

MEMORANDUM OF POINTS AND AUTHORITIES

The Appellant, Kirstin Blaise Lobato, respectfully requests that this Court grant the MOTION FOR LEAVE TO FILE APPELLANT'S REPLY EXHIBITS for the following reasons.

I. ARGUMENT.

A. It is in the interests of justice to permit Ms. Lobato to provide evidence from outside the record to rebut the State's new assertions.

NRAP 28(e)(1) provides in pertinent part that "Every assertion in briefs regarding matters in the record shall be supported by a reference to the page and volume number, if any, of the appendix where the matter relied on is to be found."

Further, this Court has held that "facts or allegations contained in a brief are not evidence and are not part of the record." Phillips v. State, 105 Nev. 631, 634, 782 P.2d 381, 383 (1989).

Here, regarding Ms. Lobato's habeas Grounds 20, 25, 26, 28, and 36 the State's Answering Brief asserts new defenses outside the record that rely on new material assertions outside the record. In addition the State's Answer Brief makes misleading new material assertions in its Statement Of The Facts involving facts outside the record.

To rebut the State's new defenses and assertions outside the record the equitable remedy in the interests of justice is for Ms. Lobato to be allowed to provide evidence from outside the record in her Reply Brief filed pursuant to NRAP 28(c). As

the Supreme Court stated in Kuhlmann v. Wilson, 477 U. S. 436, 447 (1986), “habeas corpus has traditionally been regarded as governed by equitable principles.”

In the alternative, pursuant to NRAP 28(e)(1) and (j) this Court should strike the State’s new defenses outside the record and other material assertions herein.

B. The State asserts six new defenses outside the record.

1. Ground 20 – The State’s new defense there is a “substantial basis for bias” regarding John Kraft’s affidavit is outside the record.

The State’s Answering Brief asserts the new defense to Ground 20 there is a “substantial basis for bias” by John Albert Kraft that allegedly undermines his new evidence supporting juror misconduct. [Respondent’s Answering Brief (“RAB”) 32 n.7; 6 App. 1264-6] To support their new defense of bias that is outside the record, the State relies on the factually false new assertion, “John Kraft is related to Appellant.” [*Id.*]

The Affidavit of John Albert Kraft (“Reply Exhibit 3”) provides evidence that at the time of the District Court’s hearing, consideration and denial of Ground 20 and during the instant appeal, Mr. Kraft was not related to Ms. Lobato, and he has not seen her since he testified as a witness at her trial in 2006. [11 App. 2263, 2268-69]

Reply Exhibit 3 rebuts as factually false the State’s new assertion Mr. Kraft is related to Ms. Lobato, and thus there is no factual basis for the State’s new defense outside the record he is biased. [RAB 32 n.7]

The materiality of Reply Exhibit 3 to rebut the State’s new defense and new factually false assertion regarding Mr. Kraft is in Ms. Lobato’s Reply Brief at 20-21.

2. Ground 20 – The State’s new defense there is “inherent bias in any statement” by Hans Sherrer is outside the record.

The State’s Answering Brief asserts the new defense to Ground 20 there is “inherent bias in any statement” by Hans Sherrer, which allegedly undermines his new evidence supporting juror misconduct. [RAB 32 n.8; 6 App. 1264-66] To support their new defense of bias that is outside the record, the State relies on the factually false new assertion outside the record the Justice Institute, of which Mr. Sherrer is the President, “has been actively engaged in raising money for [Ms. Lobato’s] defense and post-conviction proceedings.” [RAB 32 n.8] The State offers no evidence except for references that do not support and are irrelevant to its new assertions. [*Id.*] The State also relies on the factually false assertion the book at the weblink cited by the State – *Kirstin Blaise Lobato v. State of Nevada* – is authored by Mr. Sherrer when in fact it is a compilation of Ms. Lobato’s 770-page habeas corpus petition and exhibits filed in the District Court that are public documents, and it is available for free reading, printing, and downloading from the weblink. [*Id.*]

The Affidavit of Hans Sherrer (“Reply Exhibit 6”) provides evidence relevant to Ground 20 that Mr. Sherrer has no personal interest and he has not gained from Ms. Lobato’s case, and he and the Justice Institute have not raised money for her defense and post-conviction proceedings. [6 App. 1264-66]

Reply Exhibit 6 rebuts as factually false the State’s new assertions regarding Mr. Sherrer and the Justice Institute, and thus there is no factual basis for the State’s

new defense outside the record Mr. Sherrer is biased. [RAB 32, fn.8]

The materiality of Exhibit 6 to rebut the State’s new defense and new factually false assertions regarding Mr. Sherrer and the Justice Institute is in Ms. Lobato’s Reply Brief at 20-21.

3. Ground 25 – The State’s new defense Hans Sherrer’s affidavit is “inherently biased and skewed” is outside the record.

The State’s Answering Brief asserts the new defense to Ground 25 that Mr. Sherrer’s affidavit is “inherently biased and skewed,” which allegedly undermines his new evidence supporting a *Brady* violation. [RAB 37 and 32 n.8; 6 App. 1308-09] To support their new defense of bias that is outside the record, the State relies on the factually false new assertion outside the record Mr. Sherrer has a “personal interest” in this case. [RAB 37] The State fails to bring to this Court’s attention the critical fact the Justice Institute, of which Mr. Sherrer is the President, is an IRS approved 501(c)(3) non-profit charitable organization that among other things investigates post-conviction claims of actual innocence, including that of Ms. Lobato, and thus his interest in Ms. Lobato’s case is professional. [RAB 37 and 32 n.8] The State offers no evidence to support its new assertion of “inherent bias” except for references that are either irrelevant or that undercut its new assertion. [*Id.*]

The Affidavit of Hans Sherrer (“Reply Exhibit 6”) provides evidence relevant to Ground 25 that Mr. Sherrer has no personal interest and he has not gained from Ms. Lobato’s case, and he has not raised money for her defense and

post-conviction proceedings. [6 App. 1308-09]

Reply Exhibit 6 rebuts as factually false the State's new assertions regarding Mr. Sherrer, and thus there is no factual basis for the State's new defense outside the record Mr. Sherrer is biased. [RAB 32, 37-38]

The materiality of Reply Exhibit 6 to rebut the State's new defense and new factually false assertions regarding Mr. Sherrer is in Ms. Lobato's Reply Brief at 25-7.

