

Introduction

Kirstin Blaise Lobato, who goes by her middle name, has twice been convicted of charges relating to the savage murder and treatment of the body of a homeless man, Duran Bailey, in Las Vegas on July 8, 2001. She was convicted in May 2002 of first-degree murder and sexual penetration of a dead body, and sentenced to a minimum of 40 years in prison. After a retrial ordered by the Nevada Supreme Court, she was again convicted in October 2006, but of voluntary manslaughter and sexual penetration of a dead body, and sentenced to a minimum of 13 years in prison.

What is odd about those convictions is there is neither any physical or forensic evidence, nor any eyewitness or confession linking the then one-hundred pound 18-year-old Blaise to Bailey's physically brutal murder and sexual mutilation that is described by experts as having homosexual overtones. Nor is there a single witness or any other evidence that places her or her car in Las Vegas on the day of Bailey's death (or for nearly a week preceding it). In contrast, more than a dozen witnesses have sworn under oath that they saw Blaise from July 2 to July 9 while she was staying at her parent's house in Panaca, a small Lincoln County town 170 miles north of Las Vegas. Blaise's presence in and around Panaca is corroborated by medical records, and telephone records of her numerous and daily conversations with a male friend in Las Vegas. Consistent with her continuous presence in Panaca is that multiple witnesses have sworn that they did not see her car moved after she parked it in front of her parent's house on July 2 until it was taken away by a tow truck on July 20, 2001.

The prosecution's contention that Blaise murdered Bailey is also undermined by the tested crime scene evidence. That evidence includes fingerprints that exclude her, bloody shoeprints leading away from Bailey's body that exclude her, the DNA test of chewing gum found on the cardboard covering Bailey's body that excludes her, the DNA test of two cigarette butts found on Bailey's body that excludes her, the DNA test of a pubic hair found on Bailey's body that is excluded as being either his or hers, the confirmatory test of several possibly faint iron spots inside her 17-year-old used car (1984 Fiero) that are excluded as blood, and her car is excluded as the source of tire tracks near Bailey's body. In addition, no evidence was found in Blaise's possession or in her car that directly or through forensic testing links her to Bailey's murder or the crime scene. Neither did Blaise have any injuries, or even bruises or cuts on her hands that would be expected to be visible on the person who inflicted the vigorous beating and stabbing of Bailey – particularly a person of Blaise's slight physique.

Furthermore, at the time of Blaise's trials, and to this day, there is no evidence that she had ever met Bailey, that she knew anyone acquainted with Bailey, or that she had ever been to the west Las Vegas bank parking lot where Bailey's body was found in the trash enclosure where he lived.

So what was the evidence relied on by the prosecution to link Blaise to Bailey's murder? Las Vegas Metropolitan Police Department homicide detective Thomas Thowsen decided to arrest Blaise and charge her with Bailey's murder on the basis of third-hand gossip provided to him over the telephone on July 20, 2001 by Laura Johnson, Lincoln County's juvenile probation officer. Johnson told Thowsen that a former teacher of Blaises' said that Blaise told the teacher about using a knife to fend off a Las Vegas sexual assault during which the man's penis may have been severed. The teacher was Dixie Tienken. Thowsen, however, made no attempt to contact Tienken by telephone, email or through her work as a Lincoln County teacher to verify Johnson's account. Instead, he made the snap decision that Blaise was guilty of Bailey's murder.

Thowsen, his partner James LaRochelle, and a crime scene analyst drove up to Lincoln County on the afternoon of Johnson's phone call to arrest Blaise and seize her car for transport back to Las Vegas for examination by the police crime lab. After Johnson made a taped statement, the detectives arranged for a tow truck to transport Blaise's car to Las Vegas, and they enlisted local sheriff deputies to accompany them to the nearby home of Blaise's parents to arrest her. The detectives made no attempt to contact Tienken to confirm Johnson's account – even though she lived in Panaca only blocks from the home of Blaise's parents.

Upon arriving the detectives didn't tell Blaise she was under arrest for Bailey's murder – which she *de facto* was. If she had tried to leave they would have shot her in the back if they thought it was necessary to stop her. After all, they believed she was a murderer. Although the detectives were likely hoping she would confess, Blaise didn't say anything during a 26-minute audio recorded statement incriminating her in Bailey's murder or that even suggested she had been in Las Vegas on the day he was murdered. The detectives knew the details of Bailey's murder, and the many details Blaise provided in her statement of the assault against her clearly identified it as a different incident. (16 of those differences are in Table 1, p. 17) Among those details is her attacker was alive when she got away after she cut at his penis one time in the dark; it occurred weeks prior to Bailey's murder; and it happened in a different part of Las Vegas many miles from the scene of Bailey's murder. However, the lack of an incriminating statement by Blaise was irrelevant to the detectives because they made the nearly three hour drive to Panaca to arrest her, not to conduct an investigation and gather credible evidence either corroborating or disproving Johnson's third-hand gossip.

Although it was more apparent in Blaise's second trial, Johnson was the prosecution's indispensable "star witness" because of her status as a law enforcement officer, and she was adamant about what she claimed Tienken told her Blaise said. Tienken on the other hand, has insisted that when Thowsen interviewed her six days after Blaise's arrest, he attempted to influence her to mold her recollections of her conversation with Johnson to what he wanted her to say – and in a way that would have supported Johnson's statement.¹ Johnson's indispensable role in Blaise's convictions was commensurate with the fact that Blaise was arrested for Bailey's murder on the basis of the third-hand gossip Johnson told Thowsen during their initial telephone conversation.

