

13. I have testified as an expert for either the prosecution or defense in over 145 trials in 28 Louisiana parishes, one Arkansas county, one California county, one Florida county, one Mississippi county, one Missouri county, one Nevada county, one New York county, federal court and two Louisiana city courts.

14. Several of these expert testimonies were in blood stain pattern analysis and crime scene reconstruction.

15. I have also consulted on cases in 22 states, for the United States Army, and in the United Kingdom.

16. I am a fellow of the American Academy of Forensic Sciences, a member of the Association for Crime Scene Reconstruction, a full member of the International Association of Bloodstain Pattern Analysts, and a member of the Louisiana Association of Scientific Crime Investigators.

17. In April of 2002, I was contacted by Gloria Navarro with the Clark County Special Public Defender's Office to review documents and photographs from the homicide of Duran Bailey.

18. I was requested to conduct a crime scene reconstruction and provide forensic science interpretation for the trial in State of Nevada v. Kirstin Lobato, Case No. C177394.

19. I determined that bloody shoeprints were photographed and documented at the crime scene. I also determined that these bloody shoeprints could have only been left by the person concealing Mr. Bailey's body because all of the blood was covered by the trash concealing his body. I also determined that the cardboard was first used to cover his body, then the trash was used to further conceal his body and the blood. I further determined that while the body and blood were being concealed with trash, the source of the shoeprints stepped in blood and tracked them out upon exiting the enclosure.

20. William J. Bodziak's report dated March 27, 2002 states that these shoeprints "...most closely correspond to a U.S. men's size 9 athletic shoe of this type. The American women's size equivalent would be approximately size 10." His report further states "...the length of the LOBATO right foot equates to U.S. men's sizes between 6 to 6 1/2. The American women's size equivalent would be approximately size 7 1/2. The right foot size of KIRSTEN LOBATO would therefore be at least 2 1/2 sizes smaller than the estimated crime scene shoe size."

21. The Las Vegas Metropolitan Police Department (LVMPD) Crime Scene Report dated 07-20-01 by Crime Scene Analyst II Jenny Carr states that "...a pair of black and white "Nike Air" size 7.5 tennis shoes were recovered, by myself, from the hands of Kirsten Lobato and impounded into evidence." I determined that these shoes are the same size of shoes that Mr. Bodziak states Ms. Lobato would normally wear.

22. I determined that based upon the shoe size of the impressions and the size of the shoes received from Ms. Lobato, Ms. Lobato is excluded as the source of the bloody shoeprints found at the crime scene. There is no indication that any shoes in Ms. Lobato's possession were size 10 or that they matched the bloody shoeprint found at the scene.

23. I further determined that the crime scene shoeprints were never sent to the FBI and entered into the FBI Shoeprint Database. This database could have provided investigative information, such as, is the shoe a male or female style shoe; whether the shoe is an expensive, exclusively made shoe or a common, inexpensive shoe; or if the shoe is widely distributed or if it had limited distribution.

24. According to the August 6, 2001 LVMPD Forensic Laboratory Report of Examination by Criminalist Thomas A. Wahl a "...wad of chewing gum on cardboard with apparent blood recovered from scene" was submitted to him for DNA analysis. I determined that the condition of this gum and its location at the crime scene could also provide investigative information as to the source of the gum. None of the reviewed photographs had a close-up view of the gum and the examined reports do not refer to the condition of the gum; however, it was significant enough for the Crime Scene Analysts to collect it and submit it for DNA analysis. In addition, on 7/23/01, Detective J. LaRochelle of the LVMPD Homicide Bureau requested that the crime lab conduct a "DNA analysis/comparison" of the chewing gum.

25. I determined that if the gum was deposited on the cardboard after the blood was deposited, then it does not provide any significant information because it could have fallen out of the trash onto the cardboard. I also determined that if the gum was deposited on the cardboard prior to or at the same time as the blood being deposited on the gum, then the gum could have originated from the mouth of Mr. Bailey's killer. I also determined that the likelihood of it originating from the killer's mouth would also be increased if the gum was still pliable when recovered. I further determined that it would be less likely to have originated from the killer's mouth if it was hardened or if it had debris attached to it.

26. Mr. Wahl's report further states "The chewing gum appeared to have been chewed. It was also stained with apparent blood." And "A DNA mixture was indicated. Duran Bailey cannot be excluded as the major DNA component of the mixture. Kirsten Lobato is excluded as the minor DNA component of the mixture."

27. I determined that based upon this information, Ms. Lobato is excluded as the source of the chewing gum found at the crime scene.

28. Based upon a review of the photographs taken in the area where the gum was found and Mr. Wahl's statement that the gum was stained with apparent blood, I determined that it is likely the gum was deposited prior to or at the same time the blood was deposited. I determined that efforts should be made to determine the condition of the gum at the time it was collected and if there are any close-up photographs of the chewing gum at the crime scene or in the lab.

29. I determined that two photographs of Ms. Lobato's hands were taken approximately 12 days after the discovery of Mr. Bailey's body. The reason investigators photograph suspect's hands is to document any evidence of injuries to the hands that can occur during beating and stabbing homicides.

30. According to the July 9, 2001 Autopsy Report by Lary Simms, Mr. Bailey had "...an apparent fracture on the left side of the head...", an "...apparent rib fracture/incised wound at the left costal margin...", "On the left side of the face and head is a confluent area of multiple abrasions and contusions...", "On the right side of the face and head is a confluent area of multiple abrasions and contusions...", "Located on the anterolateral right forehead is a stab wound...", "Located on the left chin is a stab wound...", "Located above the right eye is an incised wound...", "The anterior maxillary and mandibular dental arches demonstrate multiple fractures and avulsions of the teeth.", "Located on the chin is an incised wound...", and "Located on the back of the right hand is a incised wound group..."

31. I determined that these areas are all bony areas and indicate that the beating and stabbing were carried out forcefully. I also determined that as a result of striking these bony areas with a knife, the killer's hand might have been cut from slipping onto the knife blade as the knife handle accumulated more blood. I also determined that the killer's hand could have been bruised from the knife or the forceful nature of the beating. I further determined that the surfaces surrounding the crime scene were abrasive and could have also caused abrasions on the killer's hands.

32. I determined that no cuts, abrasions, broken fingernails, or healing bruises can be seen in the photographs of Ms. Lobato's hands.

33. I determined that photographs of Ms. Lobato taken approximately 12 days after the discovery of Mr. Bailey's body show that Ms. Lobato had bleached blonde hair. I also determined that her hair had lines of demarcation at the root ends of the hair shafts indicating that it had been several weeks since her last bleach treatment. During a beating and stabbing homicide, the killer can lose hair at the scene either by having it forcibly removed or through the natural hair shedding process. Bleached caucasian hairs found at the crime scene or associated with Mr. Bailey's body would have been significant. I further determined that no bleached blonde hairs were observed or collected from the crime scene or Mr. Bailey's body.

34. I determined that the photographs demonstrate numerous blood spatter patterns. There is no documentation of blood spatter above a height of 15 inches on any of the surrounding crime scene surfaces. I also determined that this indicates Mr. Bailey received his bleeding injuries while lying on the ground. I further determined that the photographs of his pants also do not indicate the presence of any vertically dripped blood. This indicates that he did not receive any bleeding injuries while in a standing position.

35. When a person is bleeding and repeatedly beaten with a long object, such as a baseball bat or a tire iron, or is repeatedly stabbed using an arcing motion, then cast-off blood spatters corresponding to the arc of the swing are produced. I determined that there is no documentation of any cast-off blood spatters on the surrounding surfaces. This indicates that arcing motions were not used in the homicide of Mr. Bailey. I also determined that because of the confined space of the crime scene enclosure and the lack of cast-off, a baseball bat was not used to beat Mr. Bailey. I further determined that the beating was more likely due to a pounding or punching type motion.

36. Louise D. Renhard's Crime Scene Report dated 07-22-01 states "Luminol, a presumptive test for the presence of blood, was applied and a positive reaction occurred and was photographed on the left front seat slip cover, the left front seat and floor, and the left interior door panel. A Phenolphthalein presumptive test for the presence of blood was conducted for the shoes in the trunk, the baseball bat, the multi tool, and the keys with negative results on all."

37. Mr. Wahl's August 6, 2001 report states "Examination of the vehicle slip cover (TAW8 item 5) and the interior left door panel (TAW9) yielded weak positive presumptive tests

for the presence of blood in one area of each item. Human blood could not be confirmed from either item. Human DNA was not detected in extracts prepared from swabbings collected from both items.”

38. The luminol reaction and the phenolphthalein reaction are both catalytic tests. Their reactions are essentially the same for blood, except one produces a pink color (phenolphthalein) and the other luminesces (luminol). Luminol is the more sensitive test, but it also produces more false positives. Phenolphthalein is less sensitive, but it has fewer false positives. The categories of substances that will produce false positives are the same for both tests, but luminol probably reacts to lesser amounts of these substances than phenolphthalein. The tests can be designed to reduce the number of false positives, but not totally eliminate them. Both tests can cause reactions with the enzymes catalase and peroxidase, cytochromes, strong oxidizing agents, and metallic salts.

39. Some of the false reactions include chemical oxidants and catalysts, such as copper and nickel salts, rust, formalin (used for preserving tissues), potassium permanganate (found in some dyes), potassium dichromate, bleaches, iodine, and lead oxides. Some of these items could be found anywhere, including tap water, dirt, and blue jeans. Phenolphthalein gives positive results with copper, potassium ferricyanide, nickel and cobalt nitrates, and some sulfocyanates. Luminol reacts with copper compounds, cobalt, iron, potassium permanganate, and bleach (source: Forensic Science Handbook, edited by Richard Saferstein, page 275). In tests done at the FBI Basic Serology course at the FBI Academy in Quantico, VA, phenolphthalein has been shown to react with iodine, potassium permanganate, and copper nitrate.

40. Other false reactions come from plant sources, such as vegetable peroxidases. Phenolphthalein might react with apple, apricot, bean, blackberry, Jerusalem artichoke, horseradish, potato, turnip, cabbage, onion, and dandelion root (source Forensic Science Handbook, edited by Richard Saferstein, page 275). In tests done at the FBI Basic Serology course at the FBI Academy in Quantico, VA, phenolphthalein has been shown to react with cabbage, carrot, cucumbers, celery, corn, and horseradish.

41. Other false reactions come from animal sources, such as pus, bone marrow leukocytes, brain tissues, spinal fluid, intestine, lung, saliva, and mucous (source Forensic Science Handbook, edited by Richard Saferstein, page 275). In tests done at the FBI Basic

Serology course at the FBI Academy in Quantico, VA, phenolphthalein has been shown to react with saliva. Bacteria can also cause false positive reactions.

42. The HemaTrace test used to confirm human blood is more sensitive than the phenolphthalein test. As a result, had the phenolphthalein been reacting to human blood, then the HemaTrace test should have also given a positive result for human hemoglobin. In validation studies conducted at the Louisiana State Police Crime Lab, phenolphthalein could detect a 1/1,000,000 dilution of blood and the HemaTrace card could detect a 1/100,000,000 dilution of blood. This makes the HemaTrace card 100 times more sensitive than the phenolphthalein test.

43. In addition, validation studies of the HemaTrace cards conducted at the Centre of Forensic Sciences in Toronto demonstrated that the HemaTrace cards "proved to be more sensitive than the KM (i.e., phenolphthalein) test..."¹ An evaluation of the HemaTrace cards by the Michigan State Police Forensic Laboratory also demonstrated that the HemaTrace cards were more sensitive than the Hemastix, leucocrystal violet, and tetramethylbenzidine (TMB) presumptive blood tests.²

44. The test to quantify human DNA is also very sensitive. The QuantiBlot kit using Chromogen:TMB can detect as little as 160 picograms of human DNA. Some human DNA quantification systems can detect down to 20 picograms of human DNA.

45. I determined that based on the results of the phenolphthalein, luminol, human hemoglobin, and human DNA quantification analyses, the substance detected in Ms. Lobato's vehicle is not human blood.

46. Ms. Renhard's 07-22-01 Crime Scene Report states "...latent prints were recovered from the left door threshold, the interior and exterior left door window, the interior right door window, the exterior of the trunk and front hood." Her report indicates that a minimum of six latent lifts were recovered from the vehicle. The report does not indicate the number of smudges, partial prints, overlaid prints, etc. that were not collected.

47. When dusting for prints, the powder on the brush adheres to the moisture contained in the print. The main factors in determining if a person will leave behind a print are the person's individual physiology and habits, the surface, and the environment. Any one or more of these factors can contribute to the lack of fingerprints. People with drier skin will not leave prints as

¹ Johnston, S., et.al. "Validation Study of the Abacus Diagnostics ABACard HemaTrace Membrane Test for the Forensic Identification of Human Blood." *Can. Soc. Forens. Sci. J.* Vol. 36, No 3 (2003) pp. 173-183.

² Swander, C.J. and Stites, J.G. "Evaluation of the ABACard HemaTrace for the Forensic Identification of Human Blood." Presented at the Midwestern Association of Forensic Scientists Annual Meeting 1998.

readily as a person with oily or sweaty skin. Rough surfaces are not conducive to recovering dusted prints because of the surface texture. Moisture and oils in fingerprints will evaporate more rapidly in hot, arid environments than in cooler, more humid environments.

48. I also determined that the lack of Ms. Lobato's prints in her own vehicle would not be considered unusual and it is not necessarily a sign that her vehicle was cleaned.

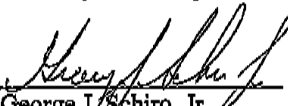
49. Other documentation indicated that blood would have been expected to be transferred to the interior and exterior door handles, the steering wheel, the gearshift, the driver's side floor pads, and the foot pedals if someone operated a vehicle immediately after the killing.³

50. No blood was detected on these areas of Ms. Lobato's vehicle.


51. Ms. Lobato is also excluded as the source of DNA obtained from two cigarette butts and foreign pubic hair associated with Mr. Bailey's body.

52. There is no physical evidence associating Kirstin Lobato with Duran Bailey or the crime scene. Ms. Lobato is also excluded as the source of key physical evidence found at the crime scene.

I swear that the foregoing is true and correct to the best of my knowledge.


George J. Schiro, Jr.

Sworn to and subscribed before me on
this 24th day of November, 2009.


Notary Cheryl Creaux #11623

³ Brent E. Turvey's Examination Report dated October 16, 2005

EXHIBIT

44

2nd AFFIDAVIT OF GEORGE J. SCHIRO, JR.

STATE OF LOUISIANA

PARISH OF IBERIA

I, George J. Schiro, Jr., being duly sworn, depose and state as follows:

1. I have a Master of Science Degree in Industrial Chemistry-Forensic Science from the University of Central Florida, as well as a Bachelor of Science Degree in Microbiology from Louisiana State University.

2. I hold a certificate of Professional Competency in Criminalistics issued by the American Board of Criminalistics, with the specialty area of Molecular Biology.

3. I have over 25 years of experience as a forensic scientist and crime scene investigator.

4. For approximately four years, I was employed as a Criminalist with the Jefferson Parish Sheriff's Office Crime Lab in Metairie, Louisiana.

5. Following my employment with the Jefferson Parish Sheriff's Office Crime Lab, I was employed for approximately fourteen years as a Forensic Scientist with the ASCLD-LAB accredited Louisiana State Police Crime Lab in Baton Rouge.

6. While there, I worked in several areas including shoeprint identification and bloodstain pattern analysis.

7. For over eight years I have been employed as a Forensic Chemist -- DNA Technical Leader by the ASCLD-LAB accredited Acadiana Criminalistics Laboratory in New Iberia, Louisiana.

8. My current duties include serology, bloodstain pattern analysis, crime scene investigation, and DNA analysis.

9. Throughout my career, I have attended over 40 professional schools, workshops, meetings, and symposia dealing with various aspects of forensic science.

10. This continuing education included specialized training in shoeprint identification and specialized training in bloodstain pattern analysis.

11. I have also provided training on various aspects of forensic science, bloodstain pattern analysis, and crime scene investigation to numerous criminal justice organizations locally, statewide, nationally, and internationally.

12. I have worked over 2900 cases, some of which included shoeprint identification and bloodstain pattern analysis.

13. I have testified as an expert for either the prosecution or defense in over 145 trials in 28 Louisiana parishes, one Arkansas county, one California county, one Florida county, one Mississippi county, one Missouri county, one Nevada county, one New York county, federal court and two Louisiana city courts.

14. Several of these expert testimonies were in bloodstain pattern analysis and shoeprint identification.

15. I have also consulted on cases in 23 states, for the United States Army, and in the United Kingdom.

16. I am a fellow of the American Academy of Forensic Sciences, a member of the Association for Crime Scene Reconstruction, a full member of the International Association of Bloodstain Pattern Analysts, and a member of the Louisiana Association of Scientific Crime Investigators.

17. In April of 2002, I was contacted by Gloria Navarro with the Clark County Special Public Defender's Office to review documents and photographs from the homicide of Duran Bailey.

18. I was requested to conduct a crime scene reconstruction and provide forensic science interpretation for the trial in State of Nevada v. Kirstin Lobato, Case No. C177394.

19. I determined that bloody shoeprints were photographed and documented at the crime scene. I also determined that these bloody shoeprints could have only been left by the person concealing Mr. Bailey's body because all of the blood was covered by the trash concealing his body. I also determined that the cardboard was first used to cover his body, then the trash was used to further conceal his body and the blood. I further determined that while the body and blood were being concealed with trash, the source of the shoeprints stepped in blood and tracked them out upon exiting the enclosure.

20. William J. Bodziak's report dated March 27, 2002 states that these shoeprints "...most closely correspond to a U.S. men's size 9 athletic shoe of this type. The American women's size equivalent would be approximately size 10." His report further states "...the length of the LOBATO right foot equates to U.S. men's sizes between 6 to 6 1/2. The American women's size equivalent would be approximately size 7 1/2. The right foot size of KIRSTEN LOBATO would therefore be at least 2 1/2 sizes smaller than the estimated crime scene shoe size."

21. The Las Vegas Metropolitan Police Department (LVMPD) Crime Scene Report dated 07-20-01 by Crime Scene Analyst II Jenny Carr states that "...a pair of black and white "Nike Air" size 7.5 tennis shoes were recovered, by myself, from the hands of Kirsten Lobato and impounded into evidence." I determined that these shoes are the same size of shoes that Mr. Bodziak states Ms. Lobato would normally wear.

22. I determined that based upon the shoe size of the impressions and the size of the shoes received from Ms. Lobato, Ms. Lobato is excluded as the source of the bloody shoeprints found at the crime scene. There is no indication that any shoes in Ms. Lobato's possession were size 10 or that they matched the bloody shoeprints found at the scene.

23. I further determined that the crime scene shoeprints were never sent to the FBI and entered into the FBI Shoeprint Database. This database could have provided investigative information, such as, is the shoe a male or female style shoe; whether the shoe is an expensive, exclusively made shoe or a common, inexpensive shoe; or if the shoe is widely distributed or if it had limited distribution.

24. On December 11, 2009, Mr. Hans Sherrer provided me with examination quality photographs of the bloody shoeprints on the concrete at the scene of Mr. Bailey's homicide.

25. On January 20, 2010, Mr. Sherrer provided me with four photographs of possible shoeprints on cardboard recovered from Mr. Bailey's homicide scene.¹

26. This was the first time that I saw the photographs of the cardboard and its associated shoeprints.

27. An examination of the cardboard photographs revealed two distinct bloody shoeprints.

28. I determined that the two bloody shoeprints on the cardboard have the same sole pattern as the two bloody shoeprints photographed on the concrete.

29. I determined that both sets of patterns are from a right shoe.

30. On January 31, 2010, I submitted photographs of the two bloody shoeprints on the concrete and the two bloody shoeprints on the cardboard to Foster + Freeman's shoeprint database at <https://secure.crimeshoe.com/home.php>.

31. On February 1, 2010, I received a report from Foster + Freeman indicating that the sole pattern is from a "Spitfire" model right shoe manufactured for WalMart by Athletic Works.

¹ These photos show the same shoeprints that were entered into evidence as Defense Exhibit E (marked 5-10-02, C177394) during Ms. Lobato's trial in May 2002.

32. On February 1, 2010, I made an inquiry to WalMart hoping to obtain contact information for Athletic Works to determine manufacturing and distribution information for that model of shoe. As of the date of this affidavit, no one has provided me with Athletic Works' contact information.

33. I determined that, given the information provided by Mr. Bodziak, the bloody shoeprints on the concrete are from a men's U.S. size 9 or women's U.S. size 10 "Spitfire" model right shoe manufactured for WalMart by Athletic Works.

34. There is no indication that any shoes in Ms. Lobato's possession were size 10 or that they matched the bloody shoeprints found at the crime scene.

35. Further examination of the cardboard photographs revealed a patent non-bloody partial right heel pattern that has the same heel pattern as the "Spitfire" model right shoe.

36. I determined that on top of part of this patent heel print is a transfer pattern of blood indicating that the heel print came before the transfer of blood and before the right shoe stepped in blood creating the bloody shoeprints found on the concrete.

37. This suggests that the person wearing the shoe was present before and after blood was shed at the scene and the wearer of the shoe concealed Mr. Bailey's body with trash.

38. In addition to the shoeprints on the cardboard, three drops of blood, two of which had been stepped on by the bloody right "Spitfire" shoe, were observed on the cardboard.

39. I determined that these three drops appear to be drip cast offs or passive vertically dripped blood originating from a source directly above the drops.

40. I determined that possible sources of these drops include blood dripping off Mr. Bailey, blood dripping off a weapon used on Mr. Bailey, or blood dripping from an injury sustained by Mr. Bailey's assailant.

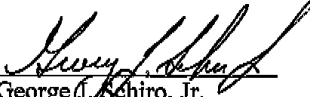
41. If this cardboard has not been destroyed, it should be preserved.

42. The cardboard should be documented and examined thoroughly.

43. The three blood drops should be subjected to DNA analysis to determine the origin(s) of the blood drops.

44. There is no physical evidence associating Kirstin Lobato with Duran Bailey or the crime scene. Ms. Lobato is also excluded as the source of key physical evidence found at the crime scene.

I swear that the foregoing is true and correct to the best of my knowledge.


George C. Schiro, Jr.

Sworn to and subscribed before me on
this 4 day of February, 2010.


Notary #11633

EXHIBIT

45

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P.O. Box 188, Cade, LA 70519 ♦ (337) 322-2724 ♦ Gjschiro@cs.com

March 8, 2010

Case No.: FSR 2-02

Client: Kirstin Blaise Lobato

Dates Specimens Received: 4/30/02 – 2/6/10

Specimens Received From: James Aleman, Gloria Navarro, and Hans Sherrer

Specimens Received By: George Schiro

Dates of Analysis: 4/30/02 - 5/15/02, 9/13 – 17/05, 12/11/09 – 3/8/10

Type of Examination Requested: Crime Scene Reconstruction and Forensic Science Interpretation in State v. Kirstin Lobato, Case No. C177394

Specimens Received:

Documents and photographs relating to the homicide investigation of Duran Bailey

Analytical Procedures:

The documents and photographs were reviewed. Based upon this documentation, the following results and conclusions were obtained.

Results and Conclusions:

A. Shoeprints at the crime scene

Bloody and non-bloody patent shoeprints with the same tread pattern were photographed and documented at the crime scene. A non-bloody shoeprint on one of the pieces of cardboard had a blood transfer stain deposited over it. This indicates that someone stepped on the cardboard, then this blood transfer stain was deposited over a portion of this non-bloody shoeprint. This indicates that the person wearing these shoes could have been present before and after the bloodshed took place at the scene. The non-bloody shoeprint and cardboard should be examined further and analyzed.

The bloody shoeprints could have only been left by the person concealing Mr. Bailey's body because all of the blood was covered by the trash concealing his body. Cardboard was first used to cover his body, then the trash was used to further conceal his body and the blood. While the body and blood were being concealed with trash, the source of the shoeprints stepped in blood and tracked them out upon exiting the enclosure.

