

Jurors Support A New Trial For Kirstin Blaise Lobato

Two jurors who voted to convict Kirstin Blaise Lobato in 2006 have signed documents supporting a new trial for her. Ms. Lobato was convicted in October 2006 of charges related to the murder of Duran Bailey in Las Vegas on July 8, 2001.

Ms. Lobato's filed a 770-page petition for a writ of *habeas corpus* filed on May 5, 2010, in the Clark County, Nevada District Court that includes significant new evidence she is actually innocent of having anything to do with Mr. Bailey's murder. That new evidence includes alibi witnesses, and forensic entomology and forensic pathology evidence that at the time of Mr. Bailey's murder Ms. Lobato was 170 miles north of Las Vegas.

After reviewing a 49-page document outlining Ms. Lobato's key new evidence in 16 areas, two jurors not only agree that she deserves a new trial so that a jury can consider her new evidence, but they each signed a document supporting a new trial for her. Those jurors are Mr. Lloyd Taylor and Mr. Thomas Ciciliano, and they both agree, "I believe it is in the interest of justice that Ms. Lobato be granted a new trial."

Mr. Taylor's Affidavit dated January 26, 2011 states:

1. I was a juror in 2006 for the criminal case of the State of Nevada vs. Kirstin Blaise Lobato in the Clark County District Court.
2. Based on the evidence presented during Ms. Lobato's trial the jury voted she was guilty of voluntary manslaughter with a deadly weapon and sexual penetration of a dead body.
3. I am aware that Ms. Lobato has filed a petition for a writ of habeas corpus in the Clark County District Court, and

that she is seeking a new trial in part based on numerous claims of new evidence the jury was not aware of when it convicted her in 2006.

4. I have reviewed 16 separate claims of Ms. Lobato's new evidence that the jury did not have available in 2006 when it deliberated her case and found her guilty.
5. I believe that if the jury in 2006 had known the new evidence in Ms. Lobato's habeas corpus petition it could have influenced the jury's deliberations, and it could have possibly resulted in either a hung jury or Ms. Lobato's acquittal.
6. I believe it is in the interest of justice that Ms. Lobato be granted a new trial.
7. I am executing this AFFIDAVIT voluntarily and of my own free will. No force has been used upon me, and no threats or promises made to me by anyone. (Affidavit of Lloyd Taylor, January 26, 2011.)

Mr. Ciciliano's Statement dated January 5, 2011 states:

1. I was a juror in 2006 for the criminal case of the State of Nevada vs. Kirstin Blaise Lobato in the Clark County District Court.
2. Based on the evidence presented during Ms. Lobato's trial the jury voted she was guilty of voluntary manslaughter with a deadly weapon and sexual penetration of a dead body.
3. I am aware that Ms. Lobato is seeking a new trial based in part on numerous claims of new evidence the jury was not aware of when it convicted her in 2006.
4. I have reviewed new evidence in Ms. Lobato's case that the jury did not have available in 2006 when it deliberated and found her guilty.
5. I believe that if the jury in 2006 had known Ms. Lobato's new evidence it could have influenced the jury's deliberations, and it could have possibly resulted in either a hung jury or Ms. Lobato's acquittal.
6. I believe it is in the interest of justice

that Ms. Lobato be granted a new trial so that a jury can fairly consider all the evidence that is now available in her case after hearing both the defense and the prosecutions arguments about that evidence.

7. I am executing this STATEMENT voluntarily and of my own free will. No force has been used upon me, and no threats or promises made to me by anyone. (Statement of Thomas Ciciliano, January 5, 2011.)

The document the jurors reviewed is titled "New Evidence Kirstin Blaise Lobato Is Innocent Of Any Involvement In The Death Of Duran Bailey In Las Vegas, Nevada On July 8, 2001." It is available online at, www.justicedenied.org/kl/kb_lobato_case_summary.pdf

The documents signed by Mr. Lloyd Taylor and Mr. Thomas Ciciliano were obtained as a result of Justice Denied's continuing investigation into Ms. Lobato's case. The following webpage explains what was learned from Justice Denied's interview of jurors for Ms. Lobato's 2006 trial. See, Report About Interviews Of Jurors For Kirstin Blaise Lobato's 2006 Trial at, www.justicedenied.org/kbl_juror_interviews.html

On February 24, 2011, the documents signed by Mr. Taylor and Mr. Ciciliano were filed in the Clark County District Court as Supplemental Exhibits supporting the granting of Ms. Lobato's habeas corpus petition. The document filed is titled, "Supplemental Exhibits To Petitioner's Answer In Support Of Petition For Writ Of Habeas Corpus," and it can be read at, www.justicedenied.org/kl/lobato_supplemental_juror_exhibits_11242011.pdf

Extensive information about Ms. Lobato's case is available at, www.justicedenied.org/kl/kbl.htm

Scott Sister's Release Proves The Power Of One Person To Make A Difference

Mississippi Governor Haley Barbour announced on December 30, 2010, that he was indefinitely suspending the sentences of Jamie and Gladys Scott.

The sisters were convicted in 1994 of rob-

bing two men in Scott County, Mississippi of \$11 who were not injured. Three boys confessed to the robbery, and agreed to plea deals giving them jail sentences of less than a year in exchange for testifying against the sisters, who insisted at their trial they were not involved in the robbery. Both sisters were convicted and sentenced to life in prison.

One of the boys has signed an affidavit that



Jamie and Gladys Scott

the sisters didn't have anything to do with the robbery and he only testified they were so he would get a short jail sentence. They also have two other affidavits clearing them of the crime.

The sisters filed a pardon petition, and the outrageousness of their case attracted national attention, including articles by na-

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Scott Sisters cont. from p. 14

tional columnists Bob Herbert and Leonard Pitts Jr., and their release was supported by the NAACP.

