

Judge Valorie Vega Is A Modern Day Judge Roland Freisler

By Hans Sherrer

Roland Freisler was a judge in Germany from 1942 until his death in 1945. Prior to that he was the Secretary of State for Germany's Ministry of Justice from 1934 to 1942. As a judge Freisler uncritically adopted the prosecution's position about an accused person's culpability, and then after their conviction imposed the sentence sought by the prosecution. Judge Freisler lacked judicial independence and effectively functioned as an arm of the prosecution.

Judge Freisler is most well-known for presiding over the treason trials of a loosely

knit group known as The White Rose that produced and distributed mimeographed flyers that detailed crimes by the German government and encouraged non-violent passive resistance to its policies. After White Rose members Sophie Scholl, her brother Hans Scholl, and Christoph Probst were found guilty in February 1943, Judge Freisler sentenced them to death. Members of The White Rose are now honored in Germany with statutes, and roads and parks named after them, while Judge Freisler is remembered as a black heart.

Judge Freisler unabashedly represented the interests of the government's prosecutors and his conduct sets a benchmark to evaluate the independence of other judges. A judge who mimics Judge Freisler by failing to exhibit independence from the prosecution and rules as if the defense's position on an issue is irrelevant rates a 10. A judge

rating a 10 on the Freisler Scale is a judge in name only, because he or she functions as a prosecutor wearing a robe. In contrast a judge who exhibits independence by regularly ruling in favor of the defense's position on multiple substantive issues and in whose courtroom a defendant is routinely acquitted when it is warranted by the evidence, would have a 0 rating on the Freisler scale.

There are judges in countries around the world who conduct themselves as Judge Freisler did. One of these is Clark County, Nevada District Court Judge Valorie Vega. Judge Vega rates a 10 on the Freisler Scale by her unrelenting prosecution favorable conduct in the case of *Nevada v. Kirstin Blaise Lobato*.

Judge Vega was assigned to the case of 18-year-old Kirstin Blaise Lobato after she was charged with the murder of Duran Bailey in Las Vegas on July 8, 2001. Ms. Lobato's alibi defense is she was 170 miles north of Las Vegas on the entire day of Mr. Bailey's murder. After Ms. Lobato was convicted in May 2002 of first-degree murder and other charges related to Mr. Bailey's death, her convictions were overturned in 2004 by the Nevada Supreme Court based on errors made by Judge Vega that the court ruled deprived Ms. Lobato of a fair trial. After a retrial Ms. Lobato was convicted in October 2006 of voluntary manslaughter and other charges related to Mr. Bailey's death. Ms. Lobato was convicted even though the prosecution did not introduce any evidence she was anywhere in Clark County (Las Vegas) at anytime on the day of Mr. Bailey's death, or that she had ever met Mr. Bailey or ever been to where he was murdered. Judge Vega imposed the sentence requested by the prosecution of up to 35 years in prison and lifetime custody by the Nevada DOC. Ms. Lobato's convictions were affirmed by the Nevada Supreme Court in February 2009, and her convictions became final in October 2009.

Ms. Lobato's filed a petition for a writ of *habeas corpus* 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 13 new alibi witnesses with testimony her jury didn't hear, new forensic entomology and forensic pathology evidence that Mr. Bailey died when it is known Ms. Lobato was 170 miles north of Las Vegas, and new evidence identifying Mr. Bailey's actual murderers. Ms. Lobato's *habeas corpus* petition included 79 separate

Vega cont. from p. 15

understanding of the details of Ms. Lobato's [205-page Answer](#) and it's attached 5 exhibits that she filed on October 2, 2010 to counter the Clark County District Attorney's Response to her petition.

