

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

KIRSTIN BLAISE LOBATO,

Petitioner,

vs.

STATE OF NEVADA,

Respondents.

Case No.: 58913

Electronically Filed
Jan 31 2012 08:35 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

MOTION TO TRANSMIT EXHIBIT FOR COURT'S CONSIDERATION

COMES NOW, TRAVIS N. BARRICK, pro bono counsel for the Petitioner, Kirsten Blaise Lobato, and moves this Honorable Court for an Order directing the Eighth Judicial District Court Clerk to transmit Exhibit 125A (a redacted audio recording) admitted into evidence on September 27, 2006, to the Nevada Supreme Court for consideration in the above-captioned appeal. (A transcript of the audio tape is attached for reference by the Court. This motion is based upon the Affidavit of Travis N. Barrick.

Dated this 30th day of January, 2012.

By: 

Travis N. Barrick, SBN 9257
Gallian Wilcox Welker
Olson & Beckstrom, LC
540 E St. Louis Avenue
Las Vegas, Nevada 89104
Attorney for Petitioner

AFFIDAVIT OF TRAVIS BARRICK, ESQ.

STATE OF NEVADA)
)
COUNTY OF CLARK) ss:

I, Travis Barrick, having been first duly sworn on oath, deposes and states as follows:

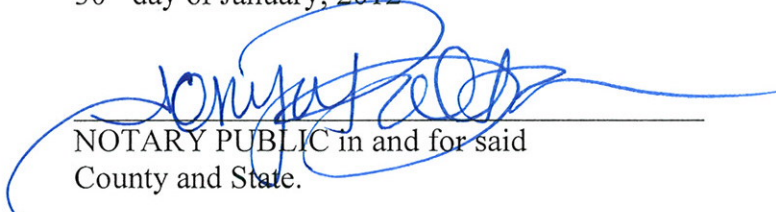
1. I am pro bono counsel of record for the Petitioner, Kirsten Blaise Lobato, in the above-referenced matter.
2. Exhibit 125A was admitted into evidence on September 27, 2006, in a redacted audio tape of an interview with Ms. Lobato.
3. Exhibit 125A has been referenced in Ms. Lobato's Opening Brief, and believes the audio tape should be transmitted to the Nevada Supreme Court for their reference in this matter.
4. Attached to this Motion is a transcript of Exhibit 125A as an additional reference for the Court's consideration.
5. Further, Affiant sayeth not.

DATED this 30th day of January, 2012



TRAVIS BARRICK, ESQ.

SUBSCRIBED and SWORN to before me this
30th day of January, 2012



NOTARY PUBLIC in and for said
County and State.



LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 1

EVENT #: 010708-2410

SPECIFIC CRIME: MURDER

DATE OCCURRED: 07/08/01

TIME OCCURRED:

LOCATION OF OCCURRENCE: 4240 W. FLAMINGO, LAS VEGAS, NV

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: KIRSTEN BLAISE LOBATO

DOB: 12/14/82

SOCIAL SECURITY #: 525-45-6558

RACE: W

SEX: F

HEIGHT:

WEIGHT:

HAIR:

EYES:

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS: 670 CALLAWAY,
PANACA, NV 89042

HOME PHONE: (775) 728-4589

WORK ADDRESS:

WORK PHONE:

BEST PLACE TO CONTACT:

BEST TIME TO CONTACT:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE T. THOWSEN, P# 1467, LVMPD Homicide Section, on 07/20/01 at 1807 hours. Also present is Det. Jim LaRochelle, P#4353.

Q: This is-- this is Det. Tom Thowsen, P#1467, with a taped statement under event number 010708-2410. Name of the person giving the statement is Kirsten, K-I-R-S-T-E-N, Blaise, B-L-A-I-S-E, Lobato, L-O-B-A-T-O, white female adult, date of birth 12/14/82, social security number 525-45-6558. Her home address is 670 Callaway, C-A-L-L-A-W-A-Y, Panaca, Nevada 89042. Home phone 775-728-4589. The date

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 2

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

is 07/20/01, the time is 1807. Also present is Det. Jim LaRochelle, P#4353. Kirsten,
first off, you're aware this statement is being tape recorded, is that correct?