William J. Bodziak's report dated March 27, 2002 states that these shoeprints "...most closely correspond to a U.S. men's size 9 athletic shoe of this type. The American women's size equivalent would be approximately size 10." His report further states "...the length of the LOBATO right foot equates to U.S. men's sizes between 6 to 6 1/2. The American women's size equivalent would be approximately size 7 1/2. The right foot size of KIRSTEN LOBATO would therefore be at least 2 1/2 sizes smaller than the estimated crime scene shoe size." The Las Vegas Metropolitan Police Department (LVMPD) Crime Scene Report dated 07-20-01 by Crime Scene Analyst II Jenny Carr states that "...a pair of black and white "Nike Air" size 7.5 tennis shoes were recovered,

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by myself, from the hands of Kirsten Lobato and impounded into evidence.” These shoes are the same size of shoes that Mr. Bodziak states Ms. Lobato would normally wear.

Physical evidence can either include or exclude a person as the source of the evidence. Inconclusive results can also be obtained from physical evidence. **Based upon the shoe size of the impressions and the size of the shoes received from Ms. Lobato, Ms. Lobato is excluded as the source of the shoeprints found at the crime scene.** There is no information to indicate that any shoes in Ms. Lobato's possession were size 10 or that they matched the shoeprint found at the scene. No bloody or non-bloody shoeprints corresponding to the sole patterns of the black high heeled shoes recovered from Kirstin Lobato by Officer M. Thomas of the Las Vegas Metropolitan Police Department were identified or documented at the scene of Mr. Bailey's murder.

The crime scene shoeprints should be sent to the FBI and entered into the FBI Shoeprint Database. This database could provide investigative information, such as, is the shoe a male or female style shoe; whether the shoe is an expensive, exclusively made shoe or a common, inexpensive shoe; or if the shoe is widely distributed or if it had limited distribution.

In January 2010, photographs of two bloody shoeprints on the concrete and two bloody shoeprints on the cardboard were submitted to Foster + Freeman's shoeprint database. The shoeprints matched the sole pattern from a “Spitfire” model right shoe manufactured for WalMart by Athletic Works. Given the information provided by Mr. Bodziak, the bloody shoeprints on the concrete are from a men's U.S. size 9 or women's U.S. size 10 “Spitfire” model right shoe manufactured for WalMart by Athletic Works or a shoe with an equivalent sole pattern. WalMart and Athletic Works should be contacted to determine the dates of manufacture for the “Spitfire”, the number of men's size 8 -10 and women's size 9 -11 that were manufactured, any other shoes that were manufactured with that sole design, any distribution information on those shoes, and any retail sales information that might still be retained on those shoes.

B. Chewing gum found at the crime scene

According to the August 6, 2001 LVMPD Forensic Laboratory Report of Examination by Criminalist Thomas A. Wahl a “...wad of chewing gum on cardboard with apparent blood recovered from scene” was submitted to him for DNA analysis. The condition of this gum and its location at the crime scene could also provide investigative information as to the source of the gum. None of the reviewed photographs had a close-up view of the gum and the examined reports do not refer to the condition of the gum; however, it was significant enough for the Crime Scene Analysts to collect it and submit it for DNA analysis. In addition, on 7/23/01, Detective J. LaRochelle of the LVMPD Homicide Bureau requested that the crime lab conduct a “DNA analysis/comparison” of the chewing gum.

If the gum was deposited on the cardboard after the blood was deposited, then it does not provide any significant information because it could have fallen out of the trash onto the cardboard. If the gum was deposited on the cardboard prior to or at the same time as the blood being deposited on the gum, then the gum could have originated from

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the mouth of Mr. Bailey's killer. The likelihood of it originating from the killer's mouth would also be increased if the gum was still pliable when recovered. It would be less likely to have originated from the killer's mouth if it was hardened or if it had debris attached to it.

Mr. Wahl's report further states "The chewing gum appeared to have been chewed. It was also stained with apparent blood." And "A DNA mixture was indicated. Duran Bailey cannot be excluded as the major DNA component of the mixture. Kirsten Lobato is **excluded** as the minor DNA component of the mixture." (emphasis added) **Based upon this information, Ms. Lobato is excluded as the source of the chewing gum found at the crime scene.**

Based upon a review of the photographs taken in the area where the gum was found and Mr. Wahl's statement that the gum was stained with apparent blood, it is likely that the gum was deposited prior to or at the same time the blood was deposited. Efforts should be made to determine the condition of the gum at the time it was collected and if there are any close-up photographs of the chewing gum at the crime scene or in the lab.

C. The condition of Ms. Lobato's hands

Two photographs of Ms. Lobato's hands were taken approximately 12 days after the discovery of Mr. Bailey's body. The reason investigators photograph suspect's hands is to document any evidence of injuries to the hands that can occur during beating and stabbing homicides.

According to the July 9, 2001 Autopsy Report by Lary Simms, Mr. Bailey had "...an apparent fracture on the left side of the head...", an "...apparent rib fracture/incised wound at the left costal margin...", "On the left side of the face and head is a confluent area of multiple abrasions and contusions...", "On the right side of the face and head is a confluent area of multiple abrasions and contusions...", "Located on the anterolateral right forehead is a stab wound...", "Located on the left chin is a stab wound...", "Located above the right eye is an incised wound...", "The anterior maxillary and mandibular dental arches demonstrate multiple fractures and avulsions of the teeth.", "Located on the chin is an incised wound...", and "Located on the back of the right hand is a incised wound group...". These areas are all bony areas and indicate that the beating and stabbing were carried out forcefully. As a result of striking these bony areas with a knife, the killer's hand might have been cut from slipping onto the knife blade as the knife handle accumulated more blood. The killer's hand could have been bruised from the knife or the forceful nature of the beating. The surfaces surrounding the crime scene were abrasive and could have also caused abrasions on the killer's hands. **No cuts, abrasions, broken fingernails, or healing bruises can be seen in the photographs of Ms. Lobato's hands.**

D. Ms. Lobato's hair

Photographs of Ms. Lobato taken approximately 12 days after the discovery of Mr. Bailey's body show that Ms. Lobato had bleached blonde hair. Her hair had lines of demarcation at the root ends of the hair shafts indicating that it had been several weeks since her last bleach treatment. During a beating and stabbing homicide, the killer can

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lose hair at the scene either by having it forcibly removed or through the natural hair shedding process. Bleached caucasian hairs found at the crime scene or associated with Mr. Bailey's body would have been significant. **There is no information indicating that any bleached blonde hairs were observed or collected from the crime scene or Mr. Bailey's body.**

E. Bloodstain patterns at the crime scene

The photographs demonstrate numerous blood spatter patterns. There is no documentation of blood spatter above a height of 15 inches on any of the surrounding crime scene surfaces. **This indicates that Mr. Bailey received his bleeding injuries while lying on the ground.** The photographs of his pants also do not indicate the presence of any vertically dripped blood. **This indicates that he did not receive any bleeding injuries while in a standing position.**

When a person is bleeding and repeatedly beaten with a long object, such as a baseball bat or a tire iron, or is repeatedly stabbed using an arcing motion, then cast-off blood spatters corresponding to the arc of the swing are produced. There is no documentation of any cast-off blood spatters on the surrounding surfaces. This indicates that arcing motions were not used in the homicide of Mr. Bailey. **The confined space of the crime scene enclosure and the lack of cast-off indicate that a baseball bat was not used to beat Mr. Bailey.** The beating was more likely due to a pounding or punching type motion.

In addition to the bloody shoeprints on the cardboard, three drops of blood, two of which had been stepped on by the bloody right "Spitfire" shoe, were observed on the cardboard. These three drops appear to be drip cast offs or passive vertically dripped blood originating from a source directly above the drops. Possible sources of these drops include blood dripping off Mr. Bailey, blood dripping off a weapon used on Mr. Bailey, or blood dripping from an injury sustained by Mr. Bailey's assailant. If this cardboard has not been destroyed, it should be preserved, documented, and examined thoroughly. The three blood drops should also be subjected to DNA analysis to determine the origin(s) of the blood drops.

F. Crime scene reconstruction:

1. The killer enters the enclosure.
2. Mr. Bailey is lying on the ground, possibly sleeping.
3. (These events cannot be sequenced. They all happened at some point, but not necessarily in the order listed. His pants could have been down prior to the stabbing or they could have come down sometime during the stabbing but prior to the scrotum wound. He might have been masturbating prior to getting killed. This could explain the presence of the adult magazines at the crime scene. He may also have fallen asleep with his pants down.) The killer stabs the victim in the face, head, scrotum, and possibly the abdomen. At some point, Mr. Bailey's pants come down. Mr. Bailey manages to use his hands and arms in an effort to defend himself. His left carotid artery is cut while he is on the ground. Mr. Bailey is also beaten forcefully about the

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head with a blunt object most likely using a pounding or punching type motion or his head is slammed forcefully against the surrounding concrete.

4. Mr. Bailey's anus was then lacerated.
5. Mr. Bailey's body was turned over.
6. The killer stabs Mr. Bailey in the abdomen and severs his penis.
7. Mr. Bailey is covered with the cardboard.
8. Trash is deposited on Mr. Bailey and the blood.
9. The killer exits the enclosure.

G. Tests for the presence of human blood

Louise D. Renhard's Crime Scene Report dated 07-22-01 states "Luminol, a presumptive test for the presence of blood, was applied and a positive reaction occurred and was photographed on the left front seat slip cover, the left front seat and floor, and the left interior door panel. A Phenolphthalein presumptive test for the presence of blood was conducted for the shoes in the trunk, the baseball bat, the multi tool, and the keys with negative results on all." Mr. Wahl's August 6, 2001 report states "Examination of the vehicle slip cover (TAW8 item 5) and the interior left door panel (TAW9) yielded weak positive presumptive tests for the presence of blood in one area of each item. Human blood could not be confirmed from either item. Human DNA was not detected in extracts prepared from swabbings collected from both items."

The luminol reaction and the phenolphthalein reaction are both catalytic tests. Their reactions are essentially the same for blood, except one produces a pink color (phenolphthalein) and the other luminesces (luminol). Luminol is the more sensitive test, but it also produces more false positives. Phenolphthalein is less sensitive, but it has fewer false positives. The categories of substances that will produce false positives are the same for both tests, but luminol probably reacts to lesser amounts of these substances than phenolphthalein. The tests can be designed to reduce the number of false positives, but not totally eliminate them. Both tests can cause reactions with the enzymes catalase and peroxidase, cytochromes, strong oxidizing agents, and metallic salts.

Some of the false reactions include:

Chemical oxidants and catalysts: Copper and nickel salts, rust, formalin (used for preserving tissues), potassium permanganate (found in some dyes), potassium dichromate, bleaches, iodine, and lead oxides. Some of these items could be found anywhere, including tap water, dirt, and blue jeans. Phenolphthalein gives positive results with copper, potassium ferricyanide, nickel and cobalt nitrates, and some sulfocyanates. Luminol reacts with copper compounds, cobalt, iron, potassium permanganate, and bleach (source: Forensic Science Handbook, edited by Richard Saferstein, page 275). In tests done at the FBI Basic Serology course at the FBI Academy in Quantico, VA, phenolphthalein has been shown to react with iodine, potassium permanganate, and copper nitrate.

Plant sources: Vegetable peroxidases. Phenolphthalein might react with apple, apricot, bean, blackberry, Jerusalem artichoke, horseradish, potato, turnip, cabbage,

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onion, and dandelion root (source Forensic Science Handbook, edited by Richard Saferstein, page 275). In tests done at the FBI Basic Serology course at the FBI Academy in Quantico, VA, phenolphthalein has been shown to react with cabbage, carrot, cucumbers, celery, corn, and horseradish.

Animal origin: pus, bone marrow leukocytes, brain tissues, spinal fluid, intestine, lung, saliva, and mucous (source Forensic Science Handbook, edited by Richard Saferstein, page 275). In tests done at the FBI Basic Serology course at the FBI Academy in Quantico, VA, phenolphthalein has been shown to react with saliva. Bacteria can also cause false positive reactions.

The HemaTrace test used to confirm human blood is more sensitive than the phenolphthalein test. As a result, had the phenolphthalein been reacting to human blood, then the HemaTrace test should have also given a positive result for human hemoglobin. In validation studies conducted at the Louisiana State Police Crime Lab, phenolphthalein could detect a 1/1,000,000 dilution of blood and the HemaTrace card could detect a 1/100,000,000 dilution of blood. This makes the HemaTrace card 100 times more sensitive than the phenolphthalein test.

In addition, validation studies of the HemaTrace cards conducted at the Centre of Forensic Sciences in Toronto demonstrated that the HemaTrace cards “proved to be more sensitive than the KM (i.e., phenolphthalein) test...”¹ An evaluation of the HemaTrace cards by the Michigan State Police Forensic Laboratory also demonstrated that the HemaTrace cards were more sensitive than the Hemastix, leucocrystal violet, and tetramethylbenzidine (TMB) presumptive blood tests.²

The test to quantify human DNA is also very sensitive. The QuantiBlot kit using Chromogen:TMB can detect as little as 160 picograms of human DNA. Some human DNA quantification systems can detect down to 20 picograms of human DNA. **Based on the results of the phenolphthalein, luminol, human hemoglobin, and human DNA quantification analyses, the substance detected in Ms. Lobato's vehicle is not human blood.**

Other documentation indicated that blood would have been expected to be transferred to the interior and exterior door handles, the steering wheel, the gearshift, the driver's side floor pads, and the foot pedals if someone operated a vehicle immediately after the killing.³ No blood was detected on these surfaces in Ms. Lobato's vehicle. Also, none of Mr. Bailey's blood was found on the black high heeled shoes recovered from Kirstin Lobato by Officer M. Thomas of the Las Vegas Metropolitan Police Department.

H. Latent print recovery

Ms. Renhard's 07-22-01 Crime Scene Report states “...latent prints were recovered from the left door threshold, the interior and exterior left door window, the interior right door window, the exterior of the trunk and front hood.” Her report indicates

¹ Johnston, S., et.al. “Validation Study of the Abacus Diagnostics ABACard HemaTrace Membrane Test for the Forensic Identification of Human Blood.” *Can. Soc. Forens. Sci. J.* Vol. 36, No 3 (2003) pp. 173-183.

² Swander, C.J. and Stites, J.G. “Evaluation of the ABACard HemaTrace for the Forensic Identification of Human Blood.” Presented at the Midwestern Association of Forensic Scientists Annual Meeting 1998.

³ Brent E. Turvey's Examination Report dated October 16, 2005

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that a minimum of six latent lifts were recovered from the vehicle. The report does not indicate the number of smudges, partial prints, overlaid prints, etc. that were not collected.

When dusting for prints, the powder on the brush adheres to the moisture contained in the print. The main factors in determining if a person will leave behind a print are the person's individual physiology and habits, the surface, and the environment. Any one or more of these factors can contribute to the lack of fingerprints. People with drier skin will not leave prints as readily as a person with oily or sweaty skin. Rough surfaces are not conducive to recovering dusted prints because of the surface texture. Moisture and oils in fingerprints will evaporate more rapidly in hot, arid environments than in cooler, more humid environments. **The lack of Ms. Lobato's prints in her own vehicle would not be considered unusual and it is not necessarily a sign that her vehicle was cleaned.**

FINAL CONCLUSION:

There is no physical evidence associating Kirstin Lobato with Duran Bailey or the crime scene. Ms. Lobato is also excluded as the source of physical evidence found at the crime scene. Additional examination, documentation, and analysis should be performed on some items of the physical evidence.

Note: This report and its conclusions are subject to modification pending any new or previously undiscovered information.



George Schiro
Forensic Scientist

EXHIBIT

46

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Baton Rouge, LA75054.1502@compuserve.com

May 31, 2002

Case No.: FSR2-02

Client: Special Public Defender, Clark Co., Nevada

Dates Specimens Received: 4/30/002 - 5/15/02

Specimens Received From: James Aleman and Gloria Navarro

Specimens Received By: George Schiro

Dates of Analysis: 4/30/02 - 5/15/02

Type of Examination Requested: Crime Scene Reconstruction and Forensic Science Interpretation in State v. Kirstin Lobato, Case No. C177394

Specimens Received:

Documents and photographs relating to the homicide investigation of Duran Bailey

Analytical Procedures:

The documents and photographs were reviewed. The following results and conclusions were obtained and are separated into those not allowed in at trial and those allowed in at trial.

Results and Conclusions (not allowed in at trial):

Bloody shoeprints were photographed and documented at the crime scene. These bloody shoeprints could have only been left by the person concealing Mr. Bailey's body because all of the blood was covered by the trash concealing his body. The cardboard was first used to cover his body, then the trash was used to further conceal his body and the blood. While the body and blood were being concealed with trash, the source of the shoeprints stepped in blood and tracked them out upon exiting the enclosure.

William J. Bodziak's report dated March 27, 2002 states that these shoeprints "...most closely correspond to a U.S. men's size 9 athletic shoe of this type. The American women's size equivalent would be approximately size 10." His report further states "...the length of the LOBATO right foot equates to U.S. men's sizes between 6 to 6 1/2. The American women's size equivalent would be approximately size 7 1/2. The right foot size of KIRSTEN LOBATO would therefore be at least 2 1/2 sizes smaller than the estimated crime scene shoe size." The Las Vegas Metropolitan Police Department (LVMPD) Crime Scene Report dated 07-20-01 by Crime Scene Analyst II, Jenny Carr states that "...a pair of black and white "Nike Air" size 7.5 tennis shoes were recovered, by myself, from the hands of Kirsten Lobato and impounded into evidence." These shoes are the same size of shoes that Mr. Bodziak states Ms. Lobato would normally wear.

Physical evidence can either include or exclude a person as the source of the evidence. Inconclusive results can also be obtained from physical evidence. **Based upon the shoe size of the impressions and the size of the shoes received from Ms. Lobato, Ms. Lobato is excluded as the source of the shoeprints found at the crime scene.**

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FSR2-02 Report (continued)

There is no information to indicate that any shoes in Ms. Lobato's possession were size 10 or that they matched the shoeprint found at the scene.

The crime scene shoeprints should be sent to the FBI and entered into the FBI Shoeprint Database. This database could provide investigative information, such as, is the shoe a male or female style shoe; whether the shoe is an expensive, exclusively made shoe or a common, inexpensive shoe; or if the shoe is widely distributed or if it had limited distribution.

According to the August 6, 2001 LVMPD Forensic Laboratory Report of Examination by Criminalist Thomas A. Wahl a "...wad of chewing gum on cardboard with apparent blood recovered from scene" was submitted to him for DNA analysis. The condition of this gum and its location at the crime scene could also provide investigative information as to the source of the gum. None of the reviewed photographs had a close-up view of the gum and the examined reports do not refer to the condition of the gum; however, it was significant enough for the Crime Scene Analysts to collect it and submit it for DNA analysis.

If the gum was deposited on the cardboard after the blood was deposited, then it does not provide any significant information because it could have fallen out of the trash onto the cardboard. If the gum was deposited on the cardboard prior to or at the same time as the blood being deposited on the gum, then the gum could have originated from the mouth of Mr. Bailey's killer. The likelihood of it originating from the killer's mouth would also be increased if the gum was still pliable when recovered. It would be less likely to have originated from the killer's mouth if it was hardened or if it had debris attached to it.

Mr Wahl's report further states "The chewing gum appeared to have been chewed. It was also stained with apparent blood." And "A DNA mixture was indicated. Duran Bailey cannot be excluded as the major DNA component of the mixture. Kirsten Lobato is excluded as the minor DNA component of the mixture." **Based upon this information, Ms. Lobato is excluded as the source of the chewing gum found at the crime scene.**

Efforts should be made to determine the condition of the gum at the time it was collected and if there are any close-up photographs of the chewing gum at the crime scene.

Two photographs of Ms. Lobato's hands were taken approximately 12 days after the discovery of Mr. Bailey's body. The reason investigators photograph suspect's hands is to document any evidence of injuries to the hands that can occur during beating and stabbing homicides.

According to the July 9, 2001 Autopsy Report by Lary Simms, Mr. Bailey had "...an apparent fracture on the left side of the head...", an "...apparent rib fracture/incised wound at the left costal margin...", "On the left side of the face and head is a confluent area of multiple abrasions and contusions...", " On the right side of the face and head is a confluent area of multiple abrasions and contusions...", "Located on the anterolateral right

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FSR2-02 Report (continued)

forehead is a stab wound...", "Located on the left chin is a stab wound...", "Located above the right eye is an incised wound...", "The anterior maxillary and mandibular dental arches demonstrate multiple fractures and avulsions of the teeth.", "Located on the chin is an incised wound...", and "Located on the back of the right hand is a incised wound group...". These areas are all bony areas and indicate that the beating and stabbing were carried out forcefully. As a result of striking these bony areas with a knife, the killer's hand might have been cut from slipping onto the knife blade as the knife handle accumulated more blood. The killer's hand could have been bruised from the knife or the forceful nature of the beating. The surfaces surrounding the crime scene were abrasive and could have also caused abrasions on the killer's hands. **No cuts, abrasions, broken fingernails, or healing bruises can be seen in the photographs of Ms. Lobato's hands.**

Photographs of Ms. Lobato taken approximately 12 days after the discovery of Mr. Bailey's body show that Ms. Lobato had bleached blonde hair. Her hair had lines of demarcation at the root ends of the hair shafts indicating that it had been several weeks since her last bleach treatment. During a beating and stabbing homicide, the killer can lose hair at the scene either by having it forcibly removed or through the natural hair shedding process. Bleached caucasian hairs found at the crime scene or associated with Mr. Bailey's body would have been significant. **There is no information indicating that any bleached blonde hairs were observed or collected from the crime scene or Mr. Bailey's body.**

The photographs demonstrate numerous blood spatter patterns. There is no documentation of blood spatter above a height of 12 inches on any of the surrounding crime scene surfaces. **This indicates that Mr. Bailey received his bleeding injuries while lying on the ground.** The photographs of his pants also do not indicate the presence of any vertically dripped blood. **This indicates that he did not receive any bleeding injuries while in a standing position.**

When a person is bleeding and repeatedly beaten with a long object, such as a baseball bat or a tire iron, or is repeatedly stabbed using an arcing motion, then cast-off blood spatters corresponding to the arc of the swing are produced. There is no documentation of any cast-off blood spatters on the surrounding surfaces. This indicates that arcing motions were not used in the homicide of Mr. Bailey. **The confined space of the crime scene enclosure and the lack of cast-off indicate that a baseball bat was not used to beat Mr. Bailey.** The beating was more likely due to a pounding or punching type motion.

Crime scene reconstruction:

1. The killer enters the enclosure.
2. Mr. Bailey is lying on the ground, possibly sleeping.
3. (These events cannot be sequenced. They all happened at some point, but not necessarily in the order listed. His pants could have been down prior to the stabbing or

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FSR2-02 Report (continued)

they could have come down sometime during the stabbing but prior to the scrotum wound. He might have been masturbating prior to getting killed. This could explain the

presence of the adult magazines at the crime scene. He may also have fallen asleep with his pants down.) The killer stabs the victim in the face, head, scrotum, and possibly the abdomen. At some point, Mr. Bailey's pants come down. Mr. Bailey manages to use his hands and arms in an effort to defend himself. His left carotid artery is cut while he is on the ground. Mr. Bailey is also beaten forcefully about the head with a blunt object most likely using a pounding or punching type motion or his head is slammed forcefully against the surrounding concrete.

4. Mr. Bailey's anus was then lacerated.
5. Mr. Bailey's body was turned over.
6. The killer stabs Mr. Bailey in the abdomen and severs his penis.
7. Mr. Bailey is covered with the cardboard.
8. Trash is deposited on Mr. Bailey and the blood.
9. The killer exits the enclosure.

