

Table of Contents

Preface	1
Introduction To The First Edition	2
Introduction To The Second Edition	4
Key People in Kirstin Blaise Lobato's Case	7
Key Locations In Kirstin Blaise Lobato's Case	8
Summary Of Key Events In Kirstin Blaise Lobato's Case	9
Persons And Organizations Involved In The Effort To Free Kirstin Blaise Lobato	15
I — Homeless Man Murdered Near The Las Vegas Strip	16
Autopsy determines Duran Bailey's cause of death was "blunt head trauma"	17
Medical Examiner Simms estimates Bailey's time of death	17
Non-investigation of prime suspects	17
II — Third-hand Information Relied On To Arrest And Charge Kirstin Blaise Lobato With Duran Bailey's Murder	20
Laura Johnson provides detective with "third-hand" tip about a Las Vegas stabbing	20
Detectives Thowsen and LaRochelle travel to Lincoln County to arrest Blaise	20
Johnson's statement to Thowsen and LaRochelle	20
Thowsen and LaRochelle were unaware the incident Dixie told Johnson about wasn't Bailey's murder	21
Blaise's July 20, 2001 interrogation	21
No matching points between Bailey's murder and Blaise's statement	22
Blaise's arrest	23
Thowsen and LaRochelle conduct superficial investigation after Blaise's arrest	24
People in Lincoln County learn Bailey was killed when Blaise was in Panaca	25
Crime lab tests exclude Blaise	25
Botched Investigation of Duran Bailey's Murder by the Las Vegas Metro Police Department	26
Location of Bailey's murder in west Las Vegas and Blaise's assault in east Las Vegas	27
Table 1 — 27 Significant Differences Between Bailey's Death and Blaise's Statement Known to the LVMPD at the Time of Her Arrest on July 20, 2001	28
Physical landmarks identified by Blaise in her statement as being near the Budget Suites attack on her	31
Physical landmarks near the scene of Duran Bailey's murder	31
Table 2 — 13 Significant Differences Between Bailey's Death and Blaise's Statement Learned by the LVMPD and the Clark County D.A.'s Office After July 20, 2001	32
III — Blaise Charged With Violating Nevada's Necrophilia Law Without Any Evidence Bailey's Murderer Had Sex With His Corpse	34
Necrophilia law introduced	34
Legislative intent of the necrophilia law	34
No evidence Bailey was sexually assaulted after he died	35
Prosecution alleged the injury to Bailey's corpse violated the necrophilia law	35
IV — Blaise's May 2002 Trial	37
Prosecution's lack of evidence solved by jailhouse informant	37
Blaise's May 2002 trial	37
First prosecution prong	37
Response	37
Second prosecution prong	38
Response	38
Third prosecution prong	38
Response	39
Fourth prosecution prong	39
Response	39
Fifth prosecution prong	40
Response	40
Sixth prosecution prong	40
Response	40
Seventh prosecution prong	42