- 4. Ground 25 – The State's new defense “it is highly likely that the post-it note with the phone numbers was an item of discarded trash that ended up sticking to Duran Bailey's clothing as his body lay amongst the rubbish” is outside the record; and Ground 28 – the State's new defense “the phone numbers in question were not found in Bailey's pocket, but rather stuck to his clothing, amongst other rubbish covering Bailey's body” is outside the record.**

The State's Answering Brief asserts the new defense to Ground 25's *Brady* violation, that “it is highly likely that the post-it note with the phone numbers was an item of discarded trash that ended up sticking to Duran Bailey's clothing as his body lay amongst the rubbish.” [RAB 38; 6 App. 1308-09] The State similarly asserts the new defense to Ground 28's ineffective assistance of counsel claim “the phone numbers in question were not found in Bailey's pocket, but rather stuck to his clothing, amongst other rubbish covering Bailey's body...” [RAB 49; 6 App. 1316-18] To support their new defenses that are outside the record, the State relies on the factually false new assertion outside the record the police officer's telephone number at issue in Grounds 25 and 28 was not written on items recovered from Mr. Bailey's

pants pockets. [RAB 37-8, 49; 6 App. 1308-9, 1316-18]

The LVMPD Evidence Impound Sheet dated July 9, 2001 and signed by CSA Maria Thomas (“Reply Exhibit 1”) was not entered into evidence during Ms. Lobato’s trial however, it is evidence the police officer’s telephone number at issue in Grounds 25 and 28 was found written on two items recovered from Mr. Bailey’s pants pockets, and there were no telephone numbers written on a post-it note recovered from the crime scene. [Reply Exhibit 1 at 3; 6 App. 1308-09; 1316-18]

Reply Exhibit 1 (at p. 3) rebuts as factually false the State’s new assertions regarding where the officer’s telephone number was recovered from, and thus there is no factual basis for the State’s new defenses outside the record it was not recovered from Mr. Bailey’s pants pockets. [RAB 37-8, 49; See, 3 App. 579; 2 App. 486]

Reply Exhibit 1 is also evidence the State’s Answering Brief makes materially false assertions regarding CSA Thomas’ testimony during which she in fact testified the telephone numbers were recovered from Mr. Bailey’s pants pockets, and she did not testify the telephone numbers were written on a random “post-it note.” [*Id.*]

The materiality of Reply Exhibit 1 to rebut the State’s new defenses and new factually false assertions regarding the officer’s telephone number and Ms. Thomas’ testimony is in Ms. Lobato’s Reply Brief at 26-27 and 35.

5. Ground 26 – The State’s new defense that Detective Thomas Thowsen needed only the name of Daniel Martinez to clear him of having a criminal record is outside the record.

The State's Answering Brief asserts the new defense to Ground 26's *Brady* violation, that Detective Thowsen did not need or use as a unique personal identifier the Social Security Number ("SSN") of Daniel Martinez who was a suspect in Mr. Bailey's homicide, to find he had a clean record after running a record check. [RAB 39-42; 6 App. 1309-11] To support their new defense that is outside the record, the State makes new assertions outside the record. [RAB 40-42; Lobato's Reply Brief at 27-28]

Nevada Department of Correction's records ("Reply Exhibit 4") provide evidence relevant to Ground 26 that there are at least nine individuals with the name Daniel Martinez who have been imprisoned in Nevada.

The July 2001 Clark County telephone book white pages ("Reply Exhibit 5") provides evidence relevant to Ground 26 there were at least 14 individuals in Clark County with the name Daniel or D. Martinez with a listed telephone number.

Reply Exhibits 4 and 5 rebut as factually false the State's new assertions regarding Det. Thowsen's use or need to use Daniel Martinez' SSN to find he had a clean record, and thus there is no factual basis for the State's new defense Det. Thowsen was able to distinguish the Daniel Martinez who was a suspect in Mr. Bailey's homicide from every other Daniel Martinez in Nevada by only using his name to do a records check. [RAB 39-42]

The materiality of Exhibits 4 and 5 to rebut the State's new defense and new false assertions regarding Det. Thowsen's alleged records check of Daniel

Martinez is in Ms. Lobato’s Reply Brief at 27-28.

6. Ground 36 – The State’s new defense Ms. Lobato “cannot show that [a discovery] motion would have led to information that would have been used to impeach Detective Thowsen” is outside the record.

The State’s Answering Brief asserts the new defense to Ground 36’s ineffective assistance of counsel claim, that Ms. Lobato “cannot show that [a discovery] motion would have led to information that would have been used to impeach Detective Thowsen...” [RAB 56; 6 App. 1332-33] To support their new defense that is outside the record, the State relies on the factually false new assertion outside the record Ms. Lobato “cannot show” the State failed to disclose evidence required by Brady v. Maryland, 373 U.S. 83 (1963). [RAB 56]

The Affidavit of Douglas Howell Twining (“Reply Exhibit 7”) provides evidence relevant to Ground 36 that the State didn’t disclose *Brady* evidence, because Mr. Twining is a key alibi witness and no notes of his interviews by both Det. Thowsen and the Clark County D.A’s Office were or ever have been disclosed to Ms. Lobato. [6 App. 1332-3]

Reply Exhibit 7 rebuts as factually false the State’s new assertion Ms. Lobato “cannot show” the State failed to disclose *Brady* evidence, and thus there is no factual basis for the State’s new defense outside the record Ms. Lobato “cannot show” a discovery motion would have resulted in the disclosure of *Brady* evidence. [RAB 56]

The materiality of Exhibit 7 to rebut the State’s new defense and new factually

false assertion regarding Ground 36 is in Ms. Lobato's Reply Brief at 38-39.

C. The State asserts two statements by Ms. Lobato that are only in factual context by evidence outside the record.

1. State's Statement Of The Facts – Evidence of the factual context of the State's assertion of Ms. Lobato's statements to her father "I'm sorry daddy. Told you I did something awful" and her stepmother "Mom, I did it, now I have to do what I have to do" is outside the record.

