



BS7 The Exoneration of Kirstin Blaise Lobato

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Learning Overview: The goals of this presentation are to help attendees: (1) understand the factors that lead to wrongful conviction; (2) describe the features used to estimate time of death; and (3) understand the role of forensic entomology in narrowing time-of-death estimations.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by highlighting the numerous factors that led to the wrongful conviction of a young woman and years of imprisonment for a murder she did not commit. Attendees will appreciate the advantages of a second opinion in cases in which time of death may be an issue and the importance of considering another forensic science that was not considered at the time of original trial.

In most death investigations, time of death is not a critical issue in court. However, for those accused of homicide—especially those who have an alibi for a specified time period—the ability to narrow the time frame in which death likely occurred can mean the difference between exculpation and wrongful imprisonment. Oftentimes medical examiners may be unaware that time of death is of particular significance in a case, unless or until a lawyer informs them.

On the night of July 8, 2001, around 10:00 p.m., a man’s body was discovered covered with trash beside a dumpster in a parking lot in Las Vegas, NV. The victim had been mutilated: his teeth were knocked out, he suffered numerous stab wounds, his skull was fractured, and his penis had been severed from his body. Police investigation ultimately turned to Kirstin Blaise Lobato (“Blaise”), a slight eighteen-year-old girl from a town several hours from Las Vegas. Blaise had no connection to the victim; rather, she was implicated solely based on rumors that she had cut a different man’s groin when he tried to attack her in a motel parking lot; however, that attack occurred several weeks *before* this July 8 homicide.

Blaise had an alibi for the majority of July 8—it was undisputed she was in her hometown, several hours from Las Vegas, after 11:00 a.m. and for the rest of that day. Under the State’s theory at trial, Blaise killed the victim during the early morning hours of July 8. This meant that the victim’s body laid undiscovered in the daytime summer heat for more than 12 hours, from the early morning (when Blaise allegedly killed him) until his body was found at 10:00 p.m. The State relied heavily on a medical examiner’s time-of-death estimation that the victim could have died up to 24 hours before he was pronounced dead at 3:50 a.m. on July 9, meaning at approximately 4:00 a.m. on July 8. The State argued that this put the victim’s death at a time when Blaise was not accounted for by her alibi witnesses, and the jury convicted her.

During Blaise’s post-conviction litigation, this time-of-death estimate was revisited. A consulting pathologist noted that the decedent was initially examined and found to be in full rigor mortis at 3:50 a.m. Rigor mortis had disappeared by the time the autopsy commenced at noon, eight hours later. Given the rapidity with which the decedent went out of full rigor, and given the outdoor temperatures in Las Vegas in July, the pathologist estimated that the decedent most likely died within several hours of 8:00 p.m. on July 8—long after Blaise had left Las Vegas. Three renowned forensic entomologists independently reviewed the crime scene and autopsy evidence and found an absence of blow fly activity. Blow flies are early colonizers of dead bodies, and the conditions in which the victim’s body was found were ideal for rapid colonization: outdoors, in a hot climate, surrounded by garbage. All three entomologists independently concluded that, based on the absence of blow fly colonization, the victim was likely killed after 8:00 p.m. on July 8, 2001, during which time Blaise was, as even the State conceded at trial, hours away from Las Vegas.

Based on these findings, as presented during an evidentiary hearing, the presiding judge vacated Blaise’s conviction. The judge found that her trial attorneys provided ineffective assistance of counsel in failing to consult with a forensic pathologist as well as with a forensic entomologist, whose consult would have narrowed the time-of-death estimate to a time frame during which Blaise could not possibly have committed the crime.

Exoneration, Time of Death, Blow Flies