A: Yes. (Crying)

Q: And you need to try to really speak up loud for me...

A: Okay.

Q: ...so we can hear over the _____ and I explained to you that we're here to investigate
a death and explained to you that, uh, uh, I had you read a rights card here which
you read aloud, is that correct?

A: Uh-huh.

Q: And you understand?

A: Yes.

Q: And you were explaining to us what happened a couple weeks ago in Las Vegas.

A: Uh-huh.

Q: When did you first move back to or move to Las Vegas, do you know?

A: Um, I didn't actually move there, I just ended up there.

Q: Okay.

A: For a vacation that was a little longer than I had planned.

Q: And what car were you driving when you were in...

A: A red Fierro, a 1984 special edition.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 3

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

Q: And does that have a personalized plate?

A: Yes it does and it says fornicator, 4NIK8ER.

Q: And when you went to Las Vegas where were you staying?

A: At the Budget Suites on Boulder Highway.

Q: And do you know what cross street that would be near?

A: Nellis.

Q: Nellis?

A: Is that _____

Q: You mentioned that there was one past Sam's Town and another one...

A: Yeah.

Q: ...further towards the downtown area.

A: Both on Boulder Highway.

Q: And this was the closest one to Sam's Town?

A: Uh-huh.

Q: You remember what apartment you were staying in?

A: No, I just know how to get there, how to walk there.

Q: Okay, and on this particular day, you said you can't remember what the day was?

A: Yeah, I don't even know, that whole, like from about a week before then till about week, a week afterwards I was out of my mind on drugs.

VOLUNTARY STATEMENT

PAGE 4

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

Q: What kind of drugs had you been using?

A: ~~Methamphetamine, staying up for days and days at a time.~~

Q: How much meth were you using do you think?

A: I don't even know, I wasn't buying it so...

Q: Okay.

A: I don't know.

Q: And how were you ingesting it?

A: I was snortin' it and smokin' it.

Q: Okay. So do you remember if it was daytime or nighttime when this incident happened? (Both talking at once)

A: I remember it was nighttime late at night like probably more into early morning.

Q: Okay and what happened as you recall.

A: ~~I got out of my car and he came out of nowhere and grabbed me from behind.~~

Q: And what did the person look like?

A: He was a black man, older.

Q: Do you remember anything about his appearance?

A: I don't remember anything about him besides he was very smelly.

Q: What did he smell like?

A: Like old alcohol and dirty diapers almost.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 5

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

Q: Okay, you remember how tall he was?

A: He was really big, that's, and he seemed like a giant compared to me.

Q: Okay, how tall are you?

A: I'm 5'6.

Q: How much do you weigh?

A: I weigh like a 120 pounds. I probably weighed a close— closer to a 100 then.

Q: And tell me what happened when you got out of the car.

A: He, he just grabbed me from behind and attacked me and I had on a skirt, he threw me on the ground and the skirt that I have, it's one of those ones that has pockets on it, you know the little side pockets and back pockets.

Q: Yes.

A: So I had my butterfly knife in the back of that pocket and I just grabbed it out and everything goes black from then on. I don't really remember a lot. I don't know what I did after that. I remember like throwing my clothes.

Q: Did he get your clothes completely off of you?

A: He had my skirt hiked up, that's all he had to do really and move my underwear that's all there was to it.

Q: Was he able to penetrate you?

A: No.

VOLUNTARY STATEMENT

PAGE 6

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

Q: Do you know if he was using a condom or not?

A: No.

Q: You don't remember or he wasn't using one?

A: He wasn't.

Q: He wasn't using one?

A: Uh-uh (negative)

Q: Okay and what happened next, what did you do with the knife?

A: I don't remember if I gave it away or if I threw it away, I really don't know.