Results and Conclusions (allowed in at trial):

Louise D. Renhard's Crime Scene Report dated 07-22-01 states "Luminol, a presumptive test for the presence of blood, was applied and a positive reaction occurred and was photographed on the left front seat slip cover, the left front seat and floor, and the left interior door panel. A Phenolphthalein presumptive test for the presence of blood was conducted for the shoes in the trunk, the baseball bat, the multi tool, and the keys with negative results on all." Mr. Wahl's August 6, 2001 report states "Examination of the vehicle slip cover (TAW8 item 5) and the interior left door panel (TAW9) yielded weak positive presumptive tests for the presence of blood in one area of each item. Human blood could not be confirmed from either item. Human DNA was not detected in extracts prepared from swabbings collected from both items."

The luminol reaction and the phenolphthalein reaction are both catalytic tests. Their reactions are essentially the same for blood, except one produces a pink color (phenolphthalein) and the other luminesces (luminol). Luminol is the more sensitive test, but it also produces more false positives. Phenolphthalein is less sensitive, but it has fewer false positives. The categories of substances that will produce false positives are the same for both tests, but luminol probably reacts to lesser amounts of these substances than phenolphthalein. The tests can be designed to reduce the number of false positives, but not totally eliminate them. Both tests can cause reactions with the enzymes catalase and peroxidase, cytochromes, strong oxidizing agents, and metallic salts. Some of the false reactions include:

Chemical oxidants and catalysts: Copper and nickel salts, rust, formalin (used for preserving tissues), potassium permanganate (found in some dyes), potassium dichromate, bleaches, iodine, and lead oxides. Some of these items could be found anywhere, including tap water, dirt, and blue jeans. Phenolphthalein gives positive results with copper,

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FSR2-02 Report (continued)

potassium ferricyanide, nickel and cobalt nitrates, and some sulfocyanates. Luminol reacts with copper compounds, cobalt, iron, potassium permanganate, and bleach (source Forensic Science Handbook, edited by Richard Saferstein, page 275). In tests done at the FBI Basic Serology course at the FBI Academy in Quantico, VA, phenolphthalein has been shown to react with iodine, potassium permanganate, and copper nitrate.

Plant sources: Vegetable peroxidases. Phenolphthalein might react with apple, apricot, bean, blackberry, Jerusalem artichoke, horseradish, potato, turnip, cabbage, onion, and dandelion root (source Forensic Science Handbook, edited by Richard Saferstein, page 275). In tests done at the FBI Basic Serology course at the FBI Academy in Quantico, VA, phenolphthalein has been shown to react with cabbage, carrot, cucumbers, celery, corn, and horseradish.

Animal origin: pus, bone marrow leukocytes, brain tissues, spinal fluid, intestine, lung, saliva, and mucous (source Forensic Science Handbook, edited by Richard Saferstein, page 275). In tests done at the FBI Basic Serology course at the FBI Academy in Quantico, VA, phenolphthalein has been shown to react with saliva. Bacteria can also cause false positive reactions.

The HemaTrace test used to confirm human blood is more sensitive than the phenolphthalein test. As a result, had the phenolphthalein been reacting to human blood, then the HemaTrace test should have also given a positive result for human hemoglobin. In validation studies conducted at the Louisiana State Police Crime Lab, phenolphthalein could detect a 1/1,000,000 dilution of blood and the HemaTrace card could detect a 1/100,000,000 dilution of blood. This makes the HemaTrace card 100 times more sensitive than the phenolphthalein test.

The test to quantify human DNA is also very sensitive. The QuantiBlot kit using Chromogen: TMB can detect as little as 160 picograms of human DNA. Some human DNA quantification systems can detect down to 20 picograms of human DNA. **Based on the results of the phenolphthalein, luminol, human hemoglobin, and human DNA quantification analyses, the substance detected in Ms. Lobato's vehicle is not human blood.**

Ms. Renhard's 07-22-01 Crime Scene Report states "...latent prints were recovered from the left door threshold, the interior and exterior left door window, the interior right door window, the exterior of the trunk and front hood." Her report indicates that a minimum of six latent lifts were recovered from the vehicle. The report does not indicate the number of smudges, partial prints, overlaid prints, etc. that were not collected.

When dusting for prints, the powder on the brush adheres to the moisture contained in the print. The main factors in determining if a person will leave behind a print are the person's individual physiology and habits, the surface, and the environment. Any one or more of these factors can contribute to the lack of fingerprints. People with drier skin will not leave prints as readily as a person with oily or sweaty skin. Rough surfaces are not conducive to recovering dusted prints because of the surface texture. Moisture and

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FSR2-02 Report (continued)

oils in fingerprints will evaporate more rapidly in hot, arid environments than in cooler, more humid environments. The lack of Ms. Lobato's prints in her own vehicle would not be considered unusual and it is not necessarily a sign that her vehicle was cleaned.

FINAL CONCLUSION:

There is no physical evidence associating Kirsten Lobato with Duran Bailey or the crime scene. Ms. Lobato is also excluded as the source of physical evidence found at the crime scene.

George Schiro
Forensic Scientist

EXHIBIT

47

William J. Bodziak
Forensic Consultant Services

1281 Cunningham Creek Drive
Jacksonville, FL 32259
Tel: 904-287-8860 Fax: 904-287-8861

Footwear Examination Report
March 27, 2002

Mr. James Aleman
Office of the Special Public Defender
309 S. Third Street
P.O. Box 552316
Las Vegas, NV 89155-2316

RE: State v. Kirstin Lobato
Case No. C177394

Dear Mr. Aleman,

Pursuant to your request, a detailed examination has been made of the exhibits made available to me. A description of these items and the results of the examination follow:

QUESTIONED

Q1 Photograph of shoe impression in blood

Q2 Photograph of shoe impression in blood

KNOWN

K1 Two inked impressions and tracing of the outline of KIRSTIN LOBATO's right foot.

Services Requested

It was requested that the size of the Q1-Q2 crime scene shoe impressions be determined, if possible, and whether those shoes would fit the feet of KIRSTIN LOBATO.

Evaluation of Crime Scene Impressions:

Attempts were unsuccessful in locating the brand name or manufacturer of footwear with the design of the Q1-Q2 impressions. The general design of the Q1-Q2 impressions is very similar to many designs of cross-trainer and walking athletic footwear in that it has a separation between a well defined heel area and the well-defined forward sole area of the shoe. Although the full heel does not reproduce in the Q1-Q2 impressions, the anterior reference point of that heel, as well as the size of the forward sole can be compared with comparable types of footwear. Based on the corresponding dimensions of comparable portions of other brands of footwear having this generic design, it was determined the Q1-Q2 impressions most closely correspond to a U.S. men's size 9 athletic shoe of this type. The American women's size equivalent would be approximately size 10.

The two inked impressions and tracings of the right foot of KIRSTIN LOBATO were measured. Using a standard Brannock foot-measuring device, the length of the LOBATO right foot equates to U.S. men's sizes between 6 to 6 ½. The American women's size equivalent would be approximately size 7 ½. The right foot size of KIRSTIN LOBATO would therefore be at least 2 ½ sizes smaller than the estimated crime scene shoe size.

Further, superimposition of the foot impression of LOBATO over the Q1-Q2 crime scene right shoe impressions revealed LOBATO's foot size to be significantly smaller than the impressions.

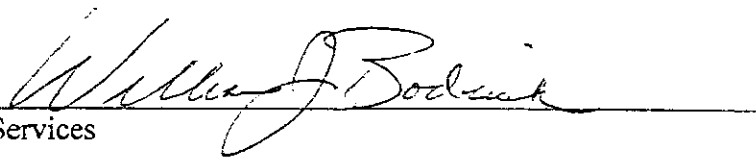
Opinion

Based on these observations and significant size differences, it was determined that the Q1-Q2 crime scene impressions are from considerably larger shoes than the size that would accommodate LOBATO's feet, or that LOBATO would normally wear.

Disposition of Evidence

The evidence described above is returned herewith.

William J. Bodziak
Forensic Consultant Services



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EXHIBIT

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Parkers unit 816 and the Mexican's unit 822.

(Parker's 2nd floor unit in the building on the left was the one with the satellite dishes on the front porch, and Mexican's unit was the 2nd floor unit in the building on the right with a plant on the porch.) (Photo taken February 12, 2010 by Hans Sherrer.)



EXHIBIT

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Mexican's unit 822 looking at Diann Parker's unit 816

(Photo taken February 12, 2010 by Hans Sherrer.)



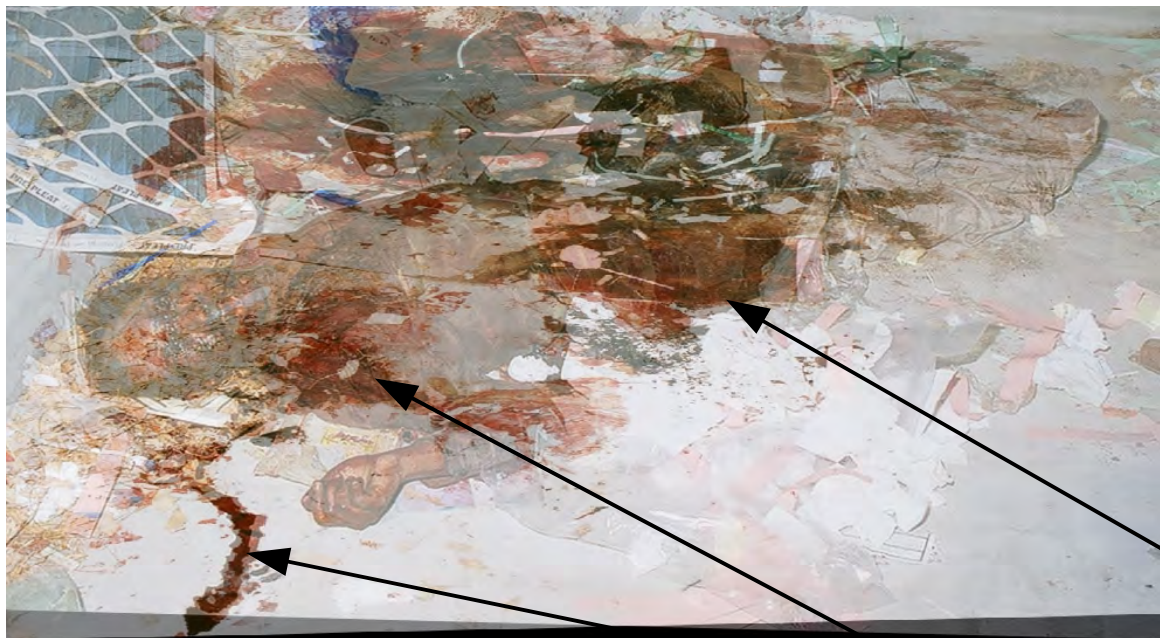
001712

EXHIBIT

50

Duran Bailey's body superimposed over blood at scene

Image 1 – Bailey's body superimposed over blood at scene



LVMPD photo
40390019 (blood at
scene)
superimposed over
LVMPD photo
40400010 (Bailey's
body at scene).

Photos
superimposed by
Hans Sherrer on
March 30, 2010
using the software
program:
Image Merger.EXE
v.1.0.19

Blood
concentrated
under Bailey's
rectum wound

Image 2 – Bailey at scene



Blood concentrated under
Bailey's carotid artery
wound and blood runoff

Bailey's rectum wound

Bailey's carotid artery neck
wound

Blood runoff from neck
wound

LVMPD photo: 40400010
(reduced from original size)

Image 3 – Blood at scene



Blood concentrations
under Bailey's body

LVMPD photo: 40390019
(reduced from original size)

EXHIBIT

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District Case Inquiry - Minutes

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Case 04-C-203649-C

Just Ct. 04-F -12414
Case#
Status CLOSED

Plaintiff State of Nevada

Defendant Martinez, Daniel

Judge Vega, Valorie J.

Attorney Roger, David J.

Attorney Tanner, Mont E.

Dept. 2

Event 11/16/2004 at 09:00 AM

SENTENCING CT 2/DISMISS REMAINING
COUNT

Heard By Vega, Valorie J.

Officers Sandra Jeter, Relief Clerk
Lisa Lizotte, Reporter/Recorder

Parties 0000 -	State of Nevada	Yes
S1		
007421	Lee, Christopher K.	Yes
0001 -	Martinez, Daniel	Yes
D1		
004433	Tanner, Mont E.	Yes

DEFT. MARTINEZ ADJUDGED GUILTY OF COUNT 2 - ASSAULT WITH USE
OF A DEADLY

WEAPON (F); Count 1 DISMISSED. Following arguments by counsel, Court
noted

INS has a detainer in place. COURT ORDERED, in addition to the \$25
Administrative Assessment Fee, \$150 DNA Analysis Fee and testing for genetic
markers and/or secretor status, Deft. SENTENCED to a MAXIMUM term of
SIXTY

(60) MONTHS and a MINIMUM of THIRTEEN (13) MONTHS in the Nevada
Department

of Corrections (NDC) with FIFTEEN (15) DAYS CREDIT FOR TIME SERVED.
COURT

FURTHER ORDERED, Deft. REMANDED to the NDC. BOND, if any,
EXONERATED.

NDC

**Due to time restraints and individual case loads, the above case record may not reflect all
information to date.**

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001716

EXHIBIT

52

GRAND VIEW APARTMENTS

07/18/01 1100

EDNA WALTON

ALEJANDRO CARMZ

822
APT. ~~576~~

02/17/75

CANPAUL CONCRETE

5201 S. POLANIS

DANIEL MARTINEZ

LYMS CONCRETE

09/19/78

3- [REDACTED]

PONDIAL

LT 14075 NV

'97 7 '9074

~~LT 14075~~

APT 576

SULASARDI KUNIKANW "JIFF"

TRIKUNG
ISLAND
"DEPLEN"

5/5/67

[REDACTED]

PATCHARIAN KUNIKANW

04/08/66

[REDACTED]

THAI
BARBACUE
ON 3RD ST.

VOLKSWAGEN '92 J.B NV

001718

916 STEVEN KINW

10.13.47

[REDACTED]

EMP

770 PICTAD (BANKING)

597-4400

MARLENE FLANNIGAN WNA 06/10/46.

APT # 727

[REDACTED]

EXHIBIT

53

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CASE MONITORING AND CLOSURE FORM
CONTINUATION**

Event #: 010705-2692

[illegible]

Cleared by: _____ Date: _____ Supervisor Initials: _____

EXHIBIT

54

Injustice Central

In shadows cast by the sickly gleam of high profile cases, it is the common men and women who disappear into silence. This blog is dedicated to Kirstin Lobato, and all others who have been harmed by the failures of justice.

9.26.2003

Just general stuff today. I may ramble a bit because I haven't been getting much sleep lately. So, if that's the case, I apologize for any confusion. I really don't know where I'm going to go with this, today.

I wanted to mention that my most recent post may have implied a bit of paranoia. Like "*they* are out to get you," and that sort of thing. That wasn't my intention. But they are out to get *someone* (they being law enforcement officials), and the point was that if you do end up in court for any reason, what you say will be used against you. Obviously, if you don't end up in court, it won't.

Don't underestimate the chances that that someone will be you, though. The police stopped looking for other suspects after taking Kirstin Lobato into custody, even though there was a far more likely scenario at work with Dianne Parker. As I wrote on my last post, the glaring discrepancies between the facts of the crime and Kirstin's statement were ignored in favor of what did fit their supposition.

Speaking of supposition, I am going to go into one now. It is just an interpretation, something I've been thinking about recently, nothing more. There is no forensic evidence to back me up (so in that respect I'm just like the prosecution that pointed the finger at Kirstin Lobato). But I think that Dianne Parker's potential connection was worth looking into by the police. Although they did look at her as a suspect, she was forgotten after they had Kirstin in custody.

Dianne Parker was raped by the victim, Duran Bailey, days before he was killed. Earlier on the day of the rape, Duran had slapped her in the presence of a Hispanic construction worker, which Parker referred to as a Mexican. Whether that was his nationality or not, who knows? The investigation never went in that direction - and not because they had excluded the possibility, but because they had found a new suspect in Kirstin Lobato, and began concentrating all investigations on proving she had done it.

Anyhow, the day Parker was slapped by Duran Bailey, this unnamed Hispanic took him outside and told Bailey to leave Parker alone. Later that night, Bailey raped Dianne Parker, and she reported it to the police. After the police came to talk to her about the rape and *before* Bailey's murder, it was likely that a number of people knew what was going on. One Hispanic male heard a conversation with the police, and a Hispanic female witnessed Parker screaming and trying to escape Bailey the night of the rape - but did nothing.

Now, there are a few things that I am going to mention about Hispanic culture. I am Hispanic myself, and so when I generalize it is not to stereotype in any way, but to report my observations. I've had plenty of interaction with Hispanic culture, in Florida and California, and during my marriage. So, let's just be clear here. I know what it is I'm talking about.

So, first, Hispanics living in close proximity to one another talk a lot amongst themselves (and it appears there were a number of Hispanics living around Dianne Parker), and more freely than they do to others, especially when they are from the same country. So, given the evidence and testimony provided by the court transcripts I have read, and knowing what I know of Hispanic culture, I would stake my reputation on the following two statements: (1) Almost every adult Hispanic living in the area of the same national origin (probably Mexico...it is Nevada, after all) knew about what happened to Dianne Parker soon after the rape and (2) she

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wouldn't have had to say a word to them for this information to spread like wildfire.

The other thing I have to say is about Hispanic men in particular. It involves ***machismo***, which is being macho. Because there are some subtle differences that are rooted in Hispanic culture, and to make this easier, I will be referring to Hispanic macho as "machismo" and Western macho as simply "macho" even though linguistically they don't make much of a difference. But whereas your typical macho is more allied with Darwinian natural selection...proving oneself the most manly man for women to select from...machismo is more proactive and slightly territorial. It has more to do with the domination of women than it does the superiority of their manhood (or rather, their superiority over other men). So while largely the same as a typical macho behavior pattern, it is tilted differently nevertheless.

A fairly famous example would be Antonio Banderas. If you've ever seen one of his movies, you may have noticed an aura of "male superiority" in his demeanor in pretty much every scene with a woman he has ever done. In part, this is because he is typecast to culture so often (and machismo is a big part of many Hispanic cultures), but he acts that way so naturally that it is hard for me to believe it is not natural to him - and I have no reason to believe it isn't. Now, he does have charm, and so his machismo comes off as being more chivalrous and less apparently domineering, but you can still see the slightly condescending air and cool I-could-take-you-whenever-I-chose-to-do-so confidence that is representative of the superiority complex so often portrayed by machismo.

Macho and machismo do share many traits: an exaggeration of traditional masculine roles for the purpose of affecting women mentally or emotionally, a need to prove one's superiority, and perhaps most important of all in this case, *reputation*. I said before that machismo is a little more territorial than your standard macho demeanor. Their motivation **does not need to be sexual in nature**, but rather a drive to prove male domination over *all* women in one's territory. And in this role, males tend to see themselves as protectors of a woman's interests, no matter what kind of macho you're talking about. Of course, it is what *they* see as being in a woman's interests, and has nothing to do with whether she herself sees it that way, but that's kind of beside the point.

So, it is not very hard for me to imagine that a Hispanic male who had just warned Bailey to leave Dianne Parker alone would take the news quite badly when he found out later Bailey had raped her. While it would be ridiculous to say all Hispanic men possess a strong attitude like machismo, it remains likely that he could perceive it as a direct assault on his manhood, his ability to protect, and given the widespread communication in a localized Hispanic community, his reputation. Because, just as I believe the local Hispanic community knew about the rape, I am also certain they knew about the slap, and the Hispanic man's reaction afterwards. Also, Dianne Parker stated that she wanted to protect the identities of Hispanic men in the area because she thought they would have illegal immigration issues. If this was true, then we're not talking about people with Americanized culture, but rather people who have been born and raised in an area where machismo is more common and acceptable.

For a Hispanic male with a strong sense of machismo, such a violation of a woman is completely unacceptable. And when I say unacceptable, I mean that in a very, very severe way. Possibly murderous. And even if the man who spoke to Bailey about slapping Parker had nothing to do with Bailey's death, there is a very strong likelihood that someone else in the area felt that it was their duty as a male show Bailey what being a man is all about, especially since they all seemed protective of her...which is something I would not be surprised to see with as many Hispanics in the area as there were.

My supposition is that Duran Bailey was killed as a response to his rape of Dianne Parker. I don't think she did it herself, and I am inclined to think she didn't even ask for it to happen. But Bailey didn't kill and mutilate himself, and the people close to that area would have had motives that Kirstin Lobato did not, as well as a lot more opportunity. Either way, the police should have investigated further.

EXHIBIT

55

DO NOT MAIL

DURAND LAMORE BAILEY
RETURN MAIL 26
DO NOT MAIL

260011457

	PRODUCT DESCRIPTION	ACCOUNT NUMBER	CHECKING/SAVINGS BALANCE	LOANS/CREDIT BALANCE
SUMMARY PROFILE	DIRECT DEPOSIT	260011457	.00	
			TOTAL .00	TOTAL .00
				254 10

260011457		DIRECT DEPOSIT						
CHECKING	PREVIOUS	DEPOSITS/CREDITS..		CHECKS.....		OTHER CHARGES...		ENDING
ACCOUNT	BALANCE	NO	AMOUNT	NO	AMOUNT	NO	AMOUNT	BALANCE
	1.20	9	1,483.80	10	1,275.00	12	210.00	.00

DEPOSITS		SSIREF #	101736123379329	111011295
06/29	530.00+	US TREASURY 310 SUPP SE		313012145
07/06	125.00+	CHK RETD NOT PAID 070501	EFFECTIVE DATE 070501	313011502
07/09	125.00+	CHK RETD NOT PAID 070601	EFFECTIVE DATE 070601	313011506
07/09	125.00+	CHK RETD NOT PAID 070601	EFFECTIVE DATE 070601	313011379
07/13	125.00+	CHK RETD NOT PAID 071201	EFFECTIVE DATE 071201	313010869
07/16	125.00+	CHK RETD NOT PAID 071301	EFFECTIVE DATE 071301	313010872
07/16	125.00+	CHK RETD NOT PAID 071301	EFFECTIVE DATE 071301	111029490
07/16	19.00+	US TREASURY 310 SUPP SE	SSIREF # 101736172212720	10000100035
07/17	184.80+	BANK CLOSED ACCOUNT - CREDIT		

CHECKS PROCESSED											
DATE...	CHECK NO.....	AMOUNT	DATE...	CHECK NO.....	AMOUNT	DATE...	CHECK NO.....	AMOUNT			
06/29	0	100.00	07/05	0	125.00	07/12	0	125.00	30507399	30110311	30102811
07/02	0	100.00	07/06	0	125.00	07/13	0	125.00	30116072	30100168	30100983
07/02	0	200.00	07/06	0	125.00	07/13	0	125.00	30331753	30100279	30100984
07/05	0	125.00							30110310		

OTHER CHARGES			0
07/05	25.00	NSF CHARGE	0
07/05	5.00	OVERDRAFT SERVICE CHARGE	0
07/06	50.00	NSF CHARGE	0
07/06	15.00	OVERDRAFT SERVICE CHARGE	0
07/09	5.00	OVERDRAFT SERVICE CHARGE	0
07/10	5.00	OVERDRAFT SERVICE CHARGE	0
07/11	5.00	OVERDRAFT SERVICE CHARGE	0
07/12	25.00	NSF CHARGE	0
07/12	5.00	OVERDRAFT SERVICE CHARGE	0
07/13	50.00	NSF CHARGE	0
07/13	15.00	OVERDRAFT SERVICE CHARGE	0
07/16	5.00	OVERDRAFT SERVICE CHARGE	0

DAILY BALANCE					
06/29	431.20	07/09	93.800D	07/13	448.800D
07/02	131.20	07/10	98.800D	07/16	184.800D
07/05	148.800D	07/11	103.800D	07/17	.00
07/06	338.800D	07/12	258.800D		
NUMBER OF DAYS IN PERIOD		30			

001726

EXHIBIT

56

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Shark attack victim died from massive blood loss

By BRIAN SKOLOFF

The Associated Press

Friday, February 5, 2010; 12:59 PM

WEST PALM BEACH, Fla. -- A shark up to 9 feet long likely intended to eat the man it fatally attacked off South Florida, a shark expert said Friday.

