

# 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:

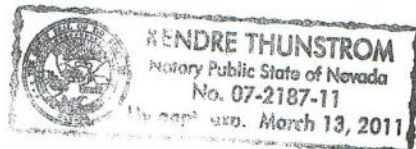
1. I met Kirstin Blaise Lobato in 1998 when she was in high school. I lived in Panaca, Nevada, and she lived in Panaca with her parents. I know her as Blaise.
2. After Blaise finished high school she spent time in Las Vegas and in Panaca.
3. On a day prior to the 4<sup>th</sup> of July 2001, I had a 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 4<sup>th</sup> of July, because I saw Blaise at her parent's house on July 4<sup>th</sup>. I invited Blaise to go with my boyfriend and me to the 4<sup>th</sup> 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 4<sup>th</sup>.
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 13<sup>th</sup> day of February, 2010.

Kerrene Thunstrom  
Notary Public

Kerrene Thunstrom  
Printed name



Notary Public for Lincoln

My Commission expires: March 13 2011