# IN THE SUPREME COURT OF THE STATE OF NEVADA 

STATE OF NEVADA, Appellant(s),

VS.
DWIGHT CONRAD SOLANDER, Respondent(s),

Case No: C299737-1
Docket No: 67710

## RECORD ON APPEAL VOLUME

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
-vS-
DWIGHT CONRAD SOLANDER, \#3074262

Defendant.
CASE NO: C-14-299737-1
DEPT NO: XXI

STATE'S OPPOSITION TO DEFENDANT'S
MOTION FOR RETURN OF PROPERTY
DATE OF HEARING: OCTOBER 21, 2014
TIME OF HEARING: 9:30 AM
COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JACQUELINE BLUTH, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion for Return of Property.

This opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

## STATEMENTOF FACTS

Defendant, DWIGHT SOLANDER, is charged by way of Information with the crimes of CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.508(1) - 55222); CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - 55226); and SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony NRS 200.364, 200.366 - 50105) The victims are A.S. (10/21/01), A.S. (1/23/03) and A.S. (7/25/04). The crimes are alleged to have been committed on or between the $19^{\text {th }}$ day of January, 2011, and the $11^{\text {th }}$ day of November, 2013, at and within the County of Clark, State of Nevada.
A.S. (10/21/01) is twelve years old. She is the oldest of the Solander sisters. A.S. (10/21/01) knows the DEFENDANTS in this case because she and her siblings were originally foster children within the Solander home. In January of 2011 the three siblings were formally adopted by DEFENDANTS Janet and Dwight Solander. (VOL 1 - PHT pp. 14-15)

Before A.S. (10/21/01) and her siblings were fostered by the DEFENDANTS, they were with a couple by the name of Miss Debbie and Mr. Mack. During the time period the children lived with Miss Debbie and Mr. Mack, A.S. (10/21/01) had no issues with going to the bathroom, nor did she have any "tummy" issues. (VOL 1 - PHT pp. 16-17).

On January 19, 2011, DEFENDANTS Janet and Dwight Solander formally adopted A.S. (10/21/01) and her two sisters. Once they were adopted, certain rules were put in place regarding the bathroom. First, the children would have to ask one of the named DEFENDANTS to use the bathroom and the children were not allowed to use the restroom whenever they needed to. (VOL 1 - PHT p. 19) The DEFENDANTS then began using timers to time when the children were allowed to go to the bathroom. (Id. At 19, 28). The children were forced to hold their pee and poop until the timer went off. (VOL 1-PHT p. 28) Then, when A.S. (10/21/01) was given a chance to go to the bathroom, she was too scared to take the opportunity, because if she stated she had to go then she would get in trouble for not opening her mouth and telling them she had to go previously. (VOL 1 - PHT pp. 112-113)

Thus, there was no way to escape getting into trouble over toileting.
There were also rules regarding use of the bathroom at nighttime. At first, the children were allowed to knock on DEFENDANTS Janet and Dwight's door and ask to go to the bathroom, however, they would get in trouble with DEFENDANT Janet Solander for asking. Then the DEFENDANTS put gates and alarms on the door so the children could not get access to the bathroom. (VOL 1 - PHT p. 20)
A.S. ( $10 / 21 / 01$ ) became too scared to ask so she started holding "it," then after a while she started having accidents in her pants and that is when she would get beaten. (VOL 1 PHT p. 21)

When A.S. (10/21/01) was beaten, she was hit by DEFENDANTS Janet or Dwight Solander. They would spank her bare bottom with a wooden Home Depot stick/ruler. DEFENDANT Dwight Solander wrote "Board of Education" on the stick. (VOL 1-PHT p. 22) Before the beating, she would be told to take her clothes off and "get in the position" which meant get in a position like one was about to do a pushup. Then either DEFENDANT Janet or Dwight would hit her with the stick. (VOL I - PHT p. 24) When the stick hit her bottom, it would break her skin and she would bleed. On certain occasions, she would be hit and the stick would actually break; yet, the beatings would still continue. (VOL 1 - PHT p. 25) A.S. (10/21/01) still has scars on her bottom to this day.

The children were also forced to sit on Home Depot buckets with a toilet seat placed on top of the bucket. (VOL 1 - PHT p. 29) DEFENDANT Dwight Solander bought these buckets at Home Depot. (PHT p. 32) He also placed the toilet lids on top of them. A.S. ( $10 / 21 / 01$ ) and her siblings had to sit on the buckets from the moment they woke up until it was time to go to bed. Id.

DEFENDANT Janet Solander took A.S. (10/21/01) to the doctor because DEFENDANT Janet Solander believed A.S. (10/21/01) was having "stomach issues." After that, DEFENDANT Janet starting blending ALL of the children's food. The children were fed this "blended meal" three times a day. If they had an accident sometimes their food would be reduced to twice a day, then once a day, and sometimes they would not be given anything
to eat at all. (VOL 1 - PHT p. 33) The same was done with water as well, once the children started having their accidents, they were only given water if they were taking medicine. (VOL 1 - PHT p. 34) It was both, DEFENDANT Janet and DEFENDANT Dwight that would withhold food and water from the children. ${ }^{1}$ Id.

Besides being beaten, if A.S. (10/21/01) had an accident in her pants, DEFENDANT Janet Solander would make Janet stick her soiled underwear in her mouth. (VOL 1 - PHT p. 35) DEFENDANT Janet Solander also made her lick urine off of the floor after an accident. (VOL 1 - PHT p. 146)

After the children had accidents, they would either be taken outside and sprayed down with a hose, or they would be given a cold shower. (VOL 1 - PHT p. 36) Along with being placed in the cold shower, DEFENDANT Janet Solander would also pour buckets of ice on the children while they were showering. (VOL 1 - PHT p. 37) After the children were done showering DEFENDANT Janet or DEFENDANT Dwight would then take a special light to the shower. If it showed that they had urinated in the shower they would get hit with the stick. (VOL 1 - PHT pp. 37, 38) DEFENDANTS Janet and Dwight would also force them to dry off by placing a fan on them, or they were told to shake the water off, they would not be given towels. (VOL 1 -PHT p. 38)

When A.S. (10/21/01) and her siblings would sleep at night, they were given boards to sleep on, unless the nannies were there, then they would give them a cot. (VOL 1 - PHT p. 39) Most of the time the children were made to sleep with no pajamas on, just their underwear, while a fan blew on them. Id.

At a certain point the DEFENDANTS made the decision to home school the children. When the children would get answers to their homework wrong, DEFENDANT Janet would either hit them with the stick or punish them in other ways. (VOL 1 - PHT pp. 43, 44). On one particular occasion A.S. (10/21/01) had gotten an answer wrong so DEFENDANT Janet Solander took A.S.'s (10/21/01) head and slammed her face repeatedly into the counter. Her

[^0]eye became purple and swelled shut. (VOL 1 - PHT p. 44)
One day, DEFENDANTS Janet and Dwight asked A.S. (10/21/01) if she needed to use the bathroom, to which she answered no. DEFENDANT Janet Solander then told her to go upstairs so she could get a catheter put in. Once she got up to the bathroom, she lay down on a towel, she was told to wipe herself with some "wipe thing" and then DEFENDANT Janet stuck the catheter up her vagina. (VOL 1 - PHT p. 45, 46). Urine came out into the catheter and then she got into trouble with the DEFENDANTS because she had told them that she didn't need to go to the bathroom. (VOL 1 - PHT p. 47) This happened more than one time. There were times when DEFENDANT Dwight was outside the bathroom door when it was happening and there were times when he was downstairs. (VOL 1 -PHT p. 48)

If A.S. (10/21/01) ever fought DEFENDANT Janet while she was trying to put the catheter in her, DEFENDANT Janet would threaten her with a razor blade. The razor blade was gray, silverish, and small. (VOL 1 - PHT p. 49) This scared A.S. (10/21/01).
A.S. $(1 / 23 / 03)$ is eleven years old and she is the middle child of the three sisters. ${ }^{2}$ She too noticed the rules started changing after the sisters were adopted by the DEFENDANTS. The children were put on timers and could not go to the bathroom unless the timer was up; this tactic was used by both DEFENDANTS Janet and Dwight. (PHT. VOL III, P. 14) There came a point in time when A.S. $(1 / 23 / 03)$ and her siblings were not allowed to use the bathroom during the night. The DEFENDANTS Janet and Dwight placed an alarm on the bathroom door and a gate prevented them from going near the bathroom. (PHT. VOL III, P. 15)

Sometimes A.S. (1/23/03) could not "hold it" anymore and she would have an accident in her pants. When that occurred, either DEFENDANT Janet or DEFENDANT Dwight would spank A.S. (1/23/03) with the paint stick. It was long and brown and it said Home Depot on it. (PHT. VOL III, P. 16, 17). Either DEFENDANT Janet would hit the children or she would threaten them by saying, "You're going to get it when Dad comes home." Then when

[^1]DEFENDANT Dwight would come home, he would spank them. Usually they were spanked on the bottom; however, if they kept moving- he would hit them on their backs, arms, or ankles. (PHT. VOL III, P. 16, 17). When the stick would break, the DEFENDANTS would just go get another stick because there were several in the garage. A.S. (1/23/03) still has marks today from the stick whippings on her bottom and her arm. (PHT. VOL III, P. 18)
A.S. (1/23/03) and her siblings were originally enrolled in public school. One morning the children were so hungry that they stole a cinnamon roll from the school. The school notified DEFENDANT Janet Solander, and from that point forward, they were home schooled. (PHT. VOL III, P. 20) Once the girls became home schooled, they had to sit at the counter in the kitchen on buckets. The buckets were orange in color and said Home Depot on them. Id. The buckets were purchased by DEFENDANT Dwight Solander, he placed toilet seats on the buckets as well. (PHT. VOL III, P. 21) Somebody wrote names on the buckets in an attempt to make fun of them. Id. When they would sit on the buckets, they would have to sit there with their underwear off but they could keep their shirt on. (PHT. VOL III, P. 22) The children sat on the buckets all day until they went to bed. Id.

In regards to eating, sometimes the children were given "regular" food, which consisted of rice and beans and some "gray stuff." At other times, the girls were given blended food. (PHT. VOL III, P. 24) The children were allowed no snacks in between the regular or blended food. (PHT. VOL III, P. 25) DEFENDANT Janet would give A.S. (1/23/03) a little bit of water with her medicine. Id. Sometimes when the children had accidents, DEFENDANT Janet would not give them food that day or even the next day. (PHT. VOL III, P. 26) If DEFENDANT Dwight was watching the girls, he would call DEFENDANT Janet and if she told him that they couldn't eat or drink - then he wouldn't give them anything. (PHT. VOL III, P. 27)

When A.S. ( $1 / 23 / 03$ ) had accidents, DEFENDANT Janet would force her to put her soiled underwear in her mouth. She also saw DEFENDANT Janet make her sisters do this as well. (PHT. VOL III, P. 28) Additionally, DEFENDANT Janet and DEFENDANT Dwight would make girls act like babies in front of the other foster children. They would make the

Solander sisters stand in front of the foster kids with pacifiers in their mouth. In other times, they would have the Solander girls crawl on the floor saying "goo goo" and "gaa gaa." The DEFENDANTS and the other foster children would laugh and make fun of them. If any saliva came out of their mouths, they would get slapped. (PHT. VOL III, P. 28, 29)

When A.S. (1/23/03) and her siblings took showers sometimes they were given luke warm showers and sometimes cold. It would depend on the type of mood DEFENDANT Janet was in. Sometimes she would give them cold showers; sometimes she would decide to dump buckets of ice on them while taking the cold showers. She also saw DEFENDANT Janet give her sisters the same kinds of showers. (PHT. VOL III, P. 28) When the girls were done with the shower, DEFENDANT Janet would either give them a towel, make them shake off or stand in front of a fan.

After the children were done showering, one of the DEFENDANTS would get a purple light and check the shower to see if there was any pee. If DEFENDANT Janet saw any pee she would scream, "What's this'? Did you pee in the tub? I'm not stupid I can see the spots." They would also check their underwear with the light. If the DEFENDANTS found anything, the children would get spanked with the sticks, the DEFENDANTS' hands, or DEFENDANT Janet's slipper. (PHT. VOL III, P. 33)
A.S. (1/23/03) and her sisters would sleep on boards. (PHT. VOL III, P. 33) She believes that they slept in their underwear but maybe sometimes they were allowed their pajamas. Then while they were sleeping, DEFENDANT Janet would put fans on high and let them blow on them. (PHT. VOL III, P. 34) If DEFENDANT Janet was out of town and DEFENDANT Dwight was taking care of them he would have to call DEFENDANT Janet and do whatever she told him in regards to how the children slept. (PHT. VOL III, P. 35) There were no sheets on the bed but sometimes they would get a blanket. Id.

DEFENDANT Janet would ask them if they had to go to the bathroom before the DEFENDANT left the house. Even though the children would tell her no, she would still check them with a catheter. If pee came out of the bag, she would spank them. (PHT. VOL III, P. 38) She would check them by taking them into the bathroom and telling them to lay a
towel on the floor, then they would lay down and she would put the catheter in their "front part." (PHT. VOL III, P. 39) If pee came out, she was in trouble. If A.S. (1/23/03) fought DEFENDANT Janet then she would get spanked. DEFENDANT Janet would also threaten them with a razor blade. (PHT. VOL III, P. 40) When DEFENDANT Janet threatened A.S. (1/23/03) with the razor blade, it made her feel afraid. (PHT. VOL III, P. 41) A.S. (1/23/03) isn't sure, but she believes she heard DEFENDANT Dwight Solander ordering the catheters on the phone. (PHT. VOL III, P. 45)
A.S. (1/23/03) remembers one day when they were doing their homework, she noticed that A.S. (10/21/01) was shaking. She asked her if she had to go to the bathroom and A.S. (10/21/01) said yes. A.S. (1/23/03) told her sister that she needed to say something, but her sister told her that she was too scared. So, A.S. $(1 / 23 / 03)$ told her sister that she would be in more trouble if she didn't say anything but her sister said that she was too afraid. Her sister then urinated on herself. When DEFENDANT Janet saw that A.S. (10/21/01) had urinated, she kicked her up and down the stairs. Then she took her head and slammed it into the counter leaving her with a blackish purple eye. (PHT. VOL III, P. 43)
A.S. (1/23/03) also remembers a time when their youngest sibling had pooped in her pants. DEFENDANT Janet then kicked the youngest sibling up the stairs. Once the child reached the bathroom, Janet emptied the child's poop into the toilet and forced the child to stick her head into the toilet with the poop in it. (PHT. VOL III, P. 44)

The youngest of the Solander adopted children is A.S. (7/25/04). She is 9 years old. She first moved in with the DEFENDANTS as a foster child. Then in January of 2011 she and her sisters were adopted.

After being adopted, there were rules about going to the bathroom. They were not allowed to go unless they asked. (PHT. VOL III, P. 186) Sometimes DEFENDANT Janet would get mad at them after they asked and she would start spanking and kicking them. (PHT. VOL III, P. 186) If they asked DEFENDANT Dwight if they could go, he would let them. When they would get in trouble about the bathroom, the DEFENDANTS would spank them with a stick, which was wooden and had orange words on it. (PHT. VOL III, P. 187) If the
stick broke while the DEFENDANTS were hitting her and her sisters, they would just go get another stick because they had a whole pack of them. (PHT. VOL III, P. 190) Her bottom would bleed when they spanked her; she knows this because when she pulled down her pants all she could see was blood. (PHT. VOL III, P. 190) There were other times when she had an accident that DEFENDANT Janet made her put her soiled underwear in her mouth. (PHT. VOL III, P. 199)
//
If DEFENDANT Dwight was watching them, sometimes he would let them go, but he had to follow the rules. If DEFENDANT Janet told DEFENDANT Dwight that they had to wait - then they had to wait. (PHT. VOL III, P. 192)

When they slept at night, there was an alarm on the bathroom door and there was also a gate to keep them from going to the bathroom. (PHT. VOL III, P. 193) DEFENDANT Janet told them that if they passed the gate, it would electrocute them.

When they were working on their school work they would sit at an island in the kitchen and they would sit on buckets. They were from Home Depot and they had a toilet seat on them. (PHT. VOL III, P. 195) DEFENDANT Dwight placed the toilet seat on them. They had to sit on the buckets all day until they went to bed.
A.S. (7/25/04) and her siblings were not allowed to eat whatever they wanted. Initially they were given vegetables, red beans, and rice. In the morning they were given either oatmeal or cereal; however, DEFENDANT Janet started blending their food. DEFENDANT Janet told them that she was blending mice up and feeding it to them, but she didn't really believe her. (PHT. VOL III, P. 196) Initially they were allowed to eat three times a day, then sometimes only once. If they had an accident, they could go as long as two days without any food or water. (PHT. VOL III, P. 197)

If A.S. (7/25/04) and her siblings had an accident or they didn't finish their homework, DEFENDANT Janet would take them to the shower, put a bucket full of ice on them, and then she would have them stand in front of a fan to dry off. (PHT. VOL III, P. 200)

After the siblings were done with the shower, DEFENDANTS Janet and Dwight would
check the shower with a special light that was purple to see if they had gone pee in the shower, they would also do this with their underwear. (PHT. VOL III, P. 201) Then they would get punished if anything was found.

They slept on boards in the loft. They were blue and had their names on them. DEFENDANT Dwight Solander used a sharpie to write their names on the board. (PHT. VOL III, P. 202) They were never given any sheets but sometimes they were given a pillow. (PHT. VOL III, P. 203). Sometimes they were allowed to wear a t-shirt to sleep in but most of the time they were just allowed to wear their underwear. While they slept, a fan blew on them. (PHT. VOL III, P. 203) When DEFENDANT Dwight was watching them, he would usually let them sleep on pull out beds; however, when DEFENDANT Janet was with them, Dwight would see that she was making the girls sleep on the boards. (PHT. VOL III, P. 204)

One day A.S. (7/25/04) was cleaning up the "dogs' bathroom" in the yard. When she came inside, DEFENDANT Janet told her to wash her hands. When she went to do so, the water was really hot so she jerked her hands out. This angered DEFENDANT Janet and so she forced her hands back in. DEFENDANT Janet then took the top of a candle lid, filled it with water, and splashed it in her face. When she continued to cry, DEFENDANT Janet picked her up and tried to put her whole body in the sink. A.S. (7/25/04) still has scars on her back and ear. (PHT. VOL III, P. 205)

Sometimes DEFENDANT Janet would get mad at her for an accident so she would stick her head in the toilet or make her put her underwear in her mouth. (PHT. VOL III, P. 208)

There were two occasions when DEFENDANT Janet Solander became angry because A.S. (7/25/04) had had an accident in her pants. DEFENDANT Janet punished her by making her stand naked in a garbage bag for hours on end forcing her to stand in her own urine and poop. (PHT. VOL IV, PP. 139-140, 171, 172)

DEFENDANT Janet would use a catheter on her. This happened more than once and it happened in her sister's old bedroom, the upstairs bathroom, and the loft. When DEFENDANT Janet would do this she would take her to the bathroom, have her lay down
on a towel, and then put the catheter in her private. (PHT. VOL III, P. 212) If pee came out, she would be in trouble. If DEFENDANT Janet was really mad, she would stick the catheter in and wiggle it around. DEFENDANT Dwight was the person who bought the catheters. One time when DEFENDANT Janet was using the catheter on her, DEFENDANT Dwight was standing at the door. Besides the catheter, DEFENDANT Janet also stuck the paint stuck up her vagina. (PHT. VOL III, P. 216) If she tried to fight DEFENDANT Janet when she was using the catheter, DEFENDANT Janet would threaten her with a razor blade and tell her that she was going to cut her front part out. (PHT. VOL III, P. 218)

DEFENDANT Janet put the catheter in her vagina in the bathroom more than one time, about four times in the loft, and put the stick in her vagina in her sister's old bedroom. (PHT. VOL IV, PP. $167,168,216,217$ )

If she fought DEFENDANT Janet, she would hold her down with one hand as she was using the needle with the other. She held her down one time in the bathroom and one time in the loft. (PHT. VOL III, PP. 167-168)

The children were eventually seen by Dr. Sandra Cetl who is a pediatric emergency physician but also a Child Abuse and Neglect specialist. Dr. Cetl's testimony is delineated below:

- P. 14 (VOL IV) - Testimony of Dr. Cetl. She found numerous scars all over the body of A.S. 10/21/01, the ones that were particularly concerning were on her bottom and back.
- P. 16, 17 (VOL IV) - Testimony of Dr. Cetl. The pictures that are being shown are of A.S. 10/21/01 back and legs, there is obvious scars, and healed scar tissue.
- P. 26 (VOL IV) - Testimony of Dr. Cetl. Showing pictures of A.S (1/23/03) arm where there is a linear scar that is healing. There is also scar tissue on her left and right buttocks. There is also linear scars on her upper thigh, as well as her lower back.
- P. 35 (VOL IV) - Testimony of Dr. Cetl. There are linear scars on the right side of A.S. (7/25/04) back towards the middle, as well as two smaller linear scars
coming off of them perpendicular to her backside area. There is also a linear scar on the right flank area but lower down.
- P. 38 (VOL IV) - Testimony of Dr. Cetl. There is scar tissue towards the bottom, almost towards the crease of the buttocks. There are also scars on the right and left buttocks. There is a scar a little bit higher which is linear on the left side.
- P. 40 (VOL IV) - Testimony of Dr. Cetl. The fact that the scars were somewhat linear in nature and that all three girls had the same marks is concerning of non accidental injury.

Lastly, Detective Emery is in the Child Abuse and Neglect Division of the Las Vegas Metropolitan Police Department. Detective Emery is in charge of the investigation of this case. During her investigation she conducted a search warrant on the home as well as the work computer of DEFENDANT Dwight Solander. Pursuant to that search on the computer she found several purchases for catheters. (VOL V - PHT p. 49) Also on the computer, were emails regarding alarms to put on doors, one specifically was called "the bedwetter." Id. Additionally, there were several emails going back and forth between DEFENDANT Janet and DEFENDANT Dwight discussing the children having accidents, pictures were attached, and comments stating the children were going to get punished. Pursuant to the search warrant on the home, several items were taken including those listed in the Defendant's motion.

## ARGUMENT

## I. DEFENDANT IS NOT ENTITLED TO RETURN OF THE PROPERTY LISTED IN HIS MOTION

Defendant is not entitled to the items requested in his motion because the Defendant has failed to allege that the property was seized unlawfully, in fact Defense has failed to cite to any case law at all as to why the property should be returned. Nevada Revised Statute 179.085 sets forth the appropriate means by which to seek return of property. NRS 179.085 provides:

1. A person aggrieved by an unlawful search and seizure may move the court having jurisdiction where the property was seized for the return of the property and to suppress for use as evidence anything so obtained on the ground that:
(a) The property was illegally seized without a warrant;
(b) The warrant is insufficient on its face;
(c) There was not probable cause for believing the existence of the grounds on which the warrant was issued; or
(d) The warrant was illegally executed

The judge shall receive evidence on any issue of fact necessary to the decision of the motion.
2. If the motion is granted the property shall be restored unless otherwise subject to lawful detention and it shall not be admissible evidence at any hearing or trial.

Here, the property at issue was seized pursuant to a valid search search. Defendant has never challenged the validity of the search or the warrant itself. As such, Defendant does not have a basis in the criminal proceeding to request the return of certain property.

NRS 179.335 sets forth the form in which a motion must be filed in order to request a return of property. The statute requires that the motion be entitled "Motion for the Return of Seized Property and Suppression of Evidence." The statute additionally requires that the petitioner allege that the property was unlawfully seized without a warrant or state why the warrant was defective or illegal. The form of the motion makes it clear that the court is required to return property only upon the ground that it was illegally seized. Therefore, in order for the Court to return the seized property, the Defendant must move to suppress the seized evidence and for return of property in the criminal case. The Court would then have to find that the search was illegal to support suppression of the evidence seized and grant the motion to return the property.

Moreover, most if not all of the property Defendant is requesting was used as part of the investigation and will be used at trial. Therefore, it would be completely unreasonable and ineffective for the State to release this property.

Additionally, the State contacted the Detective with LVMPD and she stated that none of the prescriptions were in the name of DEFENDANT. Furthermore, it was the State's understanding that the insulin and other medical devices were related to the health of DEFENDANT Janet Solander, they will also be used in trial as evidence for other reasons to be disclosed at a different time. In regards to the documents, paperwork, and named book, those are all being used at trial and thus will not be returned.
//
The State sees that the Defense is requesting a specific document needed for tax return purposes. If the Defendant can describe which document he needs, the State would be move than happy to go to the vault and make a copy. However, there needs to be more particularity as to which documents Defendant needs so the State can aid in getting him the correct copies.

## CONCLUSION

Due to the face that Defendant did not cite any law that supports the position that this property should be returned and due to the fact that most if not all of this will be used at trial against this Defendant and his co-defendants, the State would respectfully request this request be denied.

DATED this 3rd day of October, 2014.

Respectfully submitted,<br>STEVEN B. WOLFSON<br>Clark County District Attorney<br>Nevada Bar \#001565

## BY /s/ JACQUELINE BLUTH <br> JACQUELINE BLUTH <br> Chief Deputy District Attorney Nevada Bar \#010625

## CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 3rd day of OCTOBER 2014, to:

CRAIG MUELLER, ESQ. cmueller@muellerhinds.com

BY /s/ HOWARD CONRAD<br>Secretary for the District Attorney's Office Special Victims Unit

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STEVEN B. WOLFSON
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JACQUELINE BLUTH
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Attorney for Plaintiff

## DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
-vs-
CASE NO: C-14-299737-1
C-14-299737-3

## DWIGHT CONRAD SOLANDER, \#3074262

JANET SOLANDER \#6005501

Defendant.


CLERK OF THE COURT

DEPT NO: XXI

## STATES BENCH MEMORANDUM PURUSANT TO COURTS REQUEST REGARDING ISSUE IN PRETRIAL WRITS OF HABEAS CORPUS

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JACQUELINE BLUTH, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Bench Memorandum Purusant to Court's Request Regarding Issue in Pretrial Writs of Habeas Corpus.

This Bench Memorandum is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

## POINTS AND AUTHORITIES

The crime of sexual assault with a minor under fourteen years of age occurs when a person subjects another person, under the age of 14 , to sexual penetration, or forces another person to make a sexual penetration on himself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his conduct. See generally, NRS 200.366.

Likewise, NRS 200.364(2) defines sexual penetration as follow: "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.

In Hutchins v. State, 110 Nev. 103, 867 P.2d 1136 (1994) the Nevada Supreme Court addressed the issue of penetration as it related to a sexual assault charge involving an act of cunnilingus where the facts illustrated that Defendant placed his tongue on but not in the victim's vagina. The Court stated:
". . .[t] he act of cumnilingus is considered "penetration" according to that word's statutory definition. Based upon the testimony, the jury was properly able to determine that Hutchins accomplished at least a slight penetration of the victim's vagina by placing his tongue on it. Accordingly, we conclude that even if it were only shown that Hutchins had placed his tongue on and not in the victim's vagina without her consent, this constituted sufficient evidence to sustain a conviction for sexual assault."

Id., 110 Nev. 103 at 110,867 P.2d 1136 at 1141.

Additionally, In Mejia v. State, 122 Nev. 487, 134 P.3d 722 (2006), the Court stated as follows:

Mejia was convicted of sexual assault for performing cunnilingus on A.W. NRS 200.366(1) defines sexual assault as engaging in an act of sexual penetration against the victim's will. NRS 200.364(2), which defines sexual penetration, specifically enumerates cunnilingus as an act of sexual penetration. Consistent with that definition of sexual penetration, we have held that "even if it were only shown that [the defendant] had placed his tongue on and not in the victim's vagina without her consent, this constituted sufficient evidence to sustain a conviction for sexual assault." Citing Hutchins v. State, 110 Nev. 103, 110, 867 P.2d 1136, 1141 (1994).
A.W.'s testimony that Mejia performed oral sex on her against her will was sufficient for a reasonable jury to conclude, beyond a reasonable doubt, that Mejia was guilty of sexual assault against a minor under 14 years of age. (See LaPierre v. State, 108 Nev. 528, 531, 836 P.2d 56, 58 (1992) (explaining that this court has "repeatedly held that the testimony of a sexual assault victim alone is sufficient to uphold a conviction" so long as the victim testifies with "some particularity regarding the incident")).

Id., 122 Nev. 487 at 493,134 P.3d 722 at 725

Merriam Webster dictionary defines the "vulva" as: the external parts of the female genital organs. "vulva." Merriam-Webster.com 2011. http://www.merriam-webster.com (30 August 2011). The vulva is the external female genitalia. It includes the "lips" or folds of skin (labia), clitoris, and the openings to the urethra and vagina. Katz VL. Reproductive anatomy: Gross and microscopic, clinical correlations. In: Lentz GM, Lobo RA, Gershenson DM, Katz VL. eds. Comprehensive Gynecology. 6th ed. Philadelphia, Pa: Mosby Elsevier; 2012:chap 3.

Clearly, for an individual to insert a catheter into a female child's urethra or genital opening, one must achieve sexual penetration of the vaginal lips (labia majora and labia minora), however slight, to gain access to the openings of the urethra and vagina.

In People v. Quintana, 89 Cal.App. $4^{\text {th }} 1362$, 98 Cal.Rptr.2d 235 (2001), a case certified for partial publication by the Court of Appeals, First District, Division 4, California, the court addressed the issue penetration as it related to the genital opening to uphold a conviction for foreign object penetration of a minor. In affirming the conviction and holding that penetration of a genital opening with a foreign object (Defendant's finger) occurred in that case, the Court stated, in pertinent part:
Pirst, to hold that no "penetration" of an "opening" ocourred in
this case wonld ignore the anatomical facts to which the medical
examiner tentified. The evidence shows that appellant's finger
penetrated at least as far as the victim's hymen. Temahan
explaned in describing fade's examination that the habia majora
"are usually quite plump] and cover the gental area" of a five-
year-old gin, that the hymenal tissues are "not easy to get to," but
that medical methods had been developed to painlessly separate
the "geveral layers of material" and "give us a good yiew of what
is hidden." The labia majora were thus an "opening" through
which appellane's finger penetated. The labia majora are part of
the female genitalia. (Stedman's Medical Dict. (26th ed. 1995) pp.

1257, 1954 [defming "external female genital organs" and "vnlva"], 3 Schmidt, Atomey's Dict of Medicine (2000) p. G 59 [defining "gental organs,**239 extemal"].) Accordingly, the opening through which appellant's finger penetrated was a "gental" opening.

Second, a "genital" opening is not synonymous with a "vaginal" opening as appellint's argument assumes. The vagina is only one part of the female gentalia, which also include inter alia the fabia majora, labia minora, and the clitoris. (Stedman's Medical Dict., supra, pp, 1257-1258, 1954 [defining "external female gental organs," "internal female genial organs," and "vulva"]; 3 Schmide, Attomey's Dict of Medicine, supra, p. G-59 G-60 [defing "genital organs, extemal," "gental organs, intemal," and "genitaha"]. Thus, "genita" opening does not necessarly mean. "vaginal" opening.

Third, section 289 refers to a penetration of a "genital," not a "vagmal", opening, and, fouth, this was not always the case. As amended in 1985 , section 289 moluded three subdivisions, (a), (b), and (c) which referred to penetration of the "genital ... opening ]." (Stats 1985 ch. 945,8 1, p. 2986.) in 1986, four new subdivisions, ( 6 ), (e), (f) and (g), were added which refered to the "genital ... opening [ ]" and three new subdivisions, (h), (i), and (j), were added which referred to the "vaginal ... opening []." (Stats. 1986 , ch. $1299,86, \mathrm{pp} .4598-4599$.) In 1988 , the references to "vaginal ... opening $]$ " were replaced by references to the "gental ... opening []," so that all of the subdivisions referred consistently to the "genital ... opening[]." If, as appellant argues, "gental" opening were synonymons with "vagina", opening, the 1988 amendmen would have been unecessary. This amendment shows that the Legislature meant "genital," not "vaginal," opening in section 289.

Id., 89 Cal.App.4th 1362 at 1367, 98 Cal.Rptr.2d 235 at 238-239.
Additionally, although not controlling in this jurisdiction, but cited for its persuasive language as it relates to the question at bar, i.e., penetration of the genital opening; in State $v$. Albert, 252 Conn 795, 750 A.2d 1037 (2000), the Supreme Court of Connecticut was tasked with determining what the legislature intended by its use of term genital opening in relationship to the statute defining sexual intercourse as vaginal intercourse and stating the penetration however slight, is sufficient to complete vaginal intercourse and that penetration may be committed by object manipulated by actor into the genital of the victim's body. In doing so the Court reasoned as follows:

We must then detemine what the legislature intended by its use of the term "genitai ... opening," General Statutes (Rev, to 1991) $\$ 53 a-65$ (2). We begin by noting that, although the statute does not expressly define the term gental opening, our "construction must accord with common sense and commonly approved usage of the language." (Intemal quotation marks omitred.) State v. Jason B., 248 Com. 543, 550, 729 A. 2 d 760 , cert. denied, 528 U.S. 967, 120 S.Ct. 406,145 LEd. 2 d 316 (1999), We also note that, when "a statute or regulation does not sufficienty define a term, it is appropriate to look to the common understanding of the term as expressed in a dictionary." (Intemal quotation marks omitted.) State v. Payne, 240 Com. $766,771,695$ A. 20525 (1997).

Under common usage of the language, the term gental opening means an opening associated with the genials. The word "gentals" means "genitalia"; Webster's Third New Entemational Dictionary; which means "the otgans of the reproductive system; [especially] the external genital organs." (Emphasis altered.) Id. Similary, Taber's Cyclopedic Medical Dictionary defines genitals and genitalia as "lo]gans of generation; reproductive organs," and states that the female "extemal genitalia collectively are terned the vulva or pudendum and include the ... labia majora and that the internal genitalia are "the two ovaries, fallopian tubes, uterus, and vagina." (Emphasis added) Taber's Cyclopedic Medical Dictionary (16th Ed. 1989). Thus, as the term "genitals" refers especially to the extemal genital organs, which inchade the labia majora, it wond be unreasonable to conclude that when the legislature used the term genital opening, it meant to exclude the extemal genital organs and refer only to the internal gental organs such as the vagina.
"Opening" is defned in common usage as "something that is open...." Webster's Third New Intemational Dictionary. "Open," in tum is defmed as "spread out" bnfolded having the parts or surfaces laid back in an expanded position: not drawn together, folded, or contracted..." (Emphasis added.) Id. We previonsly noted that the labia majora are defined as "the outer faty folds bounding the vulva." (Emphasis added.) Id.

From these definitions, it can be deduced that: (i) the term "genitals" commonly refers to the extemal reproductive organs, which include, on a female, the labia majora; (2) the term "opening" means something that is unfolded or spread out; and (3) the labia majora are folds. Thus, we conchude that the opening between the folds, ie, labia majora, is the genital opening and that the labia majora form the boundaries of the genital opening. Moreover, because we have construed the term vaginal intercourse, as that term is ased in $\$ 53 a-65$ (2), to include digital penctration, however slight, of the genital opening; we conclude that digisal penemation, however slight, of the habia majora is sufficient penetration to constimte vaginal intercourse unders 53a-65(2).

The Court concluded as follow:
Although we have rejected most of the defendant's arguments in the preceding analysis, we wish to address briefly the defendants clam that a mere tonching of the surface of the labia majora is mot sufficient to constitute penetration under $\$ \$ 53 \mathrm{a}-65$ (2) and $53 \mathrm{a}-$ 70 (a)(2). As we previonsly indicated, we disagree with the defendant's suggestion that a defendant must put his finger or fingers "beyond the labia majora" for his condact to fall withm the defintion of sexnal intercourse in § $53 a-65$ (2). Even it we assume that the defendants imerpretation of \$ 53a-65 (2) is comect, however, there was evidence presented in this case from whoh a reasonable jury could have concluded that the defendant put his fager beyond the victim's labia majora. For example, the victim. testified that the defendant touched "IDnside" her crotch. In addition, Conter testified that the victim had indicated to him that the tonching hart her, Merced textified that the scrapes on the victim's labia majorabied when she examined the victim two days after the incident and Berien testified that the history the victim had given and the scrapes observed by Merced were consistent with a finger penetrating the victim's gental opening. Therefore, we reject the defendant's claim that "there was no evidence presented that the defendant did anything other than touch the surface of The victim's] labia majora," On the contrary, a reasonable jury could have inferred, based on the foregoing evidence, that the defendant's finger entered the victim with some force and passed beyond the actual location of the scrapes on the victim's labia majora.

Id., 252 Comm. 795 at $813-814,750$ A. 2 d 1037 at 1648-1049.

Finally, although Nevada has yet to create a specific piece of legislation that encompasses object rape of child, other jurisdictions have done so, to include the State of Utah.

Specifically, Utan Code Amotated (U.C.A.) 1953 \%76-5-402.3 defmes object rape of a child and states:
(1) A person commits object rape of a child when the person causes the penetration or touching, however slight, of the genital or anal opening of a child who is under the age of 14 by any foregn object, substance, instmment, or device, not bolwding a part of the human body, whit intent to cause substantial emotional or bodily pain to the child or with the intent to arouse or gratify the sexual desire of any person.
(2) Object rape of a chid is a first degree felony punishable by a term of imprisonment of:
(a) except as provided in Subsection (2)(b) not less than 25 years and which may be for life; or
(b) He without parole, if the trier of face finds that:
(i) during the conse of the commission of the object rape of a chidel the defendant caused serious bodily iniury to another; or
(i) at the time of the commission of the object rape of a chitd the defendant was previousy convicted of a grevons sexual offense.
(3) Subsection (2)(b) does not apply if the defendant was younger than 18 years of age at the time of the offense.
(4) Imprisonment muder this section is mandatory in accordance with Section 76-3-406.

In this case, the State presented sufficient evidence that sexual penetration occurred when the catheter and/or plastic tube was inserted into the genital opening and/or urethra of the child victim A.S. (DOB: 07/25/04). As this Court is aware sexual assault is a general intent crime and sexual arousal is not an element. Often times, during the sexual assault of child, the Defendants do not insert their finger into the vaginal hole, but will merely rub the clitoris of the child. The conduct of rubbing the child's clitoris is considered sexual penetration because the clitoris is located beyond the labia majora. This same argument can be made for the urethra. Once the Defendants inserted the catheter past the lips, the sexual assault was complete. Furthermore, the determination of whether or not sexual penetration occurred, beyond a reasonable doubt, in any given case is ultimately a question for the jury. At this stage in the process, the State has presented more than enough evidence to bind the Defendants over on the charges.

DATED this 15 th day of October, 2014.
Respectfully submitted,
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar \#001565

# BY /s/ JACQUELINE BLUTH <br> JACQUELINE BLUTH <br> Chief Deputy District Attorney <br> Nevada Bar \#010625 

## CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 15 th day of OCTOBER 2014, to:

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BY /s/ HOWARD CONRAD
Secretary for the District Attorney's Office Special Victims Unit

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## NOTESESEXEAXNE


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BATED this $\qquad$ day of $Q_{c}+, 2064$
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State of Nevada
PLAINTIFF
-vs-
Dwight Solander
DEFENDANT

CASE NO: $\xrightarrow{\text { C-14-299737-1 }}$ DEPT. NO: 21<br>MEDIA REQUEST AND ORDER ALLOWING CAMERA ACCITS TO COURT PROCEEDINGS<br>* Please from ta (702) 671-4548 to endure that the request will pepioccssed as culukly as possible,

## Guy DeMarco (names) or 8 News NOW _(inertia organkraium),

hereby requests permission to broadcast, record, photograph or televise proceedings in the obove-treitern resp in
Dept. No. 21 _the Honorable Judge Valerie Adair___ Presiding, or lis 26__ day ar
March $\qquad$ .

Thereby certify that 1 ann familiar with, and will comply with Supreme Court Rules 229-246, inclusive, 1 f this request is beir-if submitted lass than twenty-four (24) hours before the above-described proceedings commence, the fillownt feats provide good cause for the Court to grant the request min such short notice:
 arranged prior to coverage, without asking for the Court to mediate disputer.
Dated this 25
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## December

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SIGNATURE:
 PHONE: 702-792-8870


## IT IS HEREBY ORDERED THAT:

[. ] The media request is denied because it was submitted lens that 24 hours before the scheduled procedirig was to commence, and no "good cause" has been shown to justify granting he recut on shorter hattie.
[ ] The media request is dontud tor the following reasons:





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IT IS FFCRTMER ORDERED that this document shall be made a putt of the record of the grocoulitgs in this ouse


## EIGHTH JUDICIAL DISTRICT COURT <br> CLARK COUNTY, NEVADA

## State of Nevada



CASE No: C-14-299737-1
DEPT. NO: 21

NOTIFICATION OF MEDIA REQUEST

## TO: COUNSEL OF RECORD IN THE ABOVE-CAPTIONED CASE:

You are hereby notified pursuant to Supreme Court Rules 229-246, inclusive, that media representatives from $\qquad$ have requested to obtain permission to broadcast, televise, record or take photographs of all hearings in this case. Any objection should be tiled at least 24 hours prior to the subject hearing.
DATED this 29 th day of
December
14



## CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION

I hereby certify that on the 29 th day of December 2014 , service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-246, inclusive, this dale by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

Plaintiff
District Attorney
(702) 455-2294

Defendant
Craig A. Mueller
(702) 940-1235


Eighth Judicial District Court

CLERK OF THE COURT

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## ORD

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar \#001565
LISA LUZAICH
Chief Deputy District Attorney
Nevada Bar \#005056
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500

Attorney for Plaintiff

## DISTRICT COURT

 CLARK COUNTY, NEVADATHE STATE OF NEVADA,
Plaintiff,
-VS-
CASE NO: C-14-299737-1
DEPT NO: XXI
DWIGHT CONRAD SOLANDER, \#3074262
JANET SOLANDER, \#6005501

Defendants.

## EXPEDITED

## ORDER FOR TRANSCRIPTS

Upon the ex-parte application of the State of Nevada, represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through, LISA LUZAICH, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that transcripts of the hearings heard on the 09/30/2014, 10/21/2014, 11/06/2014 and 12/18/2014 be prepared by JANIE OLSEN, Court Recorder for the above-entitled Court.

DATED this $\qquad$ day of March, 2015.

STEVEN B. WOLFSON


Clark County District Attorney Nevada Bar \#001565

CLARK COUNTY, NEVADA

STATE OF NEVADA,
Plaintiff,
vs.
DWIGHT SOLANDER,
Defendant.

CASE NO. C299737-1 DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAR, DISTRICT COURT JUDGE
TUESDAY, SEPTEMBER 30, 2014
TRANSCRIPT OF PROCEEDINGS RE: MOTIONS

APPEARANCES:
FOR THE STATE:
JACQUELINE BLUTH, ESQ. Chief Deputy District Attorney

FOR THE DEFENDANT: CRAIG A. MUELLER, ESQ.

RECORDED BY: JANIE L. OLSEN, COURT RECORDER/TRANSCRIBER

THE COURT: State versus Dwight Solander who's out of custody.
MS. JEANNEY: And Mr. Solander is present. Mr. Mueller isn't here. They're calling me down to JC 6. I have a child prelim. So I didn't know how much -- I don't know if you want me to come back later after that or come back Thursday or what you'd like me to do. I just didn't want to leave.

THE COURT: Well, Mr. Solander is here. So l'm assuming he's anticipating that his lawyer is going to be here.

THE DEFENDANT: He's got two cases down in justice court.
THE COURT: Okay. We have a number of other matters on the calendar. So what I would say is go ahead and go down there.

MS. JEANNEY: I'll leave my telephone. Is it okay if I leave my cell phone with the marshal to try to stay in communication?

THE COURT: Sure. If we finish the calendar and Mr. Mueller's not here, then we're going to move it, but l'll wait -- l'll wait for Mr. Mueller because we do have a few other matters on.
(Matter trailed.)
(Matter recalled.)
THE COURT: State versus Dwight Solander who's present out of custody with Mr. Mueller.

MR. MUELLER: Thank you, Your Honor.
THE COURT: This is on for two things, defendant's motion to sever and defendant's habeas petition. Let's start with that.

MR. MUELLER: Thank you, Your Honor. I would ask we've got a late service
on the oppositions --
THE COURT: Oh, you did?
MR. MUELLER: Yes. And because --
THE COURT: You want time to file a reply brief?
MR. MUELLER: Across the board on all issues we'd ask for some more time.
The State has some --
THE COURT: Any objections, State?
MS. JEANNEY: Well, in regards to the -- and I don't know if Your Honor does this in this department, but per Chapter 34, they're not entitled to the -- it's the petition and then the return; they're not really entitled to a reply. So my only objection -- I don't have --

THE COURT: We, I mean, we allow a reply if requested. You know, here's the thing. On the sexual assault counts, you know, l'd like to know if this has been attempted anywhere else because obviously, you know, anatomically you're talking about two different orifices. You know, it's not into the vaginal opening unless that's part of how you insert a catheter because obviously the catheter is going into the urethra which is a different, you know, slight above anatomical area. So, you know, biologically speaking, l'm kind of concerned with just the mechanics of the charge, if you will.

Do you understand what l'm saying, because it's not the vaginal opening. So I guess your theory must be that it -- it was still penetrating the vaginal area in order to insert the catheter which goes into a different area.

Now, with the -- it's not before me right now, but with the wife then obviously there's a separate allegation on the stick which is totally a different thing, but right now we're just dealing with the catheter issue. And so, you know, that's
really my concern is, you know, anatomically it's different, and I guess your theory then would be that it caused, you know, that by definition you would have to do that, but, you know, you have to at least establish that happened by slight or marginal evidence.

MS. JEANNEY: Correct. And the genital opening is really the labia majora --
THE COURT: Exactly, but in order to insert the catheter, I guess your theory is they would have had to enter that which maybe, maybe not.

MS. JEANNEY: It's like when someone does cunnilingus and --
THE COURT: Yeah. Have you ever seen a catheter inserted?
MS. JEANNEY: Yes.
THE COURT: Okay. Well, I'm just saying, you know, if a nurse does it it doesn't necessarily call for that, and so my issue is more of a, I guess, anatomical question, and you have to meet that burden before the, before, you know, before the Court to meet your slight or marginal evidence.

So this is a, you know, a new area, and, you know, I just don't know if -I guess there's really no guidance out there, but certainly Mr. Mueller, either side if you can do additional research and find something, that would be more than welcome by the Court.

MR. MUELLER: Thank you, Your Honor. It was for just that reason I thought that this issue needed to be thoroughly briefed, and we wanted to get a reply brief on file.

THE COURT: All right. I just wanted to let both sides know what my real issue is with this.

MS. JEANNEY: Yes, Your Honor.
THE COURT: All right. Thank you.

So how long, a week, Mr. Mueller?
MR. MUELLER: My father has fallen and live got to take the kids back to see him on Wednesday, tomorrow. I'm going to be out of the office for about the better part of a week. So maybe ld like two or three weeks.

THE COURT: Okay. Well, normally you would get like five, you know, about a week to do a reply. Ms. Bluth apparently doesn't have an objection.

MS. JEANNEY: No.
THE COURT: So two weeks, three weeks, what are you asking for?
MR. MUELLER: Three weeks if we could, Judge.
THE COURT: All right.
THE CLERK: October $21^{\text {st }}$ at 9:30. It shows that he's in custody.
MR. MUELLER: He's not in custody.
THE COURT: No, he's made bond.
And, Ms. Husted, did you give a hearing date?
THE CLERK: Yes, I did.
THE COURT: All right. Thank you.
MS. JEANNEY: Thank you, Your Honor.
MR. MUELLER: Thank you.
-lOo-

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case.


clerk of the court

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,
Plaintiff,
vs.
DWIGHT SOLANDER, DANIELLE HIINTON, JANET SOLANDER,

Defendants.

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE
TUESDAY, OCTOBER 21, 2014
TRANSCRIPT OF PROCEEDINGS RE: MOTIONS

APPEARANCES:
FOR THE STATE:
ELISSA LUZAICH, ESQ. Chief Deputy District Attorney

FOR DEFENDANT D. SOLANDER: CRAIG A. MUELLER, ESQ. FOR DEFENDANT D. HINTON:

FOR DEFENDANT J. SOLANDER: JEFFREY T. RUE, ESQ. Deputy Public Defender KRISTINA WILDEVELD, ESQ. CAITLYN L. MC AMIS, ESQ.

RECORDED BY: JANIE L. OLSEN, COURT RECORDER/TRANSCRIBER

THE COURT: Were we waiting on somebody from Mr. Whipple's office? MS. LUZAICH: Mueller.

THE COURT: Oh, Mueller, that's what I meant.
MS. WILDEVELD: And it has McAmis down for me, which is my associate.
THE COURT: Right. She was here earlier.
MS. WILDEVELD: Yes. We had a trial that started over at 9 o'clock in family court. So I came to relieve her, and I need to get over there.

THE COURT: Okay. This -- Mr. Mueller, we've been calling Mr. Mueller since basically 9:30. Mr. Rue was here then and Ms. McAmis we called her. I think we need to wait to --

MS. WILDEVELD: Would it be possible to trail this until tomorrow or Thursday?

MS. LUZAICH: Mr. Rue had asked me about he wanted some time to reply to something.

THE COURT: Okay. That's fine.
MR. RUE: Your Honor, with respect -- good morning, Your Honor. Jeff Rue on behalf of Ms. Danielle Hinton who's not present.

THE COURT: Right.
MR. RUE: I received the response to my writ yesterday. I also never realized that they filed an opposition to the discovery motion. I'd ask for, well, a week to file a reply to the writ.

THE COURT: All right.
MR. RUE: And whatever the Court's pleasure is in terms of all parties'
scheduling will be fine with me, Your Honor.
MS. WILDEVELD: And I'm sorry, Your Honor, to be more formal, Kristina Wildeveld on behalf of Janet Solander as well. I apologize for that.

THE COURT: I would just note that we are 40 minutes into the calendar this morning, and Mr. Mueller has still not appeared or checked in.

MS. LUZAICH: Michael Morey is outside; do you want me to get him?
THE COURT: Yeah.
MR. RUE: Mr. Solander is present, so his client is present.
MS. LUZAICH: He is, and l've been here. I've just been outside since 20 after 9 'cause I didn't see Mueller. I looked in; that's why I didn't come in.

THE COURT: Well, Ms. McAmis was here right at 9:30, even before 9:30, and she checked in. She was signed in, and then, Mr. Rue, I think you've been here since 9:30.

MS. PIEPER: Mr. Mueller's on his way.
THE COURT: On his way like through the door?
MS. PIEPER: Yes. I told him that the Court's waiting for him.
THE COURT: Mr. Mueller, have you been out in the hallway? I've been waiting for you since 9:30. Ms. McAmis was here from Ms. Wildeveld's office at 9:30 and Mr. Rue was here at 9:30.

MR. MUELLER: Yes. Yes.
THE COURT: And Ms. Wildeveld has a trial in family court; she needs to go. Dwight Solander, Danielle Hinton, whose appearance will be waived for today, and Janet Solander who is present in custody.

Before when you were out in the hall or whatever, Mr. Rue said he would like a week to file a reply to the State's opposition on the discovery motion,
and that's fine with the Court. So we'll give you a week on that, Mr. Rue.
MR. RUE: Thank you, Your Honor.
MS. WILDEVELD: And then, Your Honor, we have another issue with regard to the transcripts. In Odyssey, all of the transcripts are not filed. I understand that if other co-defendant's counsel has all of the copies of the transcript --

MS. LUZAICH: Okay. Just for the record, and I understand they weren't counsel at the preliminary hearing, the bind-over argument in this case was continued until all of the transcripts were generated. So every defense counsel had all of the transcripts prior to the argument on the bind over.

MS. WILDEVELD: We don't have the transcripts.
MS. LUZAICH: But that's not my problem.
THE COURT: Shouldn't they be -- I know -- she's not saying it's your problem, Ms. Luzaich --

MS. LUZAICH: No, but she hasn't filed a writ yet, and her writ is untimely because all the transcripts have been generated.

THE COURT: Okay. They should be filed in Odyssey. As soon as a transcript is prepared it needs to be filed. So I don't know why that wouldn't have been the case. Typically when they do an official transcript, it ought to make its way into the record somehow.

MR. MUELLER: I'd be more than happy to make a copy at my expense and have it delivered over to counsel's office this afternoon.

THE COURT: All right. So basically prior counsel for Ms. Solander did not provide you with a transcript, Ms. Wildeveld?

MS. WILDEVELD: No.
THE COURT: Okay. Here's the deal, Ms. Luzaich, if she wants to file a writ
and justify why it's filed outside of the 21 days, then you can make your argument on the record at that time that she had access to the transcript, and then the Court will make a decision, and one of the things the Court will do, which I haven't done, is look and see, okay, when were these transcripts filed and how readily available were they. I'm not prepared because I haven't inquired into that yet. So l'm not prepared to rule on that at this time because frankly l'm going to look and see, you know, how hard was it to find the transcript.

And then, Ms. Luzaich, you can make your opposition in writing and point out where they were, when they were available and whatnot, but l'm not going to make that decision today because I just don't have enough information.

MS. WILDEVELD: That's fine, Your Honor. Thank you.
THE COURT: So moving on past that. Now, we can then set the hearing out on the motion for discovery for Ms. Hinton past a week at some point. There are a number, obviously, of other motions on today so we can handle those motions today, or we can move everything out with Mr. Rue's motion. Counsel's preference on that.

MR. MUELLER: Ms. Bluth filed a document that she entitled a memorandum of law, which to her credit I admired the craftiness of that, but that was basically just a second bite at the apple on her briefing.

MS. LUZAICH: Well, the Court asked us to do that.
MR. MUELLER: Counsel, can I --
THE COURT: Well, I did, Mr. Mueller, to be fair, I did say that basically I wanted more guidance on the issue of whether any Courts had recognized this unusual application of the sex assault statute to the insertion of a catheter, and I did say that. I don't think Ms. Luzaich was here at that hearing; it was Ms. Bluth, I
believe, but I did say that.
MR. MUELLER: Having said that, it read suspiciously to me like a brief, and since the Court is asking for guidance, I would like to join in helping to guide the Court.

THE COURT: That's fine. And that's fine, and I asked for the guidance because I said I would like to know if any Court anywhere has recognized this kind of an application of the sex assault statute to insertion of a catheter because I don't think that that was the legislative intent. Although there may be clearly a technical reading you could have the penetration, although as I said last time, it's a different, you know, it's not into the vaginal area; it's obviously a different opening, although when you insert it you could have that brief kind of penetration. But I wanted to know did any -- has any other Court looked at this and said, oh, yes, this might fit.

Mr. Mueller, I'm happy to give you additional time.
MR. MUELLER: Thank you, Judge. We accept.
THE COURT: So what would you -- would a week do it?
MR. MUELLER: A week would be fine.
THE COURT: Okay. And it's really almost like blind briefing. I mean you can look and see what cases you have. You don't have to respond to what she's --

MR. MUELLER: No. We've already done a lot of research, Judge, and we'll just summarize what we've found.

THE COURT: All right. So shall we just move everything out then?
MR. MUELLER: There was only -- yes, Judge. And as far as the case goes, there's one technical or practical matter. Mr. Solander had a bunch of papers that were taken --

THE COURT: Oh, right. Okay. On that --

MR. MUELLER: They're of no evidentiary value to the case and only hinder his taxing.

THE COURT: The State said in terms of the tax information, they're happy to make copies of that, and I don't know, maybe, Mr. Mueller, you can get with the State and tell them exactly what records you need for Mr. Solander's tax information. They may keep those. Sometimes they like to keep, you know, records with your name on it just to show dominion and control of the premises. I don't believe that's going to be an issue in this case, but a lot of times that's why they seize those kinds of records so they can prove that that's, you know, you had, again, control of those premises.

MR. MUELLER: Yeah.
THE COURT: So l'm not going to say they have to return the records to you as long as they give you photocopies in a state that you can get your tax preparer, the IRS, whatever you need them for.

MR. MUELLER: Thank you, Judge.
THE COURT: The next issue was the prescription medication, and I believe that wasn't -- according to the State -- those aren't in his name so I can't order those to be turned over if they're not in your name.

And then the other thing was a diabetic; was there another thing?
MR. MUELLER: Not that I recall, Judge.
THE COURT: Okay. So I can't -- I can't order the turnover of prescriptions that were never prescribed for him.

So, Mr. Mueller, why don't you get more of a comprehensive list from your client and then get with Ms. Luzaich or Ms. Bluth, and they can have Metro make the copies of that.

MR. MUELLER: All right. Thank you, Judge.
THE COURT: All right. Thank you.
And then Ms. Husted will give you if she hasn't already done that the new date for the hearing on all of these motions.

THE CLERK: November $6^{\text {th }}$ at $9: 30$.
MS. LUZAICH: Just so everybody knows, l'm going to ask the Court to reset the trial date on that date rather than -- that's spring break, and I have plans to leave the state for spring break.

MR. MUELLER: I ask that she be forced to post a bond to assure that she comes back. Just saying, Judge.

THE COURT: I had a comment but l'm just going to chuckle here to myself.
MS. WILDEVELD: Thank you.
MR. MUELLER: All right. Thank you, Judge.
THE COURT: All right. Thank you.
-oOo-

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case.

-8-

## DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,
Plaintiff,
vs.
DWIGHT SOLANDER, DANIELLE HIINTON, JANET SOLANDER,

Defendants.

CASE NO. C299737-1, 2, 3 DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE THURSDAY, NOVEMBER 6, 2014

TRANSCRIPT OF PROCEEDINGS RE: MOTIONS

APPEARANCES:
FOR THE STATE:
ELISSA LUZAICH, ESQ. JACQUELINE M. BLUTH, ESQ. Chief Deputy District Attorneys

FOR DEFENDANT D. SOLANDER: FOR DEFENDANT D HINTON:

FOR DEFENDANT J. SOLANDER:
CRAIG A. MUELLER, ESQ. JEFFREY T. RUE, ESQ.
Deputy Public Defender KRISTINA WILDEVELD, ESQ. CAITLYN L. MC AMIS, ESQ.

RECORDED BY: JANIE L. OLSEN, COURT RECORDER/TRANSCRIBER

LAS VEGAS, CLARK COUNTY, NV., THURS., NOV. 6. 2014

THE COURT: State versus Dwight Solander, Danielle Hinton and Janet Solander. Is she still in custody?

MS. BLUTH: No, Your Honor.
MR. MUELLER: Good morning, Your Honor. Craig Mueller on behalf of Mr. Solander.

MS. MC AMIS: Good morning, Your Honor. Caitlyn McAmis, Bar No. 12616 and Kristina Wildeveld on behalf of Ms. Janet Solander who is present out of custody.

MS. WILDEVELD: And, Your Honor, although I'm present I do need to leave so l'm asking the Court for permission to leave the court now.

THE COURT: That's fine.
MR. RUE: Judge, Jeff Rue on behalf of Ms. Danielle Hinton. She's not present.

THE COURT: All right. Are you asking us to waive her presence for today? MR. RUE: I am.

THE COURT: All right. That's fine. And we've got Ms. Bluth and Ms. Luzaich for the State.

We've got a number of motions and joinders and other things on today. So l'm just going to start with the order I have them in if that's okay with everybody.

MR. MUELLER: Certainly.
THE COURT: All right. We'll start with some of the easy -- well, one easy one and then get to the heart of the matter.

The motion for property seized during the search warrant, I think we've
already covered that last time we were here, correct?
MR. MUELLER: Yes, Judge.
MS. LUZAICH: Yes.
THE COURT: Okay. So that we don't need to talk about. Let's just move into Mr. Solander's habeas petition, and we did get the supplement from the defense. So the Court has reviewed everything.

Mr. Mueller, do you have anything you would like to add to what's already been provided by the Court?

MR. MUELLER: Thank you, Judge. I hear what you didn't say. The answer is I am sure you've read everything thoroughly, and if you want me to submit it on the briefs I will.

THE COURT: Well, you don't need to reiterate what's already --
MR. MUELLER: No, I just -- the one -- the one thought that wasn't succinctly expressed and it's more a colloquial thought is this: Sex is a very important thing to human beings, and because when you misbehave sexually, we have all sorts of much higher punishments and much greater statutes. We have here a funded tax paid unit supported by taxpayers to attack sexual crimes. That's how much we attach to and think differently of sex than we do other crimes.

Now that's -- with that background, they are trying to make a sex crime out of a case that is not a sex crime. This use of a catheter is unprecedented in Nevada law or national law. I find it must fail as a matter of law. It's just wrong.

THE COURT: Ms. Bluth, anything to -- are you arguing this?
MS. BLUTH: I am, Your Honor. Just the fact that sexual assault is not a specific intent crime, and Mr. Mueller keeps wanting to make it that, but per statute it's not. So l'd just leave it at that.

THE COURT: All right. Yeah, it's clearly not a -- unlike the statutes in other states, it's not a specific intent crime. I don't think -- I do think this whether or not it could be a jury question is at first a question of law because I think we all agree that technically it may fit within the technical elements.

The issue is whether or not this was a -- this kind of insertion into the urinary opening would have -- be considered something that could fall within the sexual assault statute. I will tell you that I consulted, just to kind of see what the, I guess, prevailing opinion was, four or five other judges who do criminal work, and all of them felt, no, that inserting a catheter really while it may be technically a crime really wasn't what the legislature intended as a sexual assault.

Again, I don't believe that it's a jury question. I'm going to think further on it but -- and I want to go over it's obviously a lengthy presentation what evidence was actually presented on how these things were inserted to even see where we get technically with the evidence before we get to the broader question, is this too technical a reading of the statute that goes beyond the clear or what we perceive to be the legislative intent of the statute and issue a decision on that because, you know, clearly I think you can get it within, depending on how, again, the evidence came out, I think clearly you can get it within the elements of a sexual assault.

I would note if this were a catheter inserted into a male, you wouldn't have a sexual assault.

MR. MUELLER: Equal protection.
THE COURT: So -- right, I don't think it would fit within the statute there, and, you know, when you're inserting a medical device that doesn't need to be there, you know, clearly it could be child abuse. Like if you were, I mean, the parallel would be inserting a feeding tube which wouldn't be a sexual assault either but would be a
violation and intrusive, and I think arguably more horrible physically than having a catheter inserted. To me this may be more similar to that, and this may be an issue of even though technically it fits, going beyond that looking to what the legislative intent was for the statute, and it's really a question of is this something that should go to the jury, or is this something that is clearly beyond the idea of what the statute is designed for. Unfortunately there's no guidance really on this issue anywhere else.

But again, I would note that I don't believe it would be a sexual assault if you were talking about inserting the catheter into a male child because then you would have to be looking at the lewdness statute which goes to your intent, and so just a comment.

In any event, there -- so that's the issue on the -- Mr. Solander's petition.

## MR. MUELLER: There's a second issue --

THE COURT: The other issue is concerning the child abuse, and, you know, whether he has a right of corporal punishment and it's discipline. I'm much more comfortable with those charges, frankly, and I think that that's, you know, I mean, that's more a question to the jury which -- to me that's more where you bring in what's the consensus of the community, and what does the community believe is a reasonable thing. Is this a reasonable way to discipline a child, or is this beyond the ambit of what we collectively as a community consider to be reasonable.

So to me that's much more of a jury question where ordinary lay people can say, you know, no, making a child sit on a bucket is not within the ambit of what we as a society consider to be reasonable discipline. That to me doesn't really call for an interpretation of the law or legislative intent or anything like that. That to me,
again, goes to what we as a society consider to be, you know, reasonable and normal, and reasonableness, that's a community standard. So l'm much more comfortable with those charges.

MR. MUELLER: There was a subsidiary issue on that sexual assault, Judge. The only evidence adduced was a email taken in a search warrant.

THE COURT: But wasn't there evidence that he was standing in the doorway or something when some of this was going on?

MR. MUELLER: No, there was -- none of the children said he was present.
There was one who said she thought he was outside in the hallway.
MS. BLUTH: That's incorrect. The youngest child said that one time he was present in the doorway. She couldn't say whether or not he was looking at her, and I actually had to stand and say, was he this close to the doorway, was he this close to the doorway --

MR. MUELLER: Please read the transcript, Judge. That's not the way I recollect it.

THE COURT: Okay. Well, again, you know, it's a lengthy transcript, and it's a lengthy indictment, and I have reviewed it, but, you know, it really is a matter of sitting down and saying, okay, this goes to this, and this goes to that to make sure it's all there.

But again, I think that really does call for more, you know, reasonableness is a jury question, and that's a community standard, and, you know, you had people who looked at this and said, no, this is beyond what is reasonable discipline or reasonable child rearing, and so I think we've already got a reflection of that.

MR. MUELLER: There's another --

THE COURT: And, you know, again, then that it is reasonable or it is child rearing, you know, it is just punishment then that goes to the defense, and they don't have to negate every single defense as you know when they present a case to the grand jury or before the justice of the peace.

MR. MUELLER: The other issue, Judge, is the conspiracy aspect. There's no allegation that Mr. Solander actually ever touched or used the catheter. Despite the fact that the law requires only one count for conspiracy, they have actually filed 13 or 12 or 13 for every time the catheter was documented to have been used.

Now, he's entitled to just one count of conspiracy by liability. Their theory would have been that he bought the catheters and that's it, not that he used them, not that he had anything to do with it. So the repetitiveness of the charges are unlawful per se.

THE COURT: Ms. Bluth.
MS. BLUTH: The theory is if, I mean, it's like if you buy a gun and then someone uses it in a robbery and you had knowledge of how they were going to use it. It doesn't matter how many times you bought and provided the gun if you knew every time the robbery was committed you're still held liable under conspiracy theory. It's the same idea with the catheters. If you bought the catheters knowing what was going to be done with them, he's liable under the conspiracy theory if he knew what she was doing with them. So l'm a little confused at Mr. Mueller's --

THE COURT: I think what he's saying is substantively it's not a new conspiracy every time.

Is that what you're saying?
MR. MUELLER: That's correct, Judge. There has to be knowledge and intent. Now, if he -- Mr. Solander believing his wife to be a nurse says, hey, can you
get on the web site and order me some catheters, I mean --
THE COURT: But doesn't that again go to the defense of the case in terms of he thought it was an innocent thing and, you know, it wasn't. I mean, doesn't -- isn't that just really the defense as opposed to what the State has to present for slight or marginal evidence?

MR. MUELLER: By law he's entitled to -- or he would have to answer for one count of conspiracy not every time that somebody else picks up the catheters and uses them.

THE COURT: I don't think that's true. I mean, you may say there's one agreement, but then you're liable for each subsequent act in furtherance of the agreement which can be multiple acts.

MR. MUELLER: That's not the way I recollect the law on that point.
THE COURT: That's how I believe a conspiracy -- yeah, I mean, if you conspire to do something and you commit multiple crimes but it's a single agreement, it's multiple crimes, and that to me is more a question of fact again.

MR. MUELLER: Well, if you're going to re-read everything, Judge, I won't argue.

THE COURT: What was the scope of the conspiracy; that's the question. Did they have slight or marginal evidence as to the scope of the conspiracy. But, yes, you can be liable for every act in furtherance of the conspiracy even if it's multiple crimes. It's not like it's one conspiracy and one act. It's multiple acts.

The question is is there enough evidence that the conspiracy would have been that broad; that's really a question, but legally as I said, you can have, you know, you don't have to have, okay, we have a new agreement here. Now we're going to do a new act. We have a new, I mean, it can be one agreement and
multiple subsequent acts, and that's the State's theory.
MR. MUELLER: Yes, Judge.
THE COURT: And maybe even a continuing agreement, like we're going to continue with this discipline. We're going to continue, you know, doing these things.

MR. MUELLER: If you could -- obviously if you're going to re-read everything, and God bless you, Judge; there's a lot there to read. I admire your tenacity.

THE COURT: Well, there is a lot there, but I think everybody, the State, clearly everybody is entitled to making sure that you have evidence for each and everything presented. I mean, that's really what it is and not just to kind of lump it all together. And so it does make it a little more confusing, frankly, but, you know, they're allowed to charge it that way, and so you just have to make sure that there was the proof of that. That's really it.

But again, I disagree with your theory on conspiracy law. So as a matter of law I think you're wrong.

MR. MUELLER: Okay. I respectfully disagree.
THE COURT: As a matter of fact, that's a different question.
Mr. Solander's motion to sever.
MR. MUELLER: Thank you, Your Honor. We cited the Chartier case. I was trial counsel for Chartier. That was a murder trial in front of Stu. He refused to sever. I had one team of lawyers had the theory that Chartier was the knife man and the other one that he put the co-defendant up to it. No matter what I did someone stood up and had a mutually antagonistic defense. It was being in a foxhole, being shot at from both sides.

The Supreme Court of Nevada agreed with me and overturned Chartier's murder conviction. Mr. Draskovich did the retrial on the case.

This is the exact same case here. Now, we've got two co-defendants who are going to either assert spousal privilege or not assert spousal privilege. There's Bruton issues. The State conceded and said only for purposes for preliminary hearing will we use the Bruton material, which we didn't get a chance to confront and cross-examine.

Now, there's spousal privilege. There is the knowledge and the testimony was very clear from all the kids Mr. Solander's a self-employed businessman and was out of the house most of the time. Now, this trial can't go forward joined together because as we clearly lay out, we likely did the catch 22 which is there is no way you can win the proposition.

Now, the defenses are mutually antagonistic. What they do, what either party knew or what either party said to each other is potentially spousal privilege or not spousal privilege --

THE COURT: Well, but that's something the State can deal with. I mean, if there's a Bruton issue or inadmissible evidence, then they know if it's tried together they don't get to use that. And so to me that's really a tactical decision that the State needs to make in terms of, okay, we're going to forego using these inculpatory statements as to one defendant because there may be a Bruton issue. That's their decision to make.

To me, you know, as long as we follow the law and don't admit anything against one defendant that's not admissible, if they choose to forego those things, then to me that's their choice.

MR. MUELLER: That's true --
THE COURT: As long as -- and to me that seems to be what they're saying. They'd rather try this case one time and maybe forego some of the evidence, which
it's up to them again. It's not evidence you would be entitled to present.
MR. MUELLER: And what if I want to call Ms. Solander to testify that she -- or that the --

THE COURT: Yeah, but if you try your client first you can't call Ms. Solander because she would have a fifth amendment right still --

MR. MUELLER: Yes.
THE COURT: -- so that's not going to help you either.
MR. MUELLER: But there's also spousal privilege between the two of them, Judge.

MS. BLUTH: Not when they -- one of the victims is a child of crime that is their child, spousal privilege doesn't apply.

THE COURT: But I'm just saying in terms of the timing, you might not have an opportunity to call the co-defendants anyway --

MR. MUELLER: That's true.
THE COURT: -- if they haven't been tried yet.
MR. MUELLER: Well, my next motion was going to be that Ms. Solander get tried first, but that was --

THE COURT: Well then her lawyer was probably going to say we want the other people tried first.

MR. MUELLER: True. But there's a practical problem, Judge, between trying these two together.

THE COURT: And that's not justification for severance either, as you well know because you have that problem anytime you have co-defendants. Anytime you have co-defendants you can't --

MR. MUELLER: That's what Stu said, Judge, and respectfully, I've had this
discussion. I turned around and I said, look, there's a practical problem with antagonistic defenses. No, there's not. Go ahead and do a trial, and it went back up and it came back down, and it came back down. Now, there's mutually antagonistic defenses.

THE COURT: Well, there's a hundred -- look, this is an unusual case, and there's a lot of evidence, and there are a lot of issues here. So, you know, I can't make rulings based on whether or not it's going to come back. There are a hundred different things that may trigger an incorrect ruling or a ruling the Supreme Court doesn't agree with. And when you have so many issues, you're going to have more cumulative things, but, you know, the issue again, look, as long as we protect their rights in terms of keeping out inadmissible evidence and the State knows that, hey, you try them together you don't get to present that statement or whatever, then it's a strategic decision the State needs to make.

And frankly, as you know, on these types of cases, you know, they're difficult to prosecute. It's difficult for the victims and everybody, and they tend to be tried together. I mean, if anybody I would be more concerned about Mr. Rue's client being tried with the Solander parents than the two, Mr. and Mrs. Solander being tried together. I'm not saying l'm going to sever his client, but l'm saying to me if anything, there's more prejudice possibly going that way than to Mrs. Solander or Mr. Solander.

So again, you know, I just --
MR. MUELLER: I think we've done a very good job laying out the reasoning for a severance, Judge --

THE COURT: Yeah, and like I said, I think, you know, as long as the State's aware that certain evidence may be excluded and they choose to proceed that way,

I mean, you both, both sides still -- and in terms of calling the witnesses, I think, you know, one calling the other, I think l've already addressed that. You know, you're not going to -- even regardless of how you even set the trials, one trial may continue, and I don't -- then we get into the gamesmanship of, you know, whose trial goes first --

MR. MUELLER: Well, you can just flip a coin. That's recognized under Nevada law, a game of chance can occasionally settle disputes.

THE COURT: Well, what I meant, Mr. Mueller, not that you would do this, but, you know, the next -- you lose the coin toss, and the next thing Mr. Solander's foot gets run over, and then Mrs. Solander's going first, and then she trips over the hose as she's walking out, and then your trial's going first.
l'm not saying anybody would do that, but how many times have we seen, oh, this one doesn't get discovery, and this person went to the hospital, and you just keep going back and forth on that. So it's not a given, in other words.

MR. MUELLER: I understand, Judge. You've heard my piece, Judge.
Thanks for the hearing. I respectfully think they should be severed.
THE COURT: It's denied, denied without prejudice. There's new issues that come up; we can always revisit this including up to the time of trial. I mean, we can always sever it at that time and have one trial trail the other trial and just drag them in after that. So, you know, again, if there's new evidence, another issue, it's without prejudice.

All right. Let's move on to Mr. Rue's client's petition, and there's some different issues here.

MR. RUE: Well, yeah, Your Honor, we've been -- Danielle's been charged with two counts, charge 14, count 24. I know you've -- I'm sure you've read
everything, the Court received my reply as well?
THE COURT: Uh-hum.
MR. RUE: The concern is there is testimony of evidence, testimony of something that is attributable to my client regarding the hitting of an elbow and a wrist. Those are really pretty much all that there is for my client. The State may take issue with maybe a swat on the butt or on the buttocks, but those are the one instances, and the way it's pled and charged confuses me, and I think it could confuse a jury as well. And so I don't think there was even slight or marginal evidence of abuse.

I know that with the youngest child there's an inconsistency with an injury that she showed at the preliminary hearing wasn't even an injury that she showed anyone else ever. She talked about an injury on her left wrist. There was no finding by even Dr. Settle or an injury on the left wrist. So I don't think that they overcome the slight or marginal, even the slight or marginal evidence of abuse.

Alternatively with regard to the substantial bodily harm, I submitted that one picture. The State is saying that that's slight or marginal evidence of serious, permanent disfigurement. I don't think that, with all due respect, I don't think that that is even slight or marginal evidence of serious, permanent disfigurement with what the statute says.

In their reply the State talks about -- they can also claim prolonged pain. I don't think they can at this point. They think that the scarring is enough at this point, but we didn't even draw any testimony about prolonged pain. They arrested on that scar being serious, permanent disfigurement, Judge. It doesn't rise to the slight or marginal evidence, and that's one of the things as well why I submitted the writ.

THE COURT: All right. Ms. Bluth.
MS. BLUTH: Yes, Judge. In regards to the way we charged it, I understand what Mr. Rue is saying in regards. There's so many counts, and we're dealing with so many defendants that I was trying to make it as easy as possible so I charged all three of them and listed all of the bodies so I didn't have to charge, you know, ten times for this, ten times for that. So I was trying to make it easier. I think I -- Mr. Rue thinks it's more confusing, but if you -- I pointed in my return to all the specific testimony that the children gave in regards to the injuries. And on page 6, I talked about AS who was born on 10/21/01, talked about that she saw defendant Hinton hitting and spanking AS who was born in '04 with the paint stick because she couldn't hold her urine and got some on the floor.

And there were specific instances that AS $1 / 23 / 03$, discussed where she was hit on the elbow and on the arm. So I included the testimony about the injuries to the elbow and the arm as well as to the other child that she spanked on the bottom was Ms. Hinton. I do think that slight or marginal the fact that they still have scarring both on their butt and on their elbow it's for a jury to decide. I recognize what Mr. Rue's saying with the arguments.

The fact of the argument though that the child had never said it before and then said it at preliminary hearing, that's kind of more of a credibility issue that needs to be, you know, quite frankly put in front of a jury after Mr. Rue has crossexamined the child regarding those injuries.

THE COURT: I would just comment on prolonged, you know, pain. It doesn't have to be forever pain. I mean, you know, that's kind of again maybe a jury question. What is prolonged pain, you know. The fact that it's resolved that doesn't
mean that it, you know, if it's enough to leave a scar.
MR. RUE: But there was no testimony --
THE COURT: Testimony like this, hurt me for months or whatever.
MR. RUE: It was no testimony of bleeding. It was testimony of one strike that caused these marks, that's it. And the State is hitting on what l'm concerned with. I'm concerned with Ms. Hinton being convicted of abuse based on something --

THE COURT: Based on the allegations against the Solanders.
MR. RUE: Right, again something that she didn't do because there --
THE COURT: But that's not the issue then. I mean, the issue on a writ is whether or not there is enough evidence presented at the preliminary hearing. Now, whether she -- that's an issue for severance, whether or not it's unfair that she kind of get brought in with everybody else, but that's not the issue before the Court right now.

MR. RUE: And I understand that. I couched it in a way of saying, look, they're alleging buttocks injuries to the buttocks by Ms. Hinton. The reality of it is is what she -- what the State just referred to was testimony from the eldest daughter regarding the middle daughter. The middle daughter says, Danielle never hit me on the butt because of discipline for some --

THE COURT: Urinal --
MR. RUE: -- urinal tract issues. She says, no, she never did that. All three testified that they were spanked on the bottom multiple times, bloody, bruised, marked by this. None of that is attributable to my client. So I couched it in terms of the slight or marginal evidence. I see that the Court suggests that that might be better for another motion. I understand that, Judge --

THE COURT: Again, because what's before the Court right now was there
slight or marginal evidence that what Ms. Hinton did caused substantial bodily harm which can be permanent scarring or prolonged pain or disfigurement. I mean, it doesn't have to be everything so --

MR. RUE: Well, it's not permanent scarring. It's serious, permanent disfigurement or prolonged pain.

THE COURT: Right, which --
MR. RUE: If we were starting I wouldn't have filed the issues.
THE COURT: Right, which could be dis -- I mean, the issue is is a scar disfigurement, that's --

MS. BLUTH: I mean, l've had a jury come back saying it is.
THE COURT: -- that's the issue, and, you know, the finder of fact, the JP said yes. So is there enough in the record to support that; that's really what it is.

Okay. Moving on. I'm going to take that one under submission as well. Moving on to your motion for discovery. Can we just go through what the issues are?

MR. RUE: Sure.
THE COURT: Do you want me to run through everything, or do you want to highlight what you're still concerned about or --

MR. RUE: Well, I put in my reply with regard to the CPS and DFS records, from early on the State I believe has been willing to provide to the Court the investigation of this incident. I honestly think that that's too limited in scope based on everything that we heard at the preliminary hearing. So I was asking the Court for an in-camera review of the entire files of all three children. It's my belief, and I'm sure Mr. Mueller and co-counsel also agree that there's going to be instances of false accusations, of lies, of investigations of unsubstantiated claims of abuse by
these children that would be all relevant to this case.
THE COURT: From other --
MR. RUE: From other instances --
THE COURT: -- from foster parents or --
MR. RUE: And from here.
THE COURT: Right. Well, just because it's unsubstantiated doesn't mean it's false, number one. I think we all know that, but, I mean, does the State --

MS. BLUTH: I did check. I asked that -- I obviously believe that all the CPS records having to do with this family should be looked at by the Court concerning this event. I do object to any CPS records being turned over from the children from previous families. I mean, CPS records are protected for a reason. I don't believe them to be relevant. I think that the records for the span that they were with the Solanders are completely relevant and should be turned over.

THE COURT: Well, I think it could be relevant, and I'll tell you why. I mean, if there were allegations -- I mean, 'cause we're not just talking about the catheters which probably wouldn't leave any kind of permanent, I mean, I don't know, maybe you'd have to do some kind of different kind of medical exam to find any permanent, you know, like an MRI or something; I have no idea.

But in terms of some of the other allegations of abuse and the scarring and stuff like that, now, we would assume that CPS would be aware, well, this doesn't go to that or the police, but maybe they're not. And so to me it could be relevant. Well, what if the kids have made an allegation about some other abuse that could have caused this same scarring or these marks. Then to me that kind of thing would clearly be relevant because now you have another suspect that this abuse was caused by somebody else.

Now, let's just say there was an allegation of some sort of sexual abuse substantiated or unsubstantiated, I'm inclined to say that would not be relevant, but, you know, I think -- like I said, any kind of abuse was similar in nature to this or could leave the same kind of a mark or scarring or something like that I clearly think would be relevant for them if there is anything like that. So, I mean, I would say, yes, the other CPS records do need to be disclosed. That would be more what l'm looking for. Although if there were repeated allegations that were found to be false or other types of maybe what we could call unusual or somewhat bizarre allegations like the genitals and the mouse droppings or whatever that was, I can't remember exactly, then I think that could be relevant --

MS. BLUTH: So --
THE COURT: -- if similar allegations were made against other families.
MS. BLUTH: Okay. So just so I have it clear, there is a system within keeping track of their health, I believe it's called, like, the health passport system which keeps track like all the medical scans that they've had done --

THE COURT: I don't care about that stuff.
MS. BLUTH: I'm saying that would -- that talks about the documented injuries from each family. So you definitely want those.

THE COURT: I would want documented -- and, you know, just regular stuff, you know, they had a teeth cleaning or whatever, I don't think that would be -- I don't know if that would even be in there; that kind of thing I don't want but any allegations of abuse, any kind of abuse.

MS. BLUTH: Obviously all in camera?
THE COURT: Right, obviously all in camera and any kind of medical treatment like ER treatment or something like that relating to injuries I would say
could potentially be relevant. I mean, if the kid fell on the park off the playground and broke her leg, I would say, no, that's not relevant to this, and I wouldn't turn that over. But if there was an allegation of something that could leave the same sort of scarring or there was a notation of that, then, yes, I would be turning that over. So I suspect there's probably nothing in there, but I think there could potentially be, and we just need to eliminate that.

MS. BLUTH: Sure. Do you want a PDF or do you want it printed out?
THE COURT: I'd say printed out because I'll wind up printing it out otherwise. How much -- do you have any idea, State, what we're talking about? MS. BLUTH: Boxes and boxes.

THE COURT: Really?
MS. BLUTH: Yeah, just from my case I have two boxes.
THE COURT: Okay. Why don't we do this then. Is there any way CPS can do a -- I mean, l'm assuming if somebody reports with an injury that could be the result of abuse, that's turned over. So can they just do a search if there's an injury that was investigated as potential abuse because I don't want any conceivable illness or injury or anything like that.

MS. BLUTH: Sure. In the case unity notes it discusses the allegation, whether it's substantiated or unsubstantiated, the type of abuse it was so they can search it by that and then provide the records attributed to that.

THE COURT: Okay. Maybe is there -- maybe we could even do something less than that. Can they just give me what the allegations were and that, and then if I say, okay, well, this sounds like something that could be relevant or is relevant then let's get the follow up on that particular allegation and turn that over as opposed to boxes and boxes. Do you see what I'm saying?

MR. MUELLER: Your Honor, respectfully --
THE COURT: I may not find what's important if you ask me to read through -some of this is difficult to read just because of the type, the font and the quality of the copies. I'm trying to get what we may need and get that in a way when somebody else has a search term or terms that they can utilize as opposed to giving me stacks of documents and saying, oh, read through this and see if this person ever had, you know, a scratch on their wrist that could have been related to what they're saying is the scar.

MR. MUELLER: Thank you, Your Honor, and you've actually touched the points I was going to make. I can imagine my enthusiasm for getting handed two banker boxes of dry paperwork on somebody else's case to determine if it's relevant. It's probably cruel and unusual punishment.

My concern is Mr. Solander's rights. These kids had a long history before the Solanders rather apparently now unwisely, took them in and adopted them and made them their own. They've been bounced to -- they're two foster kids, and they've been documented abuse sufficient to take away their rights. Now, I really respectfully think the better approach here, and I understand what you're thinking, is just give us a copy of everything.

THE COURT: No. That's not, I mean, no. You may think that's the better approach, but I can't do that. I can't turn over and order their CPS records turned over to you or any other defense counsel because maybe there's something in there that may be relevant, and it's too burdensome, you know, no. I mean, I can't do that.

So basically what I would like is for CPS to look for the records, if you can do it in that way, and then if there's something, you know, that looks like it might
be relevant, then maybe we can get like the complete file on that particular investigation or whatever.

MS. BLUTH: I'll have them run it.
THE COURT: Because I don't really have a great sense of what kind of a framework we're really looking at with these kinds.

MS. BLUTH: I understand. I'll talk to them today.
THE COURT: So, no.
MR. MUELLER: All right. For the record, I object.
THE COURT: All right. Mr. Rue, back to you -- and this by the way was Mr. Rue's motion.

MR. MUELLER: We joined.
MS. MC AMIS: And just so Your Honor's aware, I think you did receive our written joinder as well to this motion.

THE COURT: Right.
MR. RUE: And, Your Honor, I believe in my reply it's outlined areas that were still at issue.

THE COURT: All right. We've gone through the CPS record issue.
MR. RUE: I guess that deals with 1 and 2. With No. 3 --
THE COURT: Right, 3 are mental health workers who have had contact with the girls.

MR. RUE: Your Honor, I know there was testimony at the preliminary hearing about the middle child spending some time at Monte Vista. I would also note that during the testimony of Dr. Settle she gave the impression that she had reviewed all of the medical files, which I believe would have included the mental health files of all three in coming to her opinions that abuse had occurred. In fact, she was quick to
criticize specialists of their diagnosis of some of the kids. That's sort of the drive behind the request for mental health records. I actually have read the book that's at issue as well where there's references to psychological records that may have been done for some of the kids and diagnoses that were done, and that's sort of the drive of that in quotes.

I think it is really relevant to understand these kids' possible motives and mental state. At the end of the preliminary hearing, at the end of the entire argument, Judge Sullivan said, I think these are just normal kids, and, you know, they're just doing what kids do or something of that vein, and I think that would be belied by medical records, by CPS records, and that's exactly the perception that the -- that the records would show is that these are normal kids, and they do have a history of fabricating and have a history of not doing appropriate things, and that -and I think their mental state would go to their motive and their -- the relevance of why they're doing what they're doing.

MS. BLUTH: Just to be clear, the documents that Dr. Settle went through before preliminary hearing, I'm almost positive those didn't have any mental health records. Those were the -- because obviously any previous health issues were kind of at issue about the bowels and the urine --

THE COURT: Right, whether there was really an incontinence issue or not -MS. BLUTH: Correct.

THE COURT: -- an incontinence issue.
MS. BLUTH: So as part of that CPS had to go to each of the individual doctors and get the medical files. So she had to read through those, which by the way was also two boxes, but I don't believe mental health records were in the documents that she --

THE COURT: Typically what I look at mental health records for is to see whether there have been, you know, disclosures that are inconsistent with the disclosures that have been made to the police or made in testimony. I mean, you know, usually that's what I'm looking at. You know, if there's just a diagnosis of depression or anxiety or anything like that, I typically don't think that's relevant. The only kind of a relevant diagnosis could be to, you know, pathological lying or some kind of, you know, hallucinatory type of condition. But l've never encountered such a diagnosis where l've turned it over.

So typically that's what I look for the mental health records. Again, you know, if they -- if they're making inconsistent statements and things like that, then I would say, yes, you're entitled to get that.

MR. RUE: Could I just briefly address sort of what you talked about earlier --
THE COURT: You know what I mean, but if they're -- I mean, look, they're foster kids, and they've had a difficult time. And so I think it was probably natural that they're experiencing some kind of anxiety or depression or a lot of the kinds of things that victims of abuse and neglect are going to experience, you know, maybe attachment disorder, a lot of the types of things that you might see that I don't really think are going to be relevant in this trial.

MR. RUE: Well, Your Honor, the only thing that I sort of want to raise is you talked about the physical injuries of the sort of suggesting sort of a predisposed injury that might suggest that the injury was not caused --

THE COURT: Attributable to these defendants.
MR. RUE: Right. They do allege in those two charges at least with Danielle Hinton they added mental harm. So if -- if they -- I mean, they're sort of raising the issue of mental harm and what that means and when did the mental harm occur.

THE COURT: Yeah, but isn't -- I don't have the allegation in front of me, but normally it's pled as likely to cause substantial --

MS. BLUTH: Bodily or mental harm.
THE COURT: -- or mental harm. So it's more you're looking at, like, okay, this is the kind of thing, you know, locking somebody in a box, for example.

MS. LUZAICH: We didn't charge substantial mental harm. We charged substantial bodily harm. Just the statute reads bodily harm or --

THE COURT: That's what I'm saying, the statute reads that.
MS. BLUTH: But we're not making a charge for substantial mental harm.
THE COURT: So, I mean, that would be the only way in my view that that would be relevant.

MR. MUELLER: The Complaint very clearly says mental harm, Judge.
THE COURT: What's that?
MS. LUZAICH: No it doesn't.
THE COURT: The statute says that. They plead it out, but what they've pled is -- it says --

MS. BLUTH: Bodily harm and or mental harm.
MS. LUZAICH: Yeah, but it's child abuse substantial bodily harm is the charge.

MR. MUELLER: Or mental health.
THE COURT: Yeah, but that's what the statute says. So they pleaded out the whole statute. They're saying that's not what they're trying to prove. Their allegation relates to substantial bodily harm. But any time that statute is used it says either or.

MR. MUELLER: Well, then strike that from the Complaint then if it's read to
the jury.
THE COURT: Well, in any event -- here's what I'm going to say on the records for now. I would ask that the State obtain for the Court's in-camera review any counseling or psychiatric records relating to the time that -- from when they began living with these defendants.

MS. BLUTH: Yes, Judge.
THE COURT: And then depending on what I see there, then the Court would consider expanding the order to a prior time, but for right now we're cutting it off to since they were in the care of the Solanders.

MS. BLUTH: Yes, Judge.
THE COURT: Records and notes of physical exams, that's overly broad.
MR. RUE: Well, okay, but, Your Honor, we have a doctor that came in and testified at the preliminary hearing saying, yes, this is abuse, no, I can't age it. No, I can't tell you how it happened or when it happened, but it happened. Yes, I will concede that the -- a lot of doctors that have seen these kids, and I know they're all mandatory reporters, but I don't know. But in my opinion it's abuse.

So, I mean, that's where it's getting to is that if she's saying it's abuse and the State's saying it's abuse based on the time that was alleged when they were with the Solanders, then all those prior medical exams, physical exams are irrelevant because it --

MS. BLUTH: Mr. Rue, not to interrupt you but the health passport will have those exams. Sorry. I didn't want you to have to go any further because the CPS health passport records will have the prior scans and exams of any body injuries. MR. RUE: That's what I was getting at, Your Honor.

MS. BLUTH: They have to do that.

THE COURT: Here's the deal then, let's just say there's something in those records then that may lead us to other records, but it doesn't make sense to me to just get all of these records. So if we see, oh, wow, there was this, you know, buttocks injury, and this was seen by Dr. Whoever, then, okay, maybe that leads us to Dr. Whoever's records, but right now we don't need to get that because we don't know what's out there.

MR. RUE: Okay.
THE COURT: And there may be nothing relevant in the CPS records. If there's nothing relevant why get a bunch of additional medical records that are probably not going to be relevant.

Interviews with the material witnesses. Oh, l'm sorry, notes, monetary assistance. Has there been monetary assistance other than -- has there been, you know, that counseling fee, the counseling fund that's maintained through victim witness, you know, they get so much if they choose to do counseling? You know what I'm talking about?

MS. BLUTH: I do know what you're talking about, but I believe since they are wards of the state they receive the counseling through CPS. I'll double check but --

THE COURT: Okay. If there is that, I know it's not DA money, but I think it's administered through victim witness. If they have received that benefit, just disclose that.

MS. BLUTH: Yes, Judge.
MS. LUZAICH: Although just for the record, although DA victim witness administers it, the kids don't get a penny of it; the counselors get paid.

THE COURT: No. No. It goes directly to the counselors.
MS. LUZAICH: Just so the record is clear.

THE COURT: It's for their benefit, and again, I believe that's funded -- I know it's administered through the victim witness.

Look, out of an abundance of caution, if they did the counseling and the counselor was paid by that, turn it over.

MS. BLUTH: Yes, Judge.
THE COURT: And there's been no other assistance, correct, to the family? MS. BLUTH: The only thing I don't know if they got the witness fees, you know, when they come in to testify at preliminary hearing, but nothing other than that.

THE COURT: Okay. Notes of interviews with the material witnesses.
MR. RUE: Your Honor, it was testified at the preliminary hearing that
Detective Emory had taken notes of the interviews that she had done. I think that's the only thing --

MR. MUELLER: There's also --
MR. RUE: Mr. Mann questioned the detective at the time.
MR. MUELLER: There's also the notes from the detective down in Florida.
MR. RUE: Right.
THE COURT: Ms. Bluth.
MS. BLUTH: In regards to Detective Emory who's the child abuse and neglect specialist within Metro, I believe she memorializes her notes in reports. She memorializes her notes and then puts them in the reports and then destroys them.

THE COURT: Okay.
MS. BLUTH: What my practice is to always do before trial, Judge, is to look through the detective's entire file including notes if there are any. If there's any exculpatory information I always hand it over to defense.

MR. MUELLER: How about the notes from Florida?
MS. BLUTH: I don't know what you're referring to.
MR. MUELLER: They in direct violation of the statute CPS sent its worker down to talk with the kids from Florida without the Solanders' permission. They made a report back, and Nevada decided rather than the expense of (untillegible) they should all fly back here. Now, all of that was done without law. We'll get to it later, but I do know --

THE COURT: Well, the issue is the Florida detective's notes?
MR. MUELLER: Well, the detective clearly spoke with the girls and summoned the Nevada authorizes; so there's going to be some notes. There's got to be.

THE COURT: Well, there may or may not be notes from the detective in Florida because if he didn't have a case file, he may not have kept -- I don't know. He may not have kept the notes or whatever.

Are you even in contact with this Florida detective? Is he even a witness or anything?

MS. BLUTH: Not at this point. I haven't ever made contact with him, and he's not noticed. So I only have that initial report that we all have, but again, I believe they memorialize their notes in the reports. We all four have the reports from Florida.

THE COURT: All right.
MR. RUE: You know, No. 7 is sort of --
THE COURT: Basically what I --
MR. RUE: I don't know that the -- we're talking about CPS workers.
THE COURT: On No. 7, is the criminal history. They don't turn over NCIC.

Basically, if they become aware of any conviction which could potentially be used for impeachment for any witness, they must disclose that, the conviction and the jurisdiction and the date, and then you folks can search out the certified judgment.

MS. BLUTH: Yes, Judge.
THE COURT: All right. That's the ruling there. On information on any false allegations of misconduct, if they become aware of such a thing, they must immediately disclose that, and then obviously if something's in the CPS records or whatever, that will be up to the Court what to turn over.

MR. RUE: I think 9, 10, 11 are -- 12 are all -- I don't know that there's an issue.

MS. BLUTH: Yeah, I mean, obviously if they are out there we would definitely provide those. We're not in possession or know of any inconsistent statements up to this point.

THE COURT: Okay. And then expert reports, there's an ongoing obligation obviously to disclose those, and I think that's everything.

MR. RUE: No. 14 talks about the 9-1-1. There was no 9-1-1, but to initiate this investigation, CPS attempted to file a missing person's report. That's referenced in the police reports, but I have no information from CPS records or anywhere else as to how they thought they could do that or why they were doing that or if there are any reports to that effect. That's what that's requesting.

MR. MUELLER: That's going to be the next subject we were planning on bringing up in motion. The State's initial phase of this investigation were out of bounds and illegal, but we'll get to that when the trial --

THE COURT: Wait. Say that again.
MR. MUELLER: Sorry, l'm getting a little tired, Judge. The 9-1-1 call, they
came in to do a welfare check on a couple of the foster kids. The foster kids were doing fine. The three girls, the Solanders sent to a private school in Florida to try to get them some help. The CPS worker says, where are your other kids? None of your business. So the CPS worker then decides to file a 9-1-1 call or a missing person report.

THE COURT: Okay. So you want a copy of the missing person's report? MR. MUELLER: Yes, and anything that went with that.

MS. BLUTH: If there's a --
THE COURT: Yeah, can you get the copy of the missing person's report. I mean, if there is a 9-1-1 call, get the tape, but if she just went down and filed a report, then try to get a copy of that report. I suspect that would also be in the CPS records, but, you know, you can certainly get that without me having to look at it.

MS. BLUTH: Yes, Judge.
THE COURT: So I just ask the State to turn that over, and I think that's everything on the discovery, correct?

MR. MUELLER: Yes.
THE COURT: All right. Let's move on to Hinton's motion to compel. You basically are complaining about the lack of addresses?

MR. RUE: Well, yeah, I mean, by statute, I mean, it says that they're going to give this -- they need to give me --

THE COURT: Whose addresses are you missing?
MR. RUE: The three children; they put care of the DA's office.
MS. BLUTH: We don't usually give -- we don't --
MR. RUE: And I understand that, and that's fine. If you give me, I'm not disclosing it to Danielle at any point. The alternative is that is they want to maintain
that, the statute talks about how the State has to provide us with an opportunity to interview these witnesses.

MS. BLUTH: I mean, they're in foster care. Are you asking for the actual foster parent's address?

MR. RUE: Sure.
MS. BLUTH: For the purpose of?
THE COURT: He wants to send his investigator out.
MR. RUE: The alternative --
THE COURT: Yeah, I feel more comfortable, frankly, with the alternative. MS. BLUTH: Which is?

THE COURT: He's requesting that his investigator and he be given an opportunity to meet with the children if they're willing to do that.

MS. BLUTH: They're not going to be willing to do that, and they can -- what I can do, Mr. Rue, is put you in connection with their foster mother, and maybe you guys if she so wishes, I mean, she makes the decisions on, you know, who the children speak to just like a custodial parent would. I'd be happy to get you her contact --

THE COURT: Don't they have also a caseworker? Wouldn't that go through a caseworker?

MS. BLUTH: It can go through either. But l'll make sure to put him contact with them, and then obviously --

THE COURT: 'Cause I'm assuming the foster mother, if I were a foster mother and I have some lawyer calling me up and an investigator, the first call I would make would be to the caseworker. What should I do about this. So I think ultimately it probably would go through them.

MS. MC AMIS: It's most useful to contact the worker first, and we would be making that request and then also the foster parent, but the first contact really should be with probably the worker.

THE COURT: The caseworker. As long as you know who the caseworker is, and has that been disclosed?

MR. RUE: I don't believe so.
MS. BLUTH: She was present at the preliminary hearing.
THE COURT: Okay. If you would give them that. Like I said, to me that's what the foster mother is probably going to do anyway is going to say to the caseworker what do I do with this.

MS. BLUTH: I'll facilitate that, Judge.
THE COURT: Okay, thank you.
The next is the joinder to the motion, Solander's joinder, we've covered everything. So that's granted or denied to the extent already set forth. In the Hinton motion, the joinder to the petition, again, that will be the same ruling. The joinder to the motion for Mr. Solander is the same as what l've already stated.

I think that was everything.
MS. MC AMIS: We did want to provide the Court with an update. We filed our own independent writ as of yesterday, but no one's had an opportunity to review it.

THE COURT: Right. Thank you for bringing that up because there's an issue on the timing. So the Court, meaning actually the JEA and the law clerk, did its own research on this question about the timeliness and the transcript and all of that, and apparently what happened was normally in Odyssey, the transcript will be filed
separately so that you can find it right away. It was attached to the bind over on Hinton and Mr. Solander, but it was never filed separately in Mrs. Solander's case. And so that's the state of the, basically, the record. So it was available meaning it was filed in the other two cases although it wasn't filed under a separate heading like it normally is.

MS. MC AMIS: And we did address the issue of timeliness in our writ independently. We also addressed the fact that we had this issue with notice in coming in after the preliminary hearing and coming in and getting an incomplete file possibly from prior counsel.

THE COURT: Right. So anyway, I'm just telling you what in terms of the record in Odyssey is that's how the record is in Odyssey.

MR. RUE: So it's in our -- it's in Ms. Hinton's bind over is what you're --
THE COURT: That's what I understand that that, you know, like I said, normally they file that separately. It's in Odyssey; it just wasn't filed separately like it normally is. But obviously you knew about it. I just wanted to put that on the record so that's clear how that went.

All right. So your writ is coming up for another date.
MS. MC AMIS: November $20^{\text {th }}$, Your Honor.
THE COURT: All right. Thank you. I think that's all on this matter for today. MR. MUELLER: Thank you, Your Honor.
-oOo-

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case.


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Abomey for Plaintif?

THESTATE OF NEVADA. Plamtict
v.

DWIGUTE CONRAD SOF ANDER, 43074262
JANET SOLANDER. \$6005503

Defmant.

Case No. 14 C 299737 F
$146299737-3$
Degt. No. XXt
NOTCE OF APMEAL

TO: DWIGEY CONRND SOLANDER, Dekendme and
TO: CRAKBMELTER, ESQ, Atomey for Defondant and
TO: VALEREADAR, District Judge, Eighth Judicial District Court, Dent.No. XXX
BOILCE IS MEREBY GTVEN that the State of Neyada plamint in the above-ewtued matter, appeals to the Supreme Court of the State of Nevada from the
 $7,8,19$, and 3036 of the Infomation charging Sexual Assablt with a Mhor Under Fourtent Years of Age as indicated by the Courts ispunce of a Minute Orier on $12 / 6144^{3}$




Dated this $30^{\text {d }}$ day of Mach, 2015.