Q: As you're struggling with him, what did you end up doing, what did you end up cutting him?

A: I cut his penis, I remember that.

Q: Okay, and do you remember how you cut it?

A: (Pause) I think I was trying to cut it off but I don't know if I actually did.

Q: Okay and do you remember where else you cut him?

A: No (crying).

Q: You remember how long the whole incident took?

A: No.

Q: Do you remember if you hit him with anything?

A: No I don't (crying).

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 7

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

Q: Did he ever hit you?

A: Yes he slapped me in my face when I was crying and told me to shut up cause I was a bitch.

Q: Was there anybody else around that came to help you?

A: No, nobody helped me.

Q: And what area, what type of area were you in? Were you in an open parking lot where people could see you or were you in...

A: Yeah it was a parking lot but it was dark and it was late.

Q: Was there anything else around?

A: Just a bunch of doped out people walking on the street, you know, outside there, none of them care.

Q: After you got done struggling with him, was he on the ground or standing up?

A: He was on the ground.

Q: Was he making any noise at that point?

A: He was, he was crying.

Q: And what did you do next?

A: I left.

Q: Did you move him at all anyplace?

A: No.

VOLUNTARY STATEMENT

PAGE 8

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

Q: Did you use anything to cover him?

A: No, 'cause I figured nobody would know, you know, nobody was around, nobody cared so I figured nobody would care if I just drove off (crying). I didn't think anybody would miss somebody like that.

Q: Okay, what did you do next?

A: I went to my ex-boyfriend's house to ditch my car where I left it for like a week.

Q: And what's your ex-boyfriend's name?

A: Jeremy Davis.

Q: Did you tell him what happened?

A: No, he wasn't even there.

Q: And how long did you leave it there do you think?

A: About a week.

Q: And did you go back for it?

A: Yeah but I went in the middle of the night and I just got in it and drove off.

Q: Was there any damage to it?

A: Yeah.

Q: What was damaged?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 9

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

A: He broke my sunroof, my headlight, um, he pissed, shit and puked on the inside of my car. He scratched down the side of it, um, what else, (sighs) he stole all my CDs, he did do that.

Q: Okay and how do you know it was him that did this?

A: Well I guess I really don't, I just assumed because it was at his house.

Q: Okay, was he on bad terms with you?

A: I didn't think so but.

Q: Okay, what did you do with the knife?

A: I don't know.

Q: Do you still have it?

A: No I don't.

Q: What did you do with your clothing?

A: I do not still have any of it, I don't know where I dumped it at, I just remember throwing it. I was naked in my car when I got to his house.

Q: Okay, and did you go in his house?

A: Yeah, I went in through the back door to leave him a note and leave the extra key.

Q: And what did you say on your note?

A: Um, just that I had done something bad and I had to be gone for awhile.

Q: Did you say what it was?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 10

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

A: No, I, I don't know, did I?

Q: Just trying to get what you remember.

A: I just...

Q: I need you to be honest with me.

A: I'm being as honest as I can be. I remember going to church after that, the church right there on the corner from his house.

Q: Okay.

A: I don't know...

Q: Did you get some clothes somewhere?

A: I got clothes when I was in my car 'cause I had all my bags with me.

Q: So you had extra clothes.

A: I, I grabbed an outfit to put on and an outfit in a backpack and I left everything else in my car.

Q: Okay. Do you-- you don't remember at all what you did with the knife?

A: Uh-uh (negative).

Q: Can you describe what the knife looked like?

A: It was a blue butterfly.

Q: Do you know what brand it was?

A: Uh-uh, I don't, it was just something that somebody gave to me.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 11

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

Q: How long was the blade?

A: I don't know, I really don't know about like that probably.

Q: You're making your fingers like about four inches, three and a half inches?

A: Yeah.

Q: And was it a straight blade or was it the serrated kind?

A: Yeah it, it was a straight blade.

Q: Was it sharp or dull?

