁰ See *id.* (presenting the mother(wife) stereotype in literature as passive and willing to please in some situations and in others as foul, cruel, and belittling toward her spouse).

⁵¹ See *id.* (“[The old maid] is the ultimate in rejection. She is almost always physically unattractive . . . , and is seen by others as either crazy or pitiable.”).

⁵² See *id.* (asserting that the virgin stereotype in literature is seen as one who “is always chaste, innocent and ignorant of worldly things”). The virginity of a woman in literature restricts her “mobility, knowledge and curiosity.” *Id.* “[The virgin] is passive and worshipped.” *Id.*

⁵³ See *id.* (detailing the seductress-goddess stereotype as “the opposite of the *Virgin*”); see also *infra* Parts III.A–C. The seductress-goddess takes pleasure in the weakness of men. Savitt, *supra* note 49. The seductress-goddess defies the stereotypical role of women in their own lives and will become a pariah because of their resistance to conform. *Id.*

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media.⁵⁴ It is not necessarily unusual or inaccurate to state that female criminal defendants often are placed into a category beyond the archetype and inappropriately into a stereotype.⁵⁵

III. THREE WOMEN, THREE REASONS

It has become a near impossibility to come across a news headline that does not involve an allegedly sadistic or well-calculated female at the center of a crime. Within the past ten years, three particular crimes allegedly committed by three peculiar women have saturated the media.⁵⁶ These particular women have been dragged into the spotlight because of three factors: (1) youth; (2) beauty/sexuality; and (3) murder. The first two observations are seemingly normal points of interest for most. However, it is murder in conjunction with youth and beauty/sexuality that has become an equation for fascination, exploitation, and intrigue. In exploring the cases behind single mother Anthony, roommate Knox, and girlfriend Arias, it will become evident that these observations and certain typologies⁵⁷ (archetypes and stereotypes) will emanate from the portrayal of each.⁵⁸

A. CASEY ANTHONY

When one states that a certain person has become a “household name,” it is often a sign that the person has achieved such tremendous success that people almost anywhere can recog-

⁵⁴ See *infra* Parts III.A–C.

⁵⁵ See *infra* Parts III.A–C.

⁵⁶ See *infra* Parts III.A–C.

⁵⁷ *Typology Definition*, Merriam-Webster Online, <http://www.merriam-webster.com/dictionary/typology> (last visited Dec. 4, 2013) (defining ‘typology’ as “a system used for putting things into groups according to how they are similar[;] the study of how things can be divided into different types”); see also *supra* Part II (discussing key concepts and typologies).

⁵⁸ See *infra* Parts III.A–C.

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nize the person's name.⁵⁹ Some inspiring women that have achieved the "household name" status are Hillary Rodham Clinton,⁶⁰ Martha Stewart,⁶¹ and Oprah Winfrey.⁶² Each woman's success and drive has pushed them unquestionably into a renowned position. However, household names are not categorically successful. There are certain household names that are spoken with detest and ire.

In 2008, Florida mother Anthony became a household name that brought anger, disgust, and revulsion to many across the United States.⁶³ On June 15, 2008, Anthony's two year old daughter Caylee Anthony ("Caylee") was reported missing by her grandmother Cindy Anthony ("Cindy").⁶⁴ In the 911 call reporting the missing child, Cindy said, "I found out my granddaughter has been taken, she's been missing for a month." Furthermore, in one

⁵⁹ *Household Name Definition*, COLLINS DICTIONARY,

<http://www.collinsdictionary.com/dictionary/english/-household-name> (last visited Dec. 4, 2013) (defining 'household name' as "a person or thing that is very well known").

⁶⁰ See generally Allida Black, *Hillary Rodham Clinton*, THE WHITE HOUSE, <http://www.whitehouse.gov/about/first-ladies/hillaryclinton> (last visited Dec. 4, 2013) (providing the biography of former First Lady, United States Senator for New York, and Secretary of State Hillary Rodham Clinton).

⁶¹ See generally *Martha Stewart Biography*, ACADEMY OF ACHIEVEMENT, <http://www.achievement.org/autodoc/page/ste0bio-1> (last revised Aug. 17, 2010, 4:53PM) (detailing the biography of "Multi-Media Lifestyle Entrepreneur" Martha Stewart whose ever-evolving lifestyle brand has made her a household name).

⁶² See generally *Oprah Winfrey*, BIOGRAPHY.COM, <http://www.biography.com/people/oprah-winfrey-9534419> (last visited Dec. 4, 2013) (providing the biography of media maven Oprah Winfrey who went from rags to riches by taking her journalism career and turning it into an empire).

⁶³ See Marisol Bello, *Casey Anthony Verdict Doesn't Sit Well with Most Americans*, USA TODAY, http://usatoday30.usatoday.com/news/nation/2011-07-07-casey-anthony-trial_n.htm (last updated July 8, 2011, 12:38 AM) (providing that two-thirds of Americans still believed that Anthony "definitely or probably murdered her daughter" following the verdict).

⁶⁴ *Casey Anthony Trial: Timeline of Key Events*, ABC NEWS (July 6, 2011), <http://abcnews.go.com/US/casey-anthony-trial-timeline-key-events/story?id=13990853>.

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of Cindy's three 911 calls that day, she said, "I found my daughter's car today and it smelled like there's been a dead body in the damn car."⁶⁵ Cindy later retracted her "dead body" statement.⁶⁶

According to Anthony, Caylee had been missing since June 9, 2008.⁶⁷ Anthony told the 911 emergency dispatcher that "Caylee had been missing for thirty-one days with a babysitter she identified as Zenaida [Fernandez-Gonzalez]."⁶⁸ When pressed by the dispatcher as to why Anthony had not notified officials, she said "I've been looking for her and just gone through other resources to find her, which was stupid."⁶⁹ The following day, officials realized Anthony's story was not adding up.⁷⁰ The apartment of the fictitious babysitter Zenaida Fernandez-Gonzalez ("Fernandez-Gonzalez") had been vacant for 140 days.⁷¹ That same day, Anthony was arrested and charged with child neglect.⁷²

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ Travis Reed, *Files Untangle Tales from Missing Fla. Girl's Mom*, USA TODAY (Aug. 28, 2008, 4:56 PM), http://usatoday30.usatoday.com/news/topstories/2008-08-26-3825124179_x.htm.

⁶⁸ Barbara Liston, *On 911 Call, Casey Anthony said Tot was Missing for 31 Days*, REUTERS, May 31, 2011, available at <http://www.reuters.com/article/2011/05/31/us-crime-anthony-idUSTRE74U5W720110531>; see Graham Winch, *Delayed: Casey Anthony's Defamation Suit*, HLN TV, <http://www.hlnv.com/article/2012/11/16/casey-anthonys-defamation-suit-delayed> (last updated Nov. 16, 2012, 2:55PM) (explaining how Zenaida Fernandez-Gonzalez had absolutely no connection to Anthony or Caylee, and the defamation claim that she filed against Anthony). "Anthony came up with a fictitious nanny named Zenaida Fernandez-Gonzalez, also known as 'Zanny the Nanny.' Anthony accused the fictitious nanny of kidnapping her daughter, Caylee." Winch, *supra*. Zenaida Fernandez-Gonzalez filed suit against Anthony for defamation after she was harassed and threatened following the fake nanny kidnapping claim concocted by Anthony. *Id.*

⁶⁹ Liston, *supra* note 68.