- Judge Vega read a pre-printed document that denied each of Ms. Lobato's 79 grounds for a new trial and she did not provide an explanation of how the cases she cited were relevant to denying those 79 grounds based on the facts.
- Judge Vega read a pre-printed document that denied each of Ms. Lobato's 79 grounds for a new trial that was largely copied from the Clark County District Attorney's Response to Ms. Lobato's petition.
- Judge Vega was not familiar with the pre-printed document she read in court that denied each of Ms. Lobato's 79 grounds for a new trial.
- Judge Vega read a pre-printed denial of Ms. Lobato's *habeas* petition that was written by a person or persons unknown.
- Judge Vega assigned the writing of the ruling denying Ms. Lobato's *habeas corpus* petition to the Clark County District Attorney's Office – which she could not write without reading the petition and having personal knowledge and understanding of both the petition and its 79 grounds for a new trial, and Ms. Lobato's Answer to the DA's Response.

The totality of Judge Vega's conduct during the hearing was consistent with her denying Ms. Lobato's *habeas corpus* petition without having read it and having knowledge

and understanding of the details of that petition's 79 grounds for a new trial and the 101 exhibits supporting those grounds, and that she did not author the document she read. Although Judge Vega may have read portions of one or several pages in Ms. Lobato's petition, that doesn't suggest she had knowledge and understanding of the details of any of its 79 grounds for a new trial that she summarily denied.

Las Vegas Channel 8 investigative reporter Colleen McCarty reported in a February 7, 2011 broadcast that Judge Vega "heard few afternoon proceedings in the month of January," and that "As of early January, Vega has the lightest caseload among judges who hear both civil and criminal cases." McCarty also reported that Judge Vega attended at least five of her daughter's afternoon soccer games in January 2011. So it is publicly known that Judge Vega was working part-time during the period of time that she was supposed to be reviewing Ms. Lobato's *habeas corpus* petition and Answer that total 975 pages. Judge Vega's extra-curricular family activities during working hours may provide at least some explanation for why she would deny Ms. Lobato's *habeas corpus* petition without reading it and her Answer, and without having knowledge and understanding of the details of her 79 grounds for a new trial supported by the 101 exhibits attached to her petition and the 5 exhibits attached to her Answer.

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Freisler cont. on p. 17

Freisler cont. from p. 16

grounds stating a legal reason for her to be granted a new trial.

During the more than nine years since Ms. Lobato's trial began in May 2002, Judge Vega has made at least 273 consecutive substantive rulings favoring the Clark County District Attorney's Office and against Ms. Lobato. (See, "Judge Valorie Vega Has Acted Like A Clark County Assistant District Attorney In Kirstin Blaise Lobato's Case Since 2002," on page 14.) The odds against that being by coincidence and not by design is 1 in $6.58887371 \times 10^{83}$ (10 to the 83rd power). That is 1 chance in 6,588,873,710,000 plus an additional 237 zeros. Those odds are so astronomical that they are difficult to comprehend, but suffice to say it is more likely that a person will buy a single ticket every month for a year (12 months in a row) that is the only winning ticket for a \$100 million Powerball jackpot than that Judge Vega's rulings coincidentally favored the prosecution in Ms. Lobato's case — in other words it is a practical impossibility.

That is particularly the case because all things being equal Ms. Lobato position on an issue would be expected to be correct approximately 50% of the time — the same as the prosecution — and not wrong 100% of the time for years on end. Judge Vega could have traded places with one of the prosecutors in the courtroom at any point during Ms. Lobato's trials or a post-conviction hearing, and a person reading the transcript wouldn't know it because the prosecutor's rulings would have been materially indistinguishable from those made by Judge Vega.

In the course of making some of those rulings Judge Vega has outright lied and in others cases grossly misrepresented the truth to justify ruling in favor the District Attorney's Office. (See e.g., "Is Judge Vegas The Most Corrupt Judge In The United States," on page 10; and, "Judge Valorie Vega Publicly Lied About The Jurors Who Support A New Trial For Kirstin Blaise Lobato," on page 5.)