A: It was sharp, a sharp knife.

Q: It, was it shiny or dark, the blade?

A: It was shiny.

Q: And what about that grip, the handles?

A: Kind of a shiny metallic blue with like different colors through it.

Q: Okay, and did it have just one handle or did it have two handles?

A: It had two handles.

Q: So it was an actual butterfly knife where the...

A: Yeah.

Q: ...blade folds inside the handles?

A: Uh-huh.

Q: You know the difference between a butterfly knife and a regular folding knife?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 12

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

- A: Yeah, I, I know the difference between the knives.
- Q: Okay, and you don't recall what you did with it?
- A: I don't know what I did with it. I don't know if I gave it away to trade for drugs or threw it away or, I don't know what I did with it.
- Q: Okay, and do you know what you did with your clothing that you were wearing?
- A: Uh-uh (negative).
- Q: You said you were wearing a short dress?
- A: I was wearing a short skirt with a little white top.
- Q: Sorry, and what color was the skirt?
- A: It was, um, black, it was a black skirt.
- Q: And what kind of shoes did you have on?
- A: I had on black high heels. I was getting ready to go out.
- Q: Okay.
- A: Or I had just come back from going out actually.
- Q: Okay, were you working anyplace while you were in town?
- A: No. I mean I did a couple amateur night places.
- Q: And where did you go do the amateur night places?
- A: Just for a quick-- um, I danced at the Green Door.
- Q: And what's the address there? What street that's on?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 13

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

A: I don't even know, I was ta- it's a swingers club that's it.

Q: Okay.

A: I don't know if that's hidden in Vegas or what. I just heard of it.

Q: Okay.

A: I was taken there to make money.

Q: Okay and when you say dance, what kind of dancing were you doing?

A: Um, topless and fully nude dancing.

Q: Okay and where else were you dancing?

A: Um, I danced at Cheetah's for one amateur night.

Q: Okay and where else?

A: Um, that's it, those are the only places.

Q: Okay and what name were you using when you were dancing at those places?

A: Um, I didn't ever, I never was introduced onto the stage.

Q: Okay.

A: On amateur night it was just, you know, I just got up there.

Q: Normally at those places when somebody goes to dance, they have to give some sort of I.D. (Both taking at once)

A: Not at the Green Bar, I don't know, Cheetah's, it wasn't like that, 'cause I was dancing with another girl that works there, so.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 14

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

Q: So you didn't have any I.D. either time?

A: No.

Q: You didn't give them a name either time?

A: Uh-uh (negative).

Q: How many times did you dance at the Green Door?

A: Once.

Q: Just once?

A: Once at both places.

Q: Okay, was there anything else involved, or just dancing?

A: Um, the reason why I say it was amateur night at Cheetah's is because what I did was, I got up on stage with one of the other girls where you perform like sex acts on stage.

Q: Okay.

A: I'm not proud to admit that but I did that to make money to pay for the drugs.

Q: How much did you make for doing that?

A: I made like three hundred and fifty bucks.

Q: Who was the other girl that you were dancing with?

A: I don't even know her name. It was just one of those things, I was attracted to her so we did it and we both made money.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 15

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

Q: Okay and what did you use the money for?

A: For drugs.

Q: For drugs.

A: Yeah.

Q: And...

A: I came home on Friday the 13th to get clean. I mean I stayed away from it for like two weeks while I was down there but it was hard 'cause I knew where to go get it.

I had to come back home.

Q: Okay.

A: And my parents are gonna help me go to counseling and shit. (Crying)

Q: How well do you know Las Vegas area?

A: Not very well at all.

Q: Okay so if you were in different parking lots on different sides of town...

A: Yeah I have no idea.

Q: ...is it possible you could be mistaken of the location?

A: It's possible, I mean I met up with people at both places and this is where they've told me like things have happened.

Q: Okay.

A: You know, 'cause I don't remember a lot.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 16

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

Q: Okay.

A: But I have flashes in places so.