⁷⁰ *Casey Anthony Trial: Timeline of Key Events*, *supra* note 64.

⁷¹ *Id.*; see Winch, *supra* note 68.

⁷² See *Casey Anthony Trial: Timeline of Key Events*, *supra* note 64.

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Anthony's bond hearing on July 22, 2008 revealed new disturbing information.⁷³ "Detectives revealed that they had found strands of hair that looked like Caylee's in the trunk of the Anthony family car, and that cadaver dogs had smelled human decomposition in the trunk. Bail was set at \$500,000."⁷⁴ That same day, Anthony became a person of interest in the potential homicide.⁷⁵ Nearly one month later, Anthony's bond was posted by reality television show bounty hunter Leonard Padilla, but on August 30, 2008, Anthony was taken back into custody and charged with petty theft.⁷⁶ On September 29, 2008, Anthony was returned to jail for "charges including child neglect, lying to investigators, petty theft and use of a forged check."⁷⁷

On October 14, 2008, Anthony was charged with first degree murder for the murder of her daughter Caylee.⁷⁸ Additionally, she was "charged with aggravated child abuse, aggravated manslaughter and providing false information to law enforcement."⁷⁹ On October 24, 2008, officials stated that there was evidence of body decomposition and chloroform⁸⁰ in Anthony's car.⁸¹ Almost two months later, the skeletal frame of a small child was discovered a half-mile away from the Anthony family's

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Casey Anthony Trial: Timeline of Key Events, supra* note 64.

⁷⁹ *Id.*

⁸⁰ See AGENCY FOR TOXIC SUBSTANCES & DISEASE REGISTRY, CAS#:67-66-3, PUBLIC HEALTH STATEMENT CHLOROFORM 1(1997), *available at* <http://www.atsdr.cdc.gov/ToxProfiles/tp6-c1-b.pdf> (explaining that chloroform is "a colorless liquid with a pleasant, nonirritating odor and slightly sweet taste"). Chloroform was once used as an inhalable anesthetic for surgery in the United States. *Id.* "In humans, chloroform affects the central nervous system (brain), liver, and kidneys after a person breathes air or drinks liquids that contain large amounts of chloroform." *Id.* Chloroform is considered a hazardous chemical substance. *Id.*

⁸¹ *Casey Anthony Trial: Timeline of Key Events, supra* note 64.

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home.⁸² On December 19, 2008, DNA testing confirmed that the remains found were those of Caylee.⁸³

The unraveling of events following the first 911 phone call is logical and comprehensible. Yet, the events leading to the untimely death of Caylee are incomprehensible and completely clear in the same respect. Anthony used her “employment” at Universal Studios in Orlando during that thirty-one day period to keep grandparents Cindy and George Anthony (“George”) at bay.⁸⁴ At one point, Anthony even told Cindy that she had an extended job conference in Tampa.⁸⁵ Anthony also told Cindy that “babysitter” Fernandez-Gonzalez had been in a car accident in Tampa during that event which required Anthony to stay at the hospital to care for her while Caylee stayed with Juliette and Anabelle.⁸⁶ Juliette and Anabelle do not exist, and neither does babysitter Fernandez-Gonzalez.⁸⁷ After Caylee had been “missing” for thirty-one days and officials were finally informed, Anthony was questioned by detectives.⁸⁸ Anthony “told a detective during questioning that she worked at Universal Studios in Orlando, and took the police to the park, admitting at the last minute that she did not work there.”⁸⁹ Anthony’s lies snowballed without any real explanation for the alleged disappearance of her daughter.

The most disturbing aspect of the thirty-one days Caylee is unaccounted for is Anthony’s activity during that time. Initially,

⁸² *Id.*

⁸³ *Id.*

⁸⁴ Lizette Alvarez & Timothy Williams, *Anthony is Sentenced to 4-Year Term for Lying*, N.Y. TIMES (July 7, 2011), http://www.nytimes.com/2011/07/08/us/08anthony.html?_r=0.

⁸⁵ Stephen Loiaconi, *Tot Mom Murder Trial: Prosecution Opening Statement*, HLN TV, <http://www.hlntv.com/article/2011/05/23/tot-mom-murder-trial-prosecution-opening-statement> (last updated Mar. 5, 2012, 9:23 PM).

⁸⁶ *Id.*

⁸⁷ *Id.*; see Winch, *supra* note 68.

⁸⁸ Alvarez & Williams, *supra* note 84.

⁸⁹ *Id.*

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Anthony claimed her daughter was missing for thirty-one days and that she was looking for Caylee during that time period. However, with the help of social media and witnesses, Anthony's behavior during that time came to light.⁹⁰ Anthony spent her time without Caylee staying with her boyfriend, partying, going to nightclubs where she entered into a "hot body contest," hanging out with friends, drinking, and, at one point, getting a tattoo reading "'Bella Vita,'" which is Italian for "beautiful life."⁹¹ This unseemly behavior of a mother who knew her daughter was missing or deceased ignited a fire across the nation.⁹²

Anthony lied over and over again about every aspect of Caylee's "disappearance." She never showed signs of searching for Caylee within the thirty-one day period, and when records showed that nobody else but Anthony could have researched 'chloroform' on March 17 and March 21, it appeared as if there could

⁹⁰ See *infra* text accompanying notes 91–92; see also *Prosecutors Can Show Jury Casey Anthony's MySpace Postings*, CBS MIAMI (Feb. 11, 2011, 8:45 AM), <http://miami.cbslocal.com/2011/02/11/prosecutors-can-show-jury-casey-anthonys-myspace-postings/> (explaining how prosecutors were permitted to show postings from Anthony's personal account on a social media website while Caylee was "missing" in order to expose her state of mind).

⁹¹ Ashley Hayes, *After Arrest, Casey Anthony Insisted Her Focus is On Finding Caylee*, CNN (June 2, 2011, 8:11 PM), <http://www.cnn.com/2011/CRIME/06/02/florida.casey.anthony.trial/>; see John Cloud, *How the Casey Anthony Murder Case Became the Social-Media Trial of the Century*, TIME (June 16, 2011), <http://content.time.com/time/nation/article/0,8599,2077969,00.html> (describing how Anthony got a tattoo on "July 2, 2008, about two weeks after Caylee was last seen alive").

⁹² See Mikaela Conley, *Public Irate Over Casey Anthony Verdict; Social Media Sites Explode with Opinions*, ABC NEWS (July 5, 2011), <http://abcnews.go.com/Health/casey-anthony-verdict-outrage-spills-online/story?id=14002257> (explaining how Americans were outraged by the verdict in the Anthony trial and how "'nobody liked the fact that [Anthony] was partying after Caylee's death'").

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be no greater signs pointing to Anthony as the guilty party.⁹³ However, without direct DNA evidence linking Anthony to the death of Caylee, the prosecution carried a heavy burden when their case relied on circumstantial evidence alone.⁹⁴ At trial, “[p]rosecutors alleged Casey Anthony used chloroform to render her daughter unconscious and then duct-taped her mouth and nose to suffocate her. They alleged that she put the child’s body in the trunk of her car for a few days before disposing of it.”⁹⁵ The tape found with the skeletal remains was distinct and not widely available, and it matched the “tape found on George’s gas cans and on a missing child poster for Caylee.”⁹⁶ It appeared to most that the only logical conclusion was that Anthony was responsible for the death of Caylee.