After more than three hundreds of people rallied in support of the Scott Sisters at the capital in Jackson, Mississippi on September 15, 2010, Governor Haley Barbour met with supporters who encouraged him to pardon the sisters.

Gov. Barbour explained in his Statement that he ordered suspension of the sister's sentences and their release after 16 years of imprisonment because:

"Jamie Scott requires regular dialysis, and her sister has offered to donate one of her kidneys to her. The Mississippi Department of Corrections believes the sisters no longer pose a threat to society. Their incarceration is no longer necessary for public safety or rehabilitation, and

Jamie Scott's medical condition creates a substantial cost to the State of Mississippi.

...

Gladys Scott's release is conditioned on her donating one of her kidneys to her sister, a procedure which should be scheduled with urgency. The release date for Jamie and Gladys Scott is a matter for the Department of Corrections."

Although Gov. Barbour wasn't courageous enough to deal with the political blow-back that would have occurred if he had pardoned the Scott Sisters, he couldn't ignore that it was a political liability to him for the sisters to remain imprisoned.

Jamie, 38, and Gladys, 35, were released on January 7, 2011. They relocated to Florida, where their mother and children live.

The release of the Scott sisters once again proves the power of one person's initial



Hundreds of Scott sister supporters march on Capital Street in Jackson, MS on September 15, 2010 (Vickie D King, *The Clarion-Ledger*)

efforts to be the reason why an innocent person's case attracts the attention necessary for them to finally win their release.

Nancy Lockhart is the person most responsible for the Scott sisters release, and why they are not going to die in prison for a robbery there is no evidence they committed. Nancy put in years of lonely effort before she was finally successful in attracting the support of national organizations and figures and garnering the critical mass of public attention to their case that the governor could not ignore.

Nancy's blog about Grassroots Organizing In Support Of Wrongful Convictions is at, <http://nancylockhart.blogspot.com>

Sources:

Scott Sisters on Release From Mississippi Prison: 'We're So Grateful', *Aolnews.com*, January 7, 2011

"Taking \$11 fails to justify life sentences," by Leonard Pitts, *Miami Herald*, November 20,

Business As Usual At N.C.'s State Crime Lab After Audit Uncovers Culture Of Corruption

When the jury convicted Greg Taylor in 1993 of murdering a woman in North Carolina, it relied on the truthfulness of a state crime lab technician's testimony and the prosecutor's 17 statements during closing arguments that blood matching the victim's blood type was found in his truck. The blood in Taylor's truck was the only physical evidence linking him to the crime. Taylor was sentenced to life in prison.

Years later it was discovered during a reinvestigation of his case that the blood tests by North Carolina's State Bureau of Investigation (SBI) Crime Lab were negative for the victim's blood in Taylor's truck — in fact it wasn't blood at all — but the lab didn't inform the prosecutors of that fact and the crime lab technician testified falsely.

Based primarily on the new exclusionary biological evidence Taylor's conviction was overturned and he was released on February 17, 2010. The 47-year-old Taylor was wrongfully imprisoned for almost 17 years.

After his pardon by North Carolina Governor Bev Perdue on May 21, 2010, Taylor was awarded \$750,000 compensation by the State of North Carolina.

In the wake of Taylor's exoneration North Carolina Attorney General Roy Cooper ordered an audit of the state's DNA crime lab. The audit uncovered 229 cases where the SBI withheld information or distorted blood evidence that could potentially exonerate a defendant. Eighty of those cases involved people who were still imprisoned.

After the audit's findings were disclosed in August, 2010, AG Cooper pledged to carry out meaningful reform in the SBI, and those changes would begin with the appointment of a new SBI crime lab director. That position remains vacant, and a full-fledged audit of the entire SBI crime lab system is not currently planned, even though it was recommended at the time the DNA lab's audit was ordered by AG Cooper.

Duane Deever was the only crime lab technician fired as a result of the audit. Deever was the technician in Taylor's case who left out of his report that the crime lab's tests determined the substance in Taylor's truck wasn't blood, and he was also accused of providing misleading testimony during Taylor's trial.

However, the audit uncovered evidence that Deever wasn't a "bad apple," but simply one of the worst of many in a culture of corruption permeating North Carolina's SBI DNA lab. Yet meaningful reforms have not been carried out to correct the crime lab's problems in order to prevent any number of future cases like Greg Taylor's from happening, and restore public confidence that the crime lab isn't simply functioning as a mill providing prose-

cution favorable evidence.

On January 18, 2011, a legislative panel released a series of recommendations that ranged from creating an advisory committee to review the crime lab's forensic work, to the purely cosmetic change of renaming the lab and redefining its purpose without changing how it operates.

Sources:

"Taylor, now free: 'Truth has prevailed'," *WRAL.com* (Raleigh, NC), February 17, 2010.

"Scathing SBI audit says 230 cases tainted by shoddy investigations," *News-Observer* (Charlotte, NC), August 27, 2010

"North Carolina Crime Labs Helped Jail Innocent People -- So Where's the Reform?," *Change.org*, January 18, 2011.

"N.C. panel recommends SBI lab changes," *The Sun News* (Myrtle Beach, SC), January 19, 2011.

Freeing The Innocent A Handbook for the Wrongfully Convicted

By Michael and Becky Pardue

Self-help manual jam packed with hands-on - 'You Too Can Do It' - advice explaining how Michael Pardue was freed in 2001 after 28 years of wrongful imprisonment. Soft-cover. Send \$15 (check, m/o or stamps) to: Justice Denied; PO Box 68911; Seattle, WA 98168. (See Order Form on p. 21). Or order with a credit card from JD's website, www.justicedenied.org