# STEVE WOLFSON <br> Clark County District Attomey 



## CERTIFICATE OF MATING

Thereby certify that service of the above and foregoing NOTLCE OF APPEAL was made March By $^{\text {b/ }} 205$ by depositing a copy in the US. Mat, postage prepaid, addressed to:

CRAIG MUELLER ESQ.
Mueller Heads $R$ Associates, © , 600 South Bight h Sect
Las Vegas, Nevada 89101

JUDGE VALERIE DARK
Eighth Judicial District Court, Dept. XX E
Regional Justice Center
200 Lewis Avenue Las Vegas, Nevada 89101

BY


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## DISTRICT COURT CLARK COUNTY, NEVADK

THE STATE OF MEVADA. )
 Case No Cu4-299737~8 6-14299737.3
DWIGHT CONRAD SOLANDER. अ3074262
ANET SOLANDER. \#6005503

Defomand

## CASE APPEAL STATEMENT

1. Name of appeblant fing this case appeal statement.

The State or Nevada
2. Uevity the jadge issuing the decision judgmen, or order appeaked fom:
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Dwigla Comrad Solander
Ganer Solander
The State of Nevada
4. Fdentry all parthes involved in this appeat:

Sme as 43
5. Name, haw frm, address, and telephone number of all counse on appeal and pary or garties whom they represent:

ChbRE BUETON
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Nevada Bar W129440
Clark Conmy Dintuc Athomey's Office
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Las Veqas, Nevada 891552212
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> CRAIG MUEDUER, WSQ
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> 600 Souk Bghul Steer
> Las Vegas, Nevada 8960!
> Counsel for Respondent
> Dwight Conrad Solanior
> KRISTMA WLDPVED.ESO.
> 615 South $6^{6}$ Street
> Las Vegas Nevada 8910!
> Gomsel for Respondent
> fanet Solander
6. Wndicate whether appellant was represented by apponted g\% reknmed comase bathe districe comat: W/A
7. Winfate whether appellant is represented by apponated or retamed comasel onapeat: N/A
8. Indicate whether appellant was granted loave to proceed in borma panyerks, and the kate of entry of the district conm order granting smen beaver NA
9. Date proceedings commenced in the atstict court:

DWIGHT CONRAD SOLANDER'S Petion for Wht OF Habeas Comes med


DATED the $30^{\text {b }}$ day of March, 2015.
Respectully submitted,
STEVE WOLPSON
Clark Connty District Attomey
Nevada Bas \%001565

BY



## CERTIFICATE OF MAILING

Hereby certify that service of the above and foregoing NOTCE OF APPEAL was made March $80^{+3}$, 2015 by depositing a copy in the US. Mon, postage pre-paid, axdressed to:

CRAMOMUELER ESQ. Mueller Minds \& Assoclates, ChTD. 600 South Eight Stree Las Vegas Nevada 8910.

MDGE VALERIE ADATR
Eighth Widolal District Court, Dept XXE
Regional ustice Center
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Las Vegas, Neyada 89101

BY


दmployee, Distric Amomey $\$$ Omes

THE STATE OF NEVADA,
Plaintiff,
CASE NO. C-14-299737-1
v.

DWIGHT CONRAD SOLANDER
Defendant.

## DISTRICT COURT

 CLARK COUNTY, NEVADA$\qquad$

## FINDINGS OF FACT

The accused, DWIGHT CONRAD SOLANDER (hereinafter "Mr. Solander"), was charged by way of an Information with twenty five (25) counts of various allegations of child abuse, neglect, and endangerment, with and without substantial bodily harm, and sexual assault based upon alleged events occurring between January 2011 and March 2014, involving his three (3) adopted daughters. He, along with his wife, JANET SOLANDER, and adult stepdaughter DANIELLE HINTON, the co-defendants, were charged with committing various acts of physical child abuse, neglect, and endangerment, and sexual assault.

The underlying facts of the case are that Mr. Solander and his wife adopted three (3) sisters on January 19, 2011, after fostering these girls for the previous six (6) months. These girls had a history of abuse and neglect by their biological father and various behavioral issues. All of the girls were placed on a restrictive diet for constipation issues and possible Crohn's Disease, ostensibly on the advice of a physician.

The alleged victims in this case testified that they did not want to be adopted by the Solanders. Ms. Solander homeschooled the girls five (5) days per week after they were removed from traditional public school allegedly because of behavioral issues. At timed intervals, the girls were asked if they needed to break for the restroom. Many times, the girls declined to go to the bathroom and would instead soil themselves. They testified that sometimes they soiled themselves on purpose. As this pattern continued, a demerit ("points") system was implemented. After a certain number of negative points were earned, a form of discipline would follow, such as spanking with a paint stick. During the day, the girls were forced to sit in their underwear and undershirts on buckets with toilet lids. The youngest was forced to sit on a "training potty" for long hours.

The Solander girls alleged numerous instances of sexual assault and physical abuse. Generally categorized, they included withholding of food, withholding of bathroom privileges, spanking, kicking, forcing the girls to sit on make-shift bucket toilets, forcing the
girl(s) to hold urine and/or bowel movements for an extended period of time, insertion of catheters, and the insertion of a paint stick into the vagina.

The girls testified that Ms. Solander, who purports to be a nurse, inserted catheters because she did not want them urinating on themselves when she had to leave the house and left the girls with babysitters. One (1) daughter testified that Ms. Solander inserted a paint stick into her vagina as discipline. Although Mr. Solander did not actually insert the catheters, he was aware of this practice and actually purchased the catheters and/or related plastic tubing. The insertion of the catheters formed the basis of the sexual assault charges against Mr. Solander.

After hearing several days of argument on Mr. Solander's Petition for Writ of Habeas Corpus, and after considering all of the written pleadings in this matter, and the preliminary hearing transcript, the District Court found that there was slight or marginal evidence that Ms. Solander inserted the catheters and that Mr. Solander was aware that this was occurring but that there was an absence of preliminary hearing testimony by any of the alleged victims regarding how a catheter was inserted, or the extent, if any, of genital probing. There was also an absence of expert testimony regarding how a catheter is inserted. Based on the testimony of these victims, the insertion of any catheter was an attempt to determine whether the children were being truthful about not having any urinary content.

## CONCLUSIONS OF LAW

A writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless action. Its preeminent role is recognized in that, "The Privilege of the Writ of Habeas Corpus shall not be suspended." Harris v. Nelson, 394 U.S. 286, 290-91, 89 S.Ct 1082 (1969). Since 1912, the Nevada Supreme Court has recognized that the Writ of Habeas Corpus is the plain, speedy and adequate remedy by which to determine the legal sufficiency of the evidence supporting a grand jury indictment or preliminary hearing bind over. See, e.g., Eureka County Bank Habeas Corpus Cases, 35

Nev. 80, 126 P. 655 (1912); Ex parte Stearns, 68 Nev. 155, 227 P.2d 971 (1951); Ex Parte Colton, 72 Nev. 83, 295 P.2d 383 (1956). The Nevada Supreme Court has held, "It is fundamentally unfair to require one to stand trial unless he is committed upon a criminal charge with reasonable or probable cause. No one would suggest that an accused person should be tried for a public offense if there exists no reasonable or probable cause for trial." Shelby v. Sixth Judicial Dist. Court In and For Pershing County, 82 Nev. 204, 207-208, 414 P.2d 942, 943-944 (1966). The writ has been most commonly used to test probable cause following a preliminary examination resulting in an order that the accused be held to answer in the district court. See, e.g. State v. Plas, 80 Nev. 251, 391 P.2d 867 (1964); Beasley V. Lamb, 79 Nev. 78, 378 P.2d 524 (1963).

During preliminary hearing proceedings, the State must elicit sufficient evidence demonstrating probable cause that a crime was committed and that the accused was likely the perpetrator. Sheriff v. Miley, 99 Nev. 377,$379 ; 663$ P. $2 \mathrm{~d} \mathrm{343}$,344 (1983). If the magistrate determines that the evidence establishes probable cause that the defendant committed an offense, the magistrate binds the defendant over to the district court and may admit the defendant to bail. NRS 171.206. On the other hand, if the evidence does not establish probable cause, the magistrate must discharge the defendant. Id. At the preliminary hearing stage, probable cause to bind a defendant over for trial "may be based on 'slight,' even 'marginal' evidence because it does not involve a determination of guilt or innocence of an accused." Sheriff v. Hodes, 96 Nev. 184, 186, 606 P.2d 178, 180 (1980). The State is required to present sufficient cvidence "to support a reasonable inference that the accused committed the offense." Sheriff v. Milton, 109 Ncv. 412, 414, 851 P.2d 417, 418 (1993), quoting Kinsey v. Sheriff, 87 Nev. 361, 363, 487 P.2d 340, 341 (1971).
it is appropriate for a District Court to grant a petition for a writ of habeas corpus when the prosecution acts in "a willful or consciously indifferent manner with regard to a defendant's procedural rights, or where the defendant is bound over on criminal charges
without probable cause." See, e.g., Dettloff v. State, 120 Nev. 588, 595; 97 P. 3d 586, 590 (2004) (quoting Sheriff $v$. Roylance, $110 \mathrm{Nev} .334,337,871 \mathrm{P} .2 \mathrm{~d} 359,361$ (1994).

For a conviction of sexual assault to be lawful, a defendant must have: (1) knowingly, willfully, and unlawfully, (2) without consent, subjected another person, (3) to sexual penetration. Hardaway v. State, 112 Nev. 1208, 1210, 926 P.2d 288, 289 (1996); NRS 200.366. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. NRS 200.364(5).

It would not be proper for a jury to consider a question of law as to the legislative intent behind the Sexual Assault statute and to request that the jurors be admonished to follow the law and determine whether or not the insertion of a catheter should be considered a Sexual Assault. For that reason, it is the District Court's duty to decide whether the act of inserting a catheter into a urinary opening for the purpose of voiding the bladder is within the statutory meaning and legislative intent of a Sexual Assault. No precedent exists that an insertion of a catheter into the urethra is consistent with the Nevada Legislature's intent for NRS 200.366. The Court finds that it is not within the statutory meaning or legislative intent for the insertion of a catheter to meet the elements of a Sexual Assault.

As to the remaining counts, the Court finds that slight or marginal evidence exists for Mr. Solander to stand trial.

## ORDER

IT IS HEREBY ORDERED that Defendant Dwight Conrad Solander's Petition for Writ of Habeas Corpus is GRANTED IN PART as to the criminal counts alleging Sexual Assault with a catheter, and DENIED as to the remaining counts.

IT IS HEREBY FURTHER ORDERED that the State shall prepare an Amended Information consistent with this Order dismissing the counts of Sexual Assault via the insertion of a catheter.

DATED this 14 day of June, 2015.


HONORABLE VALERIE ADAR
Eighth Judicial District Court Judge

## Certificate of Service

I hereby certify that on the date filed, I placed a copy of this Order in the attorney's folder in the Clerk's Office, mailed or faxed a copy to:

Craig Mueller, Esq. (Mueller, Hinds \& Associates)
Public Defender
Kristina Wildeveld, Esq. (Wildeveld \& Associates
District Attorney


DISTRICT COURT CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor
COURT MINUTES
July 31, 2014
C-14-299737-1 State of Nevada
vs
Dwight Solander
July 31, 2014 9:30 AM Initial Arraignment
HEARD BY: Weed, Randall F
COURTROOM: RJC Lower Level Arraignment
COURT CLERK: Athena Trujillo
RECORDER: Debbie Winn

## REPORTER:

PARTIES
PRESENT:

## JOURNAL ENTRIES

- Tierra Jones, Deputy District Attorney, present for the State of Nevada.

Defendant Solander, present out of custody, with Craig Mueller, Esq.
DEFT. SOLANDER ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. Colloquy regarding trial dates. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

BOND

03/26/15 9:30 AM CALENDAR CALL (DEPT. 21)
03/30/15 9:30 AM JURY TRLAL (DEPT. 21)

PRINT DATE: $\quad 07 / 10 / 2015$
Page 1 of $13 \quad$ Minutes Date: July 31, 2014

DISTRICT COURT CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor
COURT MINUTES
August 19, 2014
C-14-299737-1 State of Nevada
vs
Dwight Solander

August 19, $2014 \quad$ 9:30 AM $\quad$| Motion for Order |
| :--- |
| Extending Time |

## HEARD BY: Adair, Valerie

COURT CLERK: Dania Batiste

RECORDER: Debbie Winn

## REPORTER:

PARTIES
PRESENT: Bluth, Jacqueline
Mueller, Craig A
Solander, Dwight Conrad
State of Nevada
PRESENT:

COURTROOM: RJC Courtroom 11C

Attorney<br>Attorney<br>Defendant<br>Plaintiff

## JOURNAL ENTRIES

- Ms. Jones requested a continuance, advising the Court that the defense is missing part of the Bindover argument transcript. Ms. Bluth noted she will contact the appropriate Court Reporter to determine the status.

COURT ORDERED, defense shall file its Petition no later than Tuesday, September 16, 2014; State to respond accordingly.

BOND

| $3 / 26 / 2015$ | $9: 30 \mathrm{am}$ | Calendar Call |
| :--- | :--- | :--- |
| $3 / 30 / 2015$ | $9: 30 \mathrm{am}$ | Jury Trial |

PRINT DATE: $\quad 07 / 10 / 2015$
Page 2 of $13 \quad$ Minutes Date: July 31, 2014

DISTRICT COURT CLARK COUNTY, NEVADA

C-14-299737-1 State of Nevada
vs
Dwight Solander

September 30, 2014 9:30 AM All Pending Motions
HEARD BY: Adair, Valerie
COURT CLERK: Denise Husted
RECORDER: Janie Olsen

## REPORTER:

PARTIES
PRESENT:

Bluth, Jacqueline<br>Mueller, Craig A<br>Solander, Dwight Conrad<br>State of Nevada

Attorney<br>Attorney<br>Defendant<br>Plaintiff

COURTROOM: RJC Courtroom 11C

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO SEVER...PETITION FOR WRIT OF HABEAS CORPUS

Mr. Mueller stated he received late service on the oppositions and needs more time to review and reply. Ms. Bluth advised that Chapter 34 states he is not entitled to petition and reply. COURT ORDERED, it will allow Mr. Mueller's request for additional time to reply. The Court noted concern regarding the sexual assault counts and if they have been attempted anywhere else. Anatomically you are talking about two different orifices; biologically speaking there is concern with the mechanics of the catheter issue. With the wife the allegations are separate. The State has to establish what happened by slight or marginal evidence. The Court informed counsel that additional research would be welcomed by the Court. COURT FURTHER ORDERED, Mr. Mueller is given additional time to file a reply. MATTER CONTINUED.

BOND

CONTINUED TO: 10/21/14 9:30 AM - DEFENDANT'S MOTION TO SEVER...PETITION FOR WRIT

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\text { PRINT DATE: } \quad 07 / 10 / 2015 \quad \text { Page } 3 \text { of } 13 \quad \text { Minutes Date: } \quad \text { July 31, } 2014
$$

## C-14-299737-1

## OF HABEAS CORPUS

DISTRICT COURT CLARK COUNTY, NEVADA

C-14-299737-1 State of Nevada
vs
Dwight Solander
October 21, 2014 9:30 AM All Pending Motions
HEARD BY: Adair, Valerie
COURTROOM: RJC Courtroom 11C
COURT CLERK: Denise Husted
RECORDER: Janie Olsen

## REPORTER:

PARTIES
PRESENT:
Luzaich, Elissa
Mueller, Craig A
Solander, Dwight Conrad
State of Nevada

Attorney<br>Attorney<br>Defendant<br>Plaintiff

JOURNAL ENTRIES

- DEFENDANT DWIGHT SOLANDER'S MOTION FOR RETURN OF PROPERTY SEIZED DURING SEARCH WARRANT AND TO SHORTEN TIME..DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S MOTION TO SEVER...DEFENDANT DWIGHT SOLANDER'S JOINDER OF DEFENDANT DANIELLE HINTON'S DISCOVERY MOTION AND MOTION TO COMPEL

Counsel discussed additional time to reply to writs and that the preliminary hearing transcripts are not available yet. Ms. Luzaich stated that the bind overs are held until all the transcripts are completed. The Court stated it will look into when the transcripts were filed. Following further statements, COURT ORDERED, motions CONTINUED.

BOND
CONTINUED TO: 11/6/14 9:30 AM

PRINT DATE: 07/10/2015
Page 5 of $13 \quad$ Minutes Date: July 31, 2014

DISTRICT COURT CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor
COURT MINUTES
October 28, 2014
C-14-299737-1 State of Nevada
vs
Dwight Solander
October 28, 2014 9:30 AM Motion
HEARD BY: Adair, Valerie
COURTROOM: RJC Courtroom 11C
COURT CLERK: Denise Husted
RECORDER: Janie Olsen
REPORTER:
PARTIES
PRESENT: Luzaich, Elissa
Mueller, Craig A
State of Nevada

Attorney<br>Attorney<br>Plaintiff<br>JOURNAL ENTRIES

- COURT ORDERED, matter is OFF CALENDAR.

BOND

DISTRICT COURT CLARK COUNTY, NEVADA

C-14-299737-1 State of Nevada
vs
Dwight Solander
November 06, 2014
9:30 AM
HEARD BY: Adair, Valerie
COURT CLERK: Denise Husted
RECORDER: Janie Olsen

## REPORTER:

PARTIES
PRESENT:

## JOURNAL ENTRIES

- Jacqueline Bluth and Elissa Luzaich appearing for the State of Nevada.

Craig Mueller appearing for defendant DWIGHT SOLANDER.

1. Defendant Dwight Solander's Motion for Return of Property Seized During Search Warrant and to Shorten Time - COURT ORDERED, motion is MOOT as the property has already been turned over.
2. Defendant Dwight Solander's Joinder of Deft. Danielle Hinton's Discovery Motion and Motion to Compel - DISCOVERY RULING IS SAME AS RULING FOR DANIELLE HINTON.
3. Defendant's Dwight Solander's Motion to Sever - COURT ORDERED, MOTION IS DENIED WITHOUT PREJUDICE.
4. Defendant Dwight Solander's Petition for Writ of Habeas Corpus - UNDER ADVISEMENT.

SEXUAL ASSAULT. The Court noted it reviewed the petition. Mr. Mueller submitted on the pleadings, except for the sexual assault charge. He stated this is not a sexual assault case as it relates to the use of the catheter. Ms. Bluth opposed Mr. Mueller's position and stated that this is not a

PRINT DATE: $07 / 10 / 2015$
Page 7 of 13
Minutes Date: July 31, 2014
specific intent crime. The Court informed parties that first, this is a question of law. The issue as to whether or not this kind of insertion in the urinary opening would be considered something that could fall within the sexual assault statute. The Court informed counsel that it conferred with several other Judges who do criminal work and the prevailing opinion was that the insertion of a catheter is not a sexual assault.

CHILD ABUSE AND CORPORAL PUNISHMENT. The Court is much more comfortable with these charges as they are questions for the jury. That is where one relies on the consensus of the community.

CONSPIRACY. Mr. Mueller stated there are no allegations that Mr. Solander either touched or inserted the catheter into any of the children. He stated opposition to the State's filing thirteen acts for every time the catheter was documented. Opposition by Ms. Bluth. The Court advised that the State is entitled to have evidence of each and everything. As a matter of law the Court feels that Mr. Mueller is wrong. COURT ORDERED, Defendant Dwight Solander's Petition for Writ of Habeas Corpus is UNDER ADVISEMENT.

Jeffrey Rue appearing for defendant Danielle Hinton.

1. Defendant Hinton's Motion for Discovery - GRANTED IN PART.

BRADY MATERIALS.
a. All CPS records and DPS records on the girls.

COURT ORDERED, counsel is to provide a list of allegations for in-camera review and if it finds relevance, it will request further records.
b. All CPS records and DFS records on the Solanders.

COURT ORDERED, counsel is to provide a list of allegations for in-camera review and if it finds relevance, it will request further records.
c. All records of mental health workers who have had contact with the girls.

COURT ORDERED, the State is to obtain for in-camera review, any counseling, psychological records relating to the time when the girls began living with these defendants.
d. All records and notes of physical exams on the girls.

COURT FINDS, this request is overly broad and ORDERED, request DENIED.
e. All records and notes from the victim witness office of the DA on any monetary assistance given to PRINT DATE: $\quad 07 / 10 / 2015 \quad$ Page 8 of $13 \quad$ Minutes Date: July 31, 2014
the minors.

COURT ORDERED, any benefits received through Victim Witness must be disclosed.
f. All notes of interviews with the material witnesses.

Ms. Bluth stated that Dr. Emory memorializes notes into reports; she always hands over any exculpatory information to the defense. She also state that she has had no contact with the investigator in Florida, but all parties have the reports from Florida.
g. Information on the criminal history of any witness.

COURT FINDS, the State does not have to turn over NCIC reports, but if they become aware of any conviction that could potentially be used for impeachment the must provide this information to the defense.
h. Any information on any previous false allegations of misconduct made by the girls.

If the State becomes aware of misconduct they must disclose to the defense.
Mr. Rue stated there are no issues with i. - m.
n. Any 911 recordings.

State to provide copy of missing persons report and all that goes with that.
2. Defendant Hinton's Petition for Writ of Habeas Corpus - UNDER ADVISEMENT.

Mr. Rue stated that in his opinion, the State did not overcome the requirement of slight or marginal evidence regarding serious, permanent disfigurement. The State is of the opinion that the photograph was enough, but there was no testimony of prolonged pain. He further stated that his client was arrested on that scar being a serious permanent disfigurement. The Court stated that the issue on the Writ is whether there was enough evidence presented at the preliminary hearing regarding the scar. COURT ORDERED, matter taken UNDER ADVISEMENT.
3. Defendant Hinton's Motion to Compel State's Compliance of NRS 174.234-GRANTED IN PART.

Mr. Rue stated he needs the address of the three children who are currently in foster care. The only contact he has is to send requests in the care of the District Attorney's office. Ms. Bluth advised that the State doesn't usually give out this information. Mr. Rue informed parties that his alternative is to have the State provide him with an opportunity to interview these children. Upon Ms. Bluth's inquiry, the Court stated that Mr. Rue wants to send his investigator out, therefore he needs an address. The Court stated that it would feel more comfortable that Mr. Rue and his investigator have

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\text { PRINT DATE: } \quad 07 / 10 / 2015 \quad \text { Page } 9 \text { of } 13 \quad \text { Minutes Date: July 31, } 2014
$$

an opportunity to meet with the children. Ms. Bluth informed the Court that the foster parents aren't going to be willing to do that. She suggested that she put Mr. Rue in connection with the foster mother and if she decides it is alright, the State will put him in touch with her case worker first. COURT SO ORDERED.
C. Mcamis and KristIna Wildeveld appearing for defendant JANET SOLANDER.

1. Defendant Janet Solander's Joinder to Defendant Dwight Solander's Petition for Writ of Habeas Corpus - Ms. Mcamis informed the Court that she has filed her motion for Janet Solander's Petition for Writ of Habeas Corpus and has rescheduled it to give the State time to reply. The Court advised that her JEA and Law Clerk researched this matter and found that the Preliminary Hearing transcript was attached to the bind over when it was scanned into Odyssey making it difficult to find. Normally these transcripts are filed and scanned individually.
2. Defendant Janet Solander's Joinder to Defendant Hinton's Motion for Discovery - DISCOVERY RULING IS SAME AS RULING FOR DANIELLE HINTON.

BOND (DEFTS 1 \& 3)
O.R./I.S. (DEFT 2)

DISTRICT COURT CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor
COURT MINUTES
C-14-299737-1 State of Nevada
vs
Dwight Solander
December 01, 2014 3:00 AM Decision
HEARD BY: Adair, Valerie
COURTROOM: RJC Courtroom 11C
COURT CLERK: Denise Husted
RECORDER:
REPORTER:
PARTIES
PRESENT:
JOURNAL ENTRIES

- COURT ORDERED, petition is GRANTED as to the sexual assault with the catheter and DENIED as to remaining issues.

CUSTODY
CLERK'S NOTE: Above minute order modified per Court on $1 / 28 / 14$. dh

DISTRICT COURT CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor
COURT MINUTES
March 26, 2015
C-14-299737-1 State of Nevada
vs
Dwight Solander
March 26, $2015 \quad$ 9:30 AM Calendar Call
HEARD BY: Adair, Valerie
COURTROOM: RJC Courtroom 11C
COURT CLERK: Denise Husted
RECORDER: Janie Olsen

## REPORTER:

PARTIES
PRESENT: Goldstein, Steven M.
Luzaich, Elissa
Solander, Dwight Conrad
State of Nevada

Attorney
Attorney
Defendant
Plaintiff

JOURNAL ENTRIES

- Ms. Luzaich appeared for Ms. Bluth who is in currently in trial. She requested that the trial date be vacated and continued for resetting.

BOND
4/7/15 9:30 AM STATUS CHECK: RESET TRLAL

DISTRICT COURT CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor
COURT MINUTES
April 14, 2015
C-14-299737-1 State of Nevada
vs
Dwight Solander
April 14, 2015 9:30 AM Status Check

HEARD BY: Adair, Valerie
COURT CLERK: Denise Husted
RECORDER: Janie Olsen

## REPORTER:

PARTIES
PRESENT: Bluth, Jacqueline
Luzaich, Elissa
Mueller, Craig A
State of Nevada

COURTROOM: RJC Courtroom 11C

# Certification of Copy and Transmittal of Record 

## State of Nevada County of Clark $\}$

Pursuant to the Supreme Court order dated June 26, 2015, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises five volumes with pages numbered 1 through 1088.

STATE OF NEVADA,

Case No: C299737-1
Dept. No: XXI
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 10 day of July 2015.

# IN THE SUPREME COURT OF THE STATE OF NEVADA 

STATE OF NEVADA, Appellant(s),

VS.
DWIGHT CONRAD SOLANDER, Respondent(s),

Case No: C299737-1
Docket No: 67710

## RECORD ON APPEAL VOLUME



ATTORNEY FOR APPELLANT
STEVEN B. WOLFSON, DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

ATTORNEY FOR RESPONDENT CRAIG MUELLER, ESQ. 600 S. EIGHTH ST.
LAS VEGAS, NEVADA 89101

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1 TO GO?
2 A WE WENT - WE WENT TO - WE WENT THERE, BUT WE
3 DIDN'T DO ANYTHING. WE JUST -- WE DIDN'T DO ANYTHING. WE

4 WERE STILL WITH THEM, BUT WE DIDN'T DO ANYTHING.
5 Q WHAT DO YOU MEAN? YOU WENT TO KNOTT'S BERRY FARM
6 AND JUST WALKED AROUND AND LOOKED AT THE RIDES AND WATCHED
7 EVERYONE ELSE HAVE FUN?

8 A YEAH. RIGHT.
$9 \quad \mathbf{Q} \quad$ AND WHY WBS THAT?
10 A BECAUSE WE WERE ACTING UP.
11 Q ACTING UP.
12

13 TIME -- I MEAN DISNEY WORLD, THE FIRST TIME, WE -- THEY GAVE
14 US ANOTHER CHANCE, AND WE GOT TO HAVE FUN. AND THEN THE NEXT
15 TIME I WENT BY MYSELF BECAUSE I WASN'T PEEING ON MYSELF AS

16 MUCH.
17 Q SO WHEN YOU STOPPED PEEING ON YOURSELF YOU GOT MORE 18 PRIVILEGES?

A YES. AND THEN - B BUT ONCE I STARTED -- THEN WHEN - THE FIRST NIGHT WE WENT THERE I HAD AN ACCIDENT, AND THEN THEY DIDN'T WANT TO TAKE ME ANYMORE.
$Q$ NOW, WERE THEY USING THE TIMERS DOWN ON VACATION?
A I CAN'T REMEMBER THAT.
Q NOW, PUTTING ON THE - BEING SAT ON THE BUCKET IS - -
25 WAS A PUNISHMENT, CORRECT?

A YES.
Q ALL RIGHT. NOW, DO YOU REMEMBER WHEN - HOW MANY TIMES DID YOU GET SET ON A BUCKET FOR PUNISHMENT?

A WE WERE SITTING ON IT ALL'THE TIME.
Q ALL THE TIME.
NOW, WAS THE BUCKET SITTING NEXT TO THE TELEVISION, BY ANY CHANCE?

A WE WERE SITTING ON IT, BUT WE WERE -- WE WENT IN THE FAMILY ROOM, AND WE PLACED OUR BUCKETS LIKE BY THE TEL -TELE - - TELEVISION, AND WE WERE SITTING ON THEM.

Q OKAY. SO YOU WERE ALLOWED TO MOVE THE BUCKET, CORRECT?

A YES.
Q I THOUGHT YOU SAID IT WAS A PUNISHMENT?
A WE WERE STILL SITTING ON THE BUCKET.
Q RIGHT. BUT THE PUNISHMENT CONSISTED OF YOU BEING ALLOWED TO MOVE THE BUCKET ANYWHERE YOU WANTED TO?

A THEY HAD TOLD US TO GO OVER THERE, SO WE COULDN'T JUST DO IT BY OURSELVES.

Q ALL RIGHT. AND YOU SAT THE BUCKET NEXT TO A

## TELEVISION?

A AND SAT ON IT.
Q AND SAT ON IT. AND WATCHED AS MUCH TELEVISION AS 4 YOU WANTED, CORRECT?

A NO. THEY WERE TALKING TO US ABOUT -- WHAT, I CAN'T

1 REMEMBER.
2 Q WELL, HOW MANY TIMES DID YOU GET SAT ON THE BUCKET, THEN?

MS. BLUTH: OBJECTION, ASKED AND ANSWERED, JUDGE. SHE SAID ALL THE TIME WHEN HE ASKED THAT PREVIOUS, HER RESPONSE WAS ALL THE TIME.

MR. MUELLER: IF -- UNFORTUNATELY IF IT WERE ANSWERED, I WOULDN'T HAVE TO ASK IT AGAIN.

THE COURT: OVERRULED.
BY MR. MUELIER:
Q HOW MANY TIMES DID YOU GET SAT ON THE BUCKET?
A SAT ON IT ALL THE TIME. I NEVER GOT TO GET OFF IT, EXCEPT FOR THA工 TIME WHEN I TOLD YOU WE SAT ON -- ME AND AMAYA SAT ON THE CHAIR.

AND BEFORE WE STARTED PEEIMG ON OURSELVES.
Q NOW, WHO MADE - WHEN YOU WERE HOMESCHOOLED, WHO
17 MADE THE MEALS AT THE HOUSE?
A MISS JANET MADE THEM, MOST OF THE TIME.

Q NOW, DID YOU KNOW HOW TO MAKE THIS BLENDED MEAL THAT THE DOCTOR WANTED YOU TO EAT?

A NO.
Q ALL RIGHT. SO SINCE YOU DIDN'T KNOW HOW TO MAKE IT AND MISS JANET DIDN'T MAKE IT, YOU DEDN'T EAT?

A THE DOCTOR NEVER SAID HE WANTED ME TO EAT BLENDED 25 FOOD. BUT MISS JANET AND MR. DWIGHT THOUGHT IT WAS THE BESE

THING, SO THEY WANTED ME TO GET BET'TER.
Q WELL, DO YOU KNOW WHAT CROHN'S DISEASE IS?
A NO, BECAUSE I REALLY HAVEN'T BEEN HAVING STOMACH ISSUES OR BLOOD IN MY BOWEL MOVEMENT.

Q SO ONCE YOU STARTED TO EAT THE BLENDED MEALS, THE PROBLEMS WENT AWAY?

A SOMETIMES I HAD STOMACHACHES, BUT - EVEN NOW I'M HAVING STOMACHACHES, BUT IT'S NOT BECAUSE I'M HAVING TROUBLE USING THE BATHROOM, IT'S FOR OTHER THINGS.

Q UM-HUM. OKAY. NOW, HAVE YOU HAD ANY FURTHER FOLLOW-UP EXAMINATIONS BY A PHYSICIAN OR A DOCTOR REGARDING THE CROHN'S DISEASE?

A AM I GETTING TO READY -- AM I ABOUT TO HAVE A FOLLOW - UP?

Q HAVE YOU EVER GONE BACK TO THE DOCTOR?
A NOT YET.
Q NOT YET.
NOW, DID MISS JANET WORK WHILE YOU GUYS WERE LIVING WITH HER?

A YES.
Q ALL RIGHT. AND WHERE DID SHE WORK AT OR WHAT DID SHE DO?

A I KNOW IT'S SOME PART OF THE MILITARY AND SHE WAS - WHEN WE WERE LIVING IN THE JUBILEE GARDEN HOUSE.

Q ALL RIGHT. WAS SHE IN THE MILITARY OR WHAT WAS HER

1 JOB, DO YOU KNOW?
2 A I THINK SHE SAID SOMETHING LIKE ABOUT A NURSE.
$3 \quad Q \quad$ SHE WAS A NURSE?
4 A A NURSE.
5 Q AND DID YOU KNOW WHAT HOSPITAL OR WHAT FACILITY SHE
6 WORKED AT?
7 A SHE TOOK ME -- I THINK I DO.
8 Q OKAY. AND WHERE -- WHERE DID SHE TAKE YOU?
9 A SHE TOOK ME TO THIS OFFICE, AND SHE WAS -- I DON'T
10 KNOW WHAT SHE WAS DOING, BUT IT DIDN'T -- I KNOW SHE TOOK ME
11 TO A BUILDING THAT WAS ON THE BASE.
12 Q A BUILDING THAT WAS ON THE BASE?
13

16 WORKED.
17 Q ALL RIGHT. AND DID SHE INTRODUCE YOU TO HER
18 COWORKERS OR DID SHE INTRODUCE YOU TO ANYBODY?
19 A YES.
20 Q ALL RIGHT. AND WAS IT A PLACE WHERE SICK PEOPLE HAD
21 GONE? WAS IT A FACILITY OR A HOSPITAL?
22 A WHEN SHE TOOK ME TO THAT SORT OF OFFICE -- UM -- IT
23 WASN'T LIKE WHERE SICK PEOPLE WOULD GO.
24 Q IT WAS OR WAS NOT?
25 A IT WASN'T.

Q OKAY. SO YOU DIDN'T SEE ANYBODY LYING IN A HOSPITAL BED THERE?

A YOU'RE CORRECT.
Q OKAY. NOW, DID YOU EVER GO OUT AND RUN ANY ERRANDS WITH DWIGHT?

A NOT THAT I CAN REMEMBER.
Q HE DIDN ${ }^{1} \mathrm{~T}$ PUT YOU IN THE TRUCK AND TAKE YOU TO A SERVICE CALL OR TWO WITH YOU?

A TO WHAT?
Q HE DIDN'T TAKE YOU TO WORK WITH HIM ONCE OR TWICE?
A NO. HE TOOK ME TO MY DOCTOR'S APPOINTMENT.
Q OKAY.
A THAT'S IT, THAT I CAN REMEMBER.
Q WHICH DOCTOR WAS THAT?
A DR. BERNSTEIN, HEMATOLOGIST.
Q I'M SORRY?
A DR. BERNSTEIN, HE'S MY HEMATOLOGIST.
$Q$ OKAY. NOW, DID DWIGHT COME BACK - FREQUENTLY COME BACK AFTER WORK AND AFTER YOU GUYS WERE ALREADY ASLEEP?

A HE WOULD COME BACK AFTER WORK -- HE -- SOMETIMES.
Q SOMETIMES. SO HE'D COME HOME AFTER WORK AND YOU GUYS WERE ALREADY IN BED?

A YES.
Q NOW, AS A REGULAR COURSE DID DWIGHT MAKE FOOD FOR YOU, OR IS THAT SOMETHING JANET MOSTLY DID?

A HE MADE IT SOMETIMES, BUT IT WAS SOMETHING MISS JANET MOSTLY DID.

Q MOSTLY DID.
NOW, DO YOU RECALL ANY INSTANCES WHERE DWIGHT TOLD YOU, YOU COULDN'T EAT ANYTHING?

A NO. HE DIDN'T -- HE NEVER SAID IT,
Q OKAY. DO YOU RECALL ANY INSTANCES WHERE HE SAID YOU COULDN'T DRINK ANYTHING?

A NEVER SAID IT.
Q NEVER SAID IT.
NOW, WHEN YOU WERE HOMESCHOOLED, DID DWIGHT EVER
TEACH YOU ANY LESSONS, OR WAS THAT MISS JANET?
A WELL, MISS JANET -- THE FIRST TIME WE STARTED DOING IT, MISS JANET TAUGHT US HOW TO DO IT, AND THEN MR. DWIGHT TAUGHT US - UM - - ONE TIME BEFORE HE WENT TO WORK.

Q SO ONE TIME IN THREE YEARS HE TAUGHT THE HOMESCHOOL?
A WELL, HE HAD TO HELP US, AND KEEP SHOWING US -WELL, NOT - - HE DIDN'T HAVE TO KEEP DOING IT TO ME, BUT HE TAUGHT ME HOW TO DO -- HOW TO DO WHAT MY SISTERS WERE DOING, SO I WOULDN'T HAVE TO GO UP TO HIM, AND HE WOULDN'T HAVE TO TEACH IT AGAIN.

Q SO HE'D HELP YOU WITH THE HOMEWORK IN THE EVENING HOURS?

A YES.
Q OKAY. AND WHERE WOULD YOU STUDY IN THE EVENING

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    HOURS?
    A SOMETIMES WE DID MATH.
    Q WHERE?
    A DID CHARTS.
    Q WERE YOU GUYS AT A DESK?
    A WE HAD -- ON THE COUNTER, BUT THAT WAS WHERE I WAS
    SITTING.
    MR. MUELLER: IF I COULD HAVE THE COURT'S INDULGENCE FOR
    JUST A MOMENT? I NEED SOME WORKSPACE HERE.
        THE COURT: SURE.
    (DISCUSSION BETWEEN MR. MUELLER AND DWIGHT SOIANDER.)
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## BY MR. MUELLER:

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Q ALL RIGHT. SO DWIGHT WOULD HELP YOU WITH THE SCHOOLWORK IN THE EVENINGS, CORRECT?
A WELL, IF -- ON THE WEEKENDS IF WE NEEDED HELP HE WOULD HELP US. BUT THAT ONE TIME WHEN HE HELPED ME, IT WAS ON MULTIPLICATION AND FRACTIONS, THAT TIME IT WAS RIGHT BEFORE HE WENT TO WORK, SO IT WAS THE DAYTIME.
Q SO HE DID HELP YOU IN THE DAYTIME OCCASIONALLY?
A IF HE WAS - IF HE HAD TIME.
Q ALL RIGHT. SO MOST OF THE TIME IT WAS JANET, AND ON OCCASION IT WOULD BE DWIGHT?
A YES.
Q ALL RIGHT. NOW, WHEN YOU HAD THE CATHETER INSERTED, WHO WAS - - WAS THAT IN THE BATHROOM UPSTAIRS?
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A YES.
Q ALL RIGHT. WAS THE DOOR CLOSED?
A YES.
Q OKAY. SO IT WAS JUST YOU AND JANET IN THE ROOM?
A YES.
Q OKAY. NOW, EARLIER ON DIRECT EXAMINATION, YOU THOUGHT DWIGHT WAS HOME AT THAT TIME. DO YOU REMEMBER THAT?

A YES.
Q OKAY. YOU DON'T KNOW THAT HE WAS HOME, DO YOU?
A HE WAS HOME.
Q AND THAT WOULD BE BASED ON YOU BEING ALONE IN THE BATHROOM WITH JANET, HOW DO YOU KNOW THAT?

A HE WAS DOWNSTAIRS. HE ASKED ME -- MR. DWIGHT ASKED ME, SO HE WAS IN THE HOUSE, AND HE ASKED ME IF I HAD TO GO TO THE BATHROOM.

Q OKAY. AND DID YOU HAVE TO GO TO THE BATHROOM?
A AND I WENT UPSTAIRS.
$Q$ I WAS SUPPOSE TO STOP.
A I SAID NO.
Q SO HE ASKED YOU, DO YOU HAVE TO GO TO THE BATHROOM.
AND SO WAS THIS DURING A SCHOOLDAY?
A IT'S ALWAYS A SCHOOLDAY.
Q EVERY DAY IS A SCHOOLDAY?
A YES.
MS. BLUTH: ASKED AND ANSWERED, OBJECTION.

THE COURT: SUSTAINED.

## BY MR. MUELLER:

Q ALL RIGHT. AND THEN WHAT HAPPENED?
A AND I WENT TO THE BATHROOM.
Q HE ASKED YOU IF YOU HAD TO GO, DIDN'T YOU SAY YES?
A I SAID NO, AND THEN I WENT TO THE BATHROOM UPSTAIRS
TO GET -- SO MISS JANET COULD PUT THE CATHETER IN ME.
Q WHERE WERE THE CATHETERS KEPT?
A I DON'T KNOW WHERE THEY KEPT THEM.
$\mathbf{Q} \quad$ OKAY.
A BECAUSE I COULDN'T - - I COULDN'T GO IN THE ROOM - - I COULDN'T GO WHERE I WANTED, SO...

Q WHAT DO YOU MEAN YOU COULDN'T GO WHERE YOU WANTED?
A I COULDN'T GO LIKE -- LIKE OTHER KIDS DO, IF THEY WANT TO GO IN THEIR ROOM, THEY GO IN THEIR ROOM, I COULDN'T DO 'THAT. OR SOMETHING LIKE THAT, I COULDN'T DO IT.

Q ALL RIGHT. DWIGHT ASKED YOU IF YOU WANTED TO GO TO THE BATHROOM, YOU SAID NO. THEN YOU URINATED ON YOURSELF, CORRECT? AND THEN YOU WENT UPSTAIRS, CORRECT?

MS. BLUTH: OBJECTION, JUDGE, MISSTATES HER TESTIMONY. SHE NEVER URINATED ON HERSELF. SHE WAS TAKEN UPSTAIRS SO MISS JANET COULD USE THE CATHETER, WHICH IS HER TESTIMONY ON DIRECT AND TO MR. MUELLER RIGHT BEFORE THEN.

MR. MUELIER: THAT'S NOT WHAT SHE --
THE COURT: I DIDN'T HEAR HER SAY THAT. I'M NOT SAYING

SHE DIDN'T, BUT CAN WE -- CAN YOU START OVER?
MR. MUELLER: CERTAINLY.
THE COURT: AND SO LISTEN TO HIS QUESTIONS, OKAY?
THE WITNESS: OKAY.
THE COURT: ALL RIGHT. GO AHEAD.
BY MR. MUELLER:
Q YOU WENT -- DWIGHT ASKED YOU -- IT'S YOUR
RECOLLECTION NOW THAT DWIGHT ASKED YOU IF YOU NEEDED TO USE TO
THE BATHROOM.
A YES.
Q AND THIS WAS ON A SCHOOLDAY WHEN HE WAS ACTUALLY
THERE, NOT WHEN HE WAS AT WORK?
A YES.
Q AND YOU SAID NO.
A YES.
Q WHAT HAPPENED THEN?
A MISS JANET TOLD ME TO GO UPSTAIRS SO SHE COULD PUT
THE CATHETER IN ME, AND THEN I --
Q YOU WENT -- DID YOU, IN FACT, GO UPSTAIRS?
A I WENT UPSTAIRS.
Q OKAY. AND DID DWIGHT GO UPSTAIRS, OR DID HE STAY
DOWNSTAIRS?
A HE STAYED DOWNSTAIRS AND DID WHATEVER HE NEEDED TO DO.

Q SO HE'S DOWNSTAIRS. OKAY.

AND YOU WENT IN THE BATHROOM WAS THE DOOR CLOSED?
A IT WAS CLOSED.
Q IT WAS CLOSED.
NOW, DO YOU KNOW DID DWIGHT BUY THE CATHETERS OR DID
JANET GET THEM FROM WORK?
A I DON'T KNOW. IT WAS EITHER -- I KNOW IT WAS --
Q YOU DON'T KNOW?
A YEAH, I DON'T KNOW.
MR. MUELLER: OKAY. THANK YOU.
IF I COULD GET THE COURT'S INDULGENCE FOR JUST A MOMENT?
THE COURT: OKAY.
(DISCUSSION BETWEEN MR. MUELLER AND DWIGHT SOLANDER.)
MR. MUELLER: ALL RIGHT. YOUR HONOR, AT THIS TIME I HAVE
NO FURTHER QUESTIONS.
THE COURT: OKAY. BEFORE YOU REDIRECT I MIGHT HAVE A
QUESTION, HOLD ON.
OKAY. SO, AVA, THERE WAS -- YOU SAID WHEN MISS BLUTH WAS
ASKING YOU QUESTIONS THAT -- I THOUGHT YOU SAID THAT
MR. DWIGHT WAS NEAR THE BATHROOM DOOR, OUTSIDE THE DOOR
SOMEWHERE WHEN THE CATHETER WAS BEING USED.
THE WITNESS: THAT WAS ANOTHER TIME.
THE COURT: THAT WAS A DIFFERENT TIME THAN WHAT
MR. MUELLER WAS JUST ASKING YOU?
THE WITNESS: YES.
THE COURT: OKAY. SO THE TIME THAT MR. MUELLER WAS JUST

ASKING YOU ABOUT, IT'S -- IT'S YOUR TESTIMONY THAT MR. DWIGHT WAS DOWNSTAIRS THE WHOLE TIME?

THE WITNESS: YES.
THE COURT: AND THE DOOR WAS CLOSED AND YOU WERE
UPSTAIRS?
THE WITNESS: YES.
THE COURT: IN THE BATHROOM UPSTAIRS?
THE WITNESS: YES.
THE COURT: AND THE DOOR WAS CLOSED?
THE WITNESS: YES.
THE COURT: AND ONLY MISS JANET WAS IN THERE WITH YOU?
THE WITNESS: YES.
THE COURT: BЏT THEN -- SO THE TIME THAT MISS BLUTH WAS
ASKING YOU ABOUT WAS A -- WAS A DIFFERENT TIME?
THE WITNESS: YEAH. JUST MISS JANET PUT IT IN ME $A$
COUPLE DIFFERENT TIMES, SO THE ONES I CAN ONLY REMEMBER OF.
THE COURT: OKAY. AND YOU DID TESTIFY TO MISS BLUTH THAT
IT WAS MORE THAN ONE TIME AND YOU DIDN'T KNOW HOW MANY TIMES.
THE WITNESS: YES.
THE COURT: OKAY, MISS -- OKAY, CROSS-EXAMINATION. I
MEAN, I'M SORRY, REDIRECT?
MR. MUELLER: WELL --
TEE COURT: WELL, I'LL LET YOU FOLLOW-UP ON MY QUESTIONS, LET HER REDIRECT RIGHT NOW.

MR. MUELLER: ALL RIGHT. THANK YOU.

THE COURT: I TRY TO GO IN ORDER.
MS. BLUTH: ОKAY.

REDIRECT EXAMINATION

## BY MS. BLUTH:

Q OKAY. I JUST WANT TO GET A LITTLE BIT BETTER
TIMEFRAME.
AVA, DO YOU REMEMBER WHAT MONTH IT WAS THAT YOU WENT TO FLORIDA TO - - I'M SORRY IF YOU ALREADY SAID IT.

A NOVEMBER.
Q OKAY. NOVEMBER -- THE LAST NOVEMBER THAT WE JUST
HAD? SO NOVEMBER OF 2013?
A WAIT. YES, I THINK IT WAS THE LAST ONE.
Q OKAY. SO FROM WHEN YOU WERE ADOPTED IN JANUARY - UM -- OF $2000--2011$ UNTIL NOVEMBER WHEN YOU WENT TO THE GIRLS ACADEMY, THESE -- THAT'S THE TIMEFRAME THAT THESE THINGS WERE HAPPENING?

A YES.
Q OKAY. THERE'S SOMETHING THAT I FORGOT TO ASK YOU EARLIER, AND THAT WAS - UM -- WERE YOU EVER FORCED TO EAT OR DRINK ANY OF YOUR OWN --

MR. MANN: OBJECTION, LEADING.
MS. BLUTH: WHAT? IT DOESN'T SUGGEST AN ANSWER.
MR. MANN: AND OUTSIDE THE SCOPE.
MS. BLUTH: WELL, I CAN RECALT HER IF YOU WOULD LIKE.

2 DIDN'T GET THE QUESTION OUT, BUT IT DIDN'T SOUND LIKE IT'S
3 LEADING TO ME.
MS. BLUTH: IT'S ONE QUESTION I FORGOT TO ASK HER.
THE COURT: YEAH, IF YOU'RE GOING TO RECALL HER, THEN I'M
JUST GOING TO ALLOW IT.

## BY MS. BLUTH:

Q WERE YOU EVER FORCED TO EAT OR DRINK YOUR OWN URINE
9 OR POOP?
A YES.
Q OKAY. WHO FORCED YOU TO DO THAT?
A MISS JANET.
Q WHAT DID SHE FORCE YOU TO DO?
A LICK MY PEE OFF THE FLOOR.
Q WHY WAS THERE PEE ON THE FLOOR?
A BECAUSE I WAS STANDING IN THE BATHROOM, AND SHE
17 FORGOT HER PHONE, SO SHE WENT TO HER BEDROOM, AND I HAD TO GO
18 REALLY BAD, SO I ENDED UP GOING ON THE FLOOR.
19 OKAY. AND SO WAS MISS JANET MAD THAT YOU PEED ON

21 A YES.
22 Q DID YOU ACTUALLY LICK YOUR PEE?
THE COURT: OKAY. UM -- I DON'T THINK IT'S LEADING. SHE

A YES.
$\mathbf{Q}$ OKAY. UM -- WE'VE ASKED YOU A LOT OF QUESTIONS ABOUT THE TIMERS - UM - - AND SO I JUST WANT TO KNOW, IF YOU

1 HAD AN ACCIDENT, WERE YOU STILL ALLOWED TO GO EVERY HOUR OR
2 DID YOU HAVE TO HOLD IT FOR LONGER?
3 A I WASN'T ALLOWED TO GO EVERY HOUR.
4
5

7 TIME?
8 A DURING THAT -- SINCE THE TIMES GOT CHANGED A LOT,
9 BUT DURING THAT SPECIFIC TIME I HAD TO ASK TO USE THE
10

11

12
13 YOU FEEL LIKE YOU HAD TO HOLD IT FOR A LONG TIME?
14 A YES.
15 Q OKAY. AND WHO MADE YOU FEEL THAT WAY?
16 A MISS JANET.
17 O OKAY. AND SO WERE YOU ABLE TO HOLD IT OR WAS THAT
18 WHY YOU WOULD HAVE YOUR ACCIDENTS?
19 A I WASN'T ABLE TO HOLD IT.
20 Q OKAY. NOW, DID MR. DWIGHT MAKE YOU HOLD IT?
21
22
23
24 HE -- BECAUSE I KNOW HE WOULD TEXT MISS JANET, BUT I DON'T 25 KNOW WHICH -- IF HE ACTUALLY USED IT HIMSELF.

Q WHAT DO YOU MEAN HE WOULD TEXT MISS JANET?
A AND TELL HER - HE WOULD TELL HER THAT I ASKED TO USE THE BATHROOM.

Q OKAY. AND SO WHAT WOULD HAPPEN IF MISS JANET SAID, OKAY, WELL, SHE CAN'T GO?

A THEN I EITHER ENDED UP GOING ON MXSELF, OR I JUST TRIED TO HOLD IT.

Q OKAY. SO IF MISS JANET TOLD MR. DWIGHT --
MR. MUELLER: OBJECTION, LEADING, SPECULATION, AND BEYOND THE SCOPE OF DIRECT EXAMINATION.

MS. BLUTH: NO, IT'S NOT.
THE COURT: WELL, IT'S SUSTAINED, SUSTAINED AND OVERRULED.

MR. MUELLER: THANK YOU.
MS. BLUTH: WHAT WERE THE TWO SUSTAINED, BECAUSE NOW I DON'T EVEN --

THE COURT: LEADING AND --
MR. RUE: SPECULATION.
THE COURT: -- REALLY SPECULATION, I WOULD SAY, IS THE CAPITAL S .

MS. BLUTH: OKAY.
Q SO WE CAN'T GET INTO THE CONVERSATION THAT MR. DWIGHT AND MISS JANET HAD, BUT AFTER THAT CONVERSATION DID MR. DWIGHT TELL YOU, YOU HAD TO HOLD IT?

MR. MUELLER: OBJECTION. WE'VE GONE FROM A -- WE'VE GONE

FROM A HYPOTHETICAL QUESTION, AND MY COLLEAGUE IS NOW TURNTNG
2 THIS TO AN EVENT. I MEAN, SHE'S ACTUALLY SUGGESTING TESTIMONY
3 TO THIS WITNESS.
4 MS. BLUTH: WHAT? SHE SAID THAT THEY HAD A -- WHEN SHE HAD TO GO TO THE BATHROOM, SHE WOULD BE IN MR. DWIGHT'S PRESENCE WHEN HE CALLED MISS JANET.

7 MR. MUELLER: YOU CAN READ IT BACK. IT STARTED AS A HYPOTHETICAL --

9 MS. BLUTH: NO.
MR. MUELLER: - AND SHE'S TURNED IT INTO DIRECT
11 TESTIMONY.
THE COURT: WELL JUST SEE -- WHY DON'T YOU JUST REPHRASE 13 YOUR QUESTION IF IT ACTUALEY HAPPENED OR IF IT'S HYPOTHETICAL. 14 MS . BLUTH: OKAY.

15 Q AVA, WERE THERE TIMES THAT MR. DWIGHT TOOK CARE OF 16 YOU WHEN MISS JANET WAS AT WORK? OR WHEN MISS JANET WAS

17 SOMEWHERE ELSE OUTSIDE THE HOME?
18 A YES.
19 Q OKAY. UM - AND IF YOU HAD TO GO TO THE BATHROOM,
20 WOULD MR. DWIGHT CALL MISS JANET?
21 A SOMETIMES, BUT NOT LIKE ALL THE TIME --
$\mathbf{Q}$ OKAY.
A -- BECAUSE MISS UANET -- MR. DWIGHT KNEW MISS JANET DIDN'T WANT TO GET BOTHERED ALL THE TIME.

Q OKAY. SO ON THOSE TIMES WHEN MR. DWIGHT DID CALL

MISS JANET, AFTER HE GOT OFF THE PHONE DID YOU STILL - - WERE YOU STILL TOLD YOU HAD TO HOLD IT?

A NO. HE JUST -- HE JUST - - WE KNEW HE HAD CALLED, BECAUSE WE COULD HEAR, AND IF WE HAD TO GO, THEN WE WOULD JUST SAY -- UH --. I HAD TO GO REALLY BAD AND HE WOULD LET US GO, AND THEN HE WOULD JUST LET MISS JANET KNOW THAT I COULDN'T HOLD IT BEFORE - I COULDN'T HOLD IT TILL THE TIME WAS UP.

Q OKAY. AND DID YOU EVER GET PUNISHED BY MR. DWIGHT FOR NOT HOLDING IT?

A SAY THAT AGAIN, PLEASE?
Q YEAH. DID YOU EVER GET PUNISHED BY MR. DWIGHT FOR NOT HOLDING YOUR PEE OR YOUR POOP?

A NOT AS OFTEN, BUT I -- I DID.
Q OKAY. UM - ARE YOU ON ANY SPECIAL DIET NOW?
A NO.
Q DO YOU TAKE ANY MEDICINE NOW?
A NO.
Q SO YOUR CROHN'S DISEASE, IT JUST DISAPPEARED?
MR. MANN: OBJECTION, SPECULATION.
THE COURT: SUSTAINED.
THE WITNESS: UM -- I DON'T KNOW.
MS. BLUTH: THAT'S OKAY, YOU DON'T HAVE TO ANSWER. IF
23 THE JUDGE SAYS SUSTAINED THEN --
THE COURT: IT'S HARD TO KEEP TRACK.
MS. BLUTH: THAT'S OKAY, IT'S HARD WITH ALL OF US

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LAWYERS.
    THE COURT: AND ME.
    BY MS. BLUTH:
    Q BUT - - BUT NOW YOU EAT REGULAR FOODS?
    A YES.
    Q AND YOUR FOOD DOESN'T NEED TO BE BLENDED?
    A YES, YOU'RE RIGHT.
    Q MR. MANN ASKED YOU SOME QUESTIONS ABOUT BURNS ON
    ANASTASIA ON HER EAR?
    I'M SORRY, THAT'S MR. MANN RIGHT THERE WITH THE
11 GLASSES. WELL, THEY ALL HAVE GLASSES, THAT GUY.
    DO YOU REMEMBER HIM ASKING YOU IF YOU BURNED
    ANASTASIA?
    A YES.
    Q DO YOU KNOW HOW ANASTASIA GOT THOSE BURNS?
    A ANASTASIA HAD -- SHE WENT IN THE BATHROOM AND
    17 MISS JANET WAS IN THERE WITH HER.
    THE COURT: WAIT. DO YOU KNOW THIS, OR ARE YOU WUST --
    1 9 ~ Y O U ' R E ~ G O I N G ~ B Y ~ W H A T ~ S O M E B O D Y ~ T O L D ~ Y O U ?
    20 THE WITNESS: I KNOW IT.
    21 THE COURT: AND YOU KNOW IT BECAUSE YOU SAW IT?
    24 THE HOT WATER ON, BOILING, WHEN WE WASHED OUR HANDS.
    25 THE COURT: GO AHEAD.
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    22
    23
    1 BY MS . BLUTH:
2 \& SO HOW DID - - HOW DID SHE GET THE BURNS?
A ANASTASIA HAD WENT IN THE BATHROOM WITH MISS JANET, AND THEN ANASTASIA - - SHE WAS TRYING TO GET ANASTASIA TO PUT HER HANDS IN THE --

MR. MANN: YOUR HONOR, I'M GOING TO OBJECT, IT'S SPECULATION. I DON'T KNOW THAT SHE HAD ANY FOUNDATION TO REALLY KNOW.

MS. BLUTH: SHE JUST SAID --
MR. MANN: SHE SAID THAT SHE WAS OUTSIDE THE BATHROOM,
11 AND SHE'S TALKING ABOUT EVENTS THAT HAPPENED INSIDE THE
12 BATHROOM.
13 THE COURT: SUSTAINED.
14 BY MS. BLUTH:
$15 \quad$ Q DID YOU SEE THIS?

16
17
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25

Q DID YOU SEE THI
A WHEN SHE CAME OUT I SAW THE BURN.
$Q$ OKAY. WHEN SHE CAME OUT, WHAT DID YOU SEE?
A I SAW THE -- I -- I SAW LIKE THE INSIDE OF HER SKIN, LIKE WHERE IT WAS BURNING.

Q OKAY. AND WHERE WAS IT THAT YOU SAW IT?
A LIKE BY HER EAR AND BY HER - - LIKE CLOSER TO HER - NOT NECK, BUT UPPER BACK.

Q OKAY.
THE COURT: OKAY. WE'RE GOING TO BE IN RECESS. SO I KNOW --

MS. BLUTH: I'M ALMOST - -
THE COURT: WELL, I KNOW, BUT THEY HAVE RECROSS.
MS. BLUTH: OKAY.
THE COURT: I KNOW THEY DO. RIGHT, MR. MANN?
MR. MANN: YES, YOUR HONOR.
THE COURT: RIGHT -- OH, I DON'T KNOW ABOUT MR. RUE.
RIGHT, MR. MUELLER?
MR. MUELLER: YES, JUDGE.
THE COURT: SO I WAS TRYING TO GET HER OFF - -
MS . BLUTH: YES.
THE COURT: BUT IT'S NOT YOUR --
MS. BLUTH: I KNOW. YOU'RE RIGHT. YOU'RE RIGHT.
THE COURT: YOU OPENED THE DOOR, I OPENED THE DOOR.
MS. BLOTH: THE DOORS ARE OPEN.
THE COURT: THE DOORS ARE OPEN.
OKAY. MISS AVA, LONG DAY, HUH?
THE WITNESS: WILL I BE HERE TOMORROW?
THE COURT: JUST - - BUT NOT NEAR LIKE IT WAS TODAY.
MAYBE, MAYBE, MAYBE LIKE 30 MINUTES. MAYBE.
THE WIINESS: SO COULD I BE AT SCHOOL BEFORE 1 O'CLOCK? THE COURT: OH, YES, YOU'LL BE AT SCHOOL - - YOU NEED TO BE THERE AT 1 O'CLOCK, DID YOU SAY? AT 1 O'CLOCK OR UNTIL 1 O'CLOCK?

THE WIINESS: I JUST WANT TO BE THERE FOR P.E. THE COURT: BE THERE FOR P.E. NICE.

THE WITNESS: AND MY ADVISER --
THE COURT: AND WHAT TIME IS P.E., 1 O'CLOCK?
THE WITNESS: IT STARTS AT THAT TIME.
THE COURT: OKAY. WE'RE GOOD.
CAN WE - - I KNOW YOU THINK YOU HAVE TWO GOING. CAN WE TRY TO BE HERE, EVERYBODY, AT TEN IN THE MORNING, IS THAT PROBLEM?

MS. BLUTH: YES.
MR. MANN: BE HERE AT NLNE, WHATEVER YOU NEED.
THE COURT: SO ORIGINALLY WE SET AT 10:30. THEN IT WAS
SET - - THEN I TRIED TO CHANGE IT TO 9:30. I'D REALLY LIKE
MAYBE SARAH'S TO TRAIL AT LEAST AFTER WE GET DONE WITH HER, I
DON'T KNOW. MAYBE YOU ALL CAN TALK AMONGST YOURSELVES, BUT --
THEN YOU COULD TALK TO SARAH IN THE MEANTIME TO SEE WHAT'S
GOING AND WHAT'S NOT, BUT --
MS. BLUTH: OKAY. DID ANYBODY SHON UP --
THE COURT: BUT IF EVERYBODY CAN BE HERE AT 9:30 FOR US TO JUGGLE, I'D LOVE FOR THAT, BUT...

MS. BLUTH: OKAY.
THE COURT: AND GET HER DONE AT LEAST.
MS. BLUTH: YEAH. YEAH.
THE COURT: WHAT DO YOU NEED?
MS. BLUTH: DID ANYBODY SHOW UP FOR THIS 1 O'CLOCK THING?
THE COURT: NO, WE BENCH WARRANTED IT. I JUST SAID WE CALLED IT AT 1 O'CLOCK AND NO ONE SHOWED UP. I MEAN, NO

MARSHAL TOLD ME THAT PERSON SHOWED UP, SO IT'S A BENCH WARRANT.

MS. LUZAICH: WE WERE HERE. WE WERE HERE.
THE COURT: YEAH, RIGHT. THANK YOU. OKAY, WE WILL SEE YOU TOMORROW.

AVA, DON'T TALK TO ANYBODY ABOUT YOUR CASE, OKAY?
THE WITNESS: ALL RIGHT.
THE COURT: NOBODY. YOU CAN TALK ABOUT THE WEATHER, WHAT
YOU'RE GOING TO HAVE FOR DINNER, P.E. TOMORROW, BUT NOTHING ABOUT YOUR CASE, OKAY --

THE WITNESS: ALL RIGHT.
THE COURT: -- BECAUSE YOU'RE STILL TESTIFYING. THANK
YOU.
THE WITNESS: OKAY.
(AT 2:28 P.M. THE PROCEEDINGS WERE RECESSED.)

ATTEST: FULL, TRUE AND CERTIFIED TRANSCRIPT.
/S/KIT MACDONALD
KÏT MACDONALD, C.S.R. COURT REPORTER C.S.R. 65

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| / | 114/25 115/4 115/4 $116 / 7$ 116/18 118/19 118/21 122/13 125/24 126/15 127/8 127/9 | 74/6 74/9 74/10 76/23 76/25 79/4 82/2 83/5 83/10 86/5 88/22 89/24 91/16 92/7 92/17 |
| :---: | :---: | :---: |
| /S/KIT [1] 155/22 | 127/12 128/1 128/3 131/12 133/25 135/13 | 92/19 93/3 93/8 93/11 93/12 93/19 97/7 |
| 1 | 136/2 144/1 144/14 146/25 151/8 152/11 | 104/7 105/8 108/24 111/5 111/13 111/18 |
| 10:30 [1] 154/10 | ABRAIIAM [2] 116/10 116/16 | 121/13 121/15 122/1 122/4 122/8 122/24 |
| 10:45 [2] 1/16 3/3 | ACADEMY [7] 44/4 44/5 44/6 44/7 101/2 | 123/2 123/10 123/20 123/23 124/23 125/14 |
| 115 [1] 2/7 | 101/3 145/16 | 125/23 126/2 126/21 127/6 127/24 131/8 |
| 120 [1] 2/8 | ACCESS [1] 4/22 | 131/8 133/2 133/4 $13355133 / 20134 / 5134 / 6$ |
| 12:30 [1] 92/4 | ACCIDENT [35] 22/2 29/7 29/10 32/10 | 134/12 134/22 135/21 135/25 136/17 136/20 |
| 13 [3] 2/5 7/6 7/8 | 33/25 34/10 34/14 34/17 35/2 35/8 35/13 | 139/13 139/21 139/24 140/2 141/3 141/17 |
| 145 [1] 2/9 | 35/15 36/2 37/4 37/20 37/24 38/19 39/10 | 142/5 143/13 144/25 149/21 149/24 150/25 |
| 14F04585A [2] [/7 3/9 | 39/11 39/20 44/11 44/12 62/22 74/13 94/9 | 151/11 154/13 155/7 155/11 |
| 14F04585B [1] 1/8 | 96/5 106/3 106/5 106/7 116/22 117/1 122/15 | ALLEGATIONS [2] 89/23 102/7 |
| 14F04585C [1] 1/8 | 127/3 132/20 147/1 | ALLEGED [1] 102/9 |
| 171.204 [2] 4/15/1 | ACCIDENTS [16] $21 / 24$ 33/24 34/7 36/15 | ALLEGEDLY [1] 54/17 |
| 178.571 [1] 5/8 | 37/14 63/13 65/19 75/6 75/9 112/7 112/9 | ALLEGING [1] 102/3 |
| 19TH \|11 $17 / 8$ | 112/15 112/18 112/23 112/25 147/18 | ALLOW [2] 34/17 146/6 |
| 2 | ACCORDING [4] 108/19 | ALLOWED [20] 5/12 19/2 20/5 29/17 34/2 |
| 2000 [1] 145/15 | ACROSS [2] 70/L0 119/24 | 91/7 123/20 123/23 133/11 133/17 147/1 |
| 2001 [1] 13/6 | ACT [2] 121/1 121/2 | 147/3 147/5 |
| 2011 [5] 17/8 61/16 61/18 61/20 145/15 | ACTING [3] 131/23 132/10 132/11 | ALLOWING [1] 4/22 |
| 2012 [2] 61/2194/24 | ACTUALLY [18\| $26 / 965 / 18$ 82/16 82/16 | ALLOWS [1] 5/24 |
| 2013 [4] 95/1 95/4 100/6 145/12 | 90/21 95/1 109/6 110/6 110/15 114/3 114/6 | ALMOST [1] 153/1 |
| 2014 [2] 1/15 3/1 | 126/16 136/15 142/11 146/22 147/25 149/2 | ALONE [1] 140/11 |
| 21ST [1] 13/6 | 149/13 | ALONG [1] 104/3 |
| 22 [2] 1/153/1 | ADMISSION [2] 50/25 51/10 | ALREADY [11] 5/13 24/7 30/7 43/9 51/2 |
| 22ND [1] 50/19 | ADMITTED [7] 2/14 24/4 24/5 31/20 31/21 | 51/7 98/9 117/11 137/19 137/22 145/9 |
| 24 [1] 2/16 | 51/16 51/18 | ALSO [9] 4/7 5/1 17/11 68/6 80/20 82/4 |
| 2:28 [1] 155/16 | ADMONISHED [1] 5/13 | 102/16 102/18 109/2 |
| 2:30 [1] 7/22 | ADOPT [2] 17/9 $17 / 12$ | ALWAYS [5] 10/22 36/2 36/3 71/14 140/22 |
| 3 | ADOPTED [18] 17/11 17/14 18/18 32/25 | AM [8] 7/11 77/10 102/5 109/25 110/12 |
| 30 [1] 153/19 | 109/3 109/24 109/25 110/13 110/15 111/10 | AMAVA [27] 14/10 14/12 32/15 37/11 60/9 |
|  | 131/25 145/14 | 60/16 60/23 61/24 85/19 85/20 85/21 86/7 |
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    CASE NO. (n)
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6 STATE OF NEVADA,
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VS.
9 DNIGHT SOLANDER,
DANIELLE HINTON,
JANET SOLANDER,
DEFENDANTS,
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3 WITNESS FOR THE STATE:

4 AVA SOLANDER
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LAS VEGAS, CLARK COUNTY, NEVADA, FRIDAY, MAY 23, 2014

$$
1.0: 17 \text { O'CLOCK A.M. }
$$

THE COURT: ARE WE BACK ON THE RECORD?
WE ARE IN THE CONTINUED PREIIMINARY HEARING, IT IS
FRIDAY, MAY 23RD, AND WE'RE ABOUT TO CON'INUE THE PRELIMINARY
HEARING OF DWIGHT SOLANDER, DANIELLE.HINTON AND JANET
SOLANDER, CASE 14F04585A, B AND C.
IS THE STATE READY "TO PROCEED BASED UPON THE SCHEDULING WE DISCUSSED THIS MORNING?

MS. BLUTH: THE STATE IS, YOUR HONOR.
THE COURT: MR. MANN, ARE YOU READY TO PROCEED?
MR. MANN: WE ARE, YOUR HONOR.
THE COURT: MR. RUE, ARE YOU READY TO PROCEED?
MS. BLUTH: MR. RUE.
MR. MANN : UM --
MS. BLUTH: OH, SORRY.
MR. RUE: YES, BUT I'D LIKE TO MAKE A RECORD ON
SOMETHING.
THE COURT: OKAY.
MR. RUE: JUDGE $\rightarrow$ AND I DON'T KNOW IF LISA CAN ENLIGHTEN
5 ME, BUT THERE WAS A REPORTER IN HERE TAKING PICTURES ON HER

CELL PHONE OF OUR CLIENTS. I THOUGHT -- UM -- I THINK THAT SHOULD BE NOTED. I'M NOT SURE EXACTLY WHAT HAPPENED. I THOUGHT I SAW HER DOING IT AGAIN HERE AT THE END. UM -- I'M TROUBLED BY THAT, THAT -- THAT SOMEONE CAN - - BECAUSE I CAN'T COME INTO COURT AND TAKE A SELFIE OF ME AND MY CLIENT, SO I'M NOT SURE WHY A REPORTER IS ABLE TO DO THAT.

THE COURT: WELL BECA -- WELT -- WELL, I MEAN I DON'T KNOW WHO IT WAS, BUT I HAVE GRANTED MEDIA REQUESTS, BASICALLY

9 TO BE REVOKED DURING -- TO BE REVOKED AS THEY PERTAIN TO THE 10 CHILDREN.

11 SO MISS LISA, CAN YOU ENLIGHTEN ME IF THAT HAPPENED, AND
12 IF SO WHO IT WAS FROM, IF YOU KNOW?
THE MARSHAL: I DON ${ }^{1} T$ REMEMBER HER NAME - UH - - SHE WAS A REPORTER, SHE SAID --

MS. LUZAICH: CHANNEL 3.
THE MARSHAL: CHANNEL 3? SHE SHOWED ME HER CREDENTIALS, AND I REMEN:BER YOU SAID THERE WAS A MEDIA REQUEST, AND SHE DID TAKE A - SHE SAID SHE DID TAKE A PHOTO OF ONE OF THE DEFENDANTS, I DON'T KNOW WHICH ONE.

MR. RUE: OKAY.
THE COURT: OKAY.
MR. RUE: I JUST WANTED TO - -
THE MARSHAL: AND SHE SAID SHE ONLY DID THAT BECAUSE NORMALLY SHE HAS A CAMERA MAN HERE, AND THERE WAS NO CAMERA MAN HERE.

THE COURT: YEAH, I WAS GOING TO SAY THAT WAS A LITTLE ODD - -

THE MARSHAL: YES.
THE COURT: - THAT IT WAS BEING DONE ON A CELL PHONE, BUT TO SAY THAT SHE DIDN'T HAVE PERMISSION IS NOT TRUE, BECAUSE THEY DID HAVE PERMISSION, BASICALLY, FROM MY MED -FROM MY ORDERS GRANTING THE MEDIA REQUESTS.

MR. RUE: OKAY, I -- I'VE NEVER - - I'VE NEVER BEEN IN A COURTROOM THAT WOULD ALLOW A CELL PHONE TO TAKE PICTURES WHILE COURT IS IN SESSION. I'VE NEVER - - I'VE NEVER HAD THAT HAPPEN, JUDGE. I'VE HAD CAMERAS, AND I KNOW THAT, BUT WITH PEOPIE JUST COMING IN AND TAKING PICTURES, I'VE NOT SEEN THAT BEFORE, BUT THAT ${ }^{\dagger}$ S FINE. I JUST WANT TO MAKE A RECORD OF THAT.

THE COURT: OKAY. I MEAN IT'S PROBABEY A FIRST FOR ME, TOO, BUT I DON'T KNOW HOW IT WOULD BE A VIOLATION OF MY ORDER ALLOWING CAMERA ACCESS TO COURT PROCEEDINGS, WHECH WAS, BY THE WAY, GRANTED TO CHANNEL 3, GRANTED TO CHANNEL 5, AND THOSE ARE THE ONES THAT I HAVE IN FRONT OF ME, I MAY HAVE GRANTED MORE. THEY'RE SUPPOSE TO BE POOLING ON THE VIDEO FOOTAGE, WHICH, AS FAR AS I CAN TELL, THEY ARE WHEN THEY'RE IN HERE.

SO YOU'VE MADE YOUR RECORD AND THAT'S --
MR. RUE: OKAY. BUT OTHER THAN THAT, JUDGE, YES I'M READY.

THE COURT: AND MR. MUELLER, ARE YOU READY?

MR. MUELLER: YES, JUDGE.
THE COURT: SO THE WAY WE'RE GOING TO PROCEED, AS WE ALL AGREED IN CHAMBERS, DUE TO SOME SCHEDULING ISSUES WE 'RE GOING AS - DEFINITELY SOME SCHEDULING ISSUES WITH THE COURT, WE ARE GOING TO FINISH AVA TODAY AS I PROMISED HER.

MS. BLUTH: YES, JUDGE.
THE COURT: AND THEN WE ARE GOING TO FINISH THIS PRFIIM TODAY AND WE WILL GIVE IT IT'S NEN DATE AT THE END OF AVA'S TESTIMONY TODAY.

MS. BLUTH: YES, JUDGE.
THE COURT: ALL RIGHT.
MS. BLUTH: AND IF WE COULD JUST MAKE SURE JAVS IS
ROLLING, PLEASE.
THE COURT: I M NOT TOUCHING IT. MISS REESA, IS JAVS
ROLLING?
THE CLERK: IT'S BEEN ROLLING SINCE SHE STARTED.
MS. BLUTH: THANK YOU.
THE COURT: OKAY, GREAT.
MS. BLUTH: THANK YOU.
THE COURT: THANK YOU. YOU CAN CALL AVA.
MS. BLUTH: SHE'S IN THE HALL.
THE COURT: AND FOR THE RECORD WE ARE IN THE MIDDLE OF
REDIRECT.
I DID CLARIFY SOMETHING ON - OR I - I ATTEMPTED TO
CLARIFY SOMETHING ON A QUESTION, AND I TOLD ALL THE DEFENSE

LAWYERS THEY WILL BE ABLE TO FOEEOW UP ON MY QUESTIONS - -
UM - ON MY QUESTION, AS WELL AS MISS BLU'H I BELIEVE OP -ADMITTEDLY OPENED THE DOOR TO SOMETHING ELSE. UM -- JUST SAID SHE WAS JUST GOING TO RECALL AVA IF I DIDN'T LET HER OPEN THE DOOR, SO THE LAWYERS WILL ALSO HAVE RECROSS ON THAT ISSUE AS

6 WELL, WHICH WAS PRETTY MUCH A NEW ISSUE.
7 MS BLUTH: YEAH.
8 WHICH, JUST FOR THE RECORD, IT WAS LICKING THE URINE.
9 THE COURT: RIGHT.

11 DAY.
12 GOOD MORNING, AVA.
13 MISS A. SOLANDER: GOOD MORNING.

MISS A. SOLANDER: OKAY.
THE COURT: IN CASE -- SINCE IT'S 24 HOURS LATER, OKAY?
MISS A. SOLANDER: OKAY.
THE CLERK: PLEASE RAISE YOUR RIGHT HAND.
/ / /
THE COURT: I TOLD YOU, YOU WOULD GO FIRST, AS SOON AS WE COULD GET YOU GOING SO YOU COULD GET TO SCHOOL, OKAY?

MISS A. SOLANDER: OKAY.
THE COURT: NOW SINCE IT'S A NEW DAY, I'M GOING TO HAVE MISS REESA SWEAR YOU IN AGAIN, JUST LIKE YOU DID YESTERDAY, OKAY? 4 BUT THE TRUTH, TESTIFIED AS FOLLOWS:

THE WITNESS: YES.
THE CLERK: PLEASE HAVE A SEAT. SPELL IT. GET YOU OUT OF HERE, OKAY? SHE 'D HAVE TO SPELL IT FOR THE RECORD, IF WE CAN GET IT SPELLED, THOUGH.

THE COURT: PLEASE SPELL IT.
MS. DASTRUP: $D-A-S-T-R-U-P$.
THE COURT: THANK YOU.
MS . DASTRUP: UM-HUM.
THE COURT: ALL RIGHT, YOU CAN CONTENUE.
MS. BLUTH: THANK YOU.

CALIED AS A WITNESS BY THE STATE, AND HAVING BEEN FIRST DULY SWORN TO TESTIFY TO THE TRUTH, THE WHOLE TRUTH, AND NOTHING

STATE YOUR FIRST AND LAST NAME AGAIN FOR THE RECORD, AND

THE WITNESS: AVA, $A-V-A, S O L A N D E R, S-O-L-A-N-D-E-R$.
THE COURT: OKAY. THANKS AVA. I TOLD YOU WE WOULDN'T BE - WE 'D MAYBE BE A HALF HOUR OR AN HOUR TODAY, BUT WE'LL

MS. BLUTH: AND, YOUR HONOR, I SHOULD HAVE - - UM -BEFORE WE STATED - OR BEFORE WE STARTED, I SHOULD HAVE STATED THAT TODAY AYA HAS A DIFFERENT ADVOCATE, IT'S STACY DASTRUP.

2 BY MS. BLUTH:
3 Q GOOD MORNING, AVA.

4

5

6

7 WOULD SIT ON THE BUCKETS. DO YOU REMEMBER US TALKING ABOUT
8 THAT?

9 A YES.
$10 \quad Q \quad O K A Y . \quad W H E N$ YOU WOULD SIT ON THE BUCKETS, WOULD YOU

11 HAVE CLOTHES ON OR OFF?
12

23 BY MR. MANN :
REDIRECT EXAMINATION (CONTINUED)

A GOOD MORNING.
Q I JUST HAVE ONE QUESTION FOR YOU. WE TALKED A LITTLE BIT YESTERDAY ABOUT WHEN YOU

A UM - I WOULD HAVE MY BOTTOMS OFF.
Q OKAY. BUT YOU'D HAVE A SHIRT ON?

A YES.
Q OKAY. SO WHEN YOU -- WHEN IT WOULD BE THE DAYS THAT YOU'D HAVE TO SIT ON THE BUCKET ALL DAY, YOUR PANTS AND YOU UNDERWEAR WOULD BE OFF?

A YES.
MS. BLUTH: OKAY. NOTHING FURTHER, JUDGE.
THE COURT: OKAY, MR. MANN?

## RECROSS-EXAMINATION

$4 \quad \mathbb{Q} U M$ - $A V A, Y O U H A D$ INDICATED THAT - - UM - - YOU HAD PEED ON THE FLOOR IN THE BATHROOM; IS THAT RIGHT?

17 GO, CORRECT?
A YES.

A NO.

A NO.

A YES.

8 A YES. FLOOR?

Q OKAY. AND THAT'S WHEN YOU WERE ASKED DIRECTLY, SAID THAT'S WHEN YOU WERE FORCED TO DRINK THE PEE ON THE FLOOR?

A I HAD TO LICK MY PEE.
Q YOU HAD TO LICK YOUR PEE.
WHEN WAS THIS THAT THIS OCCURRED?
A DON'T KNOW THE EXACT DATE.
Q OKAY. DO YOU REMEMBER A MONTH, A YEAR?

Q OKAY. NOW -- UM -- YOU HAD PEED ON THE FLOOR AT

```
THAT TIME ON PURPOSE, CORRECT?
```

Q NO. YOU HAD AN ACCIDENT AND IT WAS A MISTAKE?