At trial, Jose Baez, Anthony’s key attorney, argued in Anthony’s defense that Caylee was not murdered.⁹⁷ The defense asserted that Caylee drowned in the Anthony family swimming pool on July 16, 2008, and, in a state of panic, Anthony and her father George covered up the death of the child.⁹⁸ George denied the testimony relating to Caylee’s “drowning” and stated he had never even heard of the alleged drowning until he testified in court.⁹⁹ Additionally, the defense alleged that Anthony was sex-

⁹³ See *supra* text accompanying notes 91–92; see also Loiaconi, *supra* note 85 (addressing the evidence found on the computer in the Anthony home of web searches for chloroform).

⁹⁴ Alvarez & Williams, *supra* note 84.

⁹⁵ Casey Anthony: “I Didn’t Kill My Daughter,” CNN, <http://www.cnn.com/2012/06/12/justice/florida-casey-anthony/> (last updated June 13, 2012, 9:03 AM).

⁹⁶ Alvarez & Williams, *supra* note 84.

⁹⁷ Casey Anthony: “I Didn’t Kill My Daughter,” *supra* note 95.

⁹⁸ *Id.*; see Casey Anthony Trial: Timeline of Key Events, *supra* note 64 (providing that Jose Baez acted as one of Anthony’s defense attorneys).

⁹⁹ Casey Anthony: “I Didn’t Kill My Daughter,” *supra* note 95; Jessica Hopper & Ashleigh Banfield, Casey Anthony Trial: Defense Team Claims Caylee Anthony Drowned in Family Pool, ABC NEWS (May 24, 2011), http://abcnews.go.com/US/casey_anthony_trial/casey-anthony-trial-defense-claims-caylee-anthony-drowned/story?id=13674375.

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ually abused by her father George and her brother.¹⁰⁰ George denied any abuse of his daughter.¹⁰¹ By the end of the trial, the defense abandoned the allegations of abuse by George, and “focused instead on creating reasonable doubt in the jurors’ minds.”¹⁰²

The burden of proof for the prosecution was guilt *beyond* a reasonable doubt.¹⁰³ This means “the evidence must be so strong that there is no reasonable doubt that the defendant committed the crime.”¹⁰⁴ With so much circumstantial evidence weighing in the balance, the prosecution faced an uphill climb in the courtroom. A verdict was returned on July 5, 2011.¹⁰⁵

[T]he jury returned a verdict that shocked the *arm-chair jurors* of the world. Casey Anthony was found not guilty of first-degree murder, aggravated manslaughter or child abuse. She was only found guilty of four misdemeanor counts, which dealt with her lying and misleading police officers; she was released a few weeks later with time served, having been in jail for three years before trial.¹⁰⁶

¹⁰⁰ *Casey Anthony Trial: Timeline of Key Events*, *supra* note 64.

¹⁰¹ Hopper & Banfield, *supra* note 99.

¹⁰² Tricia Romano, *The Murder Trial of Casey Anthony – Closing Arguments*, CRIME LIBRARY, http://www.crimelibrary.com/notorious_murders/classics/casey-anthony-trial/closing-arguments.html (last visited Nov. 11, 2014).

¹⁰³ *How the Federal Courts Work - Criminal Cases*, USCOURTS.GOV, <http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/HowCourtsWork/CriminalCases.aspx> (last visited Dec. 4, 2013).

¹⁰⁴ *Id.*

¹⁰⁵ Romano, *supra* note 102.

¹⁰⁶ *Id.* (emphasis added).

1. CHARACTER/ARCHETYPE/STEREOTYPE

The trial of twenty-five year old Anthony captivated the nation.¹⁰⁷ The young woman, who was described at trial by her ex-boyfriend Tony Lazzaro as a ““pretty girl,”” became the most hated person in the United States after her acquittal.¹⁰⁸ After Anthony’s acquittal, there was one last piece of information that truly acted as fuel to the fire of disappointed and infuriated Americans. According to the Florida sheriff’s office, an investigator had overlooked an additional search on the Anthony family computer that could have potentially changed the outcome of the trial.¹⁰⁹ On the last day Caylee was seen alive, a Google¹¹⁰ search for “fool-proof” suffocation methods was conducted on the Anthony family computer which was mainly used by Anthony.¹¹¹

¹⁰⁷ *Factbox: Trials that Captivated U.S. Public Over Past Decade*, REUTERS (Jul. 13, 2013, 11:28PM), <http://www.reuters.com/article/2013/07/14/us-usa-florida-shooting-trials-idUSBRE96D00P20130714>.

¹⁰⁸ Ashleigh Banfield & Jessica Hopper, *Casey Anthony Trial: Former Boy-friend Describes Casey Anthony Romance*, ABC NEWS (May 25, 2011), <http://abcnews.go.com/US/casey-anthony-trial-tony-lazzaro-describes-romance-caylee/story?id=13682814>; *Casey Anthony is Most Hated Person in America: Poll*, REUTERS (Aug. 10, 2011), <http://www.reuters.com/article/2011/08/10/us-caseyanthony-idUSTRE77934O20110810> (describing the E-Poll Market Research celebrity that revealed Anthony to be the most-hated person in America after she was acquitted for the murder of Caylee in 2008). “E-Poll’s E-Score Celebrity research for the first week of August showed that 53 percent of those questioned were aware of Casey Anthony and her story, and 94 percent of those people disliked her.” *Casey Anthony is Most Hated Person in America: Poll*, *supra*. “Anthony was also considered ‘creepy’ by 57 percent of those questioned and ‘cold’ by 60 percent of respondents.” *Id.*

¹⁰⁹ *Casey Anthony Detectives Overlooked ‘Fool-Proof Suffocation Methods’ Google Search*, HUFFINGTON POST, http://www.huffingtonpost.com/2012/11/25/fool-proof-suffocation-methods_n_2188034.html (last updated Jan. 25, 2013, 5:12AM).

¹¹⁰ See generally Marziah Karch, *What is Google?*, ABOUT.COM, <http://google.about.com/od/googlebasics/p/-whatisgoogle.htm> (last visited Nov. 11, 2014) (providing an overview of one of the most popular internet search engines in world).

¹¹¹ *Casey Anthony Detectives Overlooked ‘Fool-Proof Suffocation Methods’ Google Search*, *supra* note 109.

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Whoever conducted the Google search looked for the term ‘full-proof suffocation,’ misspelling ‘suffocation,’ and then clicked on an article about suicide that discussed taking poison and putting a bag over one’s head. The browser then recorded activity on the social networking site MySpace, which was used by Casey Anthony but not her father.¹¹²

Anthony lied to her family and to investigators when handling the “disappearance” of Caylee. Anthony was viewed as a person of poor character; she was seen as deceptive and untrustworthy. Though the jury ruled in her favor, Americans across the United States maintained the opinion that the deceitful young mother is guilty.¹¹³ Anthony’s dishonesty throughout the ordeal became one of the most important inferential pieces of evidence for most. The idea that a mother could be without her child for a month and lie about the child’s whereabouts was enough for some to find Anthony guilty.¹¹⁴ By the time Anthony’s defense came out as a supposed drowning cover-up, it appeared fabricated out of thin air. The media was supremely critical of Anthony. However, the jury was not convinced by the prosecution, and it appeared certain that the media was no influence when they returned a verdict of not guilty.