Response	42
Eighth prosecution prong.....	42
Response.....	42
Defense expert Schiro's testimony limited	43
The prosecution's case didn't implicate Blaise in Bailey's death	44
Conclusion of Blaise's trial.....	44
Verdict and Sentence.....	45
Blaise's conviction leads to efforts to publicize her case.....	45
V — Blaise's Conviction Reversed And Retrial Ordered.....	46
Blaise's conviction reversed by Nevada Supreme Court on September 3, 2004.....	46
New lawyers for Blaise's retrial.....	46
Pretrial motions favor prosecution	46
Pubic hair DNA tests excluded Blaise in September 2006	50
Retrial begins September 11, 2006.....	50
Prosecution surprise – No Korinda Martin testimony during retrial	50
Prosecution's strategy: "It is possible Blaise did it."	50
Medical examiner Simms testifies	50
LVMPD crime lab technician Thomas Wahl testifies	51
LVMPD Crime Lab Technician Joel Geller Testifies	52
Dixie Tienken testifies.....	52
Laura Johnson testifies	53
Detective Thowsen testifies	53
Did Detective Thowsen go to the Budget Suites Hotel?.....	55
Kristina Paulette.....	56
Prosecution's case lacked evidence implicating Blaise	57
Two defense experts.....	58
Dr. Michael Laufer testifies Bailey was likely murdered with scissors	58
Brent Turvey testifies there is no physical evidence implicating Blaise in Bailey's murder	59
Three witnesses not allowed to testify about attack on Blaise before Bailey's death.....	61
Stephen Pyszkowski.....	61
Heather McBride.....	63
Larry Lobato	65
Michelle Austria.....	67
Alibi witnesses	69
Inconsistencies in the prosecution's case	69
Table 3 — Alibi Timeline Of Blaise's Continuous Presence In Panaca From July 2 to July 9.....	70
Table 4 — 14 Inconsistencies Between Facts of Bailey's Murder and his Behavior and Blaise.....	73
VI — Closing Arguments and Verdict.....	75
DiGiacomo's closing argument.....	75
Schieck's closing argument	76
Kephart's rebuttal closing argument.....	77
Jury's verdict	80
Possible juror misconduct exposed after the verdict	81
VII — The Jury Didn't Know That Bailey's Estimated Time of Death Excludes Blaise.....	83
Simms' two estimated times of Bailey's death	83
Driving time from Las Vegas to Panaca.....	83
Simms' estimate of Bailey's "possible" time of death excludes Blaise	84
Simms' estimate of Bailey's time of death to a "medical certainty" excludes Blaise	85
A bell curve is a visualization of an event's mathematical probability.....	86
Bell curve analysis of Simms' estimate of Bailey's "possible" time of death excludes Blaise	86
Bell curve analysis of Simms' estimate of Bailey's time of death to a "medical certainty" excludes Blaise	87
Bell curve analysis of Simms' estimate of Bailey's "possible" time of death supports that Bailey died during daylight hours ..	88
Reasonable doubt and probability of guilt	88
Probability and evidence analysis supports reasonable doubt that Blaise murdered Bailey	89
Blaise's jury wasn't informed that Bailey's "possible" time of death excludes her	92

Figure 1 — It is “possible” that Duran Bailey died between 3:50 am and 7:50 pm, July 8, 2001.....	93
Figure 2 — “Medical certainty” that Duran Bailey died between 9:50 am and 3:50 pm, July 8, 2001	93
VIII — Bailey’s Death On The Evening Of July 8 Is Supported By Medical Research And Dr. Simms’ Testimony	94
Crime scene and medical factors that can identify Bailey’s likely time of death	94
Simms’ testimony supports Bailey’s death on the evening of July 8.....	95
Rigor mortis research supports Bailey’s death on the evening of July 8.....	96
Decomposition research supports Bailey’s death on the evening of July 8.....	96
Lividity research supports Bailey’s death on the evening of July 8.....	97
Bailey’s body cooling is unavailable as a means of determining his time of death.....	98
Bailey’s death on the evening of July 8 is supported by Simms’ testimony, and Bailey’s rigor mortis, decomposition and lividity.....	98
IX — Blaise’s Conviction Affirmed	99
Nevada Supreme Court Justices “wished” Kirstin Blaise Lobato guilty by fabricating evidence and perpetrating a fraud on the Court in affirming her convictions.....	99
The justices fabricated Ms. Lobato’s non-existent “admission” of guilt for Duran Bailey’s murder	100
The justices falsified the presumptive test results on Ms. Lobato’s car	101
The justices relied on evidence they fabricated and falsified to deny Ms. Lobato a new trial.....	102
Nevada Supreme Court justices committed “fraud on the court” affirming Ms. Lobato’s 2006 convictions	102
Consequences of the three justices’ fraud on the court.....	106
X — Post-conviction	107
I — Blaise’s 770 Page <i>Habeas Corpus</i> Petition Filed on May 5, 2010	107
II — New Forensic Entomology and Forensic Pathology Evidence Establishes Bailey Died after 8 p.m. on July 8, 2001..	115
Figure 3 – Timeline of new evidence concerning Duran Bailey’s time of death and Kirstin Blaise Lobato’s alibi	119
XI — Postscript	120
Post-conviction <i>habeas corpus</i> petition	122
XII — Appendix of additional information about Blaise’s case	123
I — Analysis Of The State’s Case For Alleging Blaise’s Guilt	123
II — Kirsten Blaise Lobato’s Phantom Confession to Duran Bailey’s Murder.....	126
III — Diann Parker’s Mexican Friends Murdered Duran Bailey?.....	132
IV — A Rational Theory Of Duran Bailey’s Murder	141
V — Exonerated People Convicted Of A Crime When They Were In Another City, State Or Country.....	143
Figure 4 – Persons exonerated of a crime committed when they were in another city, state or country.....	144
VI — Photos Of Blood At Crime Scene Proves Bailey Was Alive After His Rectum Wound Was Inflicted.....	145
Afterword	146
Index	149
Endnotes	152
Sources Of Information About Kirstin Blaise Lobato’s Case	170

