

## \$1,000 Reward Offered To Anyone Who Answers 20 Questions To Prove Kirstin Lobato Is Guilty

A \$1,000 reward is being offered by Justice Denied to anyone who can answer 20 questions to prove Kirstin Blaise Lobato is guilty beyond a reasonable doubt of Duran Bailey's homicide on July 8, 2001. The contest runs from August 24 to October 1, 2017.

Justice Denied began investigating Kirstin Lobato's case in 2003, and has been unsuccessful in finding substantive evidence of Ms. Lobato's guilt.

Mr. Bailey died in the trash enclosure for the Nevada State Bank across from the Palms Casino in west Las Vegas. His body was hidden behind a dumpster and covered by "trash" from the dumpster.

Ms. Lobato gave a Statement to Las Vegas Metropolitan Police Department detectives on July 8, 2001. She described that prior to mid-June 2001 she used her pocket knife to fend off a rape attempt late at night in the parking lot of a Budget Suites Hotel on Boulder Hwy. in east Las Vegas. She said her assailant as alive when she escaped in her car.

During her trial in 2006 Ms. Lobato vigorously disputed the prosecution's contention her Statement concerned Bailey's homicide, and not an attempted rape weeks earlier in another part of Las Vegas.

Ms. Lobato's alibi defense was that during the entire weekend of July 6 to 8, 2001 she was at home in Panaca, 165 miles north of Las Vegas.

The jury convicted Ms. Lobato of voluntary manslaughter and sexual penetration of a dead human body. (The latter charge was based on a non-fatal injury to Mr. Bailey's rectum from an unknown cause. One doctor has opined it was caused by a kick from a foot, while another has opined a knife was involved.) She was sentenced to 13 to 35 years in prison and is currently incarcerated.

The rules for the contest are:

1. Open to anyone -- journalists, commentators, students, public, etc.
2. All 20 questions must be fully answered referencing credible evidence that includes transcripts, case evidence, and reproducible (i.e., scientific) experiments, that establishes Ms. Lobato's guilt beyond

a reasonable doubt.

3. All submissions must identify the participant's name, address, and driver's license number.

4. Submissions that have conclusions for any of the 20 questions with no acceptable supporting evidence will not be considered.

5. Justice Denied reserves the right to make the determination as to whether a contestant has satisfactorily answered all 20 questions and is entitled to the \$1,000 reward.

6. By entering a contestant knowingly acknowledges and accepts that Justice Denied's determination is final as to whether a contestant has satisfactorily answered all 20 questions.

7. Submit answers on or before October 1, 2017 to the email address: [contest@justicedenied.org](mailto:contest@justicedenied.org).

The 20 questions are:

1. Explain how Ms. Lobato could have committed Mr. Bailey's homicide when there is no direct evidence she had ever met him, that she knew who he was, that she knew anyone who knew him, or even that she had ever been to the Nevada State Bank where his homicide occurred.

2. Explain how Ms. Lobato could have committed Mr. Bailey's homicide when there is no direct evidence from an eyewitness, surveillance video, gas receipt, or confession, that she was in Las Vegas at any time on July 8, 2001, while at least 13 people are known to have seen or talked with her throughout the day in Panaca from very early morning until after Bailey's body was discovered that night.

3. Explain how Ms. Lobato could have committed Mr. Bailey's homicide by driving to Las Vegas from Panaca in her car when there is no direct evidence it was in Las Vegas on July 8, 2001, or even that it had moved from where it was parked in front of her parent's house in Panaca and driven at any time on July 8, 2001.

4. Explain how Ms. Lobato could have committed Mr. Bailey's homicide while high on methamphetamine as the prosecution speculated during her trial, when there is no direct evidence she took any methamphetamine at any time during the month of July 2001, and she tested negative for methamphetamine after both a blood draw on July 5 and a urine sample collected on July 7.

5. Explain how anyone other than Mr. Bailey's assailant could have made the shoeprints imprinted in blood leading away from

his body and imprinted on cardboard covering his body -- which forensic testing establishes were not made by Ms. Lobato -- considering that all the crime scene blood was covered by cardboard and other items when police officers first arrived at the scene. (The shoeprints are 2-1/2 to 3 sizes larger than Ms. Lobato's shoe size, and they don't match the soles of any of her shoes seized by police.)