Q OKAY. AND -- BUT YOU SPECIFICALLY HAD SAID THAT YOU . WERE NO'T TRYING TO GO TO THE BATHROOM WHEN YOU WERE SUPPOSE TO

Q OKAY. AND SO THIS WAS ONE OF THOSE TIMES THAT YOU DIDN'T GO TO THE BATHROOM AND THEN ENDED UP PEEING ON THE

A NO, SIR.
Q WHAT HAPPENED THIS TIME THEN?
A I HAD ASKED, AND I COULDN'T HOLD IT ANYMORE, SO I ENDED UP PEEING ON THE FLOOR.

```
    1 & YOU HAD ASKED WHAT?
    2 A I HAD TO GO TO THE BATHROOM.
    3 Q OKAY. AND THEN YOU WERE ALLOWED TO GO TO THE
    4 BATHROOM, CORRECT?
    5 A I HAD ASKED, AND THEN WHEN IT WAS TIME FOR ME TO GO,
6 ~ I ~ W E N T ~ U P S T A I R S , ~ A N D ~ I ~ C O U L D N ' T ~ H O L D ~ I T , ~ T H E N ~ I ~ P E E D ~ O N
7 MYSELF.
8 O OKAY. AND THAT'S WHEN YOU PEED IN THE BATHROOM,
9 THOUGH?
10 A YES.
11 Q OKAY. AND DID YOU HAVE CLOTHES ON OR OFF AT THAT
12 TIME?
13 A I HAD MY UNDERWEAR ON.
14 Q YOU HAD YOUR UNDERWEAR ON?
15 A YES.
16 & SO YOUR UNDERWEAR GOT WET?
17 A YES.
18 O OKAY. AND AT THAT POINT YOU THEN HAD A PUDDLE ON
19 THE FLOOR?
20 A YES.
21 Q OKAY. AND THAT PUDDLE, HOW DID THAT -- HOW BIG WAS
22 THAT PUDDLE?
23 A I WOULD SAY MAYBE MEDIUM.
24 Q OKAY.
2 5
A I HAD MY UNDERWEAR ON.
Q YOU HAD YOUR UNDERWEAR ON?
A YES.
Q SO YOUR UNDERWEAR GOT WET?
A YES.
Q OKAY. AND AT THAT POINT YOU THEN HAD A PUDDLE ON 9 THE FLOOR?
A YES.
Q OKAY. AND THAT PUDDLE, HOW DID THAT -- HOW BIG WAS 22 THAT PUDDLE?
A I WOULD SAY MAYBE MEDIUM.
Q OKAY.
AND -- UH -- CAN YOU SHOW ME WITH YOUR HANDS WHAT
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MEDIUM MEANS?
A MAYBE LIKE THAT BIG.
MR. MANN: OKAY. SO, FOR THE RECORD, IT LOOKS LIKE IT'S ABOUT AN INCH, INCH AND A HALF DISTANCE BETWEEN HER THUMB AND HER FINGER.

THE COURT: I DON'T KNOW THAT I -- HOW ABOUT THIS, LIKE THE SIZE OF AN APPLE OR THE SIZE OF A PEUM? DO YOU KNOW HOW BIG A PLUM OR AN APPLE IS?

THE WITNESS: SMALLER.
THE COURT: SMALIER THAN AN APPLE?
THE WITNESS: YES.
THE COURT: DO YOU KNOW HOW BIG A PLUM IS?
THE WITNESS: YES.
THE COURT: WHAT ABOUT - -
THE WITNESS: ACTUALLY --
THE COURT: -- COMPARISON TO A PLUM?
THE WITNESS: HALF THAT.
THE COURT: OKAY.
THE WITNESS: SO --
THE COURT: SO SMALL.
THE WITNESS: YEAH.
MR. MANN: OKAY.
Q NOW, YOU HAD ALSO SAID THAT -- UM - - THAT - UH - WHEN - - THAT IT WAS ALWAYS MISS JANET THAT WAS TFE ONE THAT WAS DIRECTING WHEN YOU COULD OR COULDN'T GO TO THE BATHROOM,
2. A IT WASN' ALWAYS, IT WAS MOST OF THE TIME.

3 Q OKAY. AND THAT -- UM -- IF MISS JANET WASN'T THERE
4 THAT -- UM -- SOMEONE ELSE WOULD HAVE TO MAKE THAT DECISION,
5 CORRECT?
6 A THEY WOULD HAVE TO -- THEY'D -- YOU'RE BASICALLY 7 RIGHT.
$8 \quad 8$ OKAY. NOW, THERE WAS A TIME THAT MISS JANET WASN'T
9 HOME FOR A MONTH, CORRECT?
A DON'T REMEMBER THAT.
Q WHEN SHE WENT TO OHIO?
A WHEN SHE WENT TO OHIO.
Q OKAY. DO YOU REMEMBER HER BEING GONE FOR A LONG PERIOD OF TIME?

A YES.
Q DURING THAT TIME DID YOU HAVE ACCIDENTS?
A CAN'T REMEMBER.
Q OKAY. UM -- DURING THAT TIME DID YOU -- UM -- WERE YOU FORCED TO SIT ON THE BUCKET WITH A TOILET SEAT?

A I CAN'T REMEMBER.
Q OKAY. DO YOU REMEMBER WHEN SHE WAS GONE?
A UM -- I DON'T KNOW.
Q DO YOU REMEMBER WHO WATCHED YOU WHEN SHE WAS GONE?
A MR. DWIGHT.
Q MR. DWIGHT. ANYONE ELSE?

A THERE WAS A NANNY.
$Q$ WHAT WAS THE NANNY'S NAME?
A REBECCA.
Q REBECCA?
A YES.
Q WAS THIS THE SAME REBECCA THAT LEFT AFTER A WEEK?
A YES.
Q BECAUSE YOU STOLE HER EARRINGS?
MS. BLUTH: OBJECTION, RELEVANCE. WE WENT THROUGH THIS YESTERDAY, IT'S BEYOND THE SCOPE OF REDIRECT.

THE COURT: YEAH, WE DID.
MR. MANN: YOUR HONOR -- UM -- IEGARDING THAT ISSUE, I WAYS TOLD YESTERDAY BY BOTH YOUR HONOR AND THE D.A. THAT -UH -- CREDIBILITY ISSUES WERE NOT TO BE RAISED IN PRELIMINARY HEARING.

MR. RUE ACTUALLY DID SOME RESEARCH AND FOUND A CASE SPECIFICALLY ON POINT THAT SAYS NEVADA LAW DOES NOT.PRECLUDE A DEFENDANT FROM QUESTIONING WITNESS'S CREDIBILITY OR MOTIVE DURING A PRELIMINARY HEARING. WHILE THE DEFENDANT IN THE STEWART CASE COULD NOT QUESTION THE WITNESS'S CREDIBILITY AND MOTIVE, CHAVEZ QUESTIONED D.C.'S CREDIBILITY IN A WIDE RANGING CROSS-EXAMINATION.

THAT IS CHAVEZ V. STATE, 125 NEVADA 328.
THE COURT: CAN I SEE IT?
MR. MANN: YES.

THE COURT: HAVE YOU SHOWN IT TO COUNSEL?
MR. MANN: NO, I HAVEN'T, ACTUALLY. I WAS - I STILL
DON'T KNOW THE CASE THAT YOU GUYS WERE REFERRING TO.
MS. LUZAICH: WREN, W-R-E-N.
MR. MANN: I'M SORRY.
THE COURT: WHICH ONES THE ONE YOU GUYS WERE REFERRING
TO? SEE, I DON'T REMEMBER IT.
MS. BLUTH: WREN.
MS. LUZAICH: WREN, W-R-E-N.
MR. MANN: CITE, PLEASE?
THE COURT: I LOOKED THROUGH MY --
MR. MANN: I ASKED YOU YESTERDAY NICELY.
THE COURT: -- GO TO RESEARCH AND i COULDN'T FIND IT.
MR. MANN: ME, TOO.
AND FOR MR. MUELLER, THAT CASE, THE YEAR IS 2009.
THE COURT: OKAY, HOLD ON. SO 125 NEVADA 128.
MR. MANN: 125 NEVADA 328.
THE COURT: OH, 328, AND THAT'S A 2009 CASE.
MR. MANN: CORRECT.
THE COURT: AND - - AND THE STATE WAS REFERRING TO WREN
V. WHAT?

MS. BLUTH: I'M GETTING THERE.
MS. LUZAICH: I HAVE IT WRITTEN DOWN, WREN V. STATE.
MS. BLUTH: 87 NEVADA 85.
THE COURT: OKAY. WELL, OBVIOUSLY THAT'S OLDER. SO LET

ME SEE MISTER -- UH -- MR. MANN'S, PLEASE.
MR. MANN: OH, SORRY.
THIS WAS THE CITE I WAS READING OFF OF.
THE COURT: OF COURSE IT HAS TO BE THE ONE SUPREME COURT THAT ACTUALLY IS - I I NEAN, THAT IS LONGER THAN A PAGE AND A HALF LONG.

MR. MANN: I THINK IT'S 13 PAGES.
I CAN GIVE YOU THE CLIFF NOTES, YOUR HONOR.
THE COURT: WELL - I MEAN, I'VE READ THE HEADNOTES, WHICH I THINK ARE THE CLIFF NOTES.

MR. MANN: $\quad$ EHE FACTUAL BASIS, YOUR HONOR, IS ESSENTIALLY IT WAS A SEX CASE THAT WENT TO PRELIM -- UM - AND IN THAT SEX CASE - UH - HE WAS SHOT DOWN ON ONE QUESTION. THAT CASE ENDED UP GOING TO TRIAL, AND THE WITNESS WAS NOT AVAILABLE, AND SO THEY INTRODUCED THE PRELIMINARY HEARING TRANSCRIPTS. HE THEN WAS CONVICTED AND APPEALED THAT, CLAIMING THAT.-UH - - D DON'T - THE DEFENSE'S CLAIM AT THE TIME WAS THAT THE PRELIMINARY HEARING NEVER PROVIDED HIM A FULL OPPORTUNITY TO QUESTION THINGS LIKE THAT, AND THE SUPREME COURT WENT THROUGH, YOU KNOW, VARIOUS FACTORS TO CONSIDER WHETHER A PRELIMINARY HEARING TRANSCRIPT IS $\nrightarrow F U L L ~ C O N F R O N T A T I O N ~ I S S U E, ~ A N D ~ T H E Y ~$ THEN SPECIFICALLY SAID, A PRELIMINARY HEARING IN AND OF ITSELF ALLOWS THE DEFENSE THE OPPORTUNITY TO QUESION CREDIBILITY AND - - AND MOTIVE, AND THOSE ISSUES AS WELL. AND SO YOU HAVE THAT OPPORTUNITY AT - - TO CONFRONT THE WITNESS AT A PRELIMINARY KEARING. AND BECAUSE OF THAT, THEY ESSENTIALLY SHOT DOWN THE DEFENSE'S CLAIM THAT A PRELIMINARY HEARING DOESN'T PROVIDE FOR THOSE OPPORTUNITIES, WHICH ESSENTIALLY SUPPORTS OUR CLAIM THAT A DEFENSE - - A PRELIMINARY HEARING ALIOWS US TO GET INTO THOSE ISSUES.

TEE COURT: MISS BLUTH?
MS. BLUTH: WELL, I HAVEN'T REALEY HAD AN OPPORTUNITY TO - - I'M NOT SAYING THAT MR. MANN IS MISQREPRESENTING THE FACTS, BUT I HAVEN'T REALLY HAD AN OPPORTUNITY TO READ A 13 PAGE DECISION. THIS IS SOMETHING THAT, YOU KNOW, WE DISCUSS ALL THE TIME IN -- IN JUSTICE COURT, THAT CREDIBILITY ISN'T, AND WE USUALLY RELY ON WREN, I THINK THERE'S A COUPLE OF OTHER CASES.

UM - - BUT HERE'S THE ISSUE, THIS IS BEYOND THE SCOPE OF MY REDIRECT EXAMINATION, AND I JUST -- I THINK I ASKED VERY FEW QUESTIONS. I UNDERSTAND THE QUESTIONS REGARDING THE LICKING OF PEE, BECAUSE I OPENED THAT DOOR, BUT NOTHING HAVING TO DO WITH STEALING.

MR, MANN: YOUR HONOR.
THE COURT: WELL - WELL - - WELL - - WELL, I MIGHT AGREE THAT IT -- UM -- WOULD BE BEYOND THE SCOPE, IT'S - HE WAS SHUT DOWN -- WELL, OKAY. I'M GONNA' -- I'M GONNA' MAKE A STATEMENT HERE. I GAVE YOU A LOT OF LEEWAY YESTERDAY ON SOME CREDIBILITY ISSUES, EVENTUALLY I SHUT IT DONN.

MS. BLUTH: WHEN SHE WAS ASKED YESTERDAY, SHE ALSO DENIED

THAT SHE TOOK ANYTHING FROM THE ROOM, SO I MEAN HE CAN'T -HE'S STUCK WITH HER ANSWER, I GUESS IS MY POINT.

THE COURT: YEAH, I THOUGHT SHE ANSWERED THE QUESTION YESTERDAY, ACTUALLY.

MR. MANN: FIRST OF AIL, YOUR HONOR, THAT WAS THE TIME THAT I WAS SHUT DOWN REGARDING THESE:-- THESE SERIES OF QUESTIONS.

THE COURT: BUT DIDN‘T SHE ANSWER THE QUESTION?
MR. MANN: I DON'T RECALL THAT SHE ACTUALLY WAS ABLE TO FINISH ANSWERING THE QUESTION. UM -- BUT BE THAT AS IT MAY -UM - - YOU MAY HAVE GIVEN ME LEEWAY OR NOT, BUT I DIDN'T GET THE FULL WEIGHT AND AUTHORITY THAT I SHOULD HAVE HAD AT THAT TIME, SO I DID NOT HAVE A FULL AND EFFECTIVE CROSS-EXAMINATION BASED ON THE CREDIBILITY ISSUES I WANT.

IN ADDITION TO THAT, UJST -- I'M GOING TO MAKE A RECORD AS WELL, I ALSO DON'T HAVE -- UM -- FULL DISCOVERY AS WE WENT THROUGH AD -- AD NAUSEAM, WHAT I'M ALLOWED AND NOT ALLOWED, SO FOR THIS TO BE A CONFRONTATION ISSUE, I UNDERSTAND UNDER NEVADA LAW I HAVE WHAT'S ALEOWED UNDER NEVAOA LAW ACCORDING TO. YOUR RULING. BUT I'M SAYING, FOR A CONFRONTATION ISSUE, I ALSO DON'T FEEL THAT I HAVE -- UM -- THOSE ISSUES AS WELL. SO IF SHE BECAME UNAVAILABLE, I WOULD SAY THAT I DID NOT PROVIDE AN EFFECTIVE CROSS-EXAMINATION BECAUSE OF THOSE LIMITATIONS.

AND I'M JUST PUTTING THAT ON THE RECORD, I'M NOT ASKING YOU TO RULE ON THAT.

THE COURT: AND IF SHE BECAME UNAVAILABLE --
MR. MANN: OF COURSE.
THE COURT: - - THEN THAT WOULD BE A DISTRICT COURT'S DECISION WHETHER YOU GOT EFFECTIVE CROSS-EXAMINATION - -

MR. MANN: CORRECT.
THE COURT: -- OR NOT, SO I -- BECAUSE I SUSPECT THE DISTRICT COURT IN THIS CASE MAY HAVE GOTTEN OVERRULED BECAUSE THERE WASN'T AN EFFECTIVE CROSS-EXAMINATION AT PRELIM, THEREFORE THE UNAVAILABILITY SHOULDN'T HAVE COME IN UNDER - UNDER UNAVAILABILIEY.

THAT'S JUST MY GUESS, I DIDN'T READ THE --
MR. MANN: WELI, THIS PARTICULAR DECISION THEY SAID THAT THE DISTRICT COURT WAS CORRECT IN ALLOWING THE PRELIMINARY HEARING TRANSCRIPT TO COME IN, BECAUSE THEY -- THE DEFENSE ATTORNEY DID HAVE EFFECTIVE CROSS-EXAMINATION.

THE COURT: OKAY. OKAY.
MS. LUZAICH: JUST FOR THE RECORD, I AM FAMILIAR WITH THAT CASE, AND THAT WAS THE WHOLE ISSUE IN THAT CASE WAS THE AVAILABILITY OF THE PRELIMINARY HEARING TRANSCRIPT AT TRIAL UNDER CRAWFORD. SO THE ANALYSIS WAS ALL WHERHER OR NOT THE PRELIM TRANSCRIPT SHOULD HAVE BEEN ADMITTED AT TRIAL UNDER CRAWFORD, WHETHER OR NOT THERE WAS FULL CROSS-EXAMINATION.

THE COURT: UN:-HUM.
MS. LUZAICH: THE CASE DOESN'T STAND FOR THE PROPOSITION THAT THE MAGISTRATE IS SUPPOSE TO ASSESS CREDIBILITY, IT JUST

STANDS FOR THE PROPOSITION THAT IF WE, THE STATE, WANT TO USE THE PRELIMINARY HEARING TRANSCRIPT IN LIEU OF A LIVE WITNESS AT TRIAL, HE HAS TO -- HE, THE DEFENSE, HAS TO HAVE FULL CROSS-EXAMINATION, WHICH IN THEORY WOULD INCLUDE THE ABILITY TO QUESTION ON THAT. UM --

THE COURT: RIGHT.
MS. LUZAICA: WE HAVE NO INTENTION --
THE COURT: I THINK WE'RE TALKING ABOUT TWO --
MS. LUZAICH: -- PRELIMINARY HEARING --
THE COURT: -- KIND OF SEPARATE ISSUES THAT MIGHT BE CONNECTED SOME WAY, SHAPE OR FORM, BUT I -- I DON'T THINK THIS REFUTES WHAT IS WREN, APPARENTLY, WHICH IS THE ONE I'M FAMILIAR WITH, SHAT TALKS ABOUT THE COURT'S ABILITY TO JUDGE CREDIBILITY IN MAKING THE DECISION.

MR. MANN: OKAY.
THE COURT: I DON'T KNOW THAT -- I'VE READ ALL THE HEAD
17 NOTES IN THIS. OBVIOUSLY I HAVEN'T READ THIS FULL CASE THAT I

PROPOSITION UNDER WREN.
UM -- THIS MORE GOES TO A CONFRONTATION ISSUE UNDER CRAWFORD, AND IF THE WITNESS BECOMES UNAVAILABLE. SO IT'S MORE LIMITED. BUT I WOULD AGREE WITH YOU -- I MEAN I GUESS IT'S THE SṬATE'S ISSUE, THAT IF I -- LET'S JUST SAY I WAS TO SHUT YOU DOWN RIGFT NOW. IF I WERE TO SHUT YOU DOWN RIGHT' NOW, AND THEN AVA BECOMES UNAVAILABLE AT TRIAL, THEN IT'S THE STATE'S ISSUE. BUT -- UM --

MR, MANN: AND I -- AND I WOULD AGREE WITH THAT, YOUR HONOR, THAT -- UH -- LET'S SAY SHE'S PERFECTLY AVAILABLE FOR TRIAL -- UM -- AND YOU DON'T GIVE ME ANY MORE LEEWAY OR ABILITY TO DO WHAT I THINK THAT WE HAVE A RIGHT TO DO -- UM -THEN -- UH -- OBVIOUSLY IT'S CURED WITH HER OWN TESTIMONY AT TRIAL.

BUT I'M -- I'M DEALING IN THE NOW, IM DEALING WITH TODAY, AND I'M SAYING THAT I HAVE A RIGHT TO ADDRESS HER CREDIBILITY ISSUES -- UM -- AND -- UM -- I THINK THAT'S CLEAR IN THE CHAVEZ CASE.

THE COURT: I THINK YOU HAVE -- I DO BELIEVE YOU HAVE A RIGHT TO QUESTION HER TO SOME EXTENT ON CREDIBILITY, BUT IT'S NOT GOING TO BE A TRIAL SITUATION WHERE -- I MEAN, IT'S A PROBABLE CAUSE HEARING. SO YOU CAN ASK HER A QUESTION AND SHE'S GOING TO GIVE AN ANSWER, AND YOU'RE GOING TO LIVE wITH HER ANSWER, BECAUSE IT WILL BE AT TRIAL, IF THE CASE GETS THAT FAR, THAT THEN THE DISTRICT COURT AND TRIAL JUDGE WIL工 ALLOW

1 YOU HOW FAR TO GO WITH CROSS-EXAMINATION TECHNIQUE.

8 MY RULING IS?

MR. MANN: I UNDERSTAND.
THE COURT: SO YOU CAN - I ${ }^{1} M$ GOING TO ALLOW YOU TO ASK THE QUESTICN. BUT WHEN SHE GIVES YOU THE ANSWER, IF YOU DON'T LIKE THE ANSWER, YOU'RE NOT GOING TO ASK IT - I'M NOT GOING TO ALLOW YOU TO ASK IT FOUR DIFFERENT NEW WAYS.

ARE WE - - ARE WE - KIND OF UNDERSTAND WHAT I'M - WHAT

MR. MANN: AS MUCH AS I THINK I DO, YES.
THE COURT: OKAY. I'M NOT -- YOU DON'T HAVE TO AGREE

WITH IT, DO YOU UNDERSTAND IT?
MR, MANN: YES.
THE COURT: OKAY. DO YOU WANT YOUR CASE BACK?
MR. MANN: PLEASE. THANK YOU.
THE COURT: ALI RIGHT.
BECAUSE I THINK SHE ANSWERED THE QUESTION YESTERDAY, BUT FRANKLY I DON'T REMEMBER, SO I'M GOING TO ALLOW YOU TO ASK IT AGAIN.

MR. MANN: OKAY. I'M GOING TO LEAD UP TO IT, THOUGH.
THE COURT: SURE.

MR. MANN: OKAY.
Q VOU HAD A NANNY THAT STAYED WITH YOU GUYS FOR A WEEK NAMED BECCA; CORRECT?

A YES.
Q OKAY. AND THAT NANNY ONLY STAYED FOR A WEEK,

25

CORRECT?
A YES.
Q BECCA ENDED UP LEAVING BECAUSE SHE ACCUSED YOU OF STEALING HER EARRINGS, CORRECT?

A I DON'T KNOW IF SHE ACCUSED ME, BUT I DIDN'T STEAL THE EARRINGS.

Q OKAY. BUT SOMEONE DID --
THE COURT: DID YOU SAY YOU DID OR YOU DID NOT?
THE WITNESS: $\quad$ DID NOT.
THE COURT: OKAY.
MR. MANN: OKAY.
Q DO YOU KNOW OF ANYONE THAT ACTUALLY DID TAKE THE
EARRINGS?
A NO.
MR. MANN: OKAY. AND, YOUR HONOR, BASED ON THAT RULING I'M GOING TO MOVE ON.

THE COURT: OKAY, THANK YOU.
BY MR. MANN:
Q NOW, YOU SAID THAT -- UM -- YOU HAD SEEN WHEN ANASTASIA WAS BURNED; IS THAT RIGHT?

A WHEN SHE CAME OUT, YES.
Q WHEN SHE CAME OUT OF THE SHOWER YOU SAW HER BODY; IS
THAT RIGHT?
A THE BATHROOM.
Q OKAY. AND DID YOU SEE HER BODY?

A HER EAR AND HER UPPER NECK, YES.
$Q \quad O K A Y$.
A AND HER BACK.
Q HER BACK?
A YEAH, UPPPER BACK.
$\mathbf{Q}$ UPPER BACK. AND WHAT WAS SHE WEARING?

A SHE WASN'T WEARENG - - I REALLY CAN'T REMEMBER, SO I CAN'T SAY IF SHE WAS WEARING SOMETHING OR NOT.

Q OKAY. UM - HOW DO YOU REMEMBER SEEING HER EAR AND BACK?

A SHE CAME OUT, I COULD SEE HER EAR AND I - - HER EAR WAS BURNED, AND I KNOW IT WAS BURNED.

Q HOW DO YOU KNOW IT WAS BURNED?
A BECAUSE WHEN SHE CAME OUT THE BATHROOM THE WATER WAS ON HOT.

Q HOW DO YOU KNOW THE WATER WAS ON HOT?
A CAN I TAKE A BREAK?
THE COURT: UM -- YEAH. YES. YES. YOU CAN.
(WHEREUPON THE WITNESS LEFT THE COURTROOM.)
IHE COURT: WHILE WE ARE ON THE RECORD AND SHE'S TAKING A BREAK, WHAT - WHAT - - I'M SORRY, IT'S BEEN LIKE OF THE FULL 20 MINUTES, WHAT DID WE DECIDE ON A CONTINUED DATE? WE DECIDED THE 9TH, RIGHT?

MS. BLUTH: NINTH AND TENTH.

THE COURT: AND INTO THE 1OTH?
MS. BLUTH: (NO AUDIBLE RESPONSE.)
THE COURT: THANK YOU. I'M PUTTING IT ON THE CALENDAR. MR. MANN: WHAT TIME WERE WE THINKING? YOU'LL GET BACK TO US?

THE COURT: WE'RE PUTTING THEM ON THE 9:30 CALENDAR -MR. MANN: OKAY.

THE COURT: -- BECAUSE I'M GOING TO TRY TO ALLEVIATE THE
IN CUSTODIES ON THE -- AT LEASF ONE OF THOSE DAYS.
MR. MANN: YOUR HONOR, COULD WE GET SOME TISSUES, PLEASE? THE COURT: YEAH, THERE'S SOME, MR. MANN.

MR. MANN: OH. OKAY.
(OFF THE RECORD.)
THE COURT: OKAY. OKAY. ARE YOU OKAY AVA?
THE WITNESS: YES.
THE COURT: OKAY, GOOD.
GO AHEAD, MR. MANN.
BY MR. MANN :
Q HOW DID YOU KNOW IT WAS HOT WATER?
A BECAUSE MISS JANET TRIED TO DO IT TO ME, TOO, AND NO ONE COULD JUST GET A BURN WITHOUT SOMETHING ELSE HAPPENING.

Q OKAY. SO YOU JUST FIGURED OUT THAT NO ONE COULD GET OUT - - A BURN WITHOUT MISS JANET TURNING ON THE HOT WADER?

A YES. AND SHE'S TRIED TO DO IT TO ME, TOO.
Q OKAY. AND SO YOUR TESTIMONY NOW IS THAT SHE HAS NOW

## TRIED TO DO IT TO YOU?

A SHE HAS.
Q OKAY. HOW DID YOU KNOW WHEN IT WENT TO ANASTASIA THAT IT WAS HOT WATER?

MS. BLUTH: OBJECTION, ASKED AND ANSWERED.
MR. MANN: NO. SHE -- SHE -- HER ANSWER ORIGINALLY WAS,
I KNOW BECAUSE IT'S HAPPENED TO ME, NOT WHY SHE KNOWS THIS
PARTICULAR TIME.
THE COURT: OVERRULED.

## BY MR. MANN:

Q SO HOW DID YOU KNOW THIS TIME?
A SHE -- CAN YOU SAY THE QUESTION AGAIN, PLEASE?
Q HOW DID YOU KNOW THIS TIME, REGARDING ANASTASIA, THAT IT WAS HOT WATER?

A YOU CAN'T GET BURNED WITH COLD WATER. I DON'T KNOW HOW YOU CAN THINK OF ANOTHER WAY SOMEONE ELSE CAN GET BURNT.

Q SO IT'S JUST YOU MAKING THAT ASSUMPTION, THAT GUESS, CORRECT?

A AND SHE'S JUST GONNA' SAY THE SAME THING.
Q DID YOU TALK TO ANASTASIA ABOUT THIS?
A SHE'S TOLD ME BEFORE.
Q OKAY. SO YOU AN ANASTASIA HAVE TA乌KED ABOUT ALL THIS?

A YES, AND SHE'S GONNA' SAY THE SAME THING.
Q OKAY. BECAUSE YOU GUYS TALKED ABOUT HOW YOU'RE

1 GONNA' TESTIFY IN COURT, RIGHT?
2 A NO.
3 Y YOU GUYS TALKED WITH AMAYA ABOUT THESE STORIES,
4 RIGHT?
5 A NO. IT WAS WAY BEFORE WE EVEN GOT OUT OF THE GIRLS

6 HOME.
7 Q QKAY. SO IN THE GIRES HOME YOU TALKED ABOUT THIS?
A I SAID BEFORE WE ...
THE COURT: IT'S OKAY. AVA, JUST TELL THE TRUTH. IT'S
10 NOT A -- THERE'S NOT A RIGHT OR A WRONG ANSWER: THE TRUTH IS
11 THE RIGHT OR WRONG -- IS THE RIGHT ANSWER, OKAY? JUST TELL
12 THE TRUTH.
WHAT - - WHAT WAS YOUR QUESTION, WHEN, WHEN THEY TALKED

14 ABOUT?
15 THE WITNESS: BEFORE WE - - BEFORE THIS - - I EVEN KNEW I
16 WAS GOING TO GO TO COURT THERE.
17 BY MR. MANN:
18 Q OKAY. SO YOU GUYS TALKED ABOUT THIS, AND IT WAS AT
19 THE GIRLS HOME, CORRECT?
20 A YES.
21 Q AND IT WAS YOU, ANASTASIA AND AMAYA THAT TALKED
22 ABOUT THIS?

25

A AMAYA DIDN'T TALK ABOUT IT.
Q BUT AMAYA WAS THERE?
A NO.
$1 \quad \Omega$ SO IT WAS JUST YOU AND ANASTASIA?

6 AHEAD. TOO.
A yes. I asked her -- because she was --
Q YOU WENT ..

A SHE WASN'T --
Q I'M SORRY, I DIDN'T MEAN TO INTERRUPT YOU. GO

A SHE TOLD NE THE SANE THING. I DIDN'T BURN HER WITH HOT WATER, AND SHE HAD THAT BURN BEFORE SHE GOT IN THE SHOWER,
$Q$ SO SHE HAD THAT BURN BEFORE SHE GOT IN THE SHOWER?
A YES.
Q OKAY. SO IT WASN'T THE HOT WATER FROM THE SHOWER, BUT SHE HAD A BURN BEFORE SHE GOT INTO THE SHOWER?

A YES, THAT DAY BEFORE SHE GOT IN THE SHOWER.
9 SO HOW DO YOU KNOW SHE GOT BURNT?
A MISS JANET HAS DONE THE SAME THING TO ME, TRIED TO DO IT. SHE --

Q HOW DO YOU KNOW THAT ANASTASIA GOT BURNT? YOU SAID ORIGINALLY THAT YOU SAW ANASTASIA WALK OUT OF THE BATHROOM, THAT'S HOW YOU SAW HER BURN.

A YES.
Q BUT YOU'RE NOW SAYING THAT SHE WAS BURNED BEFORE SHE WAS EVEN IN THE SHOWER?

A YES.
9 HOW DID YOU KNOW THAT SHE GOT BURNT?

2 BURNED WITH COLD WATER.
3 Q OKAY. SO YOU DON'T KNOW HOW SHE GOT BURNT, CORRECT?
A I DO KNOW, AND SHE'S GONNA' SAY THE SAME THING ON TUESDAY.

Q OKAY.
THE COURT: AVA? AVA?. HE WANTS TO KNOW IF YOU
3 PHYSICALLY SAW IT, OR IF YOU KNOW BECAUSE SOMEBODY TOLD YOU, 9 OR YOU'RE ASSUMING.

11 THE BATHROOM I SAW.

14 THE WITNESS: YES.
15 BY MR. MANN:
$16 \quad Q \quad D O$ YOU NEED SOME WATER, AVA?

17 A NO.

18

19 LIKE.
20
THE COURT: OKAY. SO BASED UPON WHAT YOU SAW YOU THINK
SHE WAS BURNED?

Q OKAY. THERE'S TISSUE RIGHT IN FRONT OF YOU IF YOU'D

ARE YOU READY FOR ME TO GO ON?
A YES.
Q OKAY. NOW, YOU SAID THAT SHE WAS BURNED BEFORE THE SHOWER, IS THAT RIGHT?

A YES.
Q DID YOU SEE HER GETTING BURNED BEFORE THE SHOWER?

16 Q UM - WAS SHE CRYING WHEN SHE WALKED INTO THE
17 BATHROOM?
A DON'T KNOW.
Q OKAY. DO YOU REMEMBER ACTUALJY SEEING HER WALK JNTO 20 THE BATHROOM?

21 A YES.
$22 \quad \mathrm{Q}$ YES, YOU DO?
A NOT RIGHT WHEN SHE WAS IN THE BATHROOM. SHE CAME OUTT, I SAW THE BURNS --
$Q \quad$ OKAY.
A -- ON HER SKIN.
Q OKAY. AND SO ANASTASIA, YOU SAW HER WHEN SHE WAĒKED
INTO THE SHOWER OR INTO THE BATHROOM?

A WHICH TIME ARE YOU TALKING ABOUT?
Q THE TIME THAT YOU SAW HER WA EK OUT OF THE BATHROOM WITH THE BURNS. DID YOU SEE HER WALK INTO THE BATHROOM THAT SAME TIME?

A YES.
Q OKAY. WHAT WAS SHE WEARING WHEN SHE WALKED INTO THE BATHROOM?

A CAN'T REMEMBER EXACTLY WHAT SHE WEARING - - WHAT SHE

A YES.
9 OKAY. HOW LONG WAS GHE IN THE BATHROOM FOR?
A MAYBE LIKE A MINUTE, TWO, THREE.


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    YOUR SKIN ONCE YOU GET BURNED, I NEVER SAID I SAW HER -- I
    SAW HER SKIN PEELING OFF.
    Q OKAY. AND YOU ALSO SAID THAT YOU DIDN'T SEE HER
SKIN BEING RED; RIGFT?
A YES.
Q OKAY. NOW - UM -- NOW, YOU HAD TOLD MR. MUELLER, THAT GENTLEMAN OVER THERE, THAT -- UH - YOU SAT ON THE
BUCKETS ALL DAY LONG.
A YES.
Q OKAY. DID YOU EVER GET OFF THE BUCKETS DURING THE
DAY?
A WHEN WE HAD TO MOVE IT, WHEN MR. DWIGHT - - THAT DAY WHEN MR. DWIGHT OR MさSS JANET TOLD US TO GET IN THE FAMILY ROOM.
\(\mathbf{Q} \quad \mathrm{TO}\) DO WHAT?
A TO GET IN THE FAMILY ROOM.
Q OKAY. WHERE THE TV WAS?
A YES.
Q OKAY. NOW, MR. DWIGHT AND MISS JANET ALSO TAUGHT YOU TO RIDE YOUR BIKE, CORRECT?
MS. BLUTH: OBJECTION, RELEVANCE. BEYOND THE SCOPE OF --
MR. MANN: GOES TO HER INJURIES, YOUR HONOR.
MS. BLUTH: WELL IT'S STILL BEYOND THE SCOPE.
THE COURT: WHAT INJURY?
MR. MANN: SHE'S TALKING ABOUT THE SCARING.
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THE COURT: SUSTAINED. WE'RE NOT GOING TO REOPEN THAT DOOR.

MR. MANN: OKAY.
Q SO -- UM - YOU ALSO SAID THAT YOU HAD TO ASK TO USE THE BATHROOM; IS THAT RIGHT?

A YES.
Q AND YOU ALSO INDICATED THAT IT WAS MISS JANET AND MR. DWIGHT THAT SAID ALL YOU HAD TO DO -- OR THE BIGGEST PROBLEM THAT YOU HAD WAS NOT OPENING YOUR MOUTH, CORRECT?

A YES.
Q SO THEY WANTED YOU TO OPEN YOUR MOUTH AND SAY THAT YOU HAD TO USE THE BATHROOM, CORRECT?

A YES.
Q BUT YOU HAD ALSO SAID THAT YOU CHOSE NO TO GO TO THE BATHROOM WHEN YOU WERE ASKED TO GO TO THE BATHROOM, CORRECT?

A YES.
THE COURT: HAVEN'T WE BEEN THROUGH ALL THIS? IS THIS - -
IS THIS RECROSS OF SOMEBODY ELSE'S QUESTIONS?
MR. MANN: NO.
THE COURT: OKAY. BECAUSE I REMEMBER THIS - -
MR. MANN: DURING --
THE COURT: - EXACT LINE OF QUESTIONING - -
MR. MANN: DURING --
THE COURT: -- FROM YOU MR. MANN.

ASKED -- UM -- MISS BLJTH HAD ASKED ABOUT - THE COURT: THAT'S WHAT I'M ASKING, IF IT'S - IF IT'S RECROSS OF SOMEBODY'S --

MR. MANN: REDIRECT.
THE COURT: OKAY, REDIRECT OR -- GO AHEAD, WHAT - - POINT TO IT.

MR. MANN : WELL --
THE COURT: BECAUSE -- I MEAN, I JUST SPECIFICALLY REMEMBER THIS EXACT LINE OF QUESTIONING. SO WHAT DID MESS BLUTH ASK, JUST REMIND ME. THERE'S A LOT GOING ON.

MR. MANN: I WROTE DOWN THAT SHE -- SHE ASKED, YOU KNOW, DID YOU HAVE TO ASK TO USE THE BATHROOM.

THE COURT: OKAY. AND SO YOUR FOLLOW UP IS?
MR. MANN: IS A SERIES OF QUESTIONS ABOUT THAT PARTICULAR.

MR. MANN: DURING DIRECT EXAM -- OR REDIRECT SHE HAD

- MR. MANN: REDIRECT.
HH COURT : OKAY, REDIRECT OR
8 MR. MANN: WELL --
9 THE COURT: BECAUSE -- I MEAN, I JUST SPECIFICALLY

THE COURT: OKAY, HOLD ON.
MR. MANN: -- TO GET INTO.

THE COURT: CAN YOU TAKE AVA OUTSIDE?
MS . DASTRUP: UM-HUM.
THE COURT: SO THAT WAY WE DON ${ }^{\prime} T$ - - WE CAN HAVE A BENCH DISCUSSION WITHOUT ...
(WFEREUPON THE WITNESS LEFT THE COURTROOM.)
THE COURT: OKAY. LET'S - - WE'RE GOING TO KEEP A FEW THINGS IN MIND. SHE'S 12.

MR. MANN: GOT IT.
THE COURT: THIS IS HOUR, I DON'T KNOW, FIVE OF TESTIMONY. YOU HAD MUCH MORE LENGTHY CROSS-EXAMINATION THAN EVEN DIRECT EXAMINATION YESTERDAY.

REDIRECT IS TRYING TO REDIRECT A WITNESS, WHICH MISS BLЏTH DID. I CAN AGREE THAT SHE HAS BEEN INCONSISTENT IN HER STATEMENTS, BOTH ON DIRECT AND CROSS AND -- AND REDIRECT, BUT I'M NOT GOING TO ALLOW YOU TO GO THROUGH THIS SAME IENGTHY LINE OF QUESTIONING WITH HER. I THOUGHT SHE WAS VERY DETAILED YESTERDAY. YOU HAVE SOME INCONSISTENT STATEMENTS, YOU DO, AND YOU HAVE THAT TO RUN WITH AT TRIAL. BUT IT'S NOT -- IT -IT'S -- I'M NOT GOING TO ALLOW THIS 12 YEAR OLD AT PRELIMINARY HEARING, AND FRANKLY I KNOW YOU MIGHT DISAGREE WITH ME, BUT I THINK I'VE GIVEN YOU A LOT OF LATITUDE. I'VE GIVEN YOU GUYS MORE LȦTITUDE THAN I'VE GIVEN ANY TWEL -- THAT I'VE GIVEN THE DEFENSE FOR A 12 YEAR OLD DURING A PRELIMINARY HEARING.

BUT AT THIS POINT I JUST FEEL IT'S CONTINUALLY ASKING HER THE SAME QUESTIONS AND RECROSSING HER AND REDIRECTING HER OVER

THE SAME QUESTIONS. SO I JUST -- THESE EXACT QUESTIONS CAME OUT ON CROSS-EXAMINATION, AND THEN MISS BLUTH REDIRECT, ANDYOU DO HAVE SOME LIMITED ABILITY TO RECROSS, BUT YOU'RE NOT GOING TO RECROSS HER ABOUT EVERYTHING THAT YOU CROSSED HER ABOUT .

SO WHAT PART OF MISS BLUTH'S REDIRECT DO YOU WANT TO ATTACK OR QUESTION?

MR. MANN: YOUR HONOR, YOU KNOW, I -- I THINK THERE IS MORE THAN - MISS BIUTH ASKED HER ABOUT - - BECAUSE WHEN I HAD CROSSED HER, I HAD TALKED TO HER ABOUT THE TIMER - -

THE COURT: UM-HUM.
MR. MANN: -- AND THOSE ISSUES THAT WOULD INDICATE A

THE COURT: OKAY. WELL - SO DON'T -- WOULDN'T YOU AGREE THAT THAT'S INCONSISTENT, IN AND OF ITSELF, BETWEEN WHAT YOU CROSSED HER ON AND WHAT SHE REDIRECTED HER ON?

MR. MANN: YES.
THE COURT: OKAY.
MR. MANN: SO THAT --

THE COURT: I DON'T CONSIDER THAT RECROSS. I'M SORRY, I JUST DON'T CONSIDER THAT RECROSS, THAT --

MR. MANN: OKAY.
TAE COURT: THAT YOU GOT "A" OUT OF HER, MISS BLUTH GOT "B" OUT OF HER, AND NOW YOU WANT TO TRY TO GET "A" OUT OF HER AGAIN. YOU ALREADY GOT "A" OUT OF HER. MISS BEUTH GOT "B" OUT OF HER. IT WILL BE FOR THE JURY TO DECIDE WHAT THE TRUTH IS.

MR. MANN: YOUR HONOR.
THE COURT: I MEAN, AND WHAT -- I'M NOT GOING TO -- I'M NOT GOING TO PASS JUDGMENT ON WHAT'S NORMAL BATHROOM POLICY, BECAUSE THIS IS IT¹S OWN UNIQUE FAMILY. SO WHAT YOU MIGHT THINK IS NORMAL, UNIQUE BATHROOM POLICY, AND WHA'T I MIGHT THINK IS NORMALLY -- NORMAL BATHROOM POLICY, I DON'T KNOW.

BUT WE'RE ALSO TALKING ABOUT A LARGE TIME - - TIMEFRAME HERE. SO, I MEAN, I THINK - I THINK YOU'VE HAD -- I JUST FEEL LIKE I'VE HEARD THESE EXACT QUESTIONS ON CROSS. AND IF I HAVE HEARD THESE EXACT QUESTIONS ON CROSS, THEN EVEN THOUGH YOU MIGHT BE TRYING TO GET HER TO SAY WHAT SHE'S ALREADY SAID ON CROSS, BECAUSE SHE SAID SOMETHING ELSE ON REDIRECT, I MEAN THAT'S WHAT IT'S ALL ABOUT.

BUT WE'RE NOT -- IT'S NOT -- IT'S NOT GOING TO BE EING PONG, IT'S NOT PING PONG TO FINALLY TRY TO BREAK HER, BECAUSE IT'S PRELIMINARY HEARING, AND SHE'S SITTING HERE SOBBING, AND SHE'S 12, AND THE BURDEN OF FROOF IS VERY LOW.

9 LATITUDE ON. SO BASED UPON THE RECORD THAT I MADE OUTSIDE THE
SO YOU CAN BRING HER BACK IN.
(WHEREUPON THE WITNESS REENTERED THE COURTROOM.)
THE COURT: OKAY. AVA, I HAVE TALKED TO THE LAWYERS AND
THEY'RE GONNA' TRY TO SUM UP THEIR QUESTIONS ON WHATEVER THEY
NEED TO QUESTION YOU, BASED UPON MISS BLUTH'S QUESTIONING.
WE DID TALK ABOUT THE -- THE ACCIDENT ON THE FLOOR, WHICH
WAS REALLY THE DCOR THAT WAS OPENED DURING REDIRECT. I FELT
THAT WAS REALLY A DOOR OPENED, THAT I'VE LET YOU HAVE WIDE

PRESENCE OF AVA, LO YOU HAVE ANY FURTHER QUESTIONS?
MR. MANN: YOUR HONOR, BASED ON YOUR RULING I DON'T FEEL

THAT I CAN ASK ANY FURTHER QUESTEONS, SO NO.
THE COURT: OKAY. MR. RUE?
MR. RUE: NO QUESTIONS, JUDGE.
THE COURT: MR. MUELLER?
MR. MUELIER: THANK YOU.

## RECROSS-EXAMINATION

## BY MR. MUELLER:

Q AVA, I UUST WANT TO TOUCH ON A FEW THINGS. WHEN YOU HAD TO LICK THE URINE OFF THE FLOOR, WAS

MISTER - - WAS MR. DWIGHT AROUND?
A NO.
Q OKAY. NOW, YESTERDAY WE TALKED AT LENGTH, AND YOU
HAD ME A LITTLE CONFUSED, I WANT TO TRY TO UNDERSTAND. YOU

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TALKED ABOUT TWO INSTANCES WHERE -- UM -- YOU HAD A CATHETER
    ADMINISTERED ON YOU, CORRECT?
    A YES.
    Q ALL RIGHT. NOW, IS THAT THE ONLY TWO INCIDENCES ON
THIS POINT, THAT YOJ CAN RECALE, TWO TIMES?
    A LET ME THINK FOR A SECOND.
    YES.
    Q YES.
    SO YOU RECALI THIS SPECIFICALLY TWICE, AND BOTH
INSTANCES THE BATHROOM DOOR WAS CLOSED?
    A YES.
    Q AND IN BOTH INSTANCES MR. DWIGHT WAS NOT IN THERE?
    A YES, HE WAS NOT IN THERE.
    Q NOW, I WANT TO GO BACK AND TALK A LITTLE BIT - - AND
OBVIOUSLY YOU AND YOUR SISTERS TALK, BUT THERE'S ALSO A LOT OF
OTHER KIDS IN THE HOUSE DURING THIS TIME, WAS THERE NOT?
    MS. BLUTH: OBUECTION, BEYOND THE SCOPE OF REDIRECT.
    MR. MUELLER: I'M GONNA' - - IT'S EXACTLY ...
    THE COURT: HOLD ON.
    MR. MUELLER: IT'S ACTUALLY ON THE POINT THAT SHE OPENED
    UP, IF I COULD GET JUST THE LATITUDE FOR A MOMENT. SHE WAS
    THE ONE THAT ASKED ABOUT THESE - -
    THE COURT: OH, OPENED UP ON THE --
    MR. MUELLER: YES.
    THE COURT: - - ON ONE OF THE NEW ISSUES?
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MR + MUELLER: YES.
THE COURT: OKAY, I'LL GIVE YOU SOME LATITUDE.
OVERRULED.
BY MR. MUELLER:
Q DID THE OTHER KIDS HAVE TO SIT ON THESE BUCKETS?
A NO.
Q NO. SO THERE WAS TWO - - WHO HAD TO SIT ON THE BUCKETS THEN?

A AMAYA, ANASTASIA AND ME.
Q JUST THE THREE OF YOU?
A YES. SINCE I'VE BEEN IN THE HOUSE WITH THEM.
Q OKAY. AND THE OTHER KIDS THAT DIDN'T HAVE TO SIT ON THE BUCKETS, WHAT WERE THEIR NAMES?

A AREAHIA, DEMEYER, KAESHIA, NOVALIEH, AND THERE WAS ANOTHER BABY, I DON'T REMEMBER HIS NAME.

Q ALL RIGHT. AND DID THEY HAVE PROBLEMS WITH THEIR BOWELS AND THEIR BLADDERS, THE OTHER KIDS?

A I DON'T KNOW.
Q NOT THAT YOU RECALL?
A YES, SIR.
Q OKAY. NOW, THE OTHER FURNITURE IN THE HOUSE WAS
CLOTH YOU SAID?
MS. BLUTH: OBJECTION --
MR. MUELLER: CHAIRS?
MS. BLUTH: OBJECTION RELEVANCE, BEYOND THE SCOPE OF

2 MR. MUEIIER: THEY ARE TRYING TO PUT MISTERS - - THEY'RE
3 TRYTNG TO PROVE THAT THERE'S BEEN CHILD ABUSE BY THE KIDS
4 HAVING TO SIT ON THESE BUCKETS. I'M JUSE TRYING TO EXPLAIN --
5 TRY TO UNDERSTAND THE CIRCUMSTANCES WHEN AND HOW THESE BUCKETS 6 WERE EMPLOYED, NOTHING MORE.

7 MS. BLUTH: THAT WAS DONE ON RECROSS OF HER AT THE TIME.
8 MR. MUELLER: YOU BROUGHT IT UP COUNSEL.
9 MS. BLUTH: I'M SORRY CROSS, NOT RECROSS.
10 MR. MUELLER: YOU BROUGHT THE BUCKETS UP AGAIN THIS
11 MORNING.
THE COURT: I'M GOING TO GIVE YOU VERY SLIGHT LEEWAY.
MR. MUELIER: OKAY.
THE COURT: - - NOT TO REASK THE SAME QUESTIONS.
BY MR. MUELLER:
Q DID THE OTHER KIDS HAVE BUCKETS?
A NOT WHEN I WAS THERE WITH THEM.
Q NOT WHEN YOU WERE THERE. NOW, IN THE THREE YEARS THAT YOU LIVED WITH MISS - -

MR. MUELIER: OKAY. NOTHING FURTHER.
THE COURT: THANK YOU VERY MUCH, AVA, YOU'RE DONE. YOU

CAN GET TO SCHOOL. IT'S A LOT MORE FUN THAN HERE.
OKAY. SO TO RECAP $-\cdots$ WHERE DID SHE GO?
MS. LUZAICH: OH, NO SHE - GO AHEAD. I'M FINE HERE.
THE COURT: SHE HAD WHAT? YOU'RE HERE?
MS. LUZAICH: UM-HUM.
THE COURT: OKAY.
MR. MANN: YOUR HONOR, I'M SORRY, WAS THERE ANY SORT OF
ADMONISHMENT THAT WE'RE GOING TO PROVIDE TO AVA REGARDING - -
UM - - TALKING ABOUT HER TESTIMONY?
THE COURT: I DON ${ }^{1} T$ NORMALLY. IF YOU WANT ME TO GIVE HER
AN ADMONISHMENT I WILL. IT'S NOT SOMETHING I NORMALLY DO WHEN
THEY'RE DONE, ONLY WHEN THEY'RE IN THE MIDDLE OF TESTIMONY, BUT - -

MR. MUELLER: YOUR HONOR, I WOULD ACTUALLY JOIN WITH THAT - -

THE COURT: OKAY.
MR. MUELLER: $-{ }^{-}$GIVEN THE EXTRAORDINARILY FUNGIBLE
NATURE OF THIS TESTIMONY.
THE COURT: GRAB HER BEFORE SHE GETS ON THE ELEVATOR.
THE MARSHA工: SHE DIDN'T GO BACK THIS WAY?
THE COURT: NO.
THE MARSHAL: OH, THERE, SHE'S TELLING ME --
THE COURT: I AGREE.
MR. MUELLER: ALL RIGHT, THANK YOU, JUDGE.
MR. MANN: THANK YOU.

6 GOING TO SAY IN COURT, BECAUSE THE CASE IS STILL GOING, AND 7 WE'RE GOING TO HAVE A COUPLE OTHER DAYS IN A COUPLE WEEKS

8 THAT - U UM - - YOU KNOW, PROBABLY YOUR SISTERS WILL TESTIFY.
9 SO IT'S SUPER IMPORTANT, THE RULES OF THE COURT, OKAY? SO
THE COURT: I KNOW YOU THINK -- AVA, I JUST WANT TO TELL YOU ONE THING -- YOU DON'T HAVE TO ANSWER ANYMORE QUESTIONS. I JUST WANT TO TELL YOU ONE THING, OKAY? IT'S REALLY SUPER IMPORTANT THAT YOU DON'T TALK TO ANYBODY $\nrightarrow B O U T$ THIS CASE, OR ABOUT WHAT YOU SAID IN COURT, OR ABOUT WHAT SOMEBODY ELSE IS JUST REMEMBER ME, THAT MY RULE OF THE COURT IS THAT YOU CAN'T TALK TO YOUR SISTERS ABOUT THIS CASE, OR WHAT ,YOU SAID, OR WHAT THEY SHOULD SAY OR WHAT THEY'RE GOING TO SAY, OR ANYTFING LIKE THAT, OKßY?

THE WITNESS: OKAY.
THE COURT: DO I HAVE YOUR PROMISE TO DO THAT?
THE WITNESS: YES.
THE COURT: - YOU PROMISE, RIGHT?
THE WITNESS: YES.
THE COURT: AND DON'T TALK TO ANYBODY ELSE ABOUT IT, LIKE YOUR - - UM - FOSTER --

MS. BLUTH: SHE HAS - SHE HAS A THEQAPIST, THOUGH, THAT - - I MEAN - -

THE COURT: OH, YEAH, YEAH, BUT I MEAN YOUR FOSTER -YOUR FOSTER PARENTS, MISS DEBBIE AND MR, MACK, I THINK, RIGHT?

THE HITNESS: YES.

THE COURT: OKAY. SO JUST DON'T TELL THEM, EVEN IF THEY ASK. JUST SAY, JUDGE SULLIVAN SAYS I CAN'T TALK ABOUT IT, OKAY? SO - - BUT YOU CAN TALK -- YES, YOU ABSOLUTELY CAN TALK TO YOUR THERAPIST OR ANY COUNSELOR THAT YOU WANT TO TALK TO, ABSOLUTEEY, THAT'S WHAT THEY'RE THERE FOR.

THE WITNESS: ALL RIGHT.
THE COURT: OKAY? I HAVE YOUR PROMISE?
THE WITNESS: YES.
THE COURT: ALL RIGHT, THANK YOU. BYE, BYE. HAYE A GREAT WEEKEND, A DAY OFF FROM SCHOOL.

THE WITNESS: RIGHT.
THE COURT: WELL, NOW A COUPLE DAYS OFF OF SCHOOL.
SO WE'RE GOING TO BE IN RECESS NOW, BECAUSE I'M GOING TO START ANOTHER PRELIMINARY HEARING WHERE THERE'S AN OUT-OF-STATE WITNESS.

AND WE HAVE ALL AGREED IN CHAMBERS THAT WE ARE GOING TO CONTINUE THIS PRELIMINARY HEARING UNTIL JUNE 9TH AT 9:30. I'VE INFORMED - AND WE'VE ALSO BLOCKED OFF JUNE 10TH AT 9:30, HOWEVER, WITH THE CAVEATS THAT I ALREADY HAVE OUT OF CUSTODIES, ORDINARY COURSE SETTINGS ON THOSE DAYS. ON JUNE 9 TH I WIEL NOT SET ANY IN CUSTODIES, AND ON JUNE $10 T H$ I WILL HAVE TO SET SOME LIMITED IN CUSTODIES, BUT I'LL TRY TO LIMIT THE CALENDAR AS MUCH AS I CAN.

MS. LUZAICH: THANK YOU, TUDGE.
MR. MUELLER: AND YOUR HONOR --

THE COURT: THANK YOU VERY MUCH.
MR. MUELIER: BEFORE - - BEFORE WE MOVE ON.
THE COURT: YES.
MR. MUELLER: YOUR HONOR, MR. SOLANDER HAS NOW BEEN IN CUSTODY SINCE THE 20-- 20TH OF MARCH. THERE'S A QUARTER OF A MILLION DOLLARS BAIL SET, AND WE'RE GOING ON TWO MONTHS IN CUS - - GOING ON ABOUT -- MARCH, APRIL, MAY, INTO JUNE, WE ARE GOING ABOUT TWO AND A HALF MONTHS. I ASK THAT MR. SOLANDER EITHER BE GIVEN AN OWN - OWN RECOGNIZANCE OR A \$50,000 BAIL. THE COURT: OKAY. UM -- MISS BLUTH, OR WHOEVER WANTS TO RESPOND TO THAṪ.

MS. BLUTH: SURE.
I MEAN, JUDGE, WE'RE IN THE MIDDLE OF A PRELIMINARY HEARING AT THIS POINT. I DON'T THINK THAT ANYTHING HAS CHANGED. I'D ASK, YOUR HONOR -- I'M SURE THAT BAIL WILL BE REVISITED AFTER THE OTHER CHILDREN AND THE DOCTOR TESTIFIES, BUT I WOULD ASK YOUR HONOR TO WAIT UNTIL THE PRELIMINARY HEARING HAS BEEN PRESENTED IN -- IN IT'S ENTIRETY. I UNDERSTAND THE DEFENSE'S PQSITION, BUT THEY ALSO ASKED FOR MULTIPLE CONTINJANCES, THE STATE HAS NOT ASKED FOR A CONTINUANCE.

MR. MUELLER: . I --
MS. BLUTH: AND SECONDLY - UM -- STATE -- YOU KNOW, IT'S OF NO FAULT OF THE STATE, AT THIS POINT, THAT THE DEFENDANT'S BEEN IN CUSTODY THAT LONG. ‘HAD I ASKED FOR A CONTINUANCE, I

1 RECOGNIZE THE POSITION. BUT IN THE MIDDLE OF A PRELIMINARY 2 HEARING, I THINK IT'S AN INAPPROPRIATE MOTION TO MAKE AT THIS 3 POINT.

4 THE COURT: WELL I -- I AGREE. UM -- NOT NECESSARILY 5 THAT IT'S INAPPROPRIATE AT THE TIME, BECAUSE I KNOW IT'S BEING CONTINUED FOR TWO WEEKS, BUT -- TM -- THIS IS A CASE WHERE IT HAS HAD MULTIPLE CONTINJANCES. SO THE FACT - WHILE I AM COGNIZANT OF THE FACT THAT THEY'VE ALL BEEN IN CUSTODY FOR

9 HOWEVER LONG YOU'VE SAID THEY'VE BEEN IN CUSTODY, THAT'S -10 UM - - REALLY THROUGH NO FAULT OF THE STATE, AND UP UNTIL 11 TODAY, THROUGH NO FAULT OF THE COURT, OTHER THAN A BACKLOG TO 12 THE COURT TODAY. SO OBVIOUSLY THERE'S A LOT OF DISCOVERY IN 13 THIS CASE, PHERE'S SEVERAL LAWYERS THAT WE HAVE TO PLAY WITH 14 EVERYBODY'S SCHEDULE.

I DON'T THINK ANYTHING HAS CHANGED. BUST FOR THE FACT THAT HE'S BEEN IN CUSTODY FOR TWO MONTHS, DOESN'T NECESSARILY CHANGE MY POSITION ON -- IF YOU'RE TELLING ME I SET HIS BAIL AT 250 THEN I DID, THAT'S WHAT I FELT WAS APPROPRIATE AT THE TIME, AND NOTHING HAS CHANGED NOW JUST SINCE HE'S BEEN IN CUSTODY FOR TWO MONTHS.

MR. MUELLER: YOUR HONOR, I DON'T WANT TO SPLIT -- WELL, I'LL SAVE THAT FOR CLOSING ARGUMENTS AND THE STATE OF THE EVIDENCE.

THE FACT OF THE MATTER IS, IS MR. SOLANDER IS SO DEDICATED TO HIS CHILDREN HE WAS PAYING FOR PRIVATE BOARDING

SCHOOL. NOW, HE HAS THE ABILITY TO SUPPORT A FAMILY. HE'S NOW NOT MAKING ANY INCOME, AND THERE'S GOING TO BE -REGARDLESS OF WHEN HE GETS - - WHAT HAPPENS HERE, THE SOEANDER FAMILY IS GOING TO BE DESTITUTE.

THE COURT: I WILL - I WILL ALLOW YOU TO RENEW YOUR MOTION. I'M NOT - - YOU KNOW, I DON'T WAN'T TO USE THE WORD CONSIDER, BECAUSE SOMEBODY MIGHT TAKE THAT OUT OF CONTEXT, BUT CERTAINLY GOING TO ALLOW YOU TO RENEW AND -- BY THE WAY, ANY LAWYER - - ANY OF THE PARTIES, FOR THAT MATTER, AS I ALWAYS DO, ALLOW TO RENEW A CUSTODY CHANGE MOTION AT ANY TIME, INCLUDING AFTER THE PRELIM. BUT I THINK RIGHT NOW WE'VE ONLY HEARD ONE OF THE VICTIMS -- THE ALLEGED VICTIMS TESTIFY, WE STILI NEED TO HEAR TWO OTHERS. I -- I DON'T THINK ANYTHING HAS CHANGED - - UM - - TO CHANGE HIS CUSTODY OR BAIL SETTING RIGHT NOW. MAYBE THAT MOTION MIGHT BE MORE APPROPRIATE AFTER I HEAR FROM THE OTHER TWO VICTIMS.

MR. MANN: YOUR HONOR, I UNDERSTAND YOUR RULING, I JUST DIDN'T WANT MY SILENCE TO -- UH -- TO BE TAKEN AS ACCEPTANCE. BUT WHEN THE STATE SPECIFICALLY SAID THAT THE CONTINUANCES WERE NOT THE STATE'S DOING, THAT IS AN INACCURATE STAGEMENT. I THINK WE WENT THROUGH THIS REGARDING THE DISCOVERY MOTIONS, AND HOW THE STATE FAILED TO PROVIDE US, IN A TIMELY MANNER, EVERYTHING UNDER 1965, NRS 171.1965 -- UH -- AND UNTIL VERY RECENTLY DID WE ACTUALLY FINALLY RECEIVE THOSE ITEMS. I BELIEVE IT WAS ABOUT TWO WEEKS AGO THAT WE FINALLY GOT ALL THE

ITEMS THAT WE HAD REQUESTED THAT WAS UNDER 1965.
SO, FOR THE STATE TO SAY THAT IT WAS NEVER A STATE CONTINUANCE IS NOT ACCURATE, BECAUSE WE WERE FORCED TO REQUEST A CONTINUANCE BASED ON THE STATE FAILING TO GIVE US WHAT WE ARE ORDERED TO GIVE - ORDERED TO RECEIVE UNDER 1965.

THE COURT: I DO REMEMBER THERE WAS AN ISSUE OF THE CPS RECORDS, I OBVIOUSLY REMEMBER TFAT, BUT I - I DON'T - -

MR. MANN: STATEMENTS.
THE COURT: -- YOU KNOW, AS TO EVERYTHING ELSE BEING EXCHANGED, I MEAN I -- I - I CAN'T - I CAN'T CHIME IN OR OPINE ON THAT.

MR. MANN: WELL, THIS IS WHAT WE DISCUSSED LAST TIME WHEN WE RAISED THE O.R. ISSUE AS WELL - - UM - - WHICH WAS A FURTHER DISCUSSION THAT WE HAD THREE WEEKS, FOUR WEEKS AGO.

MS. BLUTH: WHICH --
MR. MANN: AND SO THAT'S -- THAT'S ALL THAT I WAS SAYING, WAS I DON'T WANT THE RECORD TO SHOW THAT THE STATE DIDN'T ASK FOR ANY CONTINUANCES, BECAUSE THAT'S NOT TRUE.

MS. BLUTH: OF, NO --
MR. MANN: BECAUSE THE STATE FORCED US TO ASK FOR A CONTINUANCE BECAUSE THEY DIDN'T FULFILL THE OBLIGATION UNDER NRS 171.1965.

MS. BLUTH: WHAT NRS 171.1965 SAYS, ANYTHING İN MY POSSESSION I HAVE TO HAND OVER. I DIDN'T HAVE ANY OF THOSE THINGS IN MY POSSESSION, BECAUSE THEY WERE NOT TRANSCRIBED

YET. AND IT WAS MY POSITION THAT WE COULD HAVE GONE FORWARD, BECAUSE ALL I NEED IS THE CHILDREN TO GO FORWARD. OBVIOUSLY THE DEFENSE WANTED THE TRANSCRIBED STATEMENTS OF THE CHILDREN AND THE DEFENDANTS, WHICH WERE NOT IN MY POSSESSION.

AND THE CASE LAW IS VERY CLEAR THAT AT DISTRICT COURT WHEN THEY - - IN MY POSSESSION COULD BE WHAT THE POLICE HAVE. BUT AT JUSTICE COURT IT'S PHYSICALLY WHAT'S IN MY FILE. I DID NOT HAVE THOSE IN MY FILE, SO I DIDN'T - - I WASN'T GOING AGAINST WHAT THE STATUTE SAYS. SO I COULD -- I WAS READY EVERY SINGLE TIME, SO I COMPLETELY DISAGREE, AND HE DISAGREED ABOUT FOUR WEEKS AGO, AND WE'RE NEVER GOING TO AGREE ABOUT IT. BUT THE FACT OF THE MATTER IS, IS IF YOU LOOK AT THE MINUTES IT WAS DEFENSE CONTINUANCE.

THE COURT: I AGREE.
MR. RUE?
MR. RUE: WELL, JUDGE, I DISAGREE. UH - - YOU - - THE COURT NOTES - AND I DON'T MEAN TO BE DISRESPECTFUL, BUT THE COURT NOTES IT'S NOT OF THE STATE'S FAULT AND IT'S NOT AT THE COURT'S FAULT TYAT THIS IS BEING CONTINUED. IT CERTAINLY IS NOT DANIELLE HINTON'S FAULT, OR JANET OR DWIGHT SOLANDER ${ }^{1} S$ FAULT THAT THIS GOT CONTINUED. I MEAN, TO HAVE EFFECTIVE CROSS-EXAMINATION AT A PRELIMINARY HEARING, AT A MINIMINM WE WOULD NEED THE STATEMENTS OF T'HE PEOPLE THAT ARE GOING 'I'O TESTIFY.

NOW, THE FACT THAT SHE DIDN'T - THE STATE DOESN'T HAVE IT IN THEIR CASE FILE IS NOT ON US, BUT WE STILL NEED THOSE TO PROCEED. I THINK THE COURT WOULD EVEN AGREE WITH THAT, THAT WE WOUED NEED, AT A MINIMUM, THE STATEMENTS, THE RECORDED STATEMEN'TS OF THE WITNESSES THAT THEY INTEND TO TESTIFY. OTHERWISE, WHY ARE WE HERE?

I MEAN, THEY COULD HAVE GONE FORWARD, SURE, AND THEN WE WOULD HAVE BEEN BACK HERE LATER BECAUSE WE HAD NO EFFEC?IVE CROSS-EXAMINATION OF WITNESSES. UM -- SO TECHNICALLY THE MINUTES MAY SAY IT'S DEFENSE CONTINUANCES, BUT WE HAVE TO. OTHERWISE WE ARE COMPLETELY INEFFECTIVE. SO --

THE COURT: I UNDERSTAND.
MR. RUE: . - IT'S NOT AT MISS HINTON'S -- IT'S NOT MISS HINTON'S FAULT. ANYMORE THAN IT IS YOUR HONOR'S FAULT OR THE STATE'S FAULT THAT SHE REMAINS IN CUSTODY AND THINGS HAVE TO BE CONTINUED.

THE COURT: YOU CAN RENEW YOUR MOTIONS AT THE CLOSE OF PRELIMINARY HEARING. THANK YOU.

MR. RUE: THANK YOU, YOUR HONOR.
(AT 11:22 A.M. THE PROCEEDINGS WERE RECESSED.)

ATTEST: FULL, TRUE AND CERTIFIED TRANSCRIPT.
$\frac{/ \mathrm{S} / \mathrm{KIT} \text { MACDONALD }}{\text { KTT MACDONAID, C.S.R. }}$
KIT MACDONALD, C.S.R.
COURT REPORTER
C.S.R. 65

| \$ | ACCIDENTS [1] 13/16 ACCORDING [1] $18 / 19$ | AS [2G] 4/95/20 5/21 6/2 6/4 6/5 7/2 7/2 7/5 7/14 7/14 8/2 8/4 16/24 18/10 18/16 18/16 |
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| \$50,000 [1] 45/9 | ACCURATE [1] 48/3 | 18/21 22/9 22/9 44/23 44/23 47/9 47/18 48/9 |
|  | ACCUSED [2] $23 / 3$ 23/5 <br> ACTUAILS [11] 12/15 14/16 15/2 16: | $\left\lvert\, \begin{aligned} & \text { 48/13 } \\ & \text { ASK }[19] \\ & 21 / 22 \\ & 22 / 3 \\ & 22 / 5 \\ & 22 / 6 \\ & 22 / 1733 / 4 \end{aligned}\right.$ |
| -- MR [1] 16/1 | 18/4 18/9 23/12 30/19 39/20 42/14 47/24 | 34/11 34/13 34/16 34/21 34/22 36/16 38/12 |
| -- THEY'RE [1] 41/2 | AD [2] 18/17 18/17 | 44/2 45/8 45/15 45/17 48/17 48/20 |
| 1 | ADDITION [1] 18/15 | ASKED [19] 10/2 10/24 11/11115 15/ |
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| 11:22 [1] 50/20 | AFTER [5] 14/6 31/13 45/16 47/11 47/15 | ATTACK [1] 36/7 |
| 12 [4] 35/7 35/19 35/23 37/25 | AGAIN [7] 4/3 7/188/8 22/18 26/12 37/6 | ATTEMPTED [1] 6/24 |
| 125 [3] 14/23 15/16 15/17 | 41/10 | ATTEST [1] 50/22 |
| 128 [1] 15/16 | AGAINST [1] 49/9 | ATTORNEY [1] 19/15 |
| 13 [2] 16/7 17/9 | AGO [3] 47/25 48/14 49/11 | ATTORNEYS [1] 1/19 |
| 14F04585A [2] 1/7 3/11 | AGREE [11] 17/20 21/4 21/9 22/10 35/13 | AUDIBLE [1] 25/2 |
| 14F04585B [1] 1/8 | 36/20 42/23 46/4 49/11 $49 / 14$ 50/2 | AUTHORITY [1] 18/12 |
| 14F04585C [1] 1/8 | AGREED [2] 6/3 44/16 | AVA [25] 2/4 6/5 6/20 7/4 7/12 8/1 8/10 8/11 |
| 171.1965 [3] 47/23 48/22 48/23 | AHEAD [5] 25/17 28/6 34/6 34/22 42/3 | 8/16 9/3 9/24 21/7 25/14 27/9 29/7 29/7 |
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| $20[2] 24 / 2345 / 5$ <br> $2009[2] 15 / 1515 / 18$ <br> $2014[2] 1 / 153 / 1$ <br> $20 \mathrm{TH}[1] 45 / 5$ <br> $23[2] 15153 / 1$ <br> $23 R D[1] 3: 9$ <br> $24[1] 7 / 21$ <br> $250[1]+4 / 18$ | $37 / 21$ 39/4 40/16 42/24 44/6 44/9 44/16 46/8 $47 / 2548 / 16 ~$ | AVA'S [1] $6 / 8$ |
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|  | $\left(\begin{array}{l} \text { ALLIDW [10] } 5 / 921 / 2522 / 3 \text { 22/6 22/17 } \\ 35 / 1535 / 1947 / 547 / 847 / 10 \end{array}\right.$ | BABY [1] 40/15 |
|  | ALLOWED [4] $11 / 318 / 1718 / 1718 / 19$ ALLOWING [2] 5/17 19/13 | BACK [12] 3/7 22/13 24/3 24/4 24/5 24/6 |
|  |  | 24/11 25/4 38/1 39/14 42/20 50/7 |
|  | ALLOWS [2] 16/23 17/5 ALREADY [4] 31/10 37/6 37/19 44/19 ALSO [14] 7/5 12/23 17/25 18/16 18/21 32/9 | BACKED [1] 41/22BACKLOG [1] 46/11 |
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| $328[3] 14 / 2315 / 1715 / 18$ $38[1] 2 / 7$ | ALSO [14] $7 / 5$ 12/23 17/25 18/16 18/21 32/3 32/19 33/4 33/7 33/14 $37 / 15$ 39/15 44/18 | BAIL [5] 45/6 45/9 45/15 46/17 47/14 <br> BASED [10] 3/12 18/14 20/24 20/25 23/15 |
| 6 | $\begin{aligned} & 45 / 19 \\ & \text { ALWHAYS [3] } \\ & 12 / 24 \\ & 13 / 2 \\ & 47 / 9 \end{aligned}$ | 29/12 38/5 38/9 38/11 48/4 <br> BASICALLY [3] 4/8 5/6 13/6 |
| 65 [2] 1/24 50/24 | ALWAYS [3] 12/24 13/2 47/9 <br> AM [2] 19/17 46/7 <br> AMAYA [5] 27/3 27/21 27/23 27/24 40/9 | BATHROOM [33] 9/25 10/16 10/20 11/2 <br> 11/4 11/8 12/25 23/24 24/15 28/19 29/11 |
| 8 | AMAYA [5] 27/3 27/21 27/23 27/24 40/9 <br> ANALYSIS [1] 19720 <br> ANASTASIA [11] 23/20 26/3 26/[3 26/20 |  |
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## AGREEMENT TO APPEAR IN COURT <br> AND TO WAIVE EXTRADITION <br> AFTER ADMISSION TO BAIL <br> RS 178.484

ID\# $\qquad$
Event \# 140304-1293 Arrest Date 3-20-14
Court of Jurisdiction JC\#12
Case \#14F04585A
Charges (s) Child Abuse l Neglect W/sBmH Bets, Child Abuse Neglect llcts, Sexual Assault Against Child <14

1. Dwight Solander , will
appear at att-imes and places as ordered by the court releasing me and as ordered by any court before which the charge may be subsequently heard.

I further state that I will comply with all other conditions imposed by the Court on my admission to bail.

I FURTHER ACKNOWLEDGE AND STATE THAT IF I FAIL TO APPEAR WHEN SO ORDERED AND AM TAKEN INTO CUSTODY OUTSIDE OF NEVADA, I WAIVE ALL OF MY RIGHTS RELATING TO EXTRADITION PROCEEDINGS.


Inmate Signature

Distribution: Original-Court Copy-Inmate File


INFM
STEVEN B. WOLFSON
Clark County District Attorney
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DISTRICT COURT
9:30 A.M.
MUELLER
PUBLIC DEFENDER MANN

THE STATE OF NEVADA,

## CLARK COUNTY, NEVADA

CASE NO: C-14-299737-1
-vs-
DWIGHT CONRAD SOLANDER, \#3074262
DANIELLE HINTON, \#6005500
JANET SOLANDER, \#6005501

Defendant.

## STATE OF NEVADA )

COUNTY OF CLARK )
STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That DWIGHT CONRAD SOLANDER, DANIELLE HINTON and JANET SOLANDER, the Defendants above named, having committed the crimes of CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.508(1) - NOC 55222), CHILD ABUSE, NEGLECT OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - NOC 55226), SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105), ASSAULT WITH USE OF A DEADLY

WEAPON (Category B Felony - NRS 200.471 - NOC 50201) and BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony - NRS 200.400.4NOC 50157) in the manner following, to-wit: That the said Defendants, on or between the $19^{\text {th }}$ day of January, 2011, and the $11^{\text {th }}$ day of November, 2013, at and within the County of Clark, State of Nevada, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, COUNT 1 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the buttocks, and/or body with a stick, resulting in substantial bodily harm and/or mental harm to the said A.S..

## COUNT 2- CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking and/or slamming the said A.S.'s head and/or eye into the counter, resulting in substantial bodily harm and/or mental harm to the said A.S.. COUNT 3 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered
unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a bucket for extended periods of time.
COUNT 4 - CHILD ABUSE, NEGLECT OR ENDANGERMENT
Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or bowel movements for an extended period of time.
COUNT 5 - CHILD ABUSE, NEGLECT OR ENDANGERMENT
Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $10 / 21 / 01$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards and/or towels with no sheets or blankets with a fan blowing on her.
COUNT 6 - CHILD ABUSE, NEGLECT OR ENDANGERMENT
Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by withholding food and water from the said A.S. for extended periods of time.

COUNT 7- SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 10/21/01), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.
COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 10/21/01), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by

Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

## COUNT 9- CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by pushing the said A.S. down the stairs.

## COUNT 10 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering. COUNT 11 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to lick her own urine off the floor.

## COUNT 12 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to place soiled underwear in her mouth.

COUNT 13-ASSAULT WITH USE OF A DEADLY WEAPON
Defendant JANET SOLANDER did willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB: 10/21/01), with use of a deadly weapon to wit: a razor blade by displaying a razor blade and threatening the said A.S.

## COUNT 14 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendants DWIGHT CONRAD SOLANDER, DANIELLE HINTON, and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the buttocks, arm, and/or body with a stick, resulting in substantial bodily harm and/or mental harm to the said A.S.

COUNT 15 - CHILD ABUSE, NEGLECT OR ENDANGERMENT
Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as
negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a bucket for extended periods of time.

COUNT 16 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $1 / 23 / 03$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or bowel movements for an extended period of time.

## COUNT 17 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $1 / 23 / 03$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards and/or towels with no sheets or blankets with a fan blowing on her.

## COUNT 18 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by withholding food and water from the said A.S. for extended periods of time.

COUNT 19 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 1/23/03), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

## COUNT 20 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $1 / 23 / 03$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by pushing and/or kicking the said A.S. down and/or on the stairs.

## COUNT 21 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as
a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering. COUNT 22 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to place soiled underwear in her mouth.

## COUNT 23 - ASSAULT WITH USE OF A DEADLY WEAPON

Defendant JANET SOLANDER did willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB: $1 / 23 / 03$ ), with use of a deadly weapon to wit: a razor blade, by displaying a razor blade and threatening the said A.S.

## COUNT 24 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendants DWIGHT CONRAD SOLANDER, DANIELLE HINTON, and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the buttocks, and/or wrist, and/or body with a stick, resulting in substantial bodily harm and/or mental harm to the said A.S.

## COUNT 25 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH

 SUBSTANTIAL BODILY HARMDefendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by holding the said A.S.'s head and/or body under hot water and/or pouring hot water on the said A.S.'s head and/or body resulting in burns to the said A.S.'s ears and/or shoulder and/or back, resulting in substantial bodily harm and/or mental harm to the said A.S.

## COUNT 26 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a "training potty" and/or bucket for extended periods of time.

## COUNT 27 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $7 / 25 / 04$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or bowel movements for an extended period of time.

## COUNT 28 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $7 / 25 / 04$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards and/or towels with no sheets or blankets with a fan blowing on her.

## COUNT 29 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $7 / 25 / 04$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by withholding food and water from the said A.S. for extended periods of time.

COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BEDROOM 1)

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by

Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.
COUNT 31 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BATHROOM 1)

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

COUNT 32 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BATHROOM 2)

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct;

Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

COUNT 33 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF

## AGE (LOFT 1)

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

COUNT 34 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 2)
Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.
COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 3)
Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by

Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.
COUNT 36 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 4)

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

## COUNT 37 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF <br> AGE

Defendant JANET SOLANDER did then and there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a stick into the said A.S.'s genital opening, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

## COUNT 38 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

Defendant JANET SOLANDER did then and there willfully, unlawfully, and feloniously use force or violence upon the person of another, to-wit: A.S. (DOB: 7/25/04), with intent to commit sexual assault by holding the said A.S. down in an effort to insert the catheter into A.S.'s vagina.

COUNT 39 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT
Defendant JANET SOLANDER did then and there willfully, unlawfully, and feloniously use force or violence upon the person of another, to-wit: A.S. (DOB: 7/25/04), with intent to commit sexual assault by holding the said A.S. down in an effort to insert the catheter into A.S.'s vagina.

COUNT 40 - CHILD ABUSE, NEGLECT OR ENDANGERMENT
Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by pushing and/or kicking the said A.S. down and/or on the stairs.

COUNT 41 - CHILD ABUSE, NEGLECT OR ENDANGERMENT
Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering. COUNT 42 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed
in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to place soiled underwear in her mouth.

## COUNT 43 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S.'s head into the toilet.

## COUNT 44 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S.'s to stand in a garbage bag while she urinated and defecated on herself.

COUNT 45 - CHILD ABUSE, NEGLECT OR ENDANGERMENT
Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to stand in a garbage bag while she urinated and defecated on herself.

## COUNT 46 - ASSAULT WITH USE OF A DEADLY WEAPON

Defendant JANET SOLANDER did willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB: 7/25/04), with use of a deadly weapon to wit: a razor blade, by displaying a razor blade and threatening the said A.S.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar \#001565

BY /s/JACQUELINE BLUTH
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar \#010625

Names of witnesses known to the District Attorney's Office at the time of filing this Information are as follows:

ABRAHIM, FAIZA; CPS/DFS
BARKER; LVMPD\#08052
BERNAT, KRISTINA; CPS/DFS
BITSKO; LVMPD\#06928
CETL, DR. SANDRA; SUNRISE HOSPITAL/SNCAC
DIAZ, AREHIA; 8025 SECRET AVENUE, LVN 89131
EMERY; LVMPD\#02782
GONZALES, YVETTE; CPS/DFS
HENRY, JACKIE; 3643 N STEWART STREET, MILTON, FL 32570
HINTON, DANIELLE; 9500 WAKASHAN AVENUE, LVN 89149
MCCLAIN, DEBORAH; 7771 SPINDRIFT COVE STREET, LVN 89139
MCGHEE; LVMPD\#05158
SOLANDER, AMAYA; c/o CPS/DFS
SOLANDER, ANASTASIA; c/o CPS/DFS
SOLANDER, AVA; c/o CPS/DFS
SOLANDER, JANET; 9500 WAKASHAN AVENUE, LVN 89149
STARK, AUTUMN; 3629 TUSCANY RIDGE, NLV 89032
WELLS, LORI; UNK

DA\#14F04585ABC/hjc/SVU
LVMPD EV\#1403041293
(TK12)

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CASE NO. C299737
DEPT. NO. 12
IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP COUNTY OF CLARK, STATE OF NEVADA
STATE OF NEVADA,
Plaintiff,
vs.
Case No. 14F04585A/B/C
DWIGHT SOLANDER, RANIELUE HINION,
JANET SOLANDER,
Defendants.
REPORTER'S TRANSCRIPT
CONTINIATION OF PRELIMINARY HEARING
BEFORE THE HONORABLE DIANA L. SUTUIVAN
JUSTICE OF THE PEACE
TAKEN ON THURSDAY, JUNE 12, 2014 AT 10:00 A.M.
APPEARANCES:
For the State: LISA LUZAICH and
JACQUELINE BLUTH
Deputy District Attorneys
For Defendant \(D\); Solander: CRAIG A. MUELUER
For Defendant Hinton:
Deprrey T. RUE
For Defendant J. Solander: JOEL M. MANN
Reported by: Gerri De Lucca, C.C.R. \#82
Official Court Reporter
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LAS VEGAS, NEVADA, THURSDAY,08K(B)54014405:23:49 PM

maybe the last witness, there was just one issue I wanted to bring to the court's att CLERK OF THE COURT objection to it.

It's my understanding that they're calling Detective Enery and that they will be asking Detective Emery about Miss Hinton's statements, which is co-defendant, Miss Solander, is objecting to that being used in preliminary hearing for Bruton issues, hearsay issues, confrontation issues, all the above, because I believe that they are being brought in for the truth of he matter asserted and that that would be a disadvantage to Miss Solander as she would not be able to cross-examine her statement through the detective, obviously. And, if I'm wrong, then I'm wrong, but I wanted to bring that up before we got into the middle of it.

MR. MUELUER: On behalf of Mr. Solander, I join in the objection.

MS. LUZAICH: I mean he's correct about the fact that we are bringing in Danielle Hinton's statements, that it is going to be offered against

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all three defendants. He is wrong, however, about Bruton and confrontation. Those are all trial rights and issues. They are not preliminary hearing rights or issues.

So in District Court, I agree, we could not use Danielle Hinton's statement against Dwight Solander or Janet Solander, but in preliminary hearings we can.

MR. MUELTER: Your Honor, I don't know where this idea has come from, but it seems to have evolved here in the last few years, that there's two rules of evidence, one for Justice Court and one for District Court. There is not. There's one set of rules. They're the same rules over and over again.

Now, Bruton, there's no such thing as a Bruton like or different rights. Rights are rights and the law is this same in Justice Court and in District Court.

Now, I've got a right to confront and cross-examine the maker of the statement or it's hearsay and it's inadmissible under Bruton. Now, it's not admissible, period. There's no like rules. MS. LUZAICH: I don't know what he's talking about, like rules.

THE COURT: Let Mr. Marm go first.

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MR. MANN: Thank you.
MS. LUZAICH: Sorry.
MR. MANN: Your Honor, in addition to
what Mr. Mueller said, let's put aside Bruton for a
second. We still have hearsay issues. And it's
still hearsay. You can't just -- the reason why we
have preliminary hearings is because the rules of
evidence apply and hearsay is still an issue.
                                    This was not a co-conspirator in
the furtherance of the conspiracy, so that's,
obviously, not an exception to the hearsay rule. And
the fact that the State joined it together with
everyone here as a co-defendant made them responsible
for making it a party admission.
And so that being a party
admission is the State's responsibility, the State's
fault, and for us, as the defense, to be hamstrung
because of that so they can get around the hearsay
rules is ridiculous.
    They did this in quest for
testimony when they were questioning Miss Hinton in
their investigation after they had arrested her. So,
clearly, this was in anticipation of using it at a
trial proceeding, and so because of that, hearsay
absolutely applies, Bruton applies. There's no way
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not a -- anything else. It's a trial right issue.
MR. MANN: First of all, Witzenberg, the
case that they cite, was actually one of the line of
cases that I had pointed out to your Honor regarding
the fact of credibility being an issue in preliminary
hearing, and that your Honor could absolutely
consider credibility and those items.
So it's kind of humorous that that
case is calling up now after they said that we
couldn't get into any credibility issues of any of
these witnesses as we had no rights to be able to do
that, but that being said, Bruton does not
specifically state that it is only a trial right.
Bruton talks about the fact that
this was used at trial, but it does not specifically
state that it's only a trial right, and it's quite
interesting that the Constitution, the right to
confront, only applies sanetimes, which is not the
case.
This is a criminal proceeding. We
are here. They are required to show slight or
marginal evidence, probable cause, and in all due
process proceedings we have a right to confront.
THE COURT: All right. Want me to take a
look at the cases?
not a -- anything else. It's a trial right issue.
MR. MANN: First of all, Witzenberg, the case that they cite, was actually one of the line of cases that I had pointed out to your Honor regarding the fact of credibility being an issue in preliminary hearing, and that your Honor could absolutely consider credibility and those items. So it's kind of humorous that that case is calling up now after they said that we couldn't get into any credibility issues of any of these witnesses as we had no rights to be able to do that, but that being said, Bruton does not specifically state that it is only a trial right. Bruton talks about the fact that this was used at trial, but it does not specifically state that it's only a trial right, and it's quite interesting that the Constitution, the right to confront, only applies sanetimes, which is not the case.

This is a criminal proceeding. We are here. They are required to show slight or marginal evidence, probable cause, and in all due process proceedings we have a right to confront.

THE COURT: All right. Want me to take a look at the cases?
that they can say it doesn't apply.
MS. LUZAICH: The anticipation -- the statements made in anticipation of trial and hearsay, those are Crawford issues, and Crawford is also a trial issue and is not a preliminary hearing issue. witzenberg and in the Nevada Supreme Court and other United States Supreme Court case are very clear, they do not have a constitutional right to cross-examine at preliminary hearing. They do not have Bruton rights at preliminary hearing. All of those are trial issues, not preliminary hearing issues.

THE COURT: I know I have cases on them.
I admit that I don't remember the names of them.
MS. LUZAICH: W-i-t-z-e-n-b-e r g.
THE COURT: That's a Crawford issue.
MS. LUZAICH: Yes.
THE COURT: That's a case that goes
directly to Crawford, confrontation of witnesses.
MS. LUZAICH: Directly to Grawford, confrontation.

THE COURT: What's the other one?
That's a Nevada case.
MS. LUZAICH: Yes, that is a Nevada case.
And then Bruton itself says that it's a trial issue,

MS. LUZAICH: Sure. I'm trying to get in here to find the citation.

MR. RUE: Judge, on the issue of credibility, I have a copy of Witzenberg, if the Court would like to review it.

THE COURT: I'll take it and look at it.
I know I have a whole other research file on confrontation and Crawford issues.

MR. RUE: The site is 122 Nv .1056. THE COURT: We'll be in recess for about five minutes.
(After a recess the following proceedings were had.)

We're back on the record on the Solander case and Hinton case.

Just to refresh my memory about
Witzenberg, because I couldn't remember the case, but the Bruton case, it specifically addresses the Sixth Amendment and the confrontation clause. At trial, I will say, it was at trial, but the gravamen of the legal theory was a violation of the confrontation clause.

In Witzenberg, which is a Nevada
subsequently came out with Melendez Diaz. Does a document prepared for prosecution have a
confrontational right.
THE COURT: That what?
MR. MUELUER: Massachusetts v. Melendez
Diaz came out about three years ago, said, and the language here says, absent further ruling from the United States Supreme Court --

THE COURT: This is a Nevada Supreme
Court or U.S. Supreme Court?
MR. MUELTER: U.S. Supreme Court.
Massachusetts v. Melendez Diaz. Affidavits from chemist and that sort of document also attached to confrontation clause here.
secondarily, the Nevada Supreme Court ruled about two months ago, less than a month ago, City of Howard -- or City of Reno v. Howard, they found the exact language included in the statute in Witzenberg unconstitutional.

A, there's a substantial and bona fide dispute as the facts in the affidavit. Not a month and a half ago they wrote that that language was unconstitutional under Crawford and Melendez Diaz. That was language they used to uphold witzenberg case.

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Supreme Court case from 2006, albeit there was a
dissent, the majority specifically says that the
Sixth Amendment confrontation clause, and, therefore,
Crawford, which is obviously the prevailing case in
that arena, is not applicable to preliminary
hearings.
There was a dissent that I believe the defense has verbatim, almost verbatim argued today, and maybe it remains to be seen whether the Supreme court will change its mind, but I see those as being the issue at hand today.
MR. MANN: Your Honor, I appneciate that, and I respect your ruling. I just wanted to add, while you were out I was doing sane research as well, and bring, your Honor, to the Court's attention Coleman v. Alabama, 399 U.S. 1, a United States Suppeme court case from 1970, where it specifically says the prelininary hearing -- sorry:
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MR. MUELJER: It was they could find --
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MR. MUELJER: It was they could find --
they found generally no Sixth Amendment right under
they found generally no Sixth Amendment right under
the constitution at preliminary hearing, but then
the constitution at preliminary hearing, but then
pointed out that there's a Nevada statute right on
pointed out that there's a Nevada statute right on
point that says it, and this statute is the
point that says it, and this statute is the
exception.
exception.
                    And so it was -- we're talking
                    And so it was -- we're talking
literally about an exception to the exception to the
literally about an exception to the exception to the
rule, which is confrontation. Now, I do not see that
rule, which is confrontation. Now, I do not see that
this supports the proposition that Miss Luzaich is
this supports the proposition that Miss Luzaich is
arguing that there is right to confront and
arguing that there is right to confront and
cross-examine.
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cross-examine.

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THE COURT: The conclusion of Witzenberg, and, again, I just looked up Witzenberg and Bruton. If you want me to look up those others cases that you're saying were more recent, I will for this same issue, but I'm just looking at the conclusion of Witzenberg, which is, as far as I know, good law still. I don't know that the Nevada Supneme Court or the United States Supreme Court has reversed it, but maybe you do. I don't know. It says:
We corcluce Lra, Lhe SixLis
Fmentment. cor=rortation clavae and Coudrord do row awply os arelirurary hearirg. We "urtioe- corcliuse
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document, the statement.
The reasoning is does not get away from Nevada's statutory right to confront and cross-examine, which is here and still in effect. The exception here that they used in this Witzenberg case was a narrow issue for a very limited purpose, and even then identical language has been subsequently overtumed about a month and a half ago. So, now, the confrontational right is here, or the statutorily, the state has through its machinations joined these defendants together to deprive two of the three defendants a right to confront and cross-examine this witness in violation of the Nevada statute.

THE COURT: Well, I would agree that these cases are very narrowly -- I mean the facts in the cases are very fact specific. I would agree that in Witzenberg it was for an affidavit for value of property, ownership of property or something like that for out of state witnesses. That's pretty narrow.

It's not as disputed as maybe what we're talking about here, which is some sort of what sounds like some statements that are going to incriminate other defendants, kind of like a Bruton
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Now, I know there has been some recent cases kind of involving like the DUI affidavits, et cetera. I don't, to be honest with you, keep up with them too much if they're specific to DUI, nurse affidavits, because those aren't the cases I'm handling right now, but if you're saying there is recent case law that basically overrules Witzenberg --
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MR. MUELJER: Month and a half ago, it didn't explicitly overrule it, but it overruled the reasoning. And it said specifically that a month and a half ago it says the affidavit violated the confrontation clause in Nevada statute that says when the defendant establishes a substantial bona fide dispute, it's unconstitutional. That shows reasoning.

> Here's what my colleague is arguing, and here's where it's wrong. She is saying that because Witzenberg said there was no constitutional right, we can do pretty much whatever we want, or words to that effect. We can use this
issue. So I agree with you that Witzenberg is sonewhat fact specific.

The problem I'm having -- I
shouldn't say the problem. The way I'm reading
Witzenberg though is the conclusion is as broad as it cones. It doesn't say here is how we're detemining it in this specific fact under these specific affidavits with these specific out of state witnesses, only intending to prove $X, Y$, and $Z$. It's saying Sixth Amendment confrontational clause does not apply to the preliminary hearing examination because the preliminary hearing examination is the statutory creation anyway.

MR. MUELJER: True, but I still stand on the statute that gives us the right to oonfront witnesses against him, and that's exactly what they did in Witzenberg. There's no constitutional right, but we have a statutory right, so let's throw away the constitutional discussion. Let's put it aside. I'm invoking on behalf of Mr. Solander the statutory -- the Nevada statutory constitutional right to oonfront witnesses against him. They're going to come in and use a hearsay statement from a co-defendant, which deprives me of
the right to confront and cross-examine that witness.
MS. LUZAICH: He is specifically leaving Out the most important part of the statute that he's basing his argument on.

In Witzenberg and in Melendez Diaz, the DUI case, there is a specific statute here in Nevada, 171.197, that talks about the using an affidavit in court. In subsection 4, specifically -or at a preliminary hearing. It specifically gives the state the right to use an affidavit at preliminary hearing, but under subsection 4 of that statute it gives the defense the right to object. so that statute specifically gives the defense the right to object. There is nothing in Witzenberg that gives the defense the right to object to everything else. The only reason Melendez Diaz and those cases pseudo overruled that portion of Witzenberg is because of the statute that gives them that ability.

There is no statute that gives them that ability for the information that we are bringing in. They don't have a statute that says, you can object, and, therefore, the state has to bring in the person, where they do have that right based on that statute for that limited affidavit
objection; hearsay, when they say what else did she say.

MR. MUELJER: Counsel, you did it
yesterday.
MS. LUZAICH: Because that was their client yesterday. It's a different issue. THE COURT: I appreciate everybody's arguments. I think they're all reasonable. I think they're all reasonably legally based, frankly. Unfortunately, I probably used that bad term, unfortunately, we have a situation in Nevada where we have the statutory function of a preliminary hearing. That function gets looser and looser and looser. And it's up to the Nevada Suprene Court and the United States Supreme Court to detemmine what is and is not allowed and constitutional under the preliminary examination statutory function.

I am, as I am directed to do, looking at what I believe to be good Nevada case law. Witzenberg. I do not believe Melendez Diaz overrules Witzenberg. And it is so broad in that the conclusion, the very first sentence of the conclusion is, we conclude that the Sixth Anendment confrontation clause does not apply at a preliminary
purpose.
THE COURT: Well, I understand your
argment. Which statutory right do you believe is cross-examination, because, frankly, the cross-examination statute that I'm looking at is 171.196, section 5, that says the defendant may cross-examine witnesses against him or her and may introduce evidence in his or her behalf. It doesn't say shall have the right to cross-examine witnesses against him.

MR. MUELTER: It shall have the right to cross-examine the witnesses against him. She's not going to take the stand.

MS. LUZAICH: It says may.
THE COURT: I'm saying it says may.
MR. MUELTER: So I may. If you're going to put this on, here's what going to happen. The witness is going to get up there and say, she said this. Then I'm going to say, what else did she say, and ny colleague's going to pop up and say hearsay. Now, that's not may cross-examination. That's going to be depriving Mr. Solander of his right to -- statutory right to cross-examine.

MS. LUZATCH: I'm not going to say,
examination.
It doesn't matter if I agree or disagree with that. I have to apply it. I think I have to apply it, unless something tells me not to apply it. And I'm going to apply it, and so I'm going to, I guess, decline Mr. Mann's, I don't know, request to, whatever you want to call it, exclude what sounds to be like a statement from Miss Hinton and let the chips fall where they may in a higher court.

MR. MANN: Thank you, your Honor.
THE COURT: Now, of course, that's if they introduce that evidence. Obviously, the discussion is all theoretical in nature if they don't even seek to introduce that evidence, but it sounded like at the begirming of this argument that they will be seeking to introduce some sort of statements by Miss Hinton.

MS. LUZAICH: Yes, we are.
THE COURT: All right. You can call your next witness.

MS. LUZAICH: Thank you. The State calls Detective Enery.

THE CLFRK: Please be seated.
State your first and last name and

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spell both for the record.
    THE WITNESS: Frances Emery,
F-r-a-n-c-e-s, E-m-e-r-y.
    THE COURT: Thank you.
        You can proceed.
    MS. LUZAICH: Thank you.
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DIRECT EXAMINATION
YY MG. TIJZA-G':
    Q. Ma'am, are you a police officer with the
Las Vegas Metropolitan Police Department currently
assigned to the Crime's Against Youth and Family
Bureau?
    A. Yes.
    Q. How long have you been with Metro?
    A. I've been a police officer for 10 and a
half years.
    Q. How long have you been with crimes
Against Youth and Family?
A. 15 months.
A.
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    THE COURT: Yes.
MS. LUZAICH: Thank you.
BY MS. LUZAICH:
    Q. Where did you have this conversation with
Miss Hinton?
    A. Folice headquarters.
    Q. And what time of day was it?
    A. The interview started at 8:11, 2011
hours.
    Q. In the evening?
    A. Yes.
    Q. At the time that you conducted this
interview was it tape recorded?
    A. Yes.
    Q. Had you had some conversation with
Miss Hinton earlier in the day?
    A. Yes.
    Q. And at that time had you read her some
rights?
    A. I did.
    Q. What rights did you read to her?
    A. Her Miranda rights.
    Q. Did you read them fram a card or from
memory?
    From a card.
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Q. Specifically, what is it that you do in
the Crimes Against Youth and Family?
A. In abuse/neglect we irvestigate child abuse, elder abuse, and elder exploitation and everything that encompasses that.
Q. I'm going to direct your attention to March of 2014.
Did you become involved in an irvestigation into individuals known to you as Janet Solander, Dwight Solander, and Danielle Hinton?

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A. Yes.
Q. And pursuant to your investigation on March 20 of 2014, did you have an interview with Danielle Hinton?
A. Yes.
Q. Do you see Danielle Hinton here in court today?
A. Yes.
Q. Can you describe where she's sitting and point to her?
A. She's sitting at the end of the defendant's table. She has her hair in a -- pulled up. She's wearing the blue.

MS. LUZAICH: The record reflect the
identification of the defendant Danielle Hinton.
Q. Was that a department issued card?
A. Yes.
Q. Did she indicate to you that she did want to talk to you?
A. Yes.
Q. And then at 8 or so that evening did she in fact speak to you?
A. Yes.
Q. Did you ask her questions about things that went on with children known to you as Ava Solander, Amaya Solander, and Anastasia Solander?
A. Yes.
Q. And did Miss Hinton talk to you about the fact that she did not live with the Solanders the whole time that -- the adult Solanders the whole time that the children were there?
A. Yes.
Q. Where did Miss Hinton indicate that she had been?
A. She stated she left for college in 2011, was there for her freshman year, and returned after her freshnan year was over.
Q. Did she indicate to you that the children had come to the Solander household before she left for college?
A. Yes.
Q. So she did live with them to sone degree before school?
A. Correct.
Q. And did she indicate that the Solanders lived in the same hone before Danielle went to college as when she returned?
A. Say that again.
Q. Did she indicate that the Solander household resided in the same physical home before she went to college as after or were there two different hanes?
A. There were two different hones.
Q. And when she returned from college was it a house on Wakashan?
A. Yes.
Q. And when she returned from college was it just the three; Amaya, Ava, and Anastasia, or were there other children as well for at least a period of tine?
A. There were other kids there for a period of time.
Q. And did she indicate that when she had cone back from college Anaya, Ava, and Anastasia had been adopted by Dwight and Janet Solander?
picture of the bucket with the toilet?
That came out wrong. The bucket with the toilet seat on top, sorry.
A. Well, uy perception of how she acted was she didn't really know what it was, and so I ended up questioning her further on it, and she ended up beconing truthful after that.
Q. When you say she appeared to not know what it was, why did you think that that wasn't accurate?
A. I think it was how her body language.

She started saying -- she told me it was -- it looked like a bucket with a toilet seat, but the way she said it, she didn't appear to know what it was.

MR. MUELJER: Objection. Never mind. Withdrawn.
BY MS. LUZAICH:
Q. Did you ask her more about it?
A. Yes.
Q. And then what did she say?
A. She said that that bucket with the toilet seat, the kids, all three of the girls sat on it and would use that for the bathroom, the toilet.
Q. Did she indicate for how long a period of time they would sit on it?
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A. They had been adopted before she left for college.
Q. Oh, okay.
Did you talk to Danielle Hinton after you had spoken to her or at least seen interviews conducted with Ava, Anaya, and Anastasia?
A. Yes.
Q. So you knew what allegations had been made?
A. Yes.
Q. And did you ask Danielle questions about those allegations that had been made?
A. Yes.
Q. In the begiming of your interview did Danielle indicate that anything inappropriate had been going on?
A. No.
Q. Did something happen during the course of your interview that she then became what you perceived to be as more forthcoming?
A. I showed her a picture.
Q. What picture did you show her?
A. I showed her a picture of a bucket with a

``` toilet seat on top.
Q. How did she react when you showed her the
A. She wasn't completely clear on that. MR. MUELTER: Objection; foundation.

If I understood the testimony so
far, young Miss Hinton is out of the house. When did this happen, when did this occur. We've got a general discussion about what the officer thinks she knows. It's not evidence. It's just speculation.

THE COURT: Well, it's only whatever
she's told, I suspect, so you can rephrase your question, but I don't know that there's going to be much more detail or foundation. There may be

MS. LUZAICH: Not yet.
THE COURT: I don't know.
BY MS. LUZAICH:
Q. Let me rewind just a little bit.

You said that Miss Danielle Hinton
had gone to college. Did she indicate to you when she came back?
A. Well, she came back after her freshman year, the summer of 2012.
Q. Surtmer of 2012.

And you are conducting this
interview in March of 2014?
A. Correct.
Q. And did you talk with her about the --
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and did she indicate to you that she lived in the
home with Dwight and Janet Solander and Ava, Amaya,
and Anastasia Solander in those two years between
when she came home in the summer of }2012\mathrm{ until March
2013 -- 2014, when you're talking to her?
A. Yes.
Q. Were you clear with her that you were wanting to talk about at this point the time period between when she came home in the summer of 2012 and March of 2014 while you were conversing?
A. Yes.
Q. And did she indicate for how long periods of time the girls would have to sit on those buckets with toilet seats on them?
A. She said they sat throughout the day, but they would stand up, sit down, stand up, sit down. They weren't constantly sitting on it. They would stand up at times.
Q. Did she talk about why they were sitting on the buckets, like was there a problem, they were having an issue?
A. Yes, because they couldn't hold their wrine.
Q. Did you talk to her quite a bit about the ability or inability to hold urine and/or bowels?

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THE COURT: Well, she didn't say Denielle did. She said Dwight and --

MS. LUZAICH: I know. I was getting
there.
THE COURT: Oh, okay. Then go ahead and get there.
BY MS. LUZAICH:
Q. Did she also indicate that she had spanked the girls with paint sticks?
A. No.
Q. She didn't ever indicate to you that she had spanked the girls with paint sticks?
A. No. I specifically asked her later on in the interview and she said no.
Q. Did she talk about the girls having been spanked with paint sticks?
A. Yes.
Q. Did she indicate that there were any injuries that occurred from the being spanked with paint sticks?
A. Yes.
Q. What were the injuries?
A. She stated she observed Anastasia to have -- well, first of all, she said that she saw their skin and it was chapped, their bottoms, and she
A. Yes.
Q. What did she have to say about that?
A. She stated that the problems that she noticed with holding their -- or having their toileting accidents, meaning urinating or defecating on themselves started when Dwight and Janet put them on a bathroom break, which occurred every hour. She said once that started, once that plan was put into place, she noticed that their toileting issues became worse.
Q. Did she describe what would happen when or if they had accidents?
A. Yeah. They would get spanked.
Q. Did she say what they would get spanked with?
A. A paint stick.
Q. Did she say who would spank them?
A. Dwight and Janet.

MR. MUELJER: Objection; hearsay.
THE COURT: Miss Luzaich.
MS. LUZAICH: Statements against interest
for one, and I mean if the Court is unconfortable
with it, the Court can consider those statements as they pertain to Danielle and not as they pertain to Janet and Dwight.
also saw blood seeping through Anastasia's panties after being spanked with the paint stick on one occasion.
Q. Were they spanked on bare butt?
A. Yes. They were spanked standing up or they were --

MR. MUELUER: Objection; hearsay. This is a hearsay statement related out of court for the truth of the matter asserted.

THE COURT: Doesn't my previous rule apply though or is this some other objection? I mean you can have a standing objection.

MR. MUELUER: I need to have a standing objection, Judge. This witness is putting words in his mouth and I'm not going to be able to cross-examine or do anything about it.

THE COURT: Okay. Standing objection. Standing objection for Mr. Marn, not for Mr. Pue. BY MS. LUZAICH:
Q. Did Miss Hinton -- did you ask if arything would happen if the girls peed or pooped in the buckets?
A. They would get spanked.
Q. With what?
A. I would have to look at my statement. I don't know if I specifically asked her at that point exactly what they would be spanked with. I would have to look.
Q. Did you get a -- you said it was tape recorded?
A. Yes.
Q. Was it then transcribed?
A. Yes.
Q. Do you have a copy of your statement with you?
A. I do.
Q. Would it refresh your recollection to review your statement?
A. Yes.
Q. I would invite your attention to page 71.

MR. MANN: Your Honor, Just to be clear,
is it her statement or Miss Hinton's statement?
THE COURT: I think that's a fair
question.
You keep saying her statement. Is this officer's statement 71 pages?

MS. LUZAICH: Oh, no. Miss Hinton's. I
apologize. When I say her statement I meant
Miss Hinton's.
\(\square\)
A. They were put in the shower, and if they peed on themselves, they would be -- they would have to take a cold shower. They were also, if they had an accident and they were in the shower, they would get a pitcher of ice dumped on them either before or after.
Q. How -- when they were done with the shower, how would they get to dry off?
A. They would either air dry, once in a while they would have a towel, or they had a fan, standing fan that was either placed in the bathroom or right outside the bathroom door, and they would be made to dry off with that. And they also had five minutes to dry off.
Q. Did you talk to her about feeding the girls as well?
A. Yes.
Q. What did she say about feeding the girls?
A. She said that they had blended food.

Janet would blend up the food. And they were served blended food three meals a day.
Q. Did she say what kind?
A. She said quinoa and oatmeal for
breakfast, and there was also blended up vegetables, beans, and rice.
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THE WITNESS: Page 71? 35
MS. LUZAICH: Page 71. 70 and 71.
THE WITNESS: They would get spanked with
a paint stick.
BY MS. LUZAICH:
Q. Did she indicate that that was the nomal
discipline?
A. Yes.
Q. Did you talk to her about whether or not
there was a timer for the bathroam?
A. Yes.
Q. What did she tell you about a timer?
A. She said that they were timed as far as
how long they could urinate and defecate while they
were in the bathroom.
Q. Just so we're clear, you had mentioned
that there were other children in the residence.
Did these rules only apply to
Amaya, Anastasia, and Ava?
A. Yes.
Q. Did you talk to her about how they might
clean up from or get cleaned up from having
accidents?
A. Yes.
Q. What were you told?

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talking about?

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A. Yes.
Q. Can you describe it for us?

MR. MUELJER: Objection.
THE COURT: Hold on. There's an
objection.
MR. MUELJER: How are they going to
establish what fan was used let alone if it's the same fan.

THE COURT: WEll, rephrase.
BY MS. LUZAICH:
Q. Did you show her a picture of the fan?
A. Yes.
Q. Did she point out the particular fan?
A. Well, she said something to the effect
that it was like the fan in the picture.
Q. Describe the fan that you saw -- did you see the fan in the house?
A. I can't recall. I was only there for about 15 minutes.
Q. Describe the fan in the picture.
A. The fan in the picture is a big white floor fan. It's a square box floor fan.
Q. When you say big and white, you were
using your hands out, so guestimate how high, how
A.

Yes. Sonetime they were made to put their underwear, their soiled underwear on their head and crawl around saying, goo goo gaga, I'm a baby. Also Danielle observed at least one time where they had to put the underwear in their mouth and crawl around.
Q. What was that conduct utilized for?
A. Humiliation or because they had an accident.
Q. Did you ask Danielle anything about catheters?
A. Yes.
Q. What about catheters?
A. I asked her if they had any catheters in their home, and she said, we used to. I said, how did you know that, and she said, well, that's what they threatened when -- she said they a lot. She's referring to Janet and Dwight.

MR. MUELLER: Objection. Not only am I not allowed to cross-examine and not only is this hearsay, but now I'm getting informed speculation about what the witness meant when she didn't mention anybody by name. Now, cross-examination, they, oh, it means my client too. How do we know that.

THE COURT: I'll allow you on

Q. And was in jail?
A. Yes.
Q. And did you get a search warrant for

Dwight Solander's email account and provide it to the enployer?
A. Yes.
Q. And did the employer give you the --
whatever was in the email account on disk and drive?
A. Yes.
Q. And did you then have the opportunity to view Dwight Solander's email account that was provided to you by his employer?
A. Yes.
Q. And did you see photographs from that
email account?
A. Yes.
Q. What did you specifically see photographs of that pertain to the kids?
A. Soiled underwear. I saw photos of the girls in soiled underwear, diarrhea streaming down their legs. I also saw receipts of catheters purchased by Dwight Solander.
Q. Did you also see emails between Dwight --

MR. MUELUER: Objection; hearsay. What's the best evidence rules are the documents.
being used against my client.
THE COURT: It might be speculation.
Can you lay sane foundation?
MS. LUZATCH: Well --
THE COURT: I don't know if it's
speculation.
MS. LUZAICH: He said she testified she's
out of town.
BY MS. LUZAICH:
Q. I mean very clearly I asked you earlier, the statements that you are getting from Miss Hinton at this point are things that she observed after she came back from school; is that correct?
A. Correct.
Q. And when she indicated that Dwight bought the catheters, did she indicate how she knew that?
A. No.
Q. Did there cone a time that you had conmunication with Dwight Solander's employer?
A. I did.
Q. And did that pertain to Dwight Solander's email account through his enployment?
A. Yes.
Q. Was that after he had been arrested?
A. Yes.

THE COURT: Okay. I'm kind of confused because I don't know the disoovery. Are these photas that are like attached to an email from Mr. Solander?

MS. LUZATCH: I will be happy to ask that question.

THE COURT: Can you kind of lay sone foundation at least where the photos came from, et cetera, et cetera.
BY MS. LUZAICH:
Q. The photos you saw of the girls with soiled underwear or diarrhea running down their legs, how were they in the email account; I mean were they attached to emails going from Janet to Dwight or -MR. MANN: Objection, your Honor. First of all, it was never said it was going to and from Janet. That is sanething that Miss Luzaich put in there. Second of all, we don't know who the account was from.

All we know right now is that this disk came from Dwight's employer. That there's no chain of custody. There's no issue. So to say that it came from Janet at this point would be extreme -THE COURT: She didn't say that. She asked it.

MR. MANN: But she said these emails


\section*{multiple emails?}
A. Vultiple.
Q. And who were they from and to? MR. MANN: Objection.
BY MS. LUZAICH:
Q. Who did it appear that they were to and frant?
A. There were some to Janet from Dwight, and there were sone from Dwight to Janet.
Q. And --

THE COURT: I'm confused. So these are
emails that predate -- you mentioned, because I think
Miss Luzaich asked you about after they were arrested you subpoenaed the employer, so I just want to make sure for the record and I'm clear, these emails predated arrest; is that correct?

THE WITNESS: That's correct.
THE COURT: The date on them. You just
received them after arrest?
THE DEFENDANT: Correct.
THE COURT: Okay. All right.
MS. LUZAICH: And it was search warrant,
not subpcena, so the record's clear.
THE COURT: Excuse me, you're right.
MR. MANN: Your Honor, just so I

THE COURT: I understand. Overruled.
MS. LUZAICH: The defense has them. I mean we can print them all out and she can look at them.

MS. BLUTH: If you want to take a recess,
I will print out every single one if this objection
is going to continue going.
THE COURT: I guess she can probably
testify who they appear to be fram.
BY MS. LUZAICH:
Q. Who did they appear to be from?
A. There were emails back and forth from Janet and Dwight and --

THE COURT: She specifically -- let's try to be specific. The specific question right now, are the photos that you said were attached to an email, were those emails from Dwight or appeared to be from Dwight?

THE WITNESS: There were both. There
were both. There was quite a few.
BY MS. LUZAICH:
Q. Which was my next question. Was there one photo, were there unultiple photos?
A. Multiple.
Q. And were there, therefore, one email or
understand it as well, this detective testified that
she was given a disk from the employer. It wasn't as if the police came in with a forensic unit and examined the computers and retrieved these items.

These are items that were given to this detective from the employer, who had done its own analysis and given that. So I think there's a chain of custody issue and a foundational issue as to these emails, which was going back to what my original objection was.

MS. LUZAICH: It goes to the weight, not the admissibility at this point.

THE COURT: I agree. Overruled.
BY MS. LUZAICH:
Q. You said there were mumerous photos and it appeared to you that they were attached to emails that went back and forth between Dwight and Janet Solander?
A. Correct.

THE COURT: So you were asking -- you got to soiled underwear, diarrhea, and receipts purchased by the wife. Then there was an objection.
BY MS. LUZAICH:
Q. You said you found actual receipts in the emails for purchases of what?
A. Catheters
Q. And were there multiple receipts for purchases of catheters by Dwight?
A. Yes.
Q. And in the course of your investigation did you hear from sonebody that Janet Solander may be a nurse?

MR. MANN: Objection; hearsay.
THE COURT: Sustained.
MS. LUZAICH: I mean that's foundational.
BY MS. LUZAICH:
Q. Did Janet Solander say that she was a nurse to somebody?
A. Yes.

MR. MANN: Objection; hearsay.
THE COURT: Hold on.
Sustained.
MR. MANN: Thank you.
MS. LUZAICH: Party opponent.
THE COURT: Lack of foundation. I don't
even know who it's coning from
MR. MANN: You don't even know who she said it to.
(Overlapping speakers)
Q. Okay. Did you talk to her then or why would you Mirandize her then and not interview her?
A. Because we were -- they were sitting on a curb outside, and when we conduct our interviews we do them individually, and I had planned to bring her back to headquarters to do the interview.
Q. When you Mirandized her was she under arrest at that point?
A. Yes.
Q. So you brought her back to police
headquarters and you put her in a room, handcuffed her to the table?
A. Correct.
Q. And it was you and is it Specialist

Barker?
A. Abuse/Neglect Specialist Candace Barker.
Q. What was the first name?
A. Candace.
Q. Candace.

And you got to interview her at, as you said, 8:11 that night?
A. Correct.
Q. And the interview went on until 10:45?
A. Yes.
Q. I don't want to trick you, if you want to
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BY MS. LUZAICH:

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Q. Well, did you do an investigation to see if Janet Solander was a nurse?
A. I did.
Q. And is she?
A. No.

MS. LUZAICH: Thank you. I have nothing
further.
MR. MANN: We're going to let Mr. Rue go
first.

\section*{CROSS-EXAMINATION}

FY MR. ₹ITF:
Q. Detective, I want to ask you, you said that you spoke with Danielle.

Was that -- the first time you
spoke with Danielle was at the house?
A. Yes.
Q. At the Wakashan house?
A. Correct.
Q. And that was during the execution of the search warrant.
A. Correct.
Q. And that's when you Mirandized her?
A. Yes.
check it.
A. I'mpretty sure that's oorrect. If you don't mind me checking.
Q. Sure.
A. 10:54, yeah.
Q. \(\quad 10: 54\).

So a little over two and a half
hour interview?
A. Yeah.
Q. And sort of the -- I think you talked
about it, sort of there was like a moment.
Before that Miss Hinton had been a
little vague, a little evasive with you; is that right?
A. Comrect.
Q. And then there was a monent that you showed her the picture and that was sort of confrontation moment?
A. Right.
Q. I'll call it a confrontation monent, but you showed her the picture, and you're like, you know what, you're not really being honest with us, true?
A. That's true.
Q. And she changed?
A. Yes.

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A. The interviews with the three girls were
held at the Children's Advocacy Center. I was not
the one who personally interviewed them; however, I
was in a room where we can observe.
Q. Observing?
A. Yes.
Q. That was what I was meaning to ask.
A. Yes.
Q. So you were ammed with infommation, there

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were a lot of interviews with other children as well
in this case; is that true?
A. Yes.
Q. Were you observing those -- did you
observe any of those interviews as well?
A. Yes.
Q. Like, for instance, Ivy was interviewed?
A. Right.
Q. Little girl that was there at the time
when some of this was going on?
A. Correct.
Q. Areahia Diaz, was that one as well?
A. Yes.
Q. So you knew that information going into the interview with Danielle as well?
A. Yes.
being specific about the question?
MR. RUE: Right.
THE COURT: Or in her answers.
THE WITNESS: Yeah. I would say for the
most part she was.
BY MR. RUE:
Q. And you asked her more than once about her using paint sticks on the kids, true?
A. True.
Q. And this was during the time when she was telling you about the catheters, about the buckets, about the boards on the beds; that was during that time, correct?
A. Yes.
Q. And mone than once she told you, no, she never used the paint stick on the children?
A. Correct.
Q. Prior to interviewing her, I think I heard you agree with Miss Luzaich that you had reviewed the interviews from Ava, Amaya, and Anastasia?
A. Yes.
Q. Now, were you present when those
interviews took place or how were you made aware of those?
Q. You also had a report from Florida CPS?
A. Yes.
Q. That was the initial report or the first official interview of the children for the investigation; is that true?
A. Yes.
Q. You had the report. Had you talked to the person that did the interview?
A. No.
Q. So all you really had was the report?
A. Yes.
Q. It's true that the Florida report doesn't mention Danielle at all; is that true?

MS. LUZAICH: Objection; hearsay.
BY MR. RUE:
Q. Well, based on your investigation going into the interview, you -- this was relevant toward your investigation in asking Miss Hinton questions; am I right?
A. That was part of it.
Q. Part of it.

MR. RUE: So what's the objection?
THE COURT: Hearsay.
MS. LUZAICH: Hearsay. It's an out of
court statement.

THE COURT: You're offering it for the truth of the matter.

MR. MUELJER: Just like she pronised she wouldn't do. Sorry.

THE COURT: No, that's totally different. He's asking about a Florida CPS report.

MS. LUZAICH: A piece of paper.
THE COURT: So not Miss Hinton's statement. So the objection is, because you're asking her about what was contained or not contained in a CPS report, and the objection is hearsay.

My question is, would you like to
respond to that?
MR. RUE: Court's indulgence.
THE COURT: Sure.
MR. RUE: Judge, the kids testified that they all talked to the Florida people and that they all said that we talked about Danielle. This is inpeaching of that in that the report itself that I'm asking her about that's relevant does not mention Danielle one time.

MS. LUZAICH: Well, then he needs to bring in the person who wrote the report and ask him the question. That is hearsay.

MR. RUE: It's impeachment of the
guessing. I'd have to look at my paperwork, my case file, which is huge.
Q. When you first received this case -- I take it you were assigned this case?
A. I was.
Q. Through CPS?
A. Yes.
Q. And was your investigation of Danielle
before or after the Florida report when she became a suspect?

MS. LUZAICH: Objection; vague.
THE COURT: If it's vague to her, I'm
sure she's eloquent enough to tell him she doesn't understand his question.

THE WIINESS: I just don't want to give you wrong information.

MR. RUE: I don't want wrong information.
THE WITNESS: I mean it was probably when
the girls were interviewed, forensically interviewed.
THE COURT: In Las Vegas?
THE WITNESS: Yes, in Las Vegas.
BY MR. RUE:
Q. When you talked about your case file you said it was thick?
A. Yes.
statements made by the children.
MS. LUZAICH: But you've got to impeach
with legal evidence, and that's not legal evidence.
THE COURT: If you're offering it for the truth of the matter asserted in it or lack thereof,
if you will, I believe it is hearsay, and I don't believe there's an exception that you've raised.
Sustained.
BY MR. RUE:
Q. During the course of an irvestigation, is it inportant to get all the fact out as early as possible?
A. Yes.
Q. And to find out, talk about all the suspects that are involved in the case?
A. Yes.
Q. When did Danielle's name first get
mentioned as a suspect in this case?
MS. LUZAICH: Objection; hearsay.
THE COURT: Well, mentioned. I mean --
BY MR. RUE:
Q. When did you first start investigating

Miss Hinton on this case? I mean if you know, if you can recall.
A. I would be -- I would probably be
Q. Mone than one folder?
A. Yes.
Q. And contained in that I suspect are a
bunch of CPS reports?
A. Yes.
Q. Including -- well, let me ask you this.
During your investigation have you
cone across information where CPS had investigated
the use of paint sticks in that home?
A. Yes.
Q. Have you cone across information where
CPS investigated the use of paint sticks and found it
unsubstantiated for abuse?
THE COURT: Hold on. Are you talking
about -- MHS. LUZAICH: Objection; hearsay.
THE COURT: -- prior to or are you
talking about this incident?
MR. RUE: Prior to this incident.
THE CoURT: So at some other
investigation at sone other timeframe is your
want to get the timeframe down.
so you're talking about some sort
of prior investigation.
MR. RUE: Right.
THE COURT: All right. And
Miss Luzaich's objection.
MS. LUZAICH: Objection; hearsay, because he's asking what did the CPS documents say. That would be hearsay.

MR. RUE: I'th asking her had she come across arrything like that in her irvestigation.

THE COURT: She answered yes.
MS. LUZAICH: It's hearsay. Move to
strike.
THE COURT: Well, your question did imply a statement. She reviewed prior CPS records. That answer's yes. The contents of which is probably -are probably hearsay.

MS. LUZAICH: It's definitely hearsay.
MR. RUE: By the way, these are reconds
that I believe the State has and we do not.
MS. LUZAICH: We most certainly do not.
MR. RUE: I think we had a full hearing on this, Judge, that you ruled that their CPS records are not allowed to be -- are not discoverable at this
just this incident. I mean I think it's vague. I guess back to whether she knows what you're asking. BY MR. RUE:
Q. Detective Emery, are the CPS records of these kids of their time with CPS, are they relevant to your investigation?
A. Not -- well, they were brought into foster care a long time before this case came to my attention. And not just with the Solanders. So do I have every single piece of paper from CPS on their -when they first came to foster care? I'm not sure.
Q. Okay. Do you have the CPS records from when they started -- I'm sorry, when Ava, Annaya, and Anastasia, when they first were referred to and sent to the Solanders from today or whenever the investigation is closed and you file, do you have the CPS records, if you know, from the time that they were first given to the solanders until now?
A. I believe I do.
Q. And all of that is relevant because the Solanders are suspects in this child abuse case --
A. I miderstand.
Q. -- right?
A. Yes.
Q. I mean that's right?
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point.
THE COURT: Well, I reviewed CPS records. The records that I reviewed in camera, and yes, I did rule that way, were records involving this incident. I did not review in camera that I recollect, so don't quote the, something from, you know, 2010 or 2011, a whole set of irvestigative records, and I made clear what I was reviewing, records that I was reviewing, which I believe started, if I don't -- if my recollection serves me correctly, sametime in like March of 2014.

MS. LUZAICH: Right. And we do not have a complete set.
BY MR. RUE:
Q. Is it your belief, Detective, that you do have a complete set of records of CPS?

MS. LUZAICH: I'm sorry, I'm going to object: speculation, because nobody knows what a complete set is, unless they're working for CPS and have them in their hands.

MR. RUE: Yes, but --
THE COURT: Complete set in what --
MS. LUZAICH: It's not relevant.
THE COURT: -- pertaining to these kids
fran the time they're babies through all these or
MR. RUE: If I can have the Court's
indulgence one monent.
THE COURT: Sure.
MR. RUE: Detective Fnery, I don't have
any further questions.
THE court: We're just going to take less
than a three minute recess. Anybody need to text or
use the room. And I think our witness needs some
water, which our marshal's getting.
(After a recess the following
proceedings were had.)
iY Mr. MiNs:
Q. Detective Emery, you did an irvestigation
in this case, correct?
A. Yes.
Q. Part of that investigation included
looking at the history of these girls and the various
foster homes that they've been in, correct?
A. Yeah. CPS did more of that part of the
investigation.
Q. And you were privy to CPS's
investigation?


If you don't know, you don't know.
A. I don't know. I don't know that specific.
Q. All right. Now, you didn't do any sort of investigation to rule out various pictures of scars or injuries that you observed being taken from the medical exam oompared to previous allegations of abuse?
A. It was never come to my attention that there were any photos taken prior to that were abusive.
Q. So the answer would be no, then you didn't do any comparison?
A. Correct.
Q. Did you do any comparison of the statements of allegations compared to the photos of abuse that were taken in this case?
A. I don't think there were any-
Q. Were any what, statements of allegations or photos of abuse?
A. Photo of abuse or -- okay, go ahead and ask your question.
Q. I may have phrased that wrong, so let me try again.

In this case there were pictures
allegations that nay or nay not have been
A. Yes.
Q. And in reviewing those various llegations -- let me back up a second.

