

# WHO MURDERED DURAN BAILEY?

Kirstin “Blaise” Lobato has twice been convicted of charges related to the murder of a homeless man in a west Las Vegas bank’s trash enclosure on July 8, 2001. That man was 44-year-old Duran Bailey. After her convictions in May 2002 of first-degree murder and sexual penetration of a dead body, the Nevada Supreme Court ordered her retrial. She was then convicted in October 2006 of voluntary manslaughter and sexual penetration of a dead body. She is currently imprisoned in Nevada for 13 to 35 years.

The prosecution’s theory of the crime is that in the pre-dawn hours of July 8 Blaise drove her car to where Bailey lived to buy methamphetamines from him, and after taking the drugs she went into a rage and beat and stabbed him to death. Then with a sharp object she allegedly sliced his corpse’s rear end and anus, and then after rolling him over she stabbed him in the stomach numerous times before severing his penis. The problem with that scenario is that it neither jibes with the reality of the evidence recovered from Bailey’s body and the murder scene, nor with Blaise’s whereabouts on July 8 and the forensic examination of her car and personal effects. Among other things:

- There is no forensic, physical, eyewitness or confession evidence linking 18-year-old Blaise or her car to the murder or the murder scene, while fingerprints, DNA evidence and bloody shoeprints leading away from the body exclude her, and tire tracks near the trash enclosure exclude her car.
- There is no evidence that Blaise had ever met Bailey, knew who he was, knew anything about him, knew anyone who knew him, knew that he lived in the trash enclosure, or that she had ever been to the location of his murder.
- There is no evidence that either Blaise or her car was in Las Vegas at any time on the day of Bailey’s murder.
- There are eleven alibi witnesses who saw and/or talked with Blaise in Panaca, Nevada, 170 miles north of Las Vegas, during the 23-1/2 hours from 12:30 a.m. until midnight on the day of Bailey’s murder. She was living in Panaca with her parents. Two additional witnesses, next door neighbors of Blaise’s parents, didn’t see her car moved on the day of Bailey’s murder.
- There is no evidence that Bailey used, traded, sold or possessed methamphetamines.
- There is no evidence that Blaise used any methamphetamine for weeks before or anytime after Bailey’s murder.
- There is no evidence that Bailey was sexually assaulted after his death, but Blaise was charged and convicted of violating Nevada’s necrophilia (sex with a corpse) law.
- A prosecution and defense expert have each opined that the manner of Bailey’s murder and post-mortem sexual dismemberment indicates the crime was homosexually related, and that neither knows of any such crime committed by a female.

*Kirstin Blaise Lobato’s Unreasonable Conviction* shows that in 21st century America the proposition a person is considered innocent until proven guilty beyond a reasonable doubt can be more of a television sound bite than a legal principle, because juries will convict a person of the most serious and unusual of crimes based on the prosecution’s argument that it is possible the defendant is guilty, however improbable or fantastic that possibility can be. Since Blaise’s convictions were not based on evidence of her guilt the question remains unanswered: Who murdered Duran Bailey?

Written by Hans Sherrer, editor and publisher of *Justice:Denied* — the magazine for the wrongly convicted.

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## KIRSTIN BLAISE LOBATO’S UNREASONABLE CONVICTION

Possibility Of Guilt Replaces Proof Beyond A Reasonable Doubt

