

Judges in Nevada are popularly elected by the public just as they are in the majority of states. Those judges conduct a political campaign in competition with other people pursuing the same position like any other person seeking a public office.

## Is Valorie Vega The Most Corrupt Judge In The United States?

By Hans Sherrer

It is well known that persons elected to a public office can be corrupt, and judges are no different. As with other politicians, corrupt judges come in many flavors. The rulings of some are influenced by money taken under the table. The rulings of others are influenced by political payback either for their backer or against persons supporting their opponent. The rulings of others are influenced by their prejudices against particular ethnicities, religion or skin color. The rulings of others are influenced by the history of a litigant they may have read or heard about, or who they have personal knowledge about. Judges that are appointed have these same foibles – except some of their prejudices and shortcomings may be concealed from the public by them not having to go through the minimal filter of a public political campaign.

Clark County District Court Judge Valorie Vega presided over the 2006 trial of Kirstin Blaise Lobato, who goes by her middle name of Blaise. That trial was for charges related to the murder of a homeless man – Duran Bailey – near the Las Vegas Strip on July 8, 2001.

The prosecution introduced no forensic, physical, eyewitness, confession, documentary (gas receipt, etc.), or CCTV security video evidence that Ms. Lobato was anywhere in Clark County (Las Vegas) at any time on July 8, 2001 – the day of Bailey’s murder, or that she knew Bailey or had ever been to where he was murdered.

Ms. Lobato gave a police statement on July 20, 2001, that describes her defending herself from a rape attempt in east Las Vegas at a Budget Suites Hotel on Boulder Highway that she stated occurred “more than a month ago” (i.e., prior to June 20). Even though Ms. Lobato’s statement does not include any material details of the manner or location of Mr. Bailey’s murder and she described her assailant as a completely different person than him, the foundation of the prosecution’s case was their contention her statement is about Bailey’s murder that occurred at a west Las Vegas bank weeks after the attempted rape she describes in her statement.

After two days of deliberations the jury convicted Ms. Lobato on October 6, 2006, of voluntary manslaughter and the sexual penetration of Bailey’s dead body (an injury to his

rectum). She was sentenced to 13 to 35 years. It was reported that the prosecutor and Ms. Lobato’s public defender agreed the verdict was a compromise between jurors wanting to acquit her and those wanting to convict her of murder.

Ms. Lobato’s conviction was affirmed by the Nevada Supreme Court on February 5, 2009, based on her alleged “admission” to murdering Bailey and alleged “positive” tests for blood in her car.<sup>1</sup> However, there was no testimony she ever made any admission to murdering Bailey, and the testimony was that scientific confirmatory tests were negative for blood in her car. Consequently, the Court’s ruling was not based on trial evidence, but an alleged incriminating “admission” and alleged “blood” “evidence” that the Court concocted out of thin air.<sup>2</sup>

**“In Blaise’s case Judge Vega went beyond allowing her courtroom to be transferred into a den of lies – there is reason to believe she betrayed the public trust and her obligation as a public servant by actively aiding the prosecution’s suppression and obfuscation of the truth to procure Blaise’s convictions regardless of her innocence.”**  
(Afterword at page 147. of *Kirstin Blaise Lobato’s Unreasonable Conviction* by Hans Sherrer.)

The U. S. Supreme Court denied Ms. Lobato’s writ of *certiorari* in October 2009, and her convictions became final. Ms. Lobato’s representation by her public defender ended and he turned over her case files to her.

Intensive investigation of Ms. Lobato’s case by Justice Denied resulted in the discovery of significant new evidence, including scientific evidence Bailey died after 8 p.m. on July 8 – while the un rebutted trial testimony that not even the prosecution disputed was that reliable alibi witnesses and telephone records establish Ms. Lobato was in Panaca on July 8 from at least 11:30 a.m. until after Bailey’s body was found that night “around 10 p.m.”

On May 5, 2010, Ms. Lobato filed a 770-page state *habeas corpus* petition in the Clark



Judge Valorie Vega on a weekday afternoon after she had adjourned a murder trial to attend her daughter’s soccer game. It was during this period of time that she was legally obligated to thoroughly review Ms. Lobato’s 770-page *habeas corpus* petition. (Las Vegas KLAS-TV)

County District Court that has 79 grounds for a new trial based on new evidence of her innocence; exculpatory evidence concealed by the prosecution; prosecutor, police and jury misconduct; and ineffective assistance of counsel.