Did you have an opportunity to
observe the pictures that were taken fran the medical
examinations of each of these girls?
A. Yes.
Q. And did you becone aware of the various injuries of the pictures -- various injuries --
various pictures that depicted supposed injuries of these girls?
A. Yes.
Q. And in your investigation did you do any
sort of comparison of the alleged injuries and previous complaints of abuse?
A. I personally did not. I believe CPS -- I worked hand in hand with CPS, and they were in charge of that part.
Q. But you were privy to their
A. Yes.

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taken of each of the girls, correct?
A. Yes.
Q. And those pictures depicted what was
alleged or is alleged to have been abuse, correct?
A. Yes.
Q. Various marks, scars, what have you of the girls?
A. Yes.
Q. There is no indication where those marks, scars, or marks or scars on the girls' bodies came fran, correct, no physical evidence where those came from?
A. Correct.
Q. Did you ever take previous statements of abuse from CPS and compare what previously had been said to have happened and what was alleged to have occurred this time?
A. I honestly can't remember if I have. I would probably say no because I honestly can't remember. I wasn't prepared to be asked these questions about the CPS reports today.
Q. Detective, when you do an investigation you take notes?
A. Yes.
Q. And those notes help you walk through
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your course of investigation, correct?
A. Yes.
Q. And you keep those notes?
A. Yes.
MR. MANN: I have no further questions.
THE COURT: Cross-examination by
Mr. Mueller.

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\section*{CROSS-EXAMINATION}
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SY MR. MUEULLR:
Q. Detective, you said that you had a receipt showing that Mr. Solander purchased the catheters, and you saw it. Do you remember that testimony?
A. I didi't say I had it.
Q. You said you saw the documents?
MS. LUZAICH: Objection; argunentative.
He's yelling. He's getting in her face.
(Overlapping speakers)
MR. MUELUER: I would like to see the document. Where is this receipt? I've read the emails, I read the statement. This is wholly manufactured.

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I agree, she probably doesn't have them in her position right now, but if you have them, then -- do you have them with you?

MS. BLUIH: I have them at my desk. I gave them to each of the defense attomeys and Mr. Mueller's rumer. I spoke to Miss -- I spoke to Terry, of his office, and they picked it up on Thursday.

THE COURT: Because I was going to say, if you had the disk, we could print something off in my office.

MR. MUELJER: I'tn showing you the printout content of the disk. This is everything that was on this disk. We printed it out.

THE COURT: You're talking about the disk you just got on Thursday?

MS. LUZAICH: Is he sworn to tell the
truth?
MR. MUELUER: I don't know. I was in court with you all day yesterday.

THE COURT: We have a chain of custody
issue.
MR. MUELJER: Show me the receipts.
That's all I'm asking for.

MS. LUZAICH: Objection. Move to strike. And he's got the disk.

MR. MUELUER: Show it to me.
THE COURT: Do we have it?
MS. LUZAICH: Sure.
MS. BLUTH: Sure. I need to print out the receipts of Mr. Solander buying catheters. It's going to take a second, but I can.

THE COURT: Okay. By all means do I not want to belabor -- everytoody's talking over each, specifically me.

MS. BLUTH: I'm sorry.
THE COURT: Actually, not everybody, just Miss Bluth.

In all faimess, I mean she has been able -- I've let her testify to emails and photos that are attached to enails. It was never really clear to me whether these receipts were like part of a photo attachment or whether they were like included in an email, not really clear to me.

Everytoody kept saying the defense
has it. Mr. Mueller's saying he doesn't have it. So, with all due respect, I think he has a right to cross-examine on whatever emails and photos of receipts or receipts, whatever they are, that she

MS. BLUIH: It will take me a second.
THE COURT: Bring the disk that you're
talking about.
MS. BLUTH: I'll bring everything.
THE COURT: Mr. Marm?
MR. MANN: I have a half hour.
MS. BLUTH: He can still keep going.
THE COURT: That's good. That will work.
He'll keep on going with cross-examination other than the receipts.
BY \(\mathbb{M R}\). MUETTER:
Q. Ma'am, you testified on direct
examination that Miss Hinton said that Mr. Solander purchased catheters?
A. Yes.
Q. Here's her statement.
A. I have it.
Q. Will you show me where you interpret that statement?
A. It's going to take me a minute to find.

THE COURT: That's okay. We have time, sone time.

THE WITNESS: Do you want to start where
I ask her about the catheters?
MR. MUELJER: Yes, please.
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BY MR. MUETJEER:
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BY MR. MUETJEER:
    Q. What page are you referring to?
    Q. What page are you referring to?
    A. Page 108.
    A. Page 108.
        The second question I ask her is,
        The second question I ask her is,
do you guys have catheters in your home?
do you guys have catheters in your home?
    Q. I see that.
    Q. I see that.
    A. Do you want to read it first?
    A. Do you want to read it first?
    Q. Drawing your attention to the middle of
    Q. Drawing your attention to the middle of
page 109.
page 109.
    A. Okay.
    A. Okay.
    Q.
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    Q.
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statement?
statement?
    A. I told you that she said that.
    A. I told you that she said that.
    Q. And then can you read the answer, middle
    Q. And then can you read the answer, middle
of page 109?
of page 109?
    A. That starts with I never?
    A. That starts with I never?
    Q. Yes, ma'am.
    Q. Yes, ma'am.
    A. Okay. She said:
    A. Okay. She said:
                            - never, becal:se - close net. t.c.
                            - never, becal:se - close net. t.c.
        L rocer L, ati, i- wess disculsline, cred, you
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        <row, miy miom kncws. -'ve never seen her.
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        <row, miy miom kncws. -'ve never seen her.
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        .Ferr w.se a c:al.hel.er on limerr?
            Can you read her answer?
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            Were you present for the
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 -re catheter on tioem?

Arc shic siand

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T've rewer seen rer. T've rewer anc T
 not. \({ }^{-1 m}\) sime it. was, bid. T've never sexn il beccuse 1 -- anc -- anct Lhoy yol ..te cal.t. \(T\) den'l. krow where l.tey onsor.
it. T - r-iz Twigำ- rad xoleoา- it., so T
do.1' - kriow where ie had ixucti- il Lroit,
mit. he was -te ore who endec up oly' 1 g
il.
THE ©OURT: That's fine.
BY MR. MUETTER:
Q. Now, ma'am, you went through a voluminous stack of emails, did you not?
A. No.
Q. When you went over and served the
subpoena on his employer, you got a voluminous stack of emails and attachments, correct?
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\&'vo ruver -- cnc \& van'L s:y if il wc:s

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MS. LUZAICH: Objection. It was not a subpoena. It was a search warrant.

MR. MUELTER: Search warrant.
BY MR. MUETJER:
Q. You got a whole bunch of emails, did you not?
A. Well, let me clarify this, because when I -- when they -- Source Refrigeration sent me the disk and the flash drive that I requested in the search warrant. I was not able to open that in my computer. I then sent -- I hand-delivered that stuff to our forensic computer lab, and they are the ones who got in there and was able to put it onto a disk that I could read.
Q. Did you look at everything that was given to you frall your forensics camputer lab?
A. Yes.
Q. Did you read absolutely every bit of it? There's a lot of it. Did you get a chance to read it all or just skim it?
A. Well, they put the stuff that related to this case, they put into -- onto a disk. So the stuff that was given to me that relates to this case, yes, I looked at it and read it.
Q. There was a whole bunch of other material

\section*{in there, was there not?}
A. That did not apply to this. Like work emails and stuff like that I have not looked at.
Q. So there was a bunch of other stuff in here that you haven't looked at and didn't exanine, you edited for, you believe, relevance?
A. I didn't do it. You need to talk to the person who did that, who is Zack Johnson, from our computer forensic lab.
Q. Before we get past the catheters here, you actually did an arrest report, correct?
A. Yes.

MR. MUELLER: May I have this marked
as -- counsel, this is from page 15 to 41 of your discovery.
BY MR. MUEIJLER:
Q. You've done several reports here,
correct?
A. Yes.
Q. And in that you put together a summary of Danielle's statement and included it in an arrest report, correct?
A. Yes.
Q. Can you read this paragraph starting
here? It's only a three line paragraph. Ignore the
A. I asked her, I said:
okay. were trey asec or the Hirle:
nar'elle reolies that:

Anc sto says:
 situnt. cr.
Q. Where does that say that Danielle or Dwight purchased catheters to use as punishment on the girls?

That's not in here. This was a young woman speculating about something that she didn't know about, correct?
A. No, she saw the catheters. She said they
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chased catheters to use as punishment on


handwritten notes and just read that out loud,
please.
A.
Tan'el ${ }^{-1}$ e $a^{-}$so s.ated Twičา. and
who murchasd bathetos -o uso as


Q. But she didn't actually say that, did
she?
A. Yeah, she dces.
Q. Well, just a few minutes ago and --
A. Well, the statement goes on to page 110.
Q. Now, where is it that she said that?
A. I believe she says it in another part of
the statement. I'd have to find it.
Q. Please take your time and find it for me.
A. Page 108 at the bottan.
Q. Read that out loud.
Are you referring to the last
three lines at the bottom of page 108 ?
A. Yeah. I asked her right before that, I
said, why were they used on the girls, and I'm
referring to the catheters.
Q. Read your question and answer out loud,
bottom 108 and finish it at the top of 109.
were -- that the girls would go into the bathroom with Janet and Dwight with the catheter. Whether -she said she didn't see it inserted or not.
Q. Detective, take your time. You've got the entire statement up there.

Show the where it says Dwight
bought the catheters and Dwight went in the bathroom and inserted them.
A. She said Dwight bought the catheters. I didn't ask her how she knew he bought the catheters, but she said in her statement he bought the catheters.
Q. The statement was, I think Dwight had bought it?

MS. LUZAICH: Objection. The statement speaks for itself. It's argumentative.

THE WITNESS: No, at the end of that it says, but he was the one who ended up buying it.

THE COURT: Correct. That's why I asked her to repeat it when I asked her to repeat it. It says two kind of different things.
BY MR. MUETUER:
Q. Now, Detective, you also found -- did you print out in your emails, a copy of a formal complaint that Dwight had actually written about the

CPS caseworker?
A. I have not printed out the emails that I received, but I have read sone of them.
Q. Showing you what's been marked as Defense A or B for identification, A for identification.

Do you see that document?
A. Yes.
Q. Did you read that document?
A. Yes, I have. Can I reread it?
Q. Take your time.

MS. LUZAICH: I'm going to object to
anything about the document as relevance and hearsay.
It's Dwight writing something about something that
has no relevance to Amaya, Ava, or Anastasia. It
pertains to the other girls.
THE COURT: I was going to say what's the
proffer?
MR. MUELJER: I'm going to proffer,
Judge, that this was an impartial, incomplete
investigation, and this detective is taking little bits of information from a huge sea to assemble a case, when, in fact, right in front of her is a huge complaint about the CPS worker right before CPS got back at the solanders by filing a complaint against them. Now here it is.

THE COURT: We were talking, as far as I
knew, we were talking about whether or not
Mrs. Hinton's statement comes in, what is going to be contained in Mrs. Hinton's statement, whether it's hearsay, whether it's not hearsay.

That is completely different from
I believe what you're showing her, which I've never even seen, by the way, which is something that has nothing to do with Miss Hinton's statement. It's an email. An I right about that?
MR. MUELJER: Yes.
THE COURT: So it's not fair to accuse Miss Luzaich of now objecting to hearsay when she said she wasn't going to because she's objecting to hearsay to a totally different docunent or piece of evidence than what that discussion was earlier first and foremost.

Now, let's get to the objection.
What are you looking at? Let me see.
okay. So this document, without
even reading it, I just wanted to see what it looked like. So this document is a -- I don't know. It looks like a Word document that somebody's printed. This document purports to be from
Mr. Solander; is that correct?

| MS. LUZAICH: That's a trial issue. It's |
| :---: |
| $\begin{array}{c}\text { not a prelim issue. It's not relevant. It doesn't } \\ \text { pertain to Amaya, Ava, or Anastasia, and it's } \\ \text { hearsay. It's defendant Dwight Solander's statement. } \\ \text { MR. MuELUER: Once again, as I explained }\end{array}$ |

MR. MUELLER: This is in the package of discovery that I was given, that purports to be the product of the search warrant that the detective served.

## (Overlapping speakers)

THE COURT: I don't know that that's the product of the search warrant.

MS. LUZAICH: It was generated by
defendant Dwight Solander.
THE COURT: That was my question. Is this purportedly generated, drafted, authored by Mr. Solander?

MR. MUELJER: Yes, Judge. It was in the package that the State handed me.

MS. LUZAICH: It's still hearsay.
THE COURT: Then how is it not hearsay?
MR. MUELUER: I was going to make a
point, other than the document itself, and, if I could --

THE COURT: So -- well, then the response is, to the objection, is that you're not offering it for the truth of the matter; is that correct?

MR. MUELUER: That's correct, Judge.

THE COURT: Okay. So the response is he's not offering it for the truth of the matter.

What are you offering it for?
MR. MUELLER: I'm going to ask the detective why she didn't spend any time with this document, but instead documented the fact that there was pictures of the kids having pooped themselves.

THE COURT: Miss Luzaich, he's not going to offer the contents of this document for the truth of the matter asserted in it.

MS. LUZAICH: It's not relevant. It does not pertaining to Ava, Anaya, or Anastasia.

THE COURT: And this pertains to other -what does this pertain to? What's your proffer?

MS. LUZAICH: Ivy and Autumn, other children, who there are no allegations that they were abused.

THE COURT: How is it relevant?
MR. MUELLER: If I could get two
questions, Judge, we can move on. I want to set the stage with that document and move on.

THE COURT: I'm going to rule on the objection first.

MR. MUELLER: I understand, Judge.
THE COURT: How is it relevant?

Detective Enery testified about a certain aspect of what was in the email, because that's all I asked her. I didn't ask her to describe every single document that was located in the emails. Clearly, the State has certain elements to meet, so I asked her about the things that would meet my elements.

The other things are just not relevant for preliminary hearing purposes. It's still hearsay. There's no foundation whatsoever to that document except for it was printed off of his enails. We don't know what happened to it, if anything. He's testifying and telling you things that he wants you to believe happened, but there's no evidence whatsoever that that happened.

VR. NUELUER: Then how are the emails that the detective recollects seeing any different. I'm confused.

THE COURT: Well, without reading it, if it doesn't pertain to the girls, I don't think it's relevant.

MS. LUZAICH: I agree.
THE COURT: The objection is sustained.
BY MR. MUEJ工ER:
Q. Detective, do you have the emails that
products that were going to help the kids at all; do you remember any of that?
A. Are you referring to the alam?
Q. Yes, ma'am, there's a whole thing on the website called the Bedwetting stone, which I never heard of before.
A. Yes, there was an alarm.
Q. Okay.
A. There was a photo of an alanm or
something. Then there's actually made mention of the alarm in Danielle's statement.
Q. That was purchased from something called the Bedwetting Store or --
A. We didn't talk about that.
Q. Did you look at that when you got this fran the search warrant?
A. I looked at the alarm, yes.
Q. You looked at the alam?
A. Yes.
Q. Did you try to put it in any context; was it a recommended treatment from the Bedwetting Store, some other expert trying to get them help?
A. No. I didn't check into that.
Q. You didn't check into that?
A. No.
the question.
THE WITNESS: When you say official, who
are you referring to?
BY MR. MUETLFR:
Q. Well, ma'am, these people by some
mechanism legally these children were taken away fram their natural parents, correct?
A. Correct.
Q. Now, I think all of us in this room would
agree that that's a fairly dramatic remedy, not something that arrybody considers lightly, correct?
A. Conrect.
Q. Now, such a dramatic action by the state certainly would have had to have had a reason for it to have happened, correct?
A. For them to be taken away?

MS. LUZAICH: Objection; relevance. The reason the kids were taken away from their parents are not relevant to whether or not these three individuals abused them from this timeframe.

MR. MUELUER: The problem is the State's own expert witness said she camot date these scars. That's what her expert said.

THE COURT: I understand that.
Sustained. I think you're trying
Q. Now, Detective, these were troubled young 90
girls, correct, that were having a variety of problems?

MS. LUZAICH: Well, objection;
foundation, speculation.
MR. MUELUER: Actually --
THE COURT: Sustained.
BY MR. MUETLER:
Q. The girls' conditions before they went to the Solanders house, is there any documentation by any official as to what problems they were having before they got to the Solanders?

MS. LUZAICH: Objection; hearsay.
BY MR. MUETJER:
Q. If you know, Detective?

MS. LUZAICH: Well, he's asking for
documentation. Anything in documentation is hearsay.
THE COURT: Are you offering it for the truth of the matter?

MR. MUELTER: No. I'm just trying to find out what the baseline, if any official cared enough to develop a baseline of these girls or now that they're troubled and they're at the Solanders' house, it's the Solanders' problem.

THE COURT: I'm going to let her answer
to put on a trial.
MR. MUELTER: I'm trying to understand
what she did. Rephrase.
BY MR. MUETJER:
Q. Ma'am, when you reviewed the emails did you see anything from Child Protective Services. emails to Mr. Solander regarding advice on how to handle difficult children?

MS. LUZAICH: Objection; hearsay.
MR. MUELJER: It's a statement of
question.
BY MR. MUETLER:
Q. Did you find those documents?

MS. LUZAICH: Objection; hearsay.
THE COURT: Well, because your question
alludes to the truth of the matter asserted in a possible statement. If you want to break down your question, that's fine.

MR. MUELJER: Certainly.
BY MR. MUETLER:
Q. Did you find any document like that?

MS. LUZAICH: Objection.
THE COURT: Sustained.
MR. MUELJER: I'm tired, Judge. Can we
concede I'm tired right now.

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BY MR. MUETUTER:
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Q. Ma'am, you went through thousands of emails, hundreds, if not thousands of emails that were brought as a result of this search warrant, correct?
A. No.
Q. How many do you remember there being there?
A. Not hundreds of thousands.
Q. Hundreds if not thousands?
A. No. Honestly, I don't know how many
there were. There was quite a few.
Q. Quite a few.

Now, did you go through all of
them in detail?
A. Yeah, but I haven't looked at it in a while.
Q. Understand.
A. I haven't viewed them in, I don't know, a week or so. I can't remember every single document and CPS report or email that was sent to them.
Q. Okay. Do you remember, was there emails between Mr. Solander and anybody at all from CPS?
A. Yes.
Q. Did CPS -- did you receive any responses

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Mr. Mueller and Miss Bluth and I did a child abuse and neglect prelim nextdoor, and Detective Enery was the investigator.

THE COURT: Listen, I'm not going to pass judgment on what she testified to. If you can lay sone foundation that she has some expertise in whether abused children or foster children act out by whatever, bladder issues, then lay the foundation. BY $\mathbb{M R}$. MUETLER:
Q. Detective, have you had any advanced training?
A. In children with peeing?
Q. Yes.
A. No.
Q. Not with peeing. Children who are emotionally disturbed, have you had any advanced training regarding how children act out when they're emotionally disturbed?
A. No.
Q. Have you had any advanced training or
even just a manual on -- to read before you started
your assignment on how to investigate these types of crimes?
A. Enotionally disturbed children?
Q. Yes, ma'am.

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fram CPS?
    A. There probably was, but I can't recall.
I can't think off the top of my head who he was
writing to specifically. And I can't remember
everything that was in the emails that were sent.
    Q. Now, is there a source of advice that
you're aware of, and you're an expert, this is your
area, abuse and neglect, correct?
A. Yes.
Q. Now, it would appear that emotionally troubled children routinely act out by having difficulty with potty training?
MS. LUZAICH: Objection; foundation. She is a police officer, an irvestigator. She is not a psychologist.
MR. MUELTER: Well, in the last 48 hours, last 24 hours, actually, she's testified in two different cases about kids acting out of bowels or bladders. I'm just asking if that's a cormmon phenomenon in her practice.
MS. LUZAICH: She has testified in two different cases about statements taken by defendants.
THE COURT: Are you guys talking about this case?
MS. LUZAICH: Coincidentally yesterday
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A. No, I would say no.
Q. Now, how mary cases, as you sit here
today, have you assembled?
MS. LUZAICH: Objection; vague.
THE COURT: I don't know what that --
(Overlapping speakers)

Do you know what that means,
assembled?
THE WITNESS: I assume, I think he's saying put together.
BY MR. MUEJTER:
Q. Yes. You've done it for 15 months now. How many have you assenbled and subulitted for prosecution?
A. I don't know. 15, 20. I don't know.
Q. Now, in those 15 or 20 has it been your experience that children who are abused or emotionally disturbed have bladder and bowel problems?

MS. LUZAICH: Objection; relevance. It doesn't matter whether this detective has dealt with other kids who have bladder problems. The issue here is just did these three people do the things that are
alleged in the Complaint. He's getting so far afield
for a preliminary hearing.
MR. MUELLER: There's an unspoken
statement in this entire case that there was
sonething else that could have been done with children, who by their own admissions, were soiling themselves for an extended period of time. Buckets, eventually parents tiring of washing sheets. Two of the three girls have admitted this was intentional behavior.

THE COURT: I don't think your questions pertain to probable cause of whether these particular crimes as alleged in the Criminal Camplaint were committed or not.

MR. MUELLER: I'm going to ask the detective two more questions. I know Mr. Mann's got to get going.
BY MR. MUETJTRR:
Q. Detective, other than documenting what happened, have you ever been involved in any proactive part of this case or any case?

MS. LUZAICH: Objection. That question makes no sense.

THE COURT: Sustained.

## BY MR. MUETHER:

Q. Detective, your duties are to investigate the cases that have been assigned to you?
A. Yes.
Q. Do you look at cases and say, you know, I'm sorry, this is just a difficult kid, we're not going to prosecute this?
A. No.
Q. So every case that you have been handed you file charges on?
A. No.
Q. By what mechanism do you decide which cases are to be charged?

MS. LUZAICH: Objection; relevance.
THE COURT: She can answer the question.
THE WITNESS: It depends on the case. It
depends on all the circumstances.
BY $\operatorname{MR}$. MUETJER:
Q. Now, did you look at or did anybody from CPS have any reports regarding these little girls' conditions before they went to the solanders?

THE COURT: That question is compound. Did she look at, and then you said or did CPS have.

MS. LUZAICH: Objection; asked and
answered, hearsay. We 've been here.

THE COURT: And compound. Sustained. BY MR. MUETLER:
Q. All right. What, if anything, did you
look at?
THE COURT: Other than what she's already testified to?

MR. MUELJER: Yes.
THE COURT: Hasn't she already answered
the question?
MR. MUELLER: Not that I'm aware of.
THE COURT: I think I'm aware she's
answered that. She's testified to what she looked at. You all asked her about previous -- somebody asked her about previous, I don't know, accusations or reconds prior to this whole incident, and she answered the question that -- pardon me?

MS. LUZAICH: She said no.
THE COURT: I thought -- well, okay. I
thought she said something else.
So, Mr. Mueller, ask her a
specific question, timeframe, and she can answer, because I don't think that was the answer.

MS. LUZAICH: I apologize. I take it
back.

BY MR. MUEUTER: 100
Q. Detective, did you see any CPS records on ary of the three girls in and around the time period of the middle of 2010; specifically, around June?
A. I can't recall. I'm sure I have, but I have not looked at those in a while, so I can't honestly say that -- you're asking me for one specific CPS case. My CPS case file on these kids is very big, so to ask me right now, when I wasn't prepared to talk about the CPS reports, I don't have those with me.

MR. MUELJER: Your Honor, it's 12:30. I
know we promised Mr. Marm. He has other obligations.
THE COURT: Yes. So are you -- you're
not done with cross-examination?
MR. MUELTER: No.
THE COURT: I just want to make a record.
When we resume, Mr. Mueller will
finish before Mr. Mann goes.
MS. LUZAICH: Mr. Mann already went.
THE COURT: Oh, Mr. Marm already went,
sorry.
MR. MANN: Mr. Mueller has the last
cross.
THE COURT: You'll have redirect.

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MS. LUZAICH: Yes.
    THE COURT: Maybe you can carpare notes
in the meantime; the emails, the pictures, so we
don't have to go through that again to see if you got
them, if you didn't give them to them, et cetera,
et cetera. When can we come back?
    MS. LUZAICH: I know the detective is
leaving town.
THE WITNESS: Sunday.
THE COURT: FOr how long?
THE WITNESS: I won't be back till
June 29; however, I won't be back to work until
July }8
THE COURT: Tomorrow at 2?
MS. LUZAICH: I'm not here tomorrow.
MS. BLUTH: I'm teaching a seminar from I
to 5.
MS. LUZAICH: I'm not here tomorrow.
MS. BLUIH: I can come in the moming.
MR. MANN: I can be back at 3 today.
THE COURT: I can be back. I don't know
about the witness. At this point, I mean she's
leaving for umpteen many days. 3:00 today?
MR. MANN: Is the witness okay with that?
THE WITNESS: That's fine.
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this case. We are on day five. I think all sides
have taken notes, but there's been multiple times
during the preliminary hearing when I said the victim
said one thing and Mr. Mann said that the victim said
one thing, and in order to accurately make these
decisions, I'm going to ask for a transcript in order
to make ny bindover argument.
MR. MUELUER: I would join in asking for
a copy of the transcript.
THE COURT: Okay, good. Miss Kit,
obviously, has been our main court reporter. We'll
have to talk to Miss Kit about what her schedule is.
I mean I really don't know.
(Disclesios of lie eeood.)
Thank you. Today at 3 .
(After a recess the following
proceedings were had.)
We're back on the record, and
we're going to continue the cross-examination of
Detective Emery. Come on back up.
MS. BLUTH: Judge, just for the record, I
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(D_sclssion ol- Lie -ecocd.)

Thank you. Today at 3 .
(After a recess the following proceedings were had.)

We're back on the record, and
we're going to continue the cross-examination of Detective Emery. Come on back up.

MS. BLUTH: Judge, just for the reoord, I

MS. BLUTH: I have a doctor's appointment at 4. If we're going to argue bindover today after this witness.

MS. LUZAICH: I would ask to argue
bindover another day.
THE COURT: We've got a lot of counts to argue bindover on. Four attomeys, so I didn't anticipate that. I would like to get this witness done though before she leaves town because she's the last witness, right?

MS. LUZAICH: Yes.
THE COURT: So that way I make a decision on bindover before she leaves. So I just want to get her done. I'm not making a decision on bindover. I'm sorry. Finish her.

MR. MUELUER: Can I get about two seconds with Mr. Solander? I may rest.
( D ) acuasion of tho rocod.)

No, I can't rest, Judge. I'm not done yet.

THE COURT: 3:00? All right. Thank you.
MS. BLUTH: Judge, we're going to ask for a copy of the transcripts before we argue bindover in
do have to leave early, at 3:30.
THE COURT: Thanks for the heads up. You realize you're still under
oath?
THE WITNESS: Yes.
THE COURT: Great. You can have a seat,
and I think Mr. Mueller was cross-examining before our recess. Thank you.

## CROSS-EXAMINATION <br> (Continued)


Q. Thank you, Detective.

I want to hop back and go to the very beginning of this investigation

Do you remember who, if anybody,
contacted you from the Department of Child Services to investigate this?
A. Actually, I was given a written report first.
Q. You were given a what?
A. A written report from CPS.
Q. So CPS gave you a report?
A. Yeah.
Q. And then what happened?

## What did you do in your

irvestigation with that report?
A. I contacted Yvette Gonzales. We had a meeting.
Q. And Yvette Gonzales is who?
A. Child Protective Services specialist.
Q. Is she in charge of it or what is her duties and functions, if you know?
A. Her role is CPS, which is the protection of the kids. Our role is criminal.
Q. Okay. Her role is protection of the kids.

Have you worked before with
Miss Gonzales?
A. No.
Q. Now, is she one of 15 agents or is she
the head of the agency? Who exactly is
Miss Gonzales?
A. She's an investigator.
Q. She's a CPS investigator?
A. Yes.
Q. All right. Had she done any
investigation or did she hand any materials over to you before you started?
A. Yeah, they had given me a few things.
A. I don't know if they were the exact same. I wasn't there in Florida.
Q. So what was the purpose of these
particular interviews if they had already been interviewed once?
A. So that we could get firsthand knowledge
of what happened in their words.
Q. And how long did these interviews take?
A. I don't have that information with me.
Q. Were you present for all of these interviews?
A. Yes.
Q. Now, after you interviewed or all three of the interviews were campleted, what did you do next in your investigation?
A. We continued interviewing people that were involved.
Q. And we, is it you or somebody else and you?
A. It's the and Yvette Gonzales.
Q. You and Miss Gonzales together --
A. Yes.
Q. -- that's the we?

Okay. You and Miss Gonzales
continue to interview people.

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    Q. To the best of your recollection, what
were those things?
    A. The report from Miss Henry from
    interviewing the girls in Florida.
    Q. And anything else?
    A. I can't remember.
    Q. Now, at that time did CPS tumn over the
girls' files to you? What did you get?
A. No.
Q. What was your first action as the investigator?
A. I went down to the CAC, Children's
Advocacy Center, where we conducted interviews with the girls --
Q. And --
A. -- or I observed.
Q. Was somebody else actually there?
A. The interviewer.
Q. Who was the interviewer?
A. There was a couple. Liza Ebram (phonetic) was the forensic interviewer, and Yvette Gonzales was viewing along with me.
Q. And at this point they had already been interviewed in Florida and now you guys are conducting the exact same interviews again?
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## What people did you interview?

A. You want every single name?
Q. Yes, ma'am.

MS. LUZAICH: I'm sorry. I don't mean to be difficult. Objection. My objection is relevance in that he's putting on a trial here. The burden of proof here is slight or marginal evidence, and for that purpose I don't think we need to go through her entire investigation and everybody that she interviewed. It's not relevant for purposes of this hearing.

THE COURT: Mr. Mueller.
MR. MUELUER: It is relevant. It is investigatory, and as we spent already a lot of time on, I have a right to confront and cross-examine the witnesses statutorily on behalf of Mr. Solander. I want to see what was done. And, with deference to my colleague, she is in fact trying to be difficult.

THE COURT: Okay. Well.
MS. LUZAICH: He has a pseudo right to confront and cross-examine. The statute, as the Court appointed out, says may, not shall cross-examine, and he doesn't have the right to belabor everything.

This is a probable cause hearing.

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It is not a trial where proof beyond a reasonable
doubt is an issue.
    THE COURT: You're both right. I'm going
to overrule the objection, but it is not a trial,
and, Mr. Mueller, I'm starting to feel like it's a
trial. So don't respond, please. Let's move along.
And she's not going to be on the stand for days like
sone of witnesses have been. Some of this is way
beyond probable cause.
MR. MUELJER: I'll move on, Judge.
BY MR. MUETLER:
    Q. To the best of your recollection, without
great detail, can you tell me who you interviewed?
    A. I sat in, I observed the interview with
Areahia Diaz, which was one of their foster kids. I
interviewed Jan Finnegan, Andrea Letchworth
(phonetic), Laurie Wells, Christina Day, Danielle,
Dwight. I can't remember. I think that's as good as
I can give you right now.
    Q. Fair enough.
                            Now, were each of these interviews
thorough taped interviews?
    A. Yes.
    Q. So thene will be taped transcripts of all
these interviews?
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THE COURT: I'm sorry. It's redirect.
MS. LUZAICH: Thank you. Just very
briefly, may I approach?
THE COURT: With?
MS. LUZAICH: The emails and invoices
that Mr. Mueller requested.
THE COURT: You're approaching me or the
witness.
MS. LUZAICH: The witness. I'm sorry,
I'th sorry.
And one of my exhibits doesn't
have a number.
THE COURT: Did you share those with
counsel?
MS. LUZAICH: Of course I did.
THE COURT: These are sane of the things
that you were printing earlier, Miss Bluth?
MS. BLUTH: Yes, but they are all on the
disk previously given to Mr. Mueller last week, just
to be clear.
MS. LUZAICH: Mr. Mueller and Mr. Marn
and Mr. Rue were all given copies of their own.

| THE COURT: I'm sorry. It's redirect. <br> MS. LUZAICH: Thank you. Just very briefly, may I approach? <br> THE COURT: With? <br> MS. LUZAICH: The emails and invoices that Mr. Mueller requested. <br> THE COURT: You're approaching me or the witness. <br> MS. LUZAICH: The witness. I'm sorry, I'th sorry. <br> And one of my exhibits doesn't <br> have a number. <br> THE COURT: Did you share those with <br> counsel? <br> MS. LUZAICH: Of course I did. <br> THE COURT: These are same of the things that you were printing earlier, Miss Bluth? <br> MS. BLUTH: Yes, but they are all on the disk previously given to Mr. Mueller last week, just to be clear. <br> MS. LUZAICH: Mr. Mueller and Mr. Marn and Mr. Rue were all given copies of their own. |  |  |
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 things that were printed off the disk that you gave to the State that you received from the defendant Dwight's employer?
A. Yes.

MS. LUZAICH: Move into evidence.
MR. MANN: Objection; foundation.
THE COURT: There's an objection;
foundation.
MS. LUZAICH: It gces to weight, not admissibility.

MR. MANN: Then it shouldn't be admitted.
THE COURT: Well, is that -- anybody else have an objection?

MR. RUE: Judge, for Miss Hinton, I don't know that it's relevant, and it is hearsay as regards

## Miss Hinton.

THE COURT: It might not be relevant to Miss Hinton.

You know, this is the issue,
frankly, I mean she was taken to task on
cross-examination that these documents did not exist,
and that I believe the term was used fabricated or --
I don't even know what the term was.
MS. LUZAICH: Fabricated was the term.
And I'm offering them against the defendant Dwight.
They're not really offered toward Miss Hinton or
Miss Janet Solander.
MR. MANN: Your Honor, I understand. My objection is to them being adulitted. Obviously, Miss Luzaich could question the witness negarding these exhibits, things like that, but actually aduitting them takes it one step further.

My objection includes that there's no foundation as to their authenticity. There's no foundation as to its chain of custody. There's no foundation to what the hearsay statements upon there, that they actually are the truth of the matter asserted on the documents. So there's a litary of objections to them actually being admitted.

THE COURT: Mr. Mueller, do you have an
through -- they have, you know, stuff that they can do over there that I'ml not able to do. And so they put it -- he found everything, and put it onto a disk that I could read for my computer.

MR. MANN: Continuing my objection based on the fact that she's not the one that obtained these documents. She's not the one that forensically found them. I mean she may have seen them, but, again, her testimony then would be about hearsay statements of her observation of them.

So I don't want them admitted
against my client. I don't think they're relevant against my client.

THE COURT: I don't think they're offered against your client.

MR. MANN: Well, but they're offered, and the trier of facts, you, determining probable cause, is going to be seeing them, which would be prejudicial against my client.

MS. LUZAICH: I think --
THE COURT: My guess is that they are what they were purported to be, which were, very nebulously speaking, because I haven't seen them, receipts purchasing catheters in the name of Dwight Solander. That they are being offered solely against

## objection?

MR. MUELTER: (Muabbling).
THE COURT: Pardon me?
MR. MUELJER: I'll subnit it.
THE COURT: I'm going to allow 31 through
35.

MS. LUZAICH: Aren't there 36?
THE COURT: Oh, 36, sorry.
MS. LUZAICH: I think.
The court was right, 35 , sorry.
TY ME. TITRA- In:
Q. Can you tell us what is State's

Exhibit 31 for the record?
THE COURT: And these are documents you
received in the search warrant, correct?
THE WITNESS: Yes.
THE COURT: Let me ask another question.
Are these the documents -- I think
when Mr. Mueller was asking you questions you referenced sanebody in the forensic department of Metro that -- did you get these documents -- that person, I guess, was able to open up all of the attachments and emails?

THE WITNESS: Correct. He put it into a file that I could open up on wiy oomputer. He went

## Dwight Solander.

MR. MANN: However, there are additional documents on there that purport to be emails from my client to Mr. Solander.

THE COURT: That's right, because there were some pictures involved.

MR. MANN: Exactly. That's one of them.
If it was just the invoices, then
miy objection would obviously be much more limited. THE COURT: I don't know what they are.

## (Overlapping speakers)

MS. LUZAICH: That's what I'm trying to go through them.

THE COURT: Well, you moved to admit
them.
MS. LUZAICH: And the Court admitted
them, so I'm going through them so the record can reflect what they are.

MR. MANN: I'm sorry, just a second.
Did the Court adnit them?
THE COURT: No, the Court hasn't admitted
them.
MS. LUZAICH: Oh, I'm sorry, I thought

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you said you did.
    THE COURT: I did, but I want to know
what they are.
    Let's go through -- I'm going to
withhold admission until I find out exactly what they
are, because, for the record, I haven't even seen
them.
Okay. 31 is?
BY MS. LUZAICH:
    Q. Detective Emery, State's Proposed
Exhibits 31 and 35, what are they?
    A. They are receipts from a company called
Eten Nemrological Supply. E-t-e-n, Neurological
Supply.
    Q. It's the letter E, and then T-e-n-n, and
then Urological.
A. And they're receipts where six catheters had been purchased.
Q. Specifically, on State's Exhibit 31, is it a bill, a receipt billed to and shipped to Dwight Solander?
A. Yes.
Q. At 9500 Wakashan?
A. Yes.
Q. Is that the home that you served a search
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## These receipts were where,

attached to enails?
MS. LUZAICH: Can I ask some more
questions?
THE COURT: Okay.
BY MS. LUZAICH:
Q. On the top of the receipt, the piece of paper, is there an email address?
A. Yes.
Q. Is it in the name of Dwight Solander?
A. Yes.
Q. And is it also on the date and is it from
customer service at the urological place?
A. Yes.
Q. To Dwight Solander?
A. Yes.

THE COURT: So is it fair to say that
they appear to be email receipts; in other words,
receipts that were emailed by the vendor to Dwight Solander?

THE WITNESS: Yes.
THE COURT: I didn't know if they were like an attachment.

All right. Mr. Mam.
MR. MANN: Your Honor, my objection would

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warrant at in Las Vegas, Clark County, Nevada?

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warrant at in Las Vegas, Clark County, Nevada?
A. Yes.
A. Yes.
Q. And State's Proposed Exhibit 31, that is
Q. And State's Proposed Exhibit 31, that is
for what?
for what?
A. Six catheters.
A. Six catheters.
Q. Then State's Proposed Exhibit 35, is that
Q. Then State's Proposed Exhibit 35, is that
a receipt from the same company?
a receipt from the same company?
A. Yes.
A. Yes.
Q. Is it billed to and shipped to Dwight
Q. Is it billed to and shipped to Dwight
Solander?
Solander?
A. Yes.
A. Yes.
Q. At the same address, 9500 Wakashan?
Q. At the same address, 9500 Wakashan?
A. Yes.
A. Yes.
Q. And what is it for?
Q. And what is it for?
A. Cure Medical system catheters with
A. Cure Medical system catheters with
supplies, six of them.
supplies, six of them.
Q. And State's Exhibit 31, what is the date
Q. And State's Exhibit 31, what is the date
on that?
on that?
A. 12-6 of 2012.
A. 12-6 of 2012.
Q. And State's Exhibit 35, what is the date
Q. And State's Exhibit 35, what is the date
on that?
on that?
A. 12-1 of 2012.
A. 12-1 of 2012.
MS. LUZAICH: Move those into evidence.
MS. LUZAICH: Move those into evidence.
THE COURT: Now I have a question before
THE COURT: Now I have a question before
you object.

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you object.
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A. $12-6$ of 2012 .
Q. And State's Exhibit 35, what is the date on that?
A. $12-1$ of 2012 .
MS. LUZATCH: Move those into evidence. THE COURT: Now I have a question before you object.

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be hearsay. These documents are clearly hearsay. To say that these are receipts, that they came to and fram, there's no foundation for it. They're hearsay documents. So on that I'm submitting my objection. MS. LUZAICH: They're offered against Dwight Solander, so I don't know that he's got standing to object; however, they speak for themselves. It's a probable cause hearing. At trial there would be more witnesses, but for what it's offered for the Court for, there is sufficient information for the Court to find it reliable and take it into consideration.

THE COURT: I'm going to overrule the objection, allow 31 and 35.

MR. MANN: Your Honor, I just want to make one last point, I'm sorry.

THE COURT: They will be admitted, 31 and 35.

> Sta-e's Fxhib' -o \(\overline{3}\) anc \(3 \overline{3}\) acrnitted Ento ev'derce.)

MR. MANN: And, your Honor, just so I have an understanding, is your Honor finding that this is not hearsay documents?
 are rebuttal infommation on taking the officer or the detective to task that she was making it all up, so take it what's it worth. That's ny ruling.

MR. MANN: Okay.
BY MS. LUZAICH:
Q. And, Detective Enery, State's Exhibit 32 and 33, do these appear to be enails or printed out emails that indicate that cane from a Janet Hinton's enail address to a Dwight Solander email address?
A. Yes.
Q. And is the Dwight solander email address
the same as the one where the receipts from the urological compary are?
A. Yes.
Q. And do they pertain to the girls?
A. Yes.
Q. Are there photos attached to them?
A. Yes.
Q. What photo is attached to State's

Proposed Exhibit 32 ?
A. Photo is of the back of a child with examination?
that also attached to a photograph?
A. Yes.
Q. What is the photograph?
A. It's a pair of underwear with a stain in it.
Q. What kind of stain does it appear to be?
A. Looks like poop.
Q. Some type of soil?
A. Yes, soil.
Q. As opposed to magic marker or something
like that?
A. Yes.
Q. What is that subject?
A. Amaya's panties with --

MR. MANN: Objection; hearsay.
MR. MUELJER: Speculation.
THE COURT: Speculation.
How does she know they're Amaya's
panties?
MS. LUZAICH: I just said what does it
say here.
THE COURT: Oh, okay.
MS. LUZAICH: I'm not asking what she
thinks it was.

BY MS. LUZAICH:
Q. Is that what it says on the email?
A. Yes.
Q. Is that from what appears to be a Janet Hinton email to what appears to be a Dwight Solander email?
A. Yes.
Q. And is the Dwight Solander email the same as the other ones we've already discussed?
A. Yes.

MS. LUZAICH: Move them into evidence.
MR. MANN: Your Honor, can I take the
witness on voir dire?
THE COURT: Sure.

