

Table of Contents

Preface	1
Introduction	2
I — Homeless Man Murdered Near The Las Vegas Strip	5
Police at crime scene.....	5
Autopsy determines Bailey’s cause of death was “blunt head trauma”	6
Medical Examiner Simms estimates Bailey’s time of death.....	6
Non-investigation of prime suspects.....	7
II — Third-hand Information Relied On To Arrest And Charge Kirstin Blaise Lobato With Duran Bailey’s Murder	10
Laura Johnson provides detective with “third-hand” tip about a Las Vegas stabbing	10
Detectives Thowsen and LaRochelle travel to Lincoln County to arrest Blaise.....	10
Johnson’s statement to Thowsen and LaRochelle	10
Thowsen and LaRochelle were unaware the incident Dixie told Johnson about wasn’t Bailey’s murder.....	11
Blaise’s July 20, 2001 interrogation	11
No matching points between Bailey’s murder and Blaise’s statement	12
Blaise’s arrest.....	13
Thowsen and LaRochelle conduct cursory investigation after Blaise’s arrest.....	13
People in Lincoln County learn Bailey was killed when Blaise was in Panaca.....	15
Crime lab tests exclude Blaise	15
Table 1 — 16 Significant Differences Between Bailey’s Death and Blaise’s Statement Known to the LVMPD at the Time of Her Arrest on July 20, 2001	17
Table 2 — 12 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	19
III — Blaise Charged With Violating Nevada’s Necrophilia Law	21
Necrophilia law introduced.....	21
Legislative intent of the necrophilia law.....	21
No evidence Bailey was sexually assaulted after he died	22
Prosecution alleged injury to Bailey’s corpse was violation of necrophilia law.....	22
IV — Blaise’s May 2002 Trial	24
Prosecution’s lack of evidence solved by jailhouse informant	24
Blaise’s May 2002 trial.....	24
First prosecution prong	24
Response	24
Second prosecution prong.....	25
Response	25
Third prosecution prong.....	25
Response	26
Fourth prosecution prong.....	26
Response	26
Fifth prosecution prong.....	27
Response	27
Sixth prosecution prong	27
Response	27
Seventh prosecution prong.....	29
Response	29
Eighth prosecution prong.....	29
Response	29
Defense expert Schiro’s testimony limited	30
The prosecution’s case didn’t implicate Blaise in Bailey’s death.....	31
Conclusion of Blaise’s trial.....	32
Verdict and Sentence	32
Blaise’s conviction leads to efforts to publicize her case.....	32