When categorized by the media, Anthony fell into two categories: (1) the trickster archetype, and (2) the seductress-goddess stereotype. The trickster came out in the Anthony trial when it was revealed that Anthony had a knack for lying. Anthony’s deceitful ways were a bone of contention with the court, the media, and America. Anthony’s greatest trick yet may have been convincing a jury of a long line of far-fetched, baseless rationales

¹¹² *Id.*

¹¹³ *See Bello, supra note 63.*

¹¹⁴ *See generally Bello, supra note 63* (providing the opinions of some mothers on how unfathomable it is to not know where their child is for even the smallest period of time without panicking).

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for what happened to Caylee. The media honed in not only on Anthony's web of lies, but also on her partying ways immediately after Anthony was aware of her daughter's death. Anthony was portrayed as the "bad mother" who lived life in pursuit of vices while the "typical" mother would grieve following the death of a young child. It would be unfair to say that this is flat out judgmental or a stereotypical assumption of mothers when it innately raises very real questions in Anthony's innocence.

The intriguing point though is that this type of case and behavior is not unique or especially nationally newsworthy as the larger media outlets would have you think. If one takes the time to watch their local news for one month, cases similar or even more severe than Anthony's are reported yet never gain the same national attention. Anthony, a young *woman* who was described as "pretty" at trial, was accused of murder. Youth, beauty, and murder taken together practically gift wrap a national news story. The question is: Was this fair? Was it fair for Anthony to be catapulted into the public eye by virtue of being a pretty young woman who may have committed murder? By law, Anthony was found not guilty. Presumably, Anthony had gained the right to go back to living her life amongst society. With death threats toward Anthony and her family, Anthony was forced into hiding.¹¹⁵ Anthony might as well have been sentenced to life in prison considering what became of her following her acquittal. The "bad mother" persona perpetuated by the media put an enormous target on Anthony's back. It may be bold, or completely conspicuous, to state that the only reason a female criminal defendant like Anthony garnered national attention was because she was a young, attractive female and society is still unreasonably baffled by the idea of an

¹¹⁵ Suzan Clark, *Casey Anthony Verdict: Anthony Family Gets Death Threats in Wake of Acquittal, Asks for Privacy*, ABC NEWS (Jul. 5, 2011), <http://abcnews.go.com/US/casey-anthony-verdict-anthony-family-death-threats-wake/story?id=14004306>; *Casey Anthony Free, Goes Into Hiding*, ABC NEWS, <http://abcnews.go.com/US/slideshow/casey-anthony-free-hiding-14003550> (last visited Dec. 4, 2013).

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attractive woman committing murder. If men commit more crimes, then it is logical that there are many men who are acquitted of crimes. With the amount of men (and women) who are acquitted of crimes (and were likely guilty), it was unjust that Anthony was forced into reclusion when most acquitted defendants go unnoticed, simply because she was pushed into the spotlight for the media's self-serving reasons. Is it possible that Anthony murdered her daughter? *Absolutely*. Was she entitled to live amongst society without fear for her life? *Absolutely*.

B. AMANDA KNOX

A 2011 article published in *Rolling Stone* magazine put it best when it described the mayhem surrounding one of the most highly publicized criminal trials in the past decade.¹¹⁶

When an attractive young woman from a privileged British family is murdered in Italy, you've got a popular crime story. When the person suspected of killing her is an attractive young woman from a privileged American family, you have tabloid gold. When the prosecutor hypothesizes that the victim was slaughtered during a satanic ritual orgy, you've got the crime story of a decade.¹¹⁷

When youth, feminine beauty/sexuality, and murder fall into one equation, media chaos is sure to follow.

Seattle native Knox, a twenty year old college student on the Dean's List, decided to further pursue her linguistics degree in Perugia, Italy at the University for Foreigners.¹¹⁸ Twenty-one year

¹¹⁶ See *infra* text accompanying notes 117–171.

¹¹⁷ Nathaniel Rich, *The Neverending Nightmare of Amanda Knox*, ROLLING STONE (Jun. 27, 2011), <http://www.rollingstone.com/culture/news/the-neverending-nightmare-of-amanda-knox-20110627>.

¹¹⁸ *Amanda Knox*, BIOGRAPHY.COM, <http://www.biography.com/people/amanda-knox-20663285?page=1> (last visited Dec. 4, 2013).

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old Meredith Kercher (“Kercher”) from Coulsdon, Surrey was a student of the Erasmus program of international exchanges.¹¹⁹ In 2007, Knox and Kercher became roommates in Perugia.¹²⁰ It is a seemingly ideal situation—two bright, young roommates working toward a higher education in Italy. Sadly, the fate of both women would be changed forever on November 1, 2007.¹²¹

On November 1, 2007, Kercher decided to return to the home she shared with Knox after going out that evening with a friend.¹²² The following day, Kercher was discovered with her throat slit in the cottage she shared with Knox.¹²³ Kercher was found fatally stabbed and “lying in a pool of blood on her bedroom floor.”¹²⁴ Kercher was only partially dressed and her body was covered by a duvet.¹²⁵ On November 4, 2007, a postmortem examination revealed that Kercher was involved in sexual activity at some time before her death.¹²⁶ Five days after Kercher was murdered, the police made an arrest.¹²⁷ The Italian police arrested “Knox, then 20; Knox’s boyfriend, Italian student Raffaele Sollecito, 23; and Congolese Diya ‘Patrick’ Lumumba, 38, who runs a local bar.”¹²⁸ In only five short days, the police began claiming that Kercher was murdered after refusing to partake in violent

¹¹⁹ *Profile: Meredith Kercher*, BBC NEWS, <http://news.bbc.co.uk/2/hi/7693702.stm> (last updated Dec. 4, 2009, 11:24PM).

¹²⁰ *Id.*

¹²¹ See *Meredith Kercher Murder Timeline: Key Events*, THE GUARDIAN (Mar. 26, 2013, 5:45AM), <http://www.theguardian.com/world/2011/oct/03/meredith-kercher-murder-timeline> (providing the date Kercher was last seen alive).

¹²² See Tom Kington, *The Meredith Kercher Case*, THE GUARDIAN (Oct. 28, 2008, 9:18AM), <http://www.theguardian.com/world/2008/oct/28/meredith-kercher-background> (providing the date Kercher was last seen alive).

¹²³ *Meredith Kercher Murder Timeline: Key Events*, *supra* note 121.

¹²⁴ Tom Kington, *Accused ‘Kissed and Joked’ After Kercher’s Body Found, Court Told*, THE GUARDIAN (Feb. 13, 2009), <http://www.theguardian.com/world/2009/feb/14/meredith-kercher-trial>.

¹²⁵ *Meredith Kercher Murder Timeline: Key Events*, *supra* note 121.

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

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sex.¹²⁹ Police asserted that Knox confessed to the crime and pointed the proverbial finger at Diya “Patrick” Lumumba (“Lumumba”).¹³⁰ “The three [were] held on suspicion of conspiracy to commit manslaughter and sexual violence.”¹³¹

Knox was a waitress at Lumumba’s bar.¹³² The night of Kercher’s murder, Lumumba told Knox not to go into work, so she decided to go to the home of her boyfriend Raffaele Sollecito (“Sollecito”) where she spent the night.¹³³ The following morning, Knox returned home to shower and change her clothes.¹³⁴ Knox noticed the door to the cottage had been left ajar, and when she entered the bathroom, she found dried blood drops in the sink.¹³⁵ Kercher’s bedroom door was closed so Knox assumed Kercher was still asleep.¹³⁶ After showering, Knox went into the second bathroom in the cottage where she found fecal matter in the toilet, but she knew that neither Kercher nor their other roommate Filomena Romanelli (“Romanelli”) would have forgotten to flush the toilet.¹³⁷ Knox fled the home immediately, suspecting there had been an intruder.¹³⁸ Knox phoned Kercher and Romanelli, but was only able to get in contact with Romanelli.¹³⁹ Knox returned to the cottage with Sollecito to inspect the home for signs of a burglary.¹⁴⁰ Romanelli’s bedroom window had been smashed, and after realizing Kercher’s bedroom was locked and there was no response

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Meredith Kercher Murder Timeline: Key Events*, *supra* note 121.