\section*{VOIR DIRE EXAMINATION}

SY MR. MAN:
Q. Detective, did you do any sort of investigating as to Miss Solander's email?
A. No.
Q. So you have no basis to know that the email address on there is Miss Solander's email whatsoever, correct?
A. Other than it's her name.
Q. And do you have any conputer knowledge?
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A. Not very much honestly.
Q. Do you use Outlok on your computer?
A. No.
Q. Do you know what system Mr. Solander's
computer used at work?
A. No.
Q. Do you know how names are assigned to various enails on different computers?
A. No.
Q. And you know that computers can name certain emails with nicknames or different names, whatever anyone puts in there, right?
A. Right.
Q. So the fact that it says Janet Hinton,

``` you have no idea if that in fact is from Janet Hinton or not, correct?

\section*{Correct?}
A. I guess.
Q. You have no personal knowledge that these emails are actually from Janet Hinton, correct?
A. Just because her name's on them and they're married.
Q. So you only have that information based on the piece of paper itself that says Janet Hinton, and so based on that you believe that it may be Janet

MR. MANN: If I may approach?
THE COURT: Sure.
MR. MANN: Your Honor, 34.
THE COURT: I've already admitted 32 and

MR. MANN: No, you admitted 35 and 31.
33, 32, that's what I'm referring
to.
THE COURT: Can I see that? okay, go ahead. Are you done?
MR. MANN: Yes.
the court: So do you still have an

\section*{objection?}

MR. MANN: I do, your Honor.
THE COURT: And based on?
MR. MANN: MI objection is that she has
no foundation, no basis -- that it's hearsay. That she has no basis to say that she actually knows where those emails actually cane from and to state on the record that they came from Janet or were enails back and forth from Janet to Dwight when she has no mnderstanding of Miss Solander's email address whatsoever, the fact of how it came into her possession, third party. There's a litany of objections, your Honor.
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Hinton?
A. Yes.
Q. Okay. And you have no knowledge who
actually Janet Hinton is, do you?
A. I know that Janet's maiden name was
Hinton before she became Solander.
Q. So you're now assuming then because
they're married that they would email each other and
also that she would use her maiden name not her
married name?
A. Most reasonable people would think that,
yes.
Q. That she would use her maiden name?
A. No, that they would email each other back
and forth.
Q. So that's your only basis to say that
this was an email from Miss Solander to Mr. Solander
whatsoever is just that the name says Janet and why
woulon't it be Janet that would email him, right?
A. Yeah.
Q. So you have no foundational understanding
as to where the email actually came from, do you?
A. I guess not.
THE COURT: Is this }33\mathrm{ that we're talking
about?

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\section*{THE COURT: Miss Luzaich. We're talking} about 33, 34.

MS. LUZAICH: For purposes of this
hearing the court can take into consideration the context in which the emails are sent about the girls and their panties and the pictures, and the hearsay statute for general reliability, who else on the plant other than Janet Hinton or somebody, Janet Solander or samebody in that house would send Dwight Solander an email with pictures about the girls pooping in their pants and complaining about it.

So I think that for purposes of this hearing the context demonstrates its reliability as well as its accuracy.

MR. MANN: Your Honor, if I may respond.
First of all، I know we've had a
lot of discussions about what happens at preliminary hearing. The one thing I'm sure we're all in agreement about is that the rules of evidence still apply at preliminary hearing. There's no way around that, okay, otherwise there would be no preliminary hearing.

You would have the Grand Jury,
where different rules apply, but the rules of evidence definitely apply at preliminary hearing, and
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if this document would not be adnitted the way that
they were trying to at trial, then it definitely
should not be admitted at preliminary hearing, one.
Two, the fact of the matter is
just because they want to stand up and say, Judge,
you know, we are doing it for the purposes of
probable cause doesn't mean that you have to lower
your standards for evidence.
Yes, this is probable cause
hearing, but the rules of evidence still apply, and
that's why we have these hearings, because the rules
of evidence still apply. And if we need to be able
to demonstrate -- or, I'm sorry, the State needs to
be able to demonstrate that they have probable cause
using the rules of evidence; otherwise, if they just
had a whole bunch of hearsay documents and came in
and say, well, we have enough probable cause based on
hearsay documents, your Honor wouldn't let -- you
shouldn't let any of that in, because that wouldn't
be a basis, but just because they stand up here and
say that's probable cause, that's not enough for you
to make that detemmination.
And then these documents, just
because they're saying, well, you need to just assume
that because who else in the world would possibly

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if this document would not be adnitted the way that should not be admitted at preliminary hearing, one. Two, the fact of the matter is just because they want to stand up and say, Judge, you know, we are doing it for the purposes of your standards for evidence.

Yes, this is probable cause hearing, but the rules of evidence still apply, and that's why we have these hearings, because the rules of evidence still apply. And if we need to be able to demonstrate -- or, I'm sorry, the State needs to be able to demonstrate that they have probable cause using the rules of evidence; otherwise, if they just had a whole bunch of hearsay documents and came in and say, well, we have enough probable cause based an hearsay documents, your Honor wouldn't let -- you shouldn't let any of that in, because that wouldn't be a basis, but just because they stand up here and say that's probable cause, that's not enough for you to make that detemination.

And then these documents, just because they're saying, well, you need to just assume that because who else in the world would possibly
to be able to establish a rule around or an exception to the hearsay rule. They haven't. They failed to do that.

In addition, they failed to
establish any other basis for the evidence to come in, such as a proper foundation as to its
authenticity, its ability, how she even came about it, the chain of custody. All those things come into play. So because of that your Honor should sustain my objection and not admit them.

THE COURT: Okay. Has everybody made their record? Because once I make my ruling we're not going to argue about it anynone. So everybody made their record?
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MR. MANN: Yes, your Honor.
THE COURT: Miss Luzaich, have you made your record?
MS. LUZAICH: I just want to be more clear on the foundation.
THE COURT: The objection's hearsay.
MS. LUZAICH: Right, right, lout -- well,
there's two different. There's foundation and hearsay. As far as foundation, the detective testified that she personally spoke to Dwight Solander's employer, who Dwight Solander's employer
MR. MANN: Yes, your Honor.
Mus Luzaich, have you made
your record?
THE COURT: The objection's hearsay.

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\section*{will buy into.}

They have no reason to say that it's been doctored. They can't point to anything to show that it's been doctored. And when you look at the email and the photos, the context demonstrates that it has not been doctored.

MR. MANN: Your Honor, I was done speaking until Miss Luzaich stood up, and I have further caments on that, if your Honor would allow. THE COURT: I've heard enough. Thank you.

If I were to consider them a statement that is offered against a party and is the party's own statement in either the party's individual representative capacity, then I don't even believe they're hearsay under 51.035, so they'll be adnitted.

> (SLace's Exhiki- 33 ard \(3 \leq\)
> adrilleed 'nlo ev'deroe.)

You were redirecting. Are you
redirecting on these?
MS. LUZAICH: No, no. I just moved them into evidence, and I only asked questions about them

THE COURT: I don't want you to rest until you make your proposed amendments.

MS. LUZAICH: Otherwise, we have no more evidence or testimony-

THE COURT: I'm just trying to get a
handle on how much more time you have on the case. So, basically, you've rested but
for you need transcript to give sone proposed amendments.

MS. LUZAICH: Correct.
THE COURT: As for the defense's case in chief, does anybody have evidence to present, and, if so, give the a proffer on what your evidence is so I know timing-wise.

MR. MANN: I have no evidence to present.
THE COURT: You have no evidence to
present, Mr. Mueller?
MR. MUELJER: No, your Honor, we don't
have any evidence to present.
THE COURT: Mr. Rue.
MR. RUE: NO.
THE COURT: Okay. Have you all advised your clients -- well, I guess we can do that in the case in chief. I was just trying to get a handle on how much more time we were going to have.
so the record would reflect what they were, and then I have no more questions.

THE COURT: You have no more?
MS. LUZAICH: No.
THE COURT: Mr. Marm.
MR. MANN: It's Mr. Rue.
THE COURT: I'm sorry. Mr. Rue.
MR. RUE: I have no questions, your
Honor.
THE COURT: Mr. Mueller. MR. MUELJER: Nothing further, your
Honor.
NR. MANN: No questions, your Honor.
THE COURT: All right. I think we're
done with Detective Enery.
Thank you, Detective Enery.
(Witness excused)

So what else does the State have
by way of evidence?
MS. LUZAICH: As far as evidence we have no more. Once we get a copy of the transcript, Judge, we will move to amend the Criminal Complaint, and, generally, I don't rest until I've --

So have you advised your client of
her right to testify?
MR. MANN: Not yet, your Honor, but I
just wanted to get one procedural issue so I have an understanding.

Since Miss Luzaich and Miss Bluth are going to be amending, I don't know if they're going to create a new --

MS. LUZAICH: Yes, we're going to
generate an Amended Complaint and give it to everyone in advance so that they can review it and the court can review it before we argue bindover.

THE COURT: So can we call it a Proposed Amended Complaint?

MS. LUZAICH: Absolutely.
THE COURT: Call it the Proposed Second
Amended Criminal Conplaint.
MS. LUZAICH: Yes.
THE COURT: So you're going to prepare that after the transcripts are prepared, you're going to give it to everybody. We're not going to file it, it's just a proposed document, but you will make -your proposed amendment will basically be in writing, but then you'll rest, once you give it to everybody and say, here are the proposals, Judge, let me spoon

District Court enployee, after he's claiming whatever he can, but really it's not much of anything, the hours that were spent in Judge Lippis' department, which may have been three hours in testimony,
apparently did not come out except for 45 seconds, and I don't know what 45 seconds those were.

> So I was reminded today by

Miss Stephanie, who was reminded by the JAVS person frall District Court, you have to act like you don't have JAVS, because your JAVS isn't maintained, it's not updated, it's not -- you have no one to repair it.

District Court uses Javs, but you, Justice Court, do not have the ability to maintain a good JAVS system or to reclaim video that was purportedly recorded, because it wasn't, or it's like in a half situation.

So I just wanted everybody to know that. I don't know what it's going to come out to be. Two hours maybe. I really don't know. Anybody is entitled to it or wants it, and I don't know if we are --

THE CLERK: I'm going to get whatever is
there.
THE COURT: The JAVS guy that's helping
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feed you, here are the changes, now we rest.
MS. LUZAICH: Yes.
THE COURT: Then I will go through
everybody's canvass to make sure you don't want to
put any evidence on after they do that, especially
because there might be proposed amencments.
MR. MANN: Obviously, Miss Luzaich can
conditionally close today based on that proposed --
or rest today based on that proposed document.
I have discussed my client's
ability to testify. She wishes to waive that right
at this time.
THE COURT: What about Miss Hinton?
MR. RUE: Yes, Judge, I've advised her.
She's willing to accept my advice at this point and
not testify, of course, pending any amendment.
THE COURT: Sure.
What about Mr. Solander?
MR. MUELJER: He's been advised of his
right to testify or remain silent. At the moment he
elects to remain silent, depending on how creative my
colleague is with her amendments.
THE COURT: So everybody reserves their
right to have a defense case or evidence, if you want
to. So the bumning question is, because Miss Kit is
feed you, here are the changes, now we rest.
MS. LUZAICH: Yes.
THE COURT: Then I will go through
everybody's canvass to make sure you don't want to
put any evidence on after they do that, especially
because there might be proposed amencments.
MR. MANN: Obviously, Miss Luzaich can conditionally close today based on that proposed -or rest today based on that proposed document.
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not here today, and, apparently, won't be back till
Monday, I mean I can ask on Monday and Miss Stephanie can email everybody when Miss Kit thinks she can get the transcripts done, but, obviously, she has other work other than just this case, so it was hours and hours and hours of testimony. So we'll just email everybody once she is able to give us that.
Gerri said she can do hers, which was today, was which limited, quickly. That's not the big hours. The big hours were up front.
And the other thing is were you able to talk to Miss Bluth about the JAVs?

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So you advised Miss Bluth, I don't
know, we probably need to tell everybody, and, I
don't know, maybe she told you all that, I don't
know, but I don't even know at what point Miss Bluth asked us to JAVS one of the early witnesses.

We had that first day where I hit JAVS and Miss Risa hit JAVS, and come to find out like three hours was not Javsed. And then we had to move to another courtroam. And we moved to another courtroom that we thought had JAVS.

The bottan line is Miss Stephanie came to me, was it this morming, and after dealing with the only person that helps with JAVS, who is a
us out is going to put it all on disk, which doesn't sound like it's that much. We'll give that to Miss Bluth. And for anytoody that wants a copy, I'm sure Miss Bluth will give it to you or we can get it to you or what have you, but the sum and substance of this dissertation is that it's not much after all that, and I just wanted everybody to know that.

So Miss Stephanie will email
everybody when we think the transcripts will be done, and then we'll go from there on bindup.

I say we do --
MS. LUZAICH: How about maybe a status check in a week so that Kit can tell the Court how long, because she can at least look at how much is there and give you an indication of how long it's going to be, and on that date we can set a -- kind of like a schedule for we should have our amended to the Court and counsel by such and such a date and then argue the bindover on such other date.

MR. VUELTER: I would ask for a sconer date than that. Miss Luzaich's suggestion is not mindful of the fact that \(\mathbf{M r}\). Solander is sitting in custody.

THE COURT: That's why, Mr. Mueller, to be honest with you, I asked earlier, because they
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were asking for the transcript before we do bindup,
and you concurred with that, so I was like, well, if
everybody wants to wait for the transcript, that's
fine, but, to be honest with you, you know, the 20
hour prelim, however many hours it's been for a
reporter, I can't make it an energency on my
reporter's behalf. I mean just because this was long
doesn't make this case any more or less important
than any of nly other cases.
MR. MUELLER: I don't disagree with you at all, and in a perfect world we'd have the transcript scomer. The problem is there's 20 hours of transcript and immediately this is going to degenerate into nly notes say, and she's going to say, well, my notes say, and then you're going to say, well, my notes are.
There's very little sense in doing that if we got the transcript. I can come in and highlight and say page 34 she said this, page 56 she said that. I'm a practical man, and that's the reason I conceded the transcript is going to be necessary to keep this from degenerating.
THE COURT: I don't disagree with you, but we only have one court reporter that did most of this, and she has a full caseload to handle, so if

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covering for her and she was in her office working that day.

So she will get it done. I know she will get it done as quickly as she can, but by all means I can't promise how long that will be, but I think Miss Luzaich's suggestion of making a status check, Miss Kit canes back on the 16th, so why don't we have a status check on the 19th, which is a week fran today. Obviously, we're going to let Miss Kit know as soon as she gets back to start working on it, and she'll be able to tell us on the 19th how close she is to getting done.

MR. MANN: Your Honor, I just want to make the Court aware of some scheduling issues that I may have.
\[
\begin{aligned}
& \text { THE CoURT: Thank you. } \\
& \text { MR. MANN: On June } 23 \text { I expect to be in a } \\
& \text { jury trial, a sex assault jury trial. That will } \\
& \text { probably go to about July 2. And then hopefully if } \\
& \text { all goes well on July 2, I'm able to leave town and I } \\
& \text { won't be back till the 10th. } \\
& \text { MR. MuELJER: I've already rescheduled. } \\
& \text { This was supposed to be ury vacation week. I'll going } \\
& \text { to be out of town the } 23 r \text { for two weeks starting the } \\
& \text { 23rd. }
\end{aligned}
\]
you all want -- and I'm not saying the request is unreasonable by anybody if you want the -- if everybody's in agreement to have the transcript for bindover.

Obviously, if we go by notes, then my notes prevail, sorry to say, but if everybody wants the transcript, that would be helpful to the Court as much as it would be helpful to everybody else, but I can't say, you know, Miss Kit, it's all got to be done by Tuesday or Wednesday. That's just not feasible.

This is something typically we don't do is get transcripts for bindup. I understand why it is requested to be done, and it seems like everybody's in agreement. I'd have a bigger problem on uly hands if they wanted it done and you don't want it done.

MR. MUELUER: I talked to Mr. Solander,
Judge. If we can get the transcript, we'll wait an extra day or two.

THE COURT: Okay. I don't know if it will be a day or two. Miss Kit is as diligent as she cones. I mean she sametimes has, not today, apparently, she's on vacation, but \(I\) think it was yesterday or the day before she actually had sanebody
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THE COURT: So does it sound like bindup argument, argument for prelim, and binctup and dismissal, et cetera, et cetera will be after 7-10? \\
MR. MUELUER: We do need to do it before. I think Mr. Marn was hoping. Certainly, I was. \\
THE COURT: The problem is I'm gone -- I guess -- how are we going to do that before? \\
So you're saying before, on or before the 20th, which is a Friday? \\
MR. MUELJER: Yes. \\
MR. MANN: Yes, a week. \\
MS. LUZAICH: A week from tanorrow? \\
THE COURT: That's a week from tomorrow. \\
MS. LUZAICH: We're not going to have \\
transcripts by then. \\
THE COURT: I can't say yea or nay. \\
MS. LUZAICH: There's no way. \\
THE COURT: It sounds unreasonable to me. \\
I wonder if we can meet halfway. \\
I don't know how we do that, but if we can prioritize her transcripts and still have a bindup argument on the 20th, but maybe not request her to do all the transcript. I don't know if there are any witnesses that you feel you absolutely need, and we can do the bindup on the 20th, but I can't conmit that she's
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going to finish it.
NR. NUELUER: In that case, I'd propose that we do the bindup argument the 20th cone what may for whatever we've got to work with and that we ask
her to prioritize getting the transcript of the first day, which was further back in time.

THE COURT: So the first witness.
MR. MUELJER: First witness.
THE COURT: Which is a two-day witness, if I recall.

MS. LUZAICH: Basically, direct of the first witness. That was it the first day, wasn't it?

MR. MANN: No no no. We did -- we did cross, and then -- it was redirect and recross the second day.

THE COURT: Correct.
so can we all agree you all
want -- let's prioritize the witnesses. You want Ava done first?

MR. MUELJER: I would. That's the one I have the hardest time remembering.

THE COURT: That's probably true. And then Amaya.

MR. MANN: And then Anastasia.
THE COURT: And then, obviously, the
on what you think the evidence is. I mean everybody's taken notes. I mean on what you think the evidence is. And, obviously, everybody's going to argue the evidence arryway, and whether those proposed amendments, regardless of what they are, are going to conform to the evidence.
So I mean you could get them a

Proposed Amended Complaint by the 18th on what you think the evidence is, and the transcripts will show what they show and everybody can argue what the evidence was.

MR. MANN: Quite frankly, sans the transcripts, that's what they would be doing anyway.

THE COURT: Right. Using your notes.
Everybody I know needs a little help here.
So why don't we say Proposed
Amended Criminal Conplaint by the 18th at 5:00.
That's wednesday at 5:00, with or without the transcript.

MS. Luzaich: I don't know. I know you might find this hard to believe. This isn't our only case. We both have other prelins and things that we are doing, and if I'm in a prelim, I can't be generating a complaint. I mean I can sit here and argue, but to sit down and actually generate a


Complaint isn't as easy as it sounds.
MR. MANN: Can you predict how marly
amendments? It's not like you're creating a document out of thin air.

MS. LUZAICH: Right. And I'm not saying we can't do it. I just don't know. And Jaque's gone, so I can't ask her right now.

MR. RUE: I guess, Judge, it would be a more efficient argument on both sides if we knew going in what to argue as opposed to trying to do it on the fly. So if the State can get it to me the morning of, that's all I'm asking for is the morning of.

MS. LUZAICH: I will try in advance a day before, two days, if possible. I will try. I just can't promise it.

MR. RUE: Sure.
THE COURT: The other thing I would like is amendments, the proposed amendments, because the Amended Criminal Complaint that we're talking about right now is so lengthy that I would like you to -- I don't care what you want to call it, I call it red line, but you can do whatever you want, put it in bold, put it in italics, put it in pink, put it in red, green, whatsoever, show us what the proposed
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amendments are, so none of us are having to compare
in detail exactly what your changes are.
I want you to screen what your
changes are. So if it's a brand new count, if it's a
tweak of language of an existing count, if it's
adding a defendant, I want you to red line it or
highlight it or however you use to delineate the
amendnents, the proposed amendments. I want you to do
that, okay? That will further make it easier.
MS. LUZAICH: It will make it much
easier. I agree.
THE COURT: Okay. And you can do that
with word or whatever.
So you're going to promise to get
it as soon as you can before the hearing, and we're
going to go June 20 at 10:30. And then what we'll do
is set a status check on when the transcripts are
due. We'll talk to Kit privately, separately the
first thing Monday morning, get a good idea of when
she can at least get Ava done, what she thinks she
can have.
The thing is you wanted it in
advance to prepare. That takes time from her in
preparation. Might she be able to get you something
by Wednesday afternoon, maybe, but it might only be

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\hline \multirow[t]{5}{*}{\begin{tabular}{l}
IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP \\
COUNTY OF CLARK, STATE OF NEVADA \\
STATE OF NEVADA, \\
Plaintiff, \\
Case No. 14F04585A/B/C \\
vs. \\
SOLANDER, DANIELIE HINTON, \\
AITEST RE: NRS 239B. 030 \\
DWIGHT SOLANDER,
JANET SOLANDER, \\
Defendants. \\
\(\left.\begin{array}{l}\text { STATE OF NEVADA } \\ \text { COUNTY OF CLARK }\end{array}\right)\) SS \\
I, Gerri De Lucca, a Certified Shorthand Reporter within and for the County of Clark and the State of Nevada, do hereby certify: \\
That REPORTER'S TRANSCRIPT OF PROCEEDINGS \\
was reported in open court pursuant to NRS 3.360 regarding the above proceedings in Las Vegas Justice Court, 200 Lewis Avenue, Ias Vegas, Nevada. \\
That said TRANSCRTPT: \\
X Does not contain the Social Security number of any person.
\(\qquad\) Contains the social security number of a person.
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Ava. Maybe she can send you this witness at a time,
this witness, as she does it. Anything will help, I
suppose.
    MS. LUZAICH: Absolutely-
    THE COURT: Okay. We'll be in recess
until June 20 at 10:30.
        (Preliminary hearing continued to
        Friday, June 20, 2014 at 10:30 a.m.)
    ----000---
ATHEST: Full, true and accurate transcript of
proceedings.
    /S/GERRI DE LUCCA
\begin{tabular}{|c|c|c|}
\hline - & \[
\begin{array}{|ccccc}
\hline 34 & {[8]} & 2 / 22 & 112 / 4 & 127 / 3 \\
128 / 2 & 130 / 20 & 133 / 19 & 141 / 19
\end{array}
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absolutely [8] 5/25 7/6 \(10 / 19\)
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\hline / & 117/11 118/6 118/20 120/14 & \(\begin{array}{llllll}\text { abuse [17] } & 22 / 3 & 22 / 4 & 22 / 4 & 51 / 16\end{array}\) \\
\hline /8/GERRI [2] 150/14 152/4 & 36 [3] 112/10 114/7 114/8 & 67/17 \(67 / 20 \quad 67 / 21 \quad 68 / 4 \quad 68 / 15\) \\
\hline 1 & 399 [1] 9/16 & 94/8 95/1 110/17 \\
\hline 10 [2] 21/21 144/3 & 3:30 [1] 104/1 & abused [5] 41/17 85/17 91/20 \\
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95 / 796 / 19
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\hline \(\begin{array}{lllllll}108 & {[4]} & 73 / 3 & 78 / 17 & 78 / 20 & 78 / 25\end{array}\) & 45 [2] 139/5 139/6 & accident [4] \(35 / 4 \quad 36 / 19\) 36/22 \\
\hline 109 [3] 73/9 73/19 78/25 & \(48 \quad\) [1] \(94 / 16\) & 39/9 \\
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\hline 150/9 & 50 [1] 2/6 & accompanied [1] 88/5 \\
\hline 10:45 [1] 51/23 & 51.035 [1] 133/16 & accompanying [1] 86/9 \\
\hline 10:54 [2] 52/5 52/6 & 56 [1] 141/19 & account [8] 42/22 43/4 43/8 \\
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\hline 12-6 [1] 118/19 & 7 & accuse [1] 83/12 \\
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\hline 16th [1] 143/7 & 8:11 [2] 23/8 51/21 & actually [25] 7/3 40/11 40/14 \\
\hline 171 [1] 14/2 & 9 & 70/13 \(73 / 12 \quad 74 / 15\) 75/3 77/11 \\
\hline 171.196 [1] 18/6 & & 78/8 80/25 89/10 90/6 94/17 \\
\hline 171.197 [1] 17/7 & 9500 [2] 117/23 118/12 & 104/19 106/17 113/16 113/22 \\
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\(29 / 25\) & \(131 / 7\) \\
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\end{tabular} & additional [1] 116/2 \\
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72 / 24 & 79 / 23 & 79 / 24 & 80 / 25 & 81 / 12
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\hline 120/20 127/6 130/21 & 115/9 126/25 128/2 128/5 128/10 & Advocacy [2] 55/2 106/13 \\
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\hline afield [1] 97/1 & \(\begin{array}{llllll}\text { am } & \text { [6] } & 19 / 19 & 19 / 19 & 39 / 19 & 56 / 19\end{array}\) & apply [21] \(5 / 8\) 6/1 \(10 / 8 \quad 13 / 24\) \\
\hline \(\begin{array}{llllll}\text { after [25] } & 5 / 22 & 7 / 9 & 8 / 13 & 24 / 21\end{array}\) & 83/10 152/2 & 16/11 19/25 20/3 20/4 \(20 / 5\) 20/5 \\
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\hline waive [1] 137/11 & we've [6] 28/5 98/25 102/6 & 132/24 148/25 \\
\hline Wakashan [4] 25/15 50/19 117/23 & 124/9 128/16 145/4 & when [68] \(5 / 21\) 14/17 \(19 / 1\) 25/7 \\
\hline 118/12 & wear [1] 36/24 & \(\begin{array}{lllll}25 / 14 & 25 / 17 & 25 / 23 & 26 / 25 & 27 / 8\end{array}\) \\
\hline walk [1] 68/25 & wearing [1] 22/23 & \(\begin{array}{lllllll}28 / 4 & 28 / 5 & 28 / 17 & 29 / 4 & 29 / 5 & 29 / 9\end{array}\) \\
\hline want [46] 7/24 12/15 13/15 & website [1] 89/5 & 30/6 30/11 33/24 35/7 36/13 \\
\hline \(\begin{array}{lllllll}14 / 25 & 20 / 7 & 24 / 3 & 36 / 10 & 46 / 5\end{array}\) & Wednesday [3] 142/10 147/18 & \(\begin{array}{llllll}37 / 24 & 38 / 13 & 38 / 14 & 39 / 17 & 39 / 22\end{array}\) \\
\hline \(\begin{array}{lllllll}47 / 14 & 50 / 14 & 51 / 25 & 51 / 25 & 53 / 18\end{array}\) & 149/25 & \(\begin{array}{llllll}42 / 15 & 50 / 24 & 51 / 4 & 51 / 7 & 53 / 8\end{array}\) \\
\hline  & week [8] 93/20 111/19 140/13 & 54/10 54/23 55/19 58/17 58/22 \\
\hline 72/23 73/7 85/20 92/17 100/17 & 143/8 143/23 144/11 144/12 & 59/3 59/9 59/18 59/23 63/11 \\
\hline 102/13 104/14 108/2 108/17 & 144/13 & 63/13 \(63 / 13 \quad 63 / 14 \quad 68 / 22 \quad 74 / 10\) \\
\hline \(\begin{array}{llllll}115 / 11 & 117 / 2 & 120 / 15 & 129 / 5 & \\ 131 / 18 & 135 / 1 & 137 / 4 & 137 / 24 & 142 / 1\end{array}\) & weeks [2] 143/24 146/13 & 75/23 \(76 / 7 \quad 76 / 8 \quad 80 / 20 \quad 81 / 22\) \\
\hline 131/18 135/1 137/4 137/24 142/1 & & \\
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\end{tabular}
\begin{tabular}{|c|c|c|}
\hline W & 111/9 113/15 124/13 134/18 145/7 145/8 145/9 145/12 150/1 & \(\begin{array}{lllllll}57 / 1 & 57 / 9 & 58 / 4 & 61 / 2 & 63 / 2 & 71 / 16\end{array}\) \(72 / 2\) 82/23 83/7 84/23 \(91 / 25\) \\
\hline when... [18] 82/6 82/17 83/13 & 150/2 & 94/7 94/7 100/7 100/14 104/3 \\
\hline 89/15 91/2 92/5 95/17 100/9 & witnesses [16] 2/2 6/19 7/11 & 109/3 111/7 126/7 136/19 136/20 \\
\hline 100/18 101/6 103/3 114/19 & 15/20 16/9 16/17 \(16 / 2318 / 7\) & 141/15 144/8 146/14 148/3 \\
\hline \(\begin{array}{lllllll}127 / 21 & 133 / 4 & 138 / 3 & 140 / 9 & 149 / 17\end{array}\) & 18/9 18/12 108/16 109/8 120/9 & 149/14 \\
\hline 149/19 & 138/17 144/23 145/18 & You've [6] 58/2 58/7 \(77 / 17\) 80/4 \\
\hline whenever [1] 63/15 & Witzenberg [26] 6/6 7/2 8/4 & 96/14 135/7 \\
\hline where [39] 4/10 9/17 14/22 & 8/19 8/25 11/19 11/25 12/2 & young [3] 28/4 79/23 90/1 \\
\hline 17/24 19/11 20/9 22/19 \(23 / 4\) & \(\begin{array}{lllll}12 / 13 & 12 / 14 & 12 / 17 & 13 / 13 & 13 / 14\end{array}\) & \(\begin{array}{lllllll}\text { Your [104] } & 3 / 4 & 4 / 9 & 5 / 3 & 7 / 4 & 7 / 6\end{array}\) \\
\hline \(\begin{array}{llllll}24 / 18 & 38 / 16 & 39 / 4 & 40 / 5 & 44 / 7 & 55 / 4\end{array}\) & \(\begin{array}{lllll}13 / 18 & 14 / 12 & 14 / 23 & 15 / 5 & 15 / 18\end{array}\) & \(\begin{array}{llllll}9 / 12 & 9 / 13 & 9 / 15 & 18 / 2 & 20 / 11 & 20 / 20\end{array}\) \\
\hline 60/8 60/11 66/22 68/9 68/11 & 16/1 16/5 16/18 17/5 17/15 & \(\begin{array}{llllll}20 / 25 & 22 / 6 & 22 / 12 & 26 / 14 & 26 / 19\end{array}\) \\
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\hline \(\begin{array}{lllll}75 / 13 & 75 / 15 & 78 / 13 & 79 / 19 & 80 / 6\end{array}\) & woman [2] 41/25 79/23 & 33/17 \(37 / 2540 / 2541 / 741 / 8\) \\
\hline 106/13 109/1 117/17 119/1 & Won't [4] 101/11 101/12 138/1 & 44/14 \(45 / 9\) 47/25 \(49 / 5\) 56/16 \\
\hline 121/13 126/22 127/18 128/24 & 143/21 & \(\begin{array}{llllll}56 / 18 & 59 / 8 & 59 / 23 & 60 / 7 & 60 / 21\end{array}\) \\
\hline 132/13 138/18 & wonder [1] 144/19 & 61/15 62/15 63/6 65/17 67/22 \\
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\hline  & words [4] 14/25 32/15 107/7 & \(\begin{array}{llllll}78 / 16 & 78 / 24 & 80 / 4 & 80 / 24 & 81 / 10\end{array}\) \\
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\hline which [42] 3/10 \(7 / 18\) 8/25 \(9 / 4\) & 125/5 132/1 138/5 145/4 & 105/1 106/1 106/10 107/15 \\
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\hline \(\begin{array}{lllll}46 / 22 & 48 / 9 & 53 / 25 & 59 / 2 & 61 / 17\end{array}\) & working [3] 62/19 143/1 \(143 / 10\) & 124/12 125/2 126/16 127/3 \\
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\hline 35/10 38/15 93/17 100/6 & \(\begin{array}{lllll}32 / 22 & 32 / 24 & 33 / 1 & 33 / 3 & 33 / 3\end{array}\) & 149/2 149/3 \\
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\hline who [37] 30/17 \(44 / 17\) 45/22 \(46 / 9\) & \(\begin{array}{llllll}35 / 8 & 35 / 9 & 35 / 10 & 35 / 12 & 35 / 20\end{array}\) & Yvette [5] 66/11 105/3 105/5 \\
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\hline 85/16 91/2 \(94 / 3\) 95/15 \(96 / 19\) & 67/12 68/19 69/22 80/1 87/6 & Zack [1] 77/8 \\
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\hline 24/15 45/12 62/7 74/18 \(76 / 5\) & 126/14 126/19 128/9 128/21 & \\
\hline 76/25 89/4 \(99 / 15\) 129/16 & 128/23 129/1 129/25 132/13 & \\
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\hline why [18] 5/6 10/21 \(27 / 9\) 29/19 & 148/8 148/18 148/21 & \\
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\] & \(Y\) & \\
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\hline 148/15 149/9 149/10 150/2 & 104/24 105/25 126/20 146/3 & \\
\hline willing [1] 137/15 & Year [3] 24/21 24/22 28/20 & \\
\hline wise [1] 135/14 & Years [4] 4/11 11/6 21/22 \(29 / 3\) & \\
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\hline Withdrawn [1] 27/16 & Yes [178] & \\
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\end{array} \quad 28 / 12 \quad 40 / 9 \quad 79 / 15 \quad 102 / 22
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\hline \(\begin{array}{lllll}18 / 18 & 20 / 21 & 32 / 15 & 39 / 22 & 64 / 8\end{array}\) & You'll [2] 100/25 136/24 & \\
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\hline 101/24 102/3 102/8 102/10 111/8 & 29/5 36/25 47/24 52/21 52/22 & \\
\hline
\end{tabular}
PLAINTIFF \(\quad\) )

\section*{CASE NO: \(C=14+299737-1\) \\ DEPT, NO; \\ \(\qquad\)}

MEDIA REQUEST AND ORDER ALLOWING CAMERA ACCESS TO COURT PROCEEDINGS
*Please fax to (702) \(67 \mathrm{t}-4548\) to ensure thar the request with be processed as quickly as passible.




1 hereby certify that I firnfarriliar with, and will comply with Supreme Court Rub 229-246, irelugite. If this request is being subrnited lass than twonty-four (24) hours before the above-deacribod proceedings corntrenoe, the following facts provide gong
cause for the Court to grant the request on such short notice:

It is further understood that any media camera pooling amtangernents shall be the sole responstility of the media and must be arranged prior to coverage, without asking for the court to mediate disputes.


2014
SIGNATURE:


PHONE: \(767-871-3345\)

IT IS HEREBY ORDERED THAT:
[ ] The media request is denied because it was submitted less than 24 hours before the scheduled proceeding wear to commence, and no "good cause" has been shown to justify granting the request on shorted noptere,
[ ] The media request is dented for the following reasons: \(\qquad\)


The media request is granted. The requested media access remains in effect for each and every haring in the aboveentitled case, at the discretion of the Court, and unless otherwise notified. This order fir made in mecorilance with Supreme Court Rules 229-246, inclusive, at the discretion of the judge, and is subject to raconeidoration upon isochor of any party to the action. Media access may be revoked if it is shown that aches st distracting the participants, impairing the dignity of the Court, or otherwise materially interfering with the administration of justice.
[] OTHER: \(\qquad\)
IT IS FURTHER ORDERED that this document shall be made a part of the record of the proceedings in this case.


\title{
EIGHTH JUDICIAL DISTRICT COURT \\ CLARK COUNTY, NEVADA
}

State of Nevada
-VS-
Dwight Solander
PLAINTIFF

\section*{DEFENDANT}

CASE NO: \(-\frac{\text { C-14-299737-1 }}{21}\)
DEPT. NO: 21

NOTIFICATION OF
MEDIA REQUEST

\section*{TO: COUNSEL OF RECORD IN THE ABOVE-CAPTIONED CASE:}

You are hereby notified pursuant to Supreme Court Rules 229-246, inclusive, that media representatives from KTNV have requested to obtain permission to broadcast, televise, record or take photographs of all hearings in this case. Any objection should be filed at least 24 hours prior to the subject hearing.

DATED this 5th day of August


\section*{CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION} was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-246, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

Plaintiff
District Attorney
(702) 455-2294

Defendant


NUELER, HINDS \& ASSOCRUES, CHTD.
CRAGR. MUELEEK, ESY


Nesada Bar No. 476
CLERK OF THE COURT

600 South Eighth Stroc
Las Yegas Nu 8961
(702) 382-1234

Abomey for Detemanat
DUICTE SOLANDER
BSEXXES CORER
CLAKK COUNTX, NEVADA

TAE STATE OF NEVADA,
PGAEtion,
vs.
DWIGHTSOLANOER, DANELUS HNTON AND SAVET SOLANDER Detondants.

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This Mohon is mate based upon he papers ant preadugs mo he hermb the atached
 necessary at the thas of hearing. Dated this \(\qquad\) Gay of Aagus, 2014 MUELLER, HNDS \& ASSOCMAES, CHED.

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Nevadikar No. 4703
GO Sumb Eph Smed
Las Yegas, Nevada 89 102
(102) 382 -1284

\section*{NOTUCE SF MOTVON}

TO: TEESTATE OF REVAOA, Fhmilis ane
TO: TS COUNSEL OF RECORD, Distric Atmmey:
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MUELERR, MONDS \& ASSOCAATES CWDD.


Cratek, Mheller ksa.
Newada Bar No. 4763
but South Eigh Sreet
Las Veges, Nesada 890]
(76) 382.124

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 any habers compus petition.

Because of the complevity othe case, Defendan:s counco will kave to rely on oher
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\section*{2. Fracedumatisatory}

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 Marb 30, 2015.











 good cause and extend tine in the case, Given that the trat in the case, if it goes as seheduled,
 is granted.

\section*{Cgncexmivi}

For all of the reason stated above, it is io the nterest of jumce that bis honorable Cours ghan Defendan's mothon to extand hme:

TATED the \(\qquad\) day of Auguct. 2014





\section*{OPPS}

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar \(\# 001565\)
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar \#010625
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500

Attorney for Plaintiff

\section*{DISTRICT COURT}

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
-vS-
DWIGHT CONRAD SOLANDER \#3074262

Defendant.

CASE NO: C-14-299737-1
DEPT NO: XXI

\section*{STATE'S OPPOSITION TO DEFENDANT'S MOTION TO EXTEND TIME TO FILE PETITION FOR WRIT OFHABEAS CORPUS}

DATE OF HEARING: August 19, 2014 TIME OF HEARING: 9:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through JACQUELINE BLUTH, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in State's Opposition to Defendant's Motion to Extend Time to File Petition for Writ of Habeas Corpus.

This opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

\section*{STATEMENT OF FACTS PERTINENT TO THIS OPPOSITION}

Defendant, DWIGHT SOLANDER, along with Co-Defendant's Danielle Hinton, and Janet Solander are charged by way of Criminal Information with crimes of Child Abuse, Neglect, or Endangerment with Substantial Bodily Harm (Category B Felony - NRS 200.508(1)); Child Abuse, Neglect or Endangerment (Category B Felony - NRS 200.508(1)); Sexual Assault with a Minor Under Fourteen Years of Age (Category A Felony - NRS 200.364, 200.366); Assault with Use of a Deadly Weapon (Category B Felony - NRS 200.471); and Battery with Intent to Commit 'Sexual Assault (Category A Felony - NRS 200.400) The victims in this case are the three (3) adopted daughters of Dwight and Janet Solander: A.S. (DOB: 10/21/01); A.S. (DOB: 1/23/03); and A.S. (DOB: 7/25/04).

A preliminary hearing was conducted over the course of five days to include May 22, 2014, May 23, 2014, June 9, 2014, and June 12, 2014.

On July 31, 2014, Defendant, Dwight Solander, was arraigned, pled not guilty, and waived the 60 -day rule. At that time the Court ordercd the matter set for trial on March 30, 2015. The Court further ordered that, pursuant to statute, counsel had 21 days from filing of the transcript for the filing of any Writs.

The Court specifically ordered that transcripts of the proceedings be prepared and distributed to all parties prior to arguing the bindover in this matter. The order was filed with the Court on June 30, 2014.

Volumes I through IV of the preliminary hearing transcripts were filed with the Court on July 8, 2014, well in advance of the bindover argument date of July 23, 2014.

The preliminary hearing transcript from June 12, 2014, for witness Francis Emery was filed on August 5, 2014; and, the transcript for the bindover argument has not yet been filed.

On August 8, 2014, counsel for Defendant, Dwight Solander, filed his Motion to Extend Time to File a Petition for Writ of Habeas Corpus The State's Opposition follows.

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\section*{LEGAL ARGUMENT}

NRS 34.700 states:

\begin{abstract}
1. Except as provided in subsection 3, a pretrial petition for a writ of habeas corpus based on alleged lack of probable cause or otherwise challenging the court's right or jurisdiction to proceed to the trial of a criminal charge may not be considered unless:
(a) The petition and all supporting documents are filed within 21 days after the first appearance of the accused in the district court; and
(b) The petition contains a statement that the accused:
(1) Waives the 60-day limitation for bringing an accused to trial; or
(2) If the petition is not decided within 15 days before the date set for trial, consents that the court may, without notice or hearing, continue the trial indefinitely or to a date designated by the court.
2. The arraignment and entry of a plea by the accused must not be continued to avoid the requirement that a pretrial petition be filed within the period specified in subsection 1.
3. The court may extend, for good cause, the time to file a petition. Good cause shall be deemed to exist if the transcript of the preliminary hearing or of the proceedings before the grand jury is not available within 14 days after the accused's initial appearance and the court shall grant an ex parte application to extend the time for filing a petition. All other applications may be made only after appropriate notice has been given to the prosecuting attorney.
\end{abstract}

There is no question that this is a complex case involving multiple defendants; however, the issues to be raised in a pretrial writ of habeas corpus are limited to alleged lack of probable cause or otherwise challenging the court's right or jurisdiction to proceed to the trial of a criminal charge. Likewise, the District Court is limited to consider the record of testimony and evidence presented during the preliminary hearing. Defendant is barred from presenting items of discovery that were not made part of the record, as such, Defendant's claim to need additional time to go through banker's boxes full of discovery is not a valid reason to extend the time for filing a petition for writ of habeas corpus in this case.

In this case, Volumes I through IV of the transcripts were filed with the Court on July

8, 2014. Furthermore, the brief transcript of testimony from the witness, Francis Emery was filed on August 8, 2014; and, the bindover transcript will most likely be prepared and available to all parties, for review, within the week.

The State is entitled to move its case forward without delay. Defendant, Dwight Solander made his initial appearance in the District Court on July 31, 2014, as such, he has until August 20, 2014, to file his petition for writ of habeas corpus, pursuant to NRS 34.700.

\section*{CONCLUSION}

Based upon the above and foregoing Points and Authorities, the State respectfully requests Defendant's Motion to Extend Time to File Petition for Writ of Habeas Corpus be DENIED.

DATED this 13th day of August, 2014.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar \#001565

> BY \(\frac{\text { s/ JACQUELINE BLUTH }}{\text { JACQUELNE BLOTH }}\) Chief Deputy District Attorney Nevada Bar \(\# 10625\)

\section*{CERTIFICATE OF ELECTRONIC FILING}

I, hereby certify that service of the above and foregoing, was made this 13 th day of August, 2014, by Electronic Filing to:

\author{
CRAIG A. MUELLER, ESQ. \\ E-mail: cmueller@muellerhinds.com
}
/s/ J. MOTL
Secretary for the District Attorney's Office Special Victims Unit

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OPPM-(Solander__Dwight)-001.docx

CLERK OF THE COURT
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WUELLER IINDS \& ASOCIATES, CRTD

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Nevada Bur No. 4703
600 South Eighth Strewt
Las Yegab, NY B9101
(702) 382-1234
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DWEBT BOLAMDER

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THESTATE OF NEVABA, Phankly,
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DWIGHT \(\triangle O L\) ANWFR. DANELEEHMTON and MANE SOAANTER

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Respectuly Submited,


\section*{MOTEE OE GEAESNE}

TO: THESTATEOM NEVADA Pambet mad.
TO: TS COUNBE OF RUCORD, Clak Comy Dinmo Abomey
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MUELSE GINBS \& ASSOCAKTE, CPTR.


CHAREA. MMHLAER ESQ.
Nerada Bur No. 7703
600 S. Gight Street
Mas Vegas Nevaca 89101
(762) \(382-1260\)

\section*{MCMOLANOUV OF POTNS AND AUTYORUTES}


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\section*{AEGAESTAWBARS}

\section*{A. Mabses Cempas}



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 offer persons, known and womb, whin and outside the State on Nevada. I dear mater penalty of penny that the forgone is true and correct.

DAEGD this \(\qquad\) day of \(\gg \mathrm{P}^{1} \mathrm{~m}\) 2014.


MUELLER, MNDS \(B\) ASSOCAATES, CHD.
CLERK OF THE COURT

Nevada Bar No. 403
G06 Smibh Eiphth Stres
Las Yegas, NY 89101
(02) 382-1234

A Homey for Defensant
DWICRE SOTANDEX
MSTRICS COURE
CEARE CMUNTX, NEVABK

THE STATE OF NEVAOA,
अとimite
vs.

DWIGHT SORKNDER, DANELSE HNTOR AND GANECSORANDER Defondants.

COMES NOW, Dembn bWIGET SOLANDER, by ad hrough bis anmey ORAO A.
 to this Honombe Cour Wefentant's Mation to Sever.

This Bonon is made based upon the papers and pleasings on whe herein, the attached
 at the time of heange.

DASED this \(\qquad\) day of Angus, 2014


Nevara bar No. 4708
60 S EXghen Sitce
Ma Vegas, Newada Senoy
(702) \(882-1200\)

Altursey for Defendant

\section*{NGTYCL WR MOTION}

TO: THE STATE OR NEYADA, PRMAM, and
TO: US COUNSE OF RECORD, DismCt Ammey:
 SEPTEMBER
the foregong Motion on hearing betore this coms, on the \(\qquad\) 30 day of \(\qquad\) , 204. at the hour of \(9: 30 \mathrm{~A}\) n, or as soon sfereafor as connel may be heard.

TATED his \(\qquad\) day of Abgys, 2014


Nevada Ber No. fogs
600 S. Eghth Sreet
Gas Vegas, Newada 8960
(762) 382.1260

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\section*{MEMORANYOY OFTOEXS ANO GUYORYEES}

Defendant DWIGHT SOLNWDER moves the Honorble Cout to sever his tral fon defenmac BANTT SULANDER and DANBLLE HTETOR. This Motion is based on he fact that it woud be impossble for the paries to receve a far nial because he detenses of Dennakn and has co-defendents are confictng and meconchable, See, Ghmer v. State, T24 Ne, 760,766 (2004).


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\section*{Bacts of he Case}

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DANELEE HNTON began abushy the sisters in varous wags. The State alleges that whatuse


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\section*{Conclusion}
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 Defendants trial from these ob hic co-defendank.

Respectably Smbnattod,
DATED wis
 day of September, 2014


STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar \#001565
JACQUELINE BLUTH
Deputy District Attorney
Nevada Bar \#010625
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500

Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA
THE STATE OF NEVADA, Plaintiff, -vs-
DWIGHT SOLANDER, \#3074262 Defendant.

\section*{STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SEVER}

DATE OF HEARING: SEPTEMBER 30, 2014
TIME OF HEARING: 9:30 A.M.
COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through JACQUELINE BLUTH, Chief Deputy District Attorney, and files this Opposition to Defendant's Motion to Sever.

This opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.
//

\section*{STATEMENT OF FACTS PERTINENT TO THIS MOTION}
A.S. (10/21/01) is twelve years old. She is the oldest of the Solander sisters. A.S. (10/21/01) knows the DEFENDANTS in this case because she and her siblings were originally foster children within the Solander home. In January of 2011 the three siblings were formally adopted by DEFENDANTS Janet and Dwight Solander. (VOL 1 - PHT pp. 14-15)

Before A.S. (10/21/01) and her siblings were fostered by the DEFENDANTS, they were with a couple by the name of Miss Debbie and Mr. Mack. During the time period the children lived with Miss Debbie and Mr. Mack, A.S. (10/21/01) had no issues with going to the bathroom, nor did she have any "tummy" issues. (VOL 1 - PHT pp. 16-17).

On January 19, 2011, DEFENDANTS Janet and Dwight Solander formally adopted A.S. (10/21/01) and her two sisters. Once they were adopted, certain rules were put in place regarding the bathroom. First, the children would have to ask one of the named DEFENDANTS to use the bathroom and the children were not allowed to use the restroom whenever they needed to. (VOL 1 - PHT p. 19) The DEFENDANTS then began using timers to time when the children were allowed to go to the bathroom. (Id. At 19, 28). The children were forced to hold their pee and poop until the timer went off. (VOL 1 - PHT p. 28) Then, when A.S. (10/21/01) was given a chance to go to the bathroom, she was too scared to take the opportunity, because if she stated she had to go then she would get in trouble for not opening her mouth and telling them she had to go previously. (VOL 1 - PHT pp. 112-113) Thus, there was no way to escape getting into trouble over toileting.

There were also rules regarding use of the bathroom at nighttime. At first, the children were allowed to knock on DEFENDANTS Janet and Dwight's door and ask to go to the bathroom, however, they would get in trouble with DEFENDANT Janet Solander for asking. Then the DEFENDANTS put gates and alarms on the door so the children could not get access to the bathroom. (VOL 1 - PHT p. 20)
A.S. (10/21/01) became too scared to ask so she started holding "it," then after a while
she started having accidents in her pants and that is when she would get beaten. (VOL 1 PHT p. 21)

When A.S. (10/21/01) was beaten, she was hit by DEFENDANTS Janet or Dwight Solander. They would spank her bare bottom with a wooden Home Depot stick/ruler. DEFENDANT Dwight Solander wrote "Board of Education" on the stick. (VOL 1 - PHT p. 22) Before the beating, she would be told to take her clothes off and "get in the position" which meant get in a position like one was about to do a pushup. Then either DEFENDANT Janet or Dwight would hit her with the stick. (VOL 1 - PHT p. 24) When the stick hit her bottom, it would break her skin and she would bleed. On certain occasions, she would be hit and the stick would actually break; yet, the beatings would still continue. (VOL 1 - PHT p. 25) A.S. (10/21/01) still has scars on her bottom to this day.

The children were also forced to sit on Home Depot buckets with a toilet seat placed on top of the bucket. (VOL 1 - PHT p. 29) DEFENDANT Dwight Solander bought these buckets at Home Depot. (PHT p. 32) He also placed the toilet lids on top of them. A.S. (10/21/01) and her siblings had to sit on the buckets from the moment they woke up until it was time to go to bed. Id.

DEFENDANT Janet Solander took A.S. (10/21/01) to the doctor because DEFENDANT Janet Solander believed A.S. (10/21/01) was having "stomach issues." After that, DEFENDANT Janet starting blending ALL of the children's food. The children were fed this "blended meal" three times a day. If they had an accident sometimes their food would be reduced to twice a day, then once a day, and sometimes they would not be given anything to eat at all. (VOL 1-PHT p. 33) The same was done with water as well, once the children started having their accidents, they were only given water if they were taking medicine. (VOL 1 - PHT p. 34) It was both, DEFENDANT Janet and DEFENDANT Dwight that would withhold food and water from the children. \({ }^{1}\) Id.

Besides being beaten, if A.S. (10/21/01) had an accident in her pants, DEFENDANT

\footnotetext{
\({ }^{1}\) Later in the preliminary hearing A.S. (10/21/01) testified that DEFENDANT' Dwight Solander did not withhold food and water from her or her siblings.
}

Janet Solander would make Janet stick her soiled underwear in her mouth. (VOL 1 - PHT p. 35) DEFENDANT Janet Solander also made her lick urine off of the floor after an accident. (VOL 1 - PHT p. 146)

After the children had accidents, they would either be taken outside and sprayed down with a hose, or they would be given a cold shower. (VOL 1 - PHT p. 36) Along with being placed in the cold shower, DEFENDANT Janet Solander would also pour buckets of ice on the children while they were showering. (VOL 1 - PHT p. 37) After the children were done showering DEFENDANT Janet or DEFENDANT Dwight would then take a special light to the shower. If it showed that they had urinated in the shower they would get hit with the stick. (VOL 1 - PHT pp. 37, 38) DEFENDANTS Janet and Dwight would also force them to dry off by placing a fan on them, or they were told to shake the water off, they would not be given towels. (VOL 1 - PHT p. 38)

When A.S. (10/21/01) and her siblings would sleep at night, they were given boards to sleep on, unless the nannies were there, then they would give them a cot. (VOL 1 - PHT p. 39) Most of the time the children were made to sleep with no pajamas on, just their underwear, while a fan blew on them. Id.

At a certain point the DEFENDANTS made the decision to home school the children. When the children would get answers to their homework wrong, DEFENDANT Janet would either hit them with the stick or punish them in other ways. (VOL 1 - PHT pp. 43, 44). On one particular occasion A.S. (10/21/01) had gotten an answer wrong so DEFENDANT Janet Solander took A.S.'s (10/21/01) head and slammed her face repeatedly into the counter. Her eye became purple and swelled shut. (VOL 1 - PHT p. 44)

One day, DEFENDANTS Janet and Dwight asked A.S. (10/21/01) if she needed to use the bathroom, to which she answered no. DEFENDANT Janet Solander then told her to go upstairs so she could get a catheter put in. Once she got up to the bathroom, she lay down on a towel, she was told to wipe herself with some "wipe thing" and then DEFENDANT Janet stuck the catheter up her vagina. (VOL I - PHT p. 45, 46). Urine came out into the catheter and then she got into trouble with the DEFENDANTS because she had told them that she
didn't need to go to the bathroom. (VOL 1 - PHT p. 47) This happened more than one time. There were times when DEFENDANT Dwight was outside the bathroom door when it was happening and there were times when he was downstairs. (VOL 1 -PHT p. 48)

If A.S. (10/21/01) ever fought DEFENDANT Janet while she was trying to put the catheter in her, DEFENDANT Janet would threaten her with a razor blade. The razor blade was gray, silverish, and small. (VOL 1 - PHT p. 49) This scared A.S. (10/21/01).
A.S. ( \(1 / 23 / 03\) ) is eleven years old and she is the middle child of the three sisters. \({ }^{2}\) She too noticed the rules started changing after the sisters were adopted by the DEFENDANTS. The children were put on timers and could not go to the bathroom unless the timer was up; this tactic was used by both DEFENDANTS Janet and Dwight. (PHT. VOL III, P. 14) There came a point in time when A.S. (1/23/03) and her siblings were not allowed to use the bathroom during the night. The DEFENDANTS Janet and Dwight placed an alarm on the bathroom door and a gate prevented them from going near the bathroom. (PHT. VOL III, P. 15)

Sometimes, A.S. (1/23/03) could not "hold it" anymore and she would have an accident in her pants. When that occurred, either DEFENDANT Janet or DEFENDANT Dwight would spank A.S. (1/23/03) with the paint stick. It was long and brown and it said Home Depot on it. (PHT. VOL III, P. 16, 17). Either DEFENDANT Janet would hit the children or she would threaten them by saying, "You're going to get it when Dad comes home." Then when DEFENDANT Dwight would come home, he would spank them. Usually they were spanked on the bottom; however, if they kept moving- he would hit them on their backs, arms, or ankles. (PHT. VOL III, P. 16, 17). When the stick would break, the DEFENDANTS would just go get another stick because there were several in the garage. A.S. (1/23/03) still has marks today from the stick whippings on her bottom and her arm. (PHT. VOL III, P. 18)
A.S. (1/23/03) and her siblings were originally enrolled in public school. One morning the children were so hungry that they stole a cinnamon roll from the school. The school

\footnotetext{
\({ }^{2}\) Much of the testimony of all three siblings is similar. Unfortunately to show all counts were bound over correctly, the State must reiterate and repeat the information each victim gave.
}
notified DEFENDANT Janet Solander, and from that point forward, they were home schooled. (PHT. VOL III, P. 20) Once the girls became home schooled, they had to sit at the counter in the kitchen on buckets. The buckets were orange in color and said Home Depot on them. Id. The buckets were purchased by DEFENDANT Dwight Solander, he placed toilet seats on the buckets as well. (PHT. VOL III, P. 21) Somebody wrote names on the buckets in an attempt to make fun of them. Id. When they would sit on the buckets, they would have to sit there with their underwear off but they could keep their shirt on. (PHT. VOL III, P. 22) The children sat on the buckets all day until they went to bed. Id.

In regards to eating, sometimes the children were given "regular" food, which consisted of rice and beans and some "gray stuff." At other times, the girls were given blended food. (PHT. VOL III, P. 24) The children were allowed no snacks in between the regular or blended food. (PHT. VOL III, P. 25) DEFENDANT Janet would give A.S. (1/23/03) a little bit of water with her medicine. Id. Sometimes when the children had accidents, DEFENDANT Janet would not give them food that day or even the next day. (PHT. VOL III, P. 26) If DEFENDANT Dwight was watching the girls, he would call DEFENDANT Janet and if she told him that they couldn't eat or drink - then he wouldn't give them anything. (PHT. VOL III, P. 27)

When A.S. (1/23/03) had accidents, DEFENDANT Janet would force her to put her soiled underwear in her mouth. She also saw DEFENDANT Janet make her sisters do this as well. (PHT. VOL III, P. 28) Additionally, DEFENDANT Janet and DEFENDANT Dwight would make girls act like babies in front of the other foster children. They would make the Solander sisters stand in front of the foster kids with pacifiers in their mouth. In other times, they would have the Solander girls crawl on the floor saying "goo goo" and "gaa gaa." The DEFENDANTS and the other foster children would laugh and make fun of them. If any saliva came out of their mouths, they would get slapped. (PHT. VOL III, P. 28, 29)

When A.S. (1/23/03) and her siblings took showers sometimes they were given luke warm showers and sometimes cold. It would depend on the type of mood DEFENDANT Janet
was in. Sometimes she would give them cold showers; sometimes she would decide to dump buckets of ice on them while taking the cold showers. She also saw DEFENDANT Janet give her sisters the same kinds of showers. (PHT. VOL III, P. 28) When the girls were done with the shower, DEFENDANT Janet would either give them a towel, make them shake off or stand in front of a fan.

After the children were done showering, one of the DEFENDANTS would get a purple light and check the shower to see if there was any pee. If DEFENDANT Janet saw any pee she would scream, "What's this? Did you pee in the tub? I'm not stupid I can see the spots." They would also check their underwear with the light. If the DEFENDANTS found anything, the children would get spanked with the sticks, the DEFENDANTS' hands, or DEFENDANT Janet's slipper. (PHT. VOL III, P. 33)
A.S. (1/23/03) and her sisters would sleep on boards. (PHT. VOL III, P. 33) She believes that they slept in their underwear but maybe sometimes they were allowed their pajamas. Then while they were sleeping, DEFENDANT Janet would put fans on high and let them blow on them. (PHT. VOL III, P. 34) If DEFENDANT Janet was out of town and DEFENDANT Dwight was taking care of them he would have to call DEFENDANT Janet and do whatever she told him in regards to how the children slept. (PHT. VOL III, P. 35) There were no sheets on the bed but sometimes they would get a blanket. Id.

DEFENDANT Janet would ask them if they had to go to the bathroom before the DEFENDANT left the house. Even though the children would tell her no, she would still check them with a catheter. If pee came out of the bag, she would spank them. (PHT. VOL III, P. 38) She would check them by taking them into the bathroom and telling them to lay a towel on the floor, then they would lay down and she would put the catheter in their "front part." (PHT. VOL III, P. 39) If pee came out, she was in trouble. If A.S. (1/23/03) fought DEFENDANT Janet then she would get spanked. DEFENDANT Janet would also threaten them with a razor blade. (PHT. VOL III, P. 40) When DEFENDANT Janet threatened A.S. (1/23/03) with the razor blade, it made her feel afraid. (PHT. VOL III, P. 41) A.S. (1/23/03) isn't sure, but she believes she heard DEFENDANT Dwight Solander ordering the catheters
on the phone. (PHT. VOL III, P. 45)
A.S. ( \(1 / 23 / 03\) ) remembers one day when they were doing their homework, she noticed that A.S. (10/21/01) was shaking. She asked her if she had to go to the bathroom and A.S. (10/21/01) said yes. A.S. (1/23/03) told her sister that she needed to say something, but her sister told her that she was too scared. So, A.S. (1/23/03) told her sister that she would be in more trouble if she didn't say anything but her sister said that she was too afraid. Her sister then urinated on herself. When DEFENDANT Janet saw that A.S. (10/21/01) had urinated, she kicked her up and down the stairs. Then she took her head and slammed it into the counter leaving her with a blackish purple eye. (PHT. VOL III, P. 43)
A.S. (1/23/03) also remembers a time when their youngest sibling had pooped in her pants. DEFENDANT Janet then kicked the youngest sibling up the stairs. Once the child reached the bathroom, Janet emptied the child's poop into the toilet and forced the child to stick her head into the toilet with the poop in it. (PHT. VOL III, P. 44)

The youngest of the Solander adopted children is A.S. (7/25/04). She is 9 years old. She first moved in with the DEFENDANTS as a foster child. Then in January of 2011 she and her sisters were adopted.

After being adopted, there were rules about going to the bathroom. They were not allowed to go unless they asked. (PHT. VOL III, P. 186) Sometimes DEFENDANT Janet would get mad at them after they asked and she would start spanking and kicking them. (PHT. VOL III, P. 186) If they asked DEFENDANT Dwight if they could go, he would let them. When they would get in trouble about the bathroom, the DEFENDANTS would spank them with a stick, which was wooden and had orange words on it. (PHT. VOL III, P. 187) If the stick broke while the DEFENDANTS were hitting her and her sisters, they would just go get another stick because they had a whole pack of them. (PHT. VOL III, P. 190) Her bottom would bleed when they spanked her; she knows this because when she pulled down her pants all she could see was blood. (PHT. VOL III, P. 190) There were other times when she had an accident that DEFENDANT Janet made her put her soiled underwear in her mouth. (PHT. VOL III, P. 199)

If DEFENDANT Dwight was watching them, sometimes he would let them go, but he had to follow the rules. If DEFENDANT Janet told DEFENDANT Dwight that they had to wait - then they had to wait. (PHT. VOL III, P. 192)

When they slept at night, there was an alarm on the bathroom door and there was also a gate to keep them from going to the bathroom. (PHT. VOL III, P. 193) DEFENDANT Janet told them that if they passed the gate, it would electrocute them.

When they were working on their school work they would sit at an island in the kitchen and they would sit on buckets. They were from Home Depot and they had a toilet seat on them. (PHT. VOL III, P. 195) DEFENDANT Dwight placed the toilet seat on them. They had to sit on the buckets all day until they went to bed.
A.S. (7/25/04) and her siblings were not allowed to eat whatever they wanted. Initially they were given vegetables, red beans, and rice. In the morning they were given either oatmeal or cereal; however, DEFENDANT Janet started blending their food. DEFENDANT Janet told them that she was blending mice up and feeding it to them, but she didn't really believe her. (PHT. VOL III, P. 196) Initially they were allowed to eat three times a day, then sometimes only once. If they had an accident, they could go as long as two days without any food or water. (PHT. VOL III, P. 197)

If A.S. (7/25/04) and her siblings had an accident or they didn't finish their homework, DEFENDANT Janet would take them to the shower, put a bucket full of ice on them, and then she would have them stand in front of a fan to dry off. (PHT. VOL III, P. 200)

After the siblings were done with the shower, DEFENDANTS Janet and Dwight would check the shower with a special light that was purple to see if they had gone pee in the shower, they would also do this with their underwear. (PHT. VOL III, P. 201) Then they would get punished if anything was found.
//
They slept on boards in the loft. They were blue and had their names on them. DEFENDANT Dwight Solander used a sharpie to write their names on the board. (PHT. VOL III, P. 202) They were never given any sheets but sometimes they were given a pillow. (PHT.

VOL III, P. 203). Sometimes they were allowed to wear a t -shirt to sleep in but most of the time they were just allowed to wear their underwear. While they slept, a fan blew on them. (PHT. VOL III, P. 203) When DEFENDANT Dwight was watching them, he would usually let them sleep on pull out beds; however, when DEFENDANT Janet was with them, Dwight would see that she was making the girls sleep on the boards. (PHT. VOL III, P. 204)

One day A.S. (7/25/04) was cleaning up the "dogs' bathroom" in the yard. When she came inside, DEFENDANT Janet told her to wash her hands. When she went to do so, the water was really hot so she jerked her hands out. This angered DEFENDANT Janet and so she forced her hands back in. DEFENDANT Janet then took the top of a candle lid, filled it with water, and splashed it in her face. When she continued to cry, DEFENDANT Janet picked her up and tried to put her whole body in the sink. A.S. \((7 / 25 / 04)\) still has scars on her back and ear. (PHT. VOL III, P. 205)

Sometimes DEFENDANT Janet would get mad at her for an accident so she would stick her head in the toilet or make her put her underwear in her mouth. (PHT. VOL III, P. 208)

There were two occasions when DEFENDANT Janet Solander became angry because A.S. (7/25/04) had had an accident in her pants. DEFENDANT Janet punished her by making her stand naked in a garbage bag for hours on end forcing her to stand in her own urine and poop. (PHT. VOL IV, PP. 139-140, 171, 172)

DEFENDANT Janet would use a catheter on her. This happened more than once and it happened in her sister's old bedroom, the upstairs bathroom, and the loft. When DEFENDANT Janet would do this she would take her to the bathroom, have her lay down on a towel, and then put the catheter in her private. (PHT. VOL III, P. 212) If pee came out, she would be in trouble. If DEFENDANT Janet was really mad, she would stick the catheter in and wiggle it around. DEFENDANT Dwight was the person who bought the catheters. One time when DEFENDANT Janet was using the catheter on her, DEFENDANT Dwight was standing at the door. Besides the catheter, DEFENDANT Janet also stuck the paint stuck up her vagina. (PHT. VOL III, P. 216) If she tried to fight DEFENDANT Janet when she
was using the catheter, DEFENDANT Janet would threaten her with a razor blade and tell her that she was going to cut her front part out. (PHT. VOL III, P. 218)

DEFENDANT Janet put the catheter in her vagina in the bathroom more than one time, about four times in the loft, and put the stick in her vagina in her sister's old bedroom. (PHT. VOL IV, PP. 167, 168, 216, 217)

If she fought DEFENDANT Janet, she would hold her down with one hand as she was using the needle with the other. She held her down one time in the bathroom and one time in the loft. (PHT. VOL III, PP. 167-168)

The children were eventually seen by Dr. Sandra Cetl who is a pediatric emergency physician but also a Child Abuse and Neglect specialist. Dr. Cetl's testimony is delineated below:
- P. 14 (VOL IV) - Testimony of Dr. Cetl. She found numerous scars all over the body of A.S. 10/21/01, the ones that were particularly concerning were on her bottom and back.
- P. 16, 17 (VOL IV) - Testimony of Dr. Cetl. The pictures that are being shown are of A.S. 10/21/01 back and legs, there is obvious scars, and healed scar tissue.
- P. 26 (VOL IV) - Testimony of Dr. Cetl. Showing pictures of A.S (1/23/03) arm where there is a linear scar that is healing. There is also scar tissue on her left and right buttocks. There is also linear scars on her upper thigh, as well as her lower back.
- P. 35 (VOL IV) - Testimony of Dr. Cetl. There are linear scars on the right side of A.S. (7/25/04) back towards the middle, as well as two smaller linear scars coming off of them perpendicular to her backside area. There is also a linear scar on the right flank area but lower down.
- P. 38 (VOL IV) - Testimony of Dr. Cetl. There is scar tissue towards the bottom, almost towards the crease of the buttocks. There are also scars on the right and left buttocks. There is a scar a little bit higher which is linear on the left side.
- P. 40 (VOL IV) - Testimony of Dr. Cetl. The fact that the scars were somewhat
linear in nature and that all three girls had the same marks is concerning of non accidental injury.

Lastly, Detective Emery is in the Child Abuse and Neglect Division of the Las Vegas Metropolitan Police Department. Detective Emery is in charge of the investigation of this case. During her investigation she conducted a search warrant on the work computer of DEFENDANT Dwight Solander. Pursuant to that search she found several purchases for catheters. (VOL V - PHT p. 49) Also on the computer, were emails regarding alarms to put on doors, one specifically was called "the bedwetter." Id. Additionally, there were several emails going back and forth between DEFENDANT Janet and DEFENDANT Dwight discussing the children having accidents, pictures were attached, and comments stating the children were going to get punished.

It should also be noted that after all three defendants were arrested, Defendant Danielle Hinton was interviewed and she basically corroborated independently everything the children had told police.

\section*{ARGUMENT}

NRS 173.135 clearly allows two or more defendants to be charged under the same indictment or information if they participated in the same criminal conduct. NRS 175.165 grants the trial court broad authority to sever joint trials in order to prevent prejudice to either defendants or to the State. The United States Supreme Court has determined that there is a preference in the federal system for joint trials. Zafiro v. United States, 506 U.S. 534, 537, 113 S.Ct. 933 , 937 (1993). While the Supreme Court was not construing Nevada's joinder rule, NRS 175.135 and NRS 174.165 do evidence a similar preference for joint trials.

In order to obtain a severance, a criminal defendant must show clear, manifest, or undue prejudice from the joint trial. United States v. Entriquez-Estrada, 999 F.2d 1355, 135 n. 1 (9th Cir. 1993). The decision to sever is left to the trial court and will not be reversed absent an abuse of discretion. Amen v. State, 106 Nev. 749, 755, 801 P.2d 1354, 1359 (1990). The burden is upon the party requesting severance to establish prejudice. Broad and general allegations of prejudice are not enough to require a trial court to grant a severance. United

States v. Baker, 10 F.3d 1374, 1389 (9th Cir. 1993). In order to meet this burden, the party challenging the trial court's decision on the issue of severance must make a substantial showing of prejudice. Amen v. State, 106 Nev. 749, 755, 801 P.2d 1354, 1358 (1990). In Defendant's motion counsel has listed three reasons why severance is appropriate. The State's response is as follows.

\section*{I. SEVERANCE IS NOT APPROPRIATE MERELY BECAUSE DEFENSE MAKES A BLANKET STATEMENT THAT PARTIES' DEFENSES WILL "LIKELY" BE CONFLICTING AND IRRECONCILABLE}

First and foremost, Defendant's motion is beyond premature. There are many things that may alter the many "moving parts" of this case, especially at such an early stage in the judicial process. Defendant cannot honestly believe that they can merely assert that their defense will be "likely conflicting and irreconcilable" with another Defendant's and then their request will be automatically granted. If this were the case every Defendant involved in a codefendant case could make this claim and have their case severed. Defense is going to have to make much more of a proffer of why this is prejudicial in order to convince this Court to even consider severance in this case.

Defendant's first reason as to why his case should be severed revolves around his perception of not only his own defense but that of his co-defendants, believing each of the defenses to be so conflicting and irreconcilable that there would be no way to have a fair trial.

The Nevada Supreme Court dealt with this specific issue in Marshall v. State, 56 P.3d 376, (2002). However, in that case the two Defendants were actually pointing the other finger at each other and claiming actual innocence on their own behalf. Even under those circumstances the Nevada Supreme Court upheld the District Court's ruling in denying the Defendants' Motion to Sever. The Court opined, "As we have explained elsewhere 'while there are situations in which inconsistent defenses may support a motion for severance, the doctrine is a very limited one.' A defendant seeking severance must show that the codefendants have "conflicting and irreconcilable defenses and there is danger that the jury will unjustifiably infer that this conflict alone demonstrates that both are guilty." Id. At 378 . The Court went onto further explain the factors for consideration in severance by stating:

> "The decisive factor in any severance analysis remains prejudice to the defendant. NRS \(174.165(1)\) provides in relevant part: "If it appears that a defendant \(\ldots\) is prejudiced by a joinder \(\ldots\) of defendants ... for trial together, the court may order an election or separate trials of counts, grant a severance of defendants or provide whatever other relief justice requires." Nevertheless, prejudice to the defendant is not the only relevant factor: a court must consider not only the possible prejudice to the defendant but also the possible prejudice to the State resulting from expensive, duplicative trials. Joinder promotes judicial economy and efficiency as well as consistent verdicts and is preferred as long as it does not compromise a defendant's right to a fair trial. Despite the concen for efficiency and consistency, the district court has "a continuing duty at all stages of the trial to grant a severance if prejudice does appear." Joinder of defendants is within the discretion of the district court, and its decision will not be reversed absent an abuse of discretion. To establish that joinder was prejudicial requires more than simply showing that severance made acquittal more likely; misjoinder requires reversal only if it has a substantial and injurious effect on the verdict." Id. \(378-379\)

The State cannot imagine the possible prejudice should all three of these Defendants be severed from one another. This preliminary hearing took five full days. Just the bindover argument took an entire afternoon. The most prejudicial factor of all would be the absolute travesty towards the victims in this case if severance was granted. These children endured five days of direct and cross examination, through one of the most painful preliminary hearings the State has seen. To make them go through three individual trials would be a complete injustice. Putting the victims aside, the expense of putting three separate trials on would be an incredible cost to the State, especially with the amount of experts the State will most likely have to put on. Another factor that should be considered is the judicial efficiency aspect. This Court does not need to put on three separate multiple week trials without the Defense pointing out a legal reason to do so.

Merely saying that they believe the defenses to be conflicting and irreconcilable does not do the job. Defense attempts to know what the other Defendants' defense will be while stating what he believes his to be. The State has two issues with that, first, the Defendant has actually no knowledge of what the other Defendants' defense will be. Second, the defense the Defendant is offering in this motion is ridiculous and was completely blown out of the water during preliminary hearing, not only by testimony of the children witnesses but of evidence
found on his work computer. This is a factor to be considered under Chartier v. State, 191 P.3d 1182, 1186 (Nev., 2008), where the Nevada Supreme Court opined:

> "[A]ntagonistic defenses are a relevant consideration but [are] not, in themselves, sufficient ,grounds for concluding that joinder of defendants is prejudicial." FN9 We considered a severance claim based on antagonistic defenses in Marshall v. State. .N10 In that case, we observed that "[t]he defenses were indeed antagonistic, and Currington [the codefendant] testified in an effort to exonerate himself and inculpate Marshall." FNil However, we further concluded that because the prosecution presented ample evidence against both defendants and the State's case was not dependent upon testimony from either defendant, there was "no indication that anything in this joint trial undermined the jury's ability to render a reliable judgment as to Marshall's guilt."

Chartier v. State, 191 P.3d 1182, 1186 (Nev., 2008).
As discussed before in previous motions. There is an overload of corroboration in this case. So, even if the Defendants do present contradicting defenses it still is not an issue due to the amount of evidence the State has.

Furthermore, merely because defendants will produce conflicting evidence does not make severance necessary. This topic was specifically addressed by the United States Supreme Court in the case of Zafiro v. United States, 506 U.S. 534 (1993). The petitioners in that case contended that it was prejudicial whenever two defendants both claim they are innocent and each accuses the other of the crime. The Supreme Court rejected that contention, holding that, "mutually antagonistic defense are not prejudicial per se. A district court should grant a severance only if there is a serious risk that a join trial would compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgment about guilt or innocence." Id. At 541. The petitioners in Zafiro did not articulate any specific instances of prejudice. The court explained that it is, "not prejudicial for a codefendant to introduce relevant, competent evidence that would be admissible against the defendant at a severed trial. Nor had a joinder allowed the prosecution to avoid its burden to prove its case beyond a reasonable doubt." Id. The Court also discussed ways in which a District Court could cure any possibility of prejudice by properly instructing the jury, among other things, that it had to consider the case against each Defendant separately.

The reality is that in all cases involving co-defendants, defendants will likely produce evidence that conflicts with one another, which happens in the courtroom every day. However, the Defendant must make much more clear of a proffer as to why a severance is necessary than merely speculating on his co-defendants "likely" defenses. If you look at Marshall and Zafiro, each of those Defendants were presenting evidence that could not be more conflicting to the evidence presented by the other Defendant, however, the Supreme Court upheld the District Courts' denials of severance because there needs to be a showing of actual prejudice. The Defense has not done this at this stage of the process. The State does recognize that the District Court has an ongoing duty to grant a severance if prejudice does appear, should this be the case in the future, the State has no doubt the Court will make a decision at that point.

\section*{II. SEVERANCE BASED ON BRUTON EVIDENCE IS NOT WARRANTED}

Defense next tries to request severance based on the claim that the State will "likely attempt" to introduce Bruton evidence and thus the Defendant should be severed. Now the Defense is not only guessing at what the other co-defendants will do at trial, but the State as well. Again, this motion is premature. No decisions have been made in regards to what evidence will be used at time of trial. There is also a chance that not all of the named Defendants will be a party to this criminal action at that time. So, this is far too premature in advance to warrant a severance. That being said, there are multiple ways in which to cure Bruton issues.
//
The Confrontation Clause of the Sixth Amendment of the U.S. Constitution guarantees the right of a criminal defendant to be confronted with the witnesses against him. In Bruton V . United States, 391 U.S. 123, 88 S.Ct. 1620 (1968), the United States Supreme Court held that since there is a substantial risk that a jury will use a facially incriminating confession of a nontestifying defendant as evidence of the guilt of the co-defendant, the admission of the confession in a joint trial violates the Confrontation Clause. Id. at \(126,88 \mathrm{~S} . \mathrm{Ct}\). at 1622 . Subsequent to the Bruton decision, numerous Circuit Courts of Appeal employed the use of redacting references to the defendant and substituting neutral pronouns. For example, the

Ninth Circuit Court of Appeals approved the use of a counterfeiter's confession when redacted to include that he and "some others" robbed a savings and loan association. United States v. Sears, 663 F.2d 896, 902 (9th Cir. 1981), cert. denied, 455 U.S. 1027, 102 S.Ct. 1731 (1982).

In 1987, the U.S. Supreme Court clarified its decision in Bruton in the case of Richardson v. Marsh, 481 U.S. 200, 107 S.Ct. 1702 (1987). The Court classified the Bruton decision as a "narrow exception," holding that the Confrontation Clause is not violated by the admission of a non-testifying co-defendant's confession with a proper limiting instruction when the confession is redacted to eliminate not only the defendant's name, but any reference to his existence. Id. at \(211,107 \mathrm{~S} . \mathrm{Ct}\). at 1709.

The State believes that if there are any Bruton issues at time of trial they may be cured by various ways. The State will work with the Defense as well as the Court in making sure all Defendant's rights are respected.

\section*{III. FAILURE TO SEVER THE CO-DEFENDANT SPOUSES IN THIS CASE DOES NOT CREATE AN "IMPERMISSABLE CATCH 22"}

Defendant did not cite the relevant portion of NRS 49.305 in their motion. If the Defense were to read further, they would recognize that this privilege is not applicable to them under subsection (e).

NRS 49.305 clearly states:
(a) A husband cannot be examined as a witness for or against his wife without his consent, nor a wife for or against her husband without her consent.
(b) Neither a husband nor a wife can be examined, during the marriage or afterwards, without the consent of the other, as to any communication made by one to the other during marriage.
2. The provisions of subsection 1 do not apply to a:
(e) Criminal proceeding in which one spouse is charged with:
(1) A crime against the person or the property of the other spouse or of a child of either, or of a child in the custody or
control of either, whether the crime was committed before or during marriage.
(2) Bigamy or incest.
(3) A crime related to abandonment of a child or nonsupport of the other spouse or child.
3. The provisions of subsection 1 do not apply in any criminal proceeding to events which took place before the husband and wife were married.

Thus, the Defendant cannot hide behind the statute that he relies upon since the criminal proceeding revolves around a crime committed on his own children.

\section*{CONCLUSION}

For the reasons stated above, the State requests that this Court deny the DEFENDANT'S Motion to Sever.

DATED this \(25^{\text {th }}\) day of September, 2014.
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar \#001565

BY \(\frac{\text { /s/ JACQUELINE BLUTH }}{\text { JACQUELINE BLUTH }}\)
JACQUELINE BLUTH
Chief Deputy District Attorney
Nevada Bar \#010625

\section*{CERTIFICATE OF SERVICE}

I hereby certify that service of the above and foregoing was made this \(25^{\text {th }}\) day of
SEPTEMBER 2014, to:
CRAIG MUELLER, ESQ.
cmueller@muellerhinds.com

BY /s/ HOWARD CONRAD
Secretary for the District Attorney's Office Special Victims Unit
hjc/SVU

MUELLER, HNDS \& ASBOCLATUS, CRTD.

Nevada Bar No. 4703
600 Sond Reghet Strem
Las Vegas. Ny 89101
(702) 382-1234

Antomev for Defendan
DWIOET SOR ANDER
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vs

DWKCRE COLANSER DANIELEMDTON AND AANETSOLANDER

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Neveda Barko -8703 604 Souin Eigh Sueet Las Vegas, Neveda 89101 (02) 342-1234

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DATED tion \(\qquad\) day
\(\sigma^{2}\) \(\qquad\) .2014

MUELLER, HINDS \& ASOOCATES: CITD.


Crig A muller Ese
Nevada Bar No. 4763
600 South Eight Stect
Las Vegax, Nevada 89101
(72) \(382-1234\)

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\section*{ARGUMEAT}

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MDBIFFR HDDS \& ASOCLMES CHTD.


\title{
IN THE SUPREME COURT OF THE STATE OF NEVADA
}

STATE OF NEVADA, Appellant(s),

VS.
DWIGHT CONRAD SOLANDER, Respondent(s),

Case No: C299737-1
Docket No: 67710

\section*{RECORD ON APPEAL VOLUME}

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1 PICTURE OF THAT, TOO.

24 Q OKAY. IF - NOW, MR. MANN HAD ASKED YOU SOME
25 QUESTIONS ABOUT GOING TO THE BATHROOM ON A TIMER, DO YOU

8 STUFF READY TO GET IN THE SHOWER, BECAUSE SOMETIMES SHE DECIDED WHEN SHE WANTED TO GIVE US A SHOWER. SOMETIMES SHE JUST GET THE FAN AND - UM -- LIKE LET US DRY, BUT THEN LATER ON IN THE NIGHT WE'D TAKE A SHOWER.

Q OKAY.
A BUT WE WERE STILL ALLOWED TO GO TO THE BATHROOM -UM - - AFTER THAT.

Q OKAY. NOW, WERE THERE SOMETIMES WHERE MISS JANET DIDN'T LET YOU GO TO THE BATHROOM?

A WELL THERE - LIKE IF AVA HAD JUST WENT TO THE BATHRDOM AND THEY HAD JUST CAME DOWNSTAIRS, AND MISS JANET WAS 19 WALKING - - UM - - WALKING TO HER ROOM, AND I SAID, I HAVE TO GO 20 TO THE BATHROOM, SHE WOULD -- SHE WOULD BE LIKE, WE HAD -- WHY

21 DIDN'T YOU SAY SOMETHING, WE JUST WENT TO THE BATHROOM? AND
22 SHE SAID, LIKE SHE ASKED US WHY AND WE HAD - - WE'D TELL HER
23 WHY. AND SHE SAID, WELL YOU HAVE TO WAIT TILL TIMES UP,
24 BECAUSE YOU SHOULD HAvE SAID SOMETHING BEFORE THE -- UM --
25 BEFORE THE TIME WAS UP FOR -- OR YOU COULD SAY -- WE COULD

HAVE SAID AT THE SAME TIME WHEN AVA HAD SAID IT.
Q OKAY. NOW, IS THERE A BATHROOM DOWNSTAIRS?
A YES.
Q SO WHY DID YOU HAVE TO GO UPSTAIRS?
A BECAUSE SHE WANT - - SHE DIDN'T WANT US TO USE THE BATHROOM, BECAUSE THAT \(=-\mathrm{I}\) DON'T KNOW. I KNOW THAT WE - I DON'T KNOW WHY.

Q OKAY. SO YOU HAD TO GO UPSTAIRS TO USE THE BATHROOM?

A YES.
Q NOW, IF YOU HAD AN ACCIDENT - - UM - - AND THE TIMER STARTED OVER, WERE YOU -- WERE YOU PUNISHED BY THEN HER NOT ALLOWING YOU TO GO THE NEXT TIME?

A WELL, SOMETIMES SHE 'D SAY OKAY. WELL - - UM - WHEN SHE'D BE LIKE, OKAY, WELL WHEN I'M DONE YOU GET UP HERE AND USE THE BATHROOM, BUT SHE -- SHE'D SPANK US, NOT AS HARD OR AS MUCH, BECAUSE SHE SAID -- SHE'D BE LIKE -- IT'S LIKE SHE ALWAYS TELL US, WHEN WE DON'T SAY SOMETHING AND THIS IS -SHE'S LIKE, THIS IS WHAT MAKES ME UPSET YOU DON'T SAY SOMETHING WHEN YOU GO TO THE BATHROOM, OR IF IT'S TOO LATE, THAT'S WHAT MAKES ME UPSET. BUT IF YOU SAY SOMETHING AND JUST WANT -- I'M OKAY, YOU'RE STTLL GONNA' GET A SPANKING, BUT NOT AS BAD --

Q OKAY. SO YOU --
A -- BECAUSE YOU SAID SOMETHING.

12 Q OKAY. SO THEN, BECAUSE YOU WERE GETTING SPANKED

22 Q UM - WERE THERE EVER ANY TIMES WHEN YOU HAD AN
23 ACCIDENT - UM - I WAS GOING SAY HAD AN ACCIDENT ON ACCIDENT.
24 BUT, I MEAN, WAS THERE EVER A TIME WHERE YOU WENT, PEED IN
25 YOUR PANTS OR POOP IN YOUR PANTS ON ACCIDENT, YOU DIDN'T MEAN

A WELL, I REMEMBER THERE WAS THIS ONE TIME -- UM -THE DOCTOR HAD GAVE US - - HE GAVE ME MEDICINE TO TAKE OVER THE WEEKEND, AND I REALLY HAD TO GO, AND IT HELPS YOUR STOMACH, LIKE IT HELPS -- IT HELPS LIKE -- MISS JANET SAID BECAUSE THAT -- SHE GAVE ME THE MEDICINE, AND I DIDN'T MAKE IT TO THE BATHROOM BECAUSE IT HAD SOMETHING TO DO WITH -- I DON'T KNOW WHAT IT WAS, BUT IT HAD -- IT WAS COMING DOWN FAST AND I DIDN'T MAKE IT, AND HAD TOLD HER, AND SHE SAID, I UNDERSTAND BECAUSE YOU'RE TAKING THE MEDICINE, BUT SHE WAS OKAY WITH THAT BECAUSE SHE UNDERSTOOD.

Q OKAY. SO ON THE TIMES WHEN YOU WERE TOO SCARED TO ASK TO GO TO THE BATHROOM, WHAT WOULD HAPPEN?

A WE'D GET IN TROUBLE FOR NOT SAYING NOTHING.
Q OKAY. AND THEN IF YOU DIDN'T ASK TO GO TO THE BATHROOM, LIKE HOW -- I MEAN, DID YOU JUST WAIT TILL NEXT TIME OR DID YOU GO IN YOUR PANTS OR WHAT WOULD HAPPEN?

A WELL LIKE IF I DIDN'T ASK I WOULD BE ABLE TO HOLD IT TILL NEXT TIME, OR IF I HAD TO GO REALLY, REALLY BAD -- UM -AND I DIDN'T SAY NOTHING, I WOULD GET IN TROUBLE, BUT LIKE -UM - - USUALLY I WOULD HOLD IT FOR A LONG TIME. LIKE IF I HAD TO GO JUST A LITTLE BIT -- UM -- I COULD HOLD IT TILL THE NEXT BATHROOM BREAK. BUT IF I HAD TO GO REALLY BAD, I COULDN'T, SO I HAVE TO GO.

Q OKAY. SO WOULD YOU EVER FLOOD YOUR PANTS?

A YES.
Q THE FANS THAT WE'VE TALKED ABOUT, WERE THOSE USED ALL YEAR LONG, NO MATTER WHAT IT WAS LIKE OUTSIDE? THE FANS THAT WE TALKED ABOUT -- UM -- THAT EVERY --

A YEAH, I KNOW THE FANS, BUT LIKE IF WE WERE FALIING ASLEEP WHILE DOING OUR HOMEWORK WE'D HAVE THE FAN ON US SO WE COULD FINISH DOING OUR HOMEWORK, OR IF WE PEED ON OURSELF WE'D GET THE FAN TO DRY OFF.

Q AND YOU TALKED ABOUT THE FANS BEING ON UPSTAIRS WHEN YOU WERE SLEEPING?

A YES.
Q WHEN YOU DIDN'T HAVE - WHEN YOU JUST HAD YOUR UNDERWEAR ON?

A YES.
Q WERE THOSE USED ALL THE TIME NO MATTER WHAT IT WAS LIKE OUTSIDE?

A SOMETIMES. NOT ALL THE TIME, BUT SOMETIMES SHE PUT THE FAN ON US, BUT NOT ALI THE TIME.

Q OKAY.
UM -- I GUESS WHAT I'M ASKING YOU IS, WERE THE FANS JUST USED IN THE HOT MONTHS OR WERE THE FANS USED AS PUNISHMENT NO MATTER WHAT TIME OF MONTH -- TIME OF YEAR IT WAS.

A IT WAS JUST - - THEY WERE JUST USED TO STAY UP AND -STAY AWAKE TO DO OUR HOMEWORK AND TO DRY OFF. LIKE WHEN WE

WOULD TAKE A SHOWER OR WHEN WE FLOOD THE BED, THOSE WERE THE ONLY TIMES THEY WERE USED.

Q THAT'S WHAT I'M TALKING ABOUT, WHEN YOU WOULD FLOOD THE BEL, I'M ASKING IF THE FANS WERE ON YOU --

A NOT FOR PUNISHMENT, ONLY FOR THOSE REASONS.
Q EVEN IN THE WINTER?
A LIKE IF WE DIDN'T GET OUT HOMEWORK DONE, WE - - AND WE WERE FALLING ASLEEP, BECAUSE WE WERE FALLING ASLEEP SHE'D PUT THE FAN ON US TO KEEP US AWAKE SO WE COULD DO OUR HOMEWORK.

BUT IF WE FLOOD - L LIKE IF WE WENT BATHROOM ON OURSELF, SHE'D -- UH -- GO UPSTAIRS AND -- WE'D GO UPSTAIRS AND TAKE A SHOWER, AND WE DRY OFF. AND THEN IF WE DIDN'T TAKE A SHOWER, SHE'D PUT THE FAN ON US TO DRY OFF.
\(Q\) OKAY.
A NOT ALL -- BUT LIKE THEY WEREN'T USED AS
PUNISHMENTS, THEY WERE ONLY USED FOR THOSE REASONS.
Q OKAY. AND THANK YOU FOR CLARIFYING THAT FOR ME.
WHAT I'M ASKING ABOUT IS SPECIFICALLY AT BEDTIME
WHEN YOU WERE ON THE BOARDS OR LAYING ON THE TOWEL.
A SOMETIMES LIKE IF WE DID SOMETHING REALLY EAD SHE'S -- MISS JANET WOULD DEICIDE IF SHE WANTED THE FAN ON US, OR IF WE'D GET THE FAN.

Q WHILE YOU WERE SLEEPING, IS WHAT I'M TALKING ABOUT.
A YES.

Q OKAY. AND IF MR. DWIGHT WAS THERE AND MISS JANET WASN'T THERE, WOULD MR. DWIGHT CALL MISS JANET, AND MISS JANET WOULD TELL HIM HOW IT WOULD GO?

MR. MUELLER: OBJECTION AS TO WHAT WAS SAID ON A PHONE CALL CONVERSATION.

THE COURT: SUSTAINED, UNLESS SHE CAN LAY SOME FOUNDATION.

BY MS. BLUTH:
Q WHEN IT WAS BEDTIME AND MR. DWIGHT WAS TAKING CARE OF YOU, HOW WOULD IT BE DECIDED IF YOU HAD THE FAN ON OR NOT?

A WELL, IT DEPENDS, BECAUSE I DON'T KNOW HOW -- I DON'T KNOW HOW TO EXPLAIN IT. BECAUSE THEY WEREN'T -- THEY WERE USED FOR THOSE REASONS I HAD SAID, BUT - - YEAH, MR. DWIGHT WOULD CALL MISS JANET AND THEN ASK HIM WHAT TO DO - AND ASK HER WHAT TO DO, I MEAN, AND THEN SHE 'D TELL HIM AND THEN HE'D DO IT.

MR. MANN: OBUECTION, FOUNDATION, HEARSAY.
MS. BLUTH: WELL IT'S STATEMENTS OF --
THE COURT: WELL IT'S -- I DON'T KNOW IF IT'S OFFERED FOR THE TRUTH OF THE MATTER ASSERTED IN IT BEING THAT SHE TOLD HIM TO DO IT, IT'S BASED UPON WHAT HE DID NEXT.

MR. MANN : AND, YOUR HONOR, I --
THE COURT: BUT FOUNDATION I THINK IS APPROPRIATE.
MR. MANN: FOUNDATION AS TO KNOWLEDGE.
THE COURT: YEAH.

MS. BLUTH: SHE JUST SAID SHE -- DID YOU -- DID YOU --
THE COURT: WELL, SHE DIDN'T -- SHE DIDN'T SAY SHE
PERSONALLY WITNESSED IT. I THINK MAYBE ASSUMED IT, BUT SHE DIDN'T SAY IT SPECIFICALIY.

BY MS. BLUTH:
Q DID YOU HEAR MR. DWIGHT HAVE A CONVERSATION WITH MISS JANET?

A NO.
Q OKAY.
A I KNOW THAT LIKE - LIKE WHEN IT'S LIKE -- THERE WAS THIS ONE TIME WHERE MISS JANET WAS GOING SOME WHERE AND SHE SAID - SHE ASKED US, DO YOU HAVE TO GO TO THE BATHROOM, SHE SAED -- SHE SAID TO LOOK -- SHE SAID, WELL YOU HAVE TO WAIT UNTIL I GET BACK OR IF -- BUT IF YOU CAN'T HOLD IT YOU CAN TELL - TELL - UM -- MISTER - DAD, AND THEN - UM - Y YU CAN GO TO THE BATHROOM, BUT I -- I DON'T REMEMBER.

Q OKAY. I GUESS WHAT I'M ASKING IS, WERE THE FANS USED AT NIGHT BY MR. DWIGHT WHEN MISS JANET WASN'T THERE?

A SOMETIMES - - UM - - THEY WERE LEFT ON.
Q OKAY.
A BUT I DON'T THINK SO.
Q OKAY. WELL, WERE THEY LEFT ON OR NOT?
A WELI, SOMETIMES THEY WERE LEFT ON DURING THE DAY, LIKE IF MISS JANET HAD TO GO TO HER -- LIKE LET'S SAY SHE HAD TO GO TO AN IMPORTANT MEETING AND WE WERE DOWNSTAIRS -- UM - -

EATING BREAKFAST, THEN WE HAVE TO GO BACK UPSTAIRS TO DO OUR HOMEWORK WHILE SHE'S AT HER APPOINTMENT.

Q UM-HUM.
A SO THEY WERE LEFT ON SO SHE DOESN'T HAVE TO KEEP
RUNNING UPSTAIRS AND TURNING THE FAN ON.
Q OKAY. WHEN WE WERE -- THIS MORNING WHEN WE WERE ON WHAT'S CALLED -- WHEN I WAS ASKING THE QUESTIONS THIS MORNING FIRST, WHEN WE WERE IN THE OTHER COURTROOM?

A (NO AUDIBLE RESPONSE.)
Q WE TALKED ABOUT - - UM -- WHEN MISS JANET WAS OUT OF TOWN AND MR. DWIGHT WOULD TAKE CARE OF YOU.

A YES.
Q AND I ASKED YOU SOME QUESTIONS ABOUT BEDTIME; DO YOU REMEMBER THAT?

A YES.
Q AND YOU SAID THAT MR. DWIGHT WOULD TURN THE FANS ON.
A YES.
Q IF MISS JANET TOLD HIM TO.
A YEAH.
Q OKAY. IS THAT WHAT YOU'RE SAYING?
A YES.
MR. MANN: OBJECTION, FOUNDATION.
THE COURT: SUSTAINED. LAY A BETTER FOUNDATION.
MS. BLUTH: THAT MR. DWIGHT WOULD LEAVE THE FANS ON? I
MEAN THE - THE - - JUDGE - -

THE COURT: WELL THAT'S --
MS. BLUTH: I MEAN THE RELEVANT PART, I'M JUST ASKING THAT THE - -

THE COURT: THAT'S PROBABLY TRUE, WHERE HE GOT THE -OKAY. THAT'S PROBABLY TRUE, MR. MANN.

WHO'S OBJECTION WAS IT?
MR. MANN: IT WAS MY OBJECTION, YOUR HONOR, AND IT WAS THE NOT -- EXCUSE ME, I APOLOGIZE. THE QUESTION WAS NOT SOLELY DID MR. DWIGHT LEAVE THE FANS ON. THE QUESTION WAS, DID MR. DWIGHT LEAVE THE FANS ON BECAUSE MISS JANET TOLD HIM TO, AND THAT'S WHAT I'M OBJECTING TO IS THE LAST PART.

THE COURT: THAT'S CORRECT. SUSTAINED.
MS. BLUTH: BUT THE REST OF THE ANS -- IS THE REST OF HER ANSWER STAND, THAT MIS -- MR. DWIGHT TURNED --

THE COURT: WHY DON'T YOU JUST REASK THE QUESTION WITHOUT THE LACK OF FOUNDATION.

MS. BLUTH: OKAY.
Q DID MR. DWIGHT HAVE THE FANS ON AT NIGHTTIME? WAS HE - - DID THE FANS BLOW -- WE'RE NOT GOING TO GET INTO THE CONVERSATION THAT MR. DWIGHT HAD WITH MISS JANET. BUT DID MR. DWIGHT TURN THE EANS ON WITH YOU - FANS ON YOU AT NIGHT WHEN YOU WERE SLEEPING ON THE BOARDS?

A I DON \({ }^{1}\) T THINK SO, BUT I'M NOT SURE.
Q OKAY. DO YOU REMEMBER THIS MORNING SAYING THAT HE DID?

A I DON'T REMEMBER.
MR. MUELLER: OBJECTION, ASKED AND ANSWERED.
MS. BLUTH: OKAY. WELL SHE SAID --
THE COURT: SUS --
MR. MUELLER: IT'S ASKED AND ANSWERED.
THE COURT: SUSTAINED.

\section*{BY MS. BLUTH:}

Q WHEN ONE OF THE ATTORNEYS WAS ASKING YOU QUESTIONS. YOU SAID THAT YOU DESERVED IT, YOU DESERVED GETTING SPANKINGS

AND BEATINGS WITH THE STICK. WHY DO YOU THINK YOU DESERVED IT?

MR. MUELLER: OBJECTION.
THE WITNESS: WELL --
MR. MUELLER: AND NOBODY'S BEAT HER WITH A STICK. THAT'S
THE TESTIMONY HAS NOT BEEN PRODUCED ON THE STAND.
MS. BLUTH: REALLY?
MR. MUELLER: SHE WAS SPANKED.
MS. BLUTH: BEAT OR SPANKED.
MR. MUELLER: DID SOMETHING WRONG.
THE COURT: OKAY. JUST -- MAYBE JUST USE THE TERM HIT, WHICH IS A PRETTY NEBULOUS TERM.

BY MS. BLUTH:
Q WHEN YOU WERE HIT WITH THE STICKS, YOU SAID THAT YOU THOUGHT YOU DESERVED IT.

A YEAH, WHEN I DID SOMETHING WRONG, BUT I DIDN'T

DESERVE TO GET SPANKED IF I DIDN'T GET MY HOMEWORK RIGHT OR WRONG.

Q OKAY. AND THEN YOU WERE ASKED SOME QUESTIONS ABOUT -- UM -- WHEN DANIELLE HIT YOU ON YOUR ARM, YOU SAID YOU STOLE, WHAT DID YOU STEAL?

A THERE WAS -- THERE WAS -- THE FOOD FROM THE PANTRY, BUT I CAN'T REMEMBER WHAT WE STOLE, BUT I KNOW -- ALL I KNOW THAT ME AND MY SISTERS HAD STOLE, AND THEN WE GOT CAUGHT AND I GOT HIT WITH THE PAINT STICK. AND I TRIED TO TELL MISS JANET ON THE PHONE, BU'T SHE WAS MAKING LOUD NOISES SO I -- SHE COULDN'T HEAR, AND SHE WAS ALREADY GONE.

Q AND WHY WERE YOU STEALING FOOD?
A BECAUSE WE WERE HUNG -- BECAUSE I WAS HUNGRY.
Q NOW, WHEN -- I'M NOT SURE WHICH ATTORNEY WAS ASKING YOU QUESTIONS ABOUT -- UM -- GOING TO THE BATHROOM AT NIGHT, AND YOU SAID THAT YOU COULD GO TO BATHROOM AT NIGHT.

A YES.
\(Q\) DID THERE COME A TIME WHEN YOU WEREN'T ALLOWED TO GO 19 TO THE BATHROOM AT NIGHT?

A WHEN THE DOOR -- BATHROOM DOOR WAS LOCKED. CUZ -LIKE SHE -- MISS JANET ASKED US DID WE HAVE TO GO TO THE BATHROOM -- UM -- BEFORE WE GO TO BED, AND WE'D SAY NO, BECAUSE -- WELL, I'D SAY NO BECAUSE I WAS SCARED OF -- TO FLOOD THE TOILET BECAUSE I LIKE TO -- YEAH, TO FLOOD THE TOILET, SO I'D SAY NO, AND THEN I'D END UP FLOODING THE BED.

Q AND WHEN YOU TERM - - WHEN YOU USE THE TERM FLOODING, YOU MEAN PEEING, RIGHT?

A YES.
Q LIKE IF YOU SAY FLOOD THE BED, YOU MEAN YOU PEED YOUR BED? IS THAT RIGHT?

A YES.
Q SO YOU WERE TOO SCARED TO SAY THAT YOU HAD TO GO, SO INSTEAD YOU FLOODED YOUR BED?

A YES.
Q UM -- NOW -- SO WHEN DID -- YOU TALKED EARLIER ABOUT THE ALARM, WHEN DID THE ALARM START GETTING USED ON THE BATHROOM DOOR?

A IT WAS TO USE -- WELL WE - EVERY TIME WE WENT TO THE BATHROOM THE -- LIKE THEY HAD THIS ALARM WHERE IF YOU WANTED THE ALARM TO BE ON, WHEN YOU OPEN THE DOOR, OR IF YOU DON'T WANT IT TO BE ON, LIKE IF WE WENT TO THE BATHROOM THE ALARM WOULD GO OFF.

Q OKAY. SO AT NIGHTTIME WAS THE ALARM ON THE DOOR?
A. YES.

MS. BLUTH: COURT'S INDULGENCE.
(DISCUSSION BETWEEN MS. BLUTH AND MS. LUZAICH.)
BY MS. BLUTH:
Q EARLIER YOU SAID THAT -- UM -- SOMETIMES YOU WOULD FLOOD YOUR PANTS BECAUSE YOU WERE MAD?

A YES.

Q WHAT WERE YOU MAD ABOUT?
A WELL, I WAS MAD LIKE IF I GOT SPANKED, BECAUSE I
COULDN'T GET MY HOMEWORK RIGHT. THAT WAS -- THAT'S - THAT WAS ONE REASON I DID IT. ANOTHER REASON WAS BECAUSE I DIDN'T WANT TO BE IN THE HOME.

Q WHY DIDN'T YOU WANT TO BE IN THE HOME?
A BECAUSE OF THE TREATMENT.
Q WHAT DO YOU MEAN, WHAT TREATMENT?
A LIKE THE ARM THING. I WANTED TO TELL - I TRIED TO
TELL MISS JANET, BUT I COULDN'T BECAUSE SHE WAS ALREADY GONE OFF THE COMPUTER. AND THEN WHEN SHE GOT HOME I TRIED TO TELL HER AGAIN BUT ...

Q WHAT OTHER TYPE OF TREATMENT?
A WELL, THOSE WERE TWO OF THE REASONS. BUT ANOTHER
REASON WAS BECAUSE SOMETIMES I FELT LIKE I WAS BEING LEFT OUT.
\(Q \quad O K A Y\).
MR. MANN: YOUR HONOR, EXCUSE ME, MAY WE APPROACH,

\section*{PLEASE?}

THE COURT: SURE.
(WHEREUPON ALL COUNSEL APPROACHED THE BENCH.)

\section*{BY MS. BLUTH:}

9 THE MARVELOUS GRACE GIRLS ACADEMY, WAS THAT A RELIGIOUS SCHOOL?

A YES.
9 OKAY. NOW, WERE YOU RELIGIOUS BEFORE YOU WENT TO THAT SCHOOL?

A NO.
Q OKAY. SO YOU LEARNED TO BE RELIGIOUS THERE?
A YES.
\(Q\) OKAY. AND THEN LASTLY, IS IT - - IS YOUR RELIGION IMPORTANT TO YOU?

A YES.
9 LIKE WHEN YOU'RE DOING THINGS FOR FUN, DO YOU READ ABOUT GOD OR LISTEN TO SONGS ABOUT GOD FOR FUN?

MR. MUELLER: OBJECTION. THIS IS WELL BEYOND THE SCOPE OF DIRECT OR EVEN CROSS.

MR. MANN: AND RELEVANCE.
THE COURT: TRUE.
MS. BLUTH: SHE WENT -- ON CROSS-EXAMINATION SHE DID A LENGTHY RELIGIOUS ANSWER TO ONE OF -- MANY OF MR. MANN'S -I'M JUST TRYING TO EXPLAIN -- I DON'T THINK IT'S BEYOND THE SCOPE OF CROSS. I MEAN, THAT'S AS FAR AS I WAS GOING.

THE COURT: OVERRULED. YOU CAN ANSWER.
THE WITNESS: WELL LIKE --
THE COURT: WHAT'S THE QUESTION AGAIN?
MS. BLUTH: JUST THAT, DO YOU LISTEN TO SONGS ABOUT GOD AND - -

THE COURT: OH.
MS. BLUTH: LIKE YOUTUBE VIDEOS ABOUT GOD AND ...
THE WITNESS: WELL, LIKE THERE'S A MOVIE MISS DEBBIE HAS THE TOWEL. CATHETER?

SON OF GOD, LIKE I WATCH IT. OR LIKE SOMETIMES IF I'M BORED AND I HAVE NOTHING TO DO, I JUST READ THE BIBLE, OR I ASK HER IF I CAN GO ON THE COMPUTER AND LISTEN TO MARVELOUS GRACE GIRLS ACADEMY'S MUSIC.

MS. BLUTH: WHICH IS RELIGIOUS MUSIC?
MR. MANN: YOUR HONOR, AT THIS POINT IN TIME IT'S BEYOND -- THE RELEVANCE, THERE IS NO RELEVANCE TO THESE QUESTIONINGS. BOLSTERING -- THEIR ATTEMPT AT BOLSTERING THEIR

MS. BLUTH: HOW IS THAT BOLSTERING?
THE COURT: I -- I DON'T THINK IT'S RELEVANT. I MEAN, SHE TESTIFIED ON -- TO SOMEBODY'S QUESTION OVER THERE, MR. MANN, SHE GAVE A DISSERTATION, AND SHE GAVE AN EXPLANATION, AND NOBODY STOPPED HER. AND SO I DON'T KNOW HOW IT'S RELEVANT, THOUGH, SO I'M SUSTAINING IT ON RELEVANCE.

MR. MANN: THANK YOU.

\section*{BY MS. BLUTH:}

Q NOW, MR. MANN HAD ASKED YOU SOME QUESTIONS ABOUT THE TIME IN THE BATHROOM WHEN -- UM -- MISS JANET LAID YOU DOWN ON

A YES.
Q NOW, THE CATHETER, WHERE WAS IT THAT SHE PLACED THE

A VAGINA.
Q AND DID SHE USE CREAM AT THE SAME TIME OR WAS THAT A

A THAT WAS A DIFFERENT TIME WHEN -- UM -- I WENT TO THE DOCTOR. SHE'D USE IT TO HELP, SO IT WOULD HELP MY BODY. BUT LIKE IF SHE'D ASK US DO WE HAVE TO GO TO THE BATHROOM, IF SHE WENT SOME WHERE, AND WE SAID NO, AND SHE'S LIKE -- LIKE IF -- LIKE IF I REALLY HAVE TO GO TO THE BATHROOM I'D START TO SHAKE, AND LIKE IF I'D SHAKE SHE'D - AND SHE SAID, DO YOU HAVE TO GO TO THE BATHROOM, I SAY NO, SHE'D CHECK US TO MAKE SURE, SO SHE DOESN'T HAVE TO DEAL WITH THE PEEING ISSUES.

Q WELL WHY DID YOU START TO SHAKE?
A BECAUSE I HAD - BECAUSE I REALLY HAD TO GO TO THE BATHROOM, I WAS AFRAID TO SAY.

Q SO THE CREAM AND THE CATHETER ARE TWO DIFF - COMPLETE TWO DIFFERENT COMPLETE TIMES?

A YES.
MS. BLUTH: OKAY. NOTHING FURTHER.
THE COURT: RECROSS.

\section*{RECROSS-EXAMINATION}

BY MR. MANN :
Q AMAYA, YOU TOLD MISS BLUTH THAT YOU LIED TO CPS IN 2011. RIGHT?

A YES.
Q UM -- ABOUT MISS JANET?
A YES.

A I CAN'T REMEMBER.
Q OKAY. WAS THERE ANOTHER TIME, OTHER TIME THAN 2011?
A I =-

MS. BLUTA: OBJECTION, ASKED AND ANSWERED.
MR. MANN: SHE SAID - - WAS THERE ANOTHER TIME IN - - OTHER
14 THAN 2011 THAT YOU LIED TO CPS?
THE COURT: OVERRULED. GO AHEAD AND ANSWER IT.
THE WITNESS: WELL I REMEMBER THAT TIME, BUT I DON'T
17 REMEMBER LYING ON MISS JANET IN 2013.
MR. MANN: OKAY.

Q BUT MY QUESTION TO YOU WAS, WAS THERE ANOTHER TIME, OTHER THAN 2011, THAT YOU LIED TO CPS ABOUT MISS JANET?

A I DON'T THINK SO.
Q OKAY. UM -- AND IN 2011 YOU ACTUALLY HAD LIED TO CPS ABOUT MISS JANET HITTING YOU IN THE PRIVATES WITH A BELT - -

A YES.
\begin{tabular}{lcl}
1 & Q & - CORRECT? \\
2 & AND THAT'S A YES? \\
3 & A & YES. \\
4 & \(Q\) & OKAY. \\
5 & A & YES IT IS. \\
6 & \(Q\) & YOU ACTUALLY TALKED ABOUT ANOTHER TIME WHERE SOMEONE \\
7 & WOULD HIT YOU IN THE PRIVATES WITH A BELT, AND THAT WAS -- \\
8 & A & YES. \\
9 & \(Q\) & \(--\quad Y O U R ~--~ U M ~-~ Y O U R ~ B I O L O G I C A L ~ M O T H E R ' S ~ B O Y F R I E N D ~\)
\end{tabular}
\(1 \quad \Omega\) AND GO THROUGH AN INVESTIGATION, ALL BECAUSE OF THAT LIE IN 2011; CORRECT?

A YES.
Q OKAY. AND YOU LET THEM GO THROUGH ALL THAT WORK BECAUSE OF THAT LIE, CORRECT?

A YES.
Q NOW THE -- UM -- TIMER, YOU DIDN'T REALLY CARE ABOUT THE TIMER ITSELF, RIGHT?

A NO.
Q BECRUSE YOU WERE GOING TO GO TO THE BATHROOM WHEN YOU WANTED TO GO TO THE BATHROOM, RIGHT?

A YES.
Q BECAUSE YOU WERE GOING TO HOLD IT UNTIL THE TIME WAS THAT YOU WERE GOING TO MAKE A STATEMENT WITH PEEING YOUR PANTS OR POOPING YOUR PANTS, RIGHT?

A YES. I WAS MAD, I HAD EVERY RIGHT TO BE MAD?
Q YOU WERE MAD, AND THIS WAS -- YOU WOULD START DOING THIS BACK IN -- WHEN YOU WERE FIRST EVEN ADOPTED, RIGHT?

A YES.
Q OKAY. AND YOU SAID IN ALL THE TIMES THAT YOU PEED 21 AND POOPED YOUR PANTS, THERE WAS ONLY ONE TIME THAT YOU DID IT 22 BY ACCIDENT?

25 GAVE YOU, RIGHT?

5 COLONOSCOPY, RIGHT?
6 A YES.
7 Q AND WHEN YOU HAD THAT ACTUAL ACCIDENT, WHERE YOU
A YES.
Q AND THAT MEDICINE WAS PRESCRIBED BY A DOCTOR?
A YES.
Q OKAY. AND IT WAS ACTUALLY FOR YOU TO HAVE YOUR 23 REGARDING THE FANS. NOW, YOU SAID SPECIFICALLY THE FANS WERE 24 NOT MEANT TO BE AS PUNISHMENT, CORRECT?
25 DIDN'T DO IT ON PURPOSE, MISS JANET'S RESPONSE WAS, IT'S OKAY?
A YES.
Q RIGHT?
A YES.
Q SHE WASN'T MAD AT YOU, RIGHT?
A YES.
Q SHE DIDN'T DO ANYTHING TO YOU, SHE TOLD YOU IT WAS OKAY, RIGHT?
A YES.
Q BECAUSE SHE KNEW YOU HAD DONE IT ON ACCIDENT, RIGHT?
A YES.
Q THAT YOU DIDN'T MEAN TO GO PEE OR POOP IN YOUR
PANTS?
A YES.
Q OKAY. NOW, MS. BLUTH ASKED YOU, AT LENGTH, A YES.
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Q SO THAT IS A CORRECT STATEMENT?
A YES.
Q OKAY. JUST WANTED TO MAKE SURE. UM - AND SO WHEN THE FANS WOULD BLOW ON YOU, WOULD THAT BOTHER YOU?

A YES.
Q OKAY. BUT YOU KNEW THAT WASN'T MEANT TO BE A PUNISHMENT?

A YES.
Q OKAY. NOW -- UM -- THERE'S BE SEVERAL QUESTIONS REGARDING YOU STEALING, RIGHT?

A YES.
Q OKAY. NOW, WHEN YOU STOLE FROM MISS REBECCA - UM - - AND YOU GOT SWATTED IN THE ARM WITH A PAINT STICK BY MISS DANIELLE -- UM --

MS. BLUTH: I'M SORRY, MR. MANN, I'M GOING TO OBJECT, BECAUSE IT MISSTATES HER TESTIMONY ABOUT STEALING FROM MISS REBECCA.

THE COURT: I DON'T THINK SHE TESTIFIED TO THAT, SO IT'S SUSTAINED.

MR. MANN: OKAY. OKAY, I --
THE COURT: YOUR --
MR. MANN: SORRY, I MISUNDERSTOOD THEN.
THE COURT: - - YOU'RE CLOSE, BUT YOU ADDED A LITTLE EXTRA.

2 HONOR
3 THE COURT: IT'S OKAY.
4 MR. MANN: ALL RIGHT.
5
6 SOMETHING?

A YES.
Q WHO DID YOU STEAL FROM?
A MISS REBECCA.

REBECCA, WAS THAT FOOD?
A YES.
Q OR WAS IT SOMETHING ELSE?
A IT WAS FOOD.

KNOW WHAT KIND OF FOOD THAT WAS?
A I CAN'T REMEMBER. ANYTHING LIKE THAT?

A UM - I DON'T THINK SO.
$\mathbf{Q} \quad$ OKAY.
A I JUST KNOW IT WAS FOOD.
9 BUT THIS WAS IN --

MR. MANN: APPARENTLY GLOSE IS NOT GOQD ENOUGH, YOUR

Q SO THE TIME YOU GOT SWATTED IN THE ARM BY MISS DANIELLE WITH A PAINT STICK, YOU SAID THAT YOU HAD STOLEN

Q MISS REBECCA. SO I'M NOT EXACTLY WRONG.
UM -- AND WHEN YOU STOLE SOMETHING FROM MISS

Q OKAY. NOW, THE FOOD THAT YOU STOLE - - UM - DO YOU

Q YOU CAN ${ }^{1}$ T REMEMBER AT ALL? WAS IT A CANDY BAR OR

6 Q AND YOU WERE ON A VERY STRICT DIET ABOUT WHAT YOU
7 COULD AND COULD NOT EAT.

A ANASTASIA SAW IT, I'M NOT STUPID.
Q NO ONE'S --
A AND I TRIED TO TELL MISS JANET, BUT SHE WAS MAKING NOISES, AND MISS JANET WAS TRYING TO SAY SOMETHING, BUT THEN SHE WAS GONE.

Q OKAY. FIRST OF ALL, NO ONE SAID YOU WERE STUPID, AMAYA, OKAY.

A WELL, YOUR -- YOU'RE OBVIOUSLY SAYING SHE HAD THE RIGHT TO HIT ME ON THE ELBOW, WHICH IS NOT TRUE, SHE DID NOT HAVE THE RIGHT. AND I'M PRETTY SURE IF SHE DID THAT YOU, YOU'D BE MAD, JUST AS MAD AS I AM.

Q OKAY. AMAYA, WHAT I'M ASKING YOU, THOUGH, IS NOT WHETHER MISS DANIELLE HIT YOU OR NOT, I'M NOT ASKING YOU ABOUT THAT, OKAY?

I'M ASKING YOU ABOUT WHAT YOU STOLE, AND WHY YOU STOLE IT, AND WHY YOU GOT IN TROUBLE. AND IT'S MY UNDERSTANDING THAT YOU DON'T HAVE A PROBLEM WITH YOU GETTING IN TROUBLE FOR STEALING, CORRECT?

A YES.
Q OKAY. BUT YOU DO HAVE A PROBLEM WITH THE WAY THAT YOU WERE PUNISHED?

A YES.
Q OKAY. SO -- AND TO TALK ABOUT THAT SPECTFIC INCIDENT -- UM -- THE PERSON MAKING NOISES, WAS THAT MISS JANET OR --

A IT WAS --
Q -- MISS DANIELLE?
A -- MISS DANIELLE, BECAUSE I WAS -- SHE WAS ON THE COMPUTER, AND I HAD GOT HIT AND I WAS TRYING TO TELL HER, BUT SHE WAS MAKING NOISES AND --

Q OKAY. AND YOU BELIEVED --
A -- SHE WAS -- SHE WAS TRYING TO LISTEN TO ME, BUT SHE WAS ALREADY GONE, AND I WENT TO MISS REBECCA, AND SHE NEVER REPORTED IT.

Q OKAY. AND YOU BELIEVED THAT TELLING MISS JANET, IF SHE WAS ABLE TO HEAR YOU, WOULD ACTUALLY BE ABLE TO HELP YOU, RIGHT?

A YES. CLEARLY SHE DOESN'T TOLERATE THAT STUFF. IF I -- LIKE WHEN I HIT HER IN THE -- IN HER STOMACH, SHE WAS REALLY UPSET, AND I KNEW SHE WAS UPSET, BECAUSE WHEN SHE CAME OUT OF HER ROOM SHE WAS CRYING. AND WHEN I CAME OUT OF THE ROOM I WAS CRYING BECAUSE I HURT, AND SHE HAD NO RIGHT TO HIT ME ON THE ARM.

Q OKAY.
A NOBODY HAS THE RIGHT TO DO THAT.
Q WHO HIT WHO IN THE STOMACH? WHO'D YOU HIT IN THE STOMACH?

A I HIT MISS JANET IN THE STOMACH WHEN I WAS A FOSTER CHILD.
$Q$ OKAY. WHEN YOU WERE A FOSTER CHILD, BEFORE ANY OF

1 THESE BATHROOM INCIDENTS HAPPENED, RIGHT?
2 A YES.
$3 \quad \mathbf{Q}$ AND YOU STRUCK MISS JANET?

4

5
6
A YES. WITH VIOLENCE, RIGHT?

A YES. MONTEVISTA HOSPITAL, RIGHT?

A YES. AT NIGHT --

A YES.
Q -- WHEN I HAD ASKED YOU?
A $\quad$ YES.

A YES.

LOCKED AT NIGHT?

Q OKAY.

Q OKAY. AND YOU ACTUALLY, BACK THEN, HAD AN ISSUE
$Q$ UM -- THAT'S ONE OF THE REASONS WHY YOU WENT TO THE

Q OKAY. UM - N NOW, THE BATHROOM -- UM - YOU HAD TALKED ABOUT THE FACT THAT YOU WERE ABLE TO GO TO THE BATHROOM
$Q$ AND THEN WHEN MISS BLUTH ASKED YOU, YOU SAID, WELL, THERE MIGHT HAVE BEEN A COUPLE TIMES THAT THE BATHROOM WAS

Q OKAY. WHEN WAS THIS TIME THAT THE BATHROOM WAS

A IT WAS A COUPLE OF TIMES --

A -- WHEN SHE ASK -- MISS JANET HAD ASKED US DO WE

B WHERE THEY LOCKED THE DOOR A COUPLE TIMES?
HAVE TO GO TO THE BATHROOM, AND WE'D SAY NO, SHE -- SHE WAS LIKE OKAY, GO TO BED, AND THEN SHE'D LOCKED THE DOOR.

Q OKAY. AND THIS WAS AFTER -- UM -- YOU HAD BEEN PURPOSELY GOING PEE AND POOP YOURSELF AS A FORM OF GETTING BACK AT THE SOLANDERS, RIGHT?

A YES.
Q OKAY. AND -- BUT AS YOU SAID THIS ONLY HAPPENED

A YES.
Q AND HOW WOULD THEY LOCK THE DOOR?
A THEY HAVE A KEY TO THE BATHROOM DOOR.
Q OKAY. SO THEY HAD JUST LOCKED THE KNOB?
A YES.
Q OKAY. AND WHAT'S WITH THESE ALARMS ON THE DOORS, WHERE -- WHERE WERE THE ALARMS?

A IT WAS ON THE CORNER OF THE DOOR WHEN -- IT WAS LIKE ON THE DOOR, BUT ON THE TOP OF THE CORNER.
$Q$ OKAY. AND SO YOU'D STILL BE ABLE TO GO IN THE BATHROOM, BUT THE ALARM WOULD GO OFF?

A YES.
Q WOULD IT JUST BEEP, OR WOULD IT BE SOMETHING DIFFERENT?

A IT WOULD RING LIKE WHEN -- WHEN THE DOOR WAS LOCKED I COULDN'T EVEN GET IN THE BATHROOM.

Q OKAY. SO EVEN THOUGH THERE WERE ALARMS ON IT, IF

1 THE DOOR WAS LOCKED YOU WOULDN'T GET IN?

4 A FEW TIMES, CORRECT?
5 A YES.
6 Q OKAY. AND THAT WASN'T A NORMAL COURSE OF -- UM -7 HOW THE DOOR WAS KEPT AT NIGHT, CORRECT?

A YES.
MR. MANN: OKAY. COURT'S INDULGENCE.
(DISCUSSION BETWEEN MR. MANN AND DEFENDANT J. SOLANDER.)
MR. MANN: NO FURTHER QUESTIONS.
THE COURT: MR. MUELLER?

15 BY MR. MUELLER:

23 ON THE SATURDAY OR SUNDAY?
A YES.
Q OKAY. BUT THE ALARMS OR THE DOOR LOCK ONLY HAPPENED LL AT THE SAME TIME, AND YOU HAD FIVE DAYS AND THEN MAKE UP

A YEAH, IF WE DIDN'T FINISH IT.
MR. MUELIER: I DON'T BELIEVE I HAVE ANYTHING FURTHER.

4 BY MR. RUE:
5 Q AMAYA, WHO'S IDEA WAS IT TO STEAL THE FOOD FROM REBECCA?
$9 \quad \mathbf{Q}$ OKAY. YOU WERE HUNGRY, I THOUGHT I HEARD YOU SAY
THE COURT: OKAY. MR. RUE?

## RECROSS-EXAMINATION

A I CAN'T REMEMBER. I JUST KNOW THAT -- I JUST KNOW THAT THAT DAY WE HAD GOT CAUGHT. THAT, RIGHT?

A YES.
Q OKAY. UM - AND WITH YOUR QUESTIONING WITH MISS BLUTH I HAD THOUGHT I HEARD YOU SAY THAT YOU TRIED TO REPORT IT TO MISS JANET?

A YES.
Q UM -- AND YOU REPORTED IT TO MISS REBECCA?
A YES.
Q UM -- YOU WERE PRETTY ANGRY ABOUT THIS, RIGHT?
A YES.
Q YOU'RE STILL ANGRY ABOUT THIS, RIGHT?
A YES.
Q UM - D DID YOU -- YOU REPORTED THIS TO MISS JACKIE?
A. YES.

Q AND BROTHER BLANKENSHIP?
A YES.

```
THROUGH - -
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A THIS --
Q - - THE PHYSICAL - -
A THIS HAPPENED AFTER I HAD THE COLONOSCOPY.
Q OKAY. RIGHT BEFORE YOU WENT TO FLORIDA YOU HAD TO HAVE A FULL PHYSICAL; ISN'T THAT RIGHT?

A YES.
8 DID YOU TELL THE DOCTOR THERE THAT YOU'D BEEN HIT ON THE ARM AND THOSE MARKS ON MY ARM WERE BECAUSE DANIELLE HIT ME?

A NO.
\& UM - FROM TIME TO TIME THERE WERE OTHER SOCIAL WORKERS AND CPS WORKERS THAT CAME INTO THE HOME - UM - - TO CHECK ON YOU AND/OR AUTUMN AND/OR IVY; ISN'T THAT TRUE?

A YES.
Q DID YOU EVER TELL ANY OF THEM ABOUT BEING HIT IN THE ARM BY DANIELLE WITH THE STICK, AND HERE'S THE MARKS TO PROVE IT?

21 A NO.
22 Q NO? WHY NOT?
23 A I WAS SCARED, BECAUSE I TRIED TELLING MISS JANET,
24 AND THEN I LIED SO MANY TIMES THAT I THOUGHT THEY WOULDN'T
25 BELIEVE ME AT ALL.

1 Q WAS THE TIME THAT YOU GOT HIT IN THE ARM, WAS THAT
2 BEFORE OR AFTER YOU HAD TO GO TO MONTEVISTA?
3 A THAT WAS AFTER.
4 Q SO IT WAS MONTEVISTA, AND THEN THE ARM. THEN YOU
5 GOT HIT IN THE ARM; IS THAT RIGHT?
6 A YEAH. I WENT -- I THINK I WENT TO MONTEVISTA IN
72000 -- YEAH, IT WAS IN 2011, AND -- BUT THAT HAPPENED IN
82012.

9 MR. RUE: OKAY. UM -- I DON'T HAVE ANYTHING FURTHER, 10 YOUR HONOR.

11 THE COURT: ALL RIGHT. THANK YOU VERY MUCH, MAYA, YOU'RE 12 DONE. THANK YOU SO MUCH. GO ENJOY YOUR DAY, OR WHAT'S LEFT 13 OF IT.

14 MR. MANN: YOUR HONOR?
THE COURT: YES.
MR. MANN: MAY WE TAKE A SHORT RECESS?
THE COURT: YES, ABSOLUTELY.
WE'LL BE IN RECESS UNTIL ABOUT TEN TILL.
(WHEREUPON A RECESS WAS TAKEN.)
THE COURT: ALE RIGHT. YOU CAN CALL YOUR NEXT WITNESS.
MS. BLUTH: THANK YOU. THE STATE CALLS ANASTASIA
22 SOLANDER.
AND JUDGE, JUST FOR RECORD PURPOSES, ANASTASIA IS THE
24 YOUNGEST OF ALL THE CHILDREN, BUT SHE SAYS THAT SHE WANTS TO 25 TESTIFY BY HERSELF.
///
////
/////

THE COURT: OKAY.
MS. BLUTH: BUT I TOLD HER AT ANY TIME THAT SHE NEEDS A
BREAK OR IF SHE CHANGES HER MIND TO RAISE HER HAND -THE COURT: ALL RIGHT.

MS. BLUTH: -- AND THEN SHE'D LET US KNOW.
THE COURT: HI, ANASTASIA.
MISS ANASTASIA: HI.
THE COURT: I'M JUDGE SULLIVAN.
WHO DO YOU GOT WITH YOU TODAY?
MISS ANASTASIA: UM -- MY BEAR.
THE COURT: YEAH. DOES HE HAVE A NAME OR IS HIS NAME

MISS ANASTASIA: $P O O H$ BEAR.
THE COURT: OKAY, GOOD.
OH, CAN YOU STAND UP, AND MISS STEPHANIE IS GOING TO
SWEAR YOU IN. IF YOU STAND UP AND RAISE YOUR RIGHT HAND.
HOLD POOH BEAR WITH YOUR LEFT -- OR SET HIM DOWN, WHATEVER YOU
WANT TO DO. WE NEED YOU TO RAISE YOUR RIGHT HAND, THOUGH.
MS. BLUTH: OTHER RIGHT HAND.
THE COURT: YEP. THERE YOU GO.
MS. BLUTH: THERE YOU GO.
THE COURT: NOW LISTEN TO MISS STEPHANIE.

6 THE WITNESS: YES.
7 THE CLERK: SO HELP YOU GOD?
8 THE WITNESS: YES.
9

11 NAME, AND IF YOU CAN SPELI BOTH OF THOSE.

## ANASTASIA SOLANDER

CALLED AS A WITNESS BY THE STATE, AND HAVING BEEN FIRST DKLY SWORN TO TESTIFY TO THE TRUTH, THE WHOLE TRUTH, AND NOTHING

THE CLERK: THANK YOU. GO AHEAD AND HAVE A SEAT.
AND I DO NEED YOU TO TELL ME YOUR FIRST AND YOUR LAST

THE WITNESS: OKAY. ANASTASIA, A-N-A-S-T-S-I-A. SOLANDER, $\quad \mathrm{S}-\mathrm{O}-\mathrm{I}-\mathrm{A}-\mathrm{N}-\mathrm{D}-\mathrm{E}-\mathrm{R}$.

THE COURT: THANKS ANASTASIA. OKAY. SO THAT IN FRONT OF YOU IS A MICROPHONE. YOU'RE DOING REAL WELL, YOU'RE KIND OF -- YOU'RE KIND OF PUSHED BACK. CAN -- MISS JACQUELINE WILL --

MS. BLUTH: SHE CAN'T BECAUSE HER FEET DON'T TOUCH.
THE COURT: OH, YEAH, YOU'RE --
MS. BLUTH: THAT'S OKAY.
THE COURT: OKAY. THERE YOU GO. SIT BACK IN THE CHAIR AND GET COMFORTABLE. I'M JUDGE SULLIVAN. HI, HOW ARE YOU?

THE WITNESS: GOOD.
THE COURT: IT'S LATE IN THE DAY, HUH?
THE WITNESS: (NO AUDIBLE RESPONSE.)

THE COURT: SO WE'RE PROBABLY GOING TO GET STARTED WITH YOU, BUT WE PROBABLY WON'T GET YOU FINISHED TODAY, OKAY? SEE WE HAVE TO BE DONE AT 4 O'CLOCK TODAY, WHICH IS ONLY LIKE AN HOUR. BUT WE'LL GET STARTED, THAT WILL MAKE IT SHORTER FOR WHEN YOU COME BACK, WHICH I THINK WILL BE TOMORROW, OKAY?

THE WITNESS: OKAY.
THE COURT: ALL RIGHT. NOW, WHAT MISS STEPHANIE JUST TOLD YOU AND WHAT YOU PROMISED, IS THAT YOU'RE GOING TO TELL THE TRUTH, CORRECT?

THE WITNESS: YES.
THE COURT: AND YOU UNDERSTAND HOW IMPORTANT THAT IS? THE WITNESS: UM-HUM.

THE COURT: AND YOU UNDERSTAND THAT'S THE MOST IMPORTANT THING TODAY?

THE WITNESS: YES.
the court: ALL RIGHt. SO YOU'RE DOING A GREAT JOB.
MISS KIT, SITTING IN FRONT OF YOU IS TAKING DOWN EVERYTHING WE SAY. SO ANYTHING ANYBODY SAYS IN THE COURTROOM MISS KIT TAKES IT DOWN ON HER SPECIAL MACHINE. THAT'S WHY IT'S REALLY IMPORTANT THAT WE USE OUR WORDS TO ANSWER QUESTIONS -- UM -- BECAUSE SOMETIMES WHEN WE'RE JUST TALKING TO OUR SISTERS OR OUR FAMILY OR OUR FRIENDS, WE KIND SHRUG OUR SHOULDERS OR WE NOD OUR HEAD OR, YOU KNOW, GIVE SOME SORT OF BODY RESPONSE. BUT MISS KIT CAN'T TAKE THAT TYPE OF RESPONSE DOWN, ALL SHE CAN TAKE DOWN IS WORDS. SO IF YOU HAPPEN TO NOD

YOUR HEAD OR SHAKE YOUR HEAD, WE MIGHT JUST ASK YOU WHAT YOU MEAN BY THAT, BY USING YOUR WORDS. SO WE JUST NEED YOU TO USE YOUR WORDS. AND IF YOU FORGET SOMETIMES, IT'S TOTALLY OKAY, EVERYBODY FORGETS TO USE THEIR WORDS SOMETIMES, SO WE'LL JUST ASK YOU TO USE YOUR WORDS IN ANSWERING THE QUESTIONS, OKAY?

THE WITNESS: OKAY.
THE COURT: AND THEN, OBVIOUSLY THE MOST IMPORTANT THING IS TO TELL THE TRUTH. AND IF YOU DON'T UNDERSTAND A QUESTION, THAT'S OKAY, I DON'T EVEN UNDERSTAND HALF OF THE QUESTIONS THAT ARE ASKED BECAUSE THEY'RE WORDED -- YOU KNOW, SOMETIMES WHEN YOU ASK SOMEBODY A QUESTION THE $-\cdots$ THE PERSON THAT'S ASKING THE QUESTION KNOWS WHAT THEY MEAN, BUT THE PERSON LISTENING DOESN'T REALLY KNOW WHAT THEY MEAN. SO IT'S REALLY IMPORTANT THAT YOU -- YOU UNDERSTAND THE QUESTIONS. SO IF YOU DON'T UNDERSTAND A QUESTION, JUST TELL THE LAWYER THAT YOU DON'T UNDERSTAND THE QUESTION, AND THEY'LL REPHRASE IT OR REASK IT IN A DIFFERENT WAY, OKAY?

THE WITNESS: OKAY.
THE COURT: AND YOU DON'T HAVE TO GIVE AN ANSWER TO EVERYTHING. IF YOU DON'T REMEMBER SOMETHING, THEN THE BEST ANSWER IS YOU DON'T REMEMBER. WE DON'T WANT YOU TO MAKE SOMETHING UP OR SAY SOMETHING THAT'S NOT RIGHT, WE JUST WANT YOU TO GIVE YOUR BEST ANSWER, OKAY?

THE WITNESS: YES.
THE COURT: DO YOU HAVE ANY QUESTIONS BEFORE WE START?

12 BY MS. BLUTH:
THE WITNESS: NO. JUST WORK THROUGH IT, OKAY?

THE WITNESS: OKBY.

A NINE.

A JULY 25TH.

A 2004.

A UM -- TONY ALAMO.

A NOT REALLY.

THE COURT: ALL RIGHT. YOU'RE DOING GREAT SO FAR.
MISS BLUTH IS GOING TO ASK YOU SOME -- EVERYBODY KIND OF GETS TWO TIMES TO ASK YOU A QUESTION -- ASK YOU QUESTIONS, LIKE TWO TURNS. SO IT'S KIND OF LIKE A BIG CIRCLE, BUT WE

THE COURT: ALL RIGHT. GO AHEAD, MISS BLUTH.
MS. BLUTH: THANKS, JUDGE.

## DIRECT EXAMINATION

$Q \quad$ ANASTASIA, HOW OLD ARE YOU?

Q NINE? WHEN IS YOUR BIRTHDAY?

Q AND WHAT YEAR WERE YOU BORN IN?

Q WAS LAST WEEK THE LAST WEEK OF SCHOOL, OR IS IT THIS

A I THINK LAST WEEK.
Q WHAT SCHOOL WERE YOU GOING TO?

8 DO YOU LIKE SCHOOL?

Q NO? WELL WHAT GRADE WERE YOU IN WHEN - L LAST YEAR?
A. FOURTH GRADE.

