

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE MATTER OF THE WRONGFUL
CONVICTION OF:

Case No.: A-19-806937-P

KIRSTIN BLAISE LOBATO

Dept: No: V

CERTIFICATE OF INNOCENCE AND ORDER

Petitioner Kirstin Blaise Lobato (Lobato) timely filed this action for relief on December 13, 2019, pursuant to NRS 41.900, *et seq.*, inclusive, which provides for the compensation of certain persons who were wrongfully convicted and imprisoned. The Court finds, pursuant to NRS 41.910(1), as follows:

A. Lobato was convicted on May 18, 2002, following a jury trial, of first-degree murder with use of a deadly weapon and sexual penetration of a dead human body in *State v. Lobato*, Case No. C-01-177394, and imprisoned. After the Nevada Supreme Court reversed the convictions, Lobato was again convicted on October 6, 2006, following a jury trial, of first-degree murder with use of a deadly weapon and sexual penetration of a dead human body, and again imprisoned. Pursuant to further investigation and new evidence presented, on December 19, 2017, the state district court granted Lobato's state habeas petition for relief, overturning her second conviction. NRS 41.900(2)(a).

B. Lobato did not commit the offenses for which she was convicted and is actually innocent. Lobato was not an accessory or accomplice to the acts that were the basis of the convictions, did not aid, abet, or act as an accomplice or accessory to a person who committed the acts that were the basis for the conviction, and had no involvement in those crimes. NRS 41.900(2)(b).

C. Lobato was not convicted of an offense necessarily included in the offenses for which she was previously charged. NRS 41.900(2)(c).

D. Lobato's final judgment was reversed or vacated and the charging document was dismissed. The basis for reversing or vacating the judgment was not legal error that was unrelated to her innocence. NRS 41.900(d).

E. Lobato did not commit or suborn perjury, fabricate evidence, or by her own conduct cause or bring about the conviction. NRS 41.900(2)(e).

1 F. The State of Nevada agrees Lobato is entitled to relief pursuant to NRS 41.900 *et seq.*

2 IT IS THEREFORE ORDERED as follows:

3 That Lobato's Petition for Certificate of Innocence is GRANTED.

4 ORDERED this _____ day of _____, 2024.

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6 Dated this 30th day of October, 2024

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8 _____
EIGHTH JUDICIAL DISTRICT COURT JUDGE

9 AD6 0F0 E8F6 6046
Veronica M. Barisich
District Court Judge
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1 **CSERV**

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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6 In the Matter of the Petition of CASE NO: A-19-806937-P
7 Kristin Blaise Lobato DEPT. NO. Department 5
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9 **AUTOMATED CERTIFICATE OF SERVICE**

10 This automated certificate of service was generated by the Eighth Judicial District
11 Court. The foregoing Certificate was served via the court's electronic eFile system to all
12 recipients registered for e-Service on the above entitled case as listed below:

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