¹³² Rich, *supra* note 117.

¹³³ *See id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ Rich, *supra* note 117.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

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to Knox's knocking, Sollecito attempted to break down the door.¹⁴¹ Sollecito was unable to enter the room.¹⁴²

Sollecito phoned the Italian military police to report the burglary.¹⁴³ However, the Italian military police were not sent, rather postal police ("the state police responsible for investigating crimes like Internet fraud and stolen phones") were sent to investigate the home.¹⁴⁴ Knox and Sollecito explained to the officers that there had been a burglary and allowed the two postal-police officers to investigate the premises.¹⁴⁵ Shortly thereafter, Romanelli and her boyfriend arrived at the home with another couple who were friends of Romanelli.¹⁴⁶ The officers did not break into Kercher's bedroom so one of the boyfriends took it upon himself to break down the door.¹⁴⁷ To the horror of the group, Kercher's bedroom had become a grisly crime scene.¹⁴⁸

On November 20, 2007, fourth suspect Rudy Hermann Guede ("Guede") was arrested in Germany.¹⁴⁹ The same day, Lumumba was released from custody without charges.¹⁵⁰ Guede admitted to engaging in sexual relations with Kercher the night that she was murdered in the cottage, but denied any involvement in the murder.¹⁵¹ According to Guede, while he was in the bathroom listening to his iPod suffering from the effects of a bad meal,

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ Rich, *supra* note 117.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Meredith Kercher Murder Timeline: Key Events*, *supra* note 121.

¹⁵⁰ *Id.*

¹⁵¹ Kristal Hawkins, *Murder in Umbria: The Murder of Meredith Kercher – Guilty? Rudy Hermann Guede*, CRIME LIBRARY, http://www.crimelibrary.com/notorious_murders/young/amanda_knox/5.html (last visited Nov. 17, 2014).

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Kercher's screams were muffled by his music.¹⁵² Guede's take on the night was that Kercher and Knox got into a heated argument over money which led to the murder of Kercher.¹⁵³ When Guede exited the bathroom, he saw an Italian man whom he believed to be Sollecito and heard but did not see Knox.¹⁵⁴ Guede claimed he then tried to help Kercher, but, out of fear and panic, he fled the crime scene and left for Germany the next day.¹⁵⁵ Guede accepted a fast-track trial and was sentenced to thirty years in prison for the murder of Kercher.¹⁵⁶ After Guede appealed his conviction, his sentence was reduced to sixteen years.¹⁵⁷

Although Guede was convicted for the murder of Kercher, Knox and Sollecito were still poised to stand trial for murder and sexual violence.¹⁵⁸ "Italian prosecutors, while pleased with the conviction of Guede, remained convinced that Guede could not have acted alone."¹⁵⁹ Not only was there evidence of Guede in the home, but also of Knox and Sollecito.¹⁶⁰ Police found a knife belonging to Sollecito which had traces of Kercher and Knox's DNA.¹⁶¹ Sollecito's DNA was also recovered from a metal clasp on Kercher's brassiere which had been cut from her body at the

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*; *Meredith Kercher Murder Timeline: Key Events*, *supra* note 121.

¹⁵⁷ *Meredith Kercher Murder Timeline: Key Events*, *supra* note 121.

¹⁵⁸ *Id.*

¹⁵⁹ Hawkins, *supra* note 151.

¹⁶⁰ *Id.*

¹⁶¹ *Meredith Kercher Murder Timeline: Key Events*, *supra* note 121.; *See generally* *Amanda Knox Trial: No Trace of Victim's DNA on Knife*, FOX NEWS (Nov. 1, 2013), <http://www.foxnews.com/world/2013/11/01/amanda-knox-trial-no-trace-victim-dna-on-knife/> (explaining how during the retrial of the Knox case it was revealed that the confiscated knife matching the wounds on Kercher, but did not have any of the victim's DNA on the knife).

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time of her murder.¹⁶² Evidence pinning Knox, Guede, and Sollecito at the crime scene were taken together by prosecutors to bolster their theory that the murder was the result of a “‘drug-fueled sex game.’”¹⁶³

The Italian prosecutors asserted that after an evening of smoking marijuana with her boyfriend, the scrubbed American, Amanda Knox had plunged a knife into the throat of the roommate she'd quickly grown to hate, simmering tensions over money, men and drugs suddenly flaring into sexual humiliation turned murderous. Three-on-one: Rudy Guede accused of sexually assaulting the unwilling English woman from behind, as Sollecito the boyfriend gripped her arms and pushed her to her knees. Amanda Knox, the theory went, was in front, taunting her roommate with a kitchen knife.¹⁶⁴

With little to no real evidence to prove the sex-game gone wrong theory, the prosecution abandoned the motive at trial.¹⁶⁵ Due to the miniscule amount of DNA evidence and conflicting testimony, it appeared that Knox's trial hinged on her portrayal by the Italian media.¹⁶⁶ Knox was portrayed in court as a “‘witch’ and a ‘she-devil, a diabolical person focused on sex, drugs and alco-

¹⁶² *Amanda Knox: 'I Don't Know What Happened That Night,'* CNN WORLD (June 28, 2011, 3:06AM),

<http://www.cnn.com/2011/WORLD/europe/06/27/italy.knox.trial/>.

¹⁶³ *Alibi Undermined in Kercher Murder Trial,* CNN EUROPE,

<http://www.cnn.com/2009/WORLD/europe/03/23/italy.student.kercher.trial/index.html> (last updated Mar. 23, 2009, 7:33AM).

¹⁶⁴ Dennis Murphy, *The Trial of Amanda Knox,* NBC DATELINE,

http://www.nbcnews.com/id/28057560-/#.Un_Crfmsidk (last updated Dec. 5, 2009, 5:28 PM).

¹⁶⁵ Christina Ng, Phoebe Natanson, & Nikki Battiste, *Amanda Knox Court Cites Abandoned Theory of Sex Game Gone Wrong,* GOOD MORNING AMERICA YAHOO! NEWS (June 18, 2013, 4:51 PM), <http://gma.yahoo.com/amanda-knox-court-cites-abandoned-theory-sex-game-144311764--abc-news-topstories.html>.