The State's Answering Brief asserts in its "Statement Of The Facts" to infer Ms. Lobato's guilt of her convicted crimes, that Det. Thowsen testified he heard Ms. Lobato tell her father when arrested at her home, "I'm sorry daddy. Told you I did something awful," and tell her stepmother "Mom, I did it, now I have to do what I have to do." [RAB 7; 3 App. 654] The State's reference to that testimony is materially misleading by omitting the factual context clarifying Ms. Lobato's statements are exculpatory because the incident she refers to occurred in June 2001 or earlier, and thus has nothing to do with Mr. Bailey's homicide. [5 App. 912]

After Det. Thowsen testified, Ms. Lobato's counsel elicited the following testimony from her father, Lorenzo Lobato, that clarifies she made the statements referred to by Det. Thowsen in June 2001: "she told me she had done something that she had told me before in June." [5 App. 912] The State objected and made a motion to strike, which the trial court granted. [*Id.*]

The Affidavit Of Lorenzo Lobato ("Reply Exhibit 2") states: "25. I know from my own personal knowledge that Blaise's comment to me at the time of her

arrest has nothing to do with anything that happened on July 8, 2001, because she said that to me in June 2001.” Lorenzo’s Affidavit has the veracity of testimony because NRS 199.145 subjects him to the same legal penalties, and the State waived cross-examination of his materially similar trial testimony it objected to. [5 App. 912]

Reply Exhibit 2 rebuts as factually false Ms. Lobato’s statement to her father can be inferred as relating to Mr. Bailey’s homicide, and thus there is no “good faith” basis for the State to rely on that statement as inferring her guilt when the State knows evidence it is exculpatory is only outside the record because of the State’s objection. [RAB 7; 5 App. 912; 3 App. 654]

Detective Thowsen testified that contemporaneously with Ms. Lobato’s statement to her father she similarly stated to her stepmother Rebecca Lobato, “Mom, I did it, now I have to do what I have to do.” [3 App. 654] The State offers no evidence and doesn’t assert that statement was not about the same event as she told her father about in June 2001, and the factual context and similarity of the two statements made within moments of each other supports they refer to the same event that occurred in June 2001 or earlier. [3 App. 654; Reply Exhibit 2; 5 App. 912]

The materiality of Reply Exhibit 2 to rebut the State misleadingly citing out of context Detective Thowsen’s testimony regarding Ms. Lobato’s exculpatory statements to her father and stepmother, is in her Reply Brief at 2.

II. CONCLUSION.

It is apparent from the record the State has improperly injected new defenses and assertions outside the record into its Answer for this Court's consideration. By doing so, the State has opened the door for Ms. Lobato to provide rebuttal evidence outside the record to support her Reply Brief. Accordingly, Ms. Lobato respectfully requests this Court grant this Motion and Order the filing of Appellant's Reply Exhibits 1 through 7 attached hereto. In the alternative, Ms. Lobato requests that pursuant to NRAP 28(e)(1) and (j) this Court strike the State's new defenses outside the record disproven by Ms. Lobato's evidence submitted herein, and strike the State's materially misleading assertions in its Statement Of The Facts as stated herein.

Dated this 27th day of December, 2012.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 27th day of December, 2012. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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IN THE SUPREME COURT OF THE STATE OF NEVADA

KIRSTIN BLAISE LOBATO,)	
)	Case No. 58913
Appellant,)	
)	
vs.)	
)	
THE STATE OF NEVADA,)	
)	
Respondent.)	

APPELLANT’S REPLY EXHIBITS

APPEAL FROM NOTICE OF ENTRY OF DECISION AND ORDER
IN THE EIGHTH JUDICIAL DISTRICT COURT

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ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

EXHIBIT

1

EVIDENCE IMPOUND REPORT

EVIDENCE

FOUND FORTH

DATE KEEPING

EVENT # 010708-2410

Incident: HOMICIDE AUTOPSY

Date: 7/9/01

Location: CCCME

Victim # 1: JOHN "PALMS" DOE

Victim #2:

EVIDENCE

LOCATION RECOVERED

PACKAGE 4032-01

ITEM 01- BIOLOGY KIT

VICTIM

PACKAGE 4032-02

ITEM 02- SEXUAL ASSAULT KIT (INCLUDING NAIL CLIPPINGS AND HAND SWABS)

VICTIM

PACKAGE 4032-03

ITEM 03- DNA KIT

VICTIM

PACKAGE 4032-04

ITEM 04- WHITE SHEET WITH APPARENT BLOOD AND DEBRIS

WRAPPED AROUND VICTIM

PACKAGE 4032-05

ITEM 05- TAN PANTS WITH APPARENT BLOOD, SIZE 16, "MODERN EDGE"

ON VICTIM

ITEM 06- PAIR OF WHITE SOCKS, SOILED, AND WITH APPARENT BLOOD

ON VICTIM

JUL 17 8 30 PM '01

APPROVED

[Signature] CARS

P# 1883

LD. OFFICER

[Signature] Thomas

LVMPD ISO 10 (REV. 3-95)

P# 4032

EVID CE

PACKAGE 4032-06

ITEM 07 - PLAID SHIRT
WITH VEGETATION, DEBRIS
AND APPARENT BLOOD (UNABLE
TO READ LABELS)

ON VICTIM

PACKAGE 4032-07

ITEM 08 - CLEAR PLASTIC
BAG WITH APPARENT BLOOD

ON VICTIM'S ABDOMEN

PACKAGE 4032-08

ITEM 09 - MEN'S WRIST WATCH
"HEUER 1500 PROFESSIONAL
200 METERS", WHITE/YELLOW
METAL WITH BLUE FACE

RIGHT FRONT POCKET OF
ITEM 5

PACKAGE 4032-09

ITEM 10 - APPARENT PLASTIC
(SMALL PIECES) WITH SILVER COLORED
PAPER

VICTIM'S RECTUM (PER DR.
SIMS)

PACKAGE 4032-10

ITEM 11 - \$1.00 U.S. DOLLAR

LEFT FRONT POCKET OF
ITEM 5

ITEM 12 - NINE CENTS U.S.
CURRENCY (COIN)