6. Explain how Mr. Bailey's homicide -- that involved a very physical altercation between him and his assailant, and which was notable for how much blood was on and around him at the crime scene -- could be the same event Ms. Lobato described in her Statement when the prosecution doesn't deny that during that event she was wearing high-heeled platform shoes that have no blood on the soles or sides of the shoes and they have no scuff marks. (Those shoes were impounded by the police on July 20, 2001 from the trunk of her car, and remain as evidence in her case.)

7. Explain how Mr. Bailey's homicide -- which was notable for how much blood was on him and at the crime scene -- could be the same event that Ms. Lobato described in her Statement when under questioning by two homicide detectives she didn't mention a single time that there was *any* blood on her, her clothing, her shoes, or her car, and confirmatory forensic tests of her car were negative for the presence of any blood.

8. Explain how Ms. Lobato's Statement could be an admission to Mr. Bailey's homicide when his autopsy determined his primary cause of death was brain swelling from a head injury ("blunt head trauma"), and a contributory cause was stabbing and incised wounds (particularly a severed carotid artery), while she neither states she inflicted a head injury to her assailant or that he fell and hit his head, nor that she inflicted a cutting wound to her assailant's neck.

9. Explain how Ms. Lobato was prosecuted in good faith for Mr. Bailey's homicide when trial testimony by the prosecution's medical expert, Dr. Lary Simms, establishes his head injury that was his primary cause of death occurred at least two hours prior to the event in the trash enclosure where his body was found, and that latter event -- hours after his head injury occurred and from which he was in the process of dying -- was the only one the prosecution alleged Ms. Lobato was involved in.

10. Explain how Mr. Bailey could have been dead at the time his rectum was injured when crime scene photographs establish he

**Reward cont. on p. 18**

## Reward cont. from p. 17

bled profusely from multiple wounds after receiving that injury, and if he was dead his heart wouldn't have been beating to circulate the blood that flowed from those wounds.

11. Explain how Ms. Lobato's Statement could not describe an attempted rape at the Budget Suites Hotel in east Las Vegas that occurred weeks prior to Mr. Bailey's homicide, when nine witnesses have provided an affidavit or statement that between late May 2001 and July 4, 2001 they learned from Ms. Lobato details about the attempted rape described in her Statement -- and it is impossible there was collusion by those people because many of them aren't acquaintances, each of them learned about the assault at a different time from Ms. Lobato, and some were told about it by her in Panaca, some in Las Vegas, and one while they were driving to Utah together.

12. Explain how Ms. Lobato's Statement could be an admission to Mr. Bailey's homicide when it doesn't contain a single essential element of either voluntary manslaughter or sexual penetration of a dead human body:

a. It doesn't identify she was in Las Vegas on July 8, 2001, the day of his homicide;

b. It doesn't identify she was in the trash enclosure at the Nevada State Bank when his homicide occurred;

c. It doesn't identify that she inflicted a lethal wound on the assailant who she said attempted to rape her at the Budget Suites Hotel prior to mid-June 2001;

d. It doesn't identify Mr. Bailey or someone matching his physical description as her rape assailant;

e. It doesn't identify that she inflicted any wounds to the neck, head, and rectum of her rape assailant;

f. It doesn't identify she in any way caused any penetration of her assailant's rectum;

g. It doesn't identify that she did anything beyond defending herself against an attempted rape by a man who grabbed her from behind in a dark parking lot, and that she fled from him at her first opportunity, and;

h. It doesn't identify that her assailant was dead when she fled, to the contrary, she states he was alive.

13. Explain how -- considering that the foundation of forensic science is Locard's Exchange Principle that every contact leaves a trace -- Ms. Lobato could have

committed Mr. Bailey's homicide when her fingerprints don't match those found at the crime scene, her DNA doesn't match the crime scene evidence that has been DNA tested, her shoeprints don't match those imprinted in blood leading away from Mr. Bailey's body and on the cardboard covering his body, and her car's tire treads don't match those identified as evidence near the trash enclosure.