¹⁶⁶ See *infra* text accompanying note 175.

hol.”¹⁶⁷ In the Italian press, Knox was often dubbed ““angel face”” and ““Foxy Knoxy”” in reference to her looks and the hypersexualized image that had been created by the court and perpetuated by the media.¹⁶⁸

On December 4, 2009, Knox and Sollecito were found guilty for the murder of Kercher.¹⁶⁹ “Knox [was] sentenced to [twenty-six] years in prison and Sollecito to [twenty-five].”¹⁷⁰ Vilified Knox maintained her innocence and appealed her conviction as well as Sollecito.¹⁷¹

1. CHARACTER/ARCHETYPE/STEREOTYPE

The Knox family released a statement following the initial verdict which aptly summarized the source of Knox’s conviction: ““It appears clear to us that the attacks on Amanda’s character in much of the media and by the prosecution had a significant impact on the judges and jurors and apparently overshadowed the lack of evidence in the prosecution’s case against her.””¹⁷² Despite the discovery of DNA evidence at the initial trial, there were many accusations by the defense on appeal that much of the recovered DNA was a product of tampering by the police.¹⁷³ On appeal,

¹⁶⁷ Pari Thomson, *Meredith Kercher Murder: Dramatis Personae*, THE GUARDIAN (Oct. 3, 2011, 3:58PM), <http://www.theguardian.com/world/2011/oct/03/amanda-knox-verdict-main-characters>.

¹⁶⁸ Catherine Hornby, *Amanda Knox Back on Trial for Kercher Murder in Italy*, YAHOO! NEWS (Sept. 29, 2013, 6:03PM), <http://news.yahoo.com/amanda-knox-back-trial-kercher-murder-italy-220319355.html>; Thomson, *supra* note 167.

¹⁶⁹ *Meredith Kercher Murder Timeline: Key Events*, *supra* note 121.

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² Richard Allen Greene, Hada Messia & Mallory Simon, *Amanda Sobs as Guilty Verdict Read*, CNN JUSTICE (Dec. 5, 2009, 12:01AM), <http://www.cnn.com/2009/CRIME/12/04/italy.knox.trial/>.

¹⁷³ *Amanda Knox Update: Serious Questions Arise Over DNA Evidence*, THE CHRISTIAN POST N. AMERICA, <http://www.christianpost.com/news/italian-police-allegedly-tampered-with-evidence-in-knox-trial-52811/> (last visited Dec. 4, 2013).

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independent forensic specialists were hired to examine whether proper police procedures had been used when handling the evidence.¹⁷⁴ The forensic experts testified that the amount of DNA on the knife was insufficient to uphold Knox's conviction.¹⁷⁵ The experts claimed that "[t]he genetic evidence was tainted by the use of a dirty glove and failure to wear protective caps."¹⁷⁶ In a report produced by the experts, they asserted that the initial DNA results could have certainly been a product of evidence contamination.¹⁷⁷ On October 3, 2011, Knox and Sollecito's convictions were overturned by the court.¹⁷⁸

On March 26, 2013, Italy's highest appellate court ordered a new trial for Knox and Sollecito after six years of ongoing legal issues.¹⁷⁹ The wound of the ordeal had barely scabbed over for the two youths who had spent the better time of their twenties embroiled in litigation. Knox's lambasted character likely put her in prison and put a target on her back following the initial acquittal. Knox was portrayed in the media as dishonest and impure, a twenty-first century Jezebel¹⁸⁰ with no moral compass. Whether Knox possessed either characteristic is of no consequence in a criminal trial where neither the circumstantial evidence nor the DNA evidence could support a finding of guilt. However, in this case, it appears that Knox's "questionable" character was the lynchpin of the trial and possibly a factor in deciding to order a new trial.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Meredith Kercher Murder Timeline: Key Events*, *supra* note 121.

¹⁷⁷ *Amanda Knox Update: Serious Questions Arise Over DNA Evidence*, *supra* note 173.

¹⁷⁸ *Meredith Kercher Murder Timeline: Key Events*, *supra* note 121.

¹⁷⁹ *Id.*

¹⁸⁰ See Janet Howe Gaines, *How Bad Was Jezebel?*, BIBLICAL ARCHAEOLOGY SOCIETY (May 6, 2013), <http://www.biblicalarchaeology.org/daily/people-cultures-in-the-bible/people-in-the-bible/how-bad-was-jezebel/> (providing the history and background of biblical Queen Jezebel, wife of King Ahab of Israel) ("Jezebel has been saddled with a reputation as the bad girl of the Bible, the wickedest of women.") ("This ancient queen has been denounced as a murderer, prostitute and enemy of God.").

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The cunning media placed Knox into two categories: (1) the trickster archetype, and (2) the seductress-goddess stereotype. By the prosecution referring to Knox as a “witch,” the Italian media circulated the idea that Knox was deceptive, that she was capable of manipulating and creating a most sinister plan. The notion that Knox was deceitful and manipulative placed her into the trickster-archetype. This poison ran through the court, the media, and those in society who believed Knox was a bewitching defendant guilty of murder.

The most disturbing aspect of Knox’s trial was the fact that she had been categorized into the seductress-goddess stereotype. The “angel face” was painted as the “bad roommate” who had succumbed to vices such as drug use and engaging in violent pre-marital sex. Was Knox on trial for murder or for allegedly being impure and the furthest thing from a “Madonna”?¹⁸¹ The sex-game gone wrong theory was a product of the prosecution. However, it was the media that took this theory and created a Leviathan of a story. Italian newspapers and tabloids were splashed with Knox’s image and headlines that incensed the masses in Italy.¹⁸² The equation of young woman plus beauty plus murder equals media chaos was no longer a speculative formula; it essentially became a theorem (the “female murderer theorem”). Despite the female murderer theorem being solidified in Italy, this was only evidence that the same theorem seen in the Anthony trial could translate overseas. This obsession is not limited to the United States.

Though Sollecito experienced the ordeal in almost a mirror image fashion with Knox, the scrutiny he received was incomparable to that of Knox. There was no evidence to show that either

¹⁸¹ *Madonna Definition*, MERRIAM-WEBSTER ONLINE, <http://www.merriam-webster.com/dictionary/madonna> (last visited Dec. 4, 2013) (defining ‘Madonna’ as “3b: an artistic depiction (as a painting or statue) of the Virgin Mary[;] 4: a morally pure and chaste woman”).

¹⁸² Stephan Faris, *Verdict Watch: Amanda Knox’s ‘Trial by Tabloid’ Comes to an End*, TIME WORLD (Oct. 2, 2011), <http://content.time.com/time/world/article/0,8599,2095962,00.html>.

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Knox or Sollecito was more or less likely to have wielded the knife that killed Kercher, and it took both of them to engage in the sexual relations for which Knox was so heavily criticized in the public forum. Thus, it perturbed the mind that Knox received the most overwhelming backlash of the two. It can be postulated with one easy guess as to why this case unraveled as it did. Sollecito is a male and Knox is a female. By utilizing the female murderer theorem, a more sensationalized story could take over the media. If Knox was taken out of the equation and Sollecito was put in her place, the murder of Kercher would have become a local evening news report rather than an international story. Like Anthony, Knox's situation seemed to be that society held against her the notion that it is unfathomable how a young, attractive woman could be embroiled in a murder trial, and when she is, the utmost scrutiny of her character is certain to follow in the public eye no matter the plausibility of her involvement in the crime.

In January 2014, the Italian court upheld the 2009 guilty verdict of Knox and Sollecito, once overturned, and sentenced the two to over twenty-five years in prison.¹⁸³ As of November 2014, Knox maintains her innocence while she finds refuge in the United States; her appeal of said sentence is currently pending in Italy.¹⁸⁴

C. JODI ARIAS

After Anthony and Knox polarized the media for six years, it was finally time for the media to move onto another case involving a new "character" to fit the bill. Femme fatale Arias would take her place center stage where Anthony and Knox had before her. This time, the case did not involve a "bad mother" or a "bad roommate." From the beginning, the focus of the case was the

¹⁸³ Sadie Hale, *Amanda Knox Working as a Freelance Reporter While Her Appeal Takes Place*, THE GUARDIAN (Nov. 5, 2014, 1:35PM), <http://www.theguardian.com/us-news/2014/nov/05/amanda-knox-working-as-reporter-for-west-seattle-herald>.