IN RIGHT LEG POCKET OF
ITEM 5

I.D. OFFICER

Maria Thomas

PP
4032

EVIDENCE

PACKAGE 4032-11

ITEM 13 - THREE CIGARETTE BUTTS

IN CORONER'S BODY BAG

ITEM 14 - USED MATCH

ON VICTIM'S UPPER LEFT THIGH

ITEM 15 - BOOK OF MATCHES WITH "W NO ROLL" ON FRONT

LEFT REAR POCKET OF ITEM 5

PACKAGE 4032-12

ITEM 16 - ORANGE MATCHBOOK "GOLD COAST" COVER WITH PHONE NUMBERS AND MISC WRITING

LEFT REAR POCKET OF ITEM 5

ITEM 17 - BROWN LEATHER BIFOLD WALLET WITH WRITING IN WHITE

RIGHT REAR POCKET OF ITEM 5

ITEM 18 - 3 PIECES OF PAPER WITH PHONE NUMBERS AND MISCELLANEOUS WRITING

RIGHT REAR POCKET OF ITEM 5

JUL 17 3 30 PM '01

PACKAGE 4032-13

ITEM 19 - PIECE OF METAL, APPROXIMATELY 4 3/4" LONG

IN LEFT SOCK

PACKAGE 4032-14

ITEM 20 - YELLOW POST IT NOTE, STRIP OF GREEN PAPER
ITEM 21 - NAIL CUTTER

IN CORONER'S BODY BAG

RIGHT FRONT POCKET OF ITEM 5

LD. OFFICER

Maria Thomas

P# 4032

EXHIBIT

2

17. I was interviewed by Blaise's lawyer Phil Kohn and I told him that Blaise was in Panaca on July 8, 2001 so she couldn't have committed a murder in Las Vegas on that day. I also Mr. Kohn that Blaise told me in June 2001 when we had lunch at the Galleria Mall that she "did something bad", and that the police and prosecutors were confusing that event with a murder that happened weeks later in July.
18. I was subpoenaed to testify at Blaise's trial in May 2002 but I wasn't called to testify, and I was subpoenaed to testify for her retrial in 2006 when I did testify.
19. When asked by Blaise's lawyer about what Blaise and I discussed just before the police took her away on July 20, 2001, I testified: "... she told me she had done something that she had told me before in June." (Trans. 10-4-2006, XVIII-8.)
20. A prosecutor objected to my testimony and the judge sustained the objection.
21. Later when asked by Blaise's lawyer about a telephone conversation at the end of July 2001 I had with Detective Thomas Thowsen, who was one of the detectives who arrested Blaise, I testified: "I told him that he had the wrong person because the dates didn't match cause Blaise was home on the 8th and that there was no way she could have been in Las Vegas at that time." (Trans. 10-4-2006, XVIII-10.)
22. A prosecutor objected to my testimony and the judge sustained the objection.
23. I have learned that a Clark County Chief Deputy District Attorney wrote the State's Answer to Blaise's Opening Brief in the appeal of her habeas corpus petition that is before the Nevada Supreme Court. In that brief Detective Thowsen's trial testimony that he heard Blaise say to me when she was arrested on July 20, 2001 - "I'm sorry daddy. Told you I did something awful." (Trans. 9-27-2006, XIII-33.) - is being relied on by the State to support Blaise's guilt of Duran Bailey's murder in Las Vegas on July 8, 2001.
24. I believe the State knows that is false because it was a Clark County Assistant District Attorney that objected when I testified it was in June 2001 that Blaise "told me she had done something." (Trans. 10-4-2006, XVIII-8.)
25. I know from my own personal knowledge that Blaise's comment to me at the time of her arrest has nothing to do with anything that happened on July 8, 2001, because she said that to me in June 2001.
26. I am executing this AFFIDAVIT voluntarily and of my own free will. No force has been used upon me, and no threats or promises made to me by anyone.


 LORENZO LOBATO

SUBSCRIBED AND SWORN to before me this 18TH day of July 2012.

Notary Public

Printed name

*see attached CA packet
7/18/12*

NOTARY PUBLIC



AFFIDAVIT OF LORENZO LOBATO

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1–6 below)
- See Statement Below (Lines 1–6 to be completed only by document signer[s], *not* Notary)

1 _____

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3 _____

4 _____

5 _____

6 _____

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

County of San Bernardino

Subscribed and sworn to (or affirmed) before me

on this 18th day of JULY, 2012,
Date Month Year

by (1) Lorenzo Lobato
Name of Signer

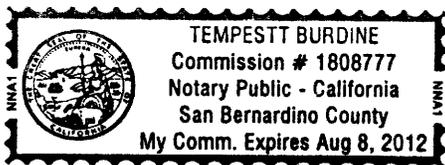
proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (.)

(and

(2) _____
Name of Signer

proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature [Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Affidavit of Lorenzo Lobato

Document Date: 7-18-12 Number of Pages: 2

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1

Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2

Top of thumb here

EXHIBIT

3

Jurat

State of California

County of Fresno

Subscribed and sworn to (or affirmed) before me on this 3rd day of August,
20 12 by John Albert Kraft

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Jill L. Francis
Signature

(Notary seal)



OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Affidavit of
(Title or description of attached document)

John Albert Kraft
(Title or description of attached document continued)

Number of Pages 1 Document Date 8-3-12

(Additional information)

INSTRUCTIONS FOR COMPLETING THIS FORM

The wording of all Jurats completed in California after January 1, 2008 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one which does contain proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
 - ❖ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document

EXHIBIT

4

[Law Enforcement Login](#)**SEARCH BY OFFENDER ID**Offender ID:

-or-

SEARCH BY DEMOGRAPHICSFirst Name: Wildcard %Last Name: Wildcard %**NOTICE:**

The information provided here represents raw data. As such, the Nevada Department of Corrections makes no warranty or guarantee that the data is error free. The information should not be used as an official record by any law enforcement agency or any other entity.

Currently the following web browsers are supported for the Inmate Search: Internet Explorer 8/9, Chrome, Firefox and Opera. If you are unable to see inmate photo's please use a supported browser.

Search results are limited to the first 20 matches.
Up to date as of 2012-09-16

Search Results

Offender ID	First Name	Middle Name	Last Name	Gender	Institution
55893	DANIEL	S	MARTINEZ	MALE	INACTIVE-DSCHREL
21941	DANIEL	T	MARTINEZ	MALE	INACTIVE-DSCHREL
95119	DANIEL	TAMAYO	MARTINEZ	MALE	HIGH DESERT STATE PRISON
1050549	DANIEL	TILLE	MARTINEZ	MALE	PAROLE
34767	DANIEL	V	MARTINEZ	MALE	INACTIVE-DSCHREL
74015	DANIEL	V	MARTINEZ	MALE	INACTIVE-DSCHREL
61982	DANIEL		MARTINEZ	MALE	INACTIVE-DSCHREL
64663	DANIEL		MARTINEZ	MALE	LOVELOCK CORRECTIONAL CENTER
83845	DANIEL		MARTINEZ	MALE	INACTIVE-DSCHREL
1024322	DANIEL		MARTINEZ	MALE	INACTIVE-DSCHREL

EXHIBIT

5

Las Vegas

July 2001 Area Code 702

Includes complete business and residential listings for:

Blue Diamond
Boulder City
Henderson
Las Vegas
North Las Vegas

With listings for:

Cal-Nev-Ari
Cottonwood Cove
Goodsprings
Jean
Laughlin
Mt. Charleston
Nelson
Primm
Searchlight



Features:

- Information Pages
 - Community Services Guide
 - Government Information
- Zip Code Information
- Complete Residential & Business Listings



The Official Communications Provider to Petty Enterprises



The Best Red Yellow Pages



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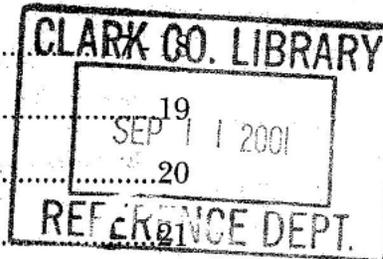
Community Services Guide

Government Officials

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Zip Code Map

Zip Code Information



About the Cover

Sponsored by Sprint, the #45 Dodge is driven by legendary NASCAR racer Kyle Petty.