On the surface it might seem ridiculous that a teenage girl with a slight build could be accused of causing the multitude of extensive physical injuries inflicted on Bailey, particularly without sustaining any injuries herself or even a bruise. It might also seem ridiculous, as the prosecution contended at Blaise's trials, that she specifically drove the 340 mile round-trip from Panaca to Las Vegas to buy methamphetamines from the homeless Bailey when it was readily available minutes from her parent's house in Lincoln County. That contention is also absurd because Bailey *didn't use* meth, *didn't have* any meth, *didn't sell* meth to anyone and there is no evidence Blaise knew him. As much as those things stretch credulity, it is even more ridiculous that Blaise could be seriously accused of murdering Bailey in Las Vegas when there is considerable un rebutted alibi evidence that she was 170 miles away in Panaca the entire day of his murder on July 8, 2001.

The substantial forensic, physical, documentary, medical, alibi and circumstantial evidence in Blaise's case that excludes her from any involvement in Bailey's murder, and the absence of evidence linking her to his murder, is why the prosecution's case against Blaise is based on the argument that the possibility she might have killed him can't be 100% ruled out, and therefore she must be guilty.

But as British statesman and naturalist Sir John Lubbock observed more than a century ago, "What we see depends mainly on what we look for." The people looking for Blaise's guilt have only seen that because that is what they were looking for. Looking for the truth of Bailey's murder reveals a much different picture – and Blaise is nowhere to be found in that picture.

This account of Blaise’s case is based on sources that include the pretrial and trial record of Blaise’s two trials, interviews with some of the witnesses, and extra-judicial statements by witnesses. We are told over and over that in this country a person is presumed innocent of a crime until proven guilty beyond a reasonable doubt. But the conviction of Blaise – twice – for Bailey’s murder, illustrates that it is not so much a legal principle, as it is a catchy feel good phrase that can have little meaning in the real world of this country’s courtrooms. Blaise’s two convictions are proof positive that a skilled prosecutor standing before a jury pointing an accusatory finger at a defendant can overcome an absence of incriminating evidence.

That is why the world is still waiting to be shown something, anything, that rises to the level of convincing evidence and not mere unsubstantiated speculation, that Duran Bailey was murdered by Kirstin Blaise Lobato.

Key dates of events in the intertwining of Kirstin Blaise Lobato’s life and Duran Bailey’s death

| Date | Event |
|---------------------------|---|
| May 25, 2001 ² | A “really big” African-American who was “huge” compared to 18-year-old Kirstin “Blaise” Lobato attempts to rape her after midnight in the parking lot of a Budget Suites hotel in east Las Vegas. The 5’-6” Blaise escapes after stabbing one time at her attacker’s exposed groin with a butterfly knife she carries for self-protection. The man is alive and attempting to get up as she flees in her car. |
| July 2, 2001 | Blaise drives her red Fiero to Panaca, 170 miles north of Las Vegas in Lincoln County. She parks her car on the public street in front of her parent’s house where she stays with her dad, stepmother and younger sister. |
| July 8, 2001 | 5’-10” and 137 pound Duran Bailey is beaten and stabbed to death inside the trash enclosure for a west Las Vegas bank. ³ After he dies his penis is severed, his body is wrapped in plastic and trash is heaped on his body to conceal it. After a dumpster diver discovers Bailey’s body, Las Vegas Metropolitan Police Department detectives Thomas Thowsen and James LaRochelle are assigned to investigate the case. |
| July 9, 2001 | Diann Parker, who reported being raped by Bailey on July 1, 2001, and who lives less than 100 yards from Bailey’s murder scene, is informally questioned by Thowsen and LaRochelle. |
| July 9, 2001 | Blaise returns to Las Vegas with her friend Doug Twining, who drove to Panaca to pick her up. |
| July 13, 2001 | Blaise returns to Panaca with her dad, who drove to Las Vegas to pick her up. |
| July 20, 2001 | Lincoln County Juvenile Probation Officer Laura Johnson telephones the Las Vegas police and tells Thowsen third-hand gossip that Blaise may have severed a man’s penis during an attempted rape in Las Vegas. Thowsen decides Blaise murdered Bailed based on what Johnson tells him. |
| July 20, 2001 | In the afternoon Thowsen, LaRochelle and a crime scene analyst drive to Panaca to arrest Blaise for Bailey’s murder. Her car is towed to Las Vegas to be examined for possible crime scene evidence. |
| July 23, 2001 | Charge of first-degree murder with a deadly weapon filed by the Clark County District Attorney. The D.A. reserves the option to seek the death penalty against Blaise. |
| July 31, 2001 | D.A files amended charges that includes necrophilia (sexual penetration of a dead human body) based on the coroner’s report that the sharp object used to slice Bailey’s rear-end also cut his anus. |
| Late July 2001 | The Las Vegas Metro PD crime lab finds no evidence in Blaise’s car and it is released to her father. |
| August 7, 2001 | Blaise is held over for trial after a preliminary hearing. Her bail is set at \$32,000. |
| May 19, 2002 | Blaise is convicted by a jury of first-degree murder with a deadly weapon and sexual penetration of a dead human body. She is sentenced to a minimum of 40 years in prison before she is eligible for parole. |
| September 3, 2004 | Blaise’s convictions are overturned and her retrial is ordered by the Nevada Supreme Court. |
| December 2005 | Blaise is released pending her retrial on \$500,000 bail posted by her supporters. |
| October 6, 2006 | Blaise is convicted by a jury of voluntary manslaughter with a deadly weapon and sexual penetration of a dead human body. Blaise’s bail is revoked and she is immediately taken into custody. |
| February 2, 2007 | Blaise is sentenced to a minimum of 13 years in prison before she is eligible for parole. |
| December 2007 | Blaise’s appeal brief is filed with the Nevada Supreme Court. |