Ms. Lobato filed in September 2010 a 43-page Motion For Recusal Of Judge Valorie Vega to disqualify her from presiding over her *habeas corpus* petition.<sup>3</sup> The motion cited four grounds. Ms. Lobato filed a 44-page Supplement to that Motion on October 1, 2010, that cited five additional grounds.<sup>4</sup> Those motions that total 87-pages are public

documents filed in the Clark County District Court Clerk’s Office.

The original four grounds for Judge Vega’s recusal / disqualification are:

1. Judge Vega has personal knowledge of facts that are in dispute in Ground 52 of Ms. Lobato’s *habeas* petition, and that makes her a material witness. Ground 52 concerns alleged prosecutorial misconduct by Clark County Assistant District Attorney William Kephart, and ADA Sandra DiGiacomo during Ms. Lobato’s trial that Judge Vega witnessed, and that she states in the transcript she made notes about.<sup>5</sup> Judge Vega’s disqualification is mandated by Revised Nevada Code of Judicial Conduct Rule 2.11(A)(1) that prohibits a judge from presiding over a case in which he or she has “personal knowledge of facts that are in dispute in the proceeding.” In addition, Ms. Lobato has a state and federal constitutional due process right to have a neutral and detached judge preside over her *habeas corpus* petition.<sup>6</sup> It is a violation of Ms. Lobato’s right to due process when a judge – such as Judge Vega – is not neutral and detached and has “personal knowledge of facts that are in dispute” and who is a material witness in Ms. Lobato’s petition for a writ of *habeas corpus*.

Furthermore, Judge Vega is a material witness to repeated lying by Assistant District Attorney William Kephart to first deceive her into admitting hearsay and double hearsay testimony by LVMPD Detective Thomas Thowsen, and then to avoid her granting a defense motion to strike Det. Thowsen’s testimony.<sup>7</sup> She is ethically and legally required by Rule 2.15(B) and (D) of the Revised Nevada Code of Judicial Conduct to report that conduct to the Nevada Bar Association. Consequently, Judge Vega’s disqual-

**Vega corrupt cont. on p. 11**

## Vega corrupt cont. from p. 10

ification is required by Revised Nevada Code of Judicial Conduct Rule 2.11(A)(1) because she “personal knowledge of facts” about the dishonest conduct by the lawyer that she would have to testify about as a material witness during any subsequent proceeding.<sup>8</sup>

2. Judge Vega has a conflict of interest and a prejudgment about the issues regarding Grounds 46, 60, 61 and 75 because they involve the allegation that Ms. Lobato’s trial lawyer was ineffective for failing to object to rulings that Judge Vega made and which were not raised in her direct appeal, so no judge has considered the legality of Judge Vega’s rulings.<sup>9</sup> Judge Vega’s disqualification is mandated by the Revised Nevada Code of Judicial Conduct Rule 2.11(A) that states “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned ...” Furthermore, it will violate Ms. Lobato’s state and federal constitutional right to due process and her right to a fair, impartial, and disinterested judge if a judge with a conflict of interest and/or pre-judgment in the proceedings presides over Ms. Lobato’s petition for a writ of *habeas corpus*.<sup>10</sup>

3. Judge Vega’s conducted a hearing on July 15, 2010, regarding a motion by the State that had not been served on Ms. Lobato so she had no opportunity to respond to the motion, she was not notified about the hearing, and she was not present at the hearing so as a *pro per* litigant she was not represented. Judge Vega granted the State’s motion.

Judge Vega’s conduct was contrary to at least 7 rules of the Revised Nevada Code of Judicial Conduct,<sup>11</sup> and her disqualification is mandated by Rule 2.11(A) that states “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned ...”