Recycle Your Outdated Telephone Directory

Las Vegas, NV Recycling Locations:

All locations are available June 18 through August 10, 2001.

- **Clark County Library:** 1401 E. Flamingo Road
- **Enterprise Library:** 25 E. Shelbourne Ave.
- **Green Valley Library:** 2797 N. Green Valley Pkwy.
- **Las Vegas Library:** 833 Las Vegas Blvd. N.
- **Rainbow Library:** 3150 N. Buffalo Drive
- **Sahara West Library & Fine Arts Museum:** 9600 W. Sahara Avenue
- **Spring Valley Library:** 4280 S. Jones Blvd.
- **Summerlin Library and Performing Arts Center:** 1771 Inner Circle Drive
- **Sunrise Library:** 5400 Harris Avenue
- **West Charleston Library:** 6301 W. Charleston Blvd.
- **West Las Vegas Library:** 951 W. Lake Mead Blvd.
- **Whitney Library:** 5175 E. Tropicana Avenue

BD-Blue Diamond
 BC-Boulder City
 G-Goodspings
 HD-Henderson
 Jn-Jean
 LV-Las Vegas
 MC-Mt. Charleston
 Nn-Nelson
 NLV-North Las Vegas
 SI-Searchlight

RESIDENTIAL

Martin Roosevelt 3328 Robin Nest Ct LV	791-0522	Martin Tori L 179 Fallon Dr Hd	614-9493	Martinelli T	456-1015	Martinez Bertha 3756 Wynn Rd LV	251-5612
Martin Rosemary Hd	564-7932	Martin Travis	433-9492	Martinez Eibert 158 Ida Av LV	731-0393	Martinez Beverly 5543 Orchard Ln LV	432-2680
Martin Roslyn		Martin Travis LV	247-4437	Martinez Joe & Janet A		Martinez Blanca 480 Elm Dr LV	731-2667
Martin 2410 Empress Diamond Dr NLV	633-6441	Martin V	240-6032	1299 Shenandoah BC	293-4450	Martinez Blanca 2512 Bassler St NLV	639-9427
Martin Ross 1851 N Green Valley Pkwy Hd	616-1069	Martin V	341-7228	Martinez Leopoldo M 2209 Carter Cir LV	638-6528	Martinez Blanca Ruth Cruz	647-0818
Martin Roy & Christine		Martin V	644-8458	Martines Lori	645-2701	Martinez Blas 5671 Odessa Dr LV	641-0163
Martin 8713 Stellar View Av LV	228-4889	Martin V G	222-9043	Martines R	269-8549	Martinez Bobbie	431-8087
Martin Rufus	658-4464	Martin V J	616-9292	Martines Ron	558-4048	Martinez Bonifacio 4837 Deckow Ln LV	895-6793
Martin Russell 2832 Linda Av LV	735-6925	Martin V L	878-6976	Martin-Estrada Maria 2001 Ramrod Av Hd	454-9494	Martinez Bruce A 4747 Pennwood Ave LV	227-3387
Martin Ryan	644-4371	Martin V R	458-5076	Martinet A M	878-1134	Martinez Byron 1516 E Bonanza Rd LV	380-1069
Martin S	451-2033	Martin Vance 3601 El Conlon Av LV	252-3967	Martinet Erik	453-3578	Martinez C	407-0030
Martin S	614-9501	Martin Vicente A 1933 Alwill St LV	636-9851	Martinet J	361-4600	Martinez C	636-4101
Martin S	736-3510	Martin Vickie 3120 Casey Dr LV	450-3669	Martinet Ralph A	435-9229	Martinez C	638-0054
Martin S	699-5724	Martin Vickie 4874 Monterey Av LV	435-1774	Martinet Miguel A 4508 Soda Ash Ave LV	452-2473	Martinez C LV	360-9514
Martin S 3535 Cambridge St LV	361-4994	Martin Virginia 10309 Summer River Av LV	256-7028	Martinez A	257-9544	Martinez C 1591 Chartered Cir LV	639-6375
Martin S & M	558-0036	Martin Virginia I	838-2610	Martinez A	565-8768	Martinez C 2525 Donna St NLV	399-0346
Martin S B	558-4379	Martin Virginia L	228-4766	Martinez A	648-4948	Martinez C 4720 Millbrook Ct LV	898-4040
Martin S C	644-7700	Martin W	839-0295	Martinez A LV	363-9062	Martinez C & J	821-1952
Martin S D LV	255-0416	Martin W & J	438-5772	Martinez A 7470 Silver Leaf Way LV	871-4162	Martinez C & N	646-5229
Martin S F	362-2528	Martin W R	457-3096	Martinez A & R	259-9480	Martinez C & P	363-7576
Martin S K	221-8139	Martin W Ray	248-4165	Martinez A B 231 Concho Dr Hd	564-1110	Martinez C & R	437-9609
Martin S W		Martin W W	452-7989	Martinez A Juan & Trinidad		Martinez C A	515-2506
Martin Sam & Vivian		Martin Walter N 7700 Granberg Ct LV	655-5205	3500 Grundy Cir LV	438-6952	Martinez C D LV	437-9873
Martin 3105 Forest Brook Ct LV	256-2466	Martin Wayne E 141 Logansberry Ln LV	363-6943	Martinez A L H	450-7328	Martinez Camilo	471-0209
Martin Samuel 6445 Brushwood Ln LV	877-0020	Martin Wendy 60 N Pecos Rd LV	438-8258	Martinez Abraham	646-6157	Martinez Candido 4521 E Bonanza Rd LV	452-7896
Martin Sandy	658-9711	Martin Whonda		Martinez Abraham 2751 E Bonanza Rd LV	380-8247	Martinez Carl & Sharon	
Martin Santiago Pablo		749 Gullwing Ln North Las Vegas	307-1126	Martinez Acedo Mario		3000 High View Dr Hd	450-1994
Martin 2605 E Mesquite Av LV	647-7195	Or	307-1125	2850 N Las Vegas Blvd NLV	649-8276	Martinez Carl E 622 Kings Center Av NLV	642-8445
Martin Saretta 2147 Sleepy Ct LV	638-0568	Martin Wilfred 5380 E Flamingo Rd LV	456-6328	Martinez Adela LV	438-3038	Martinez Carl Jr	450-0340