Q OKAY. AND WHAT TYPES OF THINGS WERE YOU LEARNING IN

```
FOURTH GRADE?
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A MATH, ENGIISH -- UM - - SCIENCE, SOCIAL STUDIES, AND - UM - - I THINK THAT'S ALL.

Q OKAY. AND SO NOW NEXT YEAR YOU'RE GOING TO BE IN FIFTH GRADE. DO YOU ALREADY KNOW WHO YOUR TEACHER IS?

A NO.
Q NO. BLESS YOU.

THE COURT: THANK YOU.
BY MS . BLUTH:
Q SO WHAT TYPE OF FUN THINGS ARE YOU GOING TO DO THIS SUMMER?

A WE'RE GOING TO GO TO THE WATER PARK AND - - UM - GO TO BOYS AND GIRLS CLUB.

Q ALL RIGHT.
A AND GO PLACES THAT - -
Q DO YOU HAVE SOME SISTERS?
A YES.
Q WHAT ARE YOUR SISTERS' NAMES?
A AVA AND AMAYA.
Q AND HOW OLD IS AVA?
A TWELVE, ABOUT TO BE THIRTEEN IN OCTOBER.
$1 \quad \mathbf{Q}$ AND What AbOUT AMAYA, HOW OLD IS SHE?

A ELEVEN.
Q OKAY. SO I'M GOING TO ASK YOU SOME QUESTIONS TODAY. FIRST OF ALE, DO YOU KNOW A LADY NAMED MISS JANET SOLANDER?

A YES.
Q DO YOU SEE HER HERE IN COURT TODAY?
A YES.
Q WOULD YOU BE ABLE TO POINT TO HER AND DESCRIBE A PIECE OF CLOTHING THAT SHE'S WEARING?

A SHE'S RIGHT THERE, AND SHE HAS A BLUE SHIRT ON.
Q OKAY. AND IS SHE IN THE MIDDLE OR ON THE END OF THE

## TABLE?

A SHE'S IN THE MIDDLE.
MS. BLUTH: YOUR HONOR, MAY THE RECORD REFLECT
IDENTIFICATION?
THE COURT: YES.

## BY MS. BLUTH:

Q AND DO YOU KNOW SOMEONE BY THE NAME OF MR. DWIGHT SOLANDER --

A YES.
Q -- SOLANDER?
A YES.
Q DO YOU SEE HIM HERE IN THE COURTROOM TODAY?
A YES.
9 CAN YOU POINT TO HIM AND TELL ME SOMETHING HE'S

3 SHIRT, TOO.
WEARING?

THE COURT: YES.

SOMETHING?

A YES.

A YES.

SHE'S WEARING?

IDENTIFICATION?
THE COURT: YES.

A HE'S OVER THERE AND HE'S WEARING -- UM - A BLUE

MS. BLUTH: OKAY. YOUR HONOR, MAY THE RECORD REFLECT

MS. BLUTH: IS SHE SPEAKING TOO LIGHTLY FOR THE JAVS?
THE CLERK: UH -- WE CAN'T FIGURE IT OUT RIGHT NOW.
MS . BLUTH: OKAY.
THE COURT: NOW - - HAVE HER SAY SOMETHING. CAN YOU SAY

THE WITNESS: YES.
THE COURT: OH, THERE IT GOES. OKAY, WE'RE GOOD.
MS. BLUTH: OKAY.
Q UM - AND THEN DO YOU KNOW MISS DANIELLE?

Q AND IS SHE HERE TODAY?

Q CAN YOU POINT TO HER AND TELL ME SOMETHING THAT

A SHE'S OVER THERE AND WEARING A BLUE SHIRT, TOO.
MS. BLUTH: OKAY. YOUR HONOR, MAY THE RECORD REFLECT

MS. BLUTH: THANK YOU.

Q NOW, DID YOU USE TO LIVE WITH THE SOLANDERS?
A YES.
Q AND WHERE WAS IT THAT YOU USE TO LIVE WITH THEM AT? DO YOU REMEMBER WHAT STREET THE HOUSE WAS ON?

A NO.
Q OKAY. UM - AT ONE TIME DID YOU KNOW THE STREET
WHEN YOU USE TO LIVE THERE?
A NO, I FORGOT IT.
0 THAT'S OKAY.
WAS THAT HERE, THOUGH, IN CLARK COUNTY, LAS VEGAS?
A YES.
Q UM -- NOW, WHEN YOU FIRST MOVED IN WITH THEM, WERE YOU AND YOUR SISTER FOSTER CHILDREN?

A YES.
Q AND THEN ULTIMATELY IN JANUARY OF 2011, DID THE SOLANDERS ADOPT YOU?

A YES.
Q I WANT TO ASK YOU SOME QUESTIONS ABOUT AFTER YOU GOT ADOPTED, OKAY?

A (NO AUDIBLE RESPONSE.)
Q NOW, WERE THERE ANY RULES ABOUT GOING TO THE BATHROOM?

A YES.
Q WHAT WERE THOSE RULES?
A WE COULDN'T GO TO THE BATHROOM UNLESS WE ASKED.

17 GO TO THE BATHROOM?

23 BY MS. BLUTH:
24 Q NOW, WHEN YOU SAY THAT MISS JANET WOULD SPANK YOU 25 FOR ASKING TO GO, WHAT WOULD SHE SPANK YOU WITH?

A A PAINT STICK.
Q CAN YOU EXPLAIN TO ME WHAT IT LOOKED LIKE?
A IT WAS A WOODEN -- IT WAS WOODEN AND IT HAD WORDS ON
IT, ORANGE WORDS ON IT.
Q ORANGE WORDS ON IT?
A YES. AND IT WAS -- IT WAS LIKE A RULER.
Q NOW, WHEN SHE WOULD SPANK WITH YOU IT, WOULD YOUR CLOTHES BE ON OR OFF?

A IT'S DEPENDS. SOMETIMES IT WAS OFF AND SOMETIMES IT WAS OFF -- ON.

Q AND WHEN SHE WOULD SPANK YOU, WHERE WOULD SHE SPANK YOU WITH IT?

A UM -- ON MY BOTTOM.

Q OKAY. DID ANYBODY ELSE IN THE HOUSE EVER SPANK YOU WITH IT?

A MR. DWIGHT AND DANIELIE.
Q OKAY. NOW, WHY WOULD MR. DWIGHT SPANK YOU?
A BECAUSE - - UM - I WOULD -- I WOULD -- MISS JANET WOULD TELL MR. DWIGHT, AND THEN HE FINDS - - HE FINDS OUT AND THEN HE'LL SPANK ME.

Q WELL, WHAT -- WHAT DO YOU MEAN SHE WOULD TELL HIM, WHAT WOULD SHE TELL HIM?

A LIKE THAT WE WENT TO THE BATHROOM ON OURSELF.
Q OKAY. AND SO WHERE WOULD MR. DWIGHT HIT YOU -- OR SPANK YOU?

9 GRABBED THE RULER AND THEN SHE HIT ME ON MY WRIST.
A ON OUR BOTTOM, TOO.
Q WITH HIS HAND OR THE PAINT STICK?
A WITH IS -- WITH the -- UM -- PAINT stick.
Q OKAY. AND YOU SAID MISS DANIELLE WOULD HIT YOU WITH THE PAINT STICK?

A YES.
Q WHERE WOULD SHE HIT YOU?
A ON OUR -- ON OUR BOTTOM, AND -- UM -- ONE TIME SHE

Q OKAY. AND YOU JUST POINTED TO -- DID YOU POINT TO YOUR LEFT WRIST?

A YES.
Q OR YOU POINT -- DO YOU HAVE A MARK THERE?
A YES.
mS. BLUTH: OKAY. CAN -- CAN I APPROACH, JUDGE?
the Court: yes.
ms. Bluth: CAN I SEE YOU hand?
MR. RUE: JUDGE, CAN I APPROACH, TOO?
the court: yes. now everybody is going to want to see YOUR HAND. IT'S OKAY.
ms. bLUth: IT'S ALL RIGHT.
this is mr. Mann and this is mr. RUE. CAN YOU Show them
WHERE THE MARK IS ON YOUR HAND?
OKAY. AND THAT'S -- UM -- THERE'S TWO MARKS ON HER --
what's this thing called?

MR. MANN: A WRIST BONE.
THE COURT: WELL THE JUDGE WANTS TO SEE, TOO.
MS. BLUTH: OKAY. TWO MARKS ON HER LEFT WRIST BONE.
WOULD YOU MIND SHOWING JUDGE YOUR ARM FOR ME? THANK YOU.
THE COURT: YOU GOT TO COME OVER CLOSER.
MS. BLUTH: SHE CAN'T SEE.
THE COURT: MY EYES AREN'T VERY GOOD. WHERE'S -- POINT
IT OUT. OKAY. ALL RIGHT.
BY MS. BLUTH:
$Q$ WHY WAS IT THAT MISS DANIELLE HIT YOU WITH THE RULER ON YOUR WRIST, IF YOU REMEMBER.

A NO, I DON'T REMEMBER.
Q UM -- NOW, DID MISS DANIELLE HIT YOU ON YOUR BOTTOM, TOO, OR JUST YOUR WRIST?

A UM -- SHE -- FIRST SHE -- WHEN WE GOT IN HER ROOM SHE HIT ME ON HER BOTTOM -- ON MY BOTTOM, AND THEN I GOT UP AND THEN SHE ENDED UP -- AND THEN SHE HIT ME ON MY WRIST.

9 OKAY. UM -- NOW, WHAT ABOUT WHEN YOU HAD ACCIDENTS, DID MISS DANIELLE EVER HIT YOU FOR HAVING ACCIDENTS?

A $\quad$ NO.
Q ALI RIGHT.
A I DON'T THINK SO.
9 OKAY. SO HOW MANY TIMES DID MISS DANIELLE HIT YOU WITH THE PAINT STICK?

A ABOUT ONCE OR TWICE.

Q OKAY. NOW, WHEN -- UM -- WHEN THE THREE OF THEM -OR ACTUALLY SCRATCH THAT QUESTION.

DID THE PAINT STICKS EVER BREAK WHEN SOMEBODY WAS
HITTING YOU?
A YES.
Q AND WHO WAS IT, IF YOU REMEMBER?
A IT WAS MISS JANET AND I BELIEVE MR. DWIGHT.
Q OKAY. AND WHAT WOULD HAPPEN WHEN THE STICK WOULD
BREAK?
A UM - THEY WOULD GET A NEW ONE AND -- BECAUSE THEY HAVE - - UH -- PACKS OF THEM.

Q OKAY. NOW, WHAT WOULD IT FEEL LIKE WHEN YOU WERE GETTING SPANKED WITH THAT STICK?

A IT WAS VERY HARD.
Q AND WHAT WOULD HAPPEN TO YOUR BOTTOM?
A IT WILL BLEED.
Q HOW DID YOU KNOW IT WOULD BLEED?
A BECAUSE WHEN I PULLED DOWN MY PANTS IT - - ALL YOU SAW WAS BLOOD.

Q OKAY. NOW, YOU TALKED ABOUT BEING =- THAT YOU WOULD HAVE ACCIDENTS.

A (NO AUDIBLE RESPONSE.)
Q WHY WAS IT THAT YOU WERE HAVING ACCIDENTS?
A BECAUSE WHENEVER WE - WHENEVER I HAD TO GO TO THE BATHROOM I WOULD SAY, CAN'T - WHEN - WHEN - - MISS JANET WHEN

I - WHEN THE TIMES -- UH -- CAN I GO TO THE BATHROOM AND -UM - SHE'LL SAY - SHE SOMETIMES SHE WON'T ANSWER ME, SHE'LL JUST SIT THERE AND WATCH TV. BUT THEN I'L.L SAY IT AGAIN, BECAUSE IF -- UM -- I DON'T -- IF I DON'T HEAR HER HOW AM I SUPPOSE TO KNOW IF SHE'S -- IF SHE KNOWS THAT I HAVE TO GO OR NOT. SO THEN I SAID IT AGAIN, AND SHE STILL DIDN'T ANSWER, AND THEN I KEPT SAYING IT, SO THEN -- AND THEN I SAID, OKAY, I HAVE TO GO REALLY BAD, AND THEN SHE GOT MAD AND THEN - UM - SHE WOULD START TAKING ME UPSTAIRS.

Q OKAY. UM - - WERE YOU EVER SCARED TO ASK IF YOU COULD GO?

A YES.
Q WHY?
A BECAUSE SHE WOULD ALWAYS YELL AT US AND GET MAD AT US.

Q OKAY. NOW, WERE THERE TIMES THAT MR. DWIGHT WAS HOME -- UM - AND MISS JANET WASN'T HOME, SO MR. DWIGHT WAS JUST WATCHING YOU?

A YES.
Q OKAY. WHEN MR. DWIGHT WAS WATCHING YOU, DID
21 MISS JANET STILL HAVE RULES ABOUT YOU GOING TO THE BATHROOM?
22 A YES.
23 Q AND SO HOW DID THAT WORK WHEN MR. DWIGHT WAS THERE?
24 A WHEN WE HAD TO GO HE WOULD LET US GO AND -- BUT HE
25 STILL HAD TO FOLLOW THE RULES.

5 ASK UNTIL SHE COMES HOME --
6 OKAY.

23 Q NOW - UM - AT NIGHTTTME WHAT WOULD HAPPEN IF YOU
24 HAD TO GO TO THE BATHROOM?
25
Q WELL WHAT WERE THE RULES?
A IF WE HAD TO GO SH -- SHE -- SOMETIMES SHE WOULDN'T EVEN LET US GO UNTIL SHE COMES BACK HOME, SO THEN WE CAN'T
ASK. SO THEN AFTER WHEN -- WHEN SHE DOESN'T SAY THAT WE CAN'T

A - WE ASK HIM AND THEN HE LET'S US GO.
Q OKAY. SO IF - IF MISS JANET TOLD MR. DWIGHT THAT YOU GUYS HAD TO WAIT, THAT MEANT YOU HAD TO WAIT?

A YEAH.
8 UNTIL SHE GOT BACK?
A YES.
Q SO YOU HAD TO HOLD IT?
A YES.
Q OKAY. UM - WHEN YOU WOULD GO TO THE BATHROOM, COULD YOU USE AS MUCH TOILET PAPER AS YOU WANTED TO USE?

A NO.
Q OKAY. HOW DID THAT WORK?
A SHE WOULD, YOU KNOW, WHENEVER WE WOULD GO NO. 1, SHE WOULD GIVE US THREE SQUARES. AND THEN WHENEVER WE'D GO NO. 2, SHE'LL GIVE US SIX SQUARES. AND IF WE NEEDED MORE, SHE'LL GIVE US MORE, CUZ SOMETIMES SHE WOULDN'T GIVE US MORE.

A WELL, AT FIRST WE COULD GO AND WE - - SHE'LL

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LAYOUT -- UM -- WE HAD A TABLE IN THERE AND SHE -- AND SHE
WOULD LAYOUT TWO -- I THINK TWO OR THREE PIECES OF TOILET
PAPER --
Q OKAY.
A -- FOR EACH ONE OF US. AND -- UM -- SHE WOULD -AND WE WOULD GO TO THE BATHROOM, AND THEN AT LEAST -- ABOUT LIKE COUPLE MONTHS LATER SHE STOPPED IT, AND THEN SHE -- WE HAD A -- WE HAD A -- UM -- ASK HER. WE HAD TO KNOCK ON THE DOOR AND ASK HER, AND THEN AFTER -- AND THEN AFTER LIKE A COUPLE MONTHS AFTER THAT SHE WOULD NOT LET US GO ANYMORE.
Q OKAY.
A AND WE HAD TO WAIT UNTIL THE MORNING.
Q OKAY. NOW, WHEN YOU SLEPT, WERE THERE ANY GATES OR ALARMS TO KEEP YOU FROM GOING TO THE BATHROOM?
A YES.
Q WHAT WAS THERE?
A THERE WAS AN ALARM ON THE DOOR SO EACH TIME WE OPENED IT, IT WOULD GO OFF. I MEAN LIKE IT WOULD LIKE SOUND, AND THEN -- UM -- THEY -- WE HAD A GATE AND WE COULDN'T GO PAST THE BATHROOM, ANYMORE PAST THE BATHROOM, SO -- AND IF WE CLIMBED OVER IT SHE WOULD KNOW BECAUSE -- UM -- SHE HAS CAMERAS AND SHE KEPT SAYING THAT -- UM -- IT WOULD ELECTROCUTE us.
Q WHEN YOU SAY SHE, ARE YOU TALKING ABOUT MISS JANET?
A YES.
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24 YOU -- WOULD YOU -- WHERE WOULD YOU SIT IN THE HOUSE TO DO
25 YOUR WORK?

2 DO -- WE HAD CHAIRS, AND THEN WE HAD BUCKETS AND THEN -- UM --
3 WE WOULD DO OUR HOMEWORK THERE.
4 Q OKAY. WHAT DID THE BUCKETS LOOK LIKE?
5
6 HOME DEPOT ON IT, HAD A TOILET SEAT ON IT.
7 Q ALL RIGHT. AND WHEN YOU SAY WE GOT THE BUCKETS FROM HOME DEPOT, WHO'S WE?

A UM -- MR. DWIGHT.
Q OKAY. AND THEY HAD - - WHAT -- DID YOU - - WHAT COLOR WERE THE BUCKETS?

A ORANGE.
Q ORANGE. AND WHEN YOU SAY THEY HAD A SEAT ON THEM, CAN YOU EXPLAIN WHAT THE SEAT LOOKED LIKE?

A IT WAS LIKE -- UM -- IT WAS LIKE A REGULAR TOILET SEAT, BUT - EXCEPT FOR I' WAS THE - THE PART WHERE YOU SIT

17 ON, IT WAS TOOKEN OFF AND THEN YOU JUST PUT IT ON THE BUCKET.

21 THOSE WHILE YOU WERE DURING YOUR HOMEWORK?
Q OKAY. AND WHO PUT THE SEAT ON THE BUCKET?
A MR. DWIGHT.
Q UM - AND YOU SAID THAT YOU WOULD HAVE TO SIT ON

A YES.
Q SO HOW LONG WOULD YOU HAVE TO SIT ON THEM FOR?
A PARTICULARLY ALL DAY UNTIL WE GO TO BED.
Q AND WHO MADE YOU SIT ON THEM?

17 SOMETIME SHE'LL PUT STUFF THAT I DIDN'T EVEN KNOW WHAT IT WAS.
18 Q OKAY. DID SHE EVER TELL YOU WHAT SHE WAS PUTTING IN 19 IT?

24 WHEN DID YOU EAT IT? LIKE IN THE MORNING WOULD YOU EAT THE 25 BLENDED FOOD?

25 BLENDED FOOL - $U M$-- FOOD, IT - IT GOT - IT GOT ME
PRACTICALLY - - I - IT JUST KEPT GIVING ME STOMACH ACHES.

Q THE BLENDED FOOD DID?
A YES.
Q WHAT WOULD HAPPEN IF MR. DWIGHT WAS WATCHING YOU AND YOU HAD AN ACCIDENT, WOUED YOU STILL GET TO EAT OR DID YOU NOT GET FOOD?

A UM - -
MR. MUELLER: OBJECTION, ASSUMES FACTS NOT IN EVIDENCE.
THE COURT: SHE JUST ASKED THE QUESTION.
MR. MUELLER: ASSUMES FACTS THAT -- IT'S SPECULATION.
SHE HASN'T ESTABLISHED THIS ACTUALLY EVER OCCURRED.
MS. BLUTH: SHE ALREADY --
THE COURT: OVERRULED.

## BY MS. BLUTH:

Q DO YOU WANT ME TO REPEAT THE QUESTION, OR DO YOU REMEMBER IT?

A NO, I DON'T REMEMBER.
Q OKAY. UM -- SO WHEN MR. DWIGHT WOULD WATCH YOU, AND MISS JA -- AND MISS JANET WASN'T THERE, AND YOU HAD AN ACCIDENT - UM - WOULD MR. DWIGHT STILL GIVE YOU FOOD OR WOULD HE NOT LET YOU EAT, EITHER?

A I CAN'T REMEMBER.
Q OKAY. DID YOU EVER HAVE TO - - UM - - PUT ANY OF YOUR CLOTHES IN YOUR MOUTH?

A YES.

MR. MANN: OBJECTION LEADING.
MS. BLUTH: IT DOESN'T SUGGEST AN ANSWER, IT'S A
QUESTION.
THE COURT: OVERRULED.
BY MS. BLUTH:
Q WHAT CLOTHES DID YOU HAVE TO PUT IN YOUR MOUTH?
A OUR UNDERWEAR.
Q WHO MADE YOU PUT YOUR UNDERWEAR IN YOUR MOUTH?
A. MISS JANET.

Q DO YOU KNOW WHY?
A BECAUSE SHE GOT MAD AT US, AND -- UM -- WE HAD AN ACCIDENT SHE PUT IT IN OUR MOUTH, AND SHE --

THE COURT: AND YOU'RE USING THE TERM WE AND OUR. DID THAT HAPPEN TQ YOU, OR YOUR SISTERS, OR EVERYBODY, OR WHAT?

THE WITNESS: ME.
THE COURT: YOU PERSONALLY?
THE WITNESS: YES.
THE COURT: OKAY. GO AHEAD.
BY MS. BLUTH :
Q SO DID MISS -- WHEN YOU SAY SHE, YOU'RE TALKING ABOUT MISS JANET?

A YES.
Q UM - AND THE UNDERWEAR THAT YOU PUT IN YOUR MOUTH, WERE THOSE THE SAME UNDERWEAR THAT YOU HAD AN ACCIDENT IN? A YES.

8 DID YOU EVER SEE YOUR SISTERS HAVE TO DO THAT, OR WAS IT JUST YOU?

A I NEVER SAW THEM. I NEVER SEEN -- UM - THEM HAVE TO DO IT.

Q ALL RIGHT. AT - AT YOUR HOUSE WERE YOU ALLOWED TO TAKE BATHS OR WERE YOU -- DID YOU TAKE SHOWERS?

A SHOWERS.
Q OKAY. TELI ME ABOUT THE SHOWERS YOU WOULD TAKE THERE.

A WE WOULD -- WE WOULD TAKE SHOWERS, AND WHENEVER WE HAD AN ACCIDENT OR WE WOULD NOT FINISH OUR SCHOOL WORK, SHE WOULD -- UM -- GET MAD, AND THEN SHE -- WHEN WE TOOK A SHOWER SHE'LE PUT ICE ON US AND THEN - A BUCKET OF ICE AND THEN SHE'LL PUT A FAN ON US - UM - AND SHE'LL - - THAT'S HON WE - SHE WOULD - - DRIED OFF.

Q OKAY. AND WHO'S SHE?
A MISS JANET.
Q OKAY. UM - SO IN THE COLD SHOWER WHAT DID IT FEEL LIKE WHEN THE -- WHEN SHE WOULD POUR THE ICE ON YOU?

A IT WAS COLD, VERY COLD.
Q AND SO WHEN YOU GOT OUT OF THE SHOWER - - UM - WERE YOU EVER GIVEN A TOWEL, OR HOW DID YOU -- DID YOU JUST STAND IN FRONT OF THE FAN, EXPLAIN IT TO ME?

A SOMETIMES SHE WOULD GIVE US -- VERY RARELY SHE WILL GIVE US TOWELS.


KICK US.

A ON OUR BOTTOM. ON MY BOTTOM.
Q OKAY. WHILE YOU'RE STANDING OR WALKING, HOW?
A STANDING.
Q OKAY. NOW, DID MR. DWIGHT EVER CHECK YOUR
UNDERWEAR?
A YES.
Q AND WHAT WOULD HAPPEN IF MR. DWIGHT FOUND SOMETHING?
A HE'LL JUST SAY SOMETHING AND -- UM -- HE'LL TELL

## MISS JANET.

Q SO WHAT WOULD HAPPEN IF -- IF MR. DWIGHT FOUND SOMETHING AND THEN TOLD MISS JANET WHAT HE FOUND?

A HE ${ }^{1} L E$ - SHE $\operatorname{SL}$ GET MAD AND THEN SHE'LL SLAP US AND
$Q \quad$ WHERE DID YOU SLEEP IN THE SOLANDER'S HOUSE?
A IN THE LOFT ON BOARDS.
Q OKAY. NOW, IS THE LOFT -- IS IT A TWO STORY HOUSE?
A YES.
Q OKAY. UM - AND IN - - YOU SAID YOU SLEPT IN THE
LOFT ON BOARDS. CAN YOU EXPLAIN THE BOARDS TO ME?
A UM -- THEY WERE BEUE AND - UM -- THEY HAD OUR NAMES

Q AND LIKE HOW WAS IT WRITTEN ON IT, WAS IT MARKER OR?
A UM -- SHARPIE.
Q OKAY. AND WHO WROTE YOUR NAMES ON THEM?
A MR. DWIGHT.

Q OKAY. SO DID EACH OF YOU AND YOUR SISTER HAVE A SEPARATE BOARD? LIKE ONE BOARD FOR EACH OF YOU?

A YES.
Q OKAY. AND WHEN YOU WOULD SLEEP ON THE BOARDS IN THE LOFT, WERE YOU ALLOWED TO HAVE ANY SHEETS OR COVERS?

A NO. BUT SOMETIMES SHE'LL GIVE US A PILLOW. AND SOME - ONE -- UM -- ONE DAY SHE STARTED TO GIVE US THESE -YOU KNOW HOW HOTELS HAVE THESE - UH -- THOSE BEDS IN THE COUCHES.

Q LIKE A PULL -- LIKE A --
A YEAH.
Q -- POP UP BED?
A YEAH. UM - - SHE ORDERED THOSE AND - - UM - -
SHE'LL -- SHE HAD US SLEEP ON THOSE, AND THEN SHE STOPPED IT,
AND THEN SHE MADE US SLEEP ON THE BOARDS AGAIN.
Q OKAY. UM -- NOW, WHEN YOU WERE SLEEPING ON THE BOARDS, DID YOU GET TO WEAR PAJAMAS?

A NO, WE ONLY - - SOMETIMES WE ONLY GOT TO WEAR A SHIRT AND OUR UNDERWEAR, AND SOMETIMES WE ${ }^{1} D$ JUST WEAR OUR UNDERWEAR TO BED.

Q OKAY. WERE YOU COLD?
A YES.
Q UM - WERE THERE ANY FANS UPSTIRS IN THE LOFT?
A YES.
Q AND WHEN YOU WERE SLEEPING ON THE BOARDS IN YOUR

1 UNDERWEAR, WERE THE FANS ON OR OFF?

A $\quad \mathrm{ON}$.
Q AND WHO WOULD TURN THE FANS ON?
A MISS JANET. JUST YOU GUYS AND MR. DWIGY'T? THERE FOR THE REST OF THE TIME. NIGHT, DID YOU STILL SLEEP ON THE BOARDS?

A WHEN SHE WAS ON VACATION?

A YES.
Q OKAY. AND WHEN THE FANS WERE ON YOU?
A YES. YOUR SHOULDER?

A YEs.

Q NOW, WHEN IT WAS BED TIME -- WAS THERE EVER A TIME - UM - WHEN MISS JANET WENT OUT OF TOWN AND SO IT WAS

A YEAH, AND WE HAD AN -- AN -- A NANNY, AND SHE WAS THERE HALF OF THE TIME, AND THEN WE HAD ANOTHER NANNY, SHE WAS

Q OKAY. SO WHEN MR. DWIGHT WAS TAKING CARE OF YOU AT

Q UM -- WHEN MISS JANET WAS GONE, YEAH, ON VACATION, MR. DWIGHT WAS THERE, DID YOU STILL SLEEP ON THE BOARDS?

A NO, WE HAD -- UH -- THE PULL UP BEDS, THE POP UP

Q OKAY. NOW, WAS -- UM -- MR. DWIGHT EVER HOME WHEN

Q DID YOU HAVE AN INJURY TO THE BACK OF YOUR EAR AND

Q CAN YOU TELL ME HOW YOU GOT THAT?
A UM - ONE DAY I WAS CLEANING UP THE DOGS BATHROOM, AND THEN - UM - - AFTER THA? I CAME BACK IN AND THEN SHE MADE ME WASH MY HANDS, MISS JANET MADE ME WASH MY HANDS, AND THEN IT WAS REALLY HOT SO THEN I JUMPED OUT, I LIKE JERKED MY HANDS OUT, AND THEN SHE GOT MAD AND THEN SHE SQUEEZED BY ARMS AND MADE ME COME - GO, PUT MY HANDS IN THERE. AND WE HAD A CANDLE IN THERE AND - UM - SHE WOULD TAKE THE LID AND SHE WOULD FILL IT UP WITH THE WATER AND SHE WOULD SPLASH IT ON MY FACE, AND THEN - UM - - I KEPT CRYING, AND SHE GOT -- SHE SAID TO STOP CRYING. SO THEN I WOULDN'T STOP CRYING BECAUSE IT -THEY KEPT HURTING -- UM -- IT KEPT HURTING, SO THEN MISS JANET PICK ME UP AND THEN SHE - SHE LIKE TRIED TO PUT MY WHOLE BODY IN THE SINK SO THEN THEY -- SHE GOT MY -- THIS SIDE OF MY BACK AND I BELIEVE THIS SIDE OF MY EAR.

Q OKAY. WHAT BATHROOM WERE YOU IN?
A DOWNSTAIRS.
Q OKAY. AND WHERE WERE YOUR SISTERS WHEN THIS WAS GOING ON?

A UM - IN THE KITCHEN TRYING - - READING THEIR SCHOOL WORK.

Q OKAY. AND DO YOU STILL HAvE THOSE SCARS TODAY?
A UM -- YOU CAN'T REALLY SEE ON THE EAR.
Q OKAY.
A BUT YOU CAN REALLY SEE ON THE BACK.

Q OKAY. CAN I COME UP AND LOOK?
A YES.
MS. BLUTH: OKAY. YOU GUYS WANT TO LOOK?
I'M GOING TO LET MR. RUE AND -- UM -- MR. MANN, I DON'T
KNOW IF MR. MUELLER IS COMING.
WOLLD YOU MIND TURNING AROUND SO I CAN SHOW
EVERYBODY AND THEN WE'LL SHOW JUDGE? OKAY. WE'LL SHOW JUDGE
LAST, OKAY?
THE COURT: I'M ALWAYS LAST.
MS. BIUTH: YEAH. SO -- UM -- AM I -- RIGHT HERE?
THE WITNESS: (NO AUDIBLE RESPONSE.)
BY MS. BLUTH:
Q IS THAT A YES?
A YES.
Q OKAY. SO I'M GOING TO SAY A --
MR. MANN: INCH?
MS. BLUTH: TWO?
MR. MANN: INCH AND A HALF.
MS. BLUTH: INCH AND A HALF, TWO INCHES, JUDGE, FROM THE RIGHT SHOULDER BLADE INTO THE BACK OF THE ARMPIT, AND THEN --

I DON'T KNOW IF THERE'S - THERE IS SOME - - UM - THERE'S A WHITE SCAR ABOUT AN INCH LONG UNDERNEATH THE RIGHT EAR.

MR, MUELLER, CAN YOU SEE?
MR. MUELLER: I CANNOT SEE. OKAY, THANK YOU.
MS. BLUTH: OKAY?

AND THEN WE'RE GOING TO SHOW THE JUDGE, OKAY?
THE COURT: OKAY.
MS. BLUTH: SHOW HER YOUR EAR.
THE COURT: OKAY.
MS. BLUTH: OKAY. GO AHEAD AND SIT DOWN, SWEETHEART.
SHE WANTS MISS ALISON.
THE COURT: OH, OKAY. SURE, NO WORRIES.
DO YOU WANT TO TAKE A BREAK OR YOU JUST WANT MISS ALISON
UP HERE?
THE WITNESS: MISS ALISON UP HERE.
THE COURT: SURE. YOU'RE BEING PAGED.
MS. BLUTH: SHE'S GOING TO SIT OVER HERE, OKAY?
THE COURT: SHE'S GOING ON SIT RIGHT BEHIND YOU, OKAY?

## BY MS. BLUTH:

Q NOW, DID YOU EVER GET TO SEE A DOCTOR OR GET TREATMENT FOR THOSE BURNS?

A I DID NOT SEE A DOCTOR, BUT -- UM -- SHE DID PUT STUFF ON IT, AND I DON'T KNOW WHAT THE STUFF WAS.

Q UM -- WHO PUT STUFF ON IT?
A MISS JANET.
Q OKAY. DID THAT HURT PRETTY BADLY?
A YES.
Q NOW -- UM -- DID YOU EVER HAVE ANY ACCIDENTS WITH

## POOP IN THE BUCKETS?

A YES.
$1 \quad$ Q OR IN THE SMALL POTTY?
2 A YEAH.

6 AND THEN SHE'LL START SLAPPING ME AND KICKING ME.
7 Q OKAY. UM -- DID THERE EVER COME A TIME WHERE YOU
8 HAD TO EAT OR DRINK YOUR PEE OR POOP?
9 A IT WASN'T REALLY EATING OR DRINKING. SHE WOULD
LIKE -- ONE TIME SHE TOOK MY HEAD AND THEN SHE PUT IT IN THE TOILET AFTER I WENT TO THE BATHROOM, AND SHE'LL LIKE TAKE OUR UNDERWEAR AND BALL IT UP AND THEN STUFF IT IN OUR MOUTH.

Q OKAY. THE TIME THAT MISS JANET GOT MAD AT YOU AND 14 STUCK YOUR HEAD IN THE TOILET IN THE POOP, WHY DID SHE DO 15 THAT?

A I DON ${ }^{1}$ T KNOW.
Q WERE YOU IN TROUBLE?
A I CAN'T REMEMBER.
Q OKAY. AND WHAT --
MR. MANN: YOUR HONOR, CAN WE GET A FOUNDATION TO TIME, EVERYTHING IS SO --

THE COURT: YOU CAN --
MR. MANN: -- ARBITRARY.
MS. BLUTH: SURE.
THE COURT: WELL, I UNDERSTAND THAT, BUT CAN YOU TRY TO

1 LAY A TIMEFRAME.
2 MS. BLUTH: SURE.
3 U UM - EVERYTHING WE'VE TALKED ABOUT SO FAR, WAS THIS 4 BEFORE OR AFTER YOU GOT ADOPTED?

5 A I BELIEVE - UM - AFTER WE GOT ADOPTED.
6 O OKAY. AND THE TIME THAT -- UM - MISS JANET STUCK
7 YOUR HEAD IN THE TOILET -- UM -- AND -- AND WHEN THE POOP WAS
8 IN THE TOILET, DO YOU KNOW HOW LONG AGO THAT WAS OR HOW OLD
9 YOU WERE WHEN THAT HAPPENED?
10 A UM - I THINK I WAS EIGHT. I CAN'T REMEMBER REALLY.
11 Q OKAY. DID IT HAPPEN AFTER YOU WERE ADOPTED?
A YES.
Q DID IT HAPPEN AT THE HOUSE ON WAKASHAN, OR THE -14 THE SECOND HOUSE YOU LIVED IN?

15 A YES.
16 Q UM - NOW, WHEN YOU WOULD DO YOUR HOMEWORK, WHILE
17 YOU WERE BEING HOMESCHOOLED, WHO WAS IT THAT HOMESCHOOLED YOU?
18 A MISS JANET.
19 Q AND HOW WOULD THE HOMESCHOOLING WORK? LIKE TELL ME
20 WHAT A DAY WOULD -- WOULD BE LIKE?
21 A PRACTICALLY WE JUST -- UM -- SAT DOWN AND DID OUR
22 HOMEWORK - I MEAN SCHOOL WORK ALL DAY, WE DIDN'T DO ANYTHING

23 ELSE.
24 Q OKAY. BUT I MEAN WOULD SOMEONE TEACH YOU, LIKE THIS
25 IS THE LESSON, THIS IS WHAT YOU'RE LEARNING --

A NO.
Q -- OR DID YOU JUST READ BOOKS ALL DAY AND STUDY?
A WE -- SHE WOULD GIVE US PAPERS AND WE'LL JUST DO IT.
Q OKAY. SO WAS ANYBODY TEACHING YOU?
A NO. IT WAS -- WE JUST HAD BOOKS WHERE IT WOULD -WHERE SHE WOULD RIP IT OUT OF THE BOOK AND SHE'LL GIVE THIS -GIVE IT TO US, AND THEN WE HAVE TO DO IT.

Q OKAY. WHAT WOULD HAPPEN IF YOU GOT ANY OF YOUR
HOMEWORK OR YOUR SCHOOL WORK WRONG?
A SHE'LL GET MAD AND THEN -- UM -- SHE'LL -- SHE'LL -UM -- START LIKE BLASTING OFF, BECAUSE WE DIDN'T -- WE COULDN'T UNDERSTAND. AND SO THEN -- UM -- SHE'LL START SLAPPING US AND KICKING US, BECAUSE WE DIDN'T KNOW THE ANSWER.
\& OKAY. WHEN YOU SAY SHE WOULD SLAP YOU AND KICK YOU, WHERE WOULD SHE SLAP YOU?

A ON OUR FACE. ON MY FACE.
Q OKAY. AND WHEN YOU SAY SHE, YOU'RE TALKING ABOUT MISS JANET?

A YES.
$Q$ AND WHERE WOULD SHE KICK YOU?
A ON MY BOTTOM.
$Q$ UM -- NOW, DID -- WAS THERE EVER A TIME WHEN YOU GOT INJURED ON THE STAIRS?

A YES.
© HOW DID THAT HAPPEN?

7 ON MY -- WIPED MY LIP ON MY SHIRT. WASN'T REALLY ABLE TO WALK DOWN THE STAIRS.

Q OKAY.

A MISS JANET.

A I DO NOT REMEMBER.

A YES.

HAVE YOU EVER SEEN ONE?
A YES. ALL OF IT OUT, AND THEN IT FILLS IT UP IN THE BAG.

8 HOW DO YOU KNOW WHAT A CATHETER IS?
A BECAUSE MISS JANET DID ONE ON ME.

A UM -- WELL, I WAS WALKING DOWNSTAIRS, SHE WAS KICKING ME. AND WHILE I WAS -- LIKE SHE KEPT KICKING ME, SO I

A SO THEN I - I FELL, AND THEN SHE - AND I - I WAS BLEEDING ON MY LIP, AND SO THEN SHE TOOK MY SHIRT AND WIPED IT
$Q$ SO WHO WAS IT THAT KICKED YOU ON THE STAIRS?

Q OKAY. DO YOU KNOW WHY YOU WERE GETTING KICKED?

Q OKAY. NOW, DO YOU KNOW WHAT A CATHETER IS?

Q WHAT DOES IT LOOK LIKE? WHAT DOES ONE LOOK LIKE?

Q CAN YOU EXPLAIN TO ME WHAT IT LOOKS LIKE?
A IT'S A NEEDLE, AND IT HAS A IITTLE TUBE, AND IT HAS A BAG ON -- IT HAS A BAG CONNECT TO THE TUBE. AND -- WELL WHENEVER YOU PUT IT IN YOUR PRIVATE AND THEN -- UM - IT TAKES

Q OKAY. UM - WHEN MISS JANET WOULD USE THE CATHETER ON YOU -- FIRST OF ALL, DID THAT HAPPEN ONE TIME OR MORE THAN

ONE TIME?
A MORE THAN ONE TIME.
Q OKAY. SO IN WHAT ROOM OR ROOMS IN THE HOUSE WOULD SHE USE THE CATHETER?

A IN - UM -- ME AND AMAYA'S OLD BEDROOM, AND IN THE UPSTIRS BATHROOM AND IN THE LOFT.

Q OKAY. SO EXPLAIN TO ME THE PROCESS BY WHICH SHE WOULD USE THE CATHETER ON YOU? CAN YOU WALK ME THROUGH HOW THAT WOULD WORK?

A I DON'T UNDERSTAND.
Q SO WHEN MISS - - UM - - WHEN MISS JANET WOULD USE THE CATHETER ON YOU, LET'S TALK ABOUT THE BATHROOM. SO YOU --

WOULD THE TWO OF YOU BE IN THE BATHROOM ALONE?
A YES.
Q OKAY. AND THE DOOR BE OPEN OR SHUT?
A OPENED.
Q OKAY. UM -- AND THEN WHERE WOULD YOU GO IN THE BATHROOM? WOULD YOU SIT OR STAND OR LAY DOWN?

A I WOULD LAY DOWN.
$Q$ OKAY. WHAT WOULD YOU LAY ON?
A A TOWEL.
Q SO ONCE YOU LAID DOWN, WHAT WOULD HAPPEN?
A SHE WOULD PUT THE CATH -- CATHETER IN ME.
Q OKAY. WHERE WOULD SHE PUT IT?
A IN MY PRIVATE.

A YES.
Q WHAT WOULD COME OUT?
A MY BATHROOM.
Q YOUR BATHROOM? LIKE PEE?
A YES.
Q AND IF PEE CAME OUT, WOULD YOU BE IN TROUBLE, OR WHAT WOULD HAPPEN?

A I'LL BE IN TROUBLE.
Q WHAT - - WHAT DOES THAT MEAN, IF YOU'RE IN TROUBLE, WHAT HAPPENS?

A UM - I'LL - SHE'LL SAY -- SHE'LL PRACTICALLY SAY THAT I DIDN'T ASK TO GO TO THE BATHROOM, AND I WAS SCARED TO BECAUSE SHE KEPT YELLING AT ME IF I ASKED TO GO. AND SHE'LL - UM -- SOMETIMES WHEN SHE'S LIKE REALLY MAD, SHE'LL TAKE THE NEEDLE AND LIKE MOVE IT AROUND LIKE EVERYWHERE.
$18 \quad \mathbf{Q} \quad$ IN YOUR PRIVATE?
A YES.
$\mathbf{Q}$ DID THAT HURT?
A YES.
Q OKAY. WHEN YOU SAID THAT SHE GOT MAD BECAUSE YOU DIDN'T ASK.

A YES.
Q BUT YOU SAID EARLIER THAT SOMETIMES YOU WOULD GET IN

TROUBLE WHEN YOU DID ASK.
A YES, BECAUSE SHE WOULD LEKE GET MAD BECAUSE WE HAD TO GO TO THE BATHROOM, AND WHAT AM I SUPPOSE TO DO, I HAVE TO GO, I HAVE TO GO.

Q OKAY. NOW, YOU SAID THAT THAT HAPPENED WITH MISS JANET IN THE BATHROOM IN YOUR AND AMAYA'S BEDROOM, IN YOUR OLD BEDROOM?

A UM-HIJ.
Q BUT IN THAT SAME HOUSE ON WAKASHAN?
A YES.
Q AND THEN IN THE LOFT?
A YES.
Q SO IT HAPPENED AT LEAST THREE TIMES THAT YOU CAN
REMEMBER?
A YES.
Q UM - NOW, DO YOU KNOW WHO BOUGHT THOSE CATHETERS?
A MR. DWIGHT.
Q OKAY. UM -- AND WHERE WAS MR. DWIGHT WHEN
MISS JANET WAS USING THEM ON YOU?
A UM -- ONE TIME HE WAS AT THE DOORWAY, BUT HE WASN'T LQOKING AT ME. AND -- UM --

THE COURT: WHICH TIME WAS THAT, WHERE WERE YOU?
THE WITNESS: UH $\cdots$ IN THE BATHROOM.
THE COURT: OKAY.
THE WITNESS: AND -- UM - - HE - HE WASN'T LOOKING AT ME,

BUT HE WAS JUST STANDING THERE, AND MISS JANET WOULD DO IT.

## BY MS. BLUTH:

Q OKAY.
A HE WASN'T THERE ONLY ONCE IN STANDING OUTSIDE THE BATHROOM.

Q OKAY. SO HE WAS THERE ONE TIME IN THE BATHROOM. AND THEN THE TIME IN THE LOFT AND THE -- UM -- BEDROOM, WHERE WAS HE?

MR. MUELLER: OBJECTION, MISSTATES THE TESTIMONY. THAT'S NOT WHAT SHE SAID, COUNSEL.

THE COURT: I'M SORRY?
MR. MUELIER: THAT'S NOT WHAT SHE SAID.
THE COURT: I'M PRETTY SURE THAT'S WHAT SHE SAID.
MR. MUELLER: WELL, I'VE BEEN TAKING VERY GOOD NOTES, THAT'S NOT WHAT SHE SAID.

THE COURT: OKAY. YOU SAID WHEN -- WHEN MISS JANET DID IT TO YOU IN THE EATHROOM MR. DWIGHT WAS STANDING IN THE DOORWAY BUT NOT LOOKING; IS THAT RIGHT?

THE WITNESS: STANDING OUT THE DOORWAY.
THE COURT: OH, OUT THE DOORWAY, EUT NOT LOOKING?
THE WITNESS: YES.
THE COURT: OKAY. THEN WHAT ABOUT THE TIME IN THE LOFT, WHERE WAS MR. DWIGHT, IF ANYWHERE BY YOU?

THE WITNESS: HE WASN'T THERE.
THE COURT: WASN'T EVEN AT HOME, THAT YOU KNOW OF?

## 19 IS ASKING HER ABOUT THE BEDROOM,

THE WITNESS: I DON'T THINK SO.
THE COURT: HE WASN'T AROUND --
THE WITNESS: YEAH.
THE COURT: -- WHERE IT WAS HAPPENING?
THE WITNESS: YEAH.
THE COURT: GO AHEAD, MISS BLUTH.
MS. BLUTH: THANK YOU. PUT THE CATHETER IN YOUR PRIVATE THAT TIME? JUST SAID HE WASN'T PRESENT. BATHROOM?

THE COURT: NO, I ASKED --
MS. BLUTH: OR BEDROOM?

MS. BLUTH: THANK YOU. GO AHEAD.
THE WITNESS: UH -- I DON'T THINK SO.
MS. BLUTH: OKAY,

A UM, THE PAINT STICK.

Q AND THEN THE BEDROOM, THE INCIDENT IN THE BEDROOM, DO YOU KNOW WHERE MR. DWIGHT WAS WHEN MISS JANET PUT -- UM --

MR. MUELIER: OBJECTION, ASKED AND ANSWERED. JUDGE, SHE

MS. BLUTA: NO, SHE DIDN'T. JUDGE, DID YOU DO A

THE COURT: -- HER ABOUT THE BATHROOM, SHE ANSWERED IT.
I ASKED HER ABOUT THE LOFT, SHE ANSWERED IT. NOW MISS BLUTH

Q NOW, BESIDES THE -- UM -- CATHETER, DID MISS JANET STICK ANYTHING ELSE UP YOUR VAGINA, OR YOUR PRIVATE? 21 TIMES - WERE THERE SOMETIMES WHEN YOU TRIED TO FIGHT IT OR

22 MOVE?
Q OKAY. WHAT HAPPENED WITH THAT?
A SHE TOOK THE PAINT STICK AND THEN SHE TRIED TO SHOVE
IT IN MY PRIVATE.
Q OKAY. DO YOU REMEMBER WHY SHE TRIED TO DO THAT?
A NO, MA'AM.
Q WERE YOU IN TROUBLE FOR SOMETHING?
A I DON'T THINK SO.
Q OKAY. UM -- WHERE WERE YOU AT IN THE HOUSE WHEN SHE -- WHEN SHE DID THAT?

A IN AVA'S OLD BEDROOM.
Q OKAY. AND - - UM - NOW DID IT TOUCH YOUR PRIVATE?
A YES, IT DID.
Q WHERE DID IT TOUCH YOUR PRIVATE AT?
A UM -- LIKE IN THE FRONT.
Q IN THE FRONT PRIVATE?
A YES.
Q AND WHAT DID THAT FEEL LIKE?
A VERY GROSS, AND IT WAS HURTFUL.
Q OKAY. NOW, WHEN -- UM -- WHEN MISS JANET WOULD PUT THE CATHETER IN OR TRY TO PUT THE CATHETER IN, WAS THERE

A YES.
Q AND WHAT WOULD HAPPEN IF YOU TRIED TO FIGHT IT?
A SHE ${ }^{1} L L$ HOLD ME DOWN AND SOMETIMES SHE ${ }^{1} L L$ SAY ...

Q IT'S OKAY.
A SAY -- PRACTICALLY SAY STAY DOWN.
Q OKAY. NOW, DID SHE EVER THREATEN YOU WITH ANYTHING?
A YES.
Q CAN YOU TELL ME ABOUT THAT?
A SHE -- SHE THREATENED ME WITH OUR -- WE HAD A RAZOR
AND -- A RAZOR BLADE, AND SHE WOULD THREATEN ME THAT SHE'LL
CUT MY FRONT PART OUT WITH THE RAZOR BLADE.
Q DID SHE SHOW YOU THE RAZOR BLADE?
A YES.
Q WHEN SHE WAS THREATENING YOU?
A NO, NOT WHILE SHE WAS THREATENING YOU.
Q OKAY. EXPLAIN IT TO ME?
A I MEAN ME.
UH -- SHE -- WE SAW IT BEFORE SHE EVEN -- UM --
BEFORE SHE WAS THREATENING US WITH IT, BUT -- UM -- SHE SHOWED
IT TO US WHEN -- UM -- WE SAW THIS PICTURE OF SOMEONE CUTTING OUT -- IN DIFFERENT COUNTRIES, PEOPLE ARE CUTTING OUT THEIR FRONT PARTS, AND SHE SHOWED THE RAZOR BLADE TO US.

Q OKAY. SO YOU WERE - YOU WERE -- DID YOU SAY YOU WERE LOOKING AT A BOOK, OR WHAT WERE YOU LOOKING AT WITH THE PEOPLE FROM THE DIFFERENT COUNTRIES?

A A COMPUTER.
Q A COMPUTER.
AND PEOPLE ON THE COMPUTER WERE CUTTING OUT OTHER
PEOPLE'S PRIVATES?

A YES.
Q OKAY. UM - AND SO AFTER YOU SAW THAT, IS THAT WHEN
MISS JANET SHOWED YOU THE RAZOR?

A YES.
$Q \quad$ WHAT DID SHE SAY WHEN SHE SHOWED IT TO YOU?
A IF YOU HAVE AN ACCIDENT ON YOURSELF ONE MORE TIME I'M GONNA' CUT YOUR FRONT PART OUT.

Q HOW DID YOU FEEL WHEN SHE SHOWED YOU THAT AND SAID THAT TO YOU?

A IT WAS REALLY SCARY, BECAUSE I NEVER HAD -- I NEVER HEARD - I NEVER - NO ONE HAS EVER TOLD ME THAT BEFORE TO ME.

Q CAN YOU EXPLAIN TO ME WHAT THE RAZOR LOOKED LIKE?
A IT WAS SILVER AND IT WAS KIND OF A RECTANGLE.
Q OKAY. WOULD YOU BE ABLE TO DRAW IT FOR ME?
A YES.
MS. BLUTH: OKAY. MAY I APPROACH, YOUR HONOR?
THE COURT: YES.

## BY MS. BLUTH:

Q CAN YOU DRAW IT FOR ME?
A YES. AND IT WAS SILVER.
Q AND IT WAS SILVER?
A UM-HUM.
MS. BLUTH: OKAY. AND IF THIS COULD BE MARKED AS NEXT.
25 AM I ON STATE'S 6?

THE CLERK: YES.
(WHEREUPON STATE'S PROPOSED EXHIBIT NO. 6 WAS MARKED FOR IDENTIFICATION.)

MS. BLUTH: OKAY. THEN I'LL SHOW DEFENSE COUNSEL, YOUR HONOR.

Q AND THIS IS THE -- WHAT THE RAZOR LOOKED LIKE THAT MISS JANET SHOWED YOU WHEN SHE TOLD YOU THAT IF YOU HAD AN ACCIDENT AGAIN SHE'D CUT YOUR FRONT PART OUT?

A YES.
MS . BLUTH: OKAY. MR. MUELLER.
AND I'D MOVE FOR IT'S ADMISSION.
MS. LUZAICH: ANY OBJECTION?
MR. MANN: NO, YOUR HONOR.
MR. RUE: NO, YOUR HONOR.
MS. LUZAICH: MR. MUELLER?
MR. MUELLER: NO.
THE COURT: SIX WILL BE ADMITTED.
(WHEREUPON STATE'S EXHIBIT NO. 6 WAS ADMITTED INTO EVIDENCE.)

BY MS. BLUTH:
Q ANASTASIA, WHEN WE FIRST STARTED I HAD ASKED YOU SOME QUESTIONS ABOUT THE -- TO DESCRIBE TO ME THE PAINT STICK?

A UM-HUM.
Q UM -- AND NOW WAS THERE EVER ANYTHING WRITTEN ON ANY OF THE PAINT STICKS?

A YES, THERE WAS, BUT I BELIEVE ON -- IT HAD THE FRONT SIDE IT HAD A BUNCH OF ORANGE WORDS ON IT THAT WAS - THAT MISS JANET -- UM -- OR MR. DWIGHT OR DANIELLE NEVER WROTE ON IT, BUT ON THE BACKSIDE IT SAID, "RULE OF EDUCATION", MR. DWIGHT WROTE THAT ON THE BACK.

9 ON ONE OF THE PAINT STICKS IT SAID "RULE OF
EDUCATION"?
A YES.
Q OKAY. NOW IF I SHOWED YOU A PICTURE OF ONE OF THE PAINT STICKS WOULD YOU BE ABLE TO RECOGNIZE IT?

A YES.
Q I'M SHOWING YOU STATE'S NO. 2, DO YOU RECOGNIZE
WHAT'S IN THAT PICTURE?
A YES.
Q WHAT IS THAT?
A THE PAINT STICK.
Q OKAY. AND SO -- UM -- I THINK YOU ALREADY SAID THAT THERE - - THERE WAS A LOT OF -- THERE WAS A LOT OF PAINT STICKS AT THE HOUSE?

A YES.
MS. BLUTH: CAN I HAVE THE COURT'S INDULGENCE FOR A MINUTE?

THE COURT: UM-HUM.
MS. BLUTH: THANK YOU, ANASTASIA.
I WILL PASS THE WITNESS, YOUR HONOR.

THE COURT: ALL RIGHT. IT'S TEN TO FOUR, SO I THINK WE'RE GONNA' REFRAIN FROM STARTING DEFENSE QUESTIONING. SO WE GET TO BE DONE FOR THE DAY.

MS. BLUTH: AND, JUDGE, BEFORE - - SHE'S GOING TO STEP OUTSIDE, BUT CAN WE APPROACH AND TALK ABOUT SCHEDULING I'M -THE COURT: YES. EXCEPT I DON'T HAVE I CALENDAR IN FRONT ME, BUT MISS STEPHANIE CAN HELP US.

MR. MANN: YOUR HONOR?
THE COURT: YEAH, YOU CAN GO.
SO - - UM - LET ME -- LET ME CANVASS -- UM -- MISS
ANASTASIA. MISS ANASTASIA, YOU'RE GOING TO COME BACK TOMORROW TO FINISH ANSWERING QUESTIONS, OKAY?

THE WITNESS: OKAY.
THE COURT: BUT IN THE MEANTIME YOU'RE NOT SUPPOSE TO TALK TO ANYBODY ABOUT THE CASE AT ALL, OR WHAT YOU'RE DOING IN COURT OR WHAT YOU'RE TALKING ABOUT OR ANYTHING LIKE THAT. YOU CAN TALK TO ANY COUNSELORS THAT YOU TALK WITH, OR ANY $--Y O U$ KNOW, ANY PEOPLE LIKE YOUR COUNSELORS AND STUFF, BUT LIKE YOU CAN'T TALK TO YOUR SISTERS OR MISS DEBBIE OR MISS DEBBIE'S HUSBAND, OR ANYTHING LIKE THAT, BECAUSE THAT'S KIND OF LIKE - UM -- YOU'RE BREAKING LIKE A RUEE OF THE COURT, AND WE WOULDN'T WANT YOU TO BREAK A RULE OF THE COURT, OKAY?

SO DO I HAVE YOUR PROMISE YOU WON'T TALK TO ANYBODY ABOUT YOUR CASE?

THE WITNESS: YES, MA'AM.

THE COURT: OKAY. THANK YOU, I'LL SEE TOMORROW MORNING?
THE WITNESS: OKAY.
THE COURT: OKAY, BYE-BYE.
THE WITNESS: BYE.
THE COURT: OKAY. SO DO YOU HAVE A COPY OF MY CALENDAR BY ANY CHANCE, MISS STEPHANIE?

THE CLERK: YES, I DO.
MS. LUZAICH: TOMORROW, JUDGE, JUST FOR THE RECORD, THE STATE HAS ONE FELONY PRELIM STILL GOING, THE OTHER FELONY

PRELIMS ARE CALLED OFF. IT'S BATTERY DEADLY WEAPON, TWO WITNESSES, IT'S IN CUSTODY. THERE'S A MISDEMEANOR TRIAL THAT'S NOT OFF, WITH THREE TO FIVE WITNESSES, BUT THAT'S OUT OF CUSTODY.

THE COURT: OKAY.
MS. BLUTH: THAT'S WHY I HAVE MY ASSISTANT.
MS. LUZAICH: YEP. YEP. YEP.
THE COURT: DO YOU KNOW WHO THE DEFENSE COUNSEL IS ON THE MISDEMEANOR TRIAL?

MS. LUZAICH: YOU KNOW, I ASKED EVERYTHING EXCEPT THAT.
MS. BEUTH: I'LL ASK HER RIGHT NOW.
THE COURT: I DON'T KNOW. OR THE NAME? DO YOU EVEN KNOW
THE NAME OF THE CASE?
MS. BLUTH: I'LL ASK RIGHT NOW.
MR. MUELLER: WITH A LITTLE BIT OF LUCK IT WILL BE MY OFFICE.

THE COURT: OUT OF CUSTODY 9:30, TRIALS WOULD BE A MISDEMEANOR. WELL --

THE CLERK: JUEIE RAYE.
THE COURT: THERE'S TWO PRO PERS AND JULIE RAYE.
WELL, THAT'S OKAY, THIS IS GOING FIRST. SO IF THEY CAN'T RESOLVE IT, THEN IT'S GONNA' GET BUMPED TO -- SHE MIGHT NOT TAKE ALI DAY TOMORROW.

MS. BLUTH: THE ISSUE IS THE -- UM -- WE'RE GONNA' HAVE TO CALL THE DOCTOR FIRST, SHE LEAVES FOR A CONFERENCE AND --

THE COURT: OKAY.
MS. BLUTH: -- SO I'M GOING TO HAVE TO CALL DR. CETL FIRST, AND THEN I -- I WAS JUST GOING TO SAY IF I COULD BRING HER BACK IN THE AFTERNOON - UM - AND THAT WAY WE'LL JUST DO - I MEAN DO WHATEVER, OBVIOUSLY, THE COURT NEEDS TO DO, THEN DO DR. CETL. I JUST DON ${ }^{1} T$ WANT TO HAVE HER WAITING AROUND ALL MORNING, BECAUSE I DON'T THINK WE'LL GET TO HER ANYWAYS. IF THAT WORKS WITH EVERYBODY.

THE COURT: OKAY.
MR. MANN: YOUR HONOR, MY PREFERENCE WOULD BE FOR US TO START OFF AS SOON AS POSSIBLE, AND THEN WHAT'S EVER AFTER THAT POINT WE CAN CONTINUE ON IN THE AFTERNOON. IT WOULD BE MY PERSONAL PREFERENCE JUST --

THE COURT: I DON'T KNOW WHAT THAT MEANS, START OFF AS SOON AS POSSIBLE.

MR. MANN: MEANING -- UM -- BE THE FIRST TO GO, AND NOT

WAIT FOR THE OTHER CASES TO GO FIRST. UM - DO WHAT WE NEED TO DO, FINISH DR, CETL, AND THEN LET YOUR OTHER CASES GO AND THEN START UP AGAIN IN THE AFTERNOON WITH --

THE COURT: OH, I SEE, OKAY.
MR. MANN: -- ANASTASIA.
THE COURT: SO WE COULD DO THE DOCTOR FIRST THING, TAKE A BREAK FOR THE TWO WITNESS ASSAULT WITH A DEADLY WEAPON IN CUSTODY, RESUME THIS ONE IN THE AFTERNOON, AND IF I HAVE TO KICK THE FIVE WITNESS OUT OF CUSTODY MISDEMEANOR.

MS . BLUTH: PERFECT. THE COURT: DOES THAT SOUND LIKE A --

MS. LUZAICH: PERFECT FOR US.
THE COURT: -- PLAAN?
MS. BLUTH: SO WHAT WOULD AFTERNOON BE, $1: 00$, SHOULD I
HAVE HER AT 1:00 OR 12:30?
THE CLERK: WE HAVE 1 O'CLOCK.
THE COURT: WHAT DO WE HAVE AT 1:00?
THE CLERK: JUST BAD CHECKS.
THE COURT: OH, JUST OUR BAD CHECKS. SO -- BUT - BUT --
SO 1:30.
MS. BLUTH: ONE-THIRTY, GOT IT.
THE COURT: BECAUSE WE HAVE BAD CHECK CALENDAR, WHICH SHOULDN'T TAKE BUT 20 MINUTES.

MS . BLUTH: SURE.
MS. LUZAICH: AND WHAT TIME SHOULD WE HAVE HER --

THE COURT: I WOULD MAYBE HAVE HER HERE BY 1:00.
HOW MANY DO WE HAVE ON AT 1 O'CLOCK? BECAUSE I START
RIGHT AT 1:00, SO --
THE CLERK: THIRTEEN.
THE COURT: OKAY. WE MIGHT -- WE CAN PROBABLY GET
STARTED AT 1:15.
MS . BLUTH: COOL.
THE COURT: I ZOOM THROUGH THEM AS SOON AS PEOPLE COME
IN.
MS. BLUTH: OKAY, THAT WILL BE GOOD.
MS. LUZAICH: WHAT TIME SHOULD WE HAVE THE DOCTOR HERE?
I MEAN YOUR CALENDAR ITSELF --
THE COURT: WELL EVERYTHING IS CALLED OFF.
MS. LUZAICH: RIGHT. BUT YOUR CALENDAR, ITSELF, IS THREE
PAGES, SO JUST FOR YOU TO CALL THROUGH ALL OF THEM.
THE COURT: I DON'T KNOW WHAT THREE PAGES MEANS BY YOU, I JUST KNOW HOW MANY CASE --

MS. LUZAICH: LONG, LIKE THIRTY.
THE COURT: -- LIKE I DON'T KNOW. THE 9:30'S?
MS. LUZAICH: YEAH, THAT'S WHAT TIERRA SAID. NO?
THE COURT: NOT THIRTY.
MS. BLUTH: IT'S ABOUT TEN ON -- LOOKS LIKE FIVE OR SIX.
THE CLERK: WE HAVE EIGHTEEN.
MS. LUZAICH: EIGHTEEN?
THE COURT: TOTAL. IN AND OUT.

MS. BLUTH: SO IF I HAD THE DOC HERE AT TEN WE'D BE GOOD, RIGHT?

THE COURT: OH, YEAH. TEN.
(DISCUSSION BETWEEN THE CLERK AND THE COURT.)
THE COURT: NO, THAT'S GONNA' GET - THAT'S GOING TO GET KICKED.

THE CLERK: OKAY.
THE COURT: IN FACT, I MEAN I THINK WE -- I THINK I'M GOING TO MAKE A JUDICIAL DECISION HERE, WHERE WE'RE JUST GOING TO KICK THAT MISDEMEANOR TRIAL. SO, I'M CALLING -- CALLING IT RIGHT NOW THAT WE'LL E-MAIL JULIE, AND TELL HER THAT BASED UPON TOMORROW'S CALENDAR, WE'VE ALREADY LOOKED THROUGH IT, THAT CASE IS NOT GOING TO GO DUE TO COURT CONGESTION. YOU CAN LET WHOEVER THE TRACK D.A. IS TOMORROW TO CALL OFF THE WITNESSES, SO WE DON'T HAVE THREE TO FIVE WITNESSES UPSET.

MS. BLUTH: OKAY.
MS. LUZAICH: I'M GOING TO TELL HER RIGHT NOW.
MS. BLUTH: OKAY.
THE COURT: WHO'S THE TRACK ATTORNEY TOMORROW?
MS. BLUTH: TIERRA.
THE COURT: OH, OKAY.
THE CLERK: IT'S LOOKS LIKE IT'S A VICTORIA VILLEGAS
CASE.
THE COURT: WE'IL」E-MAIL UULIE AND TELL HER THAT DUE TO COURT CONGESTION THAT'S GOING TO BE CONTINUED, SO SHE WILL

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NEED TO APFEAR TO GET A NEW TRIAL DATE, BUT SHE DOESN'T NEED
TO PREPARE.
    SO, YEAH, I WOULD SAY TEN.
    MS. BLUTH: OKAY. DONE AND DONE.
    THE COURT: BUT I THINK RIGHT AT TEN, BECAUSE IF
    EVERYTHING ELSE IS CALLED OFF, WE WANT TO PUT HER ON FIRST.
    MS. BLUTH: YES.
    THE COURT: BUT, YOU KNOW, EY THE TIME WE GET DONE WITH 8
    O'CLOCK AND TAKE A BREAK IT WILL PROBABLY BE TEN.
    MS. BLUTH: GOT IT.
    THE COURT: OKAY. SO 10 O'CLOCK FOR THE DOCTOR.
    HOW LONG IS THAT -- THAT'S A DOCTOR, DID YOU SAY?
    MS. BLUTH: YEAH.
    THE COURT: AND HOW LONG IS HE OR SHE GOING TO TAKE?
    BECAUSE I'M NOT QUITE SURE HOW WE'RE GOING TO CRAM IN A TWO
    WITNESS IN CUSTODY ASSAULT WITH A DEADLY WEAPON IN THERE SOME
    WHERE.
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    MS. LUZAICH: I THINK DIRECT WILI BE ABOUT 30 MINUTES. I
    THINK CROSS --
    MR. MANN: DEPENDING ON WHAT SHE SAYS --
    MS. LUZAICH: -- WILL BE LONGER.
    MR. MANN: -- COULD BE LONGER.
    MS. BLUTH: YEAH, IT'S NOT GOING TO BE A SHORT WITNESS.
    THE COURT: HUH. OKAY. I MEAN THEY -- I MEAN THEY GET
    PRIORITY, ANYWAY, SO THE ASSAULT WITH A DEADLY WEAPON MAY HAVE
    9 NEED TO CONTINUE ANYTHING TILL THURSDAY, OR IF WE NEED TO KICK
MS . BLUTH: CORRECT.
THE COURT: -- I CAN KICK THINGS TO THE NEXT DAY, OR THE DAY AFTER. I KNOW THURSDAY IS REALLY LIGHT FOR ME, BECAUSE I TRIED TO LIGHTEN UP BECAUSE I WAS GOING TO BE -- I HAD A -SOMETHING TO HANDLE, BUT NOW I'VE DISPOSED OF THAT AS WELL. SO I KNOW THURSDAY IS REALLY LIGHT FOR ME. SO IF YOU GUYS THAT ASSAULT WITH A DEADLY WEAPON TILL THURSDAY, I KNOW THURSDAY'S PRETTY LIGHT.

MS. BLUTH: PERFECT.
THE COURT: OKAY? SO WE'LL JUST DO WHAT WE CAN TOMORROW.
MR. MUELLER: WHAT TIME TOMORROW, JUDGE?
THE COURT: TEN O'CLOCK THE DOCTOR STARTS.
MR. MUELLER: NINE O'CLOCK IT IS.
THE COURT: THANK YOU.
MS. BLUTH: THANK YOU, JUDGE.
(AT 3:53 P.M. THE PROCEEDINGS WERE RECESSED.)

ATTEST: FULL, TRUE AND CERTIFIED TRANSCRIPT.
/S/KIT MACDONALD
KIT MACDONALD, C.S.R.
COURT REPORTER
C.S.R. 65

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| :---: | :---: | :---: |
| $\begin{array}{\|l} \hline \text { CAUSE [1] } 85 / 5 \\ \text { EM \|1] } 18 / 7 \\ \hline \end{array}$ | $\begin{array}{\|l} 9-1-1[2] \\ 93 / 18 \\ 9: 30[1] \\ 924 / 23 \\ 9: 30 ' S[1] \\ \hline \end{array}$ |  |
| / |  |  |
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1 CASE NO.
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6 STATE OF NEVADA,
PLAINTIFF,
8 VS.

9 DWIGHT SOLANDER, DANIELLE HINTON,
10 JANET SOLANDER,
DEFENDANTS,

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18 FOR THE PLAINTIFF:

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JACQUELINE ELIZABETH BLUTH, ELISSA LUZAICH.
DEPUTY DISTRICT ATTORNEYS
CRAIG A. MUELLER, ESQ.
JEFFREY.T. RUE, DEPUTY PUBLIC DEFENDER

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FOR DEFENDANT J. SOLANDER: JOEL MANN, ESQ.
REPORTED BY: KIT MACDONALD, C.S.R.
CERTIFICATE NO. 65
``` EXHIBIT NO. 1 EXHIBIT NO. 2 EXHIBIT NO. 3

EXHIBIT NO. 4
\(E X H I B I T S\)

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WITNESS FOR THE STATE: PAGE
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LAAS VEGAS, CLARK COUNTY, NEVADA, THURSDAY, MAY 22, 2014

> 10:45 O'CLOCK A.M.

THE COURT: TODAY IS THE DATE AND TIME SET FOR THE PRELIMINARY HEARING OF DWIGHT SOLANDER AND DANIELIE HINTON AND JANET SOLANDER, CASE NO. 14FO4585A, B AND C.

IS THE STATE READY TO PROCEED?
MS. BLUTH: GOOD MORNING, YOUR HONOR, JACQUELINE BLUTH
AND LISA LUZAICH ON BEHALF OF THE STATE.
THE COURT: THANK YOU. HOW ABOUT DWIGHT SOLANDER? MR. MUELLER: GOOD MORNING, YOUR HONOR, CRAIG MUELLER ON BEHALF OF MR. SOLANDER. DEFENSE IS READY TO PROCEED. THE COURT: HOW ABOUT FROM MISS HINTON? MR. RUE: YES, JUDGE. JEFF RUE ON BEHALF OF MISS HINTON, WHO IS PRESENT, IN CUSTODY. WE'RE READY.

THE COURT: AND WHAT ABOUT MISS - MRS. SOLANDER? MR. MANN: GOOD MORNING, YOUR HONOR, JOEL MANN ON BEHALF OF JANET SOLANDER, WHO'S PRESENT, IN CUSTODY. THE COURT: OKAY. ARE THERE ANY PRELIMINARY MATTERS WE NEED TO HANDLE BEFORE YOU CAN CALL YOUR FIRST WITNESS? MS. BLUTH: YES, JUDGE. ON BEHALF OF THE STATE, PURSUANT

TO 171.204, I'M ASKING, BECAUSE OF THE AGES OF THE VICTIMS THAT ARE GOING TO TESTIFY TODAY, WHICH ARE TWELVE, ELEVEN AND NINE, THAT THE COURTROOM BE CLOSED WHILE THEY \({ }^{1}\) RE TESTIFYING.

I DID SFEAK TO MR. RUE. HE STATES THAT HE HAS AN EXTERN AND A DEPUTY FROM HIS TEAM SITTING BEHIND HIM, I'M FINE WITH THAT.

I ALSO HAVE TWO DISTRICT ATTORNEYS IN THE ROOM FROM THE FAMILY DIVISION, WHICH IS FINE, BUT OTHER THAN THAT -- UM -AND BESIDES THE ADVOCATE THAT THE CHILD CHOOSES, I'D ASK THAT THE COURTROOM BE CLOSED.

I DO RECOGNIZE THAT THERE'S A CAMERA IN THE COURTROOM. IF YOUR HONOR IS NOT INCLINED TO GRANT MY ORAL MOTION, THEN I WOULD DEFINITELY MAKE SURE TO ASK YOUR HONOR TO MAKE SURE THAT THE CAMERA DOES NOT SHOW THE CHILDREN'S FACES.

THE COURT: OKAY. MR. MUELLER, ANY RESPONSE?
MR. MUELLER: NO OBJECTION, JUDGE.
THE COURT; MR, RUE, ANY RESPONSE?
MR. RUE: NO, YOUR HONOR.
THE COURT: MR. MANN, ANY RESPONSE?
MR. MANN: UH - - NO, YOUR HONOR.
THE COURT: ALL RIGHT. I DO NOTE THAT I DID SIGN MEDIA REQUESTS AND ORDERS ALLOWING CAMERAS ACCESS TO COURT PROCEEDINGS, I SIGNED THEM ON DIFFERENT DAYS. HOWEVER, I DID CHECK THE BOX THAT SAYS THAT I CAN REVOKE THE MEDIA REQUEST AT ANY TTME TO PROTECT CHILD WITNESSES.

I ALSO BELIEVE THAT UNDER CHAPTER 171.204, GOOD CAUSE HAS BEEN SHOWN TO CLOSE THE COURTROOM BASED UPON THE AGE OF THE WITNESSES AND THE NATURE OF THE TESTIMONY.

SO, OTHER THAN THE EXCEPTIONS WHICH ARE BASICALLY THE LAWYERS AND PEOPLE THAT REPRESENT THE PARTICULAR AGENCIES, THE COURTROOM WILL BE CLOSED.

MS. BLUTH: AND THEN, LASTLY, YOUR HONOR, PURSUANT TO NRS 178.571, EACH CHILD SHALL, IF THEY WISH, BE APPOINTED AN ADVOCATE TO SIT BESIDE THEM.

AVA, THE FIRST CHILD TO BE TESTIFYING, HAS CHOSEN HER CASA ATTORNEY, ALISON BRASIER, AND SO I'D ASK THAT SFE BE ALLOWED TO SIT UP WITH AVA.

I'VE ALREADY ADMONISHED BOTH OF THEM THAT THEY'RE NOT TO SPEAK TO ONE ANOTHER, LOOK AT ONE ANOTHER, BUT SHE'S PURELY THERE FOR COMFORT - -

THE COURT: YEAH.
MS. BLUTH: -- AND THEY BOTH UNDERSTAND THAT.
THE COURT: TYPICALLY WHEN I DO THAT, I JUST HAVE THE ADVOCATE SIT KIND OF BEHIND THE WITNESS. I MEAN, NOT RIGHT BEHIND THE WITNESS.

MS. BLUTH: SURE.
THE COURT: SO THAT - - BUT THAT THEY ARE UNABLE TO MAKE EYE CONTACT OR SEE A NODDING OF THE HEAD OR SHAKING OF THE HEAD. SO - UM -- I BELIEVE THE STATUTE ALLOWS THAT. YOU HAVE THAT FOR EACH VICTIM?

MS. BLUTH: I DO.
THE COURT: I MEAN, FOR EACH WITNESS?
MS. BLUTH: YES.
THE COURT: OKAY. AND THEY EACH HAVE THEIR OWN ADVOCATE?
MS . BLUTH: YES.
THE COURT: ALL RIGHT. SO MISG LISA, I THINK YOU WERE OUTSIDE ESCORTING THE CAMERAMEN OUT WHEN WE SAID THAT, BUT WHEN THE ADVOCATES COME -- WHEN THE ADVOCATES COME UP AND SIT BEHIND THE WITNESS -- OR SIT WITH THE WITNESSES, I JUST ASK THAT YOU KIND OF POSITION THE ADVOCATES SLIGHTLY BEHIND THE WITNESS SO THE WITNESS CANNOT -- UM --

THE MARSHAL: OKAY.
THE COURT: - FOR INSTANCE, SEE A NODDING OF THE HEAD OR A SHAKING OF THE HEAD. I DON'T THINK THAT'S GOING TO HAPPEN, BECAUSE THE ADVOCATES ARE TRAINED NOT TO DO THAT, BUT JUST -UUST POSITION THEM THAT MAYBE THERE'S -- I GUESS THAT WOULD BE LIKE 8 O'CLOCK.

THE MARSHAI: YES.
THE COURT: OKAY?
THE MARSHAL: OKAY.
THE COURT: ALL RIGHT. OKAY. ANYTHING ELSE?
MS. BLUTH: NO.
THE COURT: OKAY.
MS. BLUTH: AND SO THE STATE WOULD CALI AVA SOLANDER, WHO'S LOCATED BEHIND IN THE CAFETERIA, AND I'D ASK THAT MISS

1 BRASIER BE ABLE TO APPROACH THE WITNESS STAND.
2 THE COURT: OKAY.

7 THE COURT: AND YOU'RE FROM?
MR. MARSHALL: CHANNEL 13.
THE COURT: OKAY.
MR. MARSHAIL: IS IT JUST CLOGED WHILE THEY'RE TESTIFYING
OR AM I DONE COMPLETELY?
THE COURT: WELL, IT'S DEFINTTELY CLOSED DURING THE THREEE WITNESSES, THE CHILD WITNESSES.

MR. MARSHALI: OKAY.
THE COURT: DO YOU HAVE ANY OPPOSITION TO SAY IF•HE CAME

BACK DURING ANY --
MS. BLUTH: NO, NONE AT ALI.
THE COURT: - - LAW ENFORCEMENT OR INVESTIGATIVE
19 WITNESSES?
MS. BLUTH: NONE AT AyE. BUT TODAY WILr JUST BE THE
21 CHILDREN, BECAUSE I DON'T WANT TO WASTE HIS TIME.
THE COURT: OH, THEN WE'RE ONLY GOING TILL 2:30.
MS. BLUTH: RIGHT.
THE COURT: OKAY. SO TODAY SHE SAYS THERE ARE ONLY GOING
25 TO BE THE THREE CHILD WITNESSES.

MR. MARSHALL: OKAY.
THE COURT: SO IT DOESN'T - - I WOULD REOPEN IT IF -- I MEAN, TO THE EXTENT I NEED TO CLOSE IT AGAIN, WE WOUTD HAVE TO PLAY IT BY EAR. BUT THE ONLY REASON WHY I'M CLOSING IT IS BECAUSE OF THE AGE OF THE CHILDREN AND THE NATURE OE THEIR TESTIMONY.

MR. MARSHALI: YES, MA'AM.
THE COURT: SO I'M CLOSING IT FOR TODAY.
MR. MARSHALL: CLOSING IT FOR TODAY.
THE COURT: YES.
MR. MARSHALI: OKAY.
THE COURT: AND I CAN'T TELL YOU IF MISS BLUTH IS GOING TO HAVE INVESTIGATIVE WITNESSES TOMORROW OR NOT.

MR. MARSHALL: OKAY.
THE COURT: YOU CAN GET --
MR. MARSHALL: WELL, WE CAN CALL THE COURT TOMORROW AND SEE --

THE COURT: YEAH, YOU CAN GET WITH THE DISTRICT ATTORNEY'S OFFICE.

ALJ RIGHT, THANK YOU.
MR. MARSHALL: THANK YOU VERY MUCH, MA'AM.
THE COURT: AL工 RIGHT.
THE MARSHAL: REMAIN STANDING, FACE HER RIGHT NOW.
THE COURT: RAISE YOUR RIGHT HAND AND LOOK AT 'HE CLERK, LOOK AT MISS REESA.

AVA SOLANDER,
CALLED AS A WITNESS BY THE STATE, AND HAVING BEEN FIRST DULY SWORN TO TESTIFY TO THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS:

THE WITNESS: YES.
THE CLERK: PLEASE HAVE A SEAT. STATE YOUR FIRST AND LAST NAME AND SPELL BOTH FOR THE RECORD.

THE WITNESS: AVA, A-V-A, SOLANDER, \(\mathrm{S}-\mathrm{O}-\mathrm{L}-\mathrm{A}-\mathrm{N}-\mathrm{D}-\mathrm{E}-\mathrm{R}\).
THE COURT: HI, AVA. MY NAME IS JUDGE SULUIVAN. I'M GOING TO BE PRESIDING OVER ALL THE PROCEEDINGS TODAY. I JUST WANT TO GO OVER A FEW, NOT REALLY RULES, BUT PROCEDURES.

THAT WEIRD LOOKING THING IN FRONT OF YOU IS A MICROPHONE, SO YOU'RE DOING VERY WELL, AND ALL WE ASK IS THAT YOU SPEAK INTO THE MICROPHONE, BECAUSE YOU'RE A LITTLE SOFT SPOKEN. SO WHEN YOU'RE GIVING YOUR TESTIMONY, JUST SPEAK INTO THE MICROPHONE, OKAY?

YOU CAN SIT BACK ON THE CHAIR AND MAKE YOURSEEF COMFORTABLE. MOVE THE CHAIR UP, LIKE SIT BACK IN THE CHAIR LIKE YOU'RE SITTING IN SCHOOL, AND THEN MOVE THE CHAIR UP SO YOU'RE -- SO YOU'RE MOUTH -- THERE YOU GO.

ALL RIGHT. SO PEOPLE ARE GOING TO ASK YOU SOME QUESTIONS TODAY. OBVIOUSLY, THE MOST IMPORTANT THING IS THAT YOU TELL THE TRUTH, RIGHT?

THE WITNESS: YES, MA'AM.

2 UNDERSTAND THAT?

9 SO EVERYTHING YOU'RE SAYING SHE'S TAKING DOWN, EVERYTHING THAT I'M SAYING SHE'S TAKING DOWN. SHE'S TAKING DOWN WHAT EVERYBODY SAYS, IT'S A SUPER HARD JOB.

BUT THAT'S WHY IT'S PRETTY IMPORTANT THAT YOU DON'T -UM - NOD YOUR HEAD OR SHRUG YOUR SHOULDERS OR SHAKE YOUR HEAD, BECAUSE SHE CAN ONLY TAKE DOWN WORDS ON HER MACHINE. SHE WOULD HAVE TO GUESS IF YOU'RE GIVING SOME SORT OF VERBAL - NONVERBAL LANGUAGE, SHE WOULD HAVE TO GUESS, AND WE DON 'T WANT HER TO GUESS AT WHAT YOUR ANSWER IS. SO IF YOU HAPPEN TO SHRUG YOUR SHOUEDERS OR NOD YOUR HEAD AND NOT SAY ANYTHING, THEN WE MIGHT TRY TO GET YOU TO USE YOUR WORDS ON ANSWERING THE QUESTION.

AND IT'S OKAY, BECAUSE IN -- WHEN WE ARE TALKING TO OUR FRIENDS, WE ALWAYS SHRUG OUR SHOULDERS OR NOD OUR HEADS IN

23 RESPONSE TO A QUESTION. SO IT'S -- IT'S TYPICAL THAT
24 EVERYBODY DOES IT, AND IT'S HARD TO USE YOUR WORDS ALL THE 25 TIME. BUT IT'S VERY IMPORTANT IN THE COURT OF LAW THAT WE USE

1 OUR WORDS. SO WE MIGHT JUST TRY TO GET YOU TO ANSWER A 2 QUESTION USING YOUR WORDS. AND I JUST WANT YOU TO UNDERSTAND 3 WE ARE NOT TRYING TO HAVE YOU A GIVE SPECIFIC ANSWER, WE'RE 4 JUST TRYING TO HAVE YOU USE YOUR WORDS TO ANSWER THE QUESTION.

5 DO YOU UNDERSTAND?
6 THE WITNESS: YES.

11 MICROPHONE.

12

THE COURT: IS THAT A FAIR REQUEST TO ASK YOU?
THE WITNESS: YES, MA'AM.
THE COURT: ALL RIGHT. YOU'RE DOING GREAT BY SAYING YES INSTEAD OF NODDING YOUR HEAD, AND SPEAKING INTO THE

AND THEN IF YOU DON'T UNDERSTAND ONE OF THE LAWYERS' QUESTIONS, BECAUSE SOMETIMES THEIR QUESTIONS CAN BE LONG-WINDED OR CONFUSING, OR THEY MIGHT USE A WORD THAT YOU DON'T KNOW WHAT THE MEANING OF IT IS, THAT'S OKAY. IF YOU DON'T UNDERSTAND A QEESTION, YOU SAY TO THE LAWYER, "I DON'T UNDERSTAND YOUR QUESTION", AND THE LAWYER WILI EITHER ASK A DIFFERENT QUESTION OR THE LAWYER WILL REPHRASE IT IN A WAY THAT YOU UNDERSTAND IT.

SO WE DON'T WANT YOU TO ANSWER ANY QUESTIONS THAT YOU DON'T UNDERSTAND; IS THAT FAIR?

THE WITNESS: YES.
THE COURT: YOU'LL AGREE TO TELL THEM YOU DON'T UNDERSTAND IF YOU DON'T UNDERSTAND, RIGHT?

THE WITNESS: YES. 4 "JUDGE, CAN I HAVE A BREAK", AND I'LL BE MORE THAN HAPPY TO 5 GIVE YOU A BREAK. OKAY?

6 THE WITNESS: OKAY.
7 THE COURT: ALL RIGHT. IF YOU NEED ANYTHING ELSE, YOU
8 JUST TELL ME WHAT YOU NEED. OKAY?
9 THE WITNESS: OKAY.
10 THE COURT: ALL RIGHT. THANK YOU.
11 MISS BLUTH, YOU CAN PROCEED.
THE COURT: OKAY. AND IF YOU EVER NEED A BREAK - WE'LL GIVE YOU SOME WATER, WE HAVE GIVEN YOU SOME KLEENEX. IF YOU EVER NEED A BREAK, YOU JUST TURN AROUND, LOOK AT ME AND SAY, MS. BLUTH: THANK YOU. AVA, DO YOU WANT TO TAKE A DRINK OF WATER BEFORE WE GET STARTED?

THE WITNESS: NO. MS. BLUTH: JUDGE, IS JAVS ROLLING? THE COURT: NO. MS. BLUTH: WOULD IT BE POSSIBLE, PLEASE? THE COURT: SURE. MS. BLUTH: THANK YOU. THE COURT: IT SHOULD BE NOW. THANK YOU. MS. BLUTH: ALL RIGHT.

THE COURT: JAVS IS ON FOR THE RECORD. /// \(/ / / /\)

\section*{BY MS. BLUTH:}

Q \(\quad A V A, H O W\) OLD ARE YOU?
A TWELVE.
Q AND WHEN IS YOUR BIRTHDAY?
A OCTOBER 21ST, 2001.
Q OKAY. WHAT SCHOOL DO YOU GO TO RIGHT NOW?
A CANARELLI.
Q CANARELLI?
A YES.

Q WHAT GRADE ARE YOU IN?
A SIXTH.
Q WHAT TYPES OF THINGS ARE YOU GUYS LEARNING IN THE SIXTH GRADE?

A MATH, ENGLISH -- UH -- LIFE SCIENCE.
Q WHAT ABOUT ARCHERY?
A YEAH.
Q WHEN DID YOU LEARN ABOUT ARCHERY?
A YESTERDAY.
Q \(\quad \mathrm{H}, \mathrm{YEAH}\) ? ARE YOU PRETTY GOOD AT IT?
A KIND OF.
Q OKAY. WHAT DO YOU LIKE TO DO FOR FUN?
A PLAY BASKETBALL.
Q OKAY. UM - DO YOU HAVE ANY - - WHAT DO YOU AND YOUR FRIENDS DO AT SCHOOL FOR FUN?
\begin{tabular}{|c|c|c|}
\hline 1 & A & WE DRAW OR TALTK TO EACH OTHER. \\
\hline 2 & Q & DO YOU LIKE SCHOOL? \\
\hline 3 & A & YES. \\
\hline 4 & Q & WHAT'S YOUR FAVORITE SUBUECT? \\
\hline 5 & A & MATH. \\
\hline 6 & 2 & MATH. OKAY. \\
\hline 7 & & DO YOU HAVE ANY BROTHERS OR SISTERS? \\
\hline 8 & A & TWO SISTERS. \\
\hline 9 & Q & AND WHAT ARE THEIR NAMES? \\
\hline 10 & A & AMAYA, ANASTASIA. \\
\hline 11 & 2 & AND HOW OLD ARE YOUR SISTERS? \\
\hline 12 & A & NINE -- ANASTASIA IS NINE, AND AMAYA IS ELIEVEN. \\
\hline 13 & 0 & UM -- SO YOU'RE THE OLDEST; IS THAT RIGHT? \\
\hline 14 & A & YES. \\
\hline 15 & 9 & DOES THAT MAKE YOU THE BOSS? \\
\hline 16 & A & NO. \\
\hline 17 & 2 & NO? \\
\hline 18 & A & NOT REALLY. \\
\hline 19 & Q & WHO'S THE BOSS? \\
\hline 20 & A & MISS DEEBIE. \\
\hline 21 & 8 & MISS DEBBIE. \\
\hline 22 & A & AND MR. MACK. \\
\hline 23 & 2 & IS THAT WHO YOU LIVE WITH RIGHT NOW? \\
\hline 24 & A & YES. \\
\hline 25 & Q & MISS DEBBIE AND MR. MACK? \\
\hline
\end{tabular}

A YES.
Q OKAY. DO YOU KNOW JANET AND DWIGHT SOLANDER?
A YES.
Q DO YOU SEE THEM IN THE COURTROOM TODAY?
A YES.
Q CAN YOU TELL ME WHAT MISS JANET IS WEARING?
A BLACK SHIRT.
Q UM -- CAN YOU POINT TO HER FOR ME?
A (NO AUDIBLE RESPONSE.)
Q OKAY. DOES SHE HAVE HER HAIR UP OR DOWN?
A DOWN.
MS. BLUTH: OKAY. YOUR HONOR, MAY THE RECORD REFLECT
THAT SHE'S IDENTIFIED JANET SOLANDER?
THE COURT: YES.
MS. BLUTH: OKAY.
Q AND DO YOU SEE MR. DWIGHT?
A YES.
Q OKAY. CAN YOU POINT TO HIM AND TELL ME SOMETHING HE'S WEARING?

A BLUE SHIRT.
MS. BLUTH: OKAY. YOUR HONOR, MAY THE RECORD REFLECT
THAT SHE'S IDENTIFIED DWIGHT SOLANDER?
THE COURT: YES.
BY MS. BLUTH:
Q NOW, DID JANET AND DWIGHT HAVE A DAUGHTER NAMED

1 DANIELLE?
2 A YES.
3 Q DO YOU GEE DANIELLE IN THE COURTROOM?
4 A YES.
5 Q CAN YOU POINT TO HER AND TELL ME WHAT SHE'S WEARING?
6 A BLUE SHIRT.
7 Q IS HER HAIR UP OR DOWN?
8 A UP.
9 MS. BLUTH: YOUR HONOR, MAY THE RECORD REFLECT THAT AVA
10 HAS IDENTIFIED DANIELLE HINTON?
11 THE COURT: YES.
12 BY MS. BLUTH:
13 Q NOW, BEFORE - WELL, LET ME BACK UP. YOU LIVED WITH
14 THE SOLANDERS FOR AWHILE; IS THAT RIGHT?
15 A YES.
16 Q NOW, BEFORE YOU LIVED WITH THEM, DID YOU LIVE AT A
17 DIFFERENT HOUSE?
18 A YES.
19 Q AND DID YOU LIVE WITH MISS DEBBIE AND MR. MACK?
20 A YES.
21 Q NOW, WHEN YOU WERE LIVING WITH MISS DEBBIE AND
22 MR. MACK, DID YOU EVER HAVE ANY ISSUES WITH GOING 'PO THE

23
24
25

\section*{BATHROOM?}

A NO.
Q DID YOU EVER HAVE ANY ISSUES, LIKE ANY PROBLEMS WITH

1 YOUR TUMMY AT ALL?

2
3 Q AND THEN SOMETIME AFTER YOU LIVED WITH MISS DEBBIE AND MR. MACK, YOU WENT TO THE SOLANDERS' HOME, RIGHT?

A YES.
Q AND DID YOU LIVE WITH THEM AS FOSTER CHILDREN?
A YES.
Q AND THEN IN JANUARY - - OR JANUARY 19TH OF 2011, DID
THE SOLANDERS ADOPT YOU?
A YES.
Q \(\quad\) AND WHEN YOU WERE ADOPTED BY THEM, DID THEY ALSO

12 ADOPT YOUR SISTERS?

13

A NO.

SISTERS
A YES.
Q WHAT HOUSE WERE YOU LIVING IN WHEN THEY ADOPTED YOU GUYS?

A JUBILEE GARDENS AVENUE.
THE COURT: I'M SORRY, WHAT?

\section*{BY MS. BLUTH:}

Q CAN YOU SAY IT AGAIN?
A JUBILEE GARDENS AVENUE.
Q AND THEN AFTER JUBILEE GARDENS AVENUE, WHICH HOUSE DID YOU MOVE TO?

A WAKASHAN.
Q OKAY. NOW I'M GOING TO ASK --
MR. MANN: I'M SORRY, YOUR HONOR, I DIDN'T - -

THE COURT: WHAT DID YOU SAY, SWEETIE?
THE WITNESS: WAKASHAN.
THE COURT: WAKASHAN?
THE WIT'NESS: YES.
THE COURT: OKAY.

\section*{BY MS. BLUTH :}
\(Q\) NOW, YOU TALKED TO THE POLICE ABOUT SOME OF THE THINGS THAT THE SOLANDERS AND DANIELLE DID TO YOU, RIGHT?

A YES
Q NOW, DID THAT HAPPEN AT THE JUBILEE HOUSE OR THE WAKASHAN HOUSE?

A WAKASHAN.
Q OKAY. AND IS THAT HERE IN CLARK COUNTY IN LAS
VEGAS?
A YES.
Q UM - NOW, THESE THINGS THAT YOU -- YOU TALKED ABOUT, AND WE'RE GOING TO GET INTO THEM IN A SECOND, DID THAT HAPPEN AFTER YOU WERE ADOPTED?

A YES.
Q OKAY. WERE THERE CERTAIN RULES AT THE SOLANDER
HOUSE ABOUT GOING TO THE BATHROOM?
A YES.
Q OKAY. AND WHAT WERE THOSE RULES?
A YOU HAVE TO ASK TO USE THE BATHROOM.
Q WHO DID YOU HAVE TO ASK?

A DANIELLE, MR. DWIGHT OR MISS JANET.
Q OKAY. SO YOU WEREN'T ALLOWED TO GO TO THE BATHROOM WHENEVER YOU WANTED?

A NO.
Q SO WHEN COULD YOU GO TO THE BATHROOM?
A WE HAD TO ASK, AND THEN WHEN THE TIME WAS UP, OR IF WE HAD TO GO BEFORE THAT, SOMETIMES THEY WOULD LET US GO.
\(Q\) OKAY, WERE YOU FORCED TO HOLD IT?
A YES, WHEN THE TIME WASN'T UP, AND WE WERE MAKING
THEM UPSET.
Q SAY THAT LAST PART AGAIN, AVA.
A WE WERE MAKING THEM LIKE MAD OR UPSET.
0 OKAY. SO IF THE TIMER HADN'T GONE OFF, THEN YOU
WERE FORCED TO HOLD, WHETHER YOU HAD TO GO PEE OR POOP?
A YES.
Q OKAY. HOW LONG WOULD YOU HAVE TO WAIT FOR?
A UNTIL THE TIME WAS UP.
Q OKAY. I MEAN, COULD THAT BE MINUTES? HOURS?
A MAYBE HOUR OR SO. IT DEPENDS ON WHAT TIME WE ASKED.
Q OKAY. AND SO YOU SAID THAT IT WAS MISS JANET, MR. DWIGHT, AND MISS DANIELLE WHO DID THAT, WHO MADE YOU HOLD IT?

A MR. DWIGHT, HE WOULD LET ME GO WHEN I HAD TO GO.
Q OKAY.
A AND MISS JANET, SOMETIMES SHE WOULD LET ME GO, BUT I

8 Q OKAY. UM - WHAT WERE THE RULES AT NIGHTTIME?
HAD TO HOLD IT.
Q OKAY. SO MISS JANET WOULD MAKE YOU HOLD IT?
A YES.
Q OKAY. NOW, AT NIGHTTIME, WHEN IT WAS TIME FOR YOU TO GO TO BED, WERE YOU - - WERE YOU ALLOWED TO GO TO THE BATHROOM AT NIGHT?

A NO.

11 TROUBLE OR WOULD SOMEBODY GET MAD?
12 A YES.
\(13 \quad \mathbf{Q}\) WHO WOULD GET MAD?
A WE HAD TO KNOCK ON THE DOOR TO GO TO THE BATHROOM.
Q UM - IF YOU KNOCKED ON THE DOOR, WOULD YOU GET IN

A MISS JANET.
Q OKAY. WHAT WOULD SHE DO WHEN SHE GOT MAD?
A SHE WOULD YELL AT US.
Q NOW, WERE THERE EVER ANY GATES OR ALARMS PUT ON SO THAT YOU COULDN'T USE THE BATHROOM AT NIGHT?

A YES.
Q AND WHERE WERT THOSE?
A ONE WAS BY THE LOFT AND BY THE DOOR.
Q BY WHICH DOOR?
A THE BATHROOM DOOR THAT WAS CLOSEST TO THE LOFT.
Q AND WERE THOSE GATES OR ALARMS?
A THERE WAS AN ALARM ON THE DOOR, AND THEN THERE WAS A

24 Q AND WOULD YOU SOMETIMES HAVE ACCIDENTS IN YOUR
GATE BY THE DOOR.

Q AND WHO PUT THOSE ALARMS AND GATES UP?
A MISS JANET.
Q MISS JANET?
A (NO AUDIBLE RESPONSE.)
Q IS THAT A YES?
A YES.
Q OKAY. NOW, IF YOU ASKED TO GO TO THE BATHROOM AND YOU WEREN'T -- YOU KNOW, AND IT WASN'T YOUR TIME YET, WHAT WOULD HAPPEN TO YOU?

A WHAT DO YOU MEAN BY THAT?
Q SO LET'S SAY YOU REALLY NEEDED TO GO TO THE BATHROOM, BUT THE TIMER HADN'T GONE OFF YET, AND SO YOU WENT TO MISS JANET AND SAID, "I HAVE TO GO TO THE BATHROOM." WHAT WOULD HAPPEN?

A EITHER SHE - IF SHE WANTED ME TO GO UPSTAIRS AND USE THE BATHROOM, SHE WOULD LET ME GO, AND IF I COULDN'T GO BEFORE THAT, THEN I'D HAVE TO WAIT.

Q OKAY. NOW, WERE YOU EVER SCARED TO ASK?
A YES.
Q AND BECAUSE YOU WERE SCARED, DID YOU THEN END UP HOLDING IT UNTIJ YOU COULDN'T HOLD IT ANYMORE?

A YES. 25 PANTS?

A YES.
Q WHAT WOULD HAPPEN IF YOU HAD AN ACCIDENT IN YOUR PANTS?

A I WOULD GET A SPANKING.
Q OKAY.
A OR ONE TIME MISS JANET PUSHED ME DOWN THE STAIRS.
Q OKAY. LET ME START WITH THE SPANKINGS. WHEN YOU
SAY YOU got A SPANKING, WHO WOULD SPANK YOU?
A MISS JANET AND MR. DWIGHT.
Q OKAY. WHAT WOULD THEY SPANK YOU WITH?
A A RULER.
Q UM -- WHEN THEY WOULD SPANK YOU WITH THE RULER, CAN YOU EXPLATN TO ME WHAT THE RULER LOOKED LIKE?

A IT WAS LIKE WOODEN.
2 OKAY.
A IT HAD HOME DEPOT ON --
THE REPORTER: I'M SORRY, WHAT?
THE WITNESS: IT HAD HOME -- THE WORD HOME DEPOT ON IT.

\section*{BY MS. BLUTH:}

Q OKAY. DID ANYBODY WRITE ANYTHING ON THE RULER?
A YES.
Q WHO WROTE ON IT?
A MR. DWIGHT.
Q WHAT DID HE WRITE?
A BOARD OF EDUCATION.

MS. BLUTH: DKAY.
SHOWING COUNSEL STATE'S PROPOSED EXHIBIT 2.
YOUR HONOR, MAY I APPROACH THE WITNESS?
THE COURT: SURE.
BY MS. BLUTH:
Q OKAY. AVA, IF I SHOWED YOU A PICTURE OF THE STICK RULER FROM HOME DEPOT, WOULD YOU RECOGNIZE IT?

A YES.
Q OKAY. I'M SHOWING YOU WHAT'S BEEN MARKED FOR
PURPOSES OF IDENTIFICATION AS STATE'S PROPOSED EXHIBIT 2. IS THIS LIKE ONE OF THE STICKS THAT WAS USED?

A YES.
Q OKAY. DOES THAT SAY - - IT KIND OF GOT CUT OFF, BUT CAN YOU SAY -- SEE HOME DEPOT THERE IN THE CORNER?

A YES.
Q OKAY. AND IS THIS A FAIR AND ACCURATE - IS THIS
WHAT IT LOOKED LIKE?
A YES.
Q OKAY.
MS. BLUTH: YOUR HONOR, I'D ASK TO MOVE INTO EVIDENCE,
STATE'S PROPOSED EXHIBIT 2?
THE COURT: ANY OBJECTION, MR. MANN?
MR. MANN: UM -- NO, YOUR HONOR.
THE COURT: MR. RUE?
MR. RUE: NO, YOUR HONOR.

THE COURT: MR. MUELLER?
MR. MUELLER: WELL, IT'S NOT A RULER, IT'S A PAINT MIXER, BUT WITH THAT UNDERSTANDING NO OBJECTION.

THE COURT: OKAY. TWO WILL BE ADMITTED.
(WHEREUPON STATE'S EXHIBIT NO. 2 WAS ADMITTED INTO EVIDENCE.)

MS. BLUTE: OKAY. NOW, AVA, I MIGHT HAVE ALREADY ASKED YOU THIS, BUT I CAN'T REMEMBER YOUR ANSWER.

Q WHEN MR. DWIGHT OR MISS JANET WOULD HIT YOU WITH THE STICK, WHERE WOULD THEY HIT YOU?

A ON MY BOTTOM.
Q OKAY. DID YOU HAvE CLOTHES ON OR NO CLOTHES ON?
A NO CLOTHES.
Q WHAT DOES - UM - THE SAYING -- HAVE YOU EVER HEARD OF THE SAYING "GET IN THE POSITION"?

A YES.
Q OKAY. WHAT -- WELL, FIRST OF ALL, WHO SAYS "GET IN THE POSITION"?

A EITHER MR. DWIGHT OR MISS JANET.
Q AND WHAT DOES "GET IN THE POSJTION MEAN"?
A KIND OF HAVE TO - - I HAVE TO KIND OF LIKE WHEN YOU
HAVE TO DO A PUSHUP, WHERE YOU'RE DOWN A LITTLE LOWER.
\(\mathbf{Q} \quad\) OKAY. SO ON YOUR BELLY?
A ON OUR HANDS.
Q OKAY. SO ON YOUR HANDS AND TOES KIND OF?

5 Q OKAY. NOW, WHEN THEY WOULD HIT YOU WITH THE STICK,

6 DID IT BREAK YOUR SKIN?
7 A YES.
\(8 \quad\) Q \(\quad \mathrm{DID}\) YOU EVER BLEED FROM IT?
9 A YES.
10 Q OKAY. SOMETIMES WHEN MR. DWIGHT AND MISS DANIELLE
11 WOULD HIT YOU, DID THE STICK EVER BREAK?
12 MR. RUE: OBJECTION. IT WAS NEVER MISS DANIELLE. 13 MS. BLUTH: OH, I'M SORRY. I MEANT - I M SORRY, I MEANT 14 MISS JANET. SORRY, THERE'S A LOT OF PEOFLE.

15 Q WHEN - - SOMETIMES WHEN MISS JANET AND MR. DWIGHT
16 WOULD HIT YOU WITH THE STICK, WOULD THE STICK EVER BREAK?
17 A YES.
18 Q OKAY. UM - WHEN THE STICK BROKE, WOULD THEY
19 CONTINUE TO HIT YOU?
20 A YES, SOMETIMES.
21 Q OKAY. AND DID THAT LEAVE - - UM - - MARKS ON YOUR
A YES.
O OKAY. AND SO YOU WOULDN'T HAVE ANYTHING ON YOUR BOTTOM, AND THEN THEY WOULD SPANK YOU WITH THE STICK?

A YES.

\section*{BOTTOM?}

A YES.
Q DO YOU -- DO YOU STILL HAVE SCARS ON YOUR BOTTOM?
A YES.

6 NOW GIVING MORE INFORMATION THAN WHAT THE PREVIOUS QUESTION
7 WAS. IN THIS SPECIFIC INSTANCE, SHE WAS TALKING ABOUT SCARS
8 ON YOUR BOTTOM, WHEN SHE HAD JUST TALKED ABOUT BLEEDING. WE
9 HAVEN'T LED UP TO WHETHER THERE'S ACTUALLY SCARS ON HER
10 BOTTOM.

17 BY MS. BLUTH:
MR. MANN: OBJECTION.
THE COURT: HOLD ON. HOLD ON ONE SECOND.

WHAT'S THE OBJECTION?
MR. MANN: THE OBJECTION IS THAT, FIRST OF ALL, I'VE BEEN
GIVING A LOT OF LEEWAY REGARDING LEADING, OBVIOUSLY, BUT SHE'S

MS. BLUTH: WELL, THAT'S WHY I ASKED --
THE COURT: WELL I THINK SHE ASKED, DO YOU HAVE SCARS ON
YOUR BOTTOM.
MR. MANN: THAT WASN'T MY UNDERSTANDING.
THE COURT: OKAY. WELL, JUST IN CASE YOU DIDN'T ASK I'I'
THAT WAY, WILL YOU ASK IT THAT WAY?

Q DO YOU HAVE ANY SCARS ON YOUR BOTTOM OR YOUR BACK FROM WHEN MR. DWIGHT OR MISS JANET HIT YOU?

A I DON'T HAVE ANY ON MY BACK.
Q ON YOUR BOTTOM?
A YES.
Q OKAY. NOW, DID MISS - ARE YOU OKAY? DO YOU WANT TO TAKE A DRINK OF WATER?

A TAKE A BREAK.

THE COURT: SURE, SURE. YOU CAN GO.
MS. BRAISER: GO IN THE --
THE COURT: YES, SURE. GO AHEAD.
WHAT'S MISS -- WHAT'S AVA'S CASA ATTORNEY'S NAME, FIRST
NAME?
MS. BLUTH: ALISON, A-L-I-S-O-N.
THE COURT: THANK YOU.
MS. BLUTH: \(\quad B-R-A-S-I-E-R\).
(WHEREUPON WITNESS AND MS. BRASIER LEFT THE COURTROOM.)
THE COURT: I SENT THEM INTO MY CHAMBERS TO USE THE
BATHROOM. I TOLD MY J.E.A. NOT TO TALK TO THEM OR ANYTHING, SO ...

MS . BLUTH: THANK YOU, YOUR HONOR.
THE COURT: I THINK MISS LISA'S IN THERE, TOO.
MS. BLU'H: JUDGE, I WON'T TALK ABOUT THE CASE, BUT I'M GOING TO CHECK ON HER.

THE COURT: OKAY.
MS. BLUTH: I WON'T TALK ABOUT THE CASE.
(WHEREUPON THERE WAS A BREAK IN THE PROCEEDINGS.)
THE MARSHAL: YOUR HONOR, WE'RE COMING BACK IN.
THE COURT: ALL RIGHT, AVA, DID YOU HAVE A BREAK?
THE WITNESS: YES, MA'AM.
THE COURT: YOU OKAY? YOU READY TO GO?
THE WITNESS: YES.
THE COURT: OKAY. JJST LET ME KNOW IF YOU NEED ANOTHER

1 ONE.
2 THE WITNESS: OKAY.
BY MS. BLUTH:
Q OKAY. AVA, I SHOULD HAVE ASKED YOU THIS A LITTLE BIT AGO, BUT YOU SAID SOMETHING ABOUT THAT THERE WAS A TIMER AT YOUR HOUSE, AND THAT YOU COULDN'T GO TO THE BATHROOM UNTIL

THE TIMER WENT OFF; IS THAT RIGHT?
8 A YES.
9 Q OKAY. SO WHOSE RULE WAS THAT?
10 A MISS JANET'S.
11 Q SO TELL ME ABOUT THAT. HOW DID THAT WORK?
12 A IF WE WERE GOING -- OH, HOW DID IT WORK?
13 Q YEAH. LIKE WHY DID YOU HAVE TO HAVE IT?

16 ON LIKE A TRIP AND THERE'S NO BATHROOM, WE COULD BE ABLE TO

17 HOLD IT.
\(18 \quad Q \quad\) THAT'S WHAT MISS JANET TOLD YOU?
19 A BASICALLY, THAT'S WHAT IT IS.
20 O \(Q\) OKAY. AND SO THEN YOU HAD TO HOLD EITHER YOUR PEE
21 OR YOUR POOP UNTIL MTSS JANET'S TIMER WENT OFF?

23 Q OKAY. NOW, WAS MR. DWIGHT EVER IN CHARGE OF THE

24 TIMER?
25 A SOMETIMES.

Q OKAY. UM -- AND SO HOW WOULD IT WORK WHEN
MR. DWIGHT WAS IN CHARGE?
A THE SAME WAY.
Q OKAY. NOW, I ASKED YOU SOME QUESTIONS ABOUT THE - THE STICK. UM -- DID MISS DANIELLE EVER USE THE STICK ON YOU?

A NO.
Q IF YOU HAD AN ACCIDENT IN YOUR PANTS, WERE YOU EVER FORCED TO GIT ON SOMETHING PARTICULAR?

A WHAT DO YOU MEAN BY THAT?
Q UM - SO LET'S SAY YOU HAD AN ACCIDENT AND YOU WERE BEING PUNISHED, WAS THERE EVER SOMETHING SPECIFIC \(\triangle H A T\) YOU HAD TO SIT ON?

A WE HAD TO SIT ON THE TOILET UNIIL MISS -- MISS JANET OR -- UM - UNTIL MISS JANET WAS READY TO CLEAN US UP, TAKE US IN THE SHOWER.

Q OKAY. AND WHEN YOU WERE DONE GETTING CLEANED UP, WERE YOU ALLOWED TO SIT ON NORMAL CHAIRS?

A NO.
Q WHAT WOULD YOU SIT ON?
A WE SIT BACK ON THE TOILET.
Q OKAY. UM - NOW, IS IT A TOILET LIKE WE HAVE IN THE NORMAL BATHROOMS OR IS IT A SPECIAL TOILET?

A IT'S ANOTHER KIND OF TOILET.
Q OKAY. WHAT KIND OF TOILET IS IT?
A IT WAS A BUCK - IT WAS LIKE A BUCKET FROM HOME

1 DEPOT, AND IT HAD A TOILET SEAT ON IT.
2 Q OKAY. SO WHEN YOU SAY THAT YOU HAD TO SIT ON THE 3 TOILET, ARE YOU TALKING ABOUT THAT TOILET?

4 A YES.
5 Q OKAY. AND YOU SAID IT WAS FROM HOME DEPOT?
6 A YES.
7 MS. BLUTH: OKAY. AND I HAVE ALREADY SHOWN COUNSEL, YOUR
8 HONOR .
9 THE COURT: OKAY.
10 MS. BLUTH: AND MAY I APPROACH THE WITNESS?
11 THE COURT: WHICH EXHIBIT?
12 MS. BLUTH: STATE \({ }^{1}\) S PROPOSED EXHIBIT 3.
13 THE COURT: THANK YOU.
14 BY MS. BLUTH:
15 Q NOW, IF I SHOWED YOU A PICTURE OF A BUCKET, THOSE
16 BUCKETS, WOULD YOU RECOGNIZE THEM?
17 A YES.
18 Q SHOWING YOU WHAT'S BEEN MARKED AS STATE \({ }^{1}\) S PROPOSED
19 EXHIBIT 3, DO YOU RECOGNIZE WHAT'S IN THAT PHOTO?
20 A YES.
21 Q OKAY. AND WHAT ARE THOSE?

22
23 Q OKAY. AND IS THIS A FATR AND ACCURATE - - LIKE IS
24 THIS A GOOD COPY OF -- A GOOD PICTURE OF WHAT THOSE BUCKETS
25 LOOK LIKE?

A YES.
MS . BLUTH: YOUR HONOR, I WOULD ASK TO MOVE INTO EVIDENCE STATE'S PROPOSED EXHIBIT 3.

THE COURT: MR. MANN --
MR. MANN: NO OBJECTION.

MS. BLUTH: -- ANY OBJECTION?
MR. MANN: NO, YOUR HONOR.
THE COURT: MR. RUE?
MR. RUE: NO, YOUR HONOR.
THE COURT: MR. MUELLER?
MR. MUELLER: ARE THOSE THE SAME BUCKETS, OR WHERE WERE
THESE BUCKETS FOUND IN THE PHOTOGRAPH?
THE COURT: WELL, DO YOU WANT TO SEE EXHIBIT 3?
MR. MUEILLER: YEAH, I'D LIKE TO SEE IT.
THE COURT: OKAY. CAN YOU SHOW MR. MUELLER?
MS. BLUTH: I THOUGHT HE SAW IT.
MR. MUEILER: OH, WERE THESE FOUND IN THE HOUSE?
MS. BLUTH: YEAH.
MR. MUEILER: OKAY. NO OBJECTION.
THE COURT: ALL RIGHT. EXHIBIT 3 WILL BE ADMITTED.
(WHEREUPON STATE'S EXHIBIT NO. 3 WAS ADMITTED INTO. EVIDENCE.)

\section*{BY MS . BLUTH:}

Q NOW, AVA, WHEN YOU SAT ON THESE BUCKETS, WAS - DID - - DID THEY LOOK LIKE THIS OR WAS THERE SOMETHING ELSE ON

2 A THERE WAS A TOILET SEAT ON THEM.
3 O OKAY. AND DO YOU KNOW WHO BOUGHT THESE BUCKETS?
4 A MR. DWIGHT.

6 THEM?
7 A MR. DWIGHT.
Q OKAY. UM -- SO EXPLAIN TO ME, YOU KNOW, WHY YOU WOULD HAVE TO SIT ON THERE.

A SO WE WOULDN'T HAVE AN ACCIDENT IN OUR PANTS, SO IT WOULD BE MORE MESSIER.

Q OKAY. AND HOW LONG WAS IT THAT YOU WOULD SIT ON 13 THOSE?

14 A ALL DAY UNTIL IT WAS TIME TO GO TO BED.
15 O OKAY. WOULD ANASTASIA AND AMAYA HAVE TO SIT ON THE 16 BUCKETS ALL DAY, TOO?

17 A YES.
18 Q WHEN YOU WERE FOSTER -- WHEN YOU WERE A FOSTER CHILD
19 IN THE SOLANDER HOME, WHAT TYPES OF THINGS COULD YOU EAT OR
20 DRINK?
21 A WE WOULD EAT LIKE REGULAR FOOD LIKE ANY OTHER KID. 22 Q OKAY. SO LIKE WHAT IF YOU WANTED MCDONALD'S, COULD

A YEAH.
Q OKAY. NOW, ONCE YOU GOT ADOPTED, DID THAT CHANGE?

A WE STILL - IT WAS FOR A LITTLE BIT, THEN AFTER THAT, AFTER MISS JANET HAD FOUND OUT THAT I HAD STOMACH ISSUES, THEN I HAD TO DRINK MY FOOD.

Q OKAY. NOW, WHO TOLD YOU, YOU HAD STOMACH ISSUES?
A A DOCTOR.
\(\mathbf{Q}\) OKAY. UM - - AND THEN YOU STARTED TO HAvE - D DD YOU SAY MISS JANET STARTED BLENDING YOUR FOOD?

A YES
Q EXPLAIN THAT TO ME. WHAT DOES THAT MEAN?
A SHE WOULD GET THE - - MISS JANET WOULD MAKE THE FOOD
AND PUT IT IN A BLENDER AND -- UM -- MIX IT IN THERE, AND THEN
I WOULD HAVE TO DRINK IT OUT OF A CUP.
Q OKAY. AND THAT'S WHAT YOU WERE GIVEN TO EAT?
A YES.
Q NOW, WERE YOUR SISTERS GIVEN THE SAME THING OR SOMETHING DIFFERENT?

A THEY WERE GIVEN THE SAME THING.
Q OKAY. AND HOW OFTEN WERE YOU GIVEN THAT BLENDED

THING?
A WHEN - - BEFORE WE HAD - - BEFORE WE HAD THREE DATES, WE HAD IT THREE TIMES.

Q THREE TIMES A DAY?
A YEAH. YES. AND THEN ONCE WE STARTED TO HAVE ACCIDENTS, THEN IT GOT REDUCED DOWN TO TWO AND ONE. SOMETIMES WE HAD AN ACCIDENT, THEN WE WOULDN'T EAT FOR A DAY.

Q OKAY. UM - WAS - WHAT ABOUT WATER, WERE YOU
ALLOWED TO HAVE WATER WHENEVER YOU WANTED?
A WHEN THE NANNY WORKS THERE, WE WOULD HAVE WATER AND WE GET A BATHROOM BREAK.

Q OKAY.
A AND THEN WE'D HAVE WITH IT OUR MEDICINE. WE WEREN'T -- WE STARTED HAVING ACCIDENTS WE ONLY HAD IT WITH YOUR MEDICINE

Q OKAY. SO IF YOU -- YOU SAID THAT IF YOU HAD AN ACCIDENT, THEN YOU WOULDN'T GET TO EAT THAT DAY.

A THE DAY - WE WOULDN'T EAT FOR THE REST OF THE DAY.
Q OKAY. AND WHOSE RULE WAS THAT?
A MISS JANET'S.
Q OKAY. NOW, WOULD -- IF YOU HAD AN ACCIDENT, WOULD MR. DWIGHT GIVE YOU FOOD?

A NO.

Q OKAY. SO IF YOU HAD AN ACCIDENT HE WOULDN'T ALLOW YOU TO EAT, EITHER?

A MISS JANET TOLD -- DIDN'T LET -- IF MISS JANET DIDN'T WANT US TO HAVE FOOD, SHE WOUTD LET MR. DWIGHT KNOW SO THAT HE WOULDN'T GIVE US FOOD.

Q OKAY. AND WHAT ABOUT THE WATER, WOULD MR. DWIGHT LET YOU HAVE WATER?

A NO.
Q IF MISS JANET TOLD HIM NO?

4 OTHER PART OF YOUR BODY?

6 Q WHERE?

8 O OKAY. NOW, WAS THAT AN ACCIDENT WITH PEE OR POOP?
9 A IT WAS WITH PEE.
A YES.
Q NOW, IF YOU HAD AN ACCIDENT IN YOUR -- IN YOUR UNDERWEAR, DID YOU EVER HAVE TO PLACE YOUR UNDERWEAR ON ANY

A YES.

A IN MY MOUTH.

Q OKAY. AND WHO MADE YOU PUT IT IN YOUR MOUTH?
A MISS JANET.
Q AND WHY DID SHE MAKE YOU DO THAT?
A IT WAS LIKE BECAUSE I HAD AN ACCIDENT, SO IT WAS LIKE ANOTHER PUNISHMENT. BUT NOT EVERY TIME I -- IT WASN'T FOR EVERY TIME I HAD AN ACCIDENT.

Q OKAY. DID IT HAPPEN ONE TIME OR MORE THAN ONE TIME?
A I CAN ONLY REMEMBER ONE TIME THAT IT HAPPENED.
Q OKAY. AND WERE YOU AELOWED TO TAKE IT OUT OR HOW DID IT WORK?

A I WAS ALLOWED TO TAKE IT OUT.
Q OKAY.
A I WOULD HAVE TO GET IN THE SHOWER.
Q OKAY. SO HOW LONG WAS IT YOU HAD TO KEEP IT IN YOUR

4 MOUTH FOR?
A IT WOULD BE LIKE A MINUTE OR TWO.
\(1 \quad\) Q OKAY. NOW, YOU TALKED ABOUT GETTING IN THE SHOWER. AFTER YOU HAD AN ACCIDENT, WOULD YOU ALWAYS GO IN THE SHOWER? WOULD SHE ALWAYS PUT YOU IN THE SHOWER?

A YES, UNLESS IT WAS LIKE AT NIGHT, WE WOULD GET SPRAYED DOWN WITH THE HOSE OUTSIDE.

Q WHO WOULD SPRAY YOU WITH THE HOSE OUTSIDE?
A MISS JANET.
Q WOULD YOU HAVE ANY CLOTHES ON?
A IF -- IF WE'RE AL -- IF WE HAD A SHIRT ON, WE WOULD 10 KEEP IT ON, BUT WE WOULD TAKE THE REST OF OUR -- THE REST OF 11 OUR CLOTHES OFF.

12 OKAY. SO THIS IS AT NIGHT?

13

A YES.
Q LIKE EVEN IF IT'S WINTERTIME?
A WE -- WE DIDN'T HAVE LIKE ACCIDENTS, SPRAY US DOWN ON THE HOSE -- UM -- DURING WINTERTIME.

Q OKAY. ALL RIGFT. SO WHEN YOU -- UM -- WOULD SHOWER, WERE YOU ALLOWED TO USE THE HOT WATER?

A NO.
Q WHAT WOULD YOU USE?
A COLD WATER.
Q AND WHOSE RULE WAS THAT?
A MISS JANET'S.
Q AND BESIDES COLD WATER, WAS ANYTHING ELSE PLACED ON YOU?

A WE WOULD - SHE WOULD GET A BUCKET OF ICE AND WATER AND DUMP IT ON US.

Q DID YOU KNOW WHY SHE WAS DOING THAT?
A BECAUSE WE MADE HER UPSET OR MAD, WE HAD AN ACCIDENT ON OURSELF.

Q OKAY. WHAT DID THAT FEEL LIKE WHEN THE ICE WAS BEING DUMPED ON YOU IN THE SHOWER?

A IT MADE ME MORE COLD.
Q AFTER YOU TOOK A SHOWER -- UM -- WHO CLEANED THE
SHOWER?
A UM -- IT WAS -- IT WAS EITHER ME OR AMAYA OR ANASTASIA.

Q OKAY. WAS THE SHOWER -- DID ANYBODY EVER CHECK THE SHOWER TO SEE IF YOU HAD HAD ANY ACCIDENTS IN THE SHOWER?

A YES.
Q WHO DID THAT?
A MISS JANET OR MR. DWIGHT.
Q OKAY. AND HOW WOULD THEY CHECK THE SHOWER?
A WITH THIS FLASHLIGHT THAT WAS ABLE TO - UM - IT COU历D SEE LIKE IF THE - IF WE HAD HAD AN ACCIDENT IN THE TUB.

Q IS THAT WHAT THEY TOLD YOU?
A YES.
Q OKAY. AND SO WHAT HAPPENED IF THE LIGHT SHOWED YOU HAD AN ACCIDENT?

A THEN WE WOULD GET IN IROUBLE.

Q WHAT DOES GETTING IN TROUBLE MEAN?
A WE GET A SPANKING - - UM - - WE WOULD HAVE A FAN ON US .

Q WHAT DO YOU MEAN YOU'D HAVE THE FAN ON YOU?
A THEY HAD - - MISS JANET AND MR. DWIGHT HAD FANS THAT
HAD -- THE BUTTONS WERE HIGH, LOW AND --
THE REPORTER: I'M SORRY, HAD WHAT?
THE WITNESS: THEY WOULD HAVE LIKE THESE BUTTONS THAT HAD
TO PRESS IT FOR HIGH, MEDIUM OR LOW. AND THEY WOUED TURN IT
ON AND -- SO WE COULD DRY OFF.
BY MS . BLUTH:
Q AFTER YOU GOT OUT OF THE COLD SHOWER?
A WE WOULD STAY IN THE TUB AND DRY. WE WOULD STAY BY - IN THE TUB WITH THE FAN ON, LIKE IN OUR FACES.

Q OKAY. SO YOU DIDN'T USE TOWELS?
A BEFORE THAT WE DID. LIKE IF - UM - SHE HAD -- IF MISS JANET WAS REALLY TIRED AND SHE HAD TO GO TO SLEEP LIKE SHE HAD AN APPOINTMENT, AND SHE WOULD LET US USE A TOWEL.

Q BUT IF YOU HAD AN ACCIDENT AND YOU WERE BEING PUNISHED, THEN YOU'D HAVE TO DRY OFF BY THE FAN?

A OR WE WOULD SHAKE -- UM -- OURSELF.
Q OKAY. UM -- WHERE DID YOU SLEEP AT THE WAKASHAN HOUSE?

A WE SLEPT ON THIS BOARD THAT WAS GRAY. AND WHEN WE HAD NANNIES, WE WOULD SLEEP ON THIS COT. THERE WAS LIKE A

COT, AND IT WAS BLACK, AND IT HAD A MATTRESS ON IT. AND
SOMETIMES WE WOULD SLEEP ON THE -- ON A TOWEL.
3 O OKAY. SO WHEN THE NANNIES WERE THERE YOU GOT TO SLEEP ON A COT WITH A MATTRESS?
A. YES.
\(Q \quad\) OKAY. SO LET'S TALK ABOUT WHEN THE NANNIES WEREN'T THERE, YOU SAID YOU EITHER SLEPE ON A BOARD OR A TOWEL?

A AND A LITTLE BIT AFTER THAT, THE NANNIES LEFT, THEN SHE WOULD -- MISS JANET WOULD LET US SLEEP ON IT STILL UNTIL WE HAD AN ACCIDENT, THEN WE SLEPT ON THE BOARD.
\(Q\) OKAY. SO IF YOU HAD AN ACCIDENT, YOU SLEPT ON THE
12 BOARDS. DID YOU GET TO WEAR PAJAMAS?
13 A SOMETIMES SHE LET US WEAR PAJAMAS.
14 Q OKAY. WHAT ABOUT THE TIMES THAT SHE DIDN'T LET YOU
15 WEAR PAJAMAS, WHAT WERE YOU ALLONED TO WEAR?

17 Q JUST UNDERWEAR?
18 A YES.
19 OKAY. WERE YOU ALLOWED TO HAVE SHEETS OR A BLANKET
20 OR ANYTHING AFTER YOU HAD AN ACCIDENT?
21 A NO.
22 O OKAY. UM - NOW, YOU TALKED ABOUT THE FAN DRYING
23 YOU OFF IN THE BATHROOM. WAS THERE A FAN IN THE ROOM WHERE

A YES.
1 Q AND WHEN -- WOULD THAT FAN EVER BE PUT ON?

5 A YES.
\(6 \quad \mathbf{Q} \quad\) AND WHO DID THAT?

9 ON THE BOARDS?

11 US, BUT ALL THE OTHER TIMES, HE KNEW ABOUT IT, BUT ON THE
12 OTHER TIMES, HE WOULDN'T SEE BECAUSE HE WAS AT WORK.
13 Q OKAY. BUT THE TIMES THAT HE WAS HOME, HE SAW YOU
14 SLEEPING ON THE BOARDS WITH JUST YOUR UNDERWEAR AND A FAN
15
16 A YES.
17 Q DID HE EVER SAY ANYTHING TO YOU?
18 A LIKE WHEN HE JUST TOLD US TO WAKE UP, IT WAS TIME TO
19 GET UP.
20 Q OKAY. DID HE EVER TELL YOU WHY YOU WERE SLEEPING ON
21 THE BOARDS?
22 A I CAN'T REMEMBER.
23 Q OKAY. NOW, DID YOU GO TO A REGULAR SCHOOL OR WERE
24 YOU HOMESCHOOLED?
25 A WHEN - WE WERE HOMESCHOOLED, BUT BEFORE THAT, WE

1 WERE IN REGULAR SCHOOL, AND THEN WE STARTED EATING BREAKFAST 2 THERE, MISS JANET SAID WE WERE STEALING, SO THEN WE GOT TOOKEN 3 OUT OF SCHOOL AND WE WERE HOMESCHOOLED.

4 Q OKAY. SO YOU WERE - - WHAT WAS YOUR ELEMENTARY 5 SCHOOL CALLED WHEN YOU WERE GOING TO SCHOOL?

6 A HECKETHORN.
7 Q OKAY. AND WHEN YOU SAID YOU STARTED GETTING
8 BREAKFAST THERE, WHAT DO YOU MEAN?
9 A WE ATE BREAKFAST, BUT WE HAD A CERTAIN AMOUNT OF
10 TIME. AND WE WEREN'T DONE, AND I WOULD STILL BE HUNGRY, SO I

11 WENT TO SCHOOL AND ATE BREAKFAST.
12 O \(\mathbf{Q}\) OKAY. SO WHEN YOU WERE - BEFORE SCHOOL YOU WERE
13 GIVEN BREAKFAST?
14 A YES.
15 Q BUT YOU ONLY HAD A SPECIFIC AMOUNT OF TIME IN ORDER
16 TO EAT IT?
17 A YES.
18 Q AND SO WHAT HAPPENED IF YOU WEREN'T DONE AND THE
19 TIMER WENT OFF, OR WHATEVER -- HOWEVER THE TIME WAS MEASURED?
20 A WE HAD TO GET UP AND -- UM -- FINISH GETTING READY
21 FOR SCHOOL.
\(\mathbf{Q}\) OKAY. SO YOU COULDN'T FINISH?

A NO.
Q UH -- SO WHEN YOU WENT TO SCHOOL, YOU WERE STILL HUNGRY?

A YES.
\(Q\) SO HOW DID YOU GET FOOD AT SCHOOL?
A I TOLD THEM - I TOLD THE LADIES MY NAME, AND THEN THEY FOUND MY NAME WAS - - UM - - PULLED UP OUT OF THE COMPUTER, SO I WAS ABLE TO EAT BREAKFAST.

Q OKAY. AND DID MISS JANET FIND OUT ABOUT THAT?
A YES.
Q AND WHAT HAPPENED?
A I HAD - - SHE - - SHE FOUND OUT BECAUSE I HAD - UM - THE CINNAMON ROLL THAT I WAS EATING GOT STUCK IN THE BACK OF MY THROAT, AND I WENT TO THE NURSE, AND MISS JANET AND DANIELLE WERE WAITING THERE FOR ME, AND THEY WENT TO THE NURSE AND ASKED HER WHAT IT WAS. SO THEN I WENT HOME, AND I WAS IM TIMEOUT. I WENT IN TIMEOUT.

Q AND THEN DID YOU GO BACK TO SCHOOL AFTER THAT?
A YES.
Q OKAY. AND THEN AFTER - - AT WHAT POINT DID YOU START GETTING HOMESCHOOLED?

A I CAN'T REMEMBER THAT.
Q BUT SOMETIME AFTER THAT INCIDENT?
A YES.
Q OKAY. SO WHEN YOU WOULD BE HOMESCHOOLED, WOULD SOMEONE STAY HOME AND TEACH YOU, OR HOW DID THAT WORK, THE HOMESCHOOL SITUATION?