Stephen Schafer, 38, was kiteboarding about a quarter-mile offshore in Stuart, 100 miles north of Miami, when he went into the water Wednesday and was surrounded by at least three sharks.

In many cases, a shark attack on a human is simply a case of mistaken identity, a so-called "hit-and-run," when the animal bites a person instead of its intended target, another fish. But that didn't seem to be the case with Schafer.

"I don't think there's any doubt that this was an attempt by a larger-size shark to have a meal," said George Burgess, who oversees the International Shark Attack File at the University of Florida's Museum of Natural History. "This was more than likely a predatory attack."

Schafer was pulled from the water by lifeguard Daniel Lund, 46, who was himself a shark bite victim about 25 years ago along the same coast, an attack that left him unable to walk for several months.

Lund paddled for about 20 minutes to reach Schafer and pulled him back to shore. He died a short time later at a hospital. An autopsy revealed he lost more than half of his blood.

Dr. Linda O'Neil, an associate medical examiner in Martin County, said Friday that Schafer was bitten twice, most likely by the same animal.

One bite was on his buttocks, leaving visible teeth marks, and the other a severe tear to his right thigh that gouged to the bone. His right hand was also wounded, but that apparently happened when the shark bit his



A 2007 photo provided by Chris Shultz shows Stephen Schafer kiteboard surfing. Schafer, 38, was fatally attacked by sharks off a Stuart, Fla., beach Wednesday, Feb. 3, 2010. Schafer was the first person killed in a shark attack in Florida in five years, experts said. (AP Photo/The Stuart News, Chris Shultz) (Chris Shultz - AP)

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thigh.

"It looks like the shark hit his leg and he put his hand down there and that became part of the same bite," O'Neil said.

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The thigh wound, which severed branches of the femoral artery, was fatal.

"That was the more significant wound and would have caused death even without that bite to the buttocks," O'Neil said.

The culprit was likely a bull or a tiger shark, the most likely of the species typically found off South Florida to bite in a predatory attack, Burgess said.

"This one here clearly is an event where the shark knew what it was doing,"

Burgess said. If Schafer hadn't climbed on his kiteboard and been pulled to shore by Lund, the attack likely would have continued.

It was the first deadly shark attack in Florida in five years. The last was in 2005 off the Panhandle, where a 14-year-old Louisiana girl was attacked while swimming about 100 yards off shore. Burgess said that attack was very similar to Wednesday's attack and was perpetrated by a bull shark.

The International Shark Attack File lists 1,032 documented shark attacks in the U.S. since 1690. Fifty were fatal. Florida leads the world in the number of shark attacks annually.

On The Net:

International Shark Attack File: <http://www.flmnh.ufl.edu/fish/Sharks/ISAF/ISAF.htm>

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001729

EXHIBIT

57

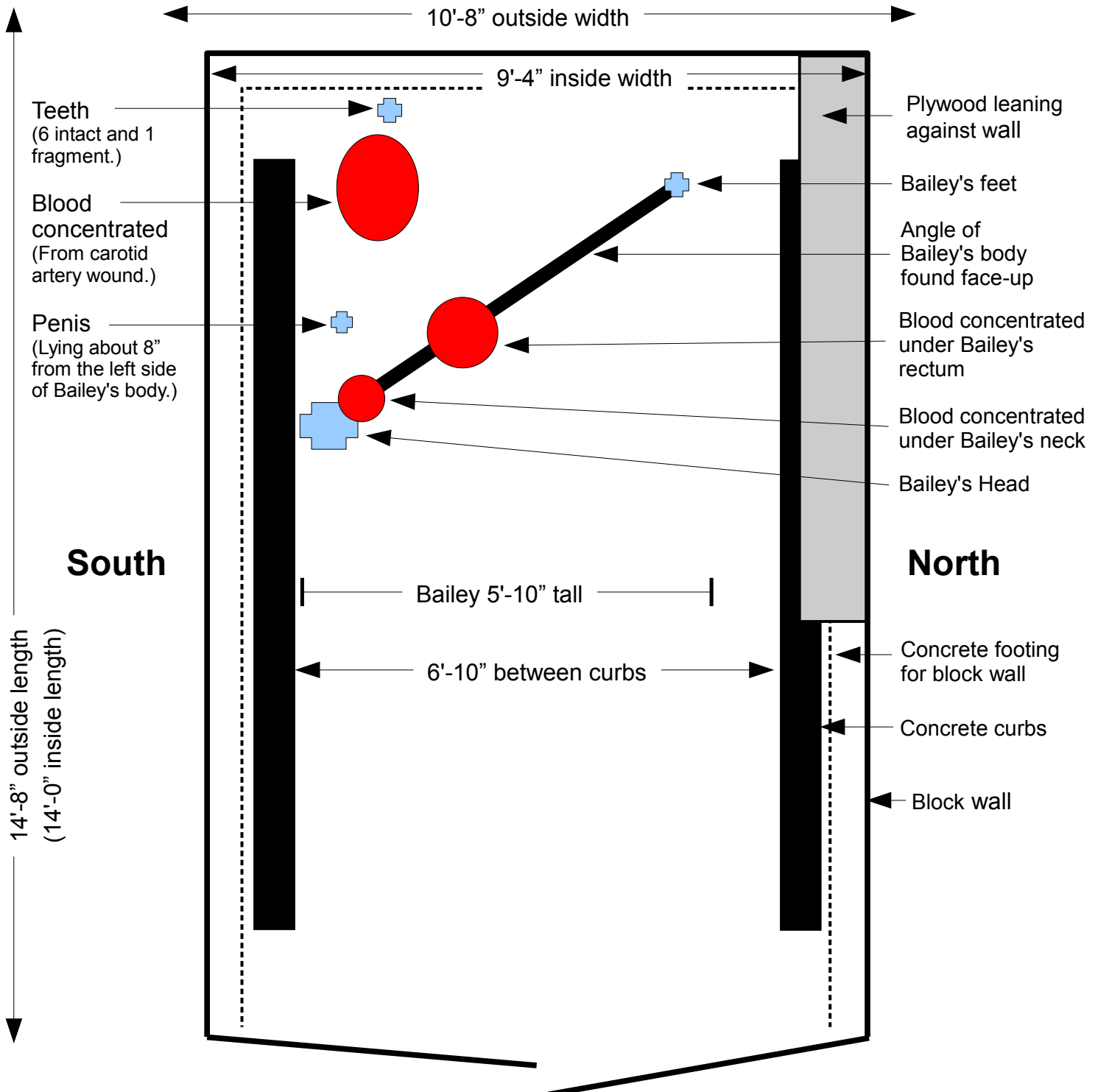
Location of Duran Bailey's body, teeth, penis and blood concentration inside the trash enclosure

Nevada State Bank
4240 W Flamingo Rd., Las Vegas, NV

(Drawing of trash enclosure to scale. The location of Bailey's teeth, penis, head, feet and blood are to scale based on LVMPD crime scene photos. Drawing by Hans Sherrer, March 30, 2010.)

Scale 1' = 1/2"

West



001731

EXHIBIT

58

40400010_Plywood_against_north_wall.jpg

Plywood against north wall



001733

EXHIBIT

59

Apr. 15—In Assembly. Senate amendment concurred in. To enrollment.
Apr. 18—Enrolled and delivered to Governor.
Apr. 21—Approved by the Governor. Chapter 155.
Effective July 1, 1983.

A. B. 285—Malone, Fay, Brady, Stone, Bourne, Nevin, Kovacs, Banner, Ham, Price, Perry, Dini, Vergiels, Thompson, Bremner, Collins, Sader, Redelsperger, Schofield, Humke, Kerns, Bogaert, Beyer, Zimmer and Coffin, Mar. 2.

Summary—Abolishes fixed terms for members of public service commission of Nevada and terminates current terms. (BDR 58-1513) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Mar. 2—Read first time. Referred to Committee on Government Affairs. To printer.

Mar. 3—From printer. To committee.

A. B. 286—Committee on Labor and Management, Mar. 2.

Summary—Permits chiropractors to certify certain applications concerning benefits from industrial insurance. (BDR 53-1182) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Mar. 2—Read first time. Referred to Committee on Labor and Management. To printer.

Mar. 3—From printer. To committee.

Mar. 14—From committee: Do pass.

Mar. 15—Read second time. To engrossment. Engrossed.

Mar. 16—Read third time. Passed. Title approved. To Senate.

Mar. 17—In Senate. Read first time. Referred to Committee on Commerce and Labor. To committee.

Mar. 25—From committee: Do pass.

Mar. 28—Read second time.

Mar. 29—Read third time. Passed. Title approved. To Assembly. In Assembly. To enrollment.

Mar. 30—Enrolled and delivered to Governor.

Apr. 2—Approved by the Governor. Chapter 109.

Effective July 1, 1983.

A. B. 287—Stone, Nevin, Stewart, Berkley, Thomas, Marvel, Bourne, Fay, Malone, Perry, Redelsperger, Humke, Kerns, Collins, Thompson, May, Ham, Banner, Beyer, Bogaert, Jeffrey, Kovacs, Sedway, Joerg, Brady and Nicholas, Mar. 2.

Summary—Prohibits necrophilia and limits grant of probation or parole to persons so convicted. (BDR 16-806) Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Mar. 2—Read first time. Referred to Committee on Judiciary. To printer.

Mar. 3—From printer. To committee.

Mar. 22—From committee: Amend, and do pass as amended.

Mar. 23—Read second time. Amended. To printer.

Mar. 24—From printer. To engrossment. Engrossed. First reprint.

Mar. 25—Taken from General File. Placed on Chief Clerk's desk.

Mar. 29—Taken from Chief Clerk's desk. Placed on General File. Read third time. Passed, as amended. Title approved. To Senate.

Mar. 30—In Senate. Read first time. Referred to Committee on Judiciary. To committee.

Apr. 8—From committee: Do pass.

Apr. 11—Read second time.

Apr. 12—Taken from General File. Placed on General File for next legislative day.

Apr. 13—Read third time. Passed. Title approved. To Assembly.

Apr. 14—In Assembly. To enrollment.
Apr. 18—Enrolled and delivered to Governor.
Apr. 20—Approved by the Governor. Chapter 149.
Effective July 1, 1983.

62-63 NEVADA LEGISLATURE
ASSEMBLY JUDICIARY COMMITTEE
ASSEMBLY BILLS

BILL NO.	DATE REFERRED	SUMMARY OF BILL	DATE(S) HEARD	ACTION TAKEN
AB 287	03/02/83	Prohibits necrophilia and limits grant of probation or parole to persons so convicted. (BDR 16-806)	03/16/83	AMEND AND DO PASS
AB 299	03/03/83	Requires justices of the peace in large counties to be attorneys at law. (BDR 1-692)	03/23/83 03/24/83	No action taken. AMEND AND DO PASS
AB 300	03/03/83	Makes various amendments to laws regarding abuse of elderly. (BDR 16-658)	04/06/83 04/15/83 04/27/83	Subcommittee: Berkley, Stone, Humke No action taken. AMEND AND DO PASS
AB 303	03/04/83	Allows commissioner of insurance to investigate certain claims of insurance fraud. (BDR 57-594)	03/14/83 04/14/83 04/27/83	Subcommittee: Berkley, Humke, Billyeu No action taken. AMEND AND DO PASS
AB 313	03/04/83	Requires upon request pretrial hearing on alibi claimed by defendant. (BDR 14-805)	03/10/83	INDEFINITELY POSTPONE
AB 314	03/04/83	Defines "prima facie evidence". (BDR 4-1243)	03/10/83	INDEFINITELY POSTPONE
				Page Eleven (11)

ASSEMBLY JUDICIARY COMMITTEE
62nd SESSION NEVADA LEGISLATURE
LEGISLATIVE ACTION

DATE OF ACTION: March 16, 1983

BILL NO: AB 287

SUMMARY : Prohibits necrophilia and limits grant of
probation or parole to persons so convicted.
(BDR 53-1182)

MOTION : AMEND AND DO PASS

AMENDMENT : Increase penalty to five years to life.

MADE BY :	SECONDED BY :		VOTE	
			YES	NO
		SHELLEY BERKLEY	X	---
		BYRON BILYEU	X	---
		GENE COLLINS	X	---
		ROBERT FAY	---	---
		JANE HAM	X	---
		DAVID HUMKE	X	---
		MIKE MALONE	X	---
		LEONARD NEVIN	X	---
		JAMES STONE	X	---
		COURTENAY SWAIN	X	---
		JAN STEWART	X	---
		TALLY:	10	---

MOTION :

AMENDMENT :

MADE BY :	SECONDED BY :		VOTE	
			YES	NO
		SHELLEY BERKLEY	---	---
		BYRON BILYEU	---	---
		GENE COLLINS	---	---
		ROBERT FAY	---	---
		JANE HAM	---	---
		DAVID HUMKE	---	---
		MIKE MALONE	---	---
		LEONARD NEVIN	---	---
		JAMES STONE	---	---
		COURTENAY SWAIN	---	---
		JAN STEWART	---	---
		TALLY:	---	---

995

001737

MEMBERS PRESENT: Chairman Jan Stewart
Vice Chairman Shelley Berkley
Mr. Byron Bilyeu
Mr. Gene Collins
Mrs. Jane Ham
Mr. David Humke
Mr. Mike Malone
Mr. Leonard Nevin
Mr. James Stone
Mrs. Courtenay Swain

MEMBERS ABSENT: Mr. Robert Fay

GUESTS PRESENT: See Guest List which is attached to these minutes as EXHIBIT A

Chairman Stewart called the meeting to order at 8:00 AM, and directed the Committee's attention AB 287.

AB 287: Prohibits necrophilia and limits grant of probation or parole to persons so convicted. (BDR 53-1182)

Mr. Ed Basl, representing the Washoe County District Attorney's office, and Nevada District Attorney's Association, introduced the bill. He said that this bill was sponsored and drafted by his office as a result of a case which occurred last year. This case is still pending, so details are not available. Generally, a body of a young girl was taken from a mortuary, sexually assaulted, and deposited in a garbage can. When the facts came to light, they had to research the law for violation and finally found a section under Chapter 451.030, the dead bodies section of the NRS. That was the only area they could find a felony provision. While that is appropriate, discusses a "grave robbing statute" which concerns stealing a body for dissection, sale, and other listed purposes. In that statute, they used the portion "wantonness and malice". While that applies, it is not the best type of language to go on. This bill would be under Chapter 201, that any sexual penetration of a body (and it is specifically defined) would require a penalty of 2 to 20 years or a fine of not more than \$20,000. That was the initial suggestion. The only change he would now like to make is to have the penalty the same as sexual assault which is five years to life, either a definite term or a possibility of life sentence with a minimum of five years having to be served. This bill would alleviate the problem on those few occasions when it occurs.

In answer to Mr. Malone, Mr. Basl said the girl was age seven. He said that the rape provisions could not apply in these cases, since they refer to a "person", and a person is not defined as including a dead body. Specific language can be found in NRS 200.366.

There being no further testimony, Chairman Stewart closed the hearing on AB 287, and directed the Committee to AB 148.

388

EXHIBIT A

PLEASE PRINT

2355

REPRESENTING

TO SPEAK:

AGAINST BILL NO.

FOR BILL NO.

468.237

APR 15

4643

4111/48

Cattle industry

4. Form 70 (CO) (THE GUEST 1.57)

EXHIBIT

60

SIXTY-SECOND SESSION, 1983

INDEX OF ALL MEASURES IN AND REFERRED TO SENATE COMMITTEE ON

JUDICIARY

PAGE (16)

Current co

Bill or Resolution Number	Date Referred to Committee	Intro-ducer's Committee Name	Summary	Date Discussed in Committee	Action	Senate Action	Assembly Action	Governor's Approval
AB 242	3/15	Assembly Commerce	Limits exemption of land located outside of Nevada from requirements for subdivision of land	3/31	Do Pass 3/31	Passed 4/18	Passed 3/14	4/26
AB 245	4/29	Assembly Judiciary	Increases penalty for battery which results in substantial bodily harm	5/4 5/17	Indef. Postpone, 5/17		Passed 4/29	
AB 246	5/14	Assembly Judiciary	Makes various changes regarding preliminary examinations	5/17	Indef. postpone, 5/17		Passed 5/14	
AB 257	3/23	Assembly Ham, et al	Provides right of visitation for grandparents after divorce or death of a parent	3/30, 4/8 4/14, 4/26 5/4, 5/5	Amend, do pass, 4/27 Indef. postpone, 5/5		Passed 3/22	
AB 275	4/19	Assembly Malone	Provides for forfeiture of certain property used in certain crimes	5/4, 5/7	Amend, do pass, 5/12	Passed 5/13	Passed 4/18	5/22
AB 287	3/30	Assembly Stone	Prohibits necrophilia and limits grant for probation or parole to persons so convicted	4/5, 4/7	Do Pass, 4/8	Passed 4/13	Passed 3/29	4/20
AB 299	4/20	Assembly Berkeley	Requires justices of the peace in large counties to be attorneys at law	5/4, 5/14 5/16 (p.m.)	Amend, do Pass, 5/16	Lost 5/19	Passed 4/19	
AB 300	5/11	Assembly Schfield	Makes various amendments to laws regarding abuse of the elderly	5/15, 5/16 (p.m.)	Amend, do pass, 5/18	Passed 5/21	Passed 5/10	5/26
AB 324	3/8	Assembly Stewart	Limits application of good time to eligibility for parole	4/7	Do Pass, 4/8	Passed 4/12	Passed 3/31	4/21
AB 326	4/25	Assembly Govt. Aff.	Revises provisions for handling of certain money received by Nevada Athletic Comm.	5/4	Do Pass, 5/4	Passed 5/6	Passed 4/22	5/10
AB 339	4/26	Assembly Berkeley	Imposes additional filing fee in civil actions to support legal aid programs for elderly persons	5/6	Do Pass, 5/6	Passed 5/9	Passed 4/25	5/12

001741

AGENDA FOR THE COMMITTEE ON JUDICIARY

Date Tuesday, April 5, 1983 Time 8:30 a.m. Room 213

Bills or Resolutions
to be considered

Subject

- | | |
|----------|---|
| A.B. 287 | Prohibits necrophilia and limits grant of probation or parole to persons so convicted |
| A.B. 358 | Increases rate credited for unpaid fines or public work therefor. |
| A.B. 206 | Permits impaneling grand jury for limited purpose |
| S.B. 210 | Authorizing longer rest periods between rounds of boxing contests. |

EXHIBIT

27



Frequent Heartburn?

View Videos With Diet Tips You Need To Get Relief From Heartburn.
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[Cooking Junkies Forums](#) > [General Cooking](#) > [Health and Nutrition](#)

DIGESTION TIMES of Various Foods

DIGESTION TIMES of Various Foods. Discuss **DIGESTION TIMES of Various Foods**, on Cooking Junkies.

Discuss good health, diets and nutrition.

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03-31-2005, 12:11 PM

#1 ([permalink](#))



DishyDelishy
Senior Cook

Join Date: Mar 2005
 Location: In the Kitchen, by the coffee
 Posts: 623
 Thanks: 5
 Thanked 7 Times in 7 Posts

DIGESTION TIMES of Various Foods

DIGESTION TIME OF VARIOUS FOODS
 (approx. time spent in stomach before emptying)

Water when stomach is empty, leaves immediately and goes into intestines,
 Juices Fruit vegetables, vegetable broth - 15 to 20 minutes.
 Semi-liquid (blended salad, vegetables or fruits) - 20 to 30 min.

Fruits

Watermelon - 20 min.digestion time.
 Other melons - Canteloupe, Cranshaw, Honeydew etc. - 30 min.
 Oranges, grapefruit, grapes - 30 min.
 Apples, pears, peaches, cherries etc. - digest in 40 min.

Vegetables

Raw tossed salad vegetables - tomato, lettuces, cucumber, celery, red or green pepper, other succulent vegetables - 30 to 40 min. digestion. -
 Steamed or cooked vegetables
 Leafy vegetables - escarole, spinach, kale, collards etc. - 40 min. - Zucchini, broccoli, cauliflower, string beans, yellow squash, corn on cob - all 45 min. digestion time
 Root vegetables - carrots, beets, parsnips, turnips etc. - 50 min.

Semi-Concentrated Carbohydrates - Starches

Jerusalem artichokes & leafy, acorn & butternut squashes, corn, potatoes, sweet potatoes, yam, chestnuts - all 60 min. digestion.

Concentrated Carbohydrates - Grains

Brown rice, millet, buckwheat, cornmeal, oats (first 3 vegetables best) - 90 min.

Legumes & Beans - (Concentrated Carbohydrate & Protein)

Lentils, limas, chick peas, peas, pigeon peas, kidney beans, etc. - 90 min. digestion time
 soy beans -120 min. digestion time

001629

Seeds & Nuts

Seeds - Sunflower, pumpkin, pepita, sesame - Digestive time approx. 2 hours.

Nuts - Almonds, filberts, peanuts (raw), cashews, brazil, walnuts, pecans etc. - 2 1/2 to 3 hours to digest.

Dairy

Skim milk, cottage or low fat pot cheese or ricotta - approx. 90 min. digestion time

whole milk cottage cheese - 120 min. digestion

whole milk hard cheese - 4 to 5 hours digestion time

Animal proteins

Egg yolk - 30 min. digestion time

Whole egg - 45 min.

Fish - cod, scrod, flounder, sole seafood - 30 min. digestion time

Fish - salmon, salmon trout, herring, (more fatty fish) - 45 min. to 60 digestion time

Chicken - 1½ to 2 hours digestion time (without skin)

Turkey - 2 to 2¼ hours digestion time (without skin)

Beef, lamb - 3 to 4 hours digestion time

Pork - 4½ to 5 hours digestion time

(Editor's notes

Note1: raw animal proteins have much faster digestion times than the above times for cooked/heated animal proteins.

Note2: The digestion times given are under an ideal situation of eating only one food, chewing well, and having efficient digestion, as is the case e.g. after a fast. They are digestion times for optimally healthy persons, with good eating habits. The digestion times are to a large part derived from Dr. Gian-Cursio's and Dr. Bass' practices.

Digestion times are much longer on a conventional diet, and for persons with non-optimized digestive systems, or persons lacking in energy, and for meals with many ingredients put together haphazardly = not in the optimum sequential order.)

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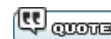
ralphsfarmmarket.com

Probiotics for Digestion

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DishyDelishy

09-25-2009, 12:38 PM

#2 ([permalink](#))



NYCLipo
Senior Cook

Join Date: Sep 2009
Posts: 284
Thanks: 5
Thanked 0 Times in 0 Posts



This is a very informative dish.. Thanks. By this chart you will be able to pick or to choose food and to know when it would be digested.. 😊

001630

EXHIBIT

28

March 19, 2009

Natasha Richardson, 45, Stage and Film Star, Dies

By **BRUCE WEBER; IAN AUSTEN, PATRICK HEALY AND LIZ ROBBINS** CONTRIBUTED REPORTING.

Natasha Richardson, a Tony Award-winning actress whose career melded glamorous celebrity with the bloodline of theater royalty, died Wednesday at Lenox Hill Hospital in Manhattan. She had suffered head injuries in a skiing accident Monday north of Montreal, and was flown to New York on Tuesday. She was 45 and lived in Manhattan and in Millbrook, N.Y.

Alan Nierob, a spokesman for her husband, the actor Liam Neeson, announced Ms. Richardson's death Wednesday night.

"Liam Neeson, his sons, and the entire family are shocked and devastated by the tragic death of their beloved Natasha," a statement said. "They are profoundly grateful for the support, love and prayers of everyone, and ask for privacy during this very difficult time."