Furthermore, Judge Vega’s conduct requires her disqualification because the U.S. Supreme Court has mandated that due process fundamentally requires that a litigant – such as Ms. Lobato – is provided notice of a proceeding, the opportunity to be heard during the proceeding, and that a neutral and detached decision maker presides over the proceeding.<sup>12</sup> Ms. Lobato’s motion explains that Judge Vega didn’t comply with any of those mandatory due process requirements during the hearing on July 15, 2010. Ironically, in 2004 the United States Supreme Court ruled in *Hamdi v. Rumsfeld* (542 U.S. 507 (U.S. 06-28-2004), ¶75.) that accused enemy combatants at Guantanamo Bay, Cuba and other U.S. Government detention facilities who have filed a

petition for a writ of *habeas corpus* must be granted the full due process protections that Judge Vega denied Ms. Lobato on July 15, 2010. So accused enemies of the United States are accorded more due process “rights” than Judge Vega accorded Ms. Lobato on July 15, 2010.

4. Judge Vega has publicly stated she believes Ms. Lobato is guilty.<sup>13</sup> Consequently, Judge Vega’s recusal/disqualification is mandated by the Revised Nevada Code of Judicial Conduct’s Rule 2.11(A) that states, “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned ...”

Furthermore, Judge Vega’s recusal/disqualification is required by due process that requires an impartial decision maker and prohibits a judge with even the appearance of bias from presiding over a case – much less a case such as Ms. Lobato’s in which Judge Vega has publicly expressed the extraordinary bias of believing Ms. Lobato is guilty.<sup>14</sup> Judge Vega’s lack of impartiality and manifest bias against Ms. Lobato makes it impossible for her to fairly consider Ms. Lobato’s writ of *habeas corpus* that among its grounds sets forth that she is actually innocent of Mr. Bailey’s murder based on new scientific and medical evidence he died in Las Vegas at a time when credible and un rebutted alibi evidence establishes she was in Panaca, Nevada 170 miles north of Las Vegas at the time of his murder.

The additional five grounds in the Supplement are:

5. Judge Vega conducted a proceeding on September 17, 2010, and granted a motion by the State that had not been served on Ms. Lobato so she had no opportunity to respond to it, she was not notified about the proceeding, and she was not present at the proceeding so as a *pro per* litigant she was not represented.<sup>15</sup> The U.S. Supreme Court has ruled repeatedly that due process requires that a litigant be provided notice of a proceeding, the opportunity to be heard during the proceeding, and that a “neutral and detached judge” presides over the proceeding.<sup>16</sup> Judge Vega didn’t comply with any of those due process requirements during the proceeding on September 17, 2010, and her conduct provides evidence of her actual bias against Ms. Lobato, which requires her disqualification under U.S. Su-



Judge Valorie Vega beginning jury deliberations in the murder trial of Victor A. Fakoya at 2:43 a.m. on December 17, 2010, so she could leave the next day on vacation. *Inside Edition* did a feature television story about this incident that was broadcast multiple times around the world. This photo is taken from the courtroom video that was broadcast by *Inside Edition*. The story was first broke by KLAS-TV in Las Vegas. On June 5, 2012 the Nevada Commission on Judicial Discipline filed a three count complaint against Judge Vega accusing her of unethical actions during Mr. Fakoya’s trial, that include her adjoining court early on at least six occasions so she could attend her daughter’s soccer games. It was also during this period of time that Judge Vega was legally required to thoroughly review Ms. Lobato’s 770-page *habeas corpus* petition. The complaint is at, <http://judicial.state.nv.us/Formal%20Statement%20of%20Charges--Vega.pdf>

preme Court precedents.<sup>17</sup> Ironically, in 2004 the United States Supreme Court ruled in *Hamdi v. Rumsfeld* (542 U.S. 507 (U.S. 06-28-2004), ¶75.) that accused enemy combatants at Guantanamo Bay, Cuba and other U.S. Government detention facilities who have filed a petition for a writ of *habeas corpus* must be granted the full due process protections that Judge Vega denied Ms. Lobato on September 17, 2010. So accused enemies of the United States are accorded more due process “rights” than Judge Vega accorded Ms. Lobato on September 17, 2010.