14. Explain how Ms. Lobato, who at the time was an 18-year-old high school graduate with no specialized skills, could have performed precision cutting of Mr. Bailey's groin area that forensic pathologist Dr. Glenn Larkin has opined was performed by a person "skilled either with medical knowledge or animal husbandry."

15. Explain how Ms. Lobato could have committed Mr. Bailey's homicide when the prosecution contends he was killed in the early morning of July 8 -- possibly before sunrise -- and then laid undiscovered in the open air trash enclosure all day, yet there were no fly eggs (or rodent or insect bites) on his body when it is scientifically known that flies are opportunistic diurnal insects that during daylight lay eggs in orifices and wounds on a body within minutes of a person's death. (The prosecution concedes that on July 8 Ms. Lobato was in Panaca at 11:30 a.m. -- and possibly 10 a.m. -- until after his body was found that night. There was trial testimony of a three-hour travel time from Las Vegas to Panaca. So based on the prosecution's contention, for it to have been unreservedly possible for her to have committed the crime his death needed to occur sometime prior to 7 a.m.)

16. Explain why Las Vegas Metro PD homicide detectives didn't investigate as suspects Diann Parker and her male "Mexican" friends who all lived 100 yards from where Mr. Bailey died, when they had the motive, means and opportunity to commit what multiple experts have opined was his revenge type homicide. (Prior to arresting Ms. Lobato the detectives didn't obtain statements from Parker and her male friends, they didn't compare their fingerprints, DNA, shoe size, shoe soles, and car tire treads with crime scene evidence, and they didn't have their shoes and clothes forensically tested for the presence of Mr. Bailey's blood. The detectives failed to conduct any investigation even when Parker admitted to them that the morning after Mr. Bailey's homicide she had a bloody shirt and pants, that may have had his blood on them. Parker made that admission three days after Ms. Lobato's arrest.)

## Do these shoes match the crime scene?

The foundation of the Clark County DA's case against Kirstin Lobato is their claim her police statement on July 20, 2001, in which she described an attempted rape that occurred prior to mid-June 2001, was actually about Duran Bailey's violent bloody homicide weeks later on July 8, 2001.

The DA admits she was wearing the high-heeled platform shoes her statement describes she was wearing during the attempt rape ... but which the prosecution contends was Bailey's homicide. Forensic testing of the shoes was negative for the presence of Bailey's blood.

The following are official Las Vegas Metro PD Lobato case photographs of the platform shoes and Bailey's bloody crime scene.



The Clark County DA thinks those bloodless and scuff free shoes were worn by the perpetrator while committing Bailey's violent homicide that involved a copious amount of blood and defensive wounds on Bailey's hands from fighting against his assailant(s).



## Reward cont. on p. 19

## Reward cont. from p. 18

17. Explain why the Clark County District Attorney's Office wants to prevent the police officer whose phone number was handwritten on two pieces of paper found in Mr. Bailey's pants pockets, from testifying in court under oath about what he may know about Mr. Bailey's homicide, and person or persons who may have committed the crime or have information about the crime.

18. Explain why Clark County DA Steven Wolfson adamantly opposes post-conviction DNA testing of numerous evidence items collected at the crime scene, by DNA testing techniques perfected since Ms. Lobato's trial that could identify the DNA profile of Mr. Bailey's assailant, and that could be uploaded to the FBI's national DNA database to search for a match. (Trial testimony established that DNA testing of a limited number of crime scene evidence items excluded the presence of Ms. Lobato's DNA.)

19. Explain why the DA's Office has disregarded the unequivocal determination of Las Vegas polygraph examiner Ron Slay that "I am certain Ms. Lobato is innocent of Mr. Bailey's murder," when he has conducted over 27,000 polygraph examinations and the DA's Office has so much confidence in his competence as a polygraph expert that it has relied on him to determine if suspects are telling the truth.

20. Explain why the DA's Office has disregarded the unequivocal public declaration by current United States District Court Judge Gloria Navarro that was published in the *Las Vegas Review-Journal* in 2002, that Ms. Lobato is innocent and she was "convicted of a crime that she did not commit" -- based on her first-hand knowledge of Ms. Lobato's case as one of her lawyers at the time -- when President Barack Obama endorsed Judge Navarro's legal ability and sound judgment in December 2009 by accepting Nevada Senator Harry Reid's recommendation and nominated her to be a U.S. District Court judge, and the United States Senate expressed its total confidence in Judge Navarro's legal ability and judgment by unanimously confirming her to a lifetime appointment by a vote of 98-0 in May 2010. (Judge Navarro has not retracted her declaration, and she referenced the 2002 *Review-Journal* article in her written submission to the U.S. Senate prior to her confirmation as a U.S. District Court judge.)