The statement did not disclose the cause of death or discuss Ms. Richardson's medical condition.

The gravity of her injuries had prompted an outpouring of public interest and concern and flurries of rumor and speculation since Monday, when reports of her accident began filtering out of the Mont Tremblant ski resort in the Laurentian hills.

Ms. Richardson, who was not wearing a helmet, had fallen during a beginner's skiing lesson, a resort spokeswoman, Lyne Lortie, said Tuesday. "It was a normal fall; she didn't hit anyone or anything," Ms. Lortie said. "She didn't show any signs of injury. She was talking and she seemed all right."

Still, an instructor and a ski patrol member accompanied her off the slopes, and when Ms. Richardson complained of a headache about an hour later in her hotel, she was taken by ambulance to a hospital nearby and later transferred to one in Montreal. She was flown to Lenox Hill on Tuesday afternoon.

On Wednesday, as television news vans stood outside, friends including Lauren Bacall and family members including Ms. Richardson's mother, Vanessa Redgrave, and sister, the actress Joely Richardson, were observed arriving. Mr. Neeson was seen crouched beside her in an ambulance in Montreal the day before.

The news media attention harked back to the early 1990s, when the couple's relationship was noted in newspapers. She was a blond, beautiful English actress, he was her ruggedly handsome Irish co-star, and the two were thought to be courting right on stage, during a New York production.

Ms. Richardson was an intense and absorbing actress who was unafraid of taking on demanding and emotionally raw roles. Classically trained, she was admired on both sides of the Atlantic for upholding the traditions of one of the great acting families of the modern age.

Her grandfather was Sir Michael Redgrave, one of England's finest tragedians. He passed his gifts, if not always his affection, to his daughters, Vanessa and Lynn Redgrave, and his son, Corin Redgrave. The night Vanessa was born, her father was playing Laertes to Laurence Olivier's Hamlet.

Ms. Richardson was the daughter of Vanessa Redgrave and the film director Tony Richardson, known for "Tom Jones" and "The Loneliness of the Long-Distance Runner." Married in the early 1960s, they were divorced in 1967. He died of AIDS in 1991 at the age of 63.

Ms. Richardson came to critical prominence in England in 1985 as Nina, Chekhov's naïve and vulnerable ingénue in "The Seagull," a role her mother had played to great acclaim in 1964. It was a road production, and when it reached London, Vanessa Redgrave joined the cast as the narcissistic actress Arkadina. The production became legendary, but working with her mother intimidated her.

"She rehearsed like a tornado," Ms. Richardson recalled in a 1993 interview with The New York Times Magazine. "It was completely crazy. She rolled on the floor in some scenes. I was terrified of being on stage with her."

But almost no one doubts that Ms. Redgrave inspired her daughter as well. Like her mother, Ms. Richardson was known for disappearing into a role, for not capitalizing on her looks and for being drawn to characters under duress.

EXHIBIT

29

Online-Photoperiod Calculator V 1.94 L

Author: [J. Lammi](#) (© 1996 - 2008)
jjlammi@yahoo.com

Computation of Daylengths, Sunrise/Sunset Times, Twilight and Local Noon

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Select for dates <input checked="" type="radio"/> Use the current date <input type="radio"/> Input a date value	Select for locations <input checked="" type="radio"/> Use menu of cities <input type="radio"/> Input latitude & longitude	Daylight savings <input type="checkbox"/> Set ON/OFF	<input type="button" value="Help"/>
Calculation Date Year <input type="text" value="2001"/>	Month <input type="text" value="July"/>	Day <input type="text" value="8"/>	
Location	<input type="text" value="Las Vegas"/>	<input type="button" value="Calculate"/>	
Latitude	<input type="text" value="51"/> ° <input type="text" value="30"/> '	<input checked="" type="radio"/> N <input type="radio"/> S Find latitudes	
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Temperature	<input type="text" value="0"/> °C	<input type="text" value="35"/> '	Refraction

© 2008, Jarmo Lammi (revised 22-November-01)
 Daylength: 14:30 hours
 Begin of Nautical Twilight: 04:24 hours
 Begin of Civil Twilight: 05:01 hours
 Sunrise Time: 05:31 hours
 Sunset Time: 20:01 hours
 End of Civil Twilight: 20:31 hours
 End of Nautical Twilight: 21:08 hours
 Max. height angle is 76:16 degr at noon time 12:46
 Declination of Sun: 22:26 degr
 Sun altitude -30:12 degr, azimuth 13:26 degr (UTC 07:00)
 DLST
 Solar power 1194 W/m2 at noon
 Date: Sunday on 2001-07-8, the 189. day of the year

This is the fail-safe version which has no cookies to restore your location parameters while loading.

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001634

EXHIBIT

30



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History for Las Vegas, NV

Sunday, July 8, 2001

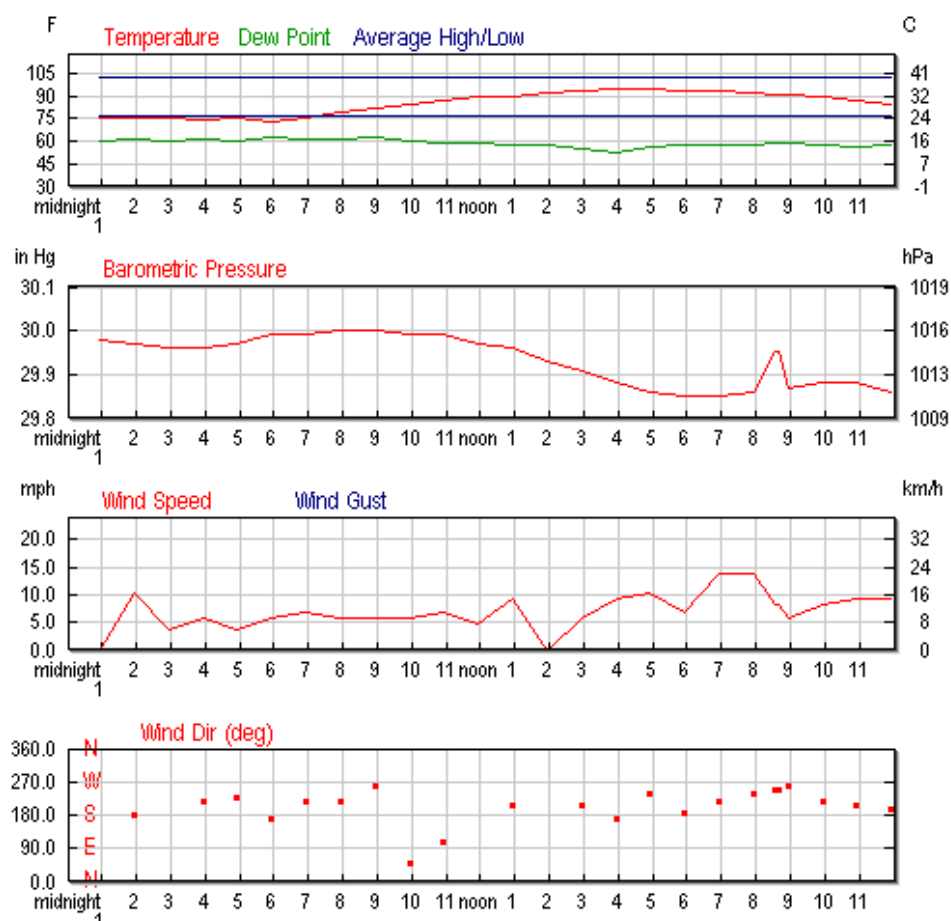
Daily Summary

	Actual:	Average :	Record :
Temperature:			
Mean Temperature	84 °F	91 °F	
Max Temperature	95 °F	104 °F	113 °F (1989)
Min Temperature	73 °F	78 °F	60 °F (1938)
Degree Days:			
Heating Degree Days	0	0	
Month to date heating degree days		0	
Since 1 July heating degree days		0	
Cooling Degree Days	19	25	
Month to date cooling degree days		198	
Year to date cooling degree days		1242	
Growing Degree Days	34 (Base 50)		
Moisture:			
Dew Point	60 °F		
Average Humidity	43		
Maximum Humidity	68		
Minimum Humidity	23		
Precipitation:			
Precipitation	0.00 in	0.01 in	1.29 in (1999)
Month to date precipitation		0.08	
Year to date precipitation		2.42	
Sea Level Pressure:			
Sea Level Pressure	29.94 in		
Wind:			
Wind Speed	3 mph (SW)		
Max Wind Speed	14 mph		
Max Gust Speed	-		
Visibility	10 miles		
Events			

T = Trace of Precipitation, MM = Missing Value

Source: NWS Daily Summary

001636



Hourly Observations

Time (PDT):	Temp.:	Dew Point:	Humidity:	Sea Level Pressure:	Visibility:	Wind Dir:	Wind Speed:	Gust Speed:	Precip:	Events:	Conditions:
12:56 AM	75.9 °F	60.1 °F	58%	29.98 in	10.0 miles	Calm	Calm	-	N/A		Mostly Cloudy
1:56 AM	75.0 °F	61.0 °F	62%	29.97 in	10.0 miles	South	10.4 mph	-	N/A		Mostly Cloudy
2:56 AM	75.9 °F	60.1 °F	58%	29.96 in	10.0 miles	Variable	3.5 mph	-	N/A		Mostly Cloudy
3:56 AM	73.9 °F	61.0 °F	64%	29.96 in	10.0 miles	SW	5.8 mph	-	N/A		Mostly Cloudy
4:56 AM	75.0 °F	60.1 °F	60%	29.97 in	10.0 miles	SW	3.5 mph	-	N/A		Mostly Cloudy
5:56 AM	73.0 °F	62.1 °F	68%	29.99 in	10.0 miles	South	5.8 mph	-	N/A		Scattered Clouds
6:56 AM	75.9 °F	61.0 °F	60%	29.99 in	10.0 miles	SW	6.9 mph	-	N/A		Scattered Clouds
7:56 AM	79.0 °F	61.0 °F	54%	30.00 in	10.0 miles	SW	5.8 mph	-	N/A		Scattered Clouds
8:56 AM	82.0 °F	63.0 °F	52%	30.00 in	10.0 miles	West	5.8 mph	-	N/A		Scattered Clouds
9:56 AM	84.9 °F	60.1 °F	43%	29.99 in	10.0 miles	NE	5.8 mph	-	N/A		Mostly Cloudy
10:56 AM	87.1 °F	59.0 °F	39%	29.99 in	10.0 miles	ESE	6.9 mph	-	N/A		Mostly Cloudy
11:56 AM	90.0 °F	59.0 °F	35%	29.97 in	10.0 miles	Variable	4.6 mph	-	N/A		Mostly Cloudy
12:56 PM	90.0 °F	57.9 °F	34%	29.96 in	10.0 miles	SSW	9.2 mph	-	N/A		Mostly Cloudy
1:56 PM	91.9 °F	57.0 °F	31%	29.93 in	10.0 miles	Calm	Calm	-	N/A		Mostly Cloudy
2:56 PM	93.0 °F	55.0 °F	28%	29.91 in	10.0 miles	SSW	5.8 mph	-	N/A		Mostly Cloudy

001637

Time (PDT):	Temp.:	Dew Point:	Humidity:	Sea Level Pressure:	Visibility:	Wind Dir:	Wind Speed:	Gust Speed:	Precip:	Events:	Conditions:
3:56 PM	95.0 °F	52.0 °F	23%	29.88 in	10.0 miles	South	9.2 mph	-	N/A		Mostly Cloudy
4:56 PM	95.0 °F	55.9 °F	27%	29.86 in	10.0 miles	WSW	10.4 mph	-	N/A		Mostly Cloudy
5:56 PM	93.9 °F	57.0 °F	29%	29.85 in	10.0 miles	South	6.9 mph	-	N/A		Mostly Cloudy
6:56 PM	93.9 °F	57.0 °F	29%	29.85 in	10.0 miles	SW	13.8 mph	-	N/A		Mostly Cloudy
7:56 PM	91.9 °F	57.9 °F	32%	29.86 in	10.0 miles	WSW	13.8 mph	-	N/A		Mostly Cloudy
8:32 PM	91.4 °F	59.0 °F	34%	29.95 in	1.2 miles	WSW	8.1 mph	-	N/A		Haze
8:39 PM	91.4 °F	59.0 °F	34%	29.95 in	10.0 miles	WSW	8.1 mph	-	N/A		Mostly Cloudy
8:56 PM	91.0 °F	59.0 °F	34%	29.87 in	10.0 miles	West	5.8 mph	-	N/A		Mostly Cloudy
9:56 PM	89.1 °F	57.0 °F	34%	29.88 in	10.0 miles	SW	8.1 mph	-	N/A		Scattered Clouds
10:56 PM	87.1 °F	55.9 °F	35%	29.88 in	10.0 miles	SSW	9.2 mph	-	N/A		Mostly Cloudy
11:56 PM	84.9 °F	57.9 °F	40%	29.86 in	10.0 miles	SSW	9.2 mph	-	N/A		Mostly Cloudy



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001638

EXHIBIT

31

40390005_Bailey's_penis

Bailey's penis



001640

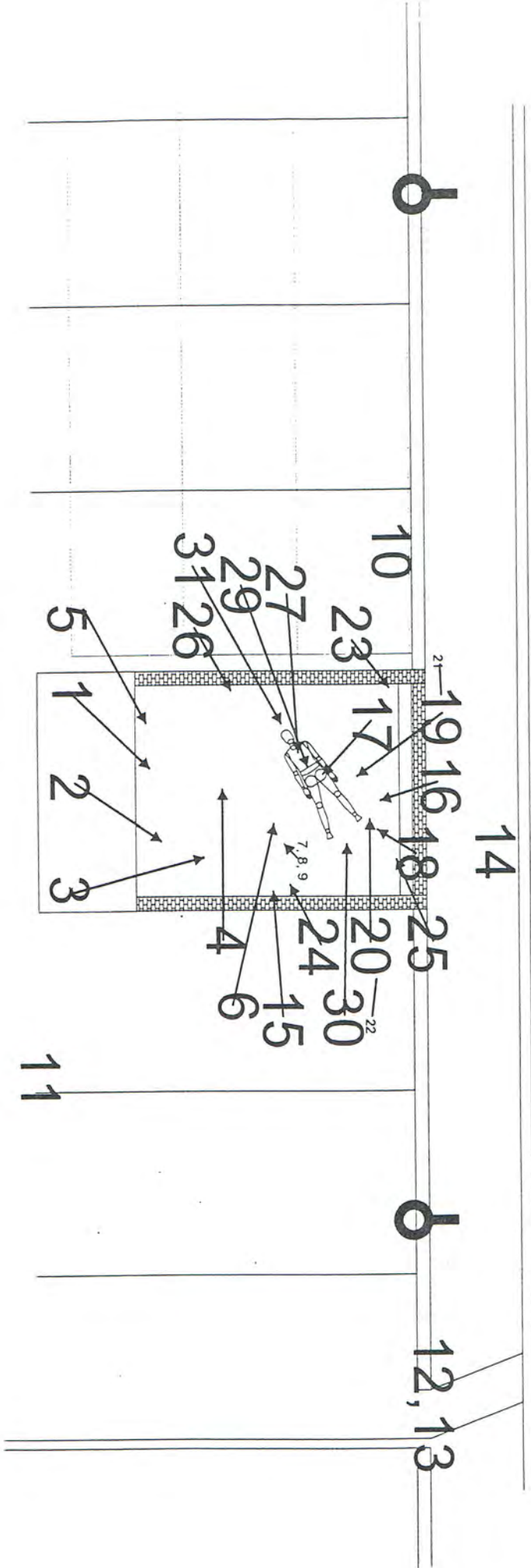
EXHIBIT

32

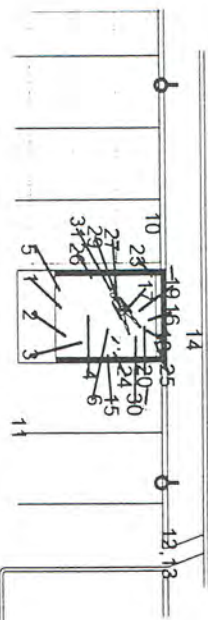
HOMICIDE
010708-2410
4240 W. FLAMINGO RD
070801

D. FORD 4244
drawing not to scale

SCALE
1" = 10'
A - SIZE

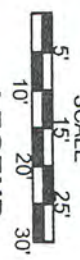


DESCRIPTION:	STREET:	CITY:	COUNTY:
Homicide Investigation	4240 W. FLAMINGO RD	LAS VEGAS	CLARK



HOMICIDE
010708-2410
4240 W. FLAMINGO RD
070801

D. FORD 4244
drawing not to scale



LEGEND

- | | |
|---------------------------|---|
| 1 - cut chain link | 17 - small rock |
| 2 - cut chain link | 18 - two (2) buttons |
| 3 - cut chain link | 19 - hairpik |
| 4 - cut padlock hasp | 20 - metal link chain |
| 5 - cut chain link | 23 - gray socks |
| 6 - sandals | 24 - Gallery magazine |
| 7 - apparent blood sample | 25 - XXX Adult magazine |
| 8 - apparent blood sample | 26 - Marlboro cigarette box |
| 9 - apparent blood sample | 27 - piece of cardboard |
| 10 - torn condom pack | 29 - surge suppressor box |
| 11 - chewing gum pack | 30 - box bottom |
| 12 - foil gum wrappers | 31 - folded cardboard w/ apparent blood |
| 13 - gum wrapper | |
| 14 - ATM receipt | |
| 15 - beer can | |
| 16 - wad of chewing gum | |

CASE #:	CRIME SCENE ANALYST:	DATE:	APPROXIMATE:
010708-2410	CRD	070801	4" = 25' SIZE

HOMICIDE

010708-2410

4240 W. FLAMINGO RD

070801

D. FORD 4244

drawing not to scale

LEGEND

- | | |
|---------------------------|---|
| 1 - cut chain link | 17 - small rock |
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| 12 - foil gum wrappers | 31 - folded cardboard w/ apparent blood |
| 13 - gum wrapper | |
| 14 - ATM receipt | |
| 15 - beer can | |
| 16 - wa. of chewing gum | |

001644

HOMICIDE

010708-2410

4240 W. FLAMINGO RD

070801

D. FORD 4244

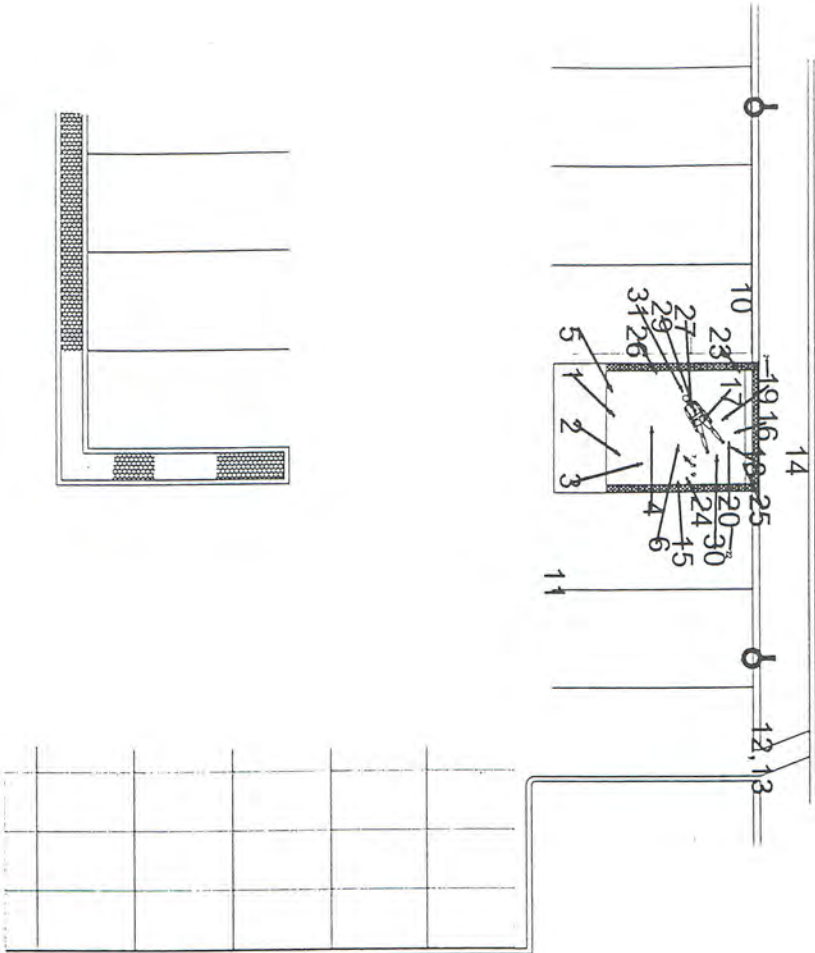
drawing not to scale

SCALE



LEGEND

- | | |
|---------------------------|---|
| 1 - cut chain link | 17 - small rock |
| 2 - cut chain link | 18 - two (2) buttons |
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| 12 - foil gum wrappers | 31 - folded cardboard w/ apparent blood |
| 13 - gum wrapper | |
| 14 - ATM receipt | |
| 15 - beer can | |
| 16 - wad of chewing gum | |



LAS VEGAS METROPOLITAN POLICE DEPARTMENT
EVIDENCE IMPOUND REPORT

EVIDENCE	*	FOUND PROPERTY		SAFE KEEPING		EVENT #	010708-2410
INCIDENT: HOMICIDE						DATE:	070901
LOCATION: 4240 W. FLAMINGO							
VICTIM # 1: JOHN 'PALMS'DOE				VICTIM #2:			

EVIDENCE	LOCATION RECOVERED
PACKAGE #4244/1:	
Item #1 - cut chain link	approx 14'7" east of west wall and 5'2" south of north wall of enclosure
Item #2 - cut chain link	approx 13'4" east of west wall and 1'6" south of north wall of enclosure
Item #3 - cut chain link	approx 11'5" east of west wall and 2'0" south of north wall of enclosure
Item #4 - cut padlock hasp	approx 10'7" east of west wall and 5'3" south of north wall of enclosure
Item #5 - cut chain link	approx 13'10" east of west wall and 7'3" south of north wall of enclosure
PACKAGE #4244/2:	
Item #6 - one pr brown sandals w/ apparent blood	approx 7'11" east of west wall and 3'6" south of north wall of enclosure
PACKAGE #4244/3:	
Item #7 - apparent blood sample and control	approx 7'4" east of west wall and 3'4" south of north wall of enclosure (below right sandal)
Item #8 - apparent blood sample and control	from left sandal of item #6
Item #9 - apparent blood sample and control	with item #8
PACKAGE #4244/4:	
Item #10 - torn condom pack w/ kleenex	approx adjacent to the north-south curb in the parking lot and 5'9" south of south exterior wall of enclosure
PACKAGE #4244/5:	
Item #11 - empty pack of WRIGLEY'S EXTRA chewing gum	approx 8'6" north of north exterior wall and 18'8" east of west wall of enclosure

Crime Scene Analyst Supervisor		P #	JUL 30 2001	Senior Crime Scene Analyst	<i>[Signature]</i>	P #	4244
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EVIDENCE	LOCATION RECOVERED
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PACKAGE #4244/5 CONTINUED:

Item #12 - two (2) foil gum wrappers approx 24'9" north of north exterior wall and 0'9" west of west wall

Item #13 - one (1) paper gum wrapper with item #12

PACKAGE #4244/6:

Item #14 - ATM Receipt dtd 070601 22:59 approx 3'6" west of west exterior wall and 3'4" south of north wall

PACKAGE #4244/7:

Item #15 - empty 'MILWAUKEE'S BEST' beer can approx 6'7" east of west wall and adjacent to the north wall on leg of sign

PACKAGE #4244/8:

Item #16 - wad of chewing gum on cardboard piece w/ apparent blood approx 1'10" east of west wall and 4'6" south of north wall of enclosure

PACKAGE #4244/9:

Item #17 - small rock w/ apparent blood from victim's left buttocks

PACKAGE #4244/10:

Item #18 - two (2) black buttons w/ torn thread and apparent blood approx 1'10" east of west wall and 4'6" south of north wall of enclosure

PACKAGE #4244/11:

Item #19 - pink hairpik w/ apparent blood approx 3'0" east of west wall and 5'8" south of north wall of enclosure

PACKAGE #4244/12:

Item #20 - gold colored metal link chain approx 17 1/2" long and 3/4" wide w/ apparent blood approx 2'3" east of west wall and 4'0" south of north wall of enclosure

PACKAGE #4244/13:

Item #21 - flaked blood from item #19

Item #22 - flaked blood from item #20

PACKAGE #4244/14:

Item #23 - one pr gray socks w/ maroon and red stripes approx 1'6" east of west wall and adjacent to the south wall of enclosure

Crime Scene Analyst Supervisor		P #		Senior Crime Scene Analyst	<i>D. P. Ford</i>	P #	4244
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EVIDENCE	LOCATION RECOVERED
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PACKAGE #4244/15:

Item #24 - Aug 2000 issue of GALLERY magazine approx 7'1" east of west wall and adjacent to the north wall of enclosure

Item #25 - XXX Adult Entertainment magazine w/ apparent blood approx 0'7" east of west wall and 3'11" south of north wall of enclosure

PACKAGE #4244/16:

Item #26 - empty flip top box of MARLBORO LIGHT cigarettes approx 9'7" east of west wall and adjacent to the south wall of enclosure

PACKAGE #4244/17:

Item #27 - piece of cardboard w/ bloody footwear cut from cardboard located on top of victim

PACKAGE #4244/18:

Item #28 - opaque lifts of PR footwear from PR - SHOTT, RICHARD

PACKAGE #4244/19:

Item #29 - surge suppressor box from trash pile - on top of victim

PACKAGE #4244/20:

Item #30 - box bottom for 8 ½ X11 paper from trash pile at victims feet

PACKAGE #4244/21:

Item #31 - folded cardboard box w/ apparent blood from trash pile - at upper torso of victim

PACKAGE #4244/22:

Item #32 - US AIRWAYS Boarding Pass bearing the name CULLUM, ROBERT dtd 12JUN for flight from PITTSBURGH to ORLANDO INTL from inside trash bag - from trash pile on top of victim

NOTE: ITEMS #10 THRU #13, #15, #24 THRU #26, #29 AND #32 WERE PROCESSED FOR LATENT PRINTS WITH POSITIVE RESULTS FROM ITEMS #15 AND #29

NOTE: FIELD PRESUMPTIVE TESTS FOR THE PRESENCE OF BLOOD WERE CONDUCTED ON ALL ITEMS WITH APPARENT BLOOD WITH POSITIVE RESULTS

ALL 30 091

Crime Scene Analyst Supervisor		P #		Senior Crime Scene Analyst	<i>[Signature]</i> D. Ford	P #	4244
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EVIDENCE	LOCATION RECOVERED
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NOTE: B&W NEGATIVES WITH SCALE WERE
EXPOSED OF THE BLOODY FOOTWEAR ITEM
#27

Crime Scene Analyst Supervisor		P #		Senior Crime Scene Analyst	<i>B. Ford</i>	P #	4244
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EXHIBIT

33

40390019_Blood at crime scene a.jpg

Blood at crime scene



001651

EXHIBIT

34

40400009_Bailey's_groin a.jpg

Bailey's groin



001653

EXHIBIT

35

CRIME SCENE REPORT

SECTOR / BEAT

PINACA, NV

INCIDENT HOMICIDE FOLLOW-UP		EVENT# 010708-2410	
REQUESTING OFFICER T. HOWSEN, P#1467	DIVISION ISD	DATE 7/20/01	TIME 1515
LOCATION JOHN "PALMS" DOE		670 CALLAWAY ST., PINACA, NV	

RESULTS OF INVESTIGATION ☐ NO ACTION TAKEN ☐ NO EVIDENCE RECOVERED

1. PHOTOGRAPHY

- ☐ black and white negatives exposed
☒ color negatives exposed
☐ _____

2. LATENT PRINT PROCESSING

- ☐ latent processing conducted
☐ latent fingerprints lifted
☐ latent palm prints lifted
☐ negative results
☐ _____

3. FIREARMS EVIDENCE

- ☐ projectile(s) recovered
☐ casing(s) recovered
☐ cartridge(s) recovered
☐ weapon(s) recovered
☐ _____

4. FOOTWEAR OR TIRE IMPRESSIONS

- ☐ footwear ☐ tire impression(s)
☐ casting ☐ original surface recovered
☐ photographed ☐ _____

5. POSSIBLE BODY FLUIDS RECOVERED

- ☐ blood-like substance(s) ☐ control(s)
☐ _____

6. TOOLMARK EVIDENCE

- ☐ original surface recovered ☐ casting
☐ tools
☐ _____

7. OTHER REFER TO EVIDENCE IMPOUND REPORT

- ☒ Refer Property Report

VEHICLES:

84 FIERO SE, RED, 2D, PERSONALIZE NV/4N1K8ER

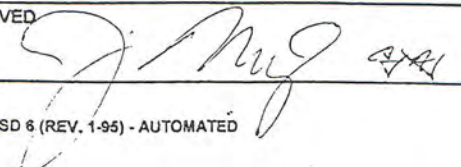
ADDITIONAL INFORMATION:

Color negatives were exposed showing the location and overall condition of the following: location of vehicle, which was parked in front of the residence, facing east; seals placed on the vehicles; overalls of arrestee Kirsten Blaise Lobato.

A pair of black high heel sandals were given to me by Kirsten Blaise Lobato and I impounded them as evidence. At the Crime Lab, additional color negatives were exposed showing the condition of the shoes, which included an apparent blood stain on the right shoe, in the big toe area.

The apparent blood on the shoe tested positive for apparent blood.

I followed the vehicle to the Crime Lab where it was secured and turned over to Sr. Crime Scene Analyst L. Renhard, P#5223, for processing.

APPROVED 	P# 1823	I.D. OFFICER M. Thomas	P# 4032
--	-------------------	----------------------------------	-------------------

12 M. THOMAS

4032

EVIDENCE IMPOUND REPORT

EVIDENCE ☒FOUND PROPERTY ☐SAFE KEEPING ☐

EVENT #

010708-2410

Incident:

HOMICIDE FOLLOW-UP

Date:

7/20/01

Location:

670 CALLAWAY ST., PINACA, NV

Victim # 1:

-

Victim #2:

84 PONT FIERO PE/4N1K8ER

EVIDENCE

LOCATION RECOVERED

PACKAGE 4032-01

ITEM 01- PAIR OF HIGH
HEEL BLACK SANDALS, "CLUB
ZONE" WITH APPARENT BLOOD
ON THE RIGHT SHOE, IN
THE BIG TOE AREA

NOTE: RIGHT SHOE TESTED
POSITIVE FOR APPARENT BLOOD.

GIVEN TO ME BY KIRSTEN
BLAISE LOBATO

APPROVED

LVMPD ISD 10 (REV. 3-95)

P#

1583

I.D. OFFICER

Maria Thomas

P#

4032

001656

EXHIBIT

36

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY REPORT OF EXAMINATION

NAME: LOBATO, Kirstin (suspect)
BAILEY, Duran (victim)

CASE: 01 0708-2410,

AGENCY: LVMPD

DATE: August 6, 2001

INCIDENT: HOMICIDE

BOOKED BY: CSA Ford/Thomas
CSA Renhard/ Carr

REQUESTED BY: LaRochelle/Thowsen

AUG 6 2001

I, THOMAS A. WAHL, do hereby declare:

That I am a Criminalist employed by the Las Vegas Metropolitan Police Department;

That on October 14, 1996, I first qualified in the Eighth Judicial District Court of Clark County, Nevada, as an expert witness;

That I received evidence in the above case and completed an examination on the following items:

TAW 1 item 1D - blood samples from Duran Bailey

TAW 2 - DNA Buccal Swab Kit from Kirstin Lobato

TAW 3 - Sealed envelope (package# 4244/4) booked by Ford containing:
Item 16 - wad of chewing gum on cardboard with apparent blood recovered from scene

TAW4 - Sealed envelope (package# 4244/8) booked by Ford containing:
Item 10 - torn condom pack with piece of Kleenex recovered from scene

TAW5 - Sealed paper bag (package# 4032-01) booked by Thomas containing:
Item 01 - pair of black high heel sandals with apparent blood reportedly collected from Kirstin Lobato

TAW6 - Sealed paper bag (package# 4792/2) booked by Carr containing:
Item 2 - pair of Nike Air shoes, black & white color reportedly collected from Kirstin Lobato

TAW7 - Sealed paper bag (package# 5223-2) booked by Renhard containing:
Item 2 - one aluminum baseball bat recovered from vehicle

TAW8 - Sealed paper bag (package# 5223-4) booked by Renhard containing:
Item 4 - one vehicle slip cover, red with white & black floral print recovered from vehicle
Item 5 - seat cover, two tone gray from front left of vehicle recovered from vehicle

TAW9 - Sealed cardboard box (package# 5223-3) booked by Renhard containing:
Item 3 - one interior left door panel recovered from vehicle

TAW10 - Sealed envelope (package# 4244/3) booked by Ford containing:
Item 7 - apparent blood sample & control swabbed from below sandal at scene
Item 8 - apparent blood sample & control swabbed from sandal at scene
Item 9 - apparent blood sample & control swabbed from sandal at scene

TAW11 - Sealed envelope (package# 4032-09) booked by Thomas containing:
Item 10 - small pieces of apparent plastic with silver colored paper recovered from rectum of Duran Bailey at autopsy

01 0708-2410

By Daw Page 1 of 4

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CONCLUSIONS:

1. A human bloodstain was detected in the big toe area (stain A) of the right high heel sandal (TAW5 item 01). Duran Bailey is excluded as the source of this blood. Kirstin Lobato cannot be excluded as the source of this blood.
2. Examination of TAW3 item 16 revealed a wad of chewing gum affixed to a piece of cardboard. The cardboard appeared heavily stained with apparent blood. Human blood was identified. Duran Bailey was identified as the source of this blood. The chewing gum appeared to have been chewed. It also was stained with apparent blood. The wad was processed in such a way as to remove as much blood as possible from the surface first, then perform a DNA extraction in order to obtain DNA from the saliva donor if present. A DNA mixture was indicated. Duran Bailey cannot be excluded as the major DNA component of the mixture. Kirstin Lobato is excluded as the minor DNA component of the mixture.
3. Human blood was detected on the swabs of TAW 10 items 7,8 & 9. Duran Bailey is identified as the source of this blood. Kirstin Lobato is excluded as the source of the blood.
4. Examination of the vehicle slip cover (TAW8 item 5) and the interior left door panel (TAW9) yielded weak positive presumptive tests for the presence of blood in one area of each item. Human blood could not be confirmed from either item. Human DNA was not detected in extracts prepared from swabbings collected from both items.
5. Blood was not detected on the following items of evidence:
 - TAW4 Item 10 - torn condom pack with piece of Kleenex recovered from scene
 - TAW6 Item 2 - pair of Nike Air shoes
 - TAW7 Item 2 - aluminum baseball bat
 - TAW8 Item 4 - one vehicle slip cover, red with white & black floral print
6. Semen was not indicated on TAW4 item 10.
7. Upon stereoscopic exam, the small pieces of TAW11 item 10 appear to have a composition consistent with some type of wax and not plastic. On one side of each piece is a silver colored coating which may be paint, vinyl, or foil of some kind. No further examinations were performed by this analyst.

I returned the evidence to the vault.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

August 6, 2001

Thomas A. Wahl

THOMAS A. WAHL, #5019
Criminalist II

Bert Henry

Witness

01 0708-2410

By Haw Page 2 of 4

001659

DNA SUMMARY CHAR. LMPD FORENSIC LABORATORY											
Suspect	LOBATO, Kirstin	Victim	BAILEY, Duran	Criminalist	Thomas A. Wahl (5019)		Event Number	010708-2410		Sufficient Sample	
ID#	TAW2	Lab #	01033411-1	DNA STR Results				Remaining for Re-test?		Yes	No
Booked By	Evidence Description			D3S1358	VWA	FGA	AMELO	D8S1179	D21S11	D18S51	
Carr	DNA Buccal Swab Kit from Kirstin Lobato (suspect)			15,17	15,19	20,22	XX	11,13	30,31,2	13,14	X
Pkg #	Item #			D5S818	D13S317	D7S820	D16S539	TH01	TPOX	CSF1PO	
4792-1	1			9,12	8,11	9,10	9,11	8,9,3	8,9	12,12	
Freq. US Caucasian Pop.				Freq. US African American Pop.				Freq. US Hisp. Pop.			
ID#	TAW1	Lab #	01032493-1D	DNA STR Results				Sufficient Sample		Yes	No
Booked By	Evidence Description			D3S1358	VWA	FGA	AMELO	D8S1179	D21S11	D18S51	X
Thomas	Blood samples from Duran Bailey (victim)			15,16	18,19	20,24	XY	15,16	29,30	15,18	
Pkg #	Item #			D5S818	D13S317	D7S820	D16S539	TH01	TPOX	GSF1PO	
MEK	1D			8,12	11,13	11,11	8,9	7,7	8,8	12,12	
Freq. US Caucasian Pop.				Freq. US African American Pop.				Freq. US Hisp. Pop.			
ID#	TAW5	Lab #	01033913-4	DNA STR Results				Sufficient Sample		Yes	No
Booked By	Evidence Description			D3S1358	VWA	FGA	AMELO	D8S1179	D21S11	D18S51	X
Thomas	Pair of black high heel sandals (bloodstain A)			Inc.	15,19	NR	XX	11,13	NR	NR	
Pkg #	Item #			D5S818	D13S317	D7S820	D16S539	TH01	TPOX	GSF1PO	
4032-01				9,12	NR	NR	NR	NR	NR	NR	
Freq. US Caucasian Pop.				Freq. US African American Pop.				Freq. US Hisp. Pop.			
ID#	TAW10	Lab #	01033919 (3,4 & 5)	DNA STR Results				Sufficient Sample		Yes	No
Booked By	Evidence Description			D3S1358	VWA	FGA	AMELO	D8S1179	D21S11	D18S51	X
Ford	Human blood recovered from sandals and near sandals at scene.			15,16	18,19	20,24	XY	15,16	29,30	15,18	
Pkg #	Item #			D5S818	D13S317	D7S820	D16S539	TH01	TPOX	CSF1PO	
4244/3	7,8 & 9			8,12	11,13	11,11	8,9	7,7	8,8	12,12	
Freq. US Caucasian Pop.				Freq. US African American Pop.				Freq. US Hisp. Pop.			
ID#	TAW10	Lab #	01033919 (3,4 & 5)	DNA STR Results				Sufficient Sample		Yes	No
Booked By	Evidence Description			D3S1358	VWA	FGA	AMELO	D8S1179	D21S11	D18S51	X
Duran Bailey	Duran Bailey identified as source of blood.										
Initials	Page #	3 of 4									

EXHIBIT

37

4032001_black_shoes a.jpg

Black High Heeled Shoes



001662

EXHIBIT

38

4032002_black_shoes a jpg

Black High Heeled Shoes



001664

EXHIBIT

39

4032003_black_shoes a jpg

Black High Heeled Shoes



001666

EXHIBIT

40

4032004_black_shoes a.jpg

Black High Heeled Shoes



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EXHIBIT

41

AFFIDAVIT OF JAMES ALEMAN

STATE OF NEVADA :
 :ss
COUNTY OF CLARK :

COMES NOW, JAMES ALEMAN, being duly sworn, deposes and states as follows:

1. That I am an Investigator with the Clark County Special Public Defender's Office assigned to the case of State of Nevada v. Lobato Case No. C177394.
2. That on May 30, 2002, I spoke with Sgt. Wilcock of The Lincoln County Sheriff's Office in Pioche, Nevada on the telephone.
3. That he advised that he would research his records regarding a telephone call received by his department on June 6, 2001 from either Becki Lobato or Larry Lobato regarding a missing vehicle.
4. That later the same day, he returned my telephone call and advised that he found two entries in his system where Becki Lobato placed calls to the Lincoln County Sheriff's Office.
5. That the first entry he found was that of Becky Lobato calling on May 13, 2001 to report that her 18 year old daughter had been missing for five days and that on May 14, 2001, Larry Lobato called to advise that Blaise had been located.
6. That the second entry he found was that of Becki Lobato calling on June 27, 2001 to ask questions concerning a stolen vehicle report that she filed in Henderson.
7. That he advised that he found no reports for any telephone calls placed to his department by either Becki Lobato or Larry Lobato on June 6, 2002


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8. That on May 30, 2002, Sgt. Wilcock faxed me copies of the reports from May 13, 2001 and June 27, 2001.
9. That Sgt. Wilcock also faxed a letter explaining what he had researched.

FURTHER YOUR AFFLIANT SAITH NAUGHT.


JAMES ALEMAN

SUBSCRIBED AND SWORN to before me
this 14th day of June, 2002.


NOTARY PUBLIC in and for said
County and State.



001671

EXHIBIT

42

3rd AFFIDAVIT OF GEORGE J. SCHIRO, JR.

STATE OF LOUISIANA

PARISH OF IBERIA

I, George J. Schiro, Jr., being duly sworn, depose and state as follows:

1. I have a Master of Science Degree in Industrial Chemistry-Forensic Science from the University of Central Florida, as well as a Bachelor of Science Degree in Microbiology from Louisiana State University.

2. I hold a certificate of Professional Competency in Criminalistics issued by the American Board of Criminalistics, with the specialty area of Molecular Biology.

3. I have over 25 years of experience as a forensic scientist and crime scene investigator.

4. For approximately four years, I was employed as a Criminalist with the Jefferson Parish Sheriff's Office Crime Lab in Metairie, Louisiana.

5. Following my employment with the Jefferson Parish Sheriff's Office Crime Lab, I was employed for approximately fourteen years as a Forensic Scientist with the ASCLD-LAB accredited Louisiana State Police Crime Lab in Baton Rouge.

6. While there, I worked in the areas of serology, bloodstain pattern analysis, crime scene investigation/reconstruction, and DNA analysis.

7. For over seven years I have been employed as a Forensic Chemist – DNA Technical Leader by the ASCLD-LAB accredited Acadiana Criminalistics Laboratory in New Iberia, Louisiana.

8. My current duties include serology, bloodstain pattern analysis, crime scene investigation, and DNA analysis.

9. Throughout my career, I have attended over 40 professional schools, workshops, meetings, and symposia dealing with various aspects of forensic science.

10. This continuing education includes specialized training in bloodstain pattern analysis and specialized training from the FBI on collection and preservation of evidence.

11. I have also provided training on various aspects of forensic science, bloodstain pattern analysis, and crime scene investigation to numerous criminal justice organizations locally, statewide, nationally, and internationally.

12. I have worked over 2900 cases, some of which included blood stain pattern analysis and crime scene reconstruction.

001673

13. I have testified as an expert for either the prosecution or defense in over 145 trials in 28 Louisiana parishes, one Arkansas county, one California county, one Florida county, one Mississippi county, one Missouri county, one Nevada county, one New York county, federal court and two Louisiana city courts.

14. Several of these expert testimonies were in blood stain pattern analysis and crime scene reconstruction.

15. I have also consulted on cases in 23 states, for the United States Army, and in the United Kingdom.

16. I am a fellow of the American Academy of Forensic Sciences, a member of the Association for Crime Scene Reconstruction, a full member of the International Association of Bloodstain Pattern Analysts, and a member of the Louisiana Association of Scientific Crime Investigators.

17. On 2/6/10, Mr. Hans Sherrer sent me four photographs of a pair of black high heeled shoes recovered from Kirstin Lobato by Officer M. Thomas of the Las Vegas Metropolitan Police Department.

18. This is the first time that I had seen these photographs.

19. It is my opinion that had Ms. Lobato been wearing these shoes during the murder, mutilation, and concealment of Duran Bailey, then it is highly likely that she would have left at the scene bloody shoeprints corresponding to the sole patterns of the black high heeled shoes.

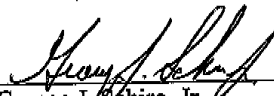
20. No bloody shoeprints corresponding to the sole patterns of the black high heeled shoes were identified or documented at the scene of Mr. Bailey's murder.

21. It is also my opinion that had Ms. Lobato been wearing these shoes during the murder, mutilation, and concealment of Duran Bailey, then Mr. Bailey's blood would have been present on the black high heeled shoes.

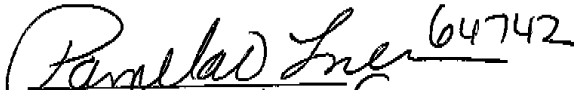
22. None of Mr. Bailey's blood was found on the black high heeled shoes.

23. There is no physical evidence associating Kirstin Lobato with Duran Bailey or the crime scene. Ms. Lobato is also excluded as the source of key physical evidence found at the crime scene.

I swear that the foregoing is true and correct to the best of my knowledge.


George J. Schiro, Jr.

Sworn to and subscribed before me on
this 15 day of February, 2009.


Notary PAMELA D. FREMIN 64742

001675

EXHIBIT

43

AFFIDAVIT OF GEORGE J. SCHIRO, JR.

STATE OF LOUISIANA

PARISH OF IBERIA

I, George J. Schiro, Jr., being duly sworn, depose and state as follows:

1. I have a Master of Science Degree in Industrial Chemistry-Forensic Science from the University of Central Florida, as well as a Bachelor of Science Degree in Microbiology from Louisiana State University.

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10. This continuing education includes specialized training in bloodstain pattern analysis and specialized training from the FBI on collection and preservation of evidence.

11. I have also provided training on various aspects of forensic science, bloodstain pattern analysis, and crime scene investigation to numerous criminal justice organizations locally, statewide, nationally, and internationally.

12. I have worked over 2900 cases, some of which included blood stain pattern analysis and crime scene reconstruction.

001677

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2 ***

3 KIRSTIN BLAISE LOBATO,

4 Appellant,

5 vs.

6 THE STATE OF NEVADA,

7 Respondent.

) Case No. 58913

Electronically Filed
Jan 30 2012 04:54 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

8 APPELLANT'S APPENDIX

9 VOLUME 8

10 APPEAL FROM NOTICE OF ENTRY OF DECISION AND ORDER

11 IN THE EIGHTH JUDICIAL DISTRICT COURT

12
13 TRAVIS BARRICK
14 NEVADA BAR #9257
15 GALLIAN, WILCOX, WELKER
16 OLSON & BECKSTROM, L.C.
17 540 E. ST. LOUIS AVENUE
LAS VEGAS , NEVADA 89104
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18 CATHERINE CORTEZ-MASTO
19 NEVADA BAR #3926
20 NEVADA ATTORNEY GENERAL
21 100 N. CARSON STREET
CARSON CITY, NEVADA 89701
(775) 684-1265

22 ATTORNEYS FOR RESPONDENT

23 ATTORNEY FOR APPELLANT

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9	AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS SUPPLEMENTAL (6/4/2010)	1924-1935
5	APPELLANT'S OPENING BRIEF (DIRECT APPEAL) (12/26/07)	1048-1111
10	CERTIFICATE OF SERVICE (10/11/10)	2184-2185
10	CERTIFICATE OF SERVICE (10/5/10)	2183
9	CERTIFICATE OF SERVICE OF PETITION FOR WRIT OF HABEAS CORPUS (5/11/10)	1923
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EXHIBIT

11

AFFIDAVIT OF STEPHEN WILLIAM PYSZKOWSKI

STATE OF NEW MEXICO)
) ss.
COUNTY OF OTERO)

I, STEPHEN WILLIAM PYSZKOWSKI, 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 was the franchise owner of a fire extinguisher service company in Las Vegas, Nevada and I lived at 3142 Spokane Drive, when about January 2001 I met Kirstin Blaise Lobato, a young woman about 18-years-old who went by her middle name of Blaise.
2. Blaise drove a red Fiero car that had a malfunctioning pop-up headlight, and I believe a male friend of hers in Las Vegas had performed some mechanical work on her car.
3. Blaise was from Panaca, Nevada, where her family lived, and during the months of May and June 2001 she travelled to Panaca several times and would be gone for a weekend or more.
4. From late May through about July 2, 2001, Blaise stayed at my house for a total of two to three weeks.
5. I spent a lot of time with Blaise, because she was staying at my house and she helped me on a number of occasions with my work servicing fire extinguishers.
6. During the period of time that Blaise was staying off and on at my house, I saw Blaise's pocket knife that she said was given to her as a gift. She kept the knife in her back pocket and it had about a four-inch blade.
7. The end of May or the first of June 2001 was when I first heard Blaise mention that she had been attacked at the Budget Suites Hotel on East Boulder Highway by a black man, and she worried about the man finding her.
8. Beginning in late May or the first of June 2001 until I last saw Blaise on or about July 2, 2001, I heard Blaise on ten or more occasions tell people that a black man attacked her and she cut or tried to cut his penis as he tried to rape her, and she mentioned the incident to me at least twice.
9. During the period of time that Blaise was staying off and on at my house, Cathy Reininger was my girlfriend, and Cathy was one of the people Blaise told about fighting off a rape attempt by cutting or trying to cut her attacker's penis.
10. At no time did I hear Blaise say she killed the man who attacked her or that she thought he later died.
11. I am certain of the period of time when I first heard Blaise talk about fighting off a rape attempt by cutting or trying to cut her attacker's penis, because it was about a week before the events involving her car on June 6, 2001.