6. Judge Vega’s conducted a proceeding on September 17, 2010, and granted a motion by the State that had not been served on Ms. Lobato so she had no opportunity to respond to it, she was not notified about the proceeding, and she was not present at the proceeding so as a *pro per* litigant she was not represented.<sup>18</sup> Judge Vega’s conduct was contrary to at least 7 rules of the Revised Nevada Code of Judicial Conduct, so her disqualification is mandated by Rule 2.11(A) that states, “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned ...” (See also, Judge Vega’s violation No. 3.)

7. Judge Vega misstated a court rule in her Minutes ruling of September 17, 2010, which provided justification for her to grant the State’s motion to strike three motions filed by Ms. Lobato on September 7, 2010.<sup>19</sup> In October 2009 Ms. Lobato executed a general power of attorney that granted unlimited authority

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to the woman she appointed to act on her behalf. The woman signed the three motions on Ms. Lobato's behalf as her duly authorized "attorney in fact," which is the official designation of a person with power of attorney. By altering the wording of the court rule Judge Vega was able to create the appearance that Ms. Lobato's motions had not been properly signed even though the Nevada Supreme Court has repeatedly ruled beginning in 1875 that the authority she granted to her "attorney in fact" is governed by the words of her power of attorney document.<sup>20</sup>

Judge Vega's conduct also undermined Ms. Lobato's authority to grant her power of attorney under the Contract Clause of the U.S. Constitution, and it created the appearance Judge Vega is not the "neutral and detached judge" required by due process – consequently her disqualification is required.<sup>21</sup> In addition, Judge Vega's conduct was contrary to at least 3 rules of the Revised Nevada Code of Judicial Conduct, and her disqualification is mandated by Rule 2.11(A) that states, "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned ..."

8. Judge Vega's conducted a proceeding on September 17, 2010, and granted a motion by the State to strike three of Ms. Lobato's motions. Ms. Lobato had not been served with the State's motion so she had no opportunity to respond to it, she was not notified about the proceeding, and she was not present at the proceeding so as a *pro per* litigant she was not represented.<sup>22</sup> Judge Vega's conduct preceding and during that proceeding created the appearance she colluded with the Clark County District Attorney's Office to grant the State's Motion to strike Ms. Lobato's three motions.<sup>23</sup>

Judge Vega's conduct was contrary to at least 3 rules of the Revised Nevada Code of Judicial Conduct, and her disqualification is mandated by Rule 2.11(A) that states, "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned ..." Furthermore, due process requires disqualification of a judge who has even the appearance of bias, and Judge Vega's conduct goes far beyond meeting that requirement.<sup>24</sup>

9. Judge Vega is a material witness to repeated lying in a court document filed in Ms. Lobato's habeas corpus case by a lawyer with the Clark County District Attorney's Office.<sup>25</sup> She is ethically and legally required by Rule 2.15(B) and (D) of the Revised Nevada Code of Judicial Conduct to report that attorney's

dishonest conduct to the Nevada Bar Association. Consequently, Judge Vega's disqualification is required by Revised Nevada Code of Judicial Conduct Rule 2.11(A)(1) because she "personal knowledge of facts" about the dishonest conduct by the lawyer that she would have to testify about as a material witness during any subsequent proceeding.<sup>26</sup>

The Motion To Recuse Judge Vega and in the Supplement explain the factual basis for each of the above summarized 9 Grounds, along with the relevant Nevada Code of Judicial Conduct rules, and U.S. Supreme Court rulings.

Judge Vega filed a response to the Motion To Recuse on September 27, 2010,<sup>27</sup> and a response to the Supplement on October 7, 2010,<sup>28</sup> Judge Vega denied in general terms that she is biased against Ms. Lobato, or that she is a material witness, or that she has a conflict of interest regarding several of the habeas petition's grounds. Judge Vega can be considered to have blatantly lied in her responses, such as when she wrote "The Court's notes ... are not in any way part of record in the case ..." The truth concealed by Judge Vega is that she specifically states in the trial transcript that she was relying on her trial notes in making a ruling regarding a key issue in Ground 52.<sup>30</sup>