¹⁸⁴ *Id.*

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tumultuous relationship of a young, good looking couple that struggled with jealousy issues, but always found time for their adventurous sexual escapades.¹⁸⁵ It is the worst possible case of a “bad girlfriend”; a set of facts that could have been taken straight from a *Lifetime* original movie. Consequently, the case was taken from the court room and made into a *Lifetime* movie.¹⁸⁶

In September 2006, salesman and motivational speaker Travis Alexander (“Alexander”) from Phoenix, Arizona attended a work conference in Las Vegas, Nevada.¹⁸⁷ It is there that Alexander met “aspiring saleswoman and photographer” Arias from California.¹⁸⁸ The two began their turbulent, long-distance relationship the moment they met. Alexander was a Mormon, so in November 2006, Arias became a Mormon and was “baptized into the Church of Jesus Christ of Latter-Day Saints.”¹⁸⁹

In February 2007, Alexander and Arias entered into a relationship.¹⁹⁰ On June 29, 2007, Alexander and Arias broke up but continued to carry on a strictly sexual relationship.¹⁹¹

Despite the break up, shortly thereafter, Arias moved to Phoenix where she began working as a waitress and cleaning Alexander’s home.¹⁹² At some point, the sexual relationship be-

¹⁸⁵ Eliot C. McLaughlin, *Haven’t Been Following the Jodi Arias Trial? Read This*, CNN, <http://www.cnn.com/2013-/05/04/us/jodi-arias-primer/> (last updated May 8, 2013, 8:19AM).

¹⁸⁶ JODI ARIAS: DIRTY LITTLE SECRET (SilverScreen Pictures 2013).

¹⁸⁷ *Timeline of Key Events in the Jodi Arias Murder Case*, FOX NEWS (May 8, 2013), <http://www.foxnews.com/us/2013/05/08/timeline-key-events-in-jodi-arias-murder-case/>.

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ Casey Glynn, *Jodi Arias: A Timeline of a Sensational Murder Case*, CBS NEWS (May 3, 2013, 1:58PM), http://www.cbsnews.com/8301-504083_162-57582580-504083/jodi-arias-a-timeline-of-a-sensational-murder-case/.

¹⁹¹ *Timeline of Key Events in the Jodi Arias Murder Case*, *supra* note 187.

¹⁹² *Id.*

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tween the two took a turn for the worse.¹⁹³ At first, the sexual text messages between the two are reciprocal, but eventually the texts from Alexander expressed anger toward Arias and dissatisfaction with their “relationship.”¹⁹⁴ In one text, Alexander referred to Arias as “the sociopath I know so well.”¹⁹⁵ In another, Alexander tells Arias, “I don’t want your apology, I want you to understand what I think of you. I want you to understand how evil I think you are. You are the worst thing that ever happened to me.”¹⁹⁶ Arias moved back to California in the spring of 2008 to live with her grandparents.¹⁹⁷

On May 28, 2008, a .25 caliber gun from the home of Arias’ grandparents was reported stolen.¹⁹⁸ The gun had been in the home where Arias was staying after her break-up with Alexander. Less than a week later, Arias rented a vehicle.¹⁹⁹

On June 4, 2008, Arias embarked on a road trip to Utah but decided to pay her former lover Alexander a visit in Arizona.²⁰⁰ Arias was the last person to see Alexander alive on that June day.

Arias’ visit led to sex with Alexander and a graphic, sexually-charged photo shoot in Alexander’s home.²⁰¹ It was the events that follow Arias and Alexander’s sexual tryst that are somewhat unclear. Though Arias provided three completely different explanations for what happened on June 4th, it was certain that

¹⁹³ Madison Gray, *5 Bizarre Revelations from the Jodi Arias Trial*, TIME NEWSFEED (May 9, 2013), <http://newsfeed.time.com/2013/05/09/5-bizarre-revelations-from-the-jodi-arias-trial/>.

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ *Timeline of Key Events in the Jodi Arias Murder Case*, *supra* note 187.

¹⁹⁸ *Id.*

¹⁹⁹ Glynn, *supra* note 190.

²⁰⁰ *Timeline of Key Events in the Jodi Arias Murder Case*, *supra* note 187.

²⁰¹ *Id.*

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Alexander was murdered that day.²⁰² Alexander's body was discovered in his shower several days later by his close friends.²⁰³ When questioned by police, Alexander's friends immediately alerted them of Arias and pushed them to question her for the murder of Alexander.²⁰⁴

The gruesome crime scene revealed that "[Alexander] suffered nearly [thirty] knife wounds, was shot in the head with what was ultimately determined to be a .25-caliber gun and had his throat slit."²⁰⁵ Arias' bloody handprint and hair were found at the crime scene.²⁰⁶ Arias was indicted for first-degree murder some time after police questioned her.²⁰⁷ Arias pled not guilty to the murder, and the prosecution sought the death penalty for Arias in the murder of Alexander.²⁰⁸

On September 12, 2008, Arias denied killing Alexander in a newspaper interview.²⁰⁹ Twelve days later, Arias told the television show "Inside Edition" that she was in the home with Alexander when he was killed by two intruders.²¹⁰ At trial, Arias provided her third account of what happened the day that Alexander was murdered.²¹¹ Arias claimed that Alexander was physically and emotionally abusive towards her.²¹² However, the prosecution revealed that Arias' personal diary *never* made mention of the alleged abuse.²¹³ Arias claimed that during their sexual escapades

²⁰² See *infra* text accompanying notes 207-220.

²⁰³ Glynn, *supra* note 190.

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *Id.*; *Timeline of Key Events in the Jodi Arias Murder Case*, *supra* note 187.

²⁰⁷ Glynn, *supra* note 190.

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ *Id.*

²¹² *Timeline of Key Events in the Jodi Arias Murder Case*, *supra* note 187.

²¹³ Colleen Curry, *9 Most Shocking Moments of the Jodi Arias Trial*, ABC NEWS (May 9, 2013), <http://abcnews.go.com/US/shocking-moments-jodi-arias-trial/story?id=19135206#>.

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Alexander became violent and she was put in a position to kill him in self-defense.²¹⁴ Though photographs and text exchanges showed that Arias and Alexander were sexually adventurous, there was no evidence that Alexander was *ever* violent or abusive towards Arias. However, evidence that Arias harbored jealousy and engaged in stalker-like behavior was quite prevalent. A close friend of Alexander's testified at trial that "Alexander had informed her that Arias had followed him on dates with other women and once wriggled through his home's doggy door so she could sleep on his couch."²¹⁵ She further stated that "Arias had slashed his tires on his car more than once and sent him threatening emails."²¹⁶ Furthermore, one of Alexander's friends explained in a television interview that Alexander had expressed concern when Arias had hacked into his social media website profile to which Alexander harshly confronted Arias through a message.²¹⁷ Days after the hacking incident, Alexander was murdered.²¹⁸

One of the most curious and powerful pieces of evidence presented at trial was the camera used by Arias and Alexander to take their provocative photographs the day that Alexander was murdered.²¹⁹ Police recovered the camera from inside the washing machine in Alexander's home.²²⁰ The camera captured not only their scandalous activities in the home, but also images of Arias dragging Alexander's dead body across the floor and "one of her reflection in his eyes seconds before she killed him."²²¹ On May 8,

²¹⁴ *Timeline of Key Events in the Jodi Arias Murder Case*, *supra* note 187.