Q: Okay, the loca...

A: I, I just had all my, um, urine and everything like analyzed a couple weeks ago 'cause I thought I was being poisoned by the people that I was staying with at the same time and it's possible that they were just putting some fucked up shit into my drugs.

Q: Okay.

A: You know.

Q: Like some bad drugs?

A: Yeah.

Q: Just making you...

A: I'm already, I already have that being checked out by the doctors right now.

Q: Okay, okay, do you remember any area involving a dumpster at all?

A: No, well there was a dumpster not far from where it happened but I don't remember putting him in it or anything. I don't think there's anyway that I could have.

Q: And when you, after you left your ex-boyfriend's house, where did you go and stay for that period of time before you picked up your car?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 17

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

A: I went to a house where they had offered to let me babysit and do fire extinguishers for 'em 'cause it was my ex-boyfriend's employer.

Q: And what's that person's name?

A: ██████████ but I don't know how to spell that at all.

Q: Okay, and what did you tell Steve had happened?

A: I, I just, you know, he was hurt when he was a little kid and we got talking about it one night (crying) and I kind a jokingly said, you know, if anybody ever did that to me but I don't know if he could see by the look in my face, the hurt when I said it or if he just took it as a joke like how I tried to pass it off.

Q: Okay and is there anybody else that you told about it?

A: No (crying) not that I can remember, I mean, I, I, I really don't know.

Q: Okay. Jim do you have any questions.

JL: Yes, uh, do you have a bank account?

A: No I don't.

JL: Do you have a, a fake I.D. at all?

A: I don't.

JL: You remember the names of the people you were staying with at the Budget Suites?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 18

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

A: Um, I remember a chick's first name was like Michelle or Misty or something like that (dog barking) but I don't really know.

JL: Do you remember...

A: I remember she had a little girl, I remember that and her little girl's name was, now I can't even remember that. I liked the little girl, (laughing) she was the best one out of the bunch.

JL: Were you involved in any other drugs besides meth?

A: No, not to my knowledge, that's why I'm having everything checked because I really, I haven't had a lot of experience with things, you know, out here we don't, we don't get access to those kinds of things so when I went down there, I totally was like naive to everything.

JL: Okay, do you remember what this person was wearing for clothing?

A: I don't.

JL: You said your ex-boyfriend's name was Germaine Davis?

A: No ~~Jeremy~~ Davis.

JL: Jeremy Davis, and you said he lived at, what was the address?

A: Um, let me make sure that it's right, I think it's 4827 but it could be, yeah 4827 Meredith Avenue, Las Vegas, Nevada 89121.

Q: And what's his phone number there?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 19

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

A: It was, um, ~~454-1544~~,

Q: Okay.

A: But, he's moved and stuff. I tried to get my CDs back, I thought that he had 'em.

JL: You said you went to a church the next day?

A: I went into a church like right afterwards pretty much, it's right around the corner.

JL: And what, what's the intersection there, the major streets?

A: It's Harmon and, um, Mountain Vista I think. (Dog barking)

JL: And that's close to where Jeremy...

A: It's, um, family church, it's a Catholic church right around the corner from his house.

JL: Were you missing any articles or clothing or personal effects?

A: Not that I know of.

Q: Did you have any kind of bracelets at all?

A: Um...

Q: Jewelry or necklaces?

A: No the only ones that I have, I still have, so nothing was, was taken.

JL: Did you go back to the scene afterwards?

A: I haven't been back since.

JL: When you were driving away do you remember how you drove?

A: Probably pretty fast.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 20

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

JL: Do you remember hitting anything?

A: No. Did I hit anything?

Q: We're just trying to find out what you remember is all.

JL: And when you said this struggle occurred, where did it first happen at, in the proximity of the parking lot?

A: Um, from Boulder Highway, if you're looking at it from Boulder Highway, like from where the shopping center is across the street say, right over here in the parking lot.

JL: _____ (Both talking at once)

A: Like right around from the fountain, it's right in front there.