Judge Vega was also openly deceptive in her responses, such as when she wrote, "I am not a "material witness" nor percipient witness to any of the facts and circumstances concerning the July 8, 2001 offences of which Petitioner Lobato was convicted."<sup>31</sup> That was a deceptive evasion of Ground 1 in Ms. Lobato's Motion To Recuse that cites from the trial transcript to plainly set forth that Judge Vega is a material witness to events in the courtroom during the trial that form the substance of Ground 52 – and thus her disqualification is mandated by Rule 2.11 of the Nevada Code of Judicial Conduct. Judge Vega's publicly expressed opinion that Ms. Lobato is guilty of murdering Duran Bailey is the 4th Ground for her disqualification. Judge Vega's defense to that Ground was to contradict herself in consecutive sentences by first stating it was "legally appropriate" for her to express her belief in Ms. Lobato's guilt, and then in the next sentence she stated she "has no bias or prejudice for or against either Petitioner Lobato and/or the State of Nevada."<sup>32</sup>

Judge Vega's defense to not being disqualified amounted to "I'm a judge and I presided over Ms. Lobato's trial so I should preside over her habeas corpus petition." Judge Vega even goes so far as to pretend she is deaf, dumb, and blind to the content of Ms. Lobato's two motions that total 87

pages (43 and 44 pages) by writing, "To my knowledge, no grounds for recusal exist."<sup>33</sup>

Consequently, Judge Vega's responses amount to no defense to the grounds stated by Ms. Lobato for her recusal/disqualification. Relying on Judge Vega's rationale, the Nevada Code of Judicial Conduct rules and the U.S. Supreme Court's due process precedents mandating the disqualification of a judge who even has the appearance of not being "neutral and detached" are meaningless and not worth the paper they are written on, if they are inapplicable in a case with the grounds cited by Ms. Lobato of egregious unethical conduct by Judge Vega that mandates her disqualification.

Under the circumstances of Judge Vegas known bias and prejudice against Ms. Lobato, her known conflicts of interest related to Ms. Lobato's habeas corpus petition, and her self-interest to preserve Ms. Lobato's convictions since she presided over her trial in 2002 and her retrial in 2006, it is reasonable to expect that Judge Vega would deny Ms. Lobato habeas corpus even if she had a time and date stamped video showing her in Panaca the entire day of July 8, 2001.

The ultimate corruption of a judge is to elevate their desired outcome for a case above the outcome dictated by the actual facts and the applicable law(s). Judge Vega's conduct during the entirety of Ms. Lobato's case can be interpreted that she used her position as a judge to ensure Ms. Lobato was convicted,<sup>34</sup> and her enmity against Ms. Lobato is further suggested by her unusually harsh sentence.<sup>35</sup> Judge Vega's questionable conduct during Ms. Lobato's habeas proceeding that is documented in the Motion to Recuse and the Supplement to that Motion is consistent with her pattern of questionable conduct during Ms. Lobato's trial that is documented in her habeas corpus petition.<sup>36</sup>

It is written in the book, *Kirstin Blaise Lobato's Unreasonable Conviction: Possibility of Guilt Replaces Proof Beyond a Reasonable Doubt* — Second Edition by Hans Sherrer (The Justice Institute: Seattle, 2010):

"In Blaise's case Judge Vega went beyond allowing her courtroom to be transferred into a den of lies — there is reason to believe she betrayed the public trust and her obligation as a public servant by actively aiding the prosecution's suppression and obfuscation of the truth to procure Blaise's convictions regardless of her innocence." (Afterword at page 147.)

The only rational reason for Judge Vega to

## Vega corrupt cont. on p. 13



## Vega corrupt cont. from p. 12

vehemently oppose her disqualification as the judge presiding over Ms. Lobato's habeas corpus petition is to ensure that it isn't assigned to a judge who will fairly and openly review its 79 grounds and grant Ms. Lobato a new trial based on one or more of those grounds. Judge Vega would voluntarily and with grace step down from Ms. Lobato's habeas corpus case if she had any concern whatsoever with preserving even a modicum of personal or judicial dignity, or the appearance of justice that the U.S. Supreme Court has ruled numerous times is a requirement for a person to receive due process.