Martin Scott 2300 E Silverado Ranch Blvd LV	270-4285	Martin Will & Heather 7000 Paradise Rd LV	838-4077	Martinez Adelardo 401 N 28th St LV	759-0148	Martinez Carl P LV	255-0238
Martin Scott K LV	873-3830	Martin William 899 Cozy Valley St Hd	646-3474	Martinez Adolfo 1900 Brady Av LV	649-1514	Martinez Carlos 312 Kane Av LV	459-1736
Martin Scott M	643-0878	Martin William 5201 S Torrey Pines Dr LV	257-8033	Martinez Adrian 3139 E Sahara Av LV	641-9025	Martinez Carlos 1004 Newport St LV	453-0187
Martin Sean	254-6270	Martin William 6300 Cambria Av LV	648-6423	Martinez Adrian A	646-4434	Martinez Carlos 3350 Brussels St LV	735-9589
Martin Sergio 1873 Star Sapphire Ct LV	631-0652	Martin William & Jackie		Martinez Aguirre Rafael 1910 Ferrall St LV	636-8710	Martinez Carlos & Ana Maria	
Martin Shad	434-9081	11960 O'Hare Rd LV	645-9258	Martinez Agustin & Maria	633-7131	2253 Bassler St NLV	657-9303
Martin Sharon LV	732-7481	Martin William & Michelle LV	222-9934	Martinez Alj & Jackie 3001 Cabana Dr LV	837-4885	Martinez Carlos E 5576 W Rochelle Av LV	364-9329
Martin Sharon D 3419 Manzano Cir LV	792-2178	Martin William & Rochelle	269-9455	Martinez Alba LV	822-7344	Martinez Carlos J 2301 S Valley View Blvd LV	251-8126
Martin Sharon K	564-5010	Martin William & Sadie	647-6130	Martinez Alberto 1822 N Decatur Blvd LV	696-9152	Martinez Carlos R	696-1224
Martin Shawn & Daisy	240-2747	Martin William C 382 Dooley Dr Hd	565-8384	Martinez Alberto F 2735 Frangipani Ct NLV	395-2955	Martinez Carmelita LV	678-6981
Martin Sheri	458-5132	Martin William D 3821 Topaz St LV	735-7784	Martinez Aldo & Pilar 914 Alta Oaks Dr Hd	433-7460	Martinez Carolina 2054 Christina St NLV	633-6721
Martin Sherri Rose	878-6602	Martin William J 6548 Thundercloud Ct LV	647-1062	Martinez Alje & Bette		4960 Black Bear Rd LV	395-1093
Martin Sheryl & Stephen		Martin William & Nancy		Martinez Alex	396-2187	Martinez Alex 2911 Prestonwood St LV	438-1916
4429 Lawrence St NLV	649-9248	2028 Faywood St LV	341-7127	Martinez Alex 2911 Prestonwood St LV	438-1916	Martinez Alex 4525 W Twain Av LV	222-9190
Martin Shona Hd	565-7443	Martin William J Jr & Vera		Martinez Alex S 1500 Euclid Av LV	474-0927	Martinez Alfred 5520 Gipsy Ave LV	382-5231
Martin Sidney	454-7270	5617 Ocean Pines Cir LV	396-3814	Martinez Alyce LV	399-1365	Martinez Alma 2545 Hightree St NLV	399-1365
Martin Sidney Hd	564-1130	Martin William Scott		Martinez Amparo Celeste	838-3960	4050 Pacific Harbors Dr LV	732-8424
Martin Siriporn 4220 N Las Vegas Blvd LV	644-7913	1349 W Horizon Ridge Pkwy Hd	563-2719	Martinez Ana 1600 Putnam Av NLV	531-9150	Martinez Ana 3542 Simmons St LV	638-1997
Martin Stella LV	431-6080	Martin Wincy A	877-0019	Martinez Anabel 400 N Torrey Pines Dr LV	258-9660	Martinez Andrea & Jorge	
Martin Steve	362-8682	Martin Y L	642-8522	3716 Cowevick Dr NLV	636-7660	Martinez Andres C 2508 E Mesquite Av LV	382-3816
Martin Steve 8056 Broken Spur Ln LV	655-7987	Martin Yvonne 1004 Williams Av NLV	642-3096	Martinez Angel 4655 Solar Eclipse Dr LV	453-2908	Martinez Angel 5090 Naomi Dr LV	433-5219
Martin Steve & Jenny 700 Capri Dr BC	294-3840	Martina M 1839 Desert Sage Ave NLV	633-6778	Martinez Angel 5325 E Tropicana Av LV	434-7694	Martinez Angel 5449 Eastbrook Dr LV	432-6611
Martin Steve & Kathy 6201 Boulder Hwy LV	450-6197	Martina Nan	240-0512	Martinez Angela 2700 N Rainbow Blvd LV	214-5713	Martinez Angela 2751 E Bonanza Rd LV	366-9608
Martin Steven 1372 Elizabeth Av LV	891-5409	Martina Roberts 8725 Butterchurn Av LV	656-9845	Martinez Angelica 1670 N Lamont St LV	531-6855	Martinez Angelina R 4741 Lindo Ct LV	435-0794
Martin Steven & Gail LV	361-7609	Martinais Luisa	341-6520	Martinez Anna 4610 Sand Creek Av LV	257-9209	Martinez Anthony Hd	451-4534
Martin Stevie 225 N Maryland Pkwy LV	384-5402	Martina-Perry Tiger J	880-4118	Martinez Anthony M Hd	568-6951	Martinez Anthony R 3955 Algonquin Dr LV	207-2567
Martin Sunshine	364-8211	Martinat Donald L 5908 Marka Dr LV	646-2135	Martinez Antonette	360-5990	Martinez Antonia 1067 Toni Av LV	740-5460
Martin Susan 6541 Villa Bonita Rd LV	876-8182	Martinat M	877-1983	Martinez Antonio LV	220-8612	Martinez Antonio 204 N Minnesota St LV	876-7624
Martin Susan & Tony		Martinat M	647-4945	Martinez Antonio 2404 E Ogden Av LV	382-0394	Martinez Antonio E 1819 Dagger Dr Hd	435-5938