V — Blaise’s Conviction Reversed And Retrial Ordered	33
Blaise’s conviction reversed by Nevada Supreme Court on September 3, 2004	33
New lawyers for Blaise’s retrial	33
Pretrial motions favor prosecution.....	33
Pubic hair DNA tests excluded Blaise in September 2006	37
Retrial begins September 11, 2006	37
Prosecution surprise – No Korinda Martin testimony during retrial.....	37
Prosecution’s strategy: “It is possible Blaise did it.”	37
Medical examiner Simms testifies	37
LVMPD crime lab technician Thomas Wahl testifies	37
Dixie Tienken testifies	39
“Star Witness” Laura Johnson testifies.....	39
Detective Thowsen testifies	40
Prosecution’s case lacked evidence implicating Blaise	43
Two defense experts	44
Dr. Michael Laufer testifies Bailey was likely murdered with scissors.....	44
Brent Turvey testifies there is no physical evidence implicating Blaise in Bailey’s murder.....	45
Four witnesses not allowed to testify about attack on Blaise before Bailey’s death.....	47
Stephen Pyszkowski	47
Heather McBride	49
Larry Lobato	51
Michelle Austria	53
Alibi witnesses.....	55
Kristina Paulette.....	55
Inconsistencies in the prosecution’s case.....	56
Table 3 — Alibi Timeline Of Blaise’s Continuous Presence In Panaca From July 2 to July 9	57
Table 4 — Inconsistencies Between Facts of Bailey’s Murder and his Behavior and Blaise.....	60
VI — Closing Arguments and Verdict	62
DiGiacomo’s closing argument	62
Schieck’s closing argument	63
Kephart’s rebuttal closing argument.....	64
Jury’s verdict	67
Possible juror misconduct exposed after the verdict.....	68
VII — The Jury Didn’t Know That Bailey’s Estimated Time of Death Excludes Blaise	70
Simms’ two estimated times of Bailey’s death.....	70
Driving time from Las Vegas to Panaca	70
Simms’ estimate of Bailey’s “possible” time of death excludes Blaise.....	71
Simms’ estimate of Bailey’s time of death to a “medical certainty” excludes Blaise.....	72
A bell curve is a visualization of an event’s mathematical probability.....	73
Bell curve analysis of Simms’ estimate of Bailey’s “possible” time of death excludes Blaise	73
Bell curve analysis of Simms’ estimate of Bailey’s time of death to a “medical certainty” excludes Blaise	74
Bell curve analysis supports that Bailey died during daylight hours	75
Bailey’s likely time of death.....	75
Reasonable doubt and probability of guilt.....	77
Probability and evidence analysis supports reasonable doubt that Blaise murdered Bailey	78
Blaise’s jury wasn’t informed that Bailey’s “possible” time of death excludes her	81
Figure 1 — It is “possible” that Duran Bailey died between 3:50 am and 7:50 pm, July 8, 2001	82
Figure 2 — “Medical inty” thanan Bailey died between 9:50 am and 3:50 pm, July 8, 2001	82
VIII — Postscript	83
Appeal of retrial conviction	85
Index	86
Endnotes	88

Highlight Boxes

Key dates of events in the intertwining of Kirstin Blaise Lobato's life and Duran Bailey's death.....	4
No confession by Blaise.....	12
Blaise's arrest is "a very peculiar story"	15
New scientific technique can obtain DNA profile from semen lacking sperm.....	38
Did Detective Thowsen go to the Budget Suites Hotel?	41
Kephart keyed on the juror's emotions	65
The jury was unaware that coincidences are the norm in life	66
Probability of when Bailey died based on his "possible" time of death on the morning of July 8, 2001	73
Probability Bailey died prior to dawn contrasted with the certainty of guilt necessary to support a conviction	80

Maps

Nevada State Bank and parking lot trash enclosure (Microsoft® Virtual Earth).....	6
Nevada State Bank and Grand View Apartments (Microsoft® Virtual Earth)	7
Las Vegas to Panaca highways (Yahoo® maps)	11
Location of Bailey's murder in west Las Vegas and Blaise's assault in east Las Vegas (Google® Earth)	16
Physical landmarks near the Budget Suites identified by Blaise in her statement (Google® Earth)	18
Panaca, Nevada neighborhood where Blaise's parents and alibi witnesses lived (Microsoft® Virtual Earth)	50

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 covered with trash (LVMPD crime scene photo)	5
Duran Bailey's body with trash removed (LVMPD crime scene photo)	6
Duran Bailey's mugshot on October 18, 1999 (LVMPD)	8
Diann Parker's facial injuries from Duran Bailey's assault and attempted rape (LVMPD)	8
Diann Parker's back, shoulder and arm bruises from Duran Bailey's assault and attempted rape (LVMPD).....	9
Kirstin Blaise Lobato as high school senior in 2000 (Lobato family)	13
Blood splatter on block wall next to where Bailey's body was found (LVMPD crime scene photo).....	28
Kirstin Blaise Lobato in December 2005 after her release on bail pending her retrial (Michelle Ravelle)	33
7-1/2 barber scissors (Google® search).....	45
Butterfly knife with 3-1/2 blade (Google® search)	45
Kirstin Blaise Lobato in 2006 by fountain in San Francisco while on bail awaiting retrail (Michelle Ravell)	85
Kirstin Blaise Lobato as high school senior in 2000 (Lobato family) (Color photo).....	Back cover