Hearing of the Motion to Recuse Judge Vega was assigned to Clark County District Court Judge Douglas E. Smith. The motion was scheduled to be the first motion heard in Judge Smith's courtroom at 8:30 a.m. on October 20, 2001. During the few minutes the hearing lasted, Judge Smith did not allow any arguments nor did he address the substance of any of the nine grounds cited in Ms. Lobato's Motion to Recuse Judge Vega. What he did do was deny the Motion with the comment "Judge Vega is a fine judge."<sup>37</sup> That rationale is completely irrelevant and non-responsive to the nine specific grounds in Ms. Lobato's Motion and Supplement that require Judge Vega's disqualification under both numerous provisions of the Nevada Code of Judicial Conduct and to protect Ms. Lobato's federal and state constitutional right to due process of law. There is no evidence that Judge Smith considered the merits of the facts and the law underlying Ms. Lobato's nine grounds detailed in her Motion to Recuse Judge Vega and the Supplement. Judge Smith's ruling suggests he abrogated his responsibility to function as a judge by automatically deny Ms. Lobato's Motion as a courtesy to his fellow Judge Vega to protect her from the embarrassment of being disqualified from Ms. Lobato's habeas corpus case. Judge Smith's conduct may subject him to disciplinary action under the RNCJC.

It is as impossible for Judge Vega to fairly consider the merits of Ms. Lobato's petition for a writ of *habeas corpus* as it is for water to defy gravity and flow uphill on its own. It is a thorough corruption of the judicial process for any judge to preside over any proceeding under the circumstances that exist for Judge Vega in Ms. Lobato's *habeas corpus* case. Judge Vega's conduct during Ms. Lobato's trial and her habeas corpus proceeding can legitimately be described as at least as corrupt as that of any judge in the United States.<sup>38</sup> There is only one possible circumstance under which Judge Vega will act like a judge in considering the merits of

Ms. Lobato's habeas corpus petition: If she succumbs to outside influences that shame her into fulfilling her constitutional and moral obligation to function as a neutral arbiter.

This article was originally published on Justice Denied's website on December 21, 2010. It is online at, <http://justicedenied.org/wordpress/archives/242>

### Endnotes:

- 1 *Lobato vs. Nevada*, No. 49087 (NV Supreme Ct, February 5, 2009). The Court's comment about the alleged "admission" is at 4, and about the alleged "positive" blood test is at 2.
- 2 The Nevada Supreme Court's fabrication of the non-existent "admission" of guilt and the "positive blood" evidence they relied on to affirm Ms. Lobato's conviction is explained in detail in Chapter IX – Blaise's Conviction Affirmed, of *Kirstin Blaise Lobato's Unreasonable Conviction – Second Edition*, by Hans Sherrer (Seattle: The Justice Institute, 2010).
- 3 *Kirstin Blaise Lobato v. Warden Of FMWCC, and The State Of Nevada*, No. C-177394, Motion For Recusal Of Judge Valorie Vega, September 17, 2001.
- 4 *Kirstin Blaise Lobato v. Warden Of FMWCC, and The State Of Nevada*, No. C-177394, Supplement To Petitioner Lobato's Motion For Recusal Of Judge Valorie Vega, October 1, 2001.
- 5 Motion For Recusal Of Judge Valorie Vega, at 2-3.
- 6 *Hamdi v. Rumsfeld*, 542 U.S. 507 (U.S. 06-28-2004), "Due process requires a 'neutral and detached judge' .. For more than a century the central meaning of procedural due process has been clear: 'Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified.' It is equally fundamental that the right to notice and an opportunity to be heard 'must be granted at a meaningful time and in a meaningful manner.' ... These essential constitutional promises may not be eroded." *Id.* at ¶75.
- 7 Motion For Recusal Of Judge Valorie Vega, at 3-4.
- 8 *Id.*, at 3-4.
- 9 *Id.*, at 4-5.
- 10 *Hamdi v. Rumsfeld*, 542 U.S. 507 (U.S. 06-28-2004), ¶75.
- 11 Motion For Recusal Of Judge Valorie Vega, at 6-10.
- 12 *Hamdi v. Rumsfeld*, 542 U.S. 507 (U.S. 06-28-2004), ¶75.
- 13 Motion For Recusal Of Judge Valorie Vega, at 10-12.
- 14 *Hamdi v. Rumsfeld*, 542 U.S. 507 (U.S. 06-28-2004), ¶75. There are a number of other U.S. Supreme Court cases consistent with the *Hamdi* ruling holding that a requirement of due process is that a judge must be impartial and not biased.
- 15 Supplement To Petitioner Lobato's Motion For Recusal Of Judge Valorie Vega.
- 16 *Hamdi v. Rumsfeld*, 542 U.S. 507 (U.S. 06-28-2004), ¶75.
- 17 Supplement To Petitioner Lobato's Motion For Recusal Of Judge Valorie Vega, at 2-4.
- 18 *Id.*, at 4-5.
- 19 *Id.*, at 5-6.
- 20 Nevada Supreme Court's precedent in *Maynard v. Mercer*, 10 Nev. 33 (1875) that was restated in *Seigworth v. State*, 91 Nev. 536, P.2d 464