966 Coldwater Falls Way LV	897-1210	Martin-Bautista C LV	647-4945	Martinez Aquilino 3420 E Diana Dr NLV	399-4526	Martinez Aracelio 3420 E Diana Dr NLV	399-4526
Martin Sylvia	735-7620	Martin-Bravo Leonardo 2920 Marlin Ave LV	307-4914	Martinez Aracelio 5350 E Tropicana Av LV	436-0861	Martinez Aracelio 5350 E Tropicana Av LV	436-0861
Martin T	309-6767	Martinec Marty & Chris 821 Clarice Ln BC	293-4406	Martinez Aracelio 1909 Cindysu St LV	638-8593	Martinez Aracelio 1909 Cindysu St LV	638-8593
Martin T	360-2593	Martinec Michael & Michelle	568-6437	Martinez Aracelio 1909 Cindysu St LV	566-8926	Martinez Aracelio 1909 Cindysu St LV	566-8926
Martin T	658-8383	Martinec Eric	733-0257	Martinez Armando 243 W Cleveland Av LV	380-4295	Martinez Armando A	631-8774
Martin T LV	452-4015	Martinec Allen	792-2529	Martinez Armando Esquer		455 Sierra Vista Dr LV	650-9861
Martin T 1529 Raul Ct LV	633-8903	Martindale Allen P 3111 Bel Air Dr LV	792-9736	Martinez Art Hd	558-5076	Martinez Arthur Floyd	
Martin T 2709 Crown Ridge Dr LV	228-7961	Martindale Amy M	650-0462	Martinez Arthur M Hd	5805 W Harmon Av LV	362-0878	
Martin T & S 6309 Copperfield Av LV	648-7139	Martindale Doriene & Rick	458-6243	Martinez Arturo 4336 Spencer St LV	737-0427	Martinez Arturo & Erika	645-3935
Martin T & T	227-1536	Martindale James & Karen		Martinez Arturo & Rita 4129 Fernleaf Dr LV	643-7950	Martinez Arturo R 4545 Pennwood Av LV	365-0548
Martin T E H	642-4186	913 E St Louis Av LV	734-1422	Martinez B LV	257-5388	Martinez B LV	257-5388
Martin T K & L	253-6393	Martindale Jerry LV	380-1261	Martinez B LV	733-6146	Martinez B LV	733-6146
Martin Tameron W 2032 Woodspring Ter Hd	269-6997	Martindale John	363-7368	Martinez B 2004 Theresa Av LV	642-8382	Martinez B 2004 Theresa Av LV	642-8382
Martin Tammy	873-2992	Martindale Johnie 2800 S Lamb Blvd LV	457-0688	Martinez Bautista	644-7454	Martinez Beatrice 1755 Palm St LV	642-6888
Martin Ted 7229 Richmond Heights Dr LV	254-0406	Martindale M	649-1063	Martinez Beatriz	644-2673	Martinez Beatriz	644-2673
Martin Teena	646-7818	Martindale Robert & Myra LV	457-5959	Martinez Berinda LV	382-5001	Martinez Berna 3650 Geist Av LV	643-6071
Martin Tera & Daniel		Martindale Sara LV	898-3118	Martinez Berna 3650 Geist Av LV	643-6071	Martinez Bernardo	642-5101
10524 Pine Glen Ave LV	363-4967	Martindale Terry 317 Vandalia St LV	471-1352	Martinez Bernedette & Manuel		506 Cannes St Hd	558-7498
Martin Teresa LV	438-6287	Martindale Wayne R		Martinez Berta G 5429 Thca Av LV	456-4750		
Martin Teri 3897 Manford Cir LV	435-7120	1421 Santa Margarita St LV	878-4873				
Martin Teri 3897 Manford Cir LV	641-5947	Martindelcampo Antonio					
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Martin Terry 5713 Partridge Bluff St LV	365-9331	Martindelcampo Fabian					
Martin Terry 6132 E Owens Av LV	453-4605	3279 E Flamingo Rd LV	696-1073				
Martin Theodore 1698 Sweet View Ct Hd	451-3144	Martindelcampo Gilda	454-7827				
Martin Theodore & Alesia	531-6208	Martindel J LV	614-1227				
Martin Theodore & Judith		Martine Bob & Sam 2018 Silverton Dr Hd	896-9329				
10808 Clear Meadows Dr LV	256-3786	Martine C F Marty & Sharon	566-0238				
Martin Theodore & Sharon 3925 Alto Av LV	437-7989	Martine Cliff 10208 Abano Ct LV	869-6283				
Martin Thomas 224 Campbell Dr LV	870-1664	Martine Eric D 5350 River Glen Dr LV	873-8803				
Martin Thomas 974 Tam O Shanter LV	877-2596	Martine John J	873-2250				
Martin Thomas 3897 Captain Jon Av LV	314-2853	Martine K	614-5176				
Martin Thomas & Jeana		Martine Rachel 5055 W Hacienda Av LV	251-5459				
3897 Captain Jon Av LV	207-2056	Martineau Darin G & Julie	898-1494				
Martin Thomas E 5304 Scoreboard St LV	656-3157	Martineau Horace Hd	896-4372				
Martin Thomas Jr NLV	658-6886	Martineau Jarom					
Martin Tim	822-6779	337 W Chesapeake Way Hd	565-0997				
Martin Tim J	614-5189	Martineau J	735-2030				
Martin Timm W 5018 E Monroe Av LV	459-8431	Martinec Tim 1708 Trish Ln LV	453-2710				
Martin Timothy 1011 N 4th St LV	312-9987	Martinek R & E	255-2760				
Martin Tina 2419 Muirfield Av Hd	436-9100	Martinelli Anita	732-1707				
Martin Todd 12992 US 160 Hwy BD	875-4330	Martinelli Anthony & Linda	363-3877				
Martin Todd G 231 W Horizon Ridge Pkwy Hd	565-5500	Martinelli J & E Hd	914-8451				
Martin Tom & Kristin	437-3606	Martinelli Rene J	871-9148				
Martin Tom & Sandy 9901 W Sahara Av LV	233-5801	Martinelli Steve	732-1707				