A MISS JANET AND MR. DWIGHT WENT TO A LEARNING CENTER

STORE AND THEY GOT - - FOUND SOME BOOKS - UM - LIKE ON DIFFERENT SUBJECTS, AND THEY WOULD RIP THE PAGES OUT AND LET US DO THE WORK, AND THEN THEY WOULD HAVE TO CHECK AND SEE - CHECK IT TO SEE WHICH ONES WERE RIGHP AND WHICH ONES WERE WRONG.

Q WOULD THEY STAY HOME WITH YOU WHILE YOU STAYED AT THE HOUSE AND DID YOUR WORK?

A YES.
Q DID EITHER -- YOU ALREADY SAID THAT MR. DWIGHT
WORKED. UM -- DID MISS JANET WORK?
A WHEN SHE - WHEN WE WERE AT THE JUBILEE GARDENS AVENUE HOUSE, SHE WAS WORKING -- UM -- IN SOME PART OF THE MILITARY.
¢ OKAY. AND THEN WHEN YOU MOVED TO WAKASHAN, DID SHE WORK?

A CAN'T REMEMBER.
Q OKAY. THAT'S ALL RIGHT.
UM - - WHAT WOULD HAPPEN IF YOU GOT SOME OF THE

A WITH A PAINT STICK.

10 WITH THE PAINT STICK.
NOW, AT -- AT SOME POINT YOU MOVED FROM LAS VEGAS TO
FLORIDA AND WENT TO A SCHOOL CALLED -- I THINK IS IT CALLED
THE MARVELOUS GIRLS ACADEMY?
A MARVELOUS GRACE GIRLS ACADEMY.
Q MARVELOUS GRACE GIRLS ACADEMY.
BEFORE YOU WENT TO THAT ACADEMY, DED YOU HAVE AN
INJURY ON YOUR EYE?
A YES.
\(\mathbf{Q}\) HOW DID YOU GET THAT?
A I HAD AN ACCIDENT. AND MISS JANET WAS TALKING TO
12 HER DAUGHTER ON THE PHONE, AND I HAD AN ACCIDENT, AND THEN SHE
13 HAD GOT -- GOTTEN MAD AT ME, AND THEN SHE HAD LIKE SLAMMED
14 IT -- MY -- THIS SIDE OF MY -- MY RIGHT SIDE FACE -- THE SIDE
15 OF MY FACE, ON THE COUNTER WHERE WE DID OUR HOMEWORK.
\(16 \quad \mathbf{Q}\) OKAY. MISS JANET DID THAT?
17
18
19
20
21

4 A YES.
\(5 \quad \mathbf{Q}\) COULD YOU SEE OUT OF IT WHEN IT WAS SWELLING LIKE
THAT?

7 A UM - NOT AS MUCH, BUT I COULD STILL GEE A LITTLE BIT.
\(\boldsymbol{Q}\) OKAY. UM - - NOW, DID SHE EVER TAKE -- DID MISS JANET EVER TAKE YOU TO THE DOCTOR TO FIX YOUR EYE OR TO GET

11 YOU ANY HELP FOR THAT?
12 A NO.
Q OKAY. AVA, DO YOU KNOW WHAT A CATHETER IS?
A YES.
Q CAN YOU EXPLAIN WHAT IT LOOKS LIKE TO ME?
A IT HAD LIKE A BAG AND -- UH -- A CLEAR TUBE --

Q OKAY.
A - - TOGETHER.
Q AND HOW DO YOU KNOW WHAT A CATHETER IS?
A MISS JANET HAD - - MISS JANET - - ONE DAY MISS JANET
21 AND MR. DWIGHT ASKED ME IF I COULD USE THE BATHROOM, AND ME
Q OKAY. WHEN IT WAS CLOSING LIKE YOU SAY, WAS I'T SWELLING, IS THAT WHAT YOU MEAN BY CLOSING? LIKE SWELLING
3 Q OKAY. AVA, DO YOU KNOW WHAT A CATHETER IS?

Q OKAY.
A AND I SAW HOW IT LOOKED.

1 Q OKAY. SO I JUST WANT TO BACK UP FOR A SECOND. BOTH MR. DWIGHT AND MISS JANET ASKED YOU IF YOU NEEDED TO GO TO THE BATHROOM?

A YES.
Q AND YOU TOLD THEM NO?
A YES.
Q BUT THEN MISS JANET TOOK YOU UPSTAIRS?
A ẎES.
Q AND WHERE DID YOU GO UPSTAIRS?
A IN THE BATHROOM, CLOSE BY THE BEDROOMS.
Q UM -- AND WHAT HAPPENED ONCE YOU GOT IN THE
12 BATHROOM?

14 ME WITH SOME KIND OF WTPE THING.

\section*{15 Q OKAY.}

16 A AND THEN SHE PUT -- UM -- PUT IT IN ME.
17 Q OKAY. WHEN YOU SAY SHE PUT IT IN YOU, WHAT DO YOU
18 MEAN?
19 A SHE PUT IT IN MY PRIVATE AREA.
20 Q OKAY. WHEN SHE PUT IT IN YOUR PRIVATE AREA, DID YOU
21 SEE ANYTHING COME OUT?
22 A YES.
23 Q OKAY. WHAT HAPPENED WHEN SOMETHING CAME OUT?
A THEN THEY - T THEY HAD TO GO SOMEWHERE, SO WHEN SHE CAME BACK, I CAN'T REMEMBER WHAT THEY DID, BUT WE STAYED IN

1 THE HOUSE.
2 Q OKAY. UM -- BECAUSE YOU HAD TOLD MISS JANET THAT YOU DIDN'T HAVE TO GO PEE, RIGHT?

4 A YES.
Q OKAY. SO WHEN SHE STUCK THE CATHETER UP YOUR PRIVATE AND PEE CAME OUT, WERE YOU IN TROUBLE?

A YES.
Q WHO WERE YOU IN TROUBLE WITH?
A MISS JANET. BASICALLY WE TOLD A STORY TO
10 MR. DWIGHT, SO WE WERE BOTH IN TROUBLE. I WAS IN TROUBLE WITH
11 BOTH OF THEM.
12 O OKAY. NOW, DO YOU KNOW WHERE THE CATHETERS CAME
13 FROM?

A NO.
Q DID THIS -- DID THE CATHETER GOING INTO YOUR PRIVATE, DID THAT HAPPEN ONE TIME OR MORE THAN ONE TIME?

A I KNOW IT HAPPENED MORE THAN ONE TIME.
Q YOU KNOW IT HAPPENED MORE THAN ONE TIME?
A YES.
Q BUT YOU DON'T KNOW HOW MANY TIMES?
A YES.
Q OKAY.
UM -- WHERE WAS MR. DWIGHT WHEN THIS WAS HAPPENING?
MR. MUELLER: OBUECTION, FOUNDATION.
THE COURT: SUSTAINED. REPHRASE.

1 BY MS. BLUTH:
\(\mathcal{Q}\) OKAY. WAS MR. DWIGHT EVER AT THE HOUSE WHEN -BESIDES THE ONE TIME YOU TOLD US ABOUT, WAS MR. DWIGHT EVER AT THE HOUSE WHEN MISS JANET WAS STICKING THE CATHETERS UP YOUR PRIVATE?

A YES.
Q OKAY. AND WHERE WAS HE?
A HE WOULD BE DOWNSTAIRS.
Q OKAY. AND WAS HE EVER NEAR THE BATHROOM WHEN IT WAS HAPPENING?

A YES.
Q WHERE WOULD HE BE?
A OUTSIDE THE DOOR --
\(Q\) OKAY.
A -- ONE TIME.
Q THERE WAS ONE TIME WHEN HE WAS OUTSIDE THE DOOR?
A YES.
\(Q\) OKAY.
MR. MUELLER: OBJECTION, FOUNDATION.
THE COURT: OVERRULED.

A NO.
Q UM -- AND I -- DO YOU KNOW WHO BOUGHT THE CATHETERS?

A IT WAS BETWEEN MR. DWIGHT AND MISS JANET.
Q OKAY. WHEN YOU SAY IT WAS EETWEEN THEM, WHAT DO YOU MEAN?

A UM - IT WAS MISS JANET SAID THAT THEY WERE ORDERING IT, SO I DON'T KNOW WHICH ONE OF THEM ORDERED IT.

Q OKAY. DID YOU EVER HEAR MR. JANET -- OR MISS JANET AND MR. DWIGHT TALKING ABOUT ORDERING THEM?

A NO.
Q OKAY. IF YOU -- YOU KNOW, WHEN YOU WERE IN THE BATHROOM AND MISS JANET WAS STICKING THE CATHETER IN YOUR PRIVATE, WHAT WOULD HAPPEN IF YOU FOUGHT -- FOUGHT BACK?

A SHE HAD HER - - SHE HAD A RAZOR BLADE, AND SHE TOLD ME IF I DIDN'T STOP MOVING THAT SHE WOULD CUT -- UM - MY PRIVATE AREA.

Q OKAY. WHEN YOU SAY SHE HAD A RAZOR BLADE, CAN YOU EXPLAIN TO ME WHAT SHE LOOKED -- WHAT IT LOOKED LIKE?

A IT WAS GRAY, LIKE SILVER-ISH.
Q OKAY.
A AND IT WAS LIKE, MAYBE LIKE THAT SMALL.
Q OKAY. SO WOULD IT HELP -- WOULD YOU BE ABLE TO DRAW IT FOR ME?

A YES.
MS. BLUTH: OKAY.
I'M JUST APPROACHING WITH A BLANK PIECE OF PAPER, YOUR HONOR.

THE COURT: ALL RIGHT.
BY MS. BIUTTH:
Q COULD YOU DRAW WHAT THE RAZOR LOOKED LIKE FOR ME, AVA?

A YES.
KIND OF LIKE THAT.
Q OKAY. AND SO YOU SAID IT WAS GRAY?
A SILVER-ISH.
Q SILVER-ISH?
A YES.
MS. BLUTH: AND, JUDGE, I'D ASK THAT THIS BE MARKED AS - -
MR. MANN: CAN WE SEE IT?
THE COURT: AND I WANT HER TO WRITE HER NAME UNDER IT.
MS . BLUTH: SURE.
THE COURT: AVA, CAN YOU WRITE YOUR NAME UNDER THAT
DRAWING?
THE WITNESS: YES.
THE COURT: AND THEN MAYBE WRITE THE DATE, THAT WOULD BE
HELPFUL. TODAY'S THE DATE -- TODAY IS MAY \(22 N D\).
MS. BLUTH: THANKS.
THE COURT: OKAY. SO THAT'S GOING TO BE MARKED IN --
NEXT IN ORDER?
MS. BLUTH: YES, PLEASE, STATE'S 4.
THE COURT: OKAY.
MS. BLUTH: AND I'D ASK FOR ITS ADMISSION.

THE COURT: STATE'S 4 ?
MS. BLUTH: OH, YEAH, BECAUSE I HAVE TWO ALREADY MARKED, BUT IT'S NOT COMING IN.

THE COURT: OKAY. THREE CAME IN.
MS . BLUTH: YEAH.
THE COURT: SO YOU WANT THAT -- YOU DON'T HAVE A FOUR
ALREADY MARKED DO YOU?
MS. BLUTH: NO, I DON'T.
THE COURT: OKAY. SO WE'LL MARK THAT AS EXHIBIT 4.
SHE'S MOVED \(\operatorname{SOR}\) ITS ADMISSION. MR. MANN, ANY OBJECTION?
MR. MANN: NO, YOUR HONOR,
THE COURT: MR. RUE?
MR. RUE: NO.
THE COURT: MR. MUELLER?
MR. MUELLER: NO, YOUR HONOR.
THE COURT: EXHIBIT 4 WILL BE ADMITTED.
〔WHEREUPON STATE'S PROPOSED EXHIBIT NO. 4 WAS MARKED FOR IDENTIFICATION AND ADMITTED INTO EVIDENCE.)

\section*{BY MS. BLUTH:}

Q UM -- SO WHEN - WHEN MISS JANET SHOWED YOU THE RAZOR, EXPLAIN TO ME WHAT SHE DID WITH IT.

A SHE WOULD TRY -- SHE NEVER DID CUT ME WITH IT, BUT SHE WOULD TRY TO.

Q OKAY.
A BUT I WOULD KEEP MOVING AROUND.

1 Q AND HOW DID THAT MAKE YOU FEEL WHEN SHE WAS TRYING 2 TO CUT YOU WITH THE RAZOR?

3 A MADE ME MORE SCARED.
4 O OKAY. SO AFTER SHE SHOWED YOU THE RAZOR, WERE YOU
5 GUYS DONE THEN OR WOULD SHE THEN STICK THE CATHETER IN?
6 A WE WERE DONE.
7 Q OKAY. SO THE CATHETER DIDN'T GO IN AFTER THAT?
8 A YES.

10 SECOND, YOUR HONOR?
11 THE COURT: YES.
12 MS. BLUTH: JUST TWO QUESTIONS.
Q UM -- AVA, WHEN MISS JANET TOOK YOUR -- SLAMMED YOUR
14 EYE INTO THE COUNTER, WAS IT JUST ONE TIME OR WAS IT A COUPLE 15 OF rimes ON THE COUNTER --

16 A IT WAS --
9 -- OR HOW MANY?
A IT WAS A COUPLE TIMES.
Q OKAY. AND THEN -- UM -- IN THE BATHROOM WHEN YOU
20 WERE TALKING ABOUT THE RAZOR, DID YOU STOP FIGHTING HER ONCE
21 SHE SHOWED YOU THE RAZOR?

25 Q OKAY. BUT YOU SAID THAT YOU WERE SCARED.

A YES.
Q OKAY.
MS. BLUTH: PASS THE WITNESS, YOUR HONOR.
THE COURT: OKAY. AVA, ARE YOU GOOD OR DO YOU NEED A
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BREAK?

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THE WITNESS: I'M FINE.
THE COURT: OFAY. ALI RIGHT. MR. MANN?
MISTER -- UH -- MR. MANN IS GOING TO ASK YOU SOME QUESTIONS. IF YOU NEED A BREAK, JUST LET ME KNOW.

\section*{CROSS-EXAMINATION}

\section*{BY MR. MANN :}

Q HI, AVA. MY NAME IS JOEL MANN, I'M GOING TO ASK YOU A FEW QUESTIONS, LIKE THE JUDGE SAID.

I WANT TO ASK YOU ABOUT -- UM -- LET'S GO BACK TO THE LAST THING THAT YOU SAID. UM -- YOU SAID THAT WHEN YOU WERE THREATENED WITH THE RAZOR BLADE -- UH - - THAT YOU WOULD KEEP FIGHTING; IS THAT RIGHT?

A YES.
Q HOW WOULD YOU KEEP FIGHTING?
A I WOULD KEEP -- I WOULD KEEP MOVING AROUND, TRYING TO GET AWAY FROM THE RAZOR BLADE SO I WOULDN'T GE'T CUT.

Q OKAY. LET'S -- LET'S KIND OF BACKUP A SECOND.
UM - WERE YOU IN THE BATHROOM AT THIS TIME?
A YES.

Q WERE YOU ON THE GROUND, STANDING UP?
A I WAS ON THE GROUND.
Q AND - - UM - - DID ANYONE HAVE YOU HELD DOWN?
A WHEN I WAS TRYING TO GET AWAY FROM HER, MISS JANET DIDN'T - - NO ONE HAD ME - NO ONE WAS HOLDING ME DOWN.

Q OKAY. AND SO NOTHING WAS KEEPING YOU ON THE GROUND?
A YES.
Q AND YOU WERE ABLE TO GET UP FROM THE GROUND,
CORRECT?
A YES.
Q OKAY. AND SO WHEN SHE SHOWED YOU THE RAZOR BLABE, YOU COULD GET UP?

A YES, I WOULD START.
Q AND GET AWAY?
A YEAH.
Q AND - UM - D DURING THAT TIME - UM -- AND THIS WAS
ALL BEFORE THE CATHETER WAS ALLEGEDLY PUT IN, CORRECT?
A WHAT DO YOU MEAN BY THAT?
Q SORRY. UM -- THIS -- UM -- YOU MOVED AWAY BEFORE
THE CATHETER WAS PUT INSIDE OF YOU?
A CAN'T REMEMBER.
Q OKAY. UM - LET'S TALK ABOUT THIS CATHETER. WHAT DID IT LOOK LIKE?

A IT WAS - - IT WAS LIKE A BAG AND IT HAD A CLEAR TUBE.
Q OKAY. AND HOW BIG WAS THE BAG?
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A IT WASN'T THAT BIG.
Q OKAY. WAS IT THE SIZE OF QUARTER?
A. IT WAS MAYBE LIKE -- MAYBE MEDIUM SIZE.
Q CAN YOU GIVE ME SOMETHING THAT YOU WOULD COMPARE IT
TO?
A MAYBE LIKE SMALLER THAN THE SIDE OF THAT DESK.
Q WHICH DESK ARE YOU TALKING ABOUT?
A THIS DESK.
MR. MANN: THIS DESK?
IF I MAY APPROACH, YOUR HONOR?
THE COURT: SURE.
BY MR. MANN:
Q WHAT SIDE OF THE DESK ARE YOU REFERRING TO?
A THE ONE YOU JUST TOUCHED.
Q THIS SIDE?
A YES. A LITTLE SMALLER.
Q JUST A LITTLE BIT SMALLER THAN THIS --
A YES.
Q -- SQUARE RIGHT HERE?
A YES.
Q ARE YOU TALKING ABOUT THIS PART OR JUST THIS PART?
A JUST THAT PART.
MR. MANN: JUST THIS PART.
UM -- AND FOR THE RECORD, THIS WOULD BE THE -- UM --
COURT REPORTER'S CORNER OF THE DESK -- UM -- I NEED HELP

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1 DESCRIBING IT.
2 THE COURT: I CAN'T EVEN SEE IT FROM HERE.
3 MR. MANN: IT'S -- IT'S UUST THIS WHOLE PANEL THAT YOU'RE
4 TALKING ABOUT?
5 THE COURT: ARE YOU TALKING ABOUT THE wHOLE PANEL TO THE
FLOOR?
THE WITNESS: I'M JUST TALKING ABOUT THE -- JUST THE SIDE
OF IT.
THE COURT: OKAY. घET'S START --
MR. MANN: SO THIS PART?
THE COURT: -- WITH THIS, MR. MANN.
LET'S TAKE A PIECE OF PAPER. BIGGER OR SMALLER THAN THE
EIGHT-AND-A-HALF-BY-ELEVEN TABLET THAT IM HOLDING UP?
THE WITNESS: SMALLER.
THE COURT: OKAY. SO SMALLER THAN THIS.
MR. MANN: OKAY.
THE COURT: AND I -- FOR THE RECORD, I HELD UP AN
18 EIGHT-AND-A-HALF-BY-ELEVEN TABLET.
19 BY MR. MANN:
20 Q WOULD YOU SAY IT WAS HALF THAT SIZE, A QUARTER OF
21 THAT SIZE? WHAT WOULD YOU SAY?
A MAYBE --
THE COURT: FOR THE RECORD, I'M HOLDING UP THE MICHiE
24 NEVADA REVISED STATUTE RULE BOOK. WHAT ABOUT THIS?
25
THE WITNESS: MAYBE LIKE THAT SIZE.
\(7 \quad \mathbf{Q} \quad\) AND WHAT - UH - - WHAT COLOR WAS IT?
A IT WAS CLEAR.
O CLEAR. OKAY.
AND -- UM -- WHEN YOU PUT THIS - WHEN - WHEN SHE
THE COURT: MAYBE AROUND THIS SIZE?
THE CLERK: YES.
MR. MANN: ALL RIGHT. AND WHAT --
THE COURT: SO I'M NOT GOING TO MEASURE IT, BUT FOR THE RECORD IT'S THE MICHIE NEVADA REVISED STATUTES.

12

WOULD PUT THIS CATHETER IN YOU, WHAT WOULD SHE STICK INSIDE OF YOU?

A THE CLEAR TUBE.
Q OKAY. AND WHERE WOULD IT GO?
A IN MY PRIVATE.
\(\mathbf{9}\) OKAY. UM - WHEN YOU SAY YOUR PRIVATE, DO YOU•MEAN

\section*{YOUR BUTT?}

A NO.
Q YOUR VAGINA?
A YES.
Q UM - WHAT PART OF YOUR VAGINA, IF YOU KNOW?
A WHERE PEE COMES OUT.
Q OKAY. AND - UM - - WHEN SHE WOULD DO THAT, HOW LONG WOULD IT BE - - UM - - HOW LONG DID YOU HAVE THE CATHETER IN?

A UNTIL PEE CAME OUT. AND - - UM - - IT WASN'T - - MISS

6 Q OKAY, WHEN SHE WOULD TAKE IT OUT, WOULD MORE PEE
JANET DIDN' \(T\) WANT IT TO OVERFLOW, SO SHE TOOK IT OUT SO THAT IT WOULDN'T - - UNTIL IT - - IT WASN'T ALL PEE IN THE BAG.

Q SO SHE WOULD STICK IT IN, PEE WOULD COME IN THE BAG, AND THEN WHEN THERE WAS ENOUGH SHE WOULD TAKE IT OUT?

8 '. A ONE TIME MORE PEE CAME OUT.
Q OKAY. AND WAS THIS ALL WHILE YOU WERE ON THE BATHROOM -- IN THE BATHROOM?

A YES.
\(\mathbf{Q}\) ON THE FLOOR?
A YES.
Q AND DURING THAT TIME WERE YOU STILL, AS YOU
DESCRIBED, FIGHTING?
A NO.
Q WERE YOU JUST LYING THERE?
A YES. YOU GET UP AND MOVE AROUND?

A NO. THAT TIME I DIDN'T MOVE AROUND. ANY IDEA?

A NO.
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COME OUT, OR THAT WAS IT?

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Q WOULD YOU - - AFTER SHE PUT THE CATHETER IN, WOULD

Q OKAY. AND - UM -- WHEN DID THIS OCCUR, DO YOU HAVE

Q OKAY. DO YOU KNOW IF IT WAS DURING THE SUMMER,

1 WINTER, FALL, SPRING?
2 A NO.
3 Q OKAY. UM - DO YOU REMEMBER WHAT GRADE YOU WERE IN?

5 Q OKAY. UM - - AND WHEN SHE WOULD - - UM - - THREATEN
YOU WITH THIS RAZOR BLADE, WHERE DID SHE GET THE RAZOR BLADE
FROM?
8 A I DON'T KNOW.
9 Q OKAY. DID SHE HAVE IT ON HER BODY AT THAT TIME?
10 A NO.

11 Q DID SHE HAVE TO GET UP AND GO SOMEWHERE AND GET THE
12 RAZOR BLADE?
13 A THAT PARTICULAR TIME SHE DIDN'T HAVE TO GO GET THE

14 RAZOR BLADE .
15 Q SO WHERE WAS IT?
16 A I DON'T KNOW.
17 Q OKAY. AND YOU DIDN'T SEE HER GET IT?
18 A NO. THE PARTICULAR TIME BETWEEN WHEN I FILLED THE
19 BAG, SHE DIDN'T HAVE THE RAZOR BLADE.
20 Q SO THE TIME THAT YOU FILLED THE BAG, YOU DIDN'T --
21 SHE DIDN'T HAVE THE RAZOR BLADE?

22
23
2.4

25

A YES.
Q OKAY. NOW - UM -- DO YOU REMEIBER HOW LONG YOU HAD THE CATHETER IN FOR?

A MAYBE LIKE A MINUTE.

5 A YES.
6 O OKAY. NOW, YOU HAD SEEN A CATHETER BEFORE THIS
7 HAPPENED, RIGHT?
A CAN'T REMEMBER.
Q OKAY. DO YOU REMEMBER YOUR SISTER AMAYA BEING IN
10 THE HOSPITAL?

13 CHRISTMAS?
Q A MINUTE?
A AROUND THAT.
Q OKAY. AND -- UM -- THAT'S WHEN THE CATHETER CAME IN, PEE CAME OUT AND THEN SHE PULLED IT OUT?

A YES.
Q DO YOU REMEMBER HER BEING IN THE HOSPITAL AROUND

A YES.
Q DO YOU REMEMBER - - UM -- YOU BEING SHOWN THE CATHETER THAT WAS PUT INTO AMAYA AT THAT TIME?

A YES.
Q OKAY. AND THAT WAS IN THE HOSPITAL, CORRECT?
A YES
Q AND THAT'S WHERE YOU SAW THE CATHETER FOR THE FIRST TIME, CORRECT?

A YES.
Q OKAY. DO YOU REMEMBER HOW OLD AMAYA WAS?
A NO.
Q DO YOU REMEMBER HOW OLD YOU WERE?
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A NO.
Q DO YOU REMEMBER ABOUT WHEN THIS WAS?
A IT WAS AROUND CHRISTMASTIME.
Q IT WAS AROUND CHRISTMAS, BECAUSE SHE WOKE UP ON CHRISTMAS DAY, CORRECT?
A YES.
Q SHE WAS IN A COMA BEFORE THAT, CORRECT?
A YES.
Q AND - UH -- DO YOU REMEMBER WHAT CHRISTMAS THIS
WAS?
A NO.
Q OKAY. UM -- WAS THIS BEFORE OR AFTER -- UM -- YOU
WERE ADOPTED?
A IT WAS AFTER.
9 OKAY. AND -- UH -- YOU WERE ADOPTED IN -- UH - 2011, RIGHT?
A YES.
Q OKAY. AND THAT WAS JANUARY 2011?
A YES.
Q AND SO -- UM -- WAS IT DECEMBER 2011 THIS HAPPENED
OR DECEMBER 2012?
A I DON'T KNOW.
Q OKAY. NOW, WHEN YOU SAW THE CATHETER -- UM -- THAT
4 AMAYA HAD IN THE HOSPITAL, DID YOU TALK ABOUT IT?
A NO.

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9 GO TO THE BATHROOM, CORRECT?
10

11

12 CORRECT?

13
A YES. DO YOU KNOW YOUR SISTER SAW IT, THE CATHETER?

Q OKAY.

A YES.

A YES. OPPORTUNITY TO GO TO THE BATHROOM, CORRECT?

A YES.

A YES. HAVE AN ACCIDENT?

A YES.

Q DID YOUR SISTER SEE IT, ANASTASIA?

Q OKAY. AND WHEN - UM -- HOW DID YOUR SISTER - - HOW

A SHE WAS IN THE SAME ROOM WITH ME.

NOW, THE -- UM -- LET'S TAIK ABOUT THE BATHROOM.
YOU SAID THAT THERE WAS TIMERS TO LET YOU KNOW WHEN YOU COULD

Q OKAY. AND THESE TIMERS WERE FOR AN HOUR OR LESS,

Q OKAY. AND SO EACH HOUR YOU WOULD HAVE THE

Q EACH TIME THE TIMER WOULD GO OFF, YOU WOULD BE ASKED TO BE ABLE TO SEE IF YOU COULD GO TO THE BATHROOM, CORRECT?

Q AND - - UM - - IN BETWEEN THAT HOUR OF BEING OFFERED TO GO TO THE BATHROOM AND THE NEXT TIME, SOMETIMES YOU WOULD

Q OKAY. NOW, THAT TIME -- THEY WEREN'T TELLING YOU 25 THAT YOU COULDN'T GO TO THE BATHROOM ALL DAY LONG, CORRECT?

A YES.
Q BUT THEY WERE TELLING YOU THAT YOU HAD TO GO TO THE BATHROOM AT EACH HOUR MARK THAT THE TIMER WOULD GO OFF, RIGHT?

A NOT EXACTLY.
Q OKAY. SO LET ME JUST GET THIS STRAIGHT. THERE WAS A TIMER, IT WAS FOR AN HOUR, AND THAT EACH TIME THE TIMER WENT OFF YOU WERE ALLOWED TO TRY AND GO TO THE BATHROOM?

A YES.
Q OKAY. AND SO THEN YOU WERE ALLOWED TO GO TO THE BATHROOM EVERY HOUR ON THE HOUR, CORRECT?

A YES.
Q OKAY. AND - UN - FOR SOME REASON, THOUGH, YOU WOULD HAVE ACCIDENTS IN BETWEEN THOSE HOURS, CORRECT?

A YES.
Q OKAY. AND - UM - WHEN YOU HAD THE OPPORTUNITY TO GO TO THE BATHROOM ON THE HOUR, DID YOU USE THAT OPPORTUNITY TO GO TO THE BATHROOM?

A NO.
Q OKAY. NOW - UM -- THESE TIMERS WERE USED WHEN YOU WERE - - UM - - SUPPOSE TO BE IN SCHOOL AT HOME, CORRECT?

A WOULD YOU SAY THAT AGAIN, PLEASE?
Q SURE.
YOU WERE -- UH -- YOU TOLD MISS BLUTH THAT YOU WERE HOMESCHOOLED; IS THAT RIGHT?

A YES.

Q OKAY. AND WHEN YOU WERE HOMESCHOOLED, YOU SET - THEY SET UP YOUR AREA LIKE IT \(\begin{aligned} & \text { AS } \\ & \text { IN SCHOOL, CORRECT? }\end{aligned}\)

A YES

Q OKAY. AND SO THEY WOULD TURN THESE TIMERS ON TO GIVE YOU AN HOUR PERIOD WHERE YOU WOULD STUDY FOR AN HOUR WITH NO INTERRUPTIONS, WITHOUT HAVING TO GET UP TO GO TO THE BATHROOM OR ANYTHING ELSE, CORRECT?

A CAN'T REMEMBER.
Q GKAY. AND IT WAS DURING THE SCHOOLTIME THAT THESE TIMERS WERE TURNED ON, CORRECT?

A YES.
Q OKAY. AND SQ THESE TIMERS WEREN'T USED OUTSIDE OF THE SCHOOLTIME, CORRECT?

A YES.
\(\mathbf{Q} \quad S O\) THAT IS CORRECT?
A YES.
\(Q \quad\) OKAY.
THE COURT: SO - BECAUSE IT'S CONFUSING. SO THE TIMERS

WERE NOT USED WHEN IT WAS NOT SCHOOLTIME?
THE WITNESS: I DON'T KNOW WHAT YOU MEAN BY THAT?
MR. MANN: I COULDN'T HEAR.
MS. BLUTH: I'M SORRY, JUDGE, CAN YOU ASK IT WITHOUT THE DOUELE NEGATIVE?

THE COURT: WELL, I KNOW, BUT HE'S ASKING, SHE'S --
MR. MANN: I COULDN'T HEAR THE ANSWER TO YOUR QUESTION.

9 USED?
FASHION?

THE COURT: COULD YOU NOT LEAD? I KNOW. CAN YOU JUST ASK IT IN A NON-LEADING QUESTION, BECAUSE SAYING YES IS CONFUSING.

MR. MANN: OKAY.
THE COURT: COULD YOU JUST ASK IT IN A NON-LEADING

MR. MANN: SURE, YOUR HONOR.
Q AVA, WHEN SCHOOL WAS NOT IN SESSION, WERE THE TIMERS

A SOMETIMES.
Q OKAY. BUT THE TIMERS WERE NOT USED REGULARLY
OUTSIDE OF SCHOOLTIME, CORRECT?
A YES.
Q BLI RIGHT. NOW -- UM -- BEFORE YOU CAME TO LIVE WITH MISS JANET

AND MR. DWIGHT - UM - Y YOU LIVED WITH MISS DEBBIE, CORRECT?

A YES.
Q AND WHEN YOU LIVED WITH MISS DEBBIE, YOU ACTUALLY
HAD A LOT OF ACCIDENTS AS WELL THERE, CORRECT?
A NO.
Q NO? YOU DIDN'T SOIL YOUR PANTS?
A NO.
Q OKAY. AND -- UM -- BEFORE YOU LIVED WITH
MISS DEBBIE, WHO DID YOU LIVE WITH?
A I DON'T KNOW THEIR NAME.
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Q OKAY. WAS THAT 'T'HE FIRST TIME THAT YOU WERE IN FOSTER CARE AT THAT TIME?
A CAN YOU REPHRASE THAT AGAIN?
Q SURE.
UM - - BEFORE YOU WENT TO LIVE WITH MISS DEBBIE - -
UM - - YOU SAID YOU COULD NOT REMEMBER WHO YOU LIVED WITH
BEFORE MISS DEBBIE; IS THAT RIGHT?
A YES.
Q OKAY. UM -- BUT THAT PERSON THAT WAS BEFORE MISS DEBBIE, WAS THAT THE FIRST TIME THAT YOU WERE IN FOSTER CARE?
A YES.
Q AND WAS THAT THE FIRST PERSON YOU HAD LIVED WITH?
A IN FOSTER CARE, YES.
Q IN FOSTER CARE, YES.
BEFORE THAT, WHO DID YOU LIVE WITH?
A MY GRANDMOTHER -- MA.
Q YOUR GRANDMOTHER?
A YES.
Q OKAY. AND DID YOU JUST LIVE WITH YOUR GRANDMOTHER,
21 OR DID YOU LIVE WITH OTHER PEOPLE BESIDES YOUR GRANDMOTHER AND
22 YOUR SISTERS?
A. BEFORE THAT I LIVED WITH MY MOM AND HER BOYFRIEND.
Q OKAY. WHEN YOU LIVED WITH YOUR GRANDMOTHER, THOUGH, WAS IT JUST YOUR GRANDMOTHER?

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A IT WAS AUNT JESSICA AND SOMETIMES - - UM - - OUR AUNT YOLANDA AND AUNT PARROW (PHONETIC) CAME OVER AND VISITED, STAYED AT THE HOUSE, AND OUR STEP GRANDFATHER.
\(Q\) OKAY. AND WAS THAT HERE IN LAS VEGAS?
A YES.
Q ALL RIGHT. AND BEFORE YOU LIVED WITH YOUR GRANDMOTHER, YOU SAID THAT YOU LIVED WITH YOUR MOM AND HER BOYFRIEND; IS THAT RIGHT?

A YES.
Q ALL RIGHT. NOW - UM -- YOU -- UM -- SAID THAT WHEN YOU LIVED WITH MISS JANET AND MR. DWIGHT - - UM - - THAT YOU WOULD SOMETIMES GET SPANKED WITH A -- WITH WHAT YOU DESCRIBED AS A RULER; IS THAT CORRECT?

A YES.
Q OKAY. AND MISS BLUTH, THE D.A., SHOWED YOU A PICTURE OF A STICK; IS THAT RIGHT?

A YES.
MR. MANN: OKAY. AND IF I MAY APPROACH YOUR CLERK,

\section*{PLEASE?}

THE COURT: SURE. UH -- THEY'RE RIGHT HERE.
MR. MANN: THANK YOU.
THE COURT: UM-HUM.
MR. MANN: IF I MAY APPROACH WITH STATE'S EXHIBIT 2?
THE COURT: OKAY.

1 BY MR. MANN:
2 Q AVA, THAT PICTURE YOU HAVE IN FRONT OF YOU, STATE'S EXHIBIT 2, YOU SAID THAT WAS THE STICK THAT WAS USED; IS THAT

4 CORRECT?
5 A YES.
\(6 \quad Q \quad\) OKAY. YOU ALSO SAID THAT -- UM -- THAT ON THE STICK
7 SOMEONE HAD WRITTEN SOMETHING; IS THAT CORRECT?
A YES.
MS. BLUTH: I'M SORRY, JUDGE. I'M GOING TO OBJECT IT
10 MISSTATES HER EVIDENCE. SHE DIDN'T SAY THAT THAT WAS THE
11 EXACT STICK. I USED THE STICK AS AN EXAMPLE, AND THERE'S
12 mULTIPLE STICKS. BUT I WANT TO BE CLEAR SHE NEVER STATED THAT
13 THAT WAS THE EXACT STICK.

19 BY MR. MANN:
9 UM -- AVA, THAT PICTURE IN FRONT OF YOU -- UM -DOES THAT HAVE ANY OF THE BOARD OF EDUCATION WRITING THAT YOU SAID WAS ON THE STICK?

A NO.
MR. MANN: NO.
IF I MAY APPROACH, YOUR HONOR?

2 BY MR. MANN:
\(3 \quad \mathbf{Q}\) WHERE WOULD THESE STICKS BE KEPT?

7 ELSE?
8 A THE ONE I WAS TALKING ABOUT THAT WAS DOWN - THAT
9 WAS -- THAT ONE WAS DOWNSTAIRS.
THE COURT: YES.

A I ONLY KNOW ONE WAS ON LIKE A DESK OR DRAWER THING.
I DON'T KNOW WHERE THE REST WERE.
Q OKAY. UPSTAIRS? DOWNSTAIRS? GARAGE? SOMEPLACE

Q OKAY. AND SO YOU WERE SAYING THAT WHEN YOU WERE IN TROUBLE THEY WOULD MAKE YOU GET UNDRESSED; IS THAT RIGHT?

A THEY WOULDN'T MAKE ME GET UNDRESSED, I WOULD JUST HAVE TO TAKE MY - - UH -- MY BOTTOMS OFF.
\(\mathbf{Q} \quad\) OKAY.
A. MY SHORTS.

Q SO THEY'D MAKE YOU PULL YOUR BOTTOMS OFF?
A YES.
Q OKAY. WAS THIS UPSTAIRS OR DOWNSTAIRS?
A DEPENDING ON WHERE WE WERE. IT WAS UPSTAIRS, WE
WERE UPSTAIRS, DOWNSTAIRS, WE WERE DOWNSTAIRS.
Q OKAY. AND YOU'RE SAYING THAT THEY W'OULD TELL YOU TO GET INTO POSITION, IS THAT CORRECT?

A YES.
Q OKAY. WHEN YOU WOULD GET INTO THE POSITION, WHAT WOULD HAPPEN? WHAT WOULD MISS JANET DO?

A SHE WOULD HIT US WITH THE PAINT STICK.
Q HOW WOULD SHE DO THAT?
A SHE WOULD PUT IT IN HER HAND AND SPANK US.
Q OKAY.
A ON OUR BOTTOM.
Q SO SHE WOULD HIT YOUR BOTTOM WITH A PAIN STICK --
PAINT STICK; IS THAT CORRECT?
A YES. YES.
Q OKAY. AND -- UM -- WHEN SHE HIT YOUR BOTTOM, WAS IT
FLAT ACROSS YOUR BOTTOM?
A YES.
Q OKAY. AND - UM - AFTER SHE HIT YOUR BOTTOM, WHAT WOULD HAPPEN NEXT?

A THEN I WOULD GET UP AND GO BACK AND DO MY HOMEWORK. SIT ON THE TOILET, DO MY HOMEWORK.

Q OKAY. NOW, WHEN YOU GOT SPANKED WITH THE RULER, IT WAS BECAUSE YOU WERE GETTING PUNISHED, CORRECT?

A YES.
Q AND YOU WERE GETTING PUNISHED FOR A LOT OF DIFFERENT REASONS, CORRECT?

A YES.
Q OKAY. SOMETIMES YOU HAD DONE THINGS TO YOUR SISTERS?

A YES.
Q SOMETIMES YOU HAD DONE THINGS TO MISS JANET OR
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    l MR. DWIGHT? IS THAT CORRECT?
    A THAT I DON'T -- I CAN'T REMEMBER.
    Q OKAY. UM -- YOU WERE NOT FOLIOWING DIRECTIONS?
    A YES.
    Q YOU WERE NOT DOING WHAT YOU WERE SUPPOSE TO BE
    DOING, CORRECT?
        A WHAT DO YOU MEAN BY THAT?
        Q YOU WEREN'T DOING WHAT YOU WERE TOLD TO DO?
        A YES.
        Q AND THAT'S WHY YOU GOT IN TROUBLE?
        A YES.
        Q OKAY. AND SHE WOULD SPANK YOU THREE TIMES, CORRECT?
        A I CAN'T REMEMBER.
            Q OKAY. AND -- UM -- IT WAS ALWAYS ON YOUR BOTTOM?
            A YES.
            Q AND IT WAS NEVER ON YOUR HEAD?
            A YES.
            Q IS THAT CORRECT, IT WAS NEVER ON YOUR HEAD?
            A YES, THAT IS CORRECT.
            Q OKAY. AND YOU SAID THAT IT - - THERE WAS - - IT WAS
            21 NEVER ON YOUR BACK?
            22 A YES, THAT'S CORRECT.
            23 Q OKAY. SO IT WAS ONLY ON YOUR BOTTOM?
            A YES.
            Q AND WHEN MISS BLUTH HAD BEEN ASKING YOU QUESTIONS,
    ```

1 YOU SAID THAT -- UH -- THAT HITTING CAUSED SCARS; IS THAT 2 CORRECT?

3 A YES.
\(4 \quad \mathrm{Q}\) HOW DO YOU KNOW THAT THAT HITTING CAUSED SCARS?
5 A BECAUSE MY SISTER SEEN IT BEFORE. WHEN I WENT BACK
TO CHILD HAVEN, PEOPLE SAW IT THERE, TOO.
7 O OKAY. SO YOU KNOW THAT YOU HAVE MARKS ON YOUR
BODIES -- BODY, BUT YOU'RE NOT SURE WHAT THOSE MARKS ARE FROM, CORRECT?

MS. BLUTH: OBJECTION, MISSTATES HER EVIDENCE - -
11 MISSTATES HER TESTIMONY. SHE SAID WHERE THEY'RE FROM.
12 THE COURT: SUSTAINED.
13 BY MR. MANN :
14 Q AVA, AFTER YOU WERE SPANKED, DID YOU LOOK AT YOUR
15 BOTTOM?
16 A NO, I COULDN'T.
17 O OKAY. DID YOU HAVE SOMEONE ELSE LOOK AT YOUR
18 BOTTOM?
19 A NO.
20 Q DID YOU PUT BAND-AIDS ON YOUR BOTTOM?
21 A NO.

NO
Q OKAY. HOW DO YOU KNOW THE SPANKINGS CAUSED THE MARKS?

MS. BLUTH: OBUECTION, ASKED AND ANSWERED.
MR. MANN: -- ON YOUR BOTTOM?
MS. BLUTH: SHE ANSWERED THAT QUESTION.
TEE COURT: SHE DIDN'T ANSWER THAT QUESTION. SO THE QUESTION IS, HOW DO YOU KNOW THAT THE SPANKINGS CAUSED THE

MR. MANN : CORRECT.
THE WITNESS: BECAUSE THERE WAS BLOOD ON THE RULER.
BY MR. MANN :
Q YOU SAW BLOOD ON THE RULER?
A WELL PAINT STICK, NOT RULER.
Q OKAY. UM -- AND -- UM -- HOW MANY TIMES DID YOU SEE BLOOD ON THE PAINT STICK?

A I ONLY REMEMBER ONE.
O OKAY. NOW, YOU SAID THAT THE STICK WOULD BREAK; IS

\section*{THAT RIGHT?}

A YES.
Q HOW MANY TIMES DID THE STICK BREAK?
A I KNOW IT HAPPENED MORE THAN ONCE.
Q OKAY. AND WHEN WE'RE TALKING, THIS IS ALL INVOLVING YOU, CORRECT?

A YES.
Q ANYTHING THAT YOU'RE REFERENCING IS NOT TALKING ABOUT YOUR SISTERS, CORRECT?
\(6 \quad\) Q OKAY. AND YOU SAID THAT YOU HAD TO SIT ON IT ALL DAY LONG?

A YES.
Q AND ALL THREE OF YOUR SISTERS HAD TO SIT ON THE BUCKET ALL DAY LONG?

A YES.
\(Q\) OKAY. NOW, THIS BUCKET THAT YOU TALK ABOUT - - UM - IT WAS -- YOU WOULD HAVE AN ACCIDENT DURING A SCHOOLDAY, CORREC? \(?\)

A YES.
Q AND YOU WERE SITTING ON A CLOTH CHAIR, CORRECT?
A YES.
Q AND YOU WOULD GET THE CLOTH CHAIR WET AND DIRTY, CORRECT?

A YES.
Q AND WHEN YOU WOULD GED THIS CHAIR DIRTY, YOU WERE TOLD TO GO CHANGE, CORRECT?

A CAN'T REMEMBER.
Q YOU WERE TOLD TO GO SHOWER?
A WE HAD TO GET UPSTAIRS, I COULDN'T TAKE A SHOWER BY

1 MYSELF.
2 O OKAY. AND THEN EVENTUALLY YOU HAD TO COME BACK AND STUDY AGAIN, CORRECT?

4 A YES.
Q IT WAS ANASTASIA THAT HAD THE MOST DIFFICULT TIME NOT HAVING ACCIDENTS, CORRECT?

A CAN YOU REPHRASE THAT AGAIN?
Q WAS ANASTASIA THE ONE THAT HAD THE MOST PROBLEMS
WITH ACCIDENTS?
A YES.
Q OKAY. AND SO ANASTASIA WAS TOLD TO SIT ON A
12 LITTLE -- UM -- TRAINING POTTY, CORRECT?
13 A YES.
\(14 \Omega \operatorname{Q} A N D\) WHEN YOU SAW HER SITTING ON THAT TRAINING POTTY,
15 YOU WANTED TO SIT ON A POTTY AS WELL?
16 A NO.
17 O OKAY. AND SO AT THAT POINT IT WASN'T THAT YOU ASKED
18 MR. DWIGHT TO MAKE YOU A BUCKET WITH A SEAT ON IT SO YOU COULD
19 BE LIKE ANASTASIA?
20 A DIDN'T ASK THAT.
21 Q YOU DIDN'T'ASK THAT?
22 A YES.
23 O OKAY. NOW, THE -- UM -- YOU HAD SAID THAT YOU HAD
24 GONE TO A DOCTOR REGARDING YOUR STOMACH; IS THAT RIGHT?
25 A YES.

Q DO YOU REMEMBER THAT DOCTOR'S NAME?
A YES.
Q WHAT'S THAT DOCTOR'S NAME?
A REED CHRISTOPHER.
Q I'M sORRY?
A REED CHRISTOPHER.
Q REED CHRISTOPHER?
A YES.
Q OKAY. AND YOU SAW THAT DOCTOR AND HE TOLD YOU THAT YOU NEEDED TO DRINK YOUR FOOD, CORRECT?

MS. BLUTH: OBJECTION TO ANYTHING THE DOCTOR SAID, THAT'S HEARSAY.

THE COURT: IS IT OFFERED FOR THE TRUTH OF THE MATTER?
MR. MANN: NO, YOUR HONOR. IT'S OFFERED FOR MEDICAL ADVICE AND WHAT SHE DID BASED ON THAT.

MS. BLUTH: THAT'S -- THEN THAT WOULD BE --
THE COURT: WELL --
MS. BLUTH: -- FOR THE TRUTH, AND IT'S NOT -- THAT'S NOT A HEARSAY EXCEPTION.

THE COURT: WELL, THEN SHE DOESN'T NEED TO TELI HER WHAT -- IF IT'S NOT OFFERED FOR THE TRUTH OF THE MATTER THEN SHE - -

MR. MANN: FIRST OF ALL - -
THE COURT: -- DOESN'T NEED TO TEL工 US WHAT HE SAID.
MR. MANN: FIRST OF AUL, I'M NOT ASKING WHAT HE

1 SPECIFICALLY SAID. I'M ASKING WHAT SHE WAS DIRECTED TO DO --
2 UM -- BASED ON HER -- UM -- MEETING WITH THE DOCTOR.
3 MS. BLUTH: THEN WHAT DID SHE DO NEXT, I THINK WOULAD BE
4 THE - -
THE COURT: YEAH. JUST DON'T ASK WHAT THE DOCTOR TOLD HER .

MR. MANN: OKAY, THAT'S FINE.
AND, YOUR HONOR, JUST FOR THE RECORD, WE GAVE THE PROSECUTION A LOT OF LEEWAY BECAUSE OF THIS TYPE OF WITNESS. I JUST AM TRYING TO GO THROUGH AND -- AND DO THE SAME THING.

THE COURT: WELL, I UNDERSTAND, BUT THE RULES OF EVIDENCE 12 STILL APPLY.

13 MR. MANN: I LNDERSTAND THAT.
14 THE COURT: SO IT'S HEARSAY.

21 CHRISTOPHER, CORRECT?

A YES.
Q OKAY. AND DOCTOR - IS HIS LAST NAME CHRISTOPHER OR REED?

A I DON'T KNOW THE DIFFERENCE, I JUST KNOW IT'S REED
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    1 CHRISTOPHER BECAUSE OF THE REED.
    2 Q OKAY. WOULD YOU CALI HIM DR. REED CHRISTOPHER?
    3 A DR. REED.
    4 Q DR. REED, OKAY.
    WHEN YOU WENT AND SAW DR. REED, HE TALKED ABOUT YOUR
    6 STOMACH ISSUES, RIGHT?
    7 A YES.
    8 Q AND. YOU HAD SIGNIFICANT STOMACH ISSUES, CORRECT?
    9 YOU HAD -- UM -- BIG STOMACH ISSUES?
    10 A YES.
    Q THOSE STOMACH ISSUES INCLUDED YOU NOT BEING ABLE TO
    12 GO TO THE BATHROOM FOR SEVERAL DAYS, RIGHT?
    13 A YES.
    14 Q THAT IT HURT WHILE YOU WENT TO THE BATHROOM?
    15 A YES.
    16 Q THAT EVEN AT TIMES THERE WAS BLOOD IN YOUR STOOL OR
    17 IN THE TOILET AFTER YOU WENT -- HAD A BOWEL MOVEMENT OR A
    18 POOP?
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A YES.
Q AND THAT'S WHY YOU WENT AND SAW DR. REED?
A YES.
Q AND DR. REED GAVE YOU SOME INSTRUCTIONS; IS THAT RIGHT?
A HE DIDN'T GIVE ME INSTRUCTIONS, HE JUST SAID I HAVE CROHN'S DISEASE, AND IT WENT ON FROM THERE.

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1 O OKAY. AND BASED ON DR. REED'S INSTRUCTIONS, YOU 2 WENT HOME AND STARTED TO DRINK YOUR FOOD, AS YOU DESCRIBED IT? 3 A YES.

4 Q ALL RIGHT. UM -- AND THAT WAS IN HOPES OF FIXING 5 YOUR STOMACH?

6 A YES.
7 Q OKAY. NOW - - UM - WHEN YOU DRANK YOUR FOOD, WAS IT
8 THROUGH A STRAW OR DID MISS JANET GIVE YOU A SPOON?
9 A SOMETIMES SHE GAVE US A SPOON IF WE NEEDED IT.
10 Q OKAY. AND BASED ON DR. REED'S - - UM - - DIAGNOSIS,
11 OR HIM MEETING WITH YOU, DID HE GIVE YOU SOME MEDICINE TO
12 TAKE?
13 A ONE TIME.
14 Q ONE TIME?
15 A YES.
16 Q NOW, DO YOU TAKE ANY MEDICINE - UM - FOR WHAT YOU
17 DESCRIBED AS CROHN'S DISEASE?
18 A NO, I \({ }^{1} \mathrm{M}\) NOT TAKING MEDICINE.
19 NOW -- UM -- THERE WAS AN AWARD CHART ON THE FRIDGE;
20 IS THAT RIGHT?

21 A YES.
22 O OKAY. AND THAT AWARD CHART WAS - - UM - - A WAY TO
23 MARK WHEN PEOPLE WERE - WHEN YOUR SISTERS HAD GOOD BEHAVIORS

24 OR BAD BEHAVIOR, CORRECT?
25 A YES.
\(1 \quad Q\) AND -- UM -- WHEN YOU HAD GOOD BEHAVIOR, YOU WERE
2 ABLE TO GET MORE STARS ON THAT CHART, CORRECT?
A YES.
Q AND EVENTUALLY IF YOU HAD SO MANY STARS ON THE CHART, YOU WERE ABLE TO PICK A TOY OUT OF A BOX; IS THAT

6 RIGHT?
7 A YES.
\(8 \quad\) Q AND THERE WAS A TIME WHERE -- UM -- ANASTASIA WAS
9 ABOUT TO PASS YOU ON THAT CHART, CORRECT?
10 A YES.
\(11 \quad \mathrm{Q}\) AND YOU GOT UPSET?
12 A YES.
13 Q AND YOU DID SOMETHING TO ANASTASIA BECAUSE YOU WERE
14 UPSET, CORRECT?
15 A YES.
16 Q YOU ENDED UP TURNING THE WATER ON REALLY HOT ON
17 ANASTASIA, RIGHT?
18 A NO.
19 \(\quad \mathbf{N O}\) ?
20 NOW, YOU WERE ALSO IN CHARGE OF GIVING OUT TOILET
21 PAPER TO YOUR SISTERS; IS THAT RIGHT?
22 A YES.
23 Q AND YOU ENDED UP LOSING THAT RESPONSIBILITY BECAUSE 24 YOU WOULD NOT GIVE ENOUGH TOILET PAPER TO YOUR SISTERS,

25 CORRECT?

11 RESTRICTION?
A YES. TOILET PAPER?

A YES.

A YES.

A YES.

A YES. THE WRONG PERSON.

A NO.

A NO.

Q EVEN THOUGH YOUR SISTERS ASKED YOU TO GIVE MORE

Q NOW, WHILE YOU WERE YOU AT BOARDING SCHOOL IN FLORIDA, YOU WERE PUT ON RESTRICTION, CORRECT?

Q YOU GOT ENOUGH DEMERITS TO PUT YOU ON RESTRICTION?

Q UM - AND DO YOU KNOW WHY YOU WERE PUT ON

Q WHY DID YOU GET DEMERITS?
A BECAUSE I WAS MAD AT SOMEONE, SO I TOOK IT OUT ON

Q OKAY. WERE THERE OTHER TIMES BESIDES THEN?
\(Q\) THAT ONE OF THOSE TIMES THAT YOU WERE PUT ON
RESTRICTION -- UM -- IT WAS DURING YOUR BIRTHDAY, CORRECT?

Q DO YOU REMEMBER TALKING TO -- UM -- MISS EBRIHAM
ABOUT YOUR BIRTHDAY?
MS. BLUTH: JUDGE, I'M GOING TO OBJECT AS TO RELEVANCE AND OUTSIDE THE SCOPE.

THE COURT: WHAT'S THE RELEVANCE?

MR. MANN: WELL, YOUR HONOR, I'M GETTING INTO HER - -
2 UM - - FIRST OF ALL, HER STATEMENT, HER ORIGINAL STATEMENT TO
3 MISS EBRIHAM, WHICH WAS THE CPS INTAKE OFFICER -- UH - - THAT
4 TOOK HER ORIGINAL STATEMENT, SHE HAD - - UM - - ALSO IT GOES TO
5 THE -- UM -- WORDS ESCAPE ME.
6 THE COURT: IT WHAT, I'M SORRY?
7 MR. MANN: I'M SORRY, BUT I'M HAVING A BLANK. I
APOLOGTZE. UM -- IT GOES TO HER CREDIBILITY - UM - - AND --
9 UM -- DIFFERENT THINGS REGARDING -- UM -- WHY SHE MAY BE LESS
10 THAN TRUTHFUL.
THE COURT: MISS BLUTH?
MS. BLUTH: I'D JUST ASK FOR AN OFFER OF PROOF, BECAUSE I DON'T - - I'VE READ BOTH STATEMENTS AND I DON'T KNOW WHERE

14 THAT'S COMING FROM.
THE COURT: OKAY.
MR. MANN: YOUR HONOR, I ACTUALLY APOLOGIZE. I ACTUALLY
17 MIXED UP -- UH -- ONE OF THE SISTERS.
THE COURT: OKAY. YOU CAN MOVE ON.
BY MR. MANN :
Q NOW, REGARDING THE ISSUE OF YOU GOING TO THE
21 BATHROOM. DID YOUR PARENTS, MISS DWIGHT -- I'M SORRY, 22 MR. DWIGHT AND MISS JANET, SAY THAT YOUR BIGGEST PROBLEM

23 REGARDING GOING TO THE BATHROOM WAS YOU WOULDN'T OPEN UP YOUR
24 MOUTH AND SAY THAT YOU HAD TO GO?
A - YES.
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Q AND - UM -- THAT IF YOU WOULD HAVE OPENED YOUR MOUTH AND SAID YOU HAD TO GO, THEY WOULD LET YOU GO, CORRECT?
A CAN'T REMEMBER.
9 OKAY. NOW, BEFORE YOU WENT TO DR. REED, AND WERE GIVEN THE BLENDED FOOD, YOU WOULD EAT ALL SORTS OF FOODS, CORRECT?
7 A YES.
Q YOU WOULD EAT MCDONALD'S?
A YES.
Q AND ALL OTHER TYPES OF FOOD, CORRECT?
A YES.
Q AND IT WAS AFTER YOUR MEETING WITH DR. REED THAT YOU STARTED EATING THE BLENDED FOOD?
A YES.
Q NOW, YOU WOULD GO TO THE DOCTOR AT LEAST FOUR TIMES 16 A YEAR, RIGHT?
17 A DON'T KNOW.
18 O OKAY. DO YOU REMEMBER GOING TO ANY DOCTORS OTHER 19 THAN DR. REED?
20 A YES.
21 Q UM -- DO YOU REMEMBER. THOSE DOCTORS' NAMES?

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22
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24
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A YES.
\(\mathbf{8}\) CAN YOU GIVE ME SOME OF THOSE DOCTORS \({ }^{1}\) NAMES?
A DR. BERNSTEIN.
\(Q\) AND WHAT WAS DR. BERNSTEIN FOR?
\(8 \quad \mathbf{Q}\) OKAY. WHO ELSE WOULD YOU SEE?
A HEMATOLOGIST?

A NO. YOU?

A CHECKING WHAT WAS CAUSING ME TO HAVE BLOOD IN MY OTHER DOCTORS.
\(Q\) DID YOU SEE A DR. SHAWFER (PHONETIC)?
A CAN'T REMEMBER.
MS. BLUTH: CAN I ASK THE SPELLING OF THAT, MR. MANN, PLEASE?

MR. MANN: I'M ASSUMING IT'S S-H-A-W-F-E-R. UH -- I DON'T KNOW THE EXACT SPELLING. I DON'T KNOW THE EXACT SPELLING.

MS. BLUTH: COULD YOU GIVE ME THE SPELIING?
MR. MANN: I DON'T KNOW THE EXACT SPELLING.
Q NOW, WHEN - UM - Y YOU WERE HAVING THESE PROBLEMS WITH NOT BEING ABLE TO GO TO THE BATHROOM, NOT BEING ABLE TO POOP, AND YOU SAW DR. REED AND THEN DR. BERNSTEIN. DID YOU EXPLAIN TO MISS JANET WHY -- WHAT YOU THOUGHT THE CAUSE OF THIS WAS?

A I CAN'T REMEMBER.

Q OKAY. AND HEMATOLOGY, DO YOU KNOW WHAT THAT MEANS?

Q OKAY. WHAT DO YOU THINK DR. BERNSTEIN WAS DOING FOR

A DON'T KNOW THE REST. I DON'T EVEN KNOW IF I HAD ANY

1 Q DID YOU TELL MISS JANET THAT - UM - YOU THOUGHT IT WAS BECAUSE YOUR FIRST FOSTER FATHER HAD PUT HIS FINGER INSIDE 3 YOUR BUTT?

4 A NO.
\(5 \quad \mathrm{Q} \quad \mathrm{NO}\) ?
6 NOW, DO YOU REMEMBER MEETING WITH A DOCTOR AND
7 TELLING THAT DOCTOR THAT YOUR MOTHER'S BOYFRIEND MOLESTED YOU?
A YES.
Q OKAY. AND DO YOU REMEMBER TELLING MISS JANET WHY YOU HAD TOLD THE DOCTOR THAT?

A \(\quad\) NO.
\(Q \quad\) DID YOU TELL MISS JANET THAT YOU DIDN'T WANT THAT
13 BOYFRIEND TO BE YOUR NEW DAD?
14 A NO.
15 Q DO YOU KNON IF ANY OF YOUR SISTERS SAID ANYTHING
16 LIKE THAT?
17 A YES.
18 Q WHICH SISTER?
19 A AMAYA.

20
21
22

25

MR. MANN: NO.
MS. BLUTH: I'D ASK FOR AN OFFER OF PROOF OF WHAT IT'S

1 OFFERED FOR THEN.
2 THE COURT: OKAY.
3 MR. MANN: YOUR HONOR, I'LL REPHRASE A DIFFERENT

4 QUESTION.
5 THE COURT: ALL RIGHT.

6 BY MR. MANN :
7 Q UM - WHEN YOU HEARD AMAYA TELL THIS STORY ABOUT
8 YOUR BIRTH MOM'S BOYFRIEND, DO YOU KNOW WHY SHE WAS TELLING
9 THIS STORY?
10 A CAN YOU REPHRASE THAT AGAIN, BIRTH MOM'S BOYFRIEND.
11 Q YES. THANK YOU.

MS. BLUTH: OBJECTION, SPECULATION.
THE COURT: SUSTAINED.
MR. MANN: I'M ASKING HER IF SHE KNOWS WHY.
THE COURT: SUSTAINED.

BY MR. MANN :
Q WHEN - - WOULD AMAYA MAKE UP STORIES LIKE THAT?
A SOMETIMES.
Q OKAY. WOULD YOU MAKE UP STORIES LIKE THAT?
A SOMETIMES.
Q SOMETIMES?
AND WHEN YOU WOULD MAKE UP STORIES LIKE THAT, THAT
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WAS TO GET SOMETHING THAT YOU WANTED, CORRECT?
A NO.
Q WHY WOULD YOU MAKE UP STORIES LIKE THAT?
A I WAS JUST COPYING MY SISTER.
Q OKAY. AND WAS IT AMAYA TELLING YOU WHAT TO DO?
A NO.
@ BUT YOU WANTED TO COPY AMAYA?
A YES.
Q EVEN THOUGH YOU KNEW WHAT SHE WAS DOING WAS NOT
TRUE?
A YES.
Q NOW, DO YOU REMEMBER A TIME WHERE AMAYA FAKED A
SEIZURE?
A YES.
Q AND MR. DNIGHT BELIEVED THAT SHE WAS HAVING A
SEIZURE?
A YES.
Q AND YOU HELPED MR. DWIGHT BELIEVE THAT AMAYA WAS
19 HAVING A SEIZURE?
20 A NO.
21 Q YOU DIDN'T HELP?
22 A NO, I DIDN'T HELP.
23 \& OKAY. AND IT WAS AMAYA THAT CONVINCED MR. DWIGHT TO
24 TAKE HER TO THE HOSPITAL?
25 A YES.

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Q EVEN THOUGH SHE WASN'T HAVING A SEIZURE?
A YES.
Q AND MR. DWIGHT HAD TO CALL 9-1-1?
A YES.
Q AND THE AMBULANCE CAME AND TOOK HER?
A YES.
Q EVEN THOUGH SHE WAS NOT HAVING A SEIZURE?
A YES.
Q AND THIS WAS AMAYA TRYING TO PLAY A JOKE?
A YES.
Q NOW, YOU HAD A NANNY THAT WORKED FOR MISS JANET AND
MR. DWIGHT THAT ONLY WORKED FOR A WEEK, CORRECT?
A WHICH PARTICULAR ONE ARE YOU TALKING ABOUT?
Q MISS JAN?
A YES.
Q MISS -- OR, I'M SORRY, MISS BECCA?
A YES.
Q AND MISS BECCA QUIT AFTER ONE WEEK, CORRECT?
A DON'T KNOW IF IT WAS ONE WEEK.
Q AFTER A SHORT PERIOD OF TIME?
A YES.
Q ALL RIGHT. AND SHE QUIT BECAUSE YOU WOULD GO INTO HER ROOM AND STEAL ITEMS FROM HER, CORRECT?

A NO, I DID NOT STEAL ITEMS.
Q YOU WOULD TAKE ITEMS OUT OF THE ROOM?

17 INDIVIDUALS.
THE COURT: THESE THREE - OH, THE THREE DEFENDANTS.
MS. BLUTH: RIGHT. AND IT HAS NO BEARING ON PROBABLE CAUSE. IT'S A PROBABLE CAUSE HEARING.

THE COURT: YEAH. I GUESS THAT'S WHAT I'M TRYING TO FIGURE OUT, IS WHAT \(\ldots\) WHAT DOES IT HAVE TO DO WITH THESE ALLEGATIONS?

MR. MANN: FIRST OF ALL, YOUR HONOR --
THE COURT: OR PC?

2 WEIGH CREDIBILITY. SO THAT DEFINITELY COMES INTO PLAY TO YOUR ANALYSIS FOR PROBABLE CAUSE. NOW, IT MAY BE SLIGHT OR MARGINAL EVIDENCE, BUT THAT'S DEFINITEEY AN ELEMENT THAT YOU NEED TO WEIGH AS TO PROBABLE CAUSE.

IF SOMEONE'S COMPLETELY UNCREDIBLE IN GIVING A STATEMENT', NO MATTER WHAT STATEMENT THEY MAKE, YOUR HONOR IS NOT GOING TO FIND PROBABLE CAUSE BECAUSE THEY'RE COMPLETELY UNCREDIBLE.

THE COURT: MISS BLUTH?
MS. BLUTH: THERE'S NOT -- CREDIBILITY IS NOT SOMETHING THAT IS TO BE DECIDED BY THE JUSTICE OF THE PEACE AT PRELIMINARY HEARING.

MR. MANN: IT NEEDS TO BE TAKEN INTO CONSIDERATION WHEN DECIDING PROBABLE CAUSE.

THE COURT: I AGREE WITH, FRANKLY, BOTH OF YOU.
MS. BLUTH: BUT THE LAW SAYS WHAT I SAY.
THE COURT: THE LAW DOES SAY THAT THE J.P. IS NOT TO CONSIDER CREDIBILITY, THAT IT'S LEFT FOR THE JURY AT TRIAL. THE SUPREME COURT SAYS --

MR. MANN: YOUR HONOR, IF A WITNESS WHO'S TESTIFYING DURING PROBABLE CAUSE -- LET'S ACTUALLY JUST TAKE IT OUT OF THE PRELIMINARY HEARING --

THE COURT: I DON'T DISAGREE WITH YOU, YOU'RE SINGING TO THE CHOIR.

MR. MANN: OKAY.

7 ALLOWED TO CONSIDER CREDIBILITY OF A WITNESS WHATSOEVER IN
8 DECIDING IF THERE'S PROBABLE CAUSE. I APOLOGIZE FOR MY

9 IGNORANCE.
THE COURT: YOU NEED TO STATE --
MR. MANN: UM - - I DON'T - - I DON'T KNOW WHAT LAW -THE COURT: -- SING TO THE CHOIR UP NORTH.

MR. MANN: I DON'T KNOW• WHAT LAW YOU'RE REFERRING TO, AND
MAYBE THAT'S MY IGNORANCE. BUT - - UM -- I DON'T REMEMBER
SOMETHING ON POINT SPECIFIC TO -- UM -- THAT A J.P. IS NOT

THE COURT: OKAY.
MR. RUE: JUDGE, CAN WE APPROACH?
THE COURT: SURE. WE'RE GOING TO TAKE A SHORT RE --
WE \({ }^{1 R E}\) GOING TO TAKE A LUNCH RECESS ANYWAY, SHORTLY.
MR. RUE: THAT'S WHAT I'M ASKING FOR.
THE COURT: OH.
(WHEREUPON ALL COUNSEL APPROACHED THE BENCH.)
THE COURT: OKAY. I DON'T KNOW WHAT HAPPENED HERE. OH, ORAY. FOR THE RECORD, MY JAVS WENT OFF, BUT WE'RE ABOUT TO TAKE A RECESS ANYWAY.

SO I KNOW, MR. MANN, YOU'RE KIND OF IN THE MIDDLE OF CROSS-EXAMINATION, BUT THE COURT REALLY DOES NEED TO TAKE A RECESS .

MR. MANN: FINE, YOUR HONOR.
THE COURT: AND I'M INFORMED A COUPLE OTHER PEOPLE NEED TO TAKE A RECESS.

MR. RUE: THANK YOU, YOUR HONOR.
THE COURT: UM - - AND MISS AVA'S BEEN ON THE STAND FOR QUITE A WHILE. SO WE'RE GOING TO TAKE OUR LUNCH RECESS, AND WE'RE GOING TO RESUME AT 1 O'CLOCK, IT'S 12:30.

MR. RUE: THANK YOU, YOUR HONOR.
MR. MANN : THANK YOU, YOUR HONOR.
THE COURT: ALL RIGHT?
MS. BLUTH: YEAH.
THE COURT: MISS AVA, YOU'RE NOT SUPPOSE -- HELLO, CAN I SEE YOU? CAN I SEE YOUR FACE? IT'S OKAY. JUST DON'T TALK TO ANYBODY ABOUT YOUR CASE -- ABOUT THE CASE OR YOUR TESTIMONY WHILE YOU'RE ON BREAK, OKAY? YOU CAN TALK ABOUT ANYTHING ELSE, THE WEATHER OUTSIDE, OR HOW YOUR LUNCH IS OR WHATEVER, BUT JUST DON'T TALK TO ANYBODY ABOUT YOUR CASE, OKAY, BECAUSE YOU'RE STILL TESTIFYING, OKAY?

THE WITNESS: OKAY.
THE COURT: ALL RIGHT, THANK YOU.
(WHEREUPON THE LUNCH RECESS WAS TAKEN.)
THE COURT: ALL RIGHT, WE'RE BACK IN SESSION. I WAS TOLD ON THE BREAK, FYI, THAT JAVS WAS PROBABLY NOT WORKING.

UNIDENTIFIED WOMAN: OH, AWESOME.
MS. BLUTH: OH, NO.
MR. PETERSEN: IT WAS DEFINITELY NOT WORKING.
THE COURT: OH, OKAY. SO I WAS TRYING TO --
MS. BLUTH: IS IT GOING TO BE WORKING FROM THIS POINT

2 THE COURT: THAT'S WHY I HAVE --

4 POWER POINT.

6 IT'S WORKING AS MUCH AS JORDAN HAS COME IN. I HAVE TOLD MISS
7 REESA AND MYSELF, NEITHER ONE OF US WILL TOUCH - - TOUCH IT AT
8 ALL. AND IF HE -- HE THINKS HE HAS IT WORKING NOW, AND
9 NOBODY's GOING TO TOUCH ANYTHING.
MS. BLUTH: OKAY.
THE COURT: ALL RIGHT.
ALI RIGHT. MISS AVA, YOU REALIZE YOU'RE STILL UNDER
13 OATH, RIGHT, TO TELL THE TRUTH? REMEMBER WHEN YOU SWORE TO
14 TELL THE TRUTH?
15 THE WITNESS: YES, MA'AM.
16 THE COURT: YOU REALIZE YOU STILL SWEAR TO TELL THE
17 TRUTH, RIGHT?
18 THE WITNESS: YES, MA'AM.
19 THE COURT: OKAY. ALL RIGHT.

Y YES.
Q OKAY. THAT YOU HAD SAID THAT MISS JANET HAD SLAMMED

25

A SHE HAD SLAMMED THE SIDE OF MY HEAD, LIKE RIGHT -SHE HAD SLAMMED THIS PART.

Q OKAY. AND YOU'RE TOUCHING YOUR RIGHT SIDE OF YOUR -- THE RIGHT SIDE OF YOUR FACE, CORRECT?

A YES.
Q OKAY. AND - UM - THAT WHEN THAT HAPPENED - - UM - THAT YOU SAID SHE DID IT BECAUSE SHE WAS ANGRY AT YOU?

A I HAD AN ACCIDENT SO I MADE HER UPSET.
Q THAT MADE HER UPSET?
A YES.
\(Q\) WHEN WAS THIS?
A DON'T KNOW THE EXACT DATE OR TIME.
Q YOU SAID IT WAS CLOSE TO YOU GOING TO FLORIDA, IS THAT CORRECT?

A NO.
\(Q \quad\) NO.
WIFEN WAS IT, TIME WISE?
A IT WAS CLOSE AROUND ME GOING TO A DOCTOR'S APPOINTMENT.

Q OKAY. WHAT DOCTOR WAS THAT?
A CAN'T REMEMBER.
Q OKAY. DO YOU REMEMBER WHAT YEAR IT WAS?
A TWO THOUSAND -- 2012.
Q TWO-THOUSAND-TWELVE.
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A WAIT. IT WAS ACTUALLY 2013.
Q TWO-THOUSAND-THIRTEEN?
A YES.
Q TOWARDS THE END OF 2013?
A I CAN'T REMEMBER.
$Q \quad$ OKAY. WAS IT IN THE FALL?
A I DON'T KNOW.
$\mathbf{Q}$ OKAY. DÓ YOU REMEMBER IF IT WAS WARM OR COLD
OUTSIDE?
A I DON'T KNOW.
9 OKAY. NOW -- UM -- WHERE IN YOUR HOUSE -- WELL,
12 LET'S START THIS, WHICH HOUSE DID THIS OCCUR AT?
13 A WAKASHAN.
14 Q OKAY. AT WAKASHAN.
15 AND WHERE IN THE HOUSE WAS IT?

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18
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A THE MARBLE COUNTER.
Q THE MARBLE COUNTER?
A YES.
0 AND IS THAT THE COUNTER THAT THE SINK IS ATTACHED
TO?
A NO, IT WAS JUST A COUNTER WHERE WE DID OUR HOMEWORK.
Q OKAY. UM -- WERE YOU SITTING AT THE COUNTER?

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    1 STANDING? SOMETHING ELSE?
    2 A. STANDING.
    3 Q YOU WERE STANDING AT THE COUNTER?
    A WELL, I WAS SITTING DOWN DOING MY HOMEWORK, AND THEN
    I HAD AN ACCIDENT, I WAS -- I WAS STANDING.
    Q YOU WERE STANDING?
    A SO MY HEAD WAS BEING SLAMMED INTO THE COUNTER.
    Q OKAY. AND YOU'RE SAYING THAT MISS JANET SLAMMED
    YOUR HEAD IN THE COUNTER?
    A YES.
    Q AND WHAT PART OF YOUR HEAD HIT THE COUNTER?
    A FACE
    Q YOUR FACE?
    A RIGHT.
    Q THE RIGHT SIDE OF YOUR FACE?
    A YES.
    Q WHAT PART OF YOUR FACE?
    A MY EYE.
    Q YOUR EYE?
    A YES.
    Q UM -- DO YOU MIND MOVING THE HAIR OUT OF YOUR EYE SO
    22 I CAN TAKE A LOOK? THANK YOU.
24 RIGHT EYE; IS THAT CORRECT?
2 5

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    A YES.
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\(\mathbf{Q} \quad\) OKAY. AND -- UM -- DID YOU BLEED?
A NO.
Q OKAY. DID YOU BRUISE?
A YES.
Q HOW BIG WAS THE BRUISE?
A DON'T KNOW.
Q WAS IT ALL OVER YOUR WHOLE RIGHT SIDE OF YOUR FACE?
A NO.
Q WAS IT JUST AROUND THE EYE? WAS THERE BARELY
ANYTHING?
A I WOULD SAY AROUND MY EYE.
Q OKAY. DID YOU TAKE A PICTURE?
A NO, I COULDN'T TAKE A PICTURE.
Q OKAY. BUT YOU SAID YOU SAW THE DOCTOR AFTER THIS?
A YES, \(A\) COUPLE WEEKS LATER.
\(Q\) OKAY. AND WHEN YOU SAW THE DOCTOR, DID HE SEE YOUR
EYE?
A NO, IT WAS CLEARED UP.
Q SO A COUPLE WEEKS LATER YOUR EYE WAS CLEARED UP?
A YES.
Q CAN YOU SEE OUT OF YOUR EYE OKAY?
A YES.
Q OKAY. AND - - UM -- DID YOU NEED ANY STITCHES OR ANY MEDICAL ATTENTION TO YOUR -- SIDE OF YOUR FACE?

A I DIDN'T NEED ANY STITCHES, BUT I DON'T KNOW WHAT

YOU MEAN BY MEDICAL ATTENTION.
2 Q OKAY. DID YOU HAVE TO SEE A DOCTOR OR NURSE OR ANYTHING LIKE THAT TO HELP YOU WITH THE SIDE OF YOUR FACE THAT WAS HIT?

A NO.
Q OKAY. AND THEN YOU SAID A COUPLE WEEKS LATER IT CLEARED UP; IS THAT CORRECT?

A A COUPLE WEEKS LATER I WENT TO THE DOCTOR AND IT WAS CLE - BY THEN IT WAS ALREADY CLEARED UP, SO NO ONE - NO - NO ONE KNEW THAT I -- THAT HAPPENED.

Q OKAY. SO IT WAS CLEARED UP BEFORE YOU WENT TO THE 12 DOCTOR A COUPLE WEEKS LATER?

13 A YES.
14 Q OKAY. NOW - - UM - WHEN YOU WENT - - UM - - TO
15 FLORIDA, DID YOU HAVE TO GET ANY SORT OF - - UM - - PREPARATION
16 TO GO TO FLORIDA?
17 A IT'S HARD TO REMEMBER, IS GET A PHYSICAL.
18 Q YOU HAD TO GET A PHYSICAL.
19 DO YOU REMEMBER WHEN THAT WAS?

20
21

25

A NO.
Q OKAY. DO YOU REMEMBER WHAT DOCTOR YOU SAW?
A NO.
Q UM - WHO TOOK YOU TO GET YOUR PHYSICAL?
A MISS JANET.
Q OKAY.

AND WHEN YOU GOT YOUR PHYSICAL, DID THEY CHECK YOUR WHOLE BODY?

A NOT - - NOT WHOLE BODY, BUT THEY CHECKED WHAT THEY NEEDED TO CHECK.

Q OKAY. THEY LOOKED AT YOUR ARMS?
A YES.
Q THEY LOOKED AT YOUR LEGS?
A YES.
Q THEY LOOKED AT YOUR STOMACH?
A YES.
Q THEY LOOKED AT YOUR BACK?
A YES.
Q DID THEY LOOK AT YOUR BUTT?
A NO.
Q OKAY. DID THEY LOOK AT YOUR PRIVATES?

A NO.
Q OKAY. DID THEY LOOK AT YOUR FACE?
A I HAD TO GET AN EYE CHECKED ON, OR WHATEVER IT IS.
Q OKAY. WHEN THEY LOOKED AT YOUR BODY, DID THEY RUN TESTS ON YOU? DID THEY TAKE BLOOD FROM YOU?

A I GOT SOME KIND OF A SHOT, BUT I CAN'T REMEMBER WHAT IT WAS FOR.

Q OKAY. NOW, HOW SOON EEFORE YOU WENT TO FLORIDA DID YOU HAVE THIS PHYSICAL?

A I DON'T KNOW.

A NO.
Q A YEAR?

CORRECT?

A YES. ON A PLANE.

A YES.

A YES.

Q OKAY.

Q A WEEK? A MONTH?

A I WOULD SAY LIKE A COUPLE WEEKS.
Q COUPLE WEEKS?
AND YOU WENT TO FLORIDA IN NOVEMBER OF 2013; IS THAT

Q OKAY. AND YOU'RE SAYING A COUPLE WEEKS BEFORE YOU
LEFT YOU HAD YOUR PHYSICAL?

Q AND DID ANYTHING, THAT YOU KNOW OF, COME UP IN THE PHYSICAL THAT CAUSED ANYONE ANY CONCERN?

A I DON'T KNOW.
Q OKAY. AND -- UM -- WHEN YOU ARRIVED IN FLORIDA -HOW DID YOU GET TO FLORIDA, LET'S START THERE.

A UH -- MISS JANET TOOK US TO THE AIRPORT AND WE WENT

Q DID YOU GO ON A PLANE WITH MISS JANET?

Q OKAY. AND YOU FLEW TO FLORIDA?

Q WHEN YOU ARRIVED IN FLORIDA, THEN WHAT HAPPENED?
A WE DROVE TO THE GIRLS HOME.

A AND --
Q AND YOU SAID THAT WAS MARVELOUS GRACE GIRL ACADEMY?
A MARVELOUS GRACE GIRLS ACADEMY.
Q OKAY. AND YOU ARRIVED THERE, WHAT HAPPENED?
A THEN THEY SHOWED US AROUND.
Q SHOWED YOU WHAT?
A THEY SHOWED US AROUND --
Q OKAY.
A -- THE HOME AND SHOWED US WHERE WE WOULD BE AND WE ATE, AND THEN THEY LEFT --

Q OKAY.
A -- AFTER.
Q WHEN YOU SAY "THEY LEFT", DO YOU INCLUDE MR. DWIGHT IN THAT?

A YES, HE WAS THERE, TOO.
Q OKAY. AND -- UM -- HOW BIG WAS THE HOME?
A THERE WAS A COUPLE, NOT HOMES, BUT THERE WAS A COUPEE BUILDINGS, SO...

Q OKAY. HOW MANY GIRLS?
MS. BLUTH: OBJECTION, RELEVANCE.
THE WITNESS: I DON'T KNOW.
THE COURT: HOLD ON.
WHAT'S THE RELEVANCE?
MR. MANN: YOUR HONOR, THE RELEVANCE GOES TO THE TIME OF HER INITIAL DISCLOSURE. I'M TRYING TO SET THE SCENE AND IT
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    TALKS ABOUT THE WHOLE -- THE WHOLE STORY, RES GESTAE, OF
    EVERYTHING THAT HAPPENED.
    I MEAN, PART OF WHAT THEY 'RE ALLEGTNG IS THAT THEY WERE
    SENT TO THE HOME TO AVOID SOME OF THIS THAT'S - - THAT'S
        OCCURRING. AND SO I AM JUST TRYING TO GET AN UNDERSTANDING OF
    THE DETAILS.
    ```
    7 THE COURT: TO AVOID THE ALLEGATIONS IN THE COMPLAINT?
    MR. MANN: TO AVOID THE -- UM -- WELL, THAT'S WHAT MY
    UNDERSTANDING THAT THE STATE IS -- UM -- THEY HAVEN'T ALLEGED
    10 IT SPPCIFICALLY, BUT I BELIEVE THAT'S ONE OF THEIR THEORIES OF
    11 THEIR CASE.

THE COURT: WELL, IT MIGHT GO TO TIMELINESS OF
13 DISCLOSURE, BUT I DON'T KNOW THAT THE NUMBER OF GIRLS THAT
14 LIVE IN THE BOARDING HOUSE, OR WHATEVER IT IS, HAVE ANYTHING 15 TO DO WITH IT .-

MR. MANN: YOUR HONOR, AND ALSO --
THE COURT: -- FOR PROBABLE CAUSE.
MR. MANN: THERE'S ALSO A DISTANCE OF TIME BETWEEN I'HEM BEING IN THE CARE AND CUSTODY OF MY CLIENTS, AND WHEN THEY'RE BEING CHECKED FOR INJURIES AND THINGS LIKE THAT.

AND SO TO SAY THAT THERE'S A CONTINUUM WHERE IT'S MY CLIENT THAT CAUSED THESE INJURIES, BUT YET THERE'S A BIG SPACE IN TIME, I THINK WE NEED TO SET THE SCENE \(A S\) TO THAT SPACE IN TIME REGARDING --

THE COURT: OKAY. WELL JUST GET TO THE TIMEFRAME THEN.

MR. MANN: WELE, I THINK SETTING THE SCENE REGARDENG WHERE SHE WAS STAYING, HOW IT WAS, THINGS LIKE THAT, ARE RELEVANT TO JUST THAT.

THE COURT: WHICH -- WHICH INJURIES ARE YOU TALKING ABOUT, THE SCARS ON HER BOTTOM? BECAUSE OTHER THAN THAT - - I MEAN, OTHER THAN THAT, SHE TALKED ABOUT THE EYE, THAT THAT WAS GONE IN A COUPLE WEEKS OR SHORTER THAN A COUPLE WEEKS, SO WHAT OTHER INJURIES DO YOU NEED TO SET THE TIME - - THE STAGE FOR?

MR. MANN: THE SCARS ON HER BOTTOM.
THE COURT: RIGHT.
MR. MANN: THE - - THE INJURIES - - UM - - REGARDING HER
HEAD. UM - - THE --
THE COURT: THE SAME ONE WE'RE TALKING ABOUT WHERE SHE SAID HER EYE WAS INJURED?

MR. MANN: YEAH.
THE COURT: OKAY. I DIDN'T KNOW THAT WE'RE - - OKAY. I DIDN'T KNOW THAT THERE WAS --

MR. MANN: YOUR HONOR, JUST TO BE CLEAR.
TEE COURT: -- ONGOING INJURIES ON HER.
MR. MANN: WE HAVEN'T ESTABLISHED A STRONG TIMEFRAME. WHEN ASKED ABOUT TIME, WE GET A LOT OF I DON'T KNOWS. SO, I THINK IT'S RELEVANT TO TALK ABOUT WHAT HAPPENED AT THAT FLORIDA SCHOOL, SO THAT WE HAVE A BETTER UNDERSTANDING OF -FROM BEGINNING TO END WHAT WAS GOING ON.

THE COURT: WELL, THIS IS NOT A BEGINNING TO THE END

2 MR. MANN: I UNDERSTAND THAT.

THE COURT: OKAY. SO -- SO MOVE ALONG ON TIMEFRAME. I DON'T NEED TO KNOW WHAT COLOR THE SHEETS WERE.

MR. MANN: AND I'M NOT ASKING THAT.
MR. RUE: IT'S NOT RELEVANT TO PROBABLE CAUSE.
MR. MANN: YOUR HONOR, ALL I ASKED WAS HOW MANY GIRLS WERE AT THE SCHOOL.

THE COURT: I UNDERSTAND. SO THAT'S SUSTAINED.

\section*{BY MR. MANN:}

Q SO HOW LONG WERE YOU AT THE FLORIDA SCHOOL?
A AROUND MAYBE FOUR MONTHS.
2 OKAY. WHILE HERE, DID YOU EVER GET INJURED?
A NO.
9 DID YOU EVER HAVE A COMPLAINT WHERE YOU HAD TO SEE the nurse?

A NO.
\(\mathbf{Q}\) WAS THERE A NURSE?
A NO.
Q DID YOU EVER SEE A DOCTOR?
A NO. THERE, NO.
Q SO WHILE YOU WERE THERE FOR FOUR MONTHS YOU WERE NEVER TAKEN TO THE DOCTOR?

A YES, YOU'RE CORRECT.
Q OKAY. UM -- AND THE PEOPLE THAT RIJN THE FLORIDA
5 A THERE'S OTHER STAFF.
6 Q AND -- UM - HOW MANY OTHER STAFF?
7 A AROUND FIVE OR SEVEN.
8 O OKAY. ALL RIGHT.
10 A YES.

25 WERE, YOU SAID, DUMPED WITH BUCKETS OF ICE; IS THAT RIGHT?

A YES.
Q DO YOU KNON WHEN THAT HAPPENED?
A I GOT IN TROUBLE AND I HAD AN ACCIDENT.
Q OKAY. AND SO YOU WERE GIVEN AN ICE SHOWER BECAUSE
YOU HAD AN ACCIDENT?

A I GOT A BUCKET OF ICE WATER DUMPED ON ME BECAUSE I HAD AN ACCIDENT.

Q OKAY. WHAT WAS THE - - WHAT COLOR WAS THE BUCKET?
A CLEAR.
\(Q \quad\) CLEAR? AND -- UM -- WHERE DID -- WHO -- WHO DUMPED THE ICC

\section*{ON YOU?}

A THE ONLY PERSON I CAN REMEMBER IS MISS JANET.
Q OKAY.
MR. RUE: WHAT DID YOU SAY?
THE WITNESS: THE ONLY PERSON I CAN REMEMBER WAS
MISS JANET.
THE COURT: OKAY, THANK YOU.

\section*{BY MR. MANN :}

Q AND WHEN YOU GOT THIS -- THE ICE DUMPED ON YOU, WHERE DID SHE GET THE ICE FROM?

A DOWNSTAIRS IN THE FREEZER.
Q IN THE WHAT?
A IN THE FREEZER.
Q OKAY. AND WHEN YOU WENT -- AND WHILE YOU WERE

LIVING AT MISS JANET'S AND MR. DWIGHT'S HOUSE, YOU WERE GIVEN SPECIFIC TOWELS TO USE, CORRECT? EACH GIRL HAD A DIFFERENT COLOR TOWEL?

A YES.
5 Q OKAY. AND SO YOU NERE TOLD TO USE THESE TOWELS; IS THAT RIGHT?

7 A WHAT - WHICH HOME ARE YOU TALKING ABOUT?
Q UM -- WAKASHAN.
A WELL, WE WEREN'T TOLD TO USE THOSE SPECIFIC TOWELS.
10 WE HAD TO USE.
11 Q I'M SORRY?
12

13 SPECIFIC TOWEL.
14 Q BUT YOU KNEW THAT WAS YOUR TOWEL?
15 A YES.
16 Q OKAY. WHAT COLOR WAS YOUR TOWEL?

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A WE WEREN'T TOLD - NO ONE TOLD US YOU NEED TO USE A

A BLUE.
Q OKAY. AND SO YOU HAD A BLUE TOWEL TO USE TO DRY OFF AFTER SHOWERS?

A YES.
Q AND THEN YOU WERE RESPONSIBLE FOR HANGING THAT TOWEL UP?

A YES.
Q AND KEEPING THAT TOWEL CLEAN?
A YES.
\(1 \quad \mathrm{Q}\) OKAY. AND WHEN YOU WERE -- WHEN YOU WERE LIVING 2 WITH MISS JANET AND MR. DWIGHT AS A FOSTER CHILD, DID YOU LIKE 3 IT THERE?

4 A NO.
5 Q OKAY. WHY DIDN'T YOU LIKE IT THERE?
\(8 \quad Q \quad\) OKAY. DID YOU WANT TO BE ADOPTED BY MISS JANET?
9 A NO.
\(10 \quad \mathbf{Q}\) DID YOU EVER TELL ANYONE YOU DIDN'T WANT TO BE
11 ADOPTED BY MISS JANET?
A TOLD MY SISTERS.
Q OKAY. AND SO WHEN YOU WERE ADOPTED BY MISS JANET
14 YOU WERE UPSET, CORRECT?

A YES. I WAS UPSET, BUT I NEVER SHOWED IT.
Q I'M SORRY, I DIDN'T HEAR THE LAST PART.
A I WAS UPSET ON THE INSIDE, BUT NO ONE -- I NEVER 8 SHOWED IT SO NO ONE WOULD REALLY KNOW, EXCEPT FOR MY SISTERS.

19 Q AND ACCORDING TO YOUR STATEMENTS TO MISS EBRIHAM, 20 WHEN YOU WERE A FOSTER CHILD, YOU'RE SAYING THAT NONE OF THESE THINGS HAPPENED TO YOU AS A FOSTER CHILD, CORRECT?

A YES.
Q OKAY. AND YOU'RE NOW SAYING THAT WHEN YOU WERE ADOPTED, THAT'S WHEN ALL THESE THINGS SUPPOSABLY HAPPENED, CORRECT?

13 HONOR.
A YES.

MISS JANET --

RELEVANCE?

ARGUMENTATIVE.

Q OKAY. AND YOU'RE SAYING THAT -- YOU ALSO TOLD MISS EBRIHAM THAT WHEN YOU WERE ADOPTED, THEY NO LONGER TREATED YOU THE SAME AS WHEN YOU WERE A FOSTER CHILD; IS THAT RIGHT?

Q BUT YOU ACTUALLY WENT ON A LOT OF VACATIONS WITH

MS. BLUTH: OBJECTION, RELEVANCE.
MR. MANN: -- AND MR. DWIGHT?
THE COURT: HOLD ON. HOLD ON ONE SECOND.

MR. MANN: WELL, CONSIDERING NOTHING ES RELEVANT, YOUR

MS. BLUTH: UM -- I WOULD OBJECT TO THAT AS

THE COURT: I THINK IT'S ARGUMENTATIVE. ARE YOU TRYING--
MR. MANN: WELL, I THINK -- I THINK THAT WAS CLEAR, I
WASN'T TRYING TO MASK THAT, I APOLOGIZE. UM --
THE COURT: I DON'T MAKE THE RULES.

MR. MANN: I UNDERSTAND.
THE COURT: I JUST APPLY THEM AND GO BY THEM. SORRY.
MR. MANN: I UNDERSTAND.
THE RELEVANCE IS SHE HAD SAID THAT -- UM -- THIS OCCURRED
WHILE SHE WAS ADOPTED, THAT THEY TREATED HER COMPLETELY
DIFFERENT AFTER BEING ADOPTED. I AM --

25 THE SITUATION CHANGED IN A -- ON THE -- UM -- ON THE

DETRIMENTAL SIDE OF THINGS.
THEY DIDN'T EVEN GET INTO THE GOOD THINGS THAT WERE GOING ON IN THE HOME DURING FOSTER STATUS VERSUS THE GOOD THINGS GOING ON DURING - - UM - - ADOPTION STATUS, SO THERE'S - - I MEAN, YOU COULD TALK ABOUT ALL DIFFERENT TYPES OF THINGS GOING 6 ON IN THE HOME, GOOD, BAD AND INDIFFERENT.

7 MR. MANN: WELL, LET ME REPHRASE, THEN, YOUR HONOR.
8 THE COURT: OKAY.
9 MR. MANN: I THINK IT GOES TO AVA'S STATE OF MIND WHILE 10 SHE'S ADOPTED, AND IT GOES TO HER STATE OF MIND, AS SHE HAD

11 INDICATED -- UM -- CAN WE APPROACH, PLEASE?
THE COURT: SURE.
(WHEREUPON ALL COUNSEL APPROACHED THE BENCH.)
THE COURT: OKAY, YOU CAN CONTINUE. I THINK YOU'RE GOING TO MOVE ON.

MR. MANN: YES, I UNDERSTAND, YOUR HONOR.
Q AVA, WHEN YOU WOULD SIT ON THE BUCKETS, YOU HAD

A YES.
9 WHAT IS ALL DAY? WHAT DOES THAT MEAN?
A TILL I WENT TO BED.
Q FROM WHEN YOU WOKE UP UNTIL YOU WENT TO BED?

A YES.
Q OKAY. AND SO WHEN YOU WOKE UP, YOU'RE IMMEDIATELY IN TROUBLE AND WERE FORCED TO SIT ON THESE BUCKETS? 8 WAS JUST A ROUTINE.

9 Q OKAY. NOW, THESE ACCIDENTS THAT YOU KEEP TALKING 10 ABOUT, YOU SAID DURING SCHOOL YOU WERE TOLD TO GO TO THE

A WE WEREN'T IMMEDIATELY IN TROUBLE, UNLESS WE DECIDED TO DO SOMETHING ELSE BESIDES NOT OPENING OUR MOUTH BECAUSE WE WERE SCARED.

Q OKAY. SO AS SOON AS YOU OPENED YOUR MOUTH YOU HAD TO SIT ON THESE BUCKETS?

A WE HAD TO SIT ON THEM WHEN WE WOKE UP, BECAUSE MISS JANET DIDN'T WANT TO DEAL WITH US HAVING ACCIDENTS, SO IT BATHROOM EVERY HOUR ON THE HOUR, RIGHT?

A WE WERE ASKED.
Q YOU WERE ASKED TO GO TO THE BATHROOM EVERY HOUR ON THE HOUR. AND EVEN THOUGH BEING REMINDED EVERY HOUR TO GO TO THE BATHROOM, YOU WOULD STILL HAVE ACCIDENTS; IS THAT RIGHT?

A WOULD YOU SAY THAT AGAIN, PLEASE?
Q EVEN THOUGH YOU WERE REMINDED TO GO TO THE BATHROOM AT EVERY HOUR, YOU WOULD STILL HAVE ACCIDENTS; IS THAT CORRECT'?

A WE WEREN'T REMINDED. WE WERE ASKED IF EVERY HOUR, FROM THE TIME WE WOKE UP IF WE HAD TO USE THE BATHROOM.

Q OKAY. SO EVEN THOUGH YOU WERE ASKED EVERY HOUR TO GO TO THE BATHROOM, YOU STILL HAD ACCIDENTS?

A YES.
Q DO YOU KNOW WHY YOU STILL HAD ACCIDENTS?

1 A BECAUSE I WAS HOLDING IT IN BECAUSE I WASN'T 2 GONNA - - I DIDN'T WANT TO GET IN TROUBLE WHILE I WAS - WHILE - - I DIDN'T WANT TO GET IN TROUBLE.

4 Q THEY WERE ASKING YOU TO GO TO THE BATHROOM, BUT YOU DIDN'T WANT TO GO TO THE BATHROOM BECAUSE YOU'D GET IN TROUBLE?

7 A WHEN I HAD A CHANCE TO TRY, I DIDN'T WANT TO GO
8 BECAUSE I KNEW I WAS GOING TO GET IN TROUBLE FOR NOT OPENING 9 MY MOUTH.
\(10 \quad\) Q WHY WOULD YOU GET IN TROUBLE FOR GOING TO THE
11 BATHROOM WHEN THEY ASKED YOU TO?
12 A I KNEW WE WOULD GET IN TROUBLE, BECAUSE EVERY -- NOT

14 OR SOMETHING ELSE HAD HAPPENED.
15 Q EVERY TIME YOU WERE - YOU ASKED TO GO TO THE
16 BATHROOM YOU WOULD GET SLAPPED?
17 A SOMETIMES.

A YES.

Q OKAY. AND YOU ARE SAYING BECAUSE YOU WERE AFRAID THAT IF YOU WENT TO THE BATHROOM YOU'D GET IN TROUBLE FOR ACTUALLY NEEDING TO GO TO THE BATHROOM?

A I WAS AFRAID BECAUSE I KNEW I WAS GOING TO GET IN TROUBLE FOR NOT ASKING BEFORE THAT.

Q OKAY. SO ARE YOU SAYING THAT THEY ACTUALLY WANTED YOU TO ASK THEM FOR YOU TO USE THE BATHROOM, AND THAT \({ }^{1} S\) WHAT THEY REALLY WANTED YOU TO DO?

A CAN YOU SAY THAT AGAIN, PLEASE?

Q SURE.
ARE YOU SAYING THAT MISS JANET AND MR. DWIGHT WANTED

YOU TO ASK THEM TO USE THE BATHROOM?
A THEY WANTED ME TO ASK TO USE THE BATHROOM.

Q SO THAT'S CORRECT?
A YES.
MR. MANN: OKAY. COURT'S INDULGENCE.
(DISCUSSION BETWEEN MR. MANN AND DEFENDANT J. SOLANDER.)
MR. MANN: I HAVE NO MORE QUESTIONS AT THIS TIME.
THE COURT: THANK YOU, MR. MANN.
MR. MANN: THANK YOU.
THE COURT: LET ME ASK MR. MUELLER, DO YOU THINK YOU HAVE LONGER THAN 50 MINUTES? BECAUSE I WAS GOING TO LET MR. RUE GO FIRST IF YOU THINK YOU HAVE LONGER THAN 50 MINUTES.

MR. MUELLER: I THINK I DO.
THE COURT: HOW ABOUT --

9 BY MR. RUE : FEW QUESTIONS.

A YES.

MR. RUE: JUDGE, I HAVE PROBABLY FIVE MINUTES.
THE COURT: OH, OKAY.
MR. RUE: WELI, IF EVEN THAT.
THE COURT: WELL, THEN, HOW ABOUT YOU? HOW ABOUT MR. RUE GO CROSS-EXAMINATION.

MR. RUE: ALI RIGHT.

\section*{CROSS-EXAMINATION}

Q HI, AVA. I'M JEFF. UM -- I JUST WANT TO ASK YOU A

UM - - I HEARD YOU TELL THE - - THE NICE LADY OVER THAT - UM - AND I WANT TO MAKE SURE I GET IT RIGHT - - THAT DANIELLE NEVER USED A STICK ON ME?

A THAT I - - THAT I CAN REMEMBER.
\(\mathbf{Q}\) OKAY. AND THAT'S - Y YOU DON'T EVER REMEMBER
DANIELLE EVER USING A STICK ON YOU?
A YOU'RE CORRECT.
Q AND THAT'S WHAT YOU TOLD THE POLICE OR MISS EBRIHAM WHEN YOU TALKED TO HER, TOO, YOU TOLD HER YOU DON'T REMEMBER EVER -- MISS DANIELLE EVER TOUCHING YOU WITH A STICK?

Q OKAY. SO YOU'RE SAYING THE SAME THING. UM -- YOU REMEMBER EVER DANIELLE USING THE STICK ON ANASTASIA OR AMAYA?

21 YOUR SISTER?
IT ABRAHAM?

A SHE USED IT ON - D DANIELLE USED IT ON ANASTASIA.
Q ANASTASIA - -
THE COURT: THAT YOU -- THAT YOU SAW?
THE WITNESS: YES.
THE COURT: OKAY.

MR. RUE: OKAY. THAT YOU SAW.
Q UM -- WHAT ABOUT AMAYA?
A NOT THAT I'VE SEEN.
Q OKAY. DO YOU REMEMBER WHEN YOU TALKED TO MISS -- IS

MR. MANN: EBRIHAM.
MR. RUE: EBRIHAM?
EBRIHAM, DO YOU REMEMBER YOU - - I THOUGHT YOU SAID YOU DIDN' T REMEMBER EVER - I'M SORRY, LET ME GET THE EXACT QUOTE.

A I DON'T KNOW.
Q DO YOU REMEMBER TELLING MISS ABRAHAM [SIC] -- UM --
ON PAGE 40, "I KNOW DANIELLE DIDN'T DO ANYTHING TO ME, BUT \(\pm\) DON'T KNOW ABOUT MY SISTERS."

UM - IS THAT TRUE, DO YOU KNOW WHETHER SHE HIT YOUR SISTERS, OR NOW YOU'RE TELLING US THERE IS A TIME WHEN SHE HIT

A SHE NEVER HIT THEM. LIKE ANASTASIA HAD AN ACCIDENT WHEN DANIELLE WAS TAKING CARE OF US, AND -- UM -- ANASTASIA HAD TO USE THF BATHROOM, DANIELLE WAS ON THE PHONE, AND ANASTASIA COULDN'T HOLD IT, AND WE WERE EATING, SHE HAD AN
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ACCIDENT ON THE FLOOR. AND THEN DANIELLE STEPPED ON
SOMETHING, AND SHE THOUGHT IT WAS LIKE JUICE OR SOMETHING, BUT
IT WASN'T.
SO WHEN SHE FOUND OUT, SHE CALLED -- I DON'T EVEN
KNOW IF SHE CALLED, BUT SHE TOLD MISS JANET AND THEN SHE HAD
SPANKED ANASTASIA.
Q SHE -- WHEN YOU SAY SHE CALLED SOMEONE, YOU SAY
SHE -- I WANT TO MAKE SURE I UNDERSTAND. THAT SHE CALLED
MISS JANET, AND SHE, DANIELLE, SPANKED ANASTASIA; IS THLAT WHAT
YOU'RE SAYING?
A I DON'T KNOW IF SHE WAS ALREADY ON THE PHONE WITH
HER OR NOT, BUT THEN SHE SPANKED ANASTASIA.
Q OKAY. AND THAT WAS IN FRONT OF YOU?
A YES. I WAS RINSING OUT MY CUP AND WATCHING.
THE COURT: I'M SORRY, YOU WERE WHAT?
THE WIMNESS: RINSING OUT MY CUP.
THE COURT: RINSING OUT HER CUP.
BY MR. RUE:
Q AND THEN WHO CLEANED UP THE MESS?
A ANASTASIA.
Q OKAY. UM -- AND SHE - DANIELLE SPANKED ANASTASIA
WITH A STICK?
A WITH THE PAINT.
Q WITH THE PAINT --
A YES.