Highlight Boxes

Public defender was surprised charges were so quickly filed against Blaise.....	6
U.S. District Court Judge Gloria Navarro states Blaise is innocent	6
AIDWYC endorses Blaise's case on the basis "she is innocent.".....	6
No confession by Blaise is alleged by police.....	22
Blaise's arrest is "a very peculiar story".....	25
New scientific technique can obtain DNA profile from semen lacking sperm	51
Did Detective Thowsen go to the Budget Suites Hotel?.....	54
Kephart keyed on tapping into the juror's emotions	78
The jury was unaware that coincidences are the norm in life	79
Probability of when Bailey died based on his "possible" time of death on the morning of July 8, 2001	86
Probability Bailey died prior to dawn contrasted with the certainty of guilt necessary to support a conviction.....	91

Maps

Nevada State Bank and parking lot trash enclosure (Microsoft® Virtual Earth)	17
Nevada State Bank and Grand View Apartments (Microsoft® Virtual Earth)	18
Las Vegas to Panaca is 170 miles driving (Yahoo® maps).....	20
Budget Suites Hotel, Jeremy Davis' House and the Holy Family Catholic Church (Google® Maps).....	21
Location of Bailey's murder in west Las Vegas and Blaise's assault in east Las Vegas (Google® Earth)	27
Physical landmarks near the Budget Suites identified by Blaise in her statement (Google® Earth).....	31
Physical landmarks near the scene of Duran Bailey's murder (Las Vegas Metro Police Dept).....	31
Panaca, Nevada neighborhood where Blaise's parents and alibi witnesses lived (Microsoft® Virtual Earth)	64

Photos

Kirstin Blaise Lobato in the Summer of 2007 in the children's play area at the Southern Nevada Women's Correctional Facility in Las Vegas, Nevada (Michelle Ravell)	Front cover
Duran Bailey's body as found covered with trash (LVMPD crime scene photo)	16
Duran Bailey's body with trash removed (LVMPD crime scene photo).....	17
Duran Bailey's mugshot on October 18, 1999, for his arrest for battery and domestic assault (LVMPD).....	17
Diann Parker's facial and neck injuries from Duran Bailey's assault and attempted rape (LVMPD).....	18
Diann Parker's back, shoulder and arm bruises from Duran Bailey's assault and attempted rape (LVMPD).....	19
Kirstin Blaise Lobato as high school senior in 2000 (Lobato family)	23
Budget Suites Hotel where Blaise was assaulted in May 2001. (Lobato defense)	30
Holy Family Catholic Church where Blaise went after being assaulted in May 2001. (Lobato defense).....	30
Blood splatter on block wall next to where Bailey's body was found (LVMPD crime scene photo).....	41
Kirstin Blaise Lobato poster on injusticebusters.com (injusticebusters.com).....	45
Kirstin Blaise Lobato in December 2005 after her release on bail pending her retrial (Michelle Ravell)	46
7-1/2" barber scissors (Google® search).....	59
Butterfly knife with 3-1/2" blade (Google® search)	59
Looking toward the desert from the Lobato's Panaca house (Lobato defense).....	74
Blaise's car parked in front of the Lobato's Panaca house from July 2 to July 20, 2001 (LVMPD).....	74
Kirstin Blaise Lobato in 2006 by fountain in San Francisco while on bail awaiting retrail (Michelle Ravell)	122
Diann Parker's back, shoulder and arm bruises from Duran Bailey's assault and attempted rape (LVMPD).....	133
Diann Parker's neck injuries from Duran Bailey's assault and attempted rape (LVMPD).....	134
Diann Parker and Steven King's Apt., and the Mexican's Apt. at the Grand View Apartments (Michelle Ravell).....	138
Bailey's body superimposed over blood at scene (LVMPD).....	145
Kirstin Blaise Lobato as high school senior in 2000 (Lobato family) (Color photo)	Back cover

Credits

Steve Foreman and Michelle Ravell proof-read this Revised and Updated Second Edition. Other than the chapter "A Rational Theory of Duran Bailey's Murder" by Michelle Ravell, Hans Sherrer is solely responsible for the content of this book.