EXHIBIT

6

EXHIBIT

7

AFFIDAVIT OF DOUGLAS HOWELL TWINING

STATE OF WASHINGTON)

) ss.

COUNTY OF PIERCE)

I, DOUGLAS HOWELL TWINING, being duly sworn, hereby depose and say under penalty of perjury that the following statements are true and correct to the best of my knowledge and belief:

1. I met Kirstin Blaise Lobato in May 2001 when I lived in Las Vegas, Nevada. I know her by her middle name Blaise.
2. Blaise first told me in late May 2001 about using her pocket-knife to defend herself against an attempted rape by a big black man at the Budget Suites Hotel on Boulder Highway near Sam's Town Casino. It was my understanding this event occurred days before she told me. She also told me she tried to cut or slash at the man's penis. She didn't mention that she had suffered any injury and I didn't see any. She also told me her attacker was alive when she escaped in her car.
3. I heard Blaise tell a number of people in late May and June 2001 that she defended herself with her pocket-knife against a big black man who tried to rape her at the Budget Suites Hotel.
4. I had heard Blaise exaggerate things, so I assumed she exaggerated the incident at the Budget Suites Hotel.
5. Blaise left Las Vegas for Panaca on July 2, 2001. Blaise told me she wanted to get away from the people she was around in Las Vegas who were regularly partying by drinking and using methamphetamine. I never saw Blaise use crack cocaine.
6. I know Blaise's car wasn't very reliable, and she told me it had broken down at some point. She parked it for a while on the public street in front of my parent's house in Las Vegas where I lived, before she drove it to Panaca on July 2, 2001.
7. I talked with Blaise on the telephone every day she was in Panaca from July 2, 2001 until I picked her up in the early morning of July 9, 2001. I drove from Las Vegas to Panaca in the evening of July 8, 2001 when it was cooler because the car I was driving had overheating problems. When I stopped at a truck stop in Alamo and got gas, I also bought some radiator sealant that I put in along with filling the radiator with water. What I believe was a Lincoln County Sheriff's Officer was sitting in his vehicle behind my car as I filled my radiator. He asked me if I was having car problems and I told him it was just overheating. He said OK and that was it. I called Blaise from Alamo.
8. I arrived in Panaca after midnight on July 9, 2001, and Blaise's mom and dad were up when I arrived. Blaise and I left for Las Vegas shortly after I arrived.
9. From July 9 to the afternoon of July 13, 2001 Blaise stayed at my parent's house in Las Vegas. We spent the time together and smoked some pot and laid low so people she had hung out with in Vegas wouldn't find out she was in town and want her to party with them. On the afternoon of July 13, 2001 Blaise's dad Larry picked her up and returned to Panaca with him.
10. I had been around Blaise when she used methamphetamine so I know how she sounded and acted when using it. She did not sound or act on the telephone like she used methamphetamine on any day from July 2 to the morning of July 9 when I picked her up in Panaca, and she did not

use methamphetamine when I was with her from then until July 13 when her dad picked her up in Las Vegas.

11. In late July 2001 I learned that Blaise had been arrested for a man's homicide in Las Vegas on July 8, 2001, and that the man's penis had been amputated. Her arrest and details of the crime were reported by the media in Las Vegas.

12. On August 2, 2001 I was questioned by Las Vegas Metro Detective Thowsen and Detective LaRochelle about the homicide of the man Blaise had been arrested for allegedly committing. The detectives first questioned me for 15 to 30 minutes without their tape recorder turned on, and they wrote down my answers. When they did turn on their tape recorder they selectively asked me some of the questions again. Several times when I added comments to help clarify and keep everything in context, they turned the recorder off and stated that there was a problem with the tape or their recorder. At one point one of the detectives got another tape that he said was in their vehicle.

13. I thought it was irregular the detectives weren't recording our entire conversation, but only selective parts of it.

14. I told the detectives several times that Blaise could not have committed the homicide of the man in July because long before then she had told me and other people about being assaulted at the Budget Suites Hotel. Even with the delay in the detectives turning on their tape recorder, and them turning it on and off, the printed Voluntary Statement of what was taped shows the May 2001 sexual assault Blaise defended herself against was mentioned at least 14 times.

15. I told the detectives the incident Blaise told them about was what happened to her in May 2001.

16. The detectives conveyed to me their basis for believing Blaise committed the homicide on July 8, 2001, was they believed it was the same event as the sexual assault at the Budget Suites Hotel she had told me and other people about in May and June 2001.

17. One thing that isn't in my printed Voluntary Statement is I told the detectives it wasn't possible for Blaise to have committed the crime unless the body of the man killed had been stored in a freezer for more than a month before being placed where it was found on July 8, 2001. The detectives told me the man's body had not been frozen.

18. I told the detectives numerous times they had arrested the wrong person. At one point a detective asked me what I would think if the lab tests showed the dead man's DNA was present in Blaise's car, and I told him the only way that could happen is if it was planted because her car had been in Panaca since she drove it there on July 2, 2001.

19. The detectives told me Blaise told them I had helped her kill the man in July, but I believed at the time they were lying to me. I have never been provided any evidence by Metro PD, or the Clark County prosecutors and Blaise's lawyers I talked with before her trials in 2002 and 2006 that she ever told the detectives that she or I had anything to do with the man's death July 2001, so I continue to believe the detectives were lying to me.

20. Later a search was conducted of my room and several other areas of my parent's house where I lived. All my shoes were seized along with other personal property. I wore a size 15 shoe at the time. I provided my DNA from swabs of my mouth. My personal property was never returned to me.

21. I testified at Blaise's trial in 2002 and 2006. I recollect that before her trial in 2006 I was told by Blaise's lawyers that I would be allowed to testify that she told me she defended herself against an attempted rape, but I wouldn't be allowed to testify she told me about it in May 2001.

22. In early 2010 I was contacted about providing an Affidavit for Blaise's habeas corpus petition. I was living in Las Vegas and I was concerned that if I provided an Affidavit the Clark County prosecutors and Metro PD might try to do something to me in retaliation. So I didn't provide an Affidavit.

23. Later in 2010 I moved to the state of Washington. I eventually stopped all drug use, I was baptized, and I became a member of The Church of Jesus Christ of Latter-day Saints.

24. I am living in Pierce County, Washington, and in the summer of 2012 I decided the right thing to do was to come forward and provide the Affidavit regarding what I know about Blaise that I was afraid to provide in 2010 when I was living in Las Vegas.

25. Based on my personal knowledge I know Blaise was in Panaca the weekend of July 6, 7 and 8, 2001 because I talked with her on the phone at various times on all three of those days. On July 8 I talked with Blaise multiple times on the phone, including several times during the evening when I drove to Panaca where I arrived after midnight, and on July 9 I personally drove her to Las Vegas.

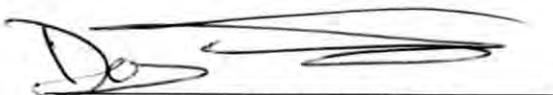
26. Based on my own personal knowledge I know that in late May and June 2001 Blaise told me, and I witnessed her telling other people, that she defended herself against an attempted rape at the Budget Suites Hotel by trying to cut or slash her attacker's penis with her pocket-knife.

27. I have no doubt the homicide Blaise was convicted of committing on July 8, 2001, was a different event than the attempted rape at the Budget Suites Hotel she first told me about in late May 2001.

28. I am 100% certain Blaise is innocent of the crimes she was convicted of committing on July 8, 2001 in Las Vegas.

29. I have not had any contact with Blaise since I saw her when I was a subpoenaed as a witness at her trial in 2006.

30. I am executing this AFFIDAVIT voluntarily and of my own free will. No force has been used upon me, and no threats or promises made to me by anyone.



DOUGLAS HOWELL TWINING

SUBSCRIBED AND SWORN before me this 13th day of ~~September~~ October, 2012.



Notary Public

Jennifer R. Harmon

[typed/printed name]

