Justice: Denied - Issue 50, Special Edition

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Message From The Publisher

This issue consists of articles published on Justice Denied's website about Kirstin Blaise Lobato's case after the updated edition of Kirstin Blaise Lobato's Unreasonable Conviction was published in November 2010. The PDF version of the book can now be read online for no charge at, http://justicedenied.org/lobato.htm

Justice Denied began investigating in 2003 Ms. Lobato's conviction of murdering 44-year-old homeless man Duran Bailey near the Las Vegas strip on July 8, 2001. What made her case very peculiar was eyewitness and telephone evidence the 18-year-old Ms. Lobato was at her home in Panaca – 170 miles north of Las Vegas – on the entire day of Mr. Bailey's murder, and there was a complete absence of any physical, forensic, eyewitness, confession, or CCTV evidence that she was at the crime scene, that she committed the crime, that she and Mr. Bailey had ever met, or that she had ever been to where he was murdered. Ms. Lobato's conviction was overturned in 2004 by the Nevada Supreme Court based on errors by her trial judge. She was then convicted in 2006 of voluntary manslaughter and other charges after a retrial, again without the prosecution presenting any evidence she was anywhere in Las Vegas on the day of the murder.

Ms. Lobato's alibi defense that she was in Panaca on the entire day of Mr. Bailey's murder was supported by the testimony of a dozen witnesses and telephone records. The prosecution conceded she was in Panaca from at least 11:30 a.m. until after Mr. Bailey's body was discovered about 10 p.m. in Las Vegas 170 miles away. However, the prosecution claimed he was murdered sometime "before sunup" at 5:30 a.m. on July 8, 2001, and argued that Ms. Lobato was in Las Vegas at that time, and she then drove to Panaca in time to be there mid-to-late morning. The prosecution had to argue she was in Las Vegas, because all the witnesses who testified for both the prosecution and the defense about her whereabouts on July 8, stated she and her car were in Panaca.

The Nevada Supreme Court upheld her convictions and in May 2010 she filed a state habeas corpus petition that included new scientific forensic entomology and forensic pathology (medical) evidence that Mr. Bailey died after "sunset" at 8 p.m. on July 8. So he was murdered during the two hours between 8 p.m. and the discovery of his body about 10 p.m. - when even the prosecution conceded * The quote on the cover by Judge Navarro was during an interview with the Las Vegas Review-Journal unrebutted evidence conclusively proves she was in Panaca.

Information About Justice: Denied

Justice: Denied promotes awareness of wrongful convictions and their causes. It provides information about convicted people claiming innocence, exonerated people, and compensation awards, and provides book and movie reviews, and reports about court decisions, and law review and journal articles related to wrongful convictions.

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If you have an account of a wrongful conviction that you want to share, send a first-class stamp or a pre-stamped envelope with a request for an information packet to, Justice Denied, PO Box 68911, Seattle, WA 98168. Cases of wrongful conviction submitted in accordance with Justice: Denied's guidelines will be reviewed for their suitability to be published. Justice: Denied reserves the right to edit all submitted accounts for any reason.

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Justice: Denied's logo represents the snake of evil and injustice climbing up on the scales of justice.

Ms. Lobato now has scientific proof of her factual innocence. It is up to the Nevada Supreme Court - which is reviewing her case to do the right thing and acquit her and release her from prison.

Hans Sherrer, Editor and Publisher

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on May 29, 2002 when she was Ms. Lobato's attorney and a Clark County Deputy Special Public Defender.