12. On June 6, 2001 I saw a tow truck leaving an apartment where Blaise's car had been parked. I flagged down the tow truck driver and after Blaise verified she was the car's owner and the \$70 towing charge was paid, her car was released and she proceeded to drive it and park it in an apartment parking lot at the end of my block so it would be out of sight from a person driving on the street.

13. On or about July 2, 2001 Blaise left Las Vegas for Panaca. I am certain of the date because she left a couple of days before the 4th of July and we had planned for her to be a part of our celebration.

14. After Blaise left I did not see or talk with her before I was interviewed by Las Vegas Metro Police Homicide Detectives T. Thowsen and J. LaRochelle at my home on July 23, 2001.

15. I showed Detectives Thowsen and LaRochelle the June 6, 2001 tow receipt for Blaise's car that I kept for tax purposes.

16. I told Detectives Thowsen and LaRochelle that their timeline was off when they told me Blaise had been arrested for murdering and cutting a man's penis off who had tried to rape her on July 8, 2001, because I knew that it was in late May that Blaise had cut or tried to cut a would be rapist's penis.

17. I related the foregoing to Detectives T. Thowsen and J. LaRochelle when they interviewed me at my home on July 23, 2001. However, I talked with them for about an hour before they turned on their tape recorder so everything I said wasn't recorded, because the detectives condensed the whole interview down to the few questions that I believe they wanted recorded on tape.

18. I was arrested in October 2001, and after pleading guilty to a felony methamphetamine charge I was sentenced to probation.

19. I was subpoenaed by the prosecution to be a witness at Blaise's trial in May 2002.

20. The week before I testified I had a meeting at the Clark County District Attorney's Office with Clark County Assistant District Attorney William Kephart and a woman who I believe was Clark County Assistant District Attorney Sandra DiGiacomo.

21. During that meeting I told ADA Kephart and the woman who I believe was ADA DiGiacomo, that Blaise did not murder a man who tried to rape her on July 8, 2001 and whose penis was cut off, because she told a number of people in late May and June about being attacked by a man who she stopped from raping her by using her knife to cut or try to cut his penis, so the murder and the attempted rape of Blaise were different events.

22. During that meeting ADA Kephart told me the following:

- * "We are going to show you how to legally lie on the stand." (This is a quote.)

- * Do not say that I did not see Blaise after July 2, 2001.

- * Do not completely answer a question, only answer part of a question.

- * "You'll be found in contempt of court" (This is a quote) if I insisted on telling the truth of what I knew about Blaise fighting off a rapist in late May 2001 by cutting or trying to cut his penis. I believe ADA Kephart was conveying to me that I would be jailed by the judge for "contempt" if I insisted on telling the truth in Court.

23. From the things I heard during that meeting, I believe that ADA William Kephart and the woman who I believe was ADA Sandra DiGiacomo, know Blaise is innocent and did not commit the murder committed on July 8, 2001 that they were prosecuting her for committing. They had the attitude that Blaise's conviction of the crime would clear the case off the books.

24. I was on probation, and during that meeting with ADA Kephart and the woman who I believe was ADA DiGiacomo, ADA Kephart paced around and stood over me, and I felt coerced and intimidated to follow their directions, because of the veiled threat that I would be jailed and my probation would be revoked if I did not do so.

25. I was called as a prosecution witness during Blaise's trial in May 2002, but when I was asked questions by Blaise's lawyer about what Blaise had said in late May and June about being attacked by a rapist and using her knife to cut or try to cut his penis, ADA Kephart objected that it was hearsay, and the judge prevented me from testifying about what I knew about the attack on Blaise in late May 2001.

26. The trial in May 2002 was the first time I had seen Blaise since she left Las Vegas for Panaca on or about July 2, 2001.

27. After Blaise's trial I was charged in December 2002 with a probation violation, and I was imprisoned from then until March 2006 when I was released after my sentence expired.

28. I was living in New Mexico when I was subpoenaed by the prosecution to be a witness at Blaise's trial in September 2006.

29. The prosecution paid for my travel to Las Vegas, and before I testified I had a meeting at the Clark County District Attorney's Office with ADA Kephart and a woman who I believe was ADA DiGiacomo.

30. During that meeting ADA Kephart and the woman who I believe was ADA DiGiacomo:

- * Reminded me, and showed me my testimony from the first trial, and they told me they wanted me to say the same things again.

- * I told them it was not correct or honest to try to make it look like I thought Blaise had committed a crime she did not commit.

- * I told them Blaise was innocent of the murder committing in July because she told a number of people in late May and June about being attacked by a man and stopping him from raping her by using her knife to cut or try to cut his penis, so the murder in July and the attempted rape of Blaise in May were different events.

- * They told me they didn't care if Blaise was innocent, they just wanted me to testify about certain things.

- * ADA Kephart used the same intimidating and threatening manner with me that he did during the meeting before Blaise's first trial.

- * Although I was not on probation, ADA Kephart and his colleague told me that I could end up back in prison if I didn't say what they wanted when I was on the stand testifying.

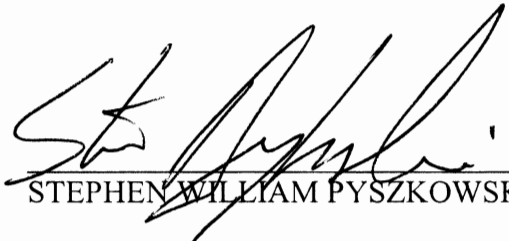
31. From the things I heard during that meeting, I believe that ADA Kephart and the woman who I believe was ADA DiGiacomo, know Blaise is innocent and did not commit the murder committed on July 8, 2001 that they were prosecuting her for committing.

32. I was called as a prosecution witness during Blaise's trial in September 2006, and when I was asked questions by Blaise's lawyer about what Blaise had said in late May and June about being attacked by a rapist and using her knife to cut or try to cut his penis, ADA Kephart objected that it was hearsay, and the judge prevented me from testifying about what I knew about the attack on Blaise in late May 2001.

33. I have not talked with Blaise since she left Las Vegas for Panaca on or about July 2, 2001, and I have only seen her twice, when I testified at her trial in May 2002 and again at her trial in September 2006.


34. I know that Blaise told a number of people in late May and June that she had cut or tried to cut a man's penis while he was trying to rape her, so I am positively certain that the crime Blaise was convicted of committing on July 8, 2001, was a different incident and committed by a person or persons unknown to me.

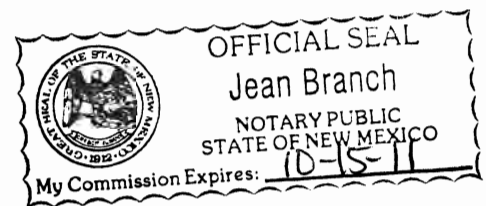
35. I am executing this AFFIDAVIT voluntarily and of my own free will. No force has been used upon me, and no threats or promises made to me by anyone.

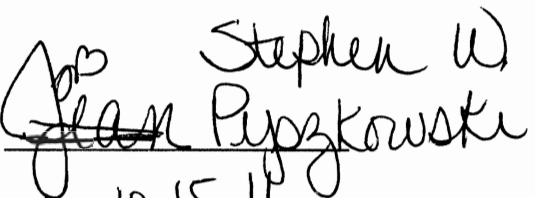

STEPHEN WILLIAM PYSZKOWSKI

SUBSCRIBED AND SWORN to before me this 25th day of January, 2010.


Notary Public


Printed name



Notary Public for 
My Commission expires: 10-15-11

EXHIBIT

12

AFFIDAVIT OF MICHELE DAWN AUSTRIA

STATE OF NEVADA)
) ss.
COUNTY OF LINCOLN)

I, MICHELE DAWN AUSTRIA, 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:

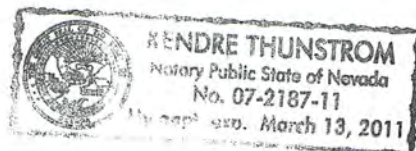
1. I met Kirstin Blaise Lobato in 1998 when she was in high school. I lived in Panaca, Nevada, and she lived in Panaca with her parents. I know her as Blaise.
2. After Blaise finished high school she spent time in Las Vegas and in Panaca.
3. On a day prior to the 4th of July 2001, I had a conversation with Blaise at my house. Blaise told me she defended herself when a man tried to rape her in Las Vegas. Blaise said the attack happened in a parking lot and she was able to get away after she slashed at the man's penis with a butterfly knife she had on her. Blaise also said the attack happened weeks before she returned to Panaca the first part of July.
4. Blaise did not say she killed the man. From what Blaise told me I did not believe then, and I do not believe now that she killed the man who attacked her.
5. I remember that this conversation took place before the 4th of July, because I saw Blaise at her parent's house on July 4th. I invited Blaise to go with my boyfriend and me to the 4th of July fireworks celebration in Caliente, but she couldn't go because her parents were going to have a barbeque. The conversation with Blaise about the attack in Las Vegas occurred on a day before I talked with her on July 4th.
6. I saw Blaise that weekend on July 7 and 8, and we went 4-wheeling.
7. I told the above information about Blaise being attacked in Las Vegas to the detectives who interviewed me in Panaca on July 26, 2001.
8. Since Blaise's arrest on July 20, 2001, I have only seen her when I testified at her trials in 2002 and 2006.
9. 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.

Michele Dawn Austria
MICHELE DAWN AUSTRIA

SUBSCRIBED AND SWORN to before me this 13th day of February, 2010.

Kendrea Thunstrom
Notary Public

Kendrea Thunstrom
Printed name



Notary Public for Lincoln

My Commission expires: March 13 2011

001589

EXHIBIT

13

AFFIDAVIT OF HEATHER MICHELLE MCBRIDE

STATE OF NEVADA)
) ss.
COUNTY OF LINCOLN)

I, HEATHER MICHELLE MCBRIDE, 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:

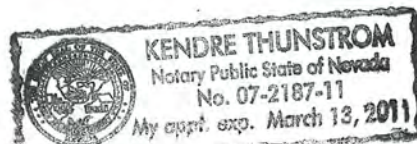
1. I have known Kirstin Blaise Lobato for about 10 years. I know her as Blaise.
2. I had a conversation with Blaise prior to July 4, 2001 at my house regarding how she had defended herself against a man who did her wrong while she was in Las Vegas. She told me that she had a butterfly knife that had come in handy. She also told me that she had stabbed him in the abdomen.
3. I am certain this conversation took place before July 4th because Blaise and I had a disagreement, and I did not attend the 4th of July barbeque at her parent's home (Becky and Larry Lobato) because of it.
4. I asked her at the time if the man had died, and she replied that she didn't stick around to find out.
5. I was subpoenaed to testify during Blaise's trial in 2006.
6. I was not allowed to testify about the attack Blaise told me about before the 4th of July because the prosecutors objected.
7. I do not now, nor did I ever believe that Blaise murdered the man she told me she defended herself against in Las Vegas.
8. 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.

Heather McBride
Heather Michelle McBride

SUBSCRIBED AND SWORN before me this 13 day of February, 2010.

Kendree Thunstrom
Notary Public

Kendree Thunstrom
[typed/printed name]



001591

EXHIBIT

14

AFFIDAVIT OF DIXIE A. TIENKEN

STATE OF NEVADA)
) ss.
COUNTY OF LINCOLN)

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

1. I met Kristin Blaise Lobato when I was employed as a teacher for the Lincoln County School District and Blaise (which was the name she went by) was a student at Meadow Valley Middle School in Panaca, Nevada. After completing middle school Blaise continued at Lincoln County High School.
2. Blaise became one of my students when she was in high school, and I became friends with her, as I did with many of the students. Blaise switched to the Adult/Alternative Program for the last two years of school until she graduated in 2000 from Lincoln County High School. Even after graduation Blaise continued to visit me both at my classroom and at my home. This is also not uncommon with my students.
3. On a summer evening and the following morning that I can only identify as at least two to three weeks before July 20, 2001, Blaise visited me at my home and we talked at length about a number of things when she started sobbing and then she told me about an attempted rape of her in Las Vegas. This conversation could even have taken place during the latter part of June 2001.
4. It is important to understand I became Blaise's confidant while she was my student, and the father of one of her friends tried to seduce her. I was also privileged to learn from Blaise that when she was a child she was molested multiple times by her natural mother's boyfriend, and that is why she grew up with her father.
5. When Blaise and I talked toward the end of June or the first part of July, Blaise described using her knife in an attempt to get away from a man who attacked her in Las Vegas. She described the man as very large, tall, and smelly black man. Finally when she grabbed at his exposed penis with one hand and slashed one time at it with her other hand he backed off and she was able to get free, run to her car, and as she was driving off she saw him standing holding his private area.
6. At no time did Blaise ever say she killed the man nor did I ever believe she did.
7. During the summer months that year, I taught classes on Wednesdays at the jail in Pioche. I know for a fact that I did not teach a class on Wednesday the 4th of July so either it was the week before or the week after that Blaise was at my house since I had to leave Blaise to go teach at the jail that day. Prior to going to the jail Blaise and I had searched the internet Las Vegas Review Journal/Sun's web sites to see if any hospital emergency room had reported a man coming in with his penis cut. I told Blaise that after the Bobbit case it would make the news. Nothing was found. We also called Laura Johnson's office several times to see what she

would advise. Although Blaise had never been on probation or in trouble with the law she knew that Laura was my friend and Laura often stopped in our classrooms to visit with other students that were on probation. So all my students knew Laura.

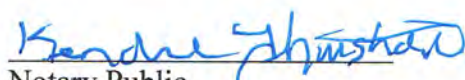
8. After teaching my classes at the jail that day I stopped in the Juvenile Probation Office at the Courthouse in Pioche to visit Laura Johnson but she was not in, so I left a note that said I had stopped in and would she please call me at her convenience. I did not say what it was about.
9. The next time I was in Pioche to teach a class I again stopped after the class to see Laura. She was there at that time. I told her of Blaise's visit and asked her what she thought Blaise should do if anything. I told her we, Blaise and I, had talked about calling my brother-in-law, a Las Vegas Metro policeman for advice but she said that would not be a good idea that she would call a friend of hers and then she'd get back to us. At that time both Blaise and I felt we had done everything she needed to do. At no time did I ever say Blaise killed a man nor did I say she was hiding herself or her car. In fact Blaise's car was parked on the public street in front of her Dad's house as several neighbors have verified.
10. Panaca is a small rural town, where everyone knows everyone, and a couple of days after I had visited Laura Johnson's office I went up to the school bus barn to pick up the van when a friend walked up to me and told me one of my former students had just been arrested for a murder of a man in Las Vegas.
11. On July 26, 2001 Las Vegas Metro Police Detective Tom Thowsen with two other people interviewed me at my home in Panaca. The detective talked with me for a long time before he turned on his tape recorder. He tried to feed me answers as he tried to get me to say what he wanted me to say that Blaise told me and not what she actually said. Even after he turned on the tape recorder he repeatedly stopped it to interject and attempt to influence me about what to say, and then restart it. The detective did that a number of times during the recording. I told the detective several times during the interview that Blaise did not tell me she killed the man, and that she specifically said he was standing when she escaped from him. I also told them that from what I had been told I thought the man may not have been hurt as seriously as Blaise believed, and maybe he never ever sought medical assistance. Blaise often colored her adventures to get more attention but I believe Thowsen had made up his mind that Blaise was guilty of the murder he was investigating and he didn't want to hear the truth or anything that might cast a doubt. Since I could not remember the dates of when Blaise first came to talk to me or the date I finally met up with Laura, I told him all he had to do was check at the jail because I had to log in & out every time I taught there. To my knowledge he never checked. Later I told the DA and Blaise's attorney the same thing. Perhaps I was wrong that I didn't check for myself, but I believed Blaise would be cleared and the charges dropped.
12. After my interview with the Metro officers I had conversations with Laura Johnson about Blaise's case, and prior to the hearing Laura had a lot of doubt that Blaise committed the murder that she was being charged with. She even told me she had visited the scene of the murder in Las Vegas to see if it matched the place I had described that Blaise had told me about when she was attacked. Laura also told me that pressure was put on her to support the prosecution's case against Blaise. I got the impression that Laura was afraid of repercussions

in her job. By the next time I saw Laura and talked to her I realized they must have succeed because Laura's whole attitude had changed and I felt she was no longer my friend.

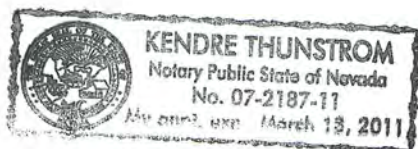
13. I believe Laura Johnson told me that Lincoln County Sheriff Deputy Kerry Lee did not think Blaise was guilty of the murder she was charged with committing at the time of her arrest. He had accompanied the Las Vegas Detectives to Blaise's parents home when she was arrested. Kerry Lee is now the Lincoln County Sheriff.
14. I was subpoenaed by the prosecution to testify at Blaise's preliminary hearing in 2001 and at both of her trials in 2002 and 2006. I felt like I was treated as a hostile witness in all cases. I would like to know why? I never lied. I believe my statements have stayed steady. I do not believe Blaise did or could commit murder. I tried to get police, the DA and even her attorneys to look into past records that would have been available to them to prove Blaise's innocence. If you review Laura's statements you will see that she had several inaccuracies and changes. Mine have stayed steady.
15. I have had no contact whatsoever with Blaise since her arrest on July 20, 2001 other than seeing her when I testified in 2001, 2002, and 2006.
16. Blaise told me about a very large man attempting to rape her in Las Vegas who was alive when she got away from him. She did not tell me about a man's murder or mutilation after he had died. I absolutely believe Blaise is innocent of the crimes she was convicted of committing.
17. 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.


DIXIE A. TIENKEN

SUBSCRIBED AND SWORN to before me this 13th day of February 2010.


Notary Public

Kendre Thunstrom



EXHIBIT

15

AFFIDAVIT OF **KIMBERLEE ISOM GRINDSTAFF**

State of Hawaii)
County of Honolulu) ss.

I, **Kimberlee Isom Grindstaff**, a person of lawful age, being duly sworn, hereby depose and say:

That on or about June 21, 2001, while Kirstin Blaise Lobato and I were driving to the Shakespearean Festival in Cedar City, Utah for the opening night show, she told me the following:

She had been attacked at night toward the end of May 2001 by a large Black man who pushed her down and tried to rape her in the parking lot of the Budget Suites Hotel on Boulder Highway in Las Vegas. She was high on methamphetamines at the time. She defended herself against the man by using her butterfly knife, and she thought that she had stabbed him around the area of his penis. She also told me that she had come home to get clean of drugs and the lifestyle she had discovered in Las Vegas. She was emotional during the time she was confiding in me.

I also saw and talked with her at her parent's house during a 4th of July barbeque, and on the Saturday night (7-7-01) before she left to go back to Las Vegas with her boyfriend. She did not appear to me to be under the influence of any drug at that time.

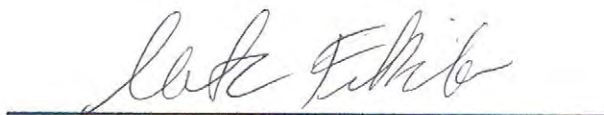
During the time she was in Panaca in July 2001 I never saw her drive her red Fiero.

I related the above information to lawyers for Kirstin Blaise Lobato who interviewed me on two separate occasions in the fall of 2005.

I was available and willing to testify about the above information at Kirstin Blaise Lobato's trial in the fall of 2006, however, I was not subpoenaed.


Kimberlee Isom Grindstaff

SUBSCRIBED AND SWORN before me this 8th day of December, 2009.


Martha FeBenito
[typed/printed name]



NOTARY PUBLIC FOR _____ Title 10 U.S.C. 1044

My commission expires: indefinite, 20

001597

EXHIBIT

16



Performance Locations

See map on page 30.

Adams Shakespearean Theatre
Randall L. Jones Theatre
Auditorium Theatre
King's Pavilion

Other Locations

Literary and Actor Seminars: Seminar Grove (inclement weather, the Auditorium Theatre)

Costume and Music Seminars: Auditorium Theatre

Backstage Tours: Randall Theatre lobby

Play Orientations: Auditorium Theatre (Wed. and Sat. matinees, Adams Theatre)

Greenshows: Adams Theatre Courtyard

Child Care: See page 25

All times are Mountain Daylight Savings Time.

(P) Preview Performances
(O) Opening Performances
(T) Two-for-One Discounts
(H) Signed Performances for the Hearing Impaired

Photo: Anthony De Fonte as the Host in *The Merry Wives of Windsor*, 2000.



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
June						
24 9:00 Lit. Seminar	25 1:00 Play Orientation 2:00 <i>Ah, Wilderness!</i> (P) 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Tempest</i> (O)	26 9 & 10:00 Literary Seminar 1:00 Play Orientation 2:00 <i>Arsenic</i> (P) 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Julius Caesar</i> (O)	27 9 & 10:00 Literary Seminar 11:30 Actor Seminar 1:00 Play Orientation 2:00 <i>Pirates</i> (P) 5:30 <i>Royal Feaste</i> (P) 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Two Gentlemen</i> (O)	28 9 & 10:00 Literary Seminar 1:00 Play Orientation 2:00 <i>Pirates</i> (O) 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Tempest</i>	21 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Tempest</i> (P) 22 9:00 Literary Seminar 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Julius Caesar</i> (P)	23 9:00 Literary Seminar 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Two Gentlemen</i> (P) 29 9 & 10:00 Literary Seminar 1:00 Play Orientation 2:00 <i>Ah, Wilderness!</i> (O) 5:30 <i>Royal Feaste</i> (O) 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Julius Caesar</i>
						30 9 & 10:00 Literary Seminar 11:30 Actor Seminar 1:00 Play Orientation 2:00 <i>Arsenic</i> (O) 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Two Gentlemen</i> 8:00 <i>Pirates</i>

New earlier time!

Summer evening performances begin at 8 p.m.