It is known from court documents that after Ms. Lobato filed her *habeas corpus* petition Judge Vegas had *ex parte* communications with the District Attorney's Office during which they appear to have schemed (some people might describe it as conspired) to rule against motions filed by Ms. Lobato with no recognition of her due process rights. (See e.g., *Kirstin Blaise Lobato v. Warden of FM-WCC and The State of Nevada*, No. C-177394, Clark County District Court, "Sup-

plement To Petitioner Lobato's Motion For Recusal Of Judge Valorie Vega," filed October 1, 2010; and, "Is Valorie Vega The Most Corrupt Judge In The United States?," on page 10.)

During a hearing on March 1, 2011 Judge Vega broke new ground by denying Ms. Lobato's 770-page *habeas corpus* petition that includes 79 grounds for a new trial, when there is no evidence Judge Vega read the petition, the 101 exhibits supporting the petition, or Ms. Lobato's 205-page Answer countering the D.A.'s Response that opposed granting the petition. (See, "Did Judge Valorie Vega Didn't Read Kirstin Blaise Lobato's Habeas Corpus Petition Before Denying It?," on page 15.)

In fact, during that hearing Judge Vega didn't exhibit any awareness of the contents of even the first sentence of Ground 1 of Ms. Lobato's petition — or that she knew the new forensic entomology evidence in Ground 1 scientifically establishes Mr. Bailey died on the evening of July 8, 2001 when even the prosecution conceded to her jury she was 170 miles from Las Vegas. Likewise, Judge Vega was ignorant of all the many dozens of other aspects of new evidence in Ms. Lobato's petition, including the new medical evidence in Ground 7 that the 18-year-old Ms. Lobato lacked the specialized medical knowledge or animal husbandry skill exhibited by Mr. Bailey's killer in performing the near surgical cutting of his groin.

What Judge Vega did during the hearing on March 1 was read a pre-printed document denying each ground of Ms. Lobato's petition. Her difficulty at times in reading the document suggests she was so unfamiliar with its contents that she did not see it or know its actual contents prior to the hearing. What is known is the denial Judge Vega read mirrored the Clark County District Attorney's objections to granting Ms. Lobato's petition set forth in their Response dated August 20, 2010.

At the end of the hearing Judge Vega directed the DA's Office to write her opinion (order*) denying Ms. Lobato's petition, even though the opinion will contain her alleged inner thought process underlying her reasoning and rationale for denying each ground of the



Judge Roland Freisler in 1942
(German Federal Archive)

petition — which only she can know. However, since there is no evidence Judge Vega even read ground one of Ms. Lobato's petition it is impossible for her to write an opinion detailing her reasoning for denying each ground of the petition she is ignorant of.

The denial of Ms. Lobato's petition that Judge Vega read in court was based on the DA's Response — consequently, the only person who can write Judge Vega's opinion is the person in the DA's Office who wrote the

Response upon which Judge Vega's denial is based. More plainly stated, Judge Vega denied Ms. Lobato's petition by mimicking the DA's position — and thus only the DA's Office can write "her" opinion outlining the reasons for her denial of the petition she hasn't read — because she doesn't know what those reasons are. Consequently, an opinion by Judge Vega denying Ms. Lobato's *habeas corpus* petition lacks legitimacy and is as fraudulent as any document to be filed in any court case in the history of the United States because it represents the *de facto* denial of her petition by the Clark County District Attorney's Office under the guise Judge Vega denied it.

Judge Freisler would be proud of Judge Vega, because in Kirstin Blaise Lobato's case she rates a 10 on the Freisler Scale of a judge lacking independence from the prosecution. Judge Vega is faithfully carrying on Judge Freisler's legacy of favoring the prosecution to the detriment of innocent defendants such as Kirstin Blaise Lobato. Likewise, Judge Freisler would be proud of every judge in the U.S. and other countries who assists the prosecution in their effort to convict a defendant, and then if necessary makes sure that the conviction stands.

* Although during the hearing on March 1, 2011 Judge Vega stated her conclusions of law and findings of fact in support of her denying Ms. Lobato's *habeas corpus* petition, the opinion (order) is a document of her conclusions of law and findings of fact upon which Ms. Lobato's appeal to the Nevada Supreme Court will be based.

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