Q: And you're pointing to the left of the fountain?

A: Yeah, on the side...

Q: As you're facing it from Boulder Highway?

A: Yeah if you're facing it, the fountain's right here, it's right over here, 'cause the, the thing goes in the, in the spot like that.

JL: And how close was that to your vehicle at the time?

A: _____ feet.

JL: Do you remember moving at all or did you move at all during this struggle?

A: Did I, what do you mean did I move at all?

JL: Did either one of you move during the struggle?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 21

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

A: I don't know, I really don't.

JL: Do you remember hitting him with anything else besides your knife?

A: ~~No, but it's poss— I have a baseball bat that I keep behind my seat or had a baseball bat.~~

JL: Do you know where that baseball bat's at now?

A: I don't, I really don't, I don't know where either of those things are.

JL: And was there anybody else that was with you at this time?

A: No.

Q: You mentioned that when you went to cut him that you completely lost it, is there anything about your past that made you particularly emotional about the situation?

A: (Crying) When I was five years old I was tortured everyday for a year by my mother's boyfriend and she knew about it and she used to allow it to happen, okay.

Q: Okay and that was reported to the police at the time eventually, do you know?

A: Um, yeah; I think it was and nothing really happened to him and it wasn't his first offense either so, you know.

Q: Okay. Is the car that you have the same car that you were driving that night?

A: Yeah.

Q: And you mentioned that some damage was done to it, is there anything that you replaced on it?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 22

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

A: No.

Q: Nothing's been replaced?

A: No.

Q: It has the same doors and...

A: Yeah.

Q: Same tires and...

A: Same everything.

Q: Same everything?

A: Uh-huh.

Q: Okay.

JL: Do you remember how you posi-- positioned when you cut his penis?

A: ~~I don't, I just, I think, I think I was laying down and I just grabbed down and just...~~

Q: Was he above you or below you?

A: He was on top of me, I was laying down but he was (pause), I'm gonna throw-up.

Q: I know this is hard for you.

A: No you don't (crying) (people talking in background) you don't know how hard it is to know that you've hurt somebody and you don't even remember it.

Q: Do you remember what hand you were holding the knife in?

A: My right hand.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 23

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

Q: And did you grab him anywhere with your other hand at the time when you cut him?

A: Yeah I grabbed, I grabbed for as much as I could hold down there.

Q: You're talking about his, his penis or his testicles or what?

A: Everything, everything.

Q: Okay.

A: I just remember for grabbing as much as I could just grab.

Q: Do you remember if you cut downward or upward or...

A: I don't know if I used an upward or a downward motion, I, I really don't.

Q: Okay.

A: Can I go blow my nose?

Q: Yes.

A: (Blowing nose) (Laughing) Oh, you had to tape me blowing my nose.

Q: We just want to keep the tape recorder going. Okay, so I'm just trying to get it clear
in my head, he was, he was standing up or you were standing up?

A: Nobody was standing up.

Q: Okay.

A: He was just above me.

Q: He was above you, are you laying down or sitting up?

A: Laying down, he had me down on the ground.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

PAGE 24

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

Q: Okay.

JL: Do you remember what was beneath you?

A: Just the ground, that's all I remember.

Q: Do you remember if that's the first place that you cut him or did you cut him or hit him anyplace else?

A: ~~I don't know anything after that. I don't really remember, I just remember like bits and pieces, do you know what I'm saying, like it flashes in and out of stuff (crying).~~

Q: Okay. How long had it been since you had any sleep prior to being attacked?

A: ~~Three~~ days.

Q: You can remember that part?

A: I know that for sure.

Q: How do you know that?

A: 'Cause that's the day when everything starts to flutter.

Q: So that was the end of the third day of being up straight?

A: Yeah.

Q: Doing meth?

A: Yeah.

Q: Okay.

JL: Did you take anything from the scene afterwards?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 25

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

A: No, like, uh, like what do you mean? Besides just me and my car, no.