July						
1 9:00 Lit. Seminar 10:00 Lit. Seminar	2 11:00 Backstage Tour 11:30 Music Seminar 1:00 Play Orientation 2:00 <i>Ah, Wilderness!</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Tempest</i> (H)	3 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Costume Seminar 1:00 Play Orientation 2:00 <i>Pirates</i> 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Julius Caesar</i> (H) 8:00 <i>Arsenic</i>	4 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Actor Seminar 1:00 Play Orientation 2:00 <i>Tempest</i> 2:00 <i>Ah, Wilderness!</i> 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Two Gentlemen</i> (H) 8:00 <i>Pirates</i>	5 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Music Seminar 1:00 Play Orientation 2:00 <i>Arsenic</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Tempest</i> 8:00 <i>Ah, Wilderness!</i>	6 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Costume Seminar 1:00 Play Orientation 2:00 <i>Pirates</i> 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Julius Caesar</i> 8:00 <i>Arsenic</i>	7 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Actor Seminar 1:00 Play Orientation 2:00 <i>Tempest</i> 2:00 <i>Ah, Wilderness!</i> 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Two Gentlemen</i> 8:00 <i>Pirates</i>
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15 9:00 Lit. Seminar 10:00 Lit. Seminar	16 11:00 Backstage Tour 11:30 Music Seminar 1:00 Play Orientation 2:00 <i>Arsenic</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Tempest</i> 8:00 <i>Ah, Wilderness!</i> (T)	17 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Costume Seminar 1:00 Play Orientation 2:00 <i>Pirates</i> 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Julius Caesar</i> 8:00 <i>Arsenic</i>	18 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Actor Seminar 1:00 Play Orientation 2:00 <i>Tempest</i> 2:00 <i>Ah, Wilderness!</i> 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Two Gentlemen</i> 8:00 <i>Pirates</i>	19 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Music Seminar 1:00 Play Orientation 2:00 <i>Arsenic</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Tempest</i> 8:00 <i>Ah, Wilderness!</i>	20 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Costume Seminar 1:00 Play Orientation 2:00 <i>Pirates</i> 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Julius Caesar</i> 8:00 <i>Arsenic</i>	21 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Actor Seminar 1:00 Play Orientation 2:00 <i>Tempest</i> 2:00 <i>Ah, Wilderness!</i> 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Two Gentlemen</i> 8:00 <i>Pirates</i>
22 9:00 Lit. Seminar 10:00 Lit. Seminar	23 11:00 Backstage Tour 11:30 Music Seminar 1:00 Play Orientation 2:00 <i>Arsenic</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Tempest</i> 8:00 <i>Ah, Wilderness!</i> (T)	24 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Costume Seminar 1:00 Play Orientation 2:00 <i>Pirates</i> 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Julius Caesar</i> 8:00 <i>Arsenic</i>	25 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Actor Seminar 1:00 Play Orientation 2:00 <i>Tempest</i> 2:00 <i>Ah, Wilderness!</i> 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Two Gentlemen</i> 8:00 <i>Pirates</i>	26 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Music Seminar 1:00 Play Orientation 2:00 <i>Arsenic</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Tempest</i> 8:00 <i>Ah, Wilderness!</i>	27 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Costume Seminar 1:00 Play Orientation 2:00 <i>Pirates</i> 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Julius Caesar</i> 8:00 <i>Arsenic</i>	28 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Actor Seminar 1:00 Play Orientation 2:00 <i>Tempest</i> 2:00 <i>Ah, Wilderness!</i> 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Two Gentlemen</i> 8:00 <i>Pirates</i>
29 9:00 Lit. Seminar 10:00 Lit. Seminar	30 11:00 Backstage Tour 11:30 Music Seminar 1:00 Play Orientation 2:00 <i>Arsenic</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Tempest</i> 8:00 <i>Ah, Wilderness!</i> (T)	31 9 & 10:00 Literary Seminar 11:00 Backstage Tour 11:30 Costume Seminar 1:00 Play Orientation 2:00 <i>Pirates</i> 5:30 <i>Royal Feaste</i> 7:00 Play Orientation 7:00 Greenshow 8:00 <i>Julius Caesar</i> 8:00 <i>Arsenic</i>				

Children's Shakespeare Showcase

July 23 – 27 • 12 noon • Adams Theatre • Free admission

800-PLAYTIX
www.bard.org

EXHIBIT

17

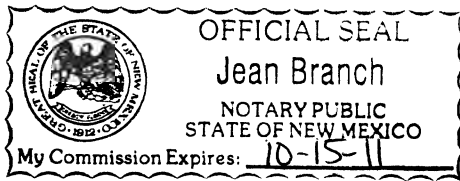
STATE OF NEW MEXICO)
) ss.
COUNTY OF OTERO)

1. During the period of time covered by this AFFIDAVIT I was the facility manager and risk manager for Quality Towing in Las Vegas, Nevada.
2. At the end of May or first several days in June 2001, I was one of several people at Steve Pyszkowski's house in Las Vegas.
3. I am certain of the date because my birthday on June 4.
4. One of the people present was Kirstin Blaise Lobato, who I knew as Blaise.
5. I had met Blaise at least once previously, so I knew who she was.
6. I was in the front room of the house when I overheard Blaise talking to someone about how she used her knife to defend herself against a man who attacked her.
7. At no time did Blaise say she killed the man or that she had seriously wounded him.
8. I did not think at the time, nor do I today, that what I heard Blaise describe was a homicide, but it was an attack by a man during which she defended herself with non-lethal force.
9. I have not talked with Blaise or seen her since June 2001.
10. I have not been contacted by a law enforcement officer regarding my knowledge about the incident I heard Blaise describe in late May or the first several days in June 2001.
11. I was not contacted by any lawyer or investigator for Blaise prior to her trial.
12. I did not follow Blaise's trial, and was unaware until recently of the significance of the incident I heard Blaise describe in late May or the first several days in June 2001.
13. If I had been contacted by a law enforcement officer or Blaise's lawyer or investigator, I would have told them the foregoing information, and I was willing and able to testify at Blaise's trial if I had been subpoenaed.
14. 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.

~~DANIEL LEWIS LISONI~~

یٰٰزورے

SUBSCRIBED AND SWORN to before me this 26th day of January, 2010.



Notary Public for New Mexico

My Commission expires: 10-15-11

Jean Branch
NOTARY

EXHIBIT

18

DECLARATION OF SHARI WHITE (formerly Shari Greenberger)

I, SHARI WHITE (formerly Greenberger), hereby declare under penalty of perjury that in October 2005 I was an attorney of record in the case of Kirstin Blaise Lobato and the following attachment of notes regarding an in person interview with Christopher Collier in October 2005 are true and correct to the best of my knowledge and belief:



Shari White formerly Shari Greenberger

MEMORANDUM

TO: DAVID SCHIECK
FROM: SHARI GREENBERGER
RE: STATUS UPDATE LOBATO/ OUTSTANDING ISSUES
DATE: OCTOBER 10, 2005

001606

5. Chris Collier - Tucson Arizona
 - a. Great witness- he says he was subject to a 3 hour interrogation with the police who were being unduly suggestive with regard to the dates he advised them his conversation with Blaise occurred. The police kept trying to tell him that his conversation with Blaise occurred between July 9-11, 2001. He is positive she told him that she a black guy who attacked her in the leg the weekend before July 4, 2001, and that the attack occurred one month prior. He was not a witness at the last trial but is available to testify at this trial. He completely believes Blaise is innocent and angry that the police twisted his account of the events.

001607

EXHIBIT

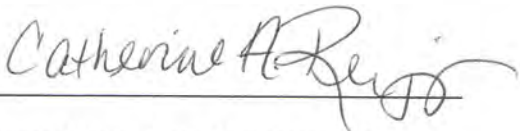
19

AFFIDAVIT OF CATHERINE ANN RENINGER

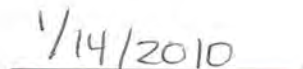
STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, CATHERINE ANN RENINGER, 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 April 2001. I knew her as Blaise.
2. Blaise told me about being attacked and defending herself against a potential rapist around the end of May 2001. She said someone tried to attack her on Boulder Hwy and East Flamingo at the Budget Suites. While fending him off she told me she cut his penis, and then fled the premise.
3. I am certain of when Blaise told me about being attacked, because it was just before my son came to Las Vegas to visit me on June 6, 2001. I have my event calendar and my son's boarding pass from Alaska Airlines as proof of when he visited.
4. The last time that I saw Blaise was August 2001 in the Clark County Detention Center.
5. On 8/2/01 when police Detective's Thowsen and LaRochelle were questioning me about this incident, I informed them that Blaise told me about this at the end of May, 2001.
6. The conversation with Blaise came about because I was asking Blaise if she would go to the Catholic Church with me and my son. She said "Do you know the last time I was in a Catholic Church?" And she then proceeded to tell me that she had been attacked, and that afterward she went to a church because she "...didn't know where else to go or what else to do".
7. I am 100% sure that Blaise is innocent of the crime she is convicted of mainly because she told me about the incident long before July 8th, 2001, when that person was murdered.
8. 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.



CATHERINE ANN RENINGER



Dated

NOTARY ACKNOWLEDGMENT

(short form for execution of jurat)

State of Nevada

ss.

County of Clark

Signed and sworn to (or affirmed) before me on January 14, 2010 by Catherine A. Reininger.



Signature: _____

Scott Sellers

Print Name: _____

Scott Sellers

A Notary Public in and for the state of NV

My commission expires March 19, 2013

001610

EXHIBIT

20

AFFIDAVIT OF MARILYN PARKER ANDERSON

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, MARILYN PARKER ANDERSON, 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 know Kirstin Blaise Lobato. We both lived in Panaca, Nevada at the same time, and I worked at the Hideaway in Caliente as did her father Larry Lobato. I know her as Blaise.
2. I saw Blaise on July 4, 2001 at the 4th of July barbeque at her parent's house and we spent some time together that day. We saw the lightning storm that day.
3. I saw Blaise on Friday, July 6, 2001 in the evening. I remember this because I brought a shirt over to her house for her father Larry.
4. I called Blaise on Saturday, July 7, 2001 at the Hideaway late in the afternoon and made plans to go to her house that evening to visit with her. But I was unable to make it to her house because there was a change in when my children were being dropped off.
5. I called Blaise at about 10 am on Sunday morning, July 8, 2001 to apologize for not going over to her house the night before.
6. Prior to the first trial in May 2002, two men from the District Attorney's office interviewed me. I told them the same facts contained in this AFFIDAVIT. Because of this fact, I am sure that the District Attorneys on this case are well aware of the fact that Blaise was in Panaca on these dates.
7. I was not subpoenaed to testify at Blaise's trial in May 2002, or September and October of 2006. I was willing and able to testify to the dates, times and events related in this AFFIDAVIT.
8. 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.

Marilyn Parker Anderson
MARILYN PARKER ANDERSON

SUBSCRIBED AND SWORN to before me this 15 day of ^{February}~~January~~, 2010. by Marilyn Parker Anderson

Elizabeth Smith Posanke
Notary Public

Elizabeth Smith Posanke
Printed name

Notary Public for NEVADA

My Commission expires: 9/26/2010



001612

EXHIBIT

21

AFFIDAVIT OF KENDRE POPE THUNSTROM

STATE OF NEVADA)
) ss.
COUNTY OF LINCOLN)

I, KENDRE POPE THUNSTROM, 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:

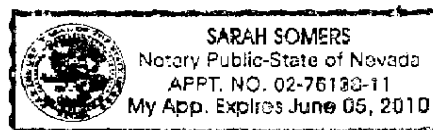
1. I have known Kirstin Blaise Lobato for many years. I know her as Blaise.
2. Blaise frequently watched my children when I lived in Panaca, Nevada.
3. I was at the Lobato home on Sunday, July 8, 2001 in the late afternoon, because my boyfriend's truck broke down close by.
4. I had a conversation with Blaise while my boyfriend fixed his truck. We made small-talk that included discussing how much my son Justin had grown.
5. Blaise did not mention at any time during our conversation that she had returned from Las Vegas that morning, and she made no mention that she had been in Las Vegas at any time that weekend.
6. During our conversation on July 8, 2001 I did not observe any unusual behaviors from Blaise at all. Blaise was not nervous or anxious, she was just her normal self.
7. I am aware of the behaviors of a person under the influence of methamphetamine or who is coming down from its use, because I was then, and I still am a recovering drug addict. At no time during our conversation did Blaise exhibit any of those behaviors. It is my opinion that Blaise was not under the influence of methamphetamine when I talked with her on July 8. It is also my opinion that Blaise did not exhibit any behavior suggesting she had had been using methamphetamine during the early morning of July 8, 12 to 15 hours before I saw her that afternoon.
8. In July 2001 methamphetamines were available in Panaca within walking distance of the Lobato's home, and other places in Lincoln County.
9. 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.


KENDRE POPE THUNSTROM

SUBSCRIBED AND SWORN before me this 4 day of ~~February~~ March, 2010.

Notary Public

Sarah Somers
[typed/printed name]



001614

EXHIBIT

22

AFFIDAVIT OF JOSE ABRAHAM LOBATO


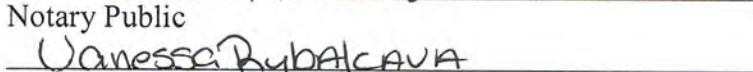
STATE OF TEXAS)
) ss.
COUNTY OF EL PASO)

I, JOSE ABRAHAM LOBATO, 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. Kirstin Blaise Lobato is my granddaughter and I call her by her middle name of Blaise.
2. I served for 21 years in the United States Air Force before my retirement.
3. I then served for 21 years in the federal immigration service. I served in the United States and foreign locations that included Mexico City, Mexico; Panama City, Panama; Havana, Cuba; and Vancouver B.C., Canada. In the course of my duties I worked with the FBI and other federal law enforcement agencies.
4. I served for a total of 42 years in the United States Air Force and the federal immigration service.
5. I have a good relationship with Blaise and she visited my wife and I while I was serving in Mexico City and Vancouver B.C.
6. A normal part of my relationship with Blaise is we have talked on the telephone.
7. I was born on July 7, 1935.
8. On July 7, 2001 Blaise called me at my home in El Paso, Texas and wished me a happy birthday. I believe she was in Panaca where she was living with her dad and stepmother. Blaise sounded and acted normal during our conversation, because it would stand out in my mind if she didn't.
9. I am able to remember that Blaise and I had a conversation on July 7, 2001, because she was arrested a couple of weeks after that for murder.
10. I have never been interviewed by any law enforcement officer regarding my conversation with Blaise on July 7, 2001.
11. I am willing and able to testify that I had a conversation with Blaise on July 7, 2001, but I was not subpoenaed to testify at her trials in 2002 and 2006.
12. 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.


JOSE ABRAHAM LOBATO

SUBSCRIBED AND SWORN to before me this 5 day of March, 2010.


Notary Public

Printed name



001616

Notary Public for Texas

My Commission expires: July 8, 2013

EXHIBIT

23

AFFIDAVIT OF SKYE IDRIS CAMPBELL

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, SKYE IDRIS CAMPBELL, first duly sworn, depose and say that the foregoing is true and correct to the best of my knowledge and belief:

- 1) I am a licensed private investigator in the State of Nevada, and I live and do investigative work in Las Vegas.
- 2) I was an investigator in Las Vegas in June and July 2001.
- 3) I am familiar because of my work, with areas of Las Vegas where methamphetamine was readily available in June and July 2001.
- 4) In June and July 2001 an area of Las Vegas where methamphetamine and other drugs were readily available from street vendors and drug houses is known as "Naked City," which is located near the Stratosphere Hotel and Casino.
- 5) In June and July 2001 the area around the Nevada State Bank at 4240 W. Flamingo Road was not known as a place where methamphetamine was readily available from street vendors and drug houses, and to my knowledge during that period of time methamphetamine was not readily available by going to the Nevada State Bank's exterior trash enclosure.

BY: _____

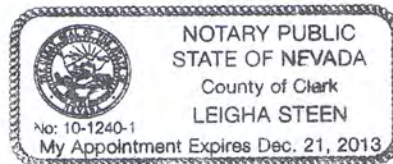
SKYE IDRIS CAMPBELL

Subscribed and sworn to before me, this 12th day of March, 2010.

Notary Public

LEIGHA L. STEEN

Printed name



Notary Public for CLARK County

My Commission expires: 12-21-2013

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EXHIBIT

24

AFFIDAVIT OF JOHN ALBERT KRAFT

STATE OF CALIFORNIA)
) ss.
COUNTY OF FRESNO)

I, JOHN ALBERT KRAFT, 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 am an 11-year veteran of the United States Army with an honorable discharge.
2. My wife Shayne Kraft is a cousin of Kirstin Blaise Lobato, who I have always known by her middle name Blaise. My wife and I have been separated for several years.
3. In July 2001 our family lived in Panaca, Nevada, as did the family of Larry and Becky Lobato.
4. About 7 am on the morning of July 8, 2001 I went to the Lobato's house in Panaca to talk with Larry Lobato. Blaise answered the door. She appeared sleepy, like I had woken her up.
5. About 8 pm on the evening of July 8, 2001 I went to the Lobato's house where my wife had gone a couple hours earlier to get some Tiger balm for a severe kink in my neck.
6. I am able to clearly recall the events of July 8, 2001 because it was the only time I have had such a severe and painful kink in my neck. The next day (July 9) I went to the Caliente Clinic and the doctor injected me with a muscle relaxer and a pain killer.
7. I was not subpoenaed to testify during Blaise's trial in May 2002. Although I was working in Minnesota at the time, I was willing and able to travel to Las Vegas and testify if I had been subpoenaed.
8. In September 2006 I testified as a witness for the defense during Blaise's trial in Las Vegas. I testified about the above events that occurred on July 8 and 9, 2001. I am positively 100% certain of the accuracy and truthfulness of my testimony.
9. I testified in September 2006 towards the beginning of the defense's case. While I was waiting to testify I was in the outside foyer area where people smoked on the same floor as the courtroom. I overheard two female jurors talking about Blaise's trial. I heard one of the jurors ask, "Do you think she's guilty?", and the other juror clearly answered "Yes" by nodding her head up and down.
10. I was alarmed that Blaise's jurors were talking about the trial, and that at least one of them had made up her mind that Blaise was guilty before the defense had presented its case. I told Blaise's male lawyer what I witnessed, but he didn't seem concerned. To my knowledge Blaise's lawyer did not take any action after being informed about the juror's conversation I overheard.

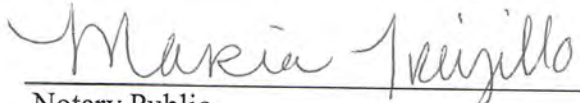
11. I have not been interviewed since Blaise's arrest on July 20, 2001 by any officer of the Las Vegas Metropolitan Police Department or anyone with the Clark County District Attorney's Office.

12. I have not had any contact with Blaise while she has been incarcerated since her arrest on July 20, 2001.

13. 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.


JOHN ALBERT KRAFT

SUBSCRIBED AND SWORN to before me this 24 day of February, 2010.


Notary Public

Maria Trujillo
[typed/printed name]

Notary Public for Fresno County

My Commission expires: 11/27/2012



EXHIBIT

25

AFFIDAVIT OF DANIEL SMADES

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, DANIEL SMADES, 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 am the Las Vegas, Nevada branch manager of Securitas Security Services.
2. On February 12, 2010 I was present and participated in a conversation at the Nevada State Bank at 4240 West Flamingo Road in Las Vegas, with Financial Service Supervisor Steven Trupp.
3. During the conversation Mr. Trupp said that he worked for the Nevada State Bank in 2001.
4. During the conversation Mr. Trupp was asked questions regarding the number of days in 2001 that elapsed between when a check drawn on a Nevada State Bank checking account was cashed, and the date when it was indicated on the account holder's statement as "Checks Processed."
5. Mr. Trupp said that in 2001 the processing time for a check drawn on a Nevada State Bank checking account that was cashed at a Nevada State Bank branch was two to three business days, and that would likely apply to a check drawn on a Nevada State Bank account that was cashed at another bank in Las Vegas.
6. Mr. Trupp said that in 2001 the processing time for a check drawn on a Nevada State Bank checking account that was cashed at a business that deposits their checks with the Nevada State Bank or another bank in Las Vegas was typically two to three business days.
7. Mr. Trupp said that in 2001 the processing time for a check drawn on a Nevada State Bank checking account that was cashed at a business that deposits their checks with a bank outside Las Vegas could be four to five business days.
8. Mr. Trupp said that a check cashing businesses, including those that cater to Hispanics, likely deposit their checks with a bank in Las Vegas for convenience and speed of being credited with their funds.
9. Mr. Trupp said that in 2001 if a counter check drawn on a Nevada State Bank account did not have the account number encoded on the bottom of the check, it would likely have to be cashed at a Nevada State Bank branch.
10. Mr. Trupp said that in 2001 a check that didn't have a check number encoded on it but that had the account number encoded on the bottom of the check, would appear on the account holder's statement as check number 0 or 01.
11. Mr. Trupp said that in 2001 it took five to seven business days for a check returned for insufficient funds to be processed, and because of that time lag the same returned check could not be processed for payment twice on the same day.
12. I am aware that Duran Bailey was murdered in Las Vegas on July 8, 2001.

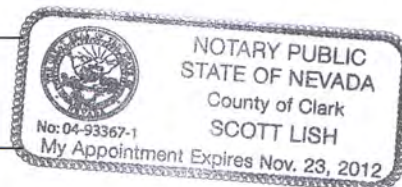
001624

13. Mr. Trupp looked at the statement for Duran Lamore Bailey's Nevada State Bank account number 260011457 that is dated July 26, 2001. That statement shows all activity on that account from June 29, 2001 until the account was closed on July 17, 2001.
14. Mr. Trupp commented on three checks listed as "Checks Processed" on Mr. Bailey's July 26, 2001 statement, one check that was processed on July 12, 2001, and two checks that were processed on July 13, 2001.
15. Mr. Trupp stated that because the three checks were cashed within a day of each other, they were different checks, and that they were absolutely not cashed by any branch of Nevada State Bank, but by a business or another bank, because on July 12 and July 13, 2001 there was insufficient funds in Mr. Bailey's account to cover the checks, and no Nevada State Bank branch would have cashed the checks.
16. Mr. Trupp made a phone call to find out if copies of the three checks processed on July 12 and 13, 2001 could be obtained, but he said he was told the records had been destroyed after seven years. Based on what Mr. Trupp said, the Nevada State Bank's record of the three checks was destroyed sometime after July 13, 2008.
17. 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.


DANIEL SMADES

SUBSCRIBED AND SWORN to before me this 11th day of ^{march}~~February~~, 2010.


Notary Public
Scott Lish
Printed name



Notary Public for State of Nevada County of Clark.

My Commission expires: Nov 23, 12

EXHIBIT

26

AFFIDAVIT OF MARTIN YANT

STATE OF OHIO)
) ss.
COUNTY OF FRANKLIN)

I, MARTIN YANT, 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 am a licensed private investigator in the State of Ohio.
2. I am the author of *Presumed Guilty: When Innocent People Are Wrongly Convicted* (1991), and my investigations have helped free 15 wrongly convicted individuals.
3. On December 11, 2009, I conducted a search of online investigative databases I have access to for the names and Social Security numbers of Alejandro Cruz, SSN [REDACTED], and Daniel Martinez, SSN 3[REDACTED]-0[REDACTED]-0[REDACTED].
4. A search of Alejandro Cruz, SSN [REDACTED], resulted in the discovery of information that indicated he is also known as Arriaga Alejandro Cruz, his SSN was issued in 1999 in California, and his date of birth is [REDACTED].
5. A search of Daniel Martinez, SSN 3[REDACTED]-0[REDACTED]-0[REDACTED], resulted in the discovery that there is no Daniel Martinez with that SSN.
6. According to the Social Security Death Index, SSN 3[REDACTED]-0[REDACTED]-0[REDACTED] was assigned to Clarence R. Hartung, who died on September 28, 1987, in Oakland, Michigan, at the age of 80.
7. 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.

Martin D. Yant
MARTIN D. YANT

SUBSCRIBED AND SWORN to before me this 22nd day of January, 2010.

Kathy A. Wildman
Notary Public



Kathy A. Wildman
Notary Public, State of Ohio
My Commission Exp. Feb. 19, 2013

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