

On 29 December 2009 don Luciano was arrested by 11 police agents, his house subjected to hours of intensive searches with seizure of computer equipment, then immediately imprisoned. During the months of "sequestration" in two Ligurian prisons (*Chiavari and Sanremo for total 270 days*) he has suffered every kind of frisk, bares, spitting and verbal abuses. It was treated as a prisoner on final punishment (*as a matter of fact, in jail doesn't exist to be on remand but is a place just to atone for*) and at the same time systematically slandered by media. Many requests of release were always been denied, meanwhile in jail, a psychologist and a psychiatrist, under request of the Proxy, has undergone him to six sessions in order to ascertain his presumed social dangerousness. Expired the first prison phase, house arrest in his home in Alassio was rejected and the priest was sent into exile for four months in a nunnery. He wasn't allowed of having any contact with people outside, even on the phone. Currently, since over ten months, he is recluse in his home. Until the appeal trial he has been subjected to more than 400 house controls by the police, at any time of day and night. You wonder what's depend on him justifying such an hostile and invasive behavior: **nothing, total absence of evidence!** What have "inquisitors" of Proxy analyzed? We briefly resume the fact. Four computers have been seized by police (*two of them belongs to him and other two were parish computers*). All of them were submitted to several sophisticated technical controls, they didn't present neither any even little evidence of illegal material (*pornography, child pornography or simple reference to minor*), nor trace of erased data (*every analysis was confirmed by the experts commissioned from the Public Prosecutor Office*). They went on proceeding with the control of the seized material, with the scan of 201 CD, 96 VHS, USB pen drives, mobile phone and some camera memory cards. At the end of careful investigation on over 300 computer supports the conclusion of the public prosecutor's Office assessors has always been the same: **"From the analysis of objects examined it was found that there are no elements or clues which might relate to the nature of the offences in charge"**.

The first degree trial took place from 24 May 2010 to 17 February 2011 and was held in Savona. During the trial, around ten children were heard (*seven of them were already interrogated during the investigation, and they all have always shown their affection for the priest, denying any wrong behavior against them and attesting his blameless conduct*), some of them were interrogated several times (*shouldn't they also be protected as the girl has been?*) Everyone was certain he never had any inappropriate behavior towards them (*nevertheless the girl accusing him stated that "he punches and kicks the kids of recreation center, beats every woman and gropes their tits"*). On the contrary, what has been brought out showed just the opposite, a group of serene and happy children, glad to be part of his community. From dozens of witnesses called in court, in a hostile and preconceived climate, nothing emerged punishable by law. But then what is the charge laying on?

On the sentence, point 2, in the chapter "ground for decision" is verbatim written: **"the accusation is based essentially on statements made by the minor"**. It is about alleged harassment on a twelve-year-old girl who has been underwent to psychological examination based on a single meeting, whereas for her family no control or examination has been decided. We won't talk about the minor because we deeply respect children and their protection is out of discussion. This unlikely story keeping the priest "nailed" talks about harassment that occurred three times during the same afternoon in May 2009: the first one on the way, by motorbike, to the hill quarter of Alassio for the annual home families' blessing (*according to the accusation don Luciano would not wear pants and drawers under his cassock and that's the way he went in the several homes he visited!*).

The second time of the same afternoon has occurred in a tool shed used by the priest in his spare time and the last one in the library located on the first floor of the parish house of St. Vincent Ferreri.

It has been proven, beyond any possible doubt, that the minor was not present on the occasion of the blessings in the hilly area (*there were other children*) and Cabana described his fervid imagination not only doesn't match the one used by the priest to keep garden tools, but neither has been recognized in the incident, despite having had evidence the girl to a wide range of photographs. As if that wasn't enough has not been granted the Defense request to any, even minor, to be written by the judge, in the incident nor was probative and authorized the defense counsel to have a meeting with her. Also, before the accident evidence an auxiliary police did do the "refresher" of what was supposed to say against the priest (*this behavior is also on record*). Finally, despite the alleged harassment of the month of May, after having narrated the story implausible family, was sent by his mother to six months in all parish pastoral activities organized by don Luciano, until Monday, December 28, the day before the arrest. They participated with so much commitment and tireless and enthusiastic, as amply testified in hearings. With these bases, the judges of first instance condemned don Luciano to seven years and eight months in prison plus various ancillary penalties: 180,000 Euros in compensation to the minor, 10,000 Euros to the mother, court costs, perpetual disqualification from public offices, from teaching and from contact with minors.

The 18 November 2011 there was the appeal process was held in Genoa in one hearing. The attitude of the College was once again clearly against don Luciano still from the beginning, report of the fact full of inaccuracies and one-sidedness which was later challenged by defense lawyers. It even failed the important contribution of someone who would have the possibility of deeply read the trial documents because one of the three judges working on the trial, at the last moment has been replaced, and didn't have the time to analyze the documents. Even the Prosecutor has made a short speech, due to the fact that he received, (*as he told us*), the folder shortly before the hearing. He stated that he hadn't enough time to read properly the grounds of defense stretched for more than fifty pages, he said he just "had a look", after what he asked to confirm the same sentence of the first degree. The Council Chamber, lasted about five hours, expressed the conviction pronounced in the previous degree of justice.

Now the priest awaits the final sentence on the incident that will be established by the pronouncement of the Supreme Court in Rome. Last of all, this Committee established from the beginning of all that in order to support their parish priest, consider to have the right to obtain exhaustive explanations, while waiting for the Supreme Court to cancel the unjust conviction. The two trials, which don Luciano has been subjected to, have little to do with the climate of legality, a democratic and civilized country should aspire and the conviction is the result of a hostile climate against the priest and perhaps against the whole Catholic Church.

We are at complete disposal for further information regarding this ugly case of "bad-justice". Unfortunately at the moment in Italy there is no possibility of defense from accusations of alleged abuses, even when clear evidences are lacking, as in the case of don Massaferrò.

We don't have to forget that a story like that, could happen to anyone of us!