Q: What kind of shoes were you wearing as you recall?

A: I was wearing high heel shoes. I can show them to you if you want.

Q: Okay, and what color were they?

A: They're black.

Q: Okay.

JL: You said you had other clothing in your vehicle?

A: Yeah I had all my clothing with me 'cause I went on a vacation that I wasn't sure how long I was gonna be gone on _____, me and my boyfriend had just broken up and, um, I just decided I was just gonna go see what life was about for awhile and instead I fucking figured out what drugs and everything else was. I mean I've smoked weed and stuff as a kid. I did that but I never have been spun out the way that I was in Vegas, 'cause that's what everybody does.

Q: Okay, you had never met this person before?

A: No.

Q: Is there anything else that you can tell us that would help the investigation that we haven't asked you about or anything else that you want to say?

A: Nothing that I can think of. (Crying)

Q: Okay, Jim, anything else?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 26

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

JL: No.

Q: That will be the end of the statement, same persons...

A: Can you give me some kind of idea...

Q: ...same persons are present, the time is now 6:32 p.m., thank you.

(Tape shuts off then goes back on)

Q: This is Det. Thowsen, the tape is back on the time is 6:35 p.m. Blaise we were just asking you if there's anything else that you remembered and you mentioned that you talked to someone else that may have been another victim from this person?

A: Yeah, she was another blond girl that had a scar on her lip and I don't know her name but she was about 25.

Q: She's older than you?

A: Yeah, she was older than me. I don't remember anything distinct other than that, the only reason I remember the scar is 'cause my mom.

Q: Your mom has one like it?

A: Yeah, my biological mother.

Q: Okay, and what's your biological mother's name?

A: Nita.

Q: How do you spell that?

A: N-I-T-A.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 27

EVENT #: 010708-2410

STATEMENT OF: KIRSTEN BLAISE LOBATO

Q: And did this woman tell you her name?

A: ~~I don't know everybody called her Mumbolina cause she mumbles a lot.~~

Q: And do you remember what location you saw her?

A: It was at Steve Pizkowski's house at, um, it's on Spokane Road right off of Desert Inn and Mojave.

Q: Okay and did this person say anything about something happening to her or did she just seem upset?

A: She said that she had been hurt and that she couldn't believe that something like that happened and she just kept saying it over and over.

Q: And how soon was it that you talked to her before you were attacked?

A: ~~It was afterwards already.~~

Q: After you'd been attacked?

A: Yeah this has already been over a month ago.

Q: Okay, anything else you can think of?

A: No, can I blow my nose again?

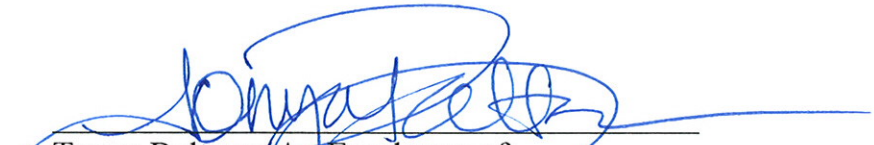
Q: Yes, that will be the end of the statement, same persons are present, time is 6:37 p.m.

THIS VOLUNTARY STATEMENT WAS COMPLETED AT 670 CALLAWAY, PANACA, NEVADA ON THE 20th DAY OF JULY, 2001 AT 1837 HOURS.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 30th day of January, 2012, a copy of the foregoing upon each of the parties by hand delivery and depositing a copy of same in a sealed envelope in the U. S. mail, registered, first-class postage fully prepaid, and addressed to those counsel of record:

Steven S. Owens, Esq. District Attorney's Office 200 Lewis Avenue Las Vegas, Nevada 89155	Catherine Cortez-Masto, Esq. Office of the Attorney General 555 E. Washington Avenue, Suite 3900 Las Vegas, NV 89101
--	---



Tonya Baltazar An Employee of
GALLIAN, WILCOX, WELKER
OLSON & BECKSTROM LC