Send any questions regarding the contest to: [contest@justicedenied.org](mailto:contest@justicedenied.org).

Information about Ms. Lobato's case is available on Justice Denied's website at [www.justicedenied.org/kbl.htm](http://www.justicedenied.org/kbl.htm).

## DA Wolfson's CRU Deceived The Innocents Project About Kirstin Lobato's Case

By Hans Sherrer  
Justice Denied

Special for the *Las Vegas Tribune*  
(Published in the *Las Vegas Tribune*, Sept. 20-26, 2017 issue, p. 8)

**K**irstin Lobato's application for review of her claim that new evidence proves her actual innocence of Duran Bailey's homicide in Las Vegas on July 8, 2001, was rejected in March 2017 by DA Steven Wolfson's Conviction Review Unit (CRU).

Documents obtained by Justice Denied show Wolfson's CRU deceived the Innocents Project (IP) based in New York, which submitted the application on Ms. Lobato's behalf.

In addition, Wolfson's CRU disregarded nationally recognized CRU standards of what constitutes new evidence of actual innocence in its evaluation of her application.

Evidence supports that Wolfson's CRU rejected Ms. Lobato's application for non-legal reasons, without any meaningful consideration of her new evidence and how it applies to the relevant facts of her case.

More than two dozen CRUs have been set-up around the country in the last ten years as an extra-judicial method for a DA's Office to review a convicted person's claim of actual innocence based on new evidence.

Wolfson hired Dan Silverstein to head Clark County's CRU that was established in the fall of 2016.

Ms. Lobato submitted her application to the CRU on March 7, 2017 while her habeas corpus petition challenging her 2006 convictions was pending in the district court. An issue the district court is considering is her habeas claim of actual innocence supported by new evidence from more than 20 people that includes multiple experts and alibi witnesses.

Her CRU application stated six areas of new evidence proving her actual innocence:

1. New forensic evidence establishes Duran Bailey died after 8 p.m. on the evening of July 8. During Ms. Lobato's trial the prosecution did not dispute the fact

she was in Panaca from late morning on July 8 until the early morning of July 9.

2. New expert psychology evidence Ms. Lobato's police statement of July 20, 2001 detailed her attempted rape in the parking lot of a Budget Suites Hotel in east Las Vegas prior to mid-June 2001, and it was not about Bailey's homicide weeks later in a west Las Vegas bank's trash enclosure.

3. New alibi evidence Ms. Lobato told many people from late May to July 4, 2001 about the attempted rape of her in the Budget Suites Hotel parking lot; and, new evidence of police perjury.

4. New alibi evidence Ms. Lobato was in Panaca the entire weekend of July 7 and July 8.

5. New forensic science evidence the physical evidence in Ms. Lobato's case excludes her from the crime scene and undercuts the prosecution's narrative of the crime.

6. New evidence Metro did not investigate suspects who had the motive, means and opportunity to commit Bailey's homicide.

The jury that convicted Ms. Lobato heard none of that new evidence.

New York's Brooklyn District Attorney's Office CRU (Brooklyn CRU) is the country's most well-known CRU and considered a national model. Twenty-three people have been exonerated as a result of its work from 2014 to 2017.

Ms. Lobato's CRU application includes five types of evidence the Brooklyn CRU has relied on to exonerate 19 people. Those types are, with the number of exonerations in parenthesis:

- Alibi corroborated (2)
- Expert analysis of crime related evidence (3)
- Alternate suspect likely committed crime (3)
- Defendant's statement unreliable link to crime (4)
- False or unreliable prosecution witness (7)

Two of the Brooklyn CRU's 23 exonerations have been based on new DNA evidence. Its most recent exoneration involved new evidence of false police trial testimony -- which was also presented in Ms. Lobato's CRU application.

**CRU cont. on p. 20**