²¹⁵ Denise Noe, *The Jodi Arias Trial: An Overview*, CRIME LIBRARY: CRIMINAL MINDS & METHODS (June 18, 2014, 10:33 AM), <http://www.crimelibrary.com/blog/article/the-jodi-arias-trial-an-overview/index.html>.

²¹⁶ Noe, *supra* note 215.

²¹⁷ Katy Rogers, *Jodi Arias Murder Case: The Trial of 2012?*, HLN TV, <http://www.hlnv.com/article/2011/12/14/jodi-arias-case-trial-2012> (last updated Oct. 15, 2012, 2:19PM).

²¹⁸ *Id.*

²¹⁹ Gray, *supra* note 193.

²²⁰ *Id.*

²²¹ *Id.*

2013, the jury found Arias guilty of first-degree murder in the death of Alexander.²²² However, when it came down to the penalty phase of the trial, the jurors could not unanimously determine whether Arias should be sentenced to death or life in prison.²²³ As of November 2013, Arias had not faced a second penalty phase to determine her fate. If the jurors in the second penalty phase cannot reach a decision, then Arias will face life in prison or she will be eligible for release after twenty-five years.²²⁴

1. CHARACTER/ARCHETYPE/STEREOTYPE

Arias, like Anthony, was no stranger to lying. Arias' relationship with truthfulness and the ability to provide a linear story is comparable to Superman and kryptonite; the two simply cannot coexist.²²⁵ Arias was deceitful and quite intrusive based on the allegations of her stalking Alexander and hacking into his personal social media site. These flaws taken in conjunction can be truly damning in everyday life and, more importantly, in a murder trial. Neither the media nor the prosecution skipped a beat when covering Arias' constant inconsistencies and stalking behavior. Lying and stalking are not nouveaux concepts, but the idea of a young,

²²² Catherine E. Shoichet, *Jodi Arias Guilty of First-Degree Murder; Death Penalty Possible*, CNN, <http://www.cnn.com/2013/05/08/justice/arizona-jodi-arias-verdict/> (last updated May 9, 2013, 2:26AM); *Timeline of Key Events in the Jodi Arias Murder Case*, *supra* note 187.

²²³ Graham Winch, *No Date Set for Jodi-Arias Penalty-Phase Retrial*, HLN TV, <http://www.hlnv.com/article/2013/08/26/jodi-arias-retrial-no-date-set> (last updated Aug. 26, 2013, 2:38PM).

²²⁴ *Jodi Arias Trial Update: Judge Hears Arguments for Media Coverage at Retrial*, ABC 15 (Oct. 4, 2013), http://www.abc15.com/dpp/news/region_phoenix_metro/central_phoenix/jodi-arias-trial-update-will-judge-sherry-stephens-set-a-start-date-for-the-sentencing-phase.

²²⁵ See Tracy V. Wilson, *How Kryptonite Works*, HOW STUFF WORKS (June 19, 2006), <http://entertainment.howstuffworks.com/arts/comic-books/kryptonite.htm> (explaining how kryptonite weakens the strength of comic book superhero Superman).

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sexually adventurous woman engaging in such behavior riled up the masses and destroyed the public perception of Arias' character.

The media's approach on archetypes and stereotypes are essentially the same with Arias as it was with Anthony and Knox. Arias is categorized as follows: (1) the trickster archetype, and (2) seductress-goddess stereotype. With all of the facts taken together, it can be reasonably inferred that Arias' visit to Alexander was all in the grand scheme to murder him. The weapon stolen from Arias' grandparents' home was of the same caliber as the gun used to kill Alexander. By this estimation, Arias took the gun, went to Alexander's home with the intent to engage in sexual relations with Alexander, and then execute her plan to murder him. There is arguably no other logical reason for Arias to secretly steal the gun and take it into Alexander's home. The excessive manner of Alexander's murder seemed too unreasonable for someone allegedly attempting to escape a violent attack.

The grisly manner in which Alexander was murdered was no reflection of self-defense, but evidence of true anger and psychosis. Arias' trickery culminated in murder and the media was sure to paint this picture of the trickster archetype.

However, it is the stereotype of the seductress-goddess that most accurately reflects how the media wanted to build the story in the public eye. The idea is that Arias used her feminine wiles to bed Alexander and then murder him; a scheme so provocative and sickening that it would be sure to gain national attention.

It would be difficult to dispute that this sequence of events happened as reported by the media. Although, was the portrayal of Arias as a femme fatale just? Arias' actions were clearly egregious and cruel, but the constant spotlight and attention by the media was undoubtedly because the Arias case fulfills the female murderer theorem. Should Arias be judged for being a sexual person who committed murder? *No*. The acts committed by Arias were inex-

cusable, but chastising her for her behavior behind closed doors took the case beyond the facts and into a stereotype. With the unfortunate abundance of crimes committed that involve sex and sexual assaults that lead to murder, it appeared unusual that Arias's crime was any different or any more heinous. The underlying motivation by the media to propel Arias into the spotlight for her sexual behavior and murder was clear. Arias' crime was reprehensible enough as is, so when she was also castigated in the public eye for promiscuity, the result was a dated stereotype. Once again, it was a pathetic attempt at playing into an outdated belief that it is unfathomable how a young woman could commit such a crime, and if she has, she must not only live with the legal consequences but also the ridicule and scorn of an entire country for a crime similar to those more often committed by men which the media does not give the same treatment.

IV. CONCLUSION

Anthony, Knox, and Arias took center stage and felt the effects of vicious print and the nuisance of the ever-present camera lens. When criminal defendants, men and women alike, appear more guilty than others, it becomes difficult to remove oneself from a state of a fury when following certain highly-publicized trials. This piece in no way requests sympathy for Anthony, Knox, or Arias. The concern addressed is the unjust treatment of female criminal defendants as compared to male criminal defendants. The media has commodified female criminal defendants by publishing convenient characterizations, archetypes, and stereotypes of women for the purpose of advancing their own industry. The obsession and fascination with female criminal defendants has been perpetuated by the media and, in effect, has furthered the unrealistic perception that females who *may* have committed murder are worthy of justice by witch trial and national ridicule stemming from what is perceived as immoral lifestyle choices. The female murderer theorem (young woman plus beauty plus murder equals media chaos) is an injustice to female criminal defendants. Whether

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innocent or guilty, Anthony, Knox, and Arias were forced into the public eye when most crimes of similar or worse circumstances will never even find their place on a news desk. Though characterizations and archetypes often come with the burden of reporting, the utilization of stereotypes is inexcusable. Knox, Anthony, and Arias are examples of women who were on trial for murder, but also essentially on trial in the public for sexual choices. The seductress-goddess stereotype must be disposed of by the media especially when handling a criminal trial. The media's legal dialogue must rise above stereotypes concerning women and find a voice in respectable journalism so that society can not only better understand the justice system but also focus on the truly crucial facts in the eyes of the law. It is time for the media to recognize that women have made great strides in the last 100 years and let the curtain fall on antiquated stereotypes of women.