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Q WITH THE RULER OR PAINT STICK --
A PAINT STICK.
Q -- THAT STICK THAT YOU SAW?
A YES.
Q OKAY. AND THAT'S THE ONLY TIME YOU CAN EVER
REMEMBER ANA -- OR DANIELLE USING THE PAINT STICK?
A YES.
Q IS ONE TIME SPANKING ANASTASIA?
A YES.
Q OKAY. UM - WERE THERE A LOT OF TIMES WHEN YOU
WEREN'T AROUND YOUR SISTERS IN THE HOUSE?
A NOT A LOT, BUT SOMETIMES WHEN -- UM -- NOT A LOT, BUT I WAS RROUND THEM LIKE WHEN WE WERE DOING OUR HOMEWORK OR SOMETHING?

Q OKAY. YOU WOULD -- I TAKE IT THE HOUSE IS SMALL ENOUGH YOU WOULD KNOW IF SOMEONE WAS GETTING SPANKED, RIGHT?

A WELL, I'M NOT SAYING THAT -- THAT DANIELLE DID DO IT OR SHE DIDN'T DO IT, I DON'T KNOW.

Q OKAY. I ONLY WANT TO HEAR ABOUT WHAT YOU KNOW. OKAY?

A BUT AMAYA WAS UPSTAIRS AND SHE WAS SCREAMING ABOUT SOMETHING, I DON'T KNOW, AND THEN SHE SAID THAT DANIELLE HAD DID SOMETHING TO HER, AND I WAS LIKE, WEEL, I WASN'T THERE SO I CAN'T SAY THAT SHE DID -- DANIELLE DID DO IT OR NOT.

5 Q OKAY. 3 WELL, I CAN'T TELL ANYONE BECAUSE IF -- IF I TOLD SOMEONE, I CAN'T SAY SHE DID DO IT OR SHE DIDN'T.

5 Q RIGHT. YOU ONLY CAN TELL US WHAT YOU KNOW AND WHAT 6 YOU SEE, RIGHT?

7 A YEAH. YES.
\(8 \quad Q \quad\) OKAY. AND AS WE SIT HERE TODAY, SHE -- WHAT YOU
9 KNOW IS, DANIELLE HAS NEVER TOUCHED YOU WITH A STICK?
A BECAUSE I WAS - I DON'T KNOW, I CAN'T REMEMBER WHERE I WAS, BUT I KNOW SHE TOLD ME THAT, AND I JUST TOLD HER,

A YES.
\(Q\) AND YOU'VE ONLY SEEN DANIELLE TOUCH ANASTASIA ONCE IN THE SPANKING WITH THE STICK?

A YES.
MR. RUE: THANK YOU, YOUR HONOR. I HAVE NO MORE QUESTIONS.

THE COURT: OKAY, AVA, SORRY THERE'S THREE LAWYERS, BUT - - WELI, I'M NOT SORRY, BUT NOW MR. MUELIEER GETS TO ASK YOU QUESTIONS. THEY'RE ALL DOING THEIR JOB, BUT YOU'LL HAVE - - YOU'LL DO A JOB WHEN YOU'RE OLDER, TOO.

MR. MUELLER: I THANK YOU, JUDGE.
UM -- FOR SCHEDULING YOU WANTED TO KNOCK OFF AT WHAT TIME, TWO?

THE COURT: TWO-THIRTY, LITERALLY, BECAUSE I HAVE TO BE CLEAR ACROSS TOWN AT THREE.

MR. MUELIER: OKAY. I UNDERSTAND.

4 BY MR. MUELLER:
5 Q AVA, I WANT TO ASK YOU A FEW BASIC QUESTIONS, AND THEN WE'LL TALK HERE.

DWIGHT, WAS HE HOME A LOT OR WAS HE WORKING?
A HE WAS WORKING.
Q HE WAS WORKING.
AND IN THE THREE YEARS YOU LIVED WITH THE SOLANDERS,
11 DO YOU REMEMBER WHAT KIND OF JOB HE HAD?
THE COURT: THANKS.

\section*{CROSS-EXAMINATION} BUSINESS SUIT, OR HOW WOULD HE DRESS?

A SOMETIMES HE HAD LIKE TARGET SHIRT AND PANTS OR JUST REGULAR CLOTHES ON.

Q JUST REGULAR CLOTHES?
A LIKE A SHIRT AND PANTS.
Q NOW, WOULD YOU SEE DWIGHT BEFORE YOU WOULD LEAVE - BEFORE HE'D LEAVE TO GO TO WORK AND BEFORE YOU'D GO TO SCHOOL?

A WHEN I WAS HOMESCHOOLED, SOMETIMES I SAW HIM, DEPENDING ON WHAT TIME HE LEFT AND WHAT TIME WE WOKE UP. BUT I KNOW SOMETIMES I SAW HIM BE - - BEFORE, AND HE WOULD TELL US

1 TO ACT RIGHT.
\(2 \quad \mathbf{Q}\) HE WOULD TELL YOU TO ACT RIGHT?
3 A YEAH.

7 Q ALL RIGHT NOW, HOW LONG WERE YOU GOING TO THE
8 SCHOOL BEFORE YOU STARTED BEING HOMESCHOOLED?
9 A THAT ONE -- I KNOW IT WAS MORE THAN A MONTH, BUT I

11 MONTH, THOUGH.
12 OKAY. SO YOU WENT TO SCHOOL FOR AT LEAST MORE THAN
13 A MONTH, AND THAT'S ALL YOU CAN RECALL?

A YES.
Q ALL RIGHT. NOW, WHAT TIME OR WHEN WOULD DWIGAT COME HOME FROM WORK NORMALLY?

A SOMETIMES LATE AT NIGHT.
9 LATE AT NIGHT, AS IN -- WHAT'S YOUR DEFINITION OF LATE AT NIGHT? DARK OUT?

A IT'S DARK.
Q ARE YOU IN BED?
A SOMETIMES WE WERE IN BED, BUT SOMETIMES HE CAME HOME EARLY.

Q OKAY. WHAT TIME IS YOUR NORMAL BEDTIME?
A WE DIDN'T HAVE -- WE DIDN'T HAVE A NORMAL BEDTIME.

1 Q ALL RIGHT. NOW -- SO WHEN YOU WERE BEING
2 HOMESCHOOLED, DWIGHT WASN'T THERE MOST OF TIME, I PRESUME?
3 A YES. 6 YOUR BLADDER, CORRECT?

7 A YES.
Q ALL RIGHT. NOW, YOU WERE FORCED TO SIT ON A BUCKET HOW MANY TIMES?

A WE SAT ON IT -- WE SAT ON IT UNTIL IT WAS TIME TO GO
Q ALL RIGHT. NOW, IT WAS DURING THE HOMESCHOOLING THAT THE TIMER WAS BEING USED TO TRY TO GET YOU TO CONTROL OF, THAT WE SAT ON A CHAIR UNTIL THEY CAME BACK.

Q AND WHEN YOU ARE TALKING ABOUT TIME -- THE TIME YOU SAT ON A CHAIR, WHAT DO YOU MEAN?

A UM - ANASTASIA HAD A -- HAD AN ACCIDENT, SO SHE WAS IN THE BATHROOM WITH THE LIGHT ON, AND ME AND AMAYA WERE SITTING ON THE -- A CHAIR, ON THE CHAIR.

Q UM-HUM.
A A BLACK CHAIR, AND DOING OUR HOMEWORK. AND TEEN WHEN THEY CAME BACK -- UM -- THEN WE SAT BACK ON OUR BUCKETS.

Q SAT BACK ON THE BUCKETS.
NOW, THE CLOTH -- THE BLACK CHAIR, WAS IT CLOTH?
A YES.
Q ALL RIGHT. SO IF LIQUID WAS POURED ON THE CLOTH CHAIR IT WOULD GET WET?

6 Q I'M SORRY?
\(8 \quad \Omega \quad\) LET ME ASK YOU A QUESTION. YOU TOLD MISS EBRIHAM
9 THAT YOU GUYS HAD BUNK BEDS?
10 A YEAH. BEFORE WE - BEFORE ALL OF THIS STARTED
11 HAPPENING.
12 Q NOW LET ME ASK YOU A QUESTION. YOU HAD BUNK BEDS, 13 CORRECT?

A YES.
Q ALL RIGHT. NOW, WHO WOULD NORMALLY TUCK YOU IN AT

A WE HAD TO - N NO ONE. WE HAD TO GO TO BED. WE HAD TO GO IN OUR -- TO GO ON THE BOARDS BY OURSELVES.

A WE HAD TO GO ON THE BOARDS BY OURSELF.

Q AND YOU AND THE GIRLS WERE SLEEPING ON BUNK BEDS, CORRECT?

A YES.
Q AND THEN THERE WAS PROBLEMS WITH PEEING THE BED?
A YES.
Q ALL RIGHT. AND THAT'S WHEN YOU WERE NOT ALLOWED TO SLEEP ON THE MATTRESS - - MATTRESSES ANYMORE?

A YES.
Q ALL RIGHT, NOW, WHEN YOU WERE NOT ALLOWED TO SLEEP ON THE MATTRESSES, WHERE WOULD YOU SLEEP?

A WE WOULD SLEEP ON A TOWEL.

4 NOW IF --
5 A WHAT DO YOU MEAN?
\(6 \quad \mathbf{Q}\) THAT MEANS YOU WENT UPSTAIRS AND PUT YOURSELE TO
BED, CORRECT?
A WELL, WHAT DO YOU MEAN BY PUTTING -- PUTTING US TO BED?

Q WELL, I ASKED WHAT TIME WAS YOUR BEDTIME, AND YOU SAID YOU DIDN'T HAVE A REGULAR BEDTIME, CORRECT?

A YES.
Q SO IF YOU DON'T HAVE A REGULAR BEDTIME, THAT MEANS
14 YOU TO GO BED WHEN YOU'RE SLEEPY, CORRECT?

18 O OKAY.
19 A SO SHE'S UP THERE.
20 Q WHEN SHE SAYS, "YOU GUYS GO UPSTAIRS", THAT'S WHEN
21 YOU KNOW IT'S TIME FOR BED?
Q ON A TOWEL.
WELL, I'M A LITTLE CONFUSED NOW. YOU SAID THAT YOU WERE FORCED TO SLEEP ON THE BOARDS, BUT NO ONE PUT YOU TO BED.

10

A YES.
Q ALL RIGHT. NOW, YOU GUYS WENT UPSTAIRS AND PUT YOURSELvES TO BED?

A YES.
```

    1 Q OKAY. NOW, YOU LIVED IN THE SAME HOUSE FOR
    2 APPROXIMATELY HOW LONG?
    3 A WHAT, THE WAKASHAN?
    4 Q YES, MA'AM.
    5 A UM -- I THINK MAYBE A YEAR.
    6 Q OKAY. IS THAT THE HOUSE THAT HAD THE LOFT IN IT?
    25 STICK YOU SAID GOT BROKEN OVER YOUR BUTTOCKS, CORRECT?

```

A YES.
Q ALL RIGHT. WHO BROKE THE PAINT STICK OVER YOUR
```

BUTTOCKS?

```

A I WAS TENSING UP SO ...
Q WHO BROKE THE BOARD, THOUGH?
A THE BOARD?
Q WHO BROKE THE PAINT STICK?
A I DID, BECAUSE I WAS TENSING UP.
Q WHO HIT YOU WITH THE PAINT STICK?
A IT WAS EITHER MISS JANET OR MR. DWIGHT.
Q WELL - OKAY. YOU AGREE THAT YOU WERE HIT BY ONLY
ONE PERSON BY THE PAINT STICK, CORRECT?

A MOST OF THE TIME IT WAS MISS JANET.
Q MOST OF THE TIME IT WAS MISS JANET.
AT THE TIME - - AND YOU CAME IN HERE AND TOLD ABOUT
THE TIME THAT YOU ACTUALLY HAD IT BROKEN OVER YOUR BUTTOCKS,
CORRECT?
A UM-HUM.
Q NOW, YOU REMEMBER THAT, CORRECT?
A YES.
0 ALL RIGHT, NOW, A VERY SIMPLE QUESTION, WHO HAD THE
PAINT STICK WHEN THAT HAPPENED?
A MISS JANET.
Q MISS JANET.
WHAT EXACTLY DID YOU DO IMMEDIATELY PRECEDING

1 GETTING THE PAINT STICK BROKEN OVER YOUR BUTTOCKS THAT CAUSED 2 YOU TO BE SPANKED?

A I HAD AN ACCIDENT ON MYSELF.
Q NOW, WAS THIS DURING THE SCHOOLDAY?
A YES.

Q ALL RIGHT. SO MR. DWIGHT WOULD NOT HAVE BEEN HOME?
A YFG.

Q NON, HE TALKED A LITTLE BIT ABOUT OR MISTER - Y YOU TALKED A LITTLE BIT ABOUT THE CATHETER, DO YOU REMEMBER THAT?

A YES.

Q OKAY. NOW, THE CATHETER WAS USED TO REMOVE URINE FROM YOUR BLADDER, WE TALKED ABOUT THAT.

A YES.
Q WAS THAT BATHROOM UPSTAIRS OR DOWNSTAIRS?
A UPSTAIRS.

Q UPSTAIRS.
NOW, WAS THAT DURING THE SCHOOLDAY OR WAS THAT AFTER
A SCHOOLDAY?
A WE KADN'T STARTED DOING OUR SCHOOLWORK, SO I WOULD SAY IT WAS RIGHT BEFORE WE STARTED TO DO OUR SCHOOLWORK.

Q SO IT WOULD HAVE BEEN DURING A SCHOOLDAY RIGHT AT THE VERY BEGINNING?

A YES.
Q ALL RIGHT. SO MR. DWIGHT WOULD NOT HAVE BEEN HOME THEN?

7 Q OKAY.
8 A HE WAS -- HE WAS THERE.
9 O OKAY. ANASTASIA HAD GOT THE CATHETER, OR JUST ME? WITH A RAZOR BLADE; DO YOU REMEMBER THAT?

A BECAUSE WE DO SCHOOLWORK EVERY DAY.
Q DURING THE MORNING? JUST LET ME ANSWER YOUR -- ASK A QUESTION. SCHOOLDAY, CORRECT?

A YES. HAPPENED LEADING UP TO THIS? USE THE BATHROOM. THE SCHOOLDAY AND HE WORKED?

A WHAT - ARE YOU TALKING ABOUT THE TIME WHEN ME AND

Q A MOMENT - A LITTLE WHILE AGO YOU TALKED ABOUT MISS JANET USING A CATHETER ON YOU, AND THEN THREATENING YOU

IF I COULD -- I KNOW YOU'RE CONFUSED, BUT IF YOU'LL

NOW, A FEW MINUTES AGO, WE'LL GO BACK HERE, I ASKED YOU IF IT WAS DAY OR NIGHT WHEN YOU HAD THE CATHETER; DO YOU REMEMEER THAT? YOU SAID IT WAS AT THE BEGINNING OF THE

Q OKAY. SO CAN YOU EXPLAIN TO ME EXACTLY WHAT

A MISS JANET AND MR. DWIGHT HAD ASKED ME IF I HAD TO

Q WHY WAS MR. DWIGHT THERE IF IT WAS THE BEGINNING OF

A HE WASN'T - WE DO - - FOR US SCHOOL IS EVERYDAY.

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    1 Q THEY WENT TO PUBLIC SCHOOL. YOU WENT TO PUBLIC
    2 SCHOOL AT THE SAME TIME?
    3 A NO.
    & NO.
    5
    6 WERE BEING HOMESCHOOLED?
    7 A AND THEN THE NEXT GROUP WAS AREAHIA, DEMEYER
    8 KAESHIA, AND NOVALIEH.
    9 Q OKAY. SO HOW MANY GIRLS WAS THAT? HOW MANY KIDS
    10 WAS THAT?
    NO.
Q No. SO SOME KIDS WENT TO PUBLIC SCHOOL AND SOME KIDS
WERE BEING HOMESCHOOLED?
A AND THEN THE NEXT GROUP WAS AREAHIA, DEMEYER KAESHIA, AND NOVALIEH.
Q OKAY. SO HOW MANY GIRLS WAS THAT? HOW MANY KIDS WAS THAT?

```
    A CAN'T REMEMBER THE OTHER ONE, BUT I REMEMBER IT WAS
    12 A BABY.
    13 O OKAY. AND WERE THESE PEOPLE LIVING WITH YOU AT THE
    14 TIME YOU WERE BEING HOMESCHOOLED?
    15 A YES.
    16 Q SO THEY WOULD KNOW AND HAVE BEEN HOMESCHOOLED WITH
        17 YOU?
    18 A THEY WERE - - THEY WERE LIVING WHEN WE WERE BEING
    19 HOMESCHOOLED, BUT THEY WERE GOING TO PUBLIC SCHOOL.
    \(20 \quad Q \quad O K A Y . \quad D O\) YOU KNOW WHY JANET HOMESCHOOLED THE THREE
    21 OF YOU, BUT SENT THE REST OF THE KIDS TO PUBLIC SCHOOL?

A CAN'T REMEMBER THE OTHER ONE, BUT I REMEMBER IT WAS A BABY.

Q OKAY. AND WERE THESE PEOPLE LIVING WITH YOU AT THE TIME YOU WERE BEING HOMESCHOOLED?

A YES.
Q SO THEY WOULD KNOW AND HAVE BEEN HOMESCHOOLED WITH YOU?

A THEY WERE - - THEY WERE LIVING WHEN WE WERE BEING 19 HOMESCHOOLED, BUT THEY WERE GOING TO PUBLIC SCHOOL.

Q OKAY. DO YOU KNOW WHY JANET HOMESCHOOLED THE THREE OF YOU, BUT SENT THE REST OF THE KIDS TO PUBLIC SCHOOL?

A BECAUSE WE WERE EATING BREAK - - WE WERE - - SAID WE WERE -- WE WERE STEALING BREAKFAST.

Q BECAUSE YOU WERE STEALING BREAKFAST?
A YES. BUT - - WE WERE STEALING BREAKFAST, SO WE GOT

1 TOOKEN OUT OF SCHOOL. AND THEN -- THEN WE GOT - - SHE - - WHEN
2 WE STARTED TO GET HOMESCHOOLED.
3 Q DO YOU REMEMBER WHAT TIME OF YEAR IT WAS THAT YOU
4 STARTED HOMESCHOOLING?
5 A NO.
\(6 \quad 8\) WAS IT IN THE SPRING? SUMMER?
7 A I DON'T REMEMBER IT.
Q ALL RIGHT. NOW, DID YOU GET HOMESCHOOLED ALL SUMMER
9 LONG, NO SUMMER VACATION?
10 A COUPLE TIMES WHEN WE WENT LIKE TO ARIZONA OR
11 SOMETHING, BUT WE NEVER -- WELI, I AM NOT GOING TO SAY
12 ANYTHING ABOUT MY SISTERS, BUT I DIDN'T DO ANYTHING.
\(13 \quad\) Q I'M SORRY?

17 KIDS.
18 Q WHAT DO YOU MEAN?
19 A BECAUSE IT WAS - WE WENT THERE - - THEY TOOK - -
20 MISS JANET AND MR. DWIGH'I TOOK US TO EITHER ARIZONA OR

22 IVY GOT - - WENT TO KNOTT'S BERRY FARM, AND WE DIDN'T BECAUSE
23 WE WERE ACTING UP.
24 Q SO THEY - SO THEY TOOK THEIR FOSTER KIDS TO KNOTT \({ }^{\prime} S\)
25 BERRY FARM, BUT THEY LEFT -- THEIR ADOPTED CHILDREN DIDN'T GET


\title{
IN THE SUPREME COURT OF THE STATE OF NEVADA
}

STATE OF NEVADA, Appellant(s),

VS.
DWIGHT CONRAD SOLANDER, Respondent(s),

Case No: C299737-1
Docket No: 67710

\section*{RECORD ON APPEAL VOLUME \\ }

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19 TRYING TO ACT BETTER AND TELLING EVERYTHING THAT I DID IN THE 20 PAST.
\(21 \quad \mathbf{Q}\) OKAY. AND WHAT KIND OF THINGS WAS AVA SAYING ABOUT 22 YOU DOING IN THE PAST?

THAT EACH OF YOU WERE HAVING, RIGHT?
A YES.
Q OKAY. AND THERE WAS A TIME WHERE - - UM - YOU WERE ACTUALLY DOING BETTER THAN AVA, RIGHT?

A YES.
Q AND AVA GOT MAD AT YOU, RIGHT?
A YEAH, I CAN SAY SO.
Q OKAY.
A JEALOUS.
Q AND THEN AVA DID SOMETHING TO YOU, RIGHT?
A YES.
Q OKAY. AND THAT THEN AVA WAS PUNISHED FOR THAT, RIGHT?

A YES.
Q OKAY. AND DID YOU GET BACK AT AVA AS WELL?
A I CAN'T REMEMBER. ALL I - ALL I REMEMBER IS THAT SHE -- MISS JANET SAID THAT SHE WAS TAKING STARS OFF, AND SHE WAS - - SHE - UM - SHE WAS SAYING SOMETHING THAT AVA WAS

A I DON'T KNOW. I CAN'T REMEMBER.
\(Q \quad O K A Y\).
A THAT WAS LIKE YEARS AGO.
```

        Q OKAY. HOW MANY YEARS AGO DO YOU THINK THAT WAS?
    A WHEN WE -- WHEN SHE FIRST GOT US.
    Q OKAY. SO BEFORE YOU WERE ADOPTED?
    A YES.
    Q OKAY. SO WHEN YOU WERE STILL FOSTERING AT THE
    SOLANDERS?
A YES.
Q OKAY. AND -- UM -- YOU -- LET'S TALK ABOUT THE
CATHETER, OKAY?
A YES.
Q YOU SAID THAT -- UH -- THAT MISS JANET PUT A
CATHETER IN YOU THREE DIFFERENT TIMES?
A YES.
Q OKAY. YOU SAID ONE TIME IN THE -- YOUR/AMAYA'S, AN
15 OLD BEDROOM?
16 A YES.
17 Q ONE TIME IN THE BATHROOM?

1. A YES.
19 Q AND ONE TIME IN THE LOFT?
20 A YES.
21 Q AND THAT YOU FOUGHT MISS JANET EVERY TIME THAT
22 HAPPENED?
```

A YES.
Q ONE TIME IN THE BATHROOM?
A YES.
Q AND ONE TIME IN THE LOF'T?
A YES.
Q AND THAT YOU FOUGHT MISS JANET EVERY TIME THAT HAPPENED?

A YES, BECAUSE IT HURT.
Q OKAY. NOW, HOW WOULD YOU FIGHT MISS JANET?
A I WOULD KEEP MOVING.

12 KICKING HER.
13 OKAY. AND SO MISS JANET HAD THE - THE CATHETER IN 14 HER HAND, RIGHT?

15 A YES.
16

20 IN THE - AND WHILE SHE'S -- WHILE SHE'S DOING WITH THE OTHER

23 NEEDLE LOOK LIKE?
Q OKAY. FLAILING YOUR ARMS?
A NO.
Q SO YOU WOULDN'T BE MOVING YOUR ARMS?
A NO.
Q WHAT ABOUT YOUR LEGS? MOVING YOUR LEGS?
A YES, I WAS MOVING MY LEGS.
Q OKAY. WERE YOU KICKING MISS JANET?
A NO.
Q OKAY. SO YOU WERE JUST MOVING YOUR LEGS AND NOT
KICKING HER?
A I WAS SQUIRMING MY LEGS AROUND, NOT CLICKING - -

Q OKAY. DID SHE HOLD YOU DOWN AT ALL?
A YES, SHE DID.
Q HOW DID SHE HOLD YOU DOWN?
A SHE - S SHE KEPT MY LEGS DOWN, AND THEN WITH ONE HAND HAND WITH -- WITH A NEEDLE.

Q OKAY. YOU SAY A NEEDLE. WHAT -- WHAT DID THAT

A A NORMAL NEEDLE. I DON'T KNOW.
Q CAN YOU DRAW IT FOR ME?

2 WAS A NEEDLE.
3 Q SO YOU DREW THE RAZOR BLADE, RIGHT?

4

5

MR. MANN: OKAY. CAN'T DRAW IT? YOU JUST --

A YES.

A YES.

A I DON'T KNOW HOW IT LOOKS LIKE. ALL I KNOW IS IT

A YEAH, THAT WAS A RAZOR BLADE.
Q OKAY. CAN YOU DRAW THE NEEDLE FOR ME?
A I DON'T KNOW HOW THE NEEDLE LOOKS LIKE.
Q OKAY. SO --
THE COURT: SO IS THAT A NO, YOU CAN'T DRAW IT?
THE WITNESS: NO.
THE COURT: OKAY.

Q SO DO YOU REMEMBER WHAT IT LOOKS LIKE, AND YOU JUST

A I KNOW THERE WAS A LITTLE TUBE AND A BAG, BUT I'M SUGGESTING IT WAS A NEEDLE BECAUSE IT FELT LIKE ONE --

A -- GOING UP ME.
Q SO YOU DIDN'T SEE \(A\) NEEDLE NOW, YOU'RE SAYING THAT

Q -- FELT LIKE A NEEDLE?

Q OKAY. ALL RIGHT. AND WHEN -- UH -- SHE WAS HOLDING YOUR LEGS DOWN, HOW WOULD SHE HOLD YOUR LEGS DOWN?

A WITH ONE HAND, SHE'LL PUT -- SHE'LL HOLD MY FEET
```

DOWN, AND WITH THE OTHER SHE'S PUTTING THE NEEDLE IN.
Q OKAY. SO SHE WOULD BE HOLDING BOTH FEET DOWN WITH ONE LEG -- WITH ONE HAND?
A NO. WITH ONE HAND, AND THE OTHER - - WITH ONE MAND THAT IS ON, WHATEVER HAND SHE CAN GET TO, THAT CAN - WHATEVER HAND THAT SHE CAN -- IS AVAILABLE TO TOUCH WITH MY LEG, SHE DID IT.
Q OKAY. SO WOULD THERE BE ONE LEG FREE?
A YES. AND I KEPT STILL BECAUSE SHE FINALLY PUT IT IN.
Q OKAY. SO YOU HAD - - SHE HAD ONE HAND ON ONE LEG AND DIDN' $T$ HAVE A HAND ON THE OTHER LEG, AND THEN SHE PUT THE CATHETER IN YOU?
A YES.
$Q$ OKAY. AND WHAT PART OF YOUR BODY DID SHE PUT THE CATHETER IN YOU?
A IN MY PRIVATE.
Q OKAY. AND WHAT'S THAT PART OF YOUR BODY CALLED?
A MY PRIVATE PART.
Q OKAY. DO YOU HAVE - IS THERE A MORE SPECIFIC NAME FOR THAT PART OF YOUR BODY?
A YES, BUT I DON'T REALLY LIKE TO SAY IT.
Q OKAY. CAN YOU SAY IT FOR ME TODAY, PLEASE?
A COOKIE.
Q COOKIE?

```

15 Q OKAY. DO YOU KNOW WHEN THIS OCCURRED?

24 Q OKAY. WHERE WAS THIS ROOM? WAS THIS THE HOUSE THAT 25 HAD TWO STORIES OR A HOUSE --

21 WOULD - - HOW WOULD THAT WHOLE INCIDENT START? HOW WOULD SHE
22 BRING YOU UP TO THAT ROOM?
23 A SHE - WHEN WE FIRST MOVED IN IT WAS - - SHE PUT THE
24 BEDS IN AND SHE PUT AVA'S BUNK BEDS IN, TOO.
25
A YES.
Q -- WITH ONE STORY?
A TWO STORY.
Q OKAY. AND SO WAS YOU -- YOUR BEDROOM - - UM - - WITH AMAYA, WAS THAT UPSTAIRS OR DOWNSTAIRS?

A UPSTAIRS.
Q OKAY. AND WAS THIS THE ROOM THAT YOU SLEPT IN A LOT OR JUST AT ONE POINT?

A LIKE WHEN WE FIRST CAME, WHEN SHE -- WHEN WE FIRST
CAME IN, WE SLEPT IN IT, BUT, YES, AT ONE POINT.
Q OKAY.
A WE DIDN'T SLEEP IN IT A LOT -- A LOT.
Q OKAY. AND THEN YOU WERE MOVED?
A YES.
Q AND WHERE WERE YOU MOVED TO?
A UM -- TO THE LOFT.
Q OKAY. AND IS THAT WHERE YOU SLEPT WITH AMAYA AND A

A YES.
Q OKAY. AND SO WHEN IT WAS IN YOUR BEDROOM, HOW

Q OKAY. SORRY, LET ME BE A LITTLE MORE CLEAR,

WHEN SHE PUT THE CATHETER IN YOU IN THAT ROOM, HOW DID THAT INCIDENT START? HOW DID THAT HAPPEN?

A LIKE THE REASON?
Q DID SHE BRING YOU UP INTO THAT ROOM?
A YES.
Q OR WERE YOU ALREADY UPSTAIRS?
A SHE BRUNG ME UP THERE.
Q OKAY. AND WHY DID SHE BRING YOU UPPSTAIRS?
A BECAUSE SHE WAS ABOUT TO - - SHE WAS ABOUT TO GIVE ME THE CATHETER.

Q DO YOU KNOW WHY SHE WAS GIVING YOU THE CATHETER?
A I CAN'T REMEMBER.
Q OKAY. SO WAS THERE A REASON THAT SHE WOULD GIVE YOU A CATHETER NORMALLY?

A EITHER WHEN I HAD AN ACCIDENT OR WHEN WE HADN'T - WHEN WE HADN'T HAD -- WHEN WE DIDN'T GO TO THE BATHROOM LIKE PRACTICAELY THE WHOLE DAY.

8 OKAY. SO IF YOU HADN'T GONE TO THE BATHROOM THE WHOLE DAY, SHE WOULD THEN PUT THE CATHETER IN YOU?

A YEAH, BECAUSE SHE SAYS THAT SHE'S -- SHE'S PLAYING GAMES AND SHE'S -- SHE'S TRYING TO PEE ON HERSELF ON PURPOSE, AND I'M NOT, AND I DIDN'T EVEN HAVE TO GO.

Q OKAY. AND SO WHEN SHE PUT THE CATHETER IN YOU, DID ANYTHING COME OUT?

18 TO THE BATHROOM A LOT, WE HAD TO GO TO THE BATHROOM A LOT.

1 PLAYING GAMES WITH ME．＂
2 Q OKAY．BUT YOU WEREN＇T PLAYING GAMES？
3 A NO．
\(4 \quad \mathbf{Q}\) YOU WERE BEING SERIOUS？
5 A YES．BECAUSE IF I HAVE TO GO，I HAVE TO GO．IT＇S
6 NOT WHAT I＇M NOT SUPPOSED TO DO．
7 Q RIGHT．AND SO YOU KNEW TO ASK IF YOU HAD TO GO，
8 RIGHT？
9 A YES，AND I ASKED．
10 Q OKAY．AND－－UM－THAT＇S THE SAME FOR THE TIME
11 THAT THE CATHETER WAS PUT IN YOU IN THE BATHROOM？

15 BLUTH－OR I＇M SORRY－－YEAH，MISS BLUTH WAS ASKING YOU

16 QUESTIONS．
17 MS．BLUTH：YOUR HONOR，OBJECTION．THAT MISSTATES HER
18 TESTIMONY．I ASKED IN HOW MANY ROOMS IT HAPPENED，I DIDN＇T
19 ASK TIMES．
20 MR．MANN：AGTWALLY，SHE SPECIFICALLY ASKED HOW MANY

21 TIMES．
THE COURT：WELL，I－－SHE MAY HAVE ASKED HOW MANY TIMES．
23 I THINK IT MISSTATES THE TESTIMONY IN THAT YOU USED THE TERM
24 ＂ONLY．＂I DON＇T THINK THAT WA⿱⺈⿴\zh11⿰一一⿱⿴\zh11⿰一一千口灬 THE TESTIMONY．
MR．MANN：OKAY．

THE COURT: SHE REMEMBERED THREE TIMES. SHE - UM - SHE
TALKED ABOUT THREE TIMES. I DON'T KNOW THAT SHE EVER USED THE TERM ONLY. IF SHE DID, THEN I GUESS THE RECORD WILL SPEAK FOR ITSELF, BUT FOR NOW THE OBJECTION IS SUSTAINED.

MR. MANN: OKAY.
Q AND - UH - - WHEN YOU WERE IN THE BATHROOM, HOW WOULD THAT HAPPEN? WHAT WOULD HAPPEN WHEN YOU WERE IN THE

BATHROOM WITH THE CATHETER?
A SHE'LL PUT THE CATHETER IN ME.
Q OKAY. AND HOW WOULD SHE DO IT?
A SHE'LL STICK IT IN ME LIKE NORMAL.
Q OKAY. CAN YOU DESCRIBE WHAT NORMAL IS AGAIN?
A SHE'LL WIPE IT, AND THEN SHE'LL WIPE IT, AND THEN SHE'LL PUT THE NEEDLE IN.

Q OKAY. WIPE IT WITH WHAT?
A I DON'T KNOW.
Q OKAY. SOMETHING?
A YEAH, SOMETHING.
Q OKAY. UM -- AND THEN WOULD YOU SEE HER PUT THE
NEEDLE IN OR NO?
A. SHE -- SHE CLEANS OFF THE NEEDLE, FUTS IT IN, AND IT'S DONE. AND THEN SHE TAKES IT OUT WHEN I \({ }^{1} M\) DONE.

Q OKAY. WOULD YOU SEE THE NEEDLE WAS MY QUESTION.
A NO.
Q OKAY. NOW, YOU ALSO TALKED ABOUT THERE WAS A TIME

1 THAT - UN - YOU SAID THAT SHE PUT A PAINT STICK UP YOUR
VAGINA?

10 WHAT I FIRST SAID. WE LEARNED HOW TO SAY COOKIE WHEN IN -- IN
11 HER HOUSE.
Q OKAY. AND COOKIE MEANS?
A MY FRONT PART.
Q OKAY. NOW, TELL ME ABOUT WHAT HAPPENED WITH THE
15 PAINT STICK AND YOUR VAGINA?
16 A SHE - SHE TOOK THE PAINT STICK, AND THEN SHE TRIED
17 TO SHOVE IT IN MY VAGINA.
\(18 \quad \mathbf{Q} \quad W H E N\) DID SHE DO THIS?
19 A WHAT YEAR?
20

21
22
23
24
25
A YES.
Q OKAY. UM -- IS THAT THE PART OF THE BODY THAT YOU DESCRIBED, \(A\) VAGINA?

A YES.
Q OKAY. IS - DO YOU HAVE ANOTHER WORD FOR VAGINA?
A WELL, WHEN WE FIRST CAME IN SHE -- WE LEARNED HOW TO SAY COOKIE INSTEAD OF US, WHATEVER, BECAUSE I CAN'T REMEMBER

Q YEAH, ANYTHING. ANY TIMEFRAME.
A I KNOW IT WAS AT NIGHT, BUT --
Q ОKAY.
A - I DON'T KNOW WHAT - MOST OF IT HAPPENED EN 2012 AND 2013.

Q OKAY. WHY DID SHE TAKE THIS PAINT STICK AND TRY TO
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    1 DO THIS?
    2 A I CAN'T REMEMBER.
    3 Q OKAY. SO YOU DON'T KNOW WHY SHE TOOK THIS PAINT
4 STICK?
5 A NO.
6 O OKAY.
7 A ALL I REMEMBER WAS SHE TOOK THE PAINT STICK AND
8 SHOVED -- AND TRIED TO SHOVE IT UP MY VAGINA.
9 Q OKAY. WHAT ROOM WERE YOU IN?
10 A AVA'S OLD BEDROOM.
11 \& AVA'S OLD BEDROOM?
A YES, SHE SLEPT BY HERSELF.
Q ALL RIGHT. AND -- UM -- WAS AVA'S STUFF IN THAT
14 BEDROOM?
15 A YES.
16 Q OKAY. SO WHEN THIS HAPPENED AND SHE TRIED TO DO
17 THAT, AVA'S STUFF WAS IN THAT BEDROOM, RIGHT?
18 A YEAH, WE SHARED A CLOSET.
19 O OKAY. AND SO THE CLOSET AREA WAS SHARED WITH AVA
20 AND YOU?
21 A YES.
22 Q OKAY. AND WHERE IN THAT ROOM DID IT OCCUR?
23 A BY -- THE BED WAS RIGHT HERE, THE CLOSET RIGHT HERE,
24 AND THEN THE SHELF RIGHT THERE, HER BOOKSHELF. AND THEN THE
25 BED, THE BED RIGHT HERE, AND IN BETWEEN THE CLOSET AND THE

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    BED, I WAS RIGHT IN BETWEEN -- IN BETWEEN THEM.
    Q OKAY. WERE YOU STANDING UP, LYING DOWN, SITTING?
    A LYING DOWN.
    Q LYING DONN. WERE YOU LYING ON ANYTHING?
    (DISCUSSION BETWEEN MR. MANN AND MS. BLUTH.)
    MR. MANN: JUST FOR THE RECORD, YOUR HONOR, SHE WAS
    SAYING THAT THE BED WAS - - IT LOOKED LIKE ACROSS THE ROOM FROM
THE CLOSET, AND THAT SHE HAD INDICATED THAT SHE WAS ON THE
GROUND -- UM -- IN BETWEEN THE BED AND THE CLOSET; IS THAT
FAIR?

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    MS. BLUTH: I ACTUALLY DON'T KNOW, BUT ASK HER.
BY MR. MANN :

Q DOES THAT SOUND RIGHT, ANASTASIA?
A YES.
\(\mathbf{Q}\) OKAY. UM - AND SO YOU DON'T REMEMBER WHY SHE 16 BROUGHT YOU INTO AVA'S OLD BEDROOM TO STICK A PAINT STICK UP 17 YOUR VAGINA?

A NO, I DON'T REMEMBER.
Q BUT SHE BROUGHT YOU IN THAT ROOM. YOU SAID THAT SHE PUT YOU ON THE GROUND?

A YES.
Q OKAY. WHERE DID SHE GET THE PAINT STICK FROM?
A I DON'T KNOW, THEY HAD PLENTY OF PAINT STICKS

\section*{EVERYWHERE.}

Q OKAY. AND SO SHE GRABBED THAT PAINT STICK, AND THEN
\(9 \quad \mathbf{Q}\) OKAY. AND - UM - - WAS THERE ANY BLOOD?
DID SHE ACTUALLY MAKE THE PAINT STICK GO UP YOUR VAGINA?
A SHE DIDN'T MAKE IT, SHE TRIED TO SHOVE IT.
Q OKAY. SHOVE IT. UM - - AND SO DID IT ACTUALLY GO UP YOUR VAGINA?

A A LITTLE, BECAUSE IT COULDN'T GO ANY FURTHER.
Q OKAY. SO IT WENT FAR ENOUGH THAT IT STOPPED AGAINST SOMETHING?

A YEAH.

A I DON'T BELIEVE SO.
Q OKAY. AND -- UM -- DID -- HOW LONG WAS THAT PAINT STICK INSIDE OF YOU?

A I WOULD SAY ABOUT 20 SECONDS.
Q OKAY. SO SHE SHOVED IT UP THERE, AS YOU SAID, AND THEN IT REMAINED THERE FOR 20 SECONDS?

A I WOULD SAY SO, YES, SIR.
Q AND WHAT WERE YOU DOING FOR TGOSE 20 SECONDS WHILE IT WAS INSIDE OF YOU?

A CRYING.
Q OKAY. WERE YOU SQUIRMING?
A NO, I WAS NOT SQUIRMING, BUT I WAS DIGGING MY NOSE INTO THE CARPET.

Q OKAY. AND SO WERE YOU LYING ON THE BACK -- ON YOUR BACK ON THE CARPET?

A YES, YES.
\begin{tabular}{|c|c|c|}
\hline 1 & Q & OKAY. AND -- UM -- AND SO YOUR FACE WAS FACING THE \\
\hline 2 & CEILING? & \\
\hline 3 & A & YES. \\
\hline 4 & 9 & ALIL RIGHT. \\
\hline 5 & & UM -- AND -- UM -- AND YOU SAID THAT YOU -- UM \\
\hline 6 & TRIED TO & -- UH -- TO FIGHT MISS JANET FROM DOING THIS? \\
\hline 7 & A & WHAT DO YOU MEAN FIGHT? \\
\hline 8 & Q & DID YOU FIGHT AGAINST MISS JANET STICKING THINGS \\
\hline 9 & INSIDE OF & You? \\
\hline 10 & A & UM -- \\
\hline 11 & Q & DID YOU KICK HER? \\
\hline 12 & A & WELL, WHEN SHE WAS TRYING TO GET ME INTO AVA'S ROOM, \\
\hline 13 & I WAS TRY & ING TO FIGHT. BUT THEN WHEN I -- WHEN I LIED DOWN, I \\
\hline 14 & TRIED NOT & TO SQUIRM AROUND, BECAUSE IF I WOULD SQUIRM AROUND, \\
\hline & I -- WHY & WOULD I SQUIRM AROUND BECAUSE IT WOULD -- SHE WOULD \\
\hline 16 & DO IT MOR & \\
\hline 17 & 9 & OKAY. SHE WOULD \\
\hline 18 & A & SO I TRIED NOT TO SQUIRM AROUND SO I WON'T HAVE TO \\
\hline 19 & GET IT MO & RE LONGER. \\
\hline 20 & 2 & OKAY. WHAT WOULD SHE DO MORE? \\
\hline 21 & A & SHOVING IT UP THE -- SHOVING THE PAINT STICK UP MY \\
\hline 22 & VAGINA LO & NGER. \\
\hline 23 & Q & OKAY. AND -- UM -- THE PAINT STICK THAT WAS SHOVED \\
\hline & UP YOUR V & GGINA, IS THAT THE SAME PAINT STICK THAT YOU WOULD \\
\hline & GET SPANK & D WITH? \\
\hline
\end{tabular}

2 Q SAME TYPE?

6 THREATENED YOU WITH A RAZOR, RIGHT?
7 A YES.
\(8 \quad\) \& DID YOU ACTUALLY SEE THE RAZOR COME OUT?
A SHE -- THEY HAD DIFFERENT PAINT STICKS, BUT --

A YEAH, SAME TYPE.
Q OKAY. ALL RIGHT.
NOW, YOU ALSO TALKED ABOUT THE TIME THAT SHE

A YES.
Q OKAY. AND SHE TALKED ABOUT CUTTING YOUR FRONT PART OUT?

A YES.
Q BUT YOU ALSO TALKED ABOUT SEEING PICTURES OF PEOPLE WITH THEIR FRONT PARTS CUT OUT ON THE COMPUTER, RIGHT?

A YES.
Q UM - AND WHO SHOWED YOU THAT?
A MISS JANET.
Q OKAY. AND - UM - - WHEN SHE SHOWED YOU THAT, WAS THAT BEFORE OR AFTER SHE HAD SHOWN YOU THE RAZOR?

A UM -- IT WAS BEFORE SHE SHOWED US THE RAZOR.
Q OKAY. SO YOU SAW THE PICIURES OF PEOPLE WITH THEIR FRONT PARTS CUT OUT, AND THEN AFTER THAT SHE SHOWED YOU THE RAZOR?

A YES.
Q ALL RIGHT. AND SHE THREATENED YOU THAT IF YOU HAD

3 Q ALL RIGHT. AND - \(\mathbf{Q}\) UM -- WHAT - - UM - HOW MANY
A YES.

6 Q -- WHILE -- WHILE YOU LIVED AT THE SOLANDERS?
A I DON'T KNOW. TIMES DO YOU THINK YOU HAD AN ACCIDENT - -

A I DON'T KNOW.
Q A HUNDRED?
A I DON'T KNOW.
Q MORE? LESS?
A I WOULD SAY LESS, I DON'T KNOW.
Q OKAY. DID YOU ONLY HAVE PEE ACCIDENTS, OR DID YOU HAVE POOP ACCIDENTS AS WELL?

A I MAINLY HAD PEE, BUT I RARELY HAD POOP.
Q YOU RARELY HAD POOP?
A YES.
Q ALL RIGHT. BUT YOU DID HAVE SOME POOP ACCIDENTS?
A YES.
Q NOW, YOU ALSO TESTIFIED THAT YOU WERE ONLY GIVEN THREE SQUARES OF TOILET PAPER FOR -- UM -- PEEING AND SIX SQUARES FOR POOPING, RIGHT?

A YES.
Q AND WHO GAVE YOU THOSE TOILET PAPER SQUARES?
A AT NIGHT - - UM -- WE HAD THREE FROM MISS JANET, AND IN THE MIDDLE OF THE DAY, MISS JANET WOULD - - UM -- TAKE THE
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TOILET PAPER AND GIVE US IT.

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Q OKAY. WAS AVA EVER IN CHARGE OF THE TOILET PAPER?
A YES.
Q OKAY. AND SO AVA, THERE WERE TIMES THAT AVA WOULD GIVE YOU THE TOILET PAPER?

A YES.
Q ALL RIGHT. AND THERE WERE A LOT OF DISAGREEMENTS OVER AVA GIVING YOU THE RIGHT AMOUNT OF TOILET PAPER?

A YES.
Q AND YOU WOULD ARGUE WITH AVA ABOUT THAT?
A YES.
Q AND YOU WOULD GET IN FIGHTS WITH AVA ABOUT THAT?
A YES.
Q VIOLENT FIGHTS, WHERE YOU GUYS WOULD BE HITTING EACH OTHER, RIGHT?

A NO. WE WOULD ARGUE BECAUSE ME AND HER DON'T REALLY HIT. ME AND AMAYA --
\(Q \quad\) OKAY.
A - \(\quad\) REALLY HIT EACH OTHER.
Q OKAY. SO YOU AND AMAYA HIT EACH OTHER?
A YEAH.
Q BUT NOT AVA?
A ME AND AVA -- ME AND AVA ARGUE.
MR. MANN: OKAY. AND -- UM -- COURT'S INDULGENCE? THE COURT: UM-HUM. 8 LIKE FIVE, SEVEN MINUTES, SOMETHING LIKE THAT.

9 (WHEREUPON A RECESS WAS TAKEN.)
THE COURT: ALL RIGHT. ANASTASIA, DID YOU HAVE A GOOD
11 BREAK?
THE WITNESS: YES.
THE COURT: I KNOW IT WAS SHORT, BUT --
ALL RIGHT. GO AHEAD, MR. MANN.
MR. MANN: THANK YOU.
Q ANASTASIA, YOU TALKED ABOUT A HAVING TO SIT ON 17 BUCKETS WITH A TOILET SEAT ON TOP OF IT, RIGHT?
(DISCUSSION BETWEEN MR. MANN AND DEFENDANT J. SOLANDER.)
THE COURT: DO YOU NEED A BREAK?

THE WITNESS: (NO AUDIBLE RESPONSE.)
THE COURT: OKAY, WE'RE GONNA' TAKE A BRIEF BREAK.
MR. MANN: OKAY.
THE COURT: OUR WITNESS NEEDS PROBABLY A RESTROOM BREAK, AS DOES THE JUDGE. JUST FIVE MINUTES. JUST A. SHORT BREAK,

12
13

A YES.
Q OKAY. DID YOU HAVE TO SIT ON THAT BUCKET WITH A TOILET SEAT?

A NO. THERE'S A -- THERE WAS A POTIY TOILET, TOO.
Q OKAY. SO YOU ACTUALLY SAT ON THE POTTY TOILET?
A YES.
Q OKAY. YOU DIDN'T -- AND THAT'S A POTTY TRAINING TOILET --

8 Q -- AMAYA? OKAY.
AND THAT -- UM -- YOU ACTUALLY -- UM -- WHEN YOU
A YES.
Q -- HELP YOU TRAIN TO GO TO THE BATHROOM?

A YES.
Q ALJ RIGHT. AND -- UM -- SO WHEN YOU TESTIFIED
EARLIER THAT YOU SAT ON THE ORANGE BUCKETS WITH THE SEATS ON
TOP, THAT WASN'T ABOUT YOU, THAT WAS ABOUT AVA AND --
A YEAH, THEY SAT ON THEM.

11 CHILD, NOT ADOPTED YET, YOU WERE STILL LEARNING TO GO TO THE
12 BATHROOM BACK THEN, RIGHT?
A YEAH.
Q OKAY. AND -- UH -- MISS JANET WOULD ASK YOU IF YOU HAD TO GO TO THE BATHROOM, RIGHT?

A YES.
Q AND YOU WOULD SAY NO, BUT SHE WOULD SAY, "GO SIT ON 8 THE BATHROOM ANYWAY," RIGHT?

19 A YES.
20 Q OKAY. BECAUSE SHE WANTED TO MAKE SURE THAT YOU
21 LEARNED WHEN THE RIGHT TIME WAS TO GO TO THE BATHROOM, RIGHT?
A YES.

Q OKAY. AND YOU WOULD GO AND SIT, AND EVEN THOUGH YOU SAID NO, YOU ENDED UP HAVING TO GO?

A YES.

AND THAT UM - WHE YOU
10 WERE BEING FOSTERED BY THE SOLANDERS, AND YOU WERE A FOSTER
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    1 Q OKAY. UM -- AND -- UM -- WHEN - - UM -- THERE WAS A
    ```
    2 TIME THAT -- UM -- YOU EVEN POOPED YOUR PANTS ONCE AND DIDN'T
    3 SAY ANYTHING, RIGHT?
    4 A YES.
    Q AND YOU ENDED UP GETTING A SORE FROM THAT, RIGHT?
    DID YOU GET A RASH FROM THAT, FROM HAVING POOP IN YOUR PANTS?
    A I CAN'T REMEMBER.
    Q OKAY. SO YOU DON'T REMEMBER THAT?
    A NO.
    Q YOU DON'T REMEMBER MISS JANET HAVING TO PUT DIAPER
    11 OINTMENT ON YOUR BUTT?
    A NO, I DON'T REMEMBER.
    Q OKAY. AND DO YOU REMEMBER -- UM -- WHEN -- THAT YOU
    14 USED TO HAVE A PINK TOWEL THAT YOU WOULD DRY YOURSELF OFF OF,
    15 RIGHT?
    16 A YES.
    17 Q AND THEN YOU GOT POOP ON THAT TOWEL, RIGHT?
    18 A YES.
    19 Q AND SO THEN YOU ENDED UP HAVING A WHITE TOWEL THAT
    20 YOU USED TO DRY YOURSELF OFF WITH?
21 A YEAH.
22 Q OKAY. AND -- UM -- AND THERE WAS EVEN A TIME THAT
23 YOU ENDED UP WIPING POOP ALL OVER YOURSELF ONCE, RIGHT?

A NO. IT WAS -- SHE HAD BAGS, AND WHERE I WOULD -5 WHERE SHE WOULD PUT IT WHERE I WOULD STAND IN THE BAGS, LIKE

BIG TRASH BAGS, AND THEN THERE WAS -- IT WAS ABOUT LIKE RIGHT
2 HERE, IT LANDED LIKE RIGHT HERE, ABOUT THIS HIGH AND -- UM --
3 I WAS -- I WAS STANDING IN THERE, AND I WAS STANDING THERE ALL
4 DAY.
5 Q YOU WERE STANDING THERE ALL DAY AND THAT'S --
A YEAH.
Q -- AND THAT'S WHEN YOU WIPED POOP ON YOURSELF?
A NO. IT WAS -- IT WAS IN THE BAG. IT WAS BECAUSE MY CLOTHES WERE OFF.

Q OKAY. AND YOU POOPED INSIDE THE BAG?
A I WAS USING THE BATHROOM IN THERE BECAUSE I COULDN'T GO ON THE -- IN THE -- ON THE TOILET.

Q OKAY. BECAUSE YOU WERE IN THIS BAG?
A. YES.

Q WHY WERE YOU --
A I HAD TO GO TO THE BATH -- I HAD TO GO TO THE
17 BATHROOM IN THE BAG.
18 Q WHY WERE YOU IN THE BAG?
19 A BECAUSE I HAD AN ACCIDENT ON MYSELF.
20 Q OKAY.

25 A YEAH, BECAUSE SHE DIDN'T -- SHE DIDN'T WANT ME TO

1 SIT ON THE REGULAR TOILET.
2 Q AND THAT'S WHEN YOU HAD WIPED THE POOP ALL OVER
3 YOURSELF?
4 A I DIDN'T WIPE IT ON MYSELF. IT WAS IN THE BAG AND
5 IT WAS FILLED UP.
6 Q OKAY. SO WHEN I ASKED YOU ABOUT YOU WIPING POOP ALL
7 OVER YOURSELE, THAT'S THE TIME THAT YOU'RE THINKING OF?
8 A YES.
\(9 \quad \mathbf{Q}\) OKAY. AND -- UM -- NOW, WHEN ALL THIS WAS GOING
10 ON -- UM -- THERE WERE OTHER KIDS IN THE HOME, RIGHT?
11 A YES.
12 Q THESE WERE OTHER FOSTER KIDS?
13 A YES.
14 A AND DO YOU REMEMBER THE NAMES OF THOSE OTHER FOSTER
15 KIDS?
16 A YES.
17 Q WHAT ARE THEY?
18 A AUTUMN, IVY -- UM -- AREAHIA, KAESHIA, DEMEYER,
19 SPIDER -- UM -- MADISON AND FRANKIE.
20 O OKAY. SO ALL THOSE KIDS WERE IN THE HOME AT ONE
21 POINT OR ANOTHER?
22 A YES.
23 Q OKAY. AND -- UM -- THEY WERE THERE WHEN ALL THESE
24 DIFFERENT INCIDENTS HAPPENED?
25 A MOST OF THEM.

5 BY MR. MUELLER:
6 Q WHO WOULD TUCK YOU IN BED AT NIGHT?
MR. MANN: OKAY. I HAVE NO FURTHER QUESTIONS. THE COURT: CROSS-EXAMINATION BY MR. MUELLER.

\section*{CROSS-EXAMINATION}

BY MR. MUELLER:
Q WHO WOULD TUCK YOU INTO BED AT NIGHT?
A WHAT DO YOU MEAN "TUCK YOU"?
Q WELI, OKAY. WHEN IT'S TIME TO GO TO BED WHO WOULD
12 TUCK YOU INTO BED NORMALLY?
A WHEN WE FIRST CAME IN, WHEN WE WERE FOSTER CHILDREN?
Q YES.
A UM -- SOMETIMES MISS JANET OR MR. DWIGHT.
Q OKAY. AND THEN LAATER ON, WHO WOULD TUCK YOU INTO
17 BED?
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    THE COURT: EXCUSE ME -- I DIDN'T EVEN HEAR THAT.
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A WHAT DO YOU MEAN "LATER ON"?
Q WELL, YOU SAID -- AS OPPOSED TO BEING A FOSTER KID, AFTER YOU GOT ADOPTED, THEN WHO WOULD TUCK YOU INTO BED?

A I BELIEVE LIKE A MONTH OR TWO -- UN -- MISS JANET
2 WOULD, BEFORE WE WENT INSIDE THE BED, SHE WOULD - - UM - - WE 3 WOULD PULL OUR COMFORTERS BACK AND SHE'LL, BEFORE WE GOT IN -4 UM - - THE BED TO SLEEP, MISS JANET WOULD GIVE US A HUG, AND 5 THEN WE \({ }^{1} L L\) GO TO SLEEP.

Q OKAY. NOW, ON YOUR TYPICAL AVERAGE DAY WITH THE SOLANDERS, WAS MR. DWIGHT HOME FOR BREAKFAST?

A UM --
Q OR WAS HE GONE BEFORE YOU WOKE UP?
A SOMETIMES ON THE WEEKDAYS IT -- SOMETIMES HE WASN'T, SOMETIMES HE WAS.

Q ALL RIGHT.
A BECAUSE HE HAD TO WORK.
Q AND WOULD YOU GUYS GO TO BED BEFORE HE GOT HOME
SOMETIMES?
A YES.
Q ALL RIGHT, SO DOES THAT MEAN MISS JANET TUCKED YOU
GUYS INTO BED MOST OF THE TIME?
A WHEN WE WERE - AFTER WE WERE ADOPTED?
\(Q \quad\) YES.
A NO, WE SLEPT ON BOARDS.
Q ALL RIGHT. NOW, YOU WENT FROM SLEEPING IN A BED TO SLEEPING ON THE BOARDS, CORRECT?

A YES.
9 WHAT HAPPENED THAT HAD YOU SLEEPING ON THE BOARDS?
A CUZ WHEN WE WOULD -- I WAS SLEEPING --
Q. UM-HUM.

A --AND I COULDN'T WAKE UP IN THE MIDDLE OF THE NIGHT, AND I WAS -- UM - - PEEING, I WAS HAVING ACCIDENTS IN THE BED.
\(9 \quad\) Q ALI RIGHT. HOW MANY TIMES DID YOU WET THE BED
Q SO YOU -- YOU'RE -- YOU'RE WETTING THE BED?
A YES.
Q OKAY. AND -- UM -. AFTER THE FIRST TIME YOU WET THE
BED, WHAT HAPPENED?
A WHAT DO YOU MEAN?
Q WELL, YOU DIDN'T GET PUT ON A BOARD AFTER -- JUST WETTING THE BED ONE TIME, CORRECT?

BEFORE YOU HAD TO SLEEP ON THE BOARD?
A AFTER WE WERE ADOPTED?
Q HOW MANY TIMES?
A I WOULD SAY -- UH -- PLENTY.
Q PLENTY. MORE THAN A FEW?
A YES.
Q OKAY. AND THEN AFTER THAT, YOU HAD TO SLEEP ON THE BEDS -- ON THE BOARDS?

A YES.
Q OKAY. NOW, YOU NEVER SAT ON A BUCKET, CORRECT?
A NO, I DID NOT SIT ON THE ORANGE BUCKET.
Q YOU DID NOT HAVE TO SIT ON THE ORANGE BUCKET. NOW, DID YOU AND YOUR SISTERS TALK WHEN MR. DWIGHT AND JANET WASN'T AROUND?

A YES.
Q OKAY. AND DID YOU GUYS TALK ABOUT THINGS BETWEEN

\section*{1 YOURSELVES?}

4 LIKE, OH, THIS HURTS OR THAT HURTS, OR -- UM - - WE TALK ABOUT,
5 LIKE WE'LL SAY - UM - LIKE WE'LI SEE SOMETHING, AND WE'LL
6 LOOK AT HER - I MEAN WE 'LL LOOK AT EACH OTHER, LIKE LOCK AT
7 EACH OTHER, AND WE'LL - WE'LL SAY, HOW DID JHAT HAPPEN? LIKE
8 IF WE HAD A BRUISE ON OUR FACE OR SOMETHING.
9 Q UM-HUM.
10 A AND WE'LL SAY, HOW DID THAT HAPPEN, AND EITHER - -
11 EITHER WE'LL SAY, OH, WE FELL, BECAUSE WE ACTUALLY FELI AND - -
12 ON ACCIDENT, OR TRIPPED OVER SOMETHING. OR SOMETIMES
13 SHE'LL - - WE'LL SAY THAT MISS - - MISS JANET KICKED ME DOWN THE 14 STAIRS AND THEN I MADE A BRUISE.

15 Q ALL RIGHT.
16 A AND THAT'S AN EXAMPLE, BUT ...
17 A AND YOU GUYS WOULD TALK AMONG YOURSELVES ABOUT HOW
18 THESE THINGS WOULD HAPPEN?
19 A YEAH.
20 Q AND YOU WOULD TELL STORIES TO EACH OTHER AND - - AND
21 CONVERSE AMONG YOURSELVES?
22 A LIKE STORIES THAT'S NOT TRUE?
23 Q WELL, YOU'VE ADMITTED THAT YOU LIED ON A PAST
24 OCCASIONAL, HAVEN \({ }^{1} \mathrm{~T}\) YOU?
25 A YES.

8 BY MR. MUELLER: WEREN'T TRUE? THREE.

Q OKAY. SO WHEN --
THE COURT: WELL, I THINK SHE -- SHE DOESN'T UNDERSTAND YOUR DEFINITION OF STORY.

MR, MUELLER: ALL RIGHT.
THE COURT: THERE COULD BE A TRUE STORY AND THERE COULD BE A FALSE STORY, SO WHY DON'T YOU BETTER DEFINE YOUR VERSION

Q HAVE YOU EVER MADE UP STORIES WITH YOUR SISTERS THAT

A NO, NOT WITH ALL MY SISTERS. BUT AMAYA, SHE - - SHE WAS THE ONE THAT MAINLY TOLD MOST OF THE LIES. BUT SOME -LIKE VERY FEW, VERY FEW WERE TRUE, LIKE ONLY ONE OR TWO OR
\(\mathbf{Q}\) OF THE STORIES WERE TRUE?
A THE OTHER STORIES WEREN'T TRUE.
Q OKAY. WHICH STORIES WEREN'T TRUE?
A LIKE -- I DON'T KNOW ABOUT THE - - UM -- SHE SAID THAT MISS JANET STUCK SOMETHING UP HER VAGINA, I DON'T KNOW ABOUT THAT ONE, BUT SHE SAID rHAT -- UM -- MISS JANET - I DON' \({ }^{-}\)KNOW WHAT -- IF SHE WAS TELLING THE TRUTH OR NOT, BUT - ON THIS ONE EITHER, BUT -- UM -- SHE SAID THAT SHE HAD A BRUISE EITHER ON HER FACE OR ON HER ARM, AND SHE SAID THAT MISS JANET PUSHED HER DOWN THE STAIRS.

AND SHE SAID THAT WHILE SHE WAS CLIMBING UP A

CABINET, SHE -- MISS JANET SLAPPED HER AND SHE FELL. THOSE ARE THE ONES THAT I DO NOT KNOW IF THEY ARE TRUE OR NOT. AND I CAN'T SAY THAT SHE WAS TELLING A LIE OR NOT, BECAUSE I DIDN'T SEE IT AT ALL.

BUT -- UM -- LIKE I -- SOME STUFF, LIKE ONE OR TWO OR THREE, I DID SEE LIKE - UM - - MISS JANET PUSHED HER - NOT LIKE PUSHED, LIKE SHE WAS LIKE GENTLY, SOMETIMES SHE MADE IT HAPPEN, BUT MADE IT LOOK LIKE IT HAPPENED. SHE WENT LIKE THIS, NUDGED HER, AND SHE PURPOSELY MADE HERSELF FALI ON THE FLOOR.

SO IT WASN'T LIKE MISS JANET WAS -- TOOK HER ARMS
12 AND LIKE PUSHED HER LIKE THAT. SHE WAS LIKE, HURRY UP AND GO 13 DOWNSTAIRS, AND SHE FELL, AND THEN SHE HAD A BRUISE.
THAT?

A YES.
Q OKAY. NOW, THAT WAS UP IN THE BEDROOM UPSTAIRS THAT USED TO BE AMAYA'S OLD BEDROOM?

A ME AND AMAYA'S OLD BEDROOM, YES.
Q OKAY. NOW, YOU NEVER SAID MR. DWIGHT'S NAME AT ALL DURING THAT, WHEN YOU TOLD ABOUT THAT. WAS HE THERE?

A UM - ONE TIME OUT WHEN HE WAS -- UM - LIKE WHEN I TOLD MISS JACQUELINE, SHE - WHEN HE WAS IN THE UPSTATRS SMALL BATHROOM BY THE LOFT, HE WAS STANDING OUT OF THE DOORWAY.

Q SO HE WAS NOT IN THE ROOM?
A LIKE - NO, HE WAS NOT IN THE ROOM.
\(Q\) OKAY.
A BUT THAT WAS THE ONLY TIME HE WAS OUT OF THE DOORWAY, BUT HE WAS LOOKING SOMEWHERE ELSE. BUT HE WASN'T THERE AT ALL.

Q OKAY. NOW, DID YOU EVER GO TO MISS JANET'S WORK?
A YES.
Q ALL RIGHT. AND WHERE DID SHE WORK AT?
A UM -- THE BASE.
Q AND WHAT DID SHE DO AT THE BASE, DO YOU KNOW?
A UM -- SHE WORKED AND SHE SAID SHE WAS A NURSE.
Q SHE SAID SHE WAS A NURSE?
A. UM-HIJM.
\(Q\) DID YOU EVER SEE HER IN NURSING CLOTHES, CLOTHING,

1 NURSE'S CLOTHES?
2 A NO. I DON'T KNOW HOW IT LOOKS LIKE.
Q THE SCRUBS. HAVE YOU EVER SEEN THE SCRUBS?
A NO.
Q OKAY. NOW, THE OTHER TIMES THAT MISS JANET USED THE CATHETER ON YOU, MR. DWIGHT WAS NOT THERE, CORRECT?

7 A YES.
\(8 \quad Q \quad\) CORRECT?

16 MR. DwIGHT?
17 A HE'LL GO SHOPPING TO GET SOME FOOD OR GO TO HOME
18 DEPOT --
19 Q OKAY.
A A COUPLE OF TIMES, YES.
Q OKAY. SO HE'D TAKE YOU ALONG TO RUN SOME ERRANDS?
A YES, WHEN MISS JANET WAS NOT THERE.
Q OKAY. AND WHAT SORT OF ERRANDS DID YOU RUN WITH
-

A -- AND GET SOME SUPPLIES.
Q ALL RIGHT. WHATEVER JUST THE HOUSE NEEDED?
A YEA. OR SOMETIMES HE'LL JUST LOOK AROUND. OR
SOMETIMES HE'LL GO TO THE MALL.
Q ALL RIGHT. NOW, UP IN THE ROOM THERE WAS FANS, WERE 5 THERE NOT?


8 MR. DWIGHT WAS HOME, WOULD YOU GET IT?
9 A LIKE A COOKIE?
A YEAH. YOU FOOD WHEN MISS JANET WASN'T HOME?

A UM -- THAT - - NOT THAT I REMEMBER.
\(\mathbf{Q}\) NOT THAT YOU REMEMBER?
A NO, NOT THAT I REMEMBER.
Q OKAY. IF YOU ASKED FOR SOMETHING TO EAT WHEN

Q YEAH, A COOKIE, SOMETHING LIKE THAT?
A HMM, SOMETIMES.
Q SOMETIMES?

4 WEEKEND, WOULD -- DID HE EVER SAY YOU COULDN'T GO TO THE
5 BATHROOM? OR THREE HOURS. ON IN THE HOUSE?

A YEAH. A MOMENT?

THE COURT: SURE.

Q ALL RIGHT. AND DID MR. DWIGHT COOK FOOD OR SERVE

NOW, IF YOU WERE HOME WITH MR. DWIGHT ON THE

A NOT REALLY, BUT SOMETIMES HE WOULD. IT WOULD ONLY 7 MAKE US HOLD IT LIKE FOR 30 MINUTES OR ONE HOUR. NOT LIKE TWO

Q OKAY. AND THAT WAS JUST DEPENDING ON WHAT WAS GOING

MR. MUELLER: MAY I HAVE THE COURT'S INDULGENCE FOR JUST
(DISCUSSION BETWEEN MR. MUELLER AND DEFT. D. SOLANDER.)

MR. MUELLER: ALL RIGHT. THANK YOU, YOUR HONOR, I DON'T BELIEVE I HAVE ANY FURTHER QUESTIONS.

THE COURT: ANY REDIRECT - OH, SORRY, MR. RUE?
MR. RUE: THAT'S TWICE.
THE COURT: I KNOW. I'M HAVING THIS MENTAL BLOCK. I'M A COUNTER-CLOCKWISE PERSON. SORRY.

MR. RUE: IT'S ALL RIGHT.
THE COURT: YOU GUYG THREW A MONKEY WRENCH INTO IT, SO SEE, IT'S ALL YOUR FAULT.

MR. RUE: IT'S ALL MY FAULT. IT ALWAYS IS.

\section*{CROSS-EXAMINATION}

\section*{BY MR. RUE :}

Q ANASTASIA, I JUST WANT TO ASK YOU SOME QUESTIONS, OKAY?

A OKAY.
Q LTM - DO YOU REMEMBER WHEN YOU WERE LIVING IN
FLORIDA?
A YES.
Q OKAY. UM - - YOU WERE AT THE MARVELOUS GRACE GIRLS ACADEMY?

A YES.
Q THAT'S HOW YOU SAY IT?
A UM-HUM.
Q ALI RIGHT. UM -- DID YOU EVER TALK TO - - UM --

1 BROTHER BLANKENSHIP?
2 A YES.
3 Q OKAY. DID YOU TALK TO HIM ABOUT THINGS THAT WERE GOING ON BACK HERE? 7 LET'S SAY I WAS WEARING A SHIRT AND -- LIKE A T-SHIRT, AND HE

8 SAW SOMETHING ON ME THAT -- LIKE A BRUISE OR SOMETHING, AND HE
9 WILL ASK ME, WHERE DID THAT COME FROM.
10
11 DIDN'T REALLY WANT TO TELL HIM AT FIRST, BUT THEN HE -- HE 12 TOOK ME OVER AND SAID, "I WON'T HURT YOU," AND THEN I JUST

13
14 O OKAY. SO, FOR EXAMPLE, YOU TOLD HIM PROBABLY ABOUT
15 YOUR BEHIND THE EAR, THE MARK THERE?
16 A UM-HUM. YES.
17 Q AND YOU TOLD HIM WHERE THAT CAME FROM?
18
19 S SO -- UM -- AT SOME POINT, THOUGH, YOU WERE PULLED
20 OUT OF THAT SCHOOL, RIGHT?
A UM - YES. UM -- HE -- HE -- WE WERE -- UM -- HE SAW SOME -- HE SAW SOME STUFF ON ME, LIKE WHEN WE WERE, LIKE

AND -- UM -- HE -- HE -- UM -- I SAID -- WELL -- I TOLD HIM.

A UM-HUM. YES.

A YES.
Q OKAY. AND YOU WERE -- YOU SPOKE TO SOME PERSON IN FLORIDA LIKE A CPS WORKER?

A YEAH.
Q DO YOU KNOW THE NAME?

1 A I BELIEVE IT WAS MISS JACKIE. I KNOW IT STARTED
2 WITH A J.
3 Q OKAY. WE \({ }^{1} L L\) SAY MISS JACKIE THEN.
4

6 A YES.
7

8

A YES.
Q RIGHT?
A YES.
Q UM - - HOW LONG DID THAT INTERVIEW TAKE, IF YOU KNOW?
A WELI, IT WAS A - I BELIEVE ON A SATURDAY, AND ABOUT LIKE 30 MINUTES EACH.

Q OKAY. AND DO YOU KNOW WHETHER IT WAS RECORDED OR

\section*{2 REMEMBERED EVERYTHING.}

3 O OKAY.

4

5

7 WRIST?
8 A NO. SHE DID NOT ASK THAT QUESTION.
A I -- I THINK SO, BUT I DON \({ }^{1} T\) REMEMBER THAT.
Q SURE. IT WAS A WHILE AGO.
UM - - DID YOU SHOW HER YOUR -- UM - - INJURY ON YOUR

A I THINK SHE HAD A LITTLE -- UM -- RECORDER WHERE SHE
\& OKAY.
A I DON'T BELIEVE 50 .
Q OKAY. UM -- DID YOU TELL HER ABOUT BEING HIT BY DANIELLE AT ALL?

A I DID TELL HER THAT, BUT I DON'T REMEMBER SHOWING HER THE - - UM -- SCAR.
\(\mathbf{Q} \quad\) OKAY. WHY NOT?
A I THINK SHE - - IT WAS LIKE THE LAST QUESTION,
7 BECAUSE THEY -- SHE DID -- UM -- MISS JANET FIRST, AND THEN A LITTLE BIT OF MISS - I MEAN MR. DWIGHT.

Q UM-HUM.
A THEN AT THE END A LITTLE BIT OF EVERYONE.
Q OKAY.
A AND SHE DID DANIELLE AT THE END, SO THAT WAS LIKE THE LAST THING SHE DID, AND SHE HAD TO GO, AND WE HAD TO GO, TOO.

Q OKAY. BUT YOU -- YOU TOLD HER ABOUT EVERYTHING THAT 155

1 YOU POSSIBLY COULD?
2 A YEAH.
3 Q OKAY. UM -- I WANT TO TALK ABOUT THAT INJURY REAL
4 QUICK. AND I FORGOT, IS THAT INJURY THAT -- ON YOUR WRIST, IS
5 IT ON YOUR RIGHT WRIST OR YOUR LEFT WRIST?
6 A ON LEFT.
\(7 \quad Q \quad\) ON YOUR LEFT WRIST?

11 MARCH, DO YOU REMEMBER THAT?
12 A WHEN WE WERE TOOKEN OUT OF THERE AND --
13 Q YES.
14 A -- SENT TO CHILDREN'S IN CHRIST?
\(15 \mathcal{Q}\). NO, I'M -- I'M SORRY, I'LL BE MORE SPECIFIC. DO YOU REMEMBER ONCE YOU CAME BACK FROM FLORIDA --

17 UM -- YOU -- YOUR -- YOU STAY AT MISS DEBBIE'S HOUSE, RIGHT?
18 RIGHT NOW?
19 A UH -- YEAH.
Q OKAY. DO YOU REMEMBER A TIME WHEN YOU CAME BACK
21 FROM F'LORIDA, AFTER YOU SPOKE WITH MISS JACKIE, YOU CAME BACK
22 HERE TO LAS VEGAS, AND THEY WANTED YOU TO SEE A DOCTOR. DO
23 YOU REMEMBER THAT? AND SOME PICTURES WERE TAKEN?
A NO. ALE I REMEMBER WAS WE WERE AT -- WE TOOK -- WE 25 GOT TOOKEN AWAY FROM FLORIDA, FROM THE SCHOOL, AND THEN WE GOT

1 SENT TO MIAMI AT CHILDREN'S IN CHRIST, AND THERE WAS A LADY
2 THAT CAME BY AND TOOK PICTURES OF THE - - UM - - SCARS. BUT I
3 DON \({ }^{\prime} T\) REMEMBER GOING TO THE DOCTOR.
4 Q OKAY. YOU DON'T REMEMBER GOING TO THE DOCTOR BACK
5 HERE IN LAS -- A DOCTOR BACK HERE IN LAS VEGAS?

6 A NO, I DO NOT REMEMBER.
7 Q WHERE THEY TOOK PICTURES OF YOU?

8

9

10
11

25 WAS ONE NANNY.


3 AMAYA ACCUSED YOU OF STEALING FOOD FROM REBECCA?
4 A YES.
\(5 \quad \propto \quad\) SHE ACCUSED YOU OF STEALING FOOD?
6 A YEAH, SHE - SHE ACCUSES ME.

13 GAVE IT TO US. WE - - WE DIDN'T - - WE DIDN'T GO IN HER ROOM.
14 IF WE WENT IN HER ROOM, IT WAS BECAUSE WHEN SHE WAS IN THERE--
15 Q OKAY.
Q WAS THERE A TIME WHEN ANASTASIA ACCUSED YOU OF STEALING FOOD FROM - - I'M SORRY, YOU ARE ANASTASIA - - WHERE

Q OKAY. AND THAT WAS - I MEAN AMAYA WAS LYING?
A YEAH.
Q OKAY. UM - DID ANY OF YOU EVER GET PUNISHED FOR STEALING FOOD FROM REBECCA, EVER?

A I DON'T REMEMBER, BECAUSE MISS -- ALL OF THE FOOD THAT MISS REBECCA GAVE, THAT WE HAD FROM MISS REBECCA, SHE

A -- AND WE WERE LISTENING TO MUSIC WITH HER.
Q AND - I MEAN TO BE CLEAR, REBECCA LIVED - LIVED WITH YOU, RIGHT?

A YEAH, FOR - FOR THEN.
Q OKAY. OKAY.
NOW, THE MARK ON YOUR LEFT WRIST - - UM -- I'M NOT
REALLY SURE HOW THAT CAME ABOUT, I KNOW YOU TALKED ABOUT IT A LITTLE BIT WITH MISS JACQUELINE?

A YEAH.
Q BUT I WANT TO TALK - - I WANT TO HEAR A LITTLE BIT
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MORE ABOUT THAT, OKAY?

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A OKAY. WELL --
Q UM --
A \(\quad \mathrm{OH}\).
Q WELL, WHAT HAPPENED?
A WELL -- UM -- WELE, MISS REBECCA, I -- I DON'T KNOW WHO AND WHO -- I DON'T KNOW WHO TOLD HER ANYTHING, BUT -UM -- WE -- WE -- UM -- MISS REBECCA, SHE WAS LETTING US EAT FOOD AND - - UM -- SOMEONE FOUND OUT ABOUT IT, AND MISS REBECCA -- UM -- SHE GOT FIRED.

SO THEN WHEN -- WHEN THEY -- WHEN DANIELLE THEN GOT FOUND OUT THAT WE -- THAT MISS REBECCA WAS -- UM -- GIVING US FOOD, WE GOT IN TROUBLE. SO I -- ME AND AMAYA MADE AVA -- AVA ATE FOOD, BUT SHE DIDN'T TELL -- SHE DIDN'T TELL IT, BUT ME AND -- ME AND AMAYA -- UM -- AVA TOLD ME, AVA SAID THAT ME AND AMAYA DID IT AND AVA DID IT, TOO, BUT -- UM -- THEY FOUND

17 OUT THAT -- THEY THOUGHT ME AND AVA -- I MEAN ME AND AMAYA WERE JUST THE ONLY ONES THAT WERE EATING THE FOOD. AND SO

19 THEN -- UM -- ME AND AMAYA GOT PUNISHED AND WE GOT A SPANKING. AND -- AND DANIELLE DID IT BECAUSE MISS JANET WAS ON A VACATION, AND I BELIEVE MR. DWIGHT WAS AT WORK. SO DANIELLE WAS THE ONLY ONE THERE TO SPANK US.

SO SHE -- SHE SPANKED ME AND MAYA AND -- UM -- ME --
24 ME AND AMAYA, WE HAD -- I HAD -- WHEN I GOT UP, SHE -- UM --
25 TOOK THE RULER AND WENT LIKE THAT, SO THEN IT ENDED UP DOING

1 THAT. IT ENDED UP HAVING A SCAR AFTER IT.
2 O OKAY.
3 A AND THEN --
\(4 \quad \mathbf{Q}\) SO LET ME -- I WANT TO MAKE SURE I'M CLEAR. SO YOU -- YOU'RE SAYING YOU GOT PUNISHED BY
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DANIELLE -- UM -- FOR EATING FOOD?

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A YES.
Q OKAY. AND -- UM -- WHEN DID THIS HAPPEN?
A UM --
\(Q \quad\) IF YOU KNOW?
A EITHER IN -- I WANT TO SAY JANUARY OR DECEMBER.
Q OF WHAT YEAR?
A UH -- 2000 -- I WANT TO SAY 13.
Q OKAY.
A BECAUSE -- UH -- WE -- WHEN WE WERE AT MARVELOUS
16 GRACE IT TURNED 2014, SO THEN IT WAS LIKE A YEAR WHEN IT
17 HAPPENED BEFORE WE WENT TO MARVELOUS GRACE.
18 OKAY. SO JANUARY OF 2013 -- UM -- YOU GOT THIS
19 MARK. UM -- BY THE WAY, IF I UNDERSTOOD YOU RIGHT, AVA WAS
20 TELLING ON YOU, BUT SHE WAS JUST AS GUILTY, TOO?
21 A YES.
22 Q OKAY. DID YOU TELL ANYONE THAT?

24 LYING, BUT IT -- IT WAS DONE AND OVER WITH.
25 Q OKAY. SO AT SOME POINT AFTER YOU GOT SPANKED ON THE

1 BOTTOM WITH THE PAINT STICK -- EM -- YOU GOT HIT ON THE LEFT

\section*{WRIST?}

3 A YES.
4 Q OKAY. UM -- WHO SAW THIS?
A UM -- ME AND AMAYA.
\(Q\) AMAYA SAW IT?
A YES.
Q OKAY. WHAT ABOUT A AVA?
A AVA WASN'T THERE.
Q WHERE WOULD -- WHERE DID THIS HAPPEN?
A IN DANIELLE'S ROOM.
Q OKAY. UM -- WHEN YOU GOT HIT ON THE LEFT WRIST, DID IT BLEED?

A I DON'T --
Q IF YOU --
A NO, I DON'T REMEMBER.
Q OKAY. IF IT BLED, YOU'D PROBABLY PUT A -- HAD TO PUT A BAND-AID ON IT --

A YES.
Q -- OR SOMETHING LIKE THAT, RIGHT?
A YES.
Q UM -- WAS REBECCA THERE AT THAT TIME?
A YEAH, SHE WAS IN -- UM -- HER ROOM.
Q OKAY. UM -- WERE THERE ANY PICTURES TAKEN OF THE INJURY BY REBECCA?

5 Q AND THEN THAT CAUSED - - UM - A SCAR - -
A YES.
7 Q - ON YOUR LEFT WRIST?
A YES.
Q AND THAT WAS IN JANUARY OF 2013?
A YES.
Q UM -- BETWEEN JANUARY OF 2013 AND -- UM -- THE TIME THAT YOU WENT TO MARVELOUS GRACE GIRLS ACADEMY, HOW MANY PEOPLE DID YOU TELL ABOUT THAT?

A UM -- I TOLD THE BLANKENSHIPS.
\(\mathbf{Q} \quad O K A Y\).
A WELL, NOT MISS TANYA (PHONETIC), THE WIFE, BECAUSE 17 SHE WAS ALWAYS BUSY, BUT THE -- UM -- THE HUSBAND, I TOLD HIM. 21 WOULD - - THEY WOULD HAVE A CHAT, THE STAFF WOULD HAVE A CHAT, 22 AND THEY WOUED TALK TO IT -- WOULD TALK TO EACH OTHER, BUT I

23
24
25
A NO. WELL - UM -- MISS -- WE DID TELL LIKE A LITTLE BIT TO REBECCA, BUT REBECCA -- I MEAN, BUT SHE DIDN'T TAKE PICTURES OF IT. SHE WAS ABOUT TO, BUT SHE - - SHE DIDN'T ONE OF THE STAFF AND -- WELL, MISS NANCY BASICALLY THEY DIDN'T REALLY TELL ANYONE ELSE --

Q OKAY.
A - ONLY THE BLANKENSHIPS - - BROTHER BLANKENSHIP AND
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MISS NANCY.

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Q NOW, BETWEEN JANUARY 13TH -- OR JANUARY OF 2013 AND TO THE TIME THAT YOU WENT TO FLORIDA -- UM -- YOU'D SEEN SOME CPS WORKERS?

A YES.
Q AND YOU'D SEEN SOME DOCTORS?
A LIKE DOCTORS FOR THE SCARS OR LIKE --
Q NO, DOCTORS -- JUST DOCTORS FOR --
A YEAH.
Q -- CHECKUPS OR --
A YЕAH.
Q -- ANYTHING ELSE?
YOU DIDN'T TELL ANY OF THEM ABOUT THIS?
A NO.
Q WHY?
A I DIDN'T REALLY TALK TO THEM, AND I -- AND THEY WERE
17 IN THERE WHEN -- THEY WERE IN THERE WHEN -- UM -- WHAT'S --
18 WHEN THE DOCTORS, WHEN THEY WERE -- DOCTORS WERE CHECKING ME
19 UP, BECAUSE THE -- I TALKED TO PEOPLE IN PRIVACY, AND IT'S
20 JUST ONE ON ONE TOGETHER AND WE -- I TALKED TO THEM.
21 O OKAY. WELL, WHEN YOU WERE WITH THE DOCTORS, DID YOU
22 HAVE -- YOU DIDN'T TALK TO THEM AND YOU DIDN'T TELL THEM ABOUT

25

A NO.
Q OKAY. UM -- AND TO BE CLEAR, THE MARK ON YOUR WRIST
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IS FROM ONE HIT?
A YES.
Q OKAY. SO ONE TIME WITH THE PAINT STICK --
A YES.
Q -- ON THE LEFT WRIST?
A YES.
Q YOU SAID, NOT TOO LONG AGO, THAT YOU THOUGHT THAT
AMAYA WOULD PURPOSELY FALL DOWN?
A YES.
Q OKAY. DOWN -- IT SOUNDS LIKE SHE FELL A LOT.
A YEAH.
Q SHE DID?
A YES.
Q OKAY. UM -- FALL DOWN STAIRS?
A YES.
Q FALI OFF BIKES?
A YEAH.
Q DID SHE RIDE THE BIKE VERY WELL?
A NO.
Q OKAY. UM -- AND SHE'D GET SCRAPES EVERYWHERE
PROBABLY.
A YEAH.
Q ON HER ELBOWS?
A I DON'T REMEMBER ON HER ELBQWS, BUT I KNOW ONE ON
25 HER LEG AND HER KNEE, LIKE EVERYWHERE.

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Q EVERYWHERE?
A. ON THE LEGS.

Q UH-HUH. ОKAY.
MR. RUE: COURT'S INDULGENCE?
THE COURT: SURE.
(DISCUSSION BETWEEN MR. RUE AND DEFENDANT HINTON.)

\section*{BY MR. RUE:}

Q HOW LONG WAS REBECCA WITH YOU, IF YOU KNOW?
A I WOULD SAY LIKE TWO OR THREE WEEKS. A COUPLE OF
WEEKS.
MR. RUE: OKAY. THANK YOU, ANASTASIA. NOTHING FURTHER.
THE COURT: REDIRECT?
MS. BLUTH: THANK YOU, JUDGE.

\section*{REDIRECT EXAMINATION}

\section*{BY MS. BLUTH:}

Q I'VE GOT A FEW QUESTIONS FOR YOU, OKAY, ANASTASIA?
A FINE.
\& OKAY. UM -- WHEN YOU WERE BEING ASKED QUESTIONS EARLIER -- UM -- ABOUT THE CATHETERS --

A UM-HUM.
Q -- YOU SAID THAT MISS JANET WOULD FOLD YOU DOWN?
A YES.
9 NOW, WOULD SHE HOLD YOU DOWN EVERY TIME SHE USED THE CATHETERS?

1 A NOT EVERY TIME. IF I -- IF I SQUIRMED AROUND.
2 Q OKAY.
3 A IF I DON'T, SHE DOESN'T HAVE TO HOLD ME DOWN. BUT
4 IF I DO, SHE'LL HOLD DOWN.
5 Q OKAY. SO -- UM -- THE TIME IN THE BATHROOM, DID SHE
HOLD YOU DOWN?
7 A NO, THAT TIME WHEN I -- WHEN I JUST SAID.
Q OKAY. SO SHE HELD YOU DOWN ONE TIME IN THE
BATHROOM?
A YEAH.
Q IN THE -- UM -- IN THE BATHROOM?
A YES.
Q AND THEN -- NOW, DID THE CATHETERS GO IN YOUR -- NOW 14 YOU USED THE TERM FRONT PART FOR YOUR PRIVATE, RIGHT?

15 A YES.
16 O OKAY. SO I'M GOING TO USE THAT TERM, IF THAT'S OKAY
17 WITH YOU?

A MORE THAN ONE TIME. BUT THE TIME THAT YOU ASKED
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ME -- UM -- WHERE WAS -- WHERE WOULD SHE PUT THE CATHETERS IN
ME --
Q UM-HUM.
A -- THE -- THAT I'M SAYING THE BEDROOM, THE LOFT AND
THE BATHROOM.
Q OKAY. UM -- SO, NOW, WHEN YOU WERE IN THE BEDROOM,
WOULD SHE HOLD YOU DOWN IN THE BEDROOM?
A UM -- UM -- I DON'T BELIEVE SO.
Q OKAY.
A BUT SHE ONLY DID IT ONCE OR TWICE IN THE BEDROOM.
Q OKAY.
A BECAUSE OTHER -- THE OTHER FOSTER KIDS WERE SLEEPING
IN THERE, TOO.
Q OKAY. AND THEN WHAT ABOUT THE LOFT, DID SHE HOLD
YOU DOWN IN THE LOFT?
A ONLY ONCE.
Q SHE HELD YOU DOWN ONCE IN THE LOFT?
A YES.
Q WELL, HOW -- HOW MANY TIMES DID SHE STICK THE
CATHETER IN YOUR VAGINA IN THE LOFT?
A HMM, I WOULD SAY ABOUT FOUR TIMES.
Q OKAY. SO SHE WOULD MOSTLY DO IT EITHER IN THE
BATHROOM OR IN THE LOFT?
A YEAH.
Q OKAY. NOW, ANY OF THE TIMES IN THE LOFT DID SHE

1 HOLD YOU DOWN?
2 A UM -- ONCE.
3 Q AND SO ALL OF THESE TIMES THAT WE'RE TALKING ABOUT,
4 IS THIS AFTER YOU WERE ADOPTED?
5 A YES, AFTER WE WERE ADOPTED.
Q OKAY. THE -- WHEN MISS JANET STUCK THE STICK INSIDE OF YOUR FRONT PART, WAS SHE HOLDING YOU DOWN THAT TIME?

8 A NO -- UM -- I WASN'T SQUIRMING --
$9 \quad \mathrm{Q} \quad$ YOU DIDN ${ }^{1} T$ -
10 A -- MUCH. NO.
11 Q YOU DIDN'T SQUIRM ON THAT TIME?
A NO, I DID NOT SQUIRM AT THAT TIME.
Q OKAY. UM -- AND THEN -- SO DID YOU EVER SIT ON THE BUCKET?

A NO.
Q SO CAN YOU EXPLAIN TO ME WHAT IT WAS THAT YOU SAT
17 ON, JUST SO I UNDERSTAND?

12
13
14
15
16

18 A IT WAS PINK AND IT WAS BASICALLY A TRAINING TOILET.
$19 \quad \mathbf{Q} \quad$ A TRAINING TOILET?
A YEAH.
Q AND SO WHEN YOU WERE SITTING ON AND DOING YOUR HOMEWORK IN THE KITCHEN, WHAT DID YOU SIT ON?

A AT FIRST THE -- WE HAD BLACK CHAIRS.
Q OKAY.
A AND THEN AFTER THAT WE HAD -- I HAD THE -- UM --

1 TRAINING POTTY.
2 Q OKAY. AND SO WHEN YOU WERE SITTING ON THE TRAINING POTTY, WERE YOU ALLOWED TO HAVE YOUR CLOTHES ON?

4 A UM - - MY SHIRT AND -- BUT I HAD TO PULL MY PANTS
5 DOWN. BUT SOMETIMES IT -- SOME -- VERY OFTEN I JUST WORE --
UM -- MY SHIRT, OR SOMETIMES JUST -- UM -- MY PANTS OR
7 SOMETIMES NOTHING.
8 Q OKAY. AND THEN YOU WOULD -- AND HOW LONG WOULD YOU 9 SIT ON THE POTTY TOILET FOR?

10 A UM -- ALL DAY, UNLESS I HAD TO GO TO THE BATHROOM 11 AND DO IT UPSTAIRS, OR WE HAD TO GO TO BED.

12 OKAY. AND -- UM -- WHO WOULD HAVE YOU SIT ON THE 13 POTTY TOILET?
14 A MISS JANET?
15 Q WHAT IF MR. DWIGHT WAS TAKING CARE OF YOU?
16 A UM -- WE STILL HAD TO SIT ON IT.
17 O OKAY. AND DID YOU STILE HAVE TO SIT ON THEM ALL
18 DAY?
19 A YES.
20 Q NOW, YOU TALKED ABOUT STANDING IN A TRASH BAG WITH 21 POOP, AND I DIDN'T QUITE UNDERSTAND. CAN YOU EXPLAIN THAT TO 22 ME ?

7 O OKAY. SO, WHY WERE YOU STANDING IN A -- IN A TRASH
BAG?
A BECAUSE I HAD AN ACCIDENT.
Q UM -- AND WHO MADE YOU STAND IN IT?
A MISS JANET.
Q SO -- UM -- DID YOU HAVE ANY CLOTHES ON INSIDE THE
BAG?
A NO. ONLY MY -- UM - - UNDERWEAR.
Q OKAY. SO YOU -- AND WHERE WAS IT YOU WERE STANDING?
A IN THE UPSTAIRS BATHROOM.
8 AND SO HOW LONG DID YOU HAVE TO STAND IN THE BAG
FOR?
A WELL, I WOULD SAY -- WHEN I EIRST GOT IN THERE, I WOULD SAY IIKE 11 O'CLOCK.

Q IN THE MORNING?
A YEAH, IN THE MORNING.
$\mathbf{Q} \quad$ OKAY.
A AND -- AND I WOULD SAY 8 O'CLOCK WHEN I GOT OUT OF


1 A THE TWO DAY - I BELIEVE -- I -- I WOULD BE LIKE 2 FOUR OR FIVE DAYS BEFORE WE WENT TO MARVELOUS GRACE.

3 O OKAY. AND SO YOU JUST STOOD IN THE BAG JUST LIKE THE TIME BEFORE?

A YEAH, EXCEPT FOR ONLY SHORTER, LIKE 15 MINUTES OR So.

7 Q AND DID YOU GO TO YOUR -- THE BATHROOM ON YOURSELF THAT TIME?

A NO. UM -- I JUST WENT TO THE BATHROOM, AND THEN I DIDN'T HAVE TO GO ANYMORE, SO ...

Q AND -- UM -- THAT DAY, THE SECOND DAY, WHO MADE YOU 12 STAND IN THE BAG? THE SECOND TIME, SORRY, AT NIGHT --

A OH .
Q -- WHEN YOU HAD TO WEAR THE BAG, WHO WAS IT WHO --
A MISS JANET.
Q AND WHERE WAS MR. DWIGHT ON THOSE DAYS?
A UM -- IT WAS ME -- HE WAS -- MOST OF THIS STUFF WAS HE WAS MAINLY AT WORK.
$Q$ OKAY. AND WAS MISS DANIELLE THERE EITHER OF THOSE TIMES?

A UM -- I CAN'T REMEMBER.
9 OKAY. NOW, DID YOU EVER SEE ANY OF YOUR SISTERS GET THE CATHETERS IN THEM?

A NO, I DID NOT.
Q UM -- AND WHEN YOU SAID THAT ONE TIME MR. DWIGHT WAS

1 OUTSIDE THE DOORWAY WHEN YOU WERE IN THE BATHROOM?
2 A YEAH.

Q WAS THAT DOOR OPEN OR CLOSED?
A IT WAS OPEN.
Q AND MR. DWIGHT WAS JUST STANDING AT THE DOOR?
A UH --
MR. MUELLER: OBJECTION.
MS. BLUTH: OR OUTSIDE THE DOORWAY?
MR. MUELLER: OBJECTION, LEADING.
THE WITNESS: SOME --
THE COURT: HOLD ON. HOLD ON.
MR. MUELLER: IT'S --
THE COURT: OBJECTION?
MR. MUELLER: -- TWICE BEEN NOW THAT SHE WAS OUTSIDE THE DOOR, SHE WOULDN'T BE ABLE TO SEE HIM, SO THAT'S LEADING.

MS. BLUTH: THE FACT IS SHE -- HE DID NOT SAY -- SAID SHE WASN'T -- HE WASN'T LOOKING AT HER.

THE WITNESS: YEAH.
THE COURT: WELL, WHY DON'T YOU -- WHY DON'T YOU ALL ASK IT IN AN OPEN-ENDED FASHION, SO YOU'RE NOT LEADING HER.

MS. BLUTH: SURE.
Q CAN YOU EXPLAIN TO ME WHERE IT WAS THAT MR. DWIGHT WAS STANDING SO I UNDERSTAND?

A UM -- HE -- THIS IS LIKE -- UM -- IT WAS -- THE DOOR WAS OPEN, SO LIKE IF THIS WAS THE BATHROOM, AND HERE'S A DOOR,
THIS IS LIKE WHEN YOU FIRST COME IN.

Q OKAY.
A LIKE HE'S NOT INSIDE.
0 OKAY.
A BUT HE'S OUTSIDE OF THE DOQRWAY.
Q OKAY. SO HOW ABOUT WE DO THIS? IF -- IF THIS IS THE DOOR TO - IF THIS IS THE ENTRYWAY TO THE BATHROOM - -

A UM-HUM.
Q -- AND YOU AND MISS JANET ARE INSIDE?
A YEAH.
Q AND HERE'S WHERE - - SO IF I STEPPED RIGHT IN HERE
I'D BE IN THE BATHROOM, SO THIS IS RIGHT OUTSIDE, RIGHT?
A YEAH.
Q OKAY. SO IS MR. DWIGHT FACING YOU OR IS HE FACING 'THE OTHER WAY?

A HE'S FACTNG THIS WAY LIKE --
Q SIDEWAYS?
A YEAH, SIDEWAYS.
Q OKAY. AND IS HE -- HOW FAR IS HE FROM THE ENTRY OF THE ROOM?

A UM - ABOUT AN INCH.
Q OKAY. SO LIKE THIS MUCH?
A UM - YEAH.
Q OKAY. SO HE'S --
A HE WASN'T LOOKING, BUT HE WAS JUST STANDING THERE

1 WAITING FOR MISS JANET.
2 Q OKAY. AND DID YOU EVER HEAR THEM THAT DAY HBVE A 3 CONVERSATION ABOUT WHAT MISS JANET WAS DOING?

4 A NO, IT WAS AT NIGHTTIME. WAIT. SAY THAT AGAIN.
5 Q WHEN MR. DWIGHT WAS STANDING OUTSIDE THE BATHROOM,
6 AND MISS JANET WAS INSIDE PUTTING THE CATHETER IN YOU --
7 A UH-HUM.
8 Q - WERE THE TWO OF THEM TALKING ABOUT WHAT WAS GOING
9 ON?
10 A UM - - I DON'T THINK SO.
11 Q OKAY. DID THEY HAVE ANY CONVERSATIONS -- DID YOU
12 HEAR THEM HAVE ANY CONVERSATIONS BEFORE MISS JANET - UM --
13 PUT THE CATHETER IN YOU, OR LIKE BEFORE THEY CAME INTO THE

A I CAN'T REMEMBER.
Q OKAY. ALL RIGHT. NOW, WERE THERE TIMES THAT MR. DWIGHT WAS TAKING CARE OF YOU - - UM - AND MISS JANET GAVE INSTRUCTIONS TO MR. DWIGHT?

A YES.
MR. MUELLER: OBJECTION, FOUNDATION.
UNLESS SHE WAS PRESENT FOR THE CONYERSATION.
THE COURT: SUSTAINED.
MS. BLUTH: OKAY.
Q WERE YOU -- DID YOU HEAR THE CONVERSATION WHERE

MISS JANET WOULD TELL MR. DWIGHT THE RULES, OR WHATEVER IT WAS?

A LIKE SHE WOULD -- HE WOULD -- SHE WOULD TELL HIM LIKE WHEN WE -- LIKE IF SHE HAD TO GO TO AN APPOINTMENT IN THE MORNING -- TM -- AND WE'RE STILL IN BED, SHE'LL TELL HIM TO DO THIS AND HOW TO DO THAT AND HOW TO DO THIS AND --

MR. MUELLER: OBJECTION, FOUNDATION. WAS THE LITTLE GIRL PRESENT.

THE COURT: WELL, JUST --
MS. BLUTH: I MEAN HE GET INTO THIS ON CROSS.
THE COURT: JUST ASK HER IF SHE HEARD.
12 BY MS. BLUTH:
13 Q DID YOU - WERE THERE EVER TIMES WHERE YOU HEARD

A YEAH.
Q BUT WHEN MR. DWIGHT WAS TAKING CARE OF YOU, DID HE FOLLOW MISS JANET'S RULES?

A HMM -- UM - I WOULD SAY VERY -- YES, BUT HE -- HE WOULD DO STUFF, LIKE HE -- SOMETIMES HE WOULDN'T FOLLOW IT, HE'LL JUST LET US GO INSTEAD OF LIKE LETTING US WAIT.

7 STATE.
8 MS. BLUTH: SHE LIVED WITH THEM. SHE CAME --
9 THE COURT: WELL, THERE'S BEEN A LOT OF' FRANKLY,
10 QUESTIONS THAT THERE COULD HAVE BEEN OBJECTIONS TO
11 SPECULATION. WE'VE BEEN ASKED HER - - ASKING HER TO OPINE ON
12 VARIOUS THINGS.
13

14 WORTH.
15
16
17 TO SAY IT OVER?
18
19
20
21
22
Q DO YOU THINK MR. DWIGHT WAS SCARED OF MISS JANET? MR. MUELLER: OBJECTION.

MS. BLUTH: WHY?
THE COURT: WHAT'S THE BASIS OF THE OBUECTION?
MR. MUELLER: WE'RE CALLING ABOUT A -- A NINE-YEAR-OLD
CHILD IS BEING CALLED TO SPECULATE ON SOMEONE ELSE'S EMOTIONAL

I'M GOING TO OVERRULE IT AND GIVE IT THE WEIGHT IT'S

## BY MS. BLUTH:

Q DO YOU UNDERSTAND MY QUESTION OR WOULD YOU LIKE ME
A. UM - I UNDERSTAND IT.

Q OKAY.
A WELL, IT WAS KIND OF LIKE IF I WAS -- IF I WAS LIKE - IF I WAS LIKE, HOW ABOUT LIKE 20, AND SOMEONE ELSE LIVED IN THERE AND THEY'RE 30, AND THEY'RE OLDER THAN ME, AND THEN THEY THINK -- THE 20-YEAR-OLD THINKS THAT THEY'RE ALL BIG AND TOUGH, AND THEIR -- THEY TELL EVERYONE WHAT TO DO, AND THEY BULLY OLDER KIDS AND BULLY LITTLE KIDS.

9 ABUSE US, BUT AT THE SAME TIME, HE SHOULD BE - - HE WAS THERE

I MEAN, MR. DWIGHT, HE -- I MEAN SOMETIMES HE DIDN ${ }^{1} T$ REALLY AGREE ON WHAT HE -- SHE DID. BUT AT THE SAME TIME, HE SHOULD HAVE BEEN THE ONE TO STEP UP AND SAY -- UM -- YOU KNOW WHAT, YOU NEED TO STOP DOING THAT, THAT'S NOT RIGHT, AND YOU'RE ABUSING THE - - THE - Y YOU'RE ABUSING - - YOU'RE ABUSING THEM, AND SHOULD HAVE STEPPED UP AND CALLED THE COPS.

BUT THE THING IS, I -- HE -- HE WAS PRETTY GENTLE. HE DIDN'T REALLY -- HE DIDN'T REALLY DO ANYTHING TO US, LIKE AND HE KNEW WHAT -- HE - - HE - - HE KNEW A LOT OF SOME STUFF THAT WAS HAPPENING, AND HE SHOUED HAVE DONE SOMETHING ABOUT

Q OKAY. UM -- SO I GUESS I'M ASKING YOU, DID HE FOLLOW MISS JANET'S RULES