(Nev. 8-26-1975).

21 *Hamdi v. Rumsfeld*, 542 U.S. 507 (U.S. 06-28-2004), ¶75.

22 Supplement To Petitioner Lobato's Motion For Recusal Of Judge Valorie Vega, at 6-9.

23 *Id.*, at 6-9.

24 *Hamdi v. Rumsfeld*, 542 U.S. 507 (U.S. 06-28-2004), ¶75. Also, to protect a litigant's constitutional rights, "the Due Process Clause has been implemented by objective standards that do not require proof of actual bias." *Caperton et al v. A. T. Massey Coal Co.*, 556 US. \_\_\_, (2009), at ¶65. The Caperton decision cited the Supreme Court case of *In re Murchison*, in which the Court ruled regarding recusal of a judge, "... our system of law has always endeavored to prevent even the probability of unfairness." *In re Murchison*, 349 U.S. 133, 136 (1955).

25 Supplement To Petitioner Lobato's Motion For Recusal Of Judge Valorie Vega, at 9-11.

26 *Id.*, at 11.

27 *Nevada v. Lobato*, No. C-177394, Court's Opening Procedural Remarks and Answer, September 27, 2010.

28 *Nevada v. Lobato*, No. C-177394, Supplement To Court's Procedural Remarks and Answer, October 7, 2010.

29 *Nevada v. Lobato*, No. C-177394, Court's Opening Procedural Remarks and Answer, September 27, 2010.

30 "I want to go back to my notes." at 8 App. 1414; XIII-177, 9-27-06.

31 *Nevada v. Lobato*, No. C-177394, Court's Opening Procedural Remarks and Answer, September 27, 2010.

32 *Id.*, at 2.

33 *Nevada v. Lobato*, No. C-177394, Supplement To Court's Procedural Remarks and Answer, October 7, 2010.

34 Ground 46 of Ms. Lobato's habeas corpus petition documents that Judge Vega refused to allow Blaise's alibi witnesses testify that she told them beginning in late May 2001 that she had defended herself against a sexual assault at the Budget Suites Hotel by using her knife to try and cut her assailant's penis. Grounds 60 and 61 document that Judge Vega then gave the jury instructions that shifted the burden of proof to Blaise to prove she was innocent and reduced the government's burden to prove she was guilty beyond a reasonable doubt – after Judge Vega had refused to allow the jury to hear the alibi witness testimony that provided proof she was innocent. So Judge Vega directly assisted the prosecution by relieving it of their constitutional requirement of introducing evidence proving Ms. Lobato was guilty of every essential element beyond a reasonable doubt.

35 Judge Vega imposed the maximum prison sentence of 13 to 35 years in prison, and imposed additional extraordinary post-release sentences of lifetime registration as a sex offender and lifetime supervision by the Nevada Dept. of Corrections.

36 *Kirstin Blaise Lobato v. Warden Of FMWCC, and The State Of Nevada*, No. C-177394, Motion For Recusal Of Judge Valorie Vega, September 17, 2001.

37 *Nevada v. Lobato*, No. C-177394, Minutes of Recusal Hearing, November 20, 2010.

38 Corruption: "6. Perversion or destruction of integrity in the discharge of public duties. ... b. A case or instance of corrupt practice." Oxford English Dictionary, Second edition, 1989; online version November 2010.

<http://dictionary.oed.com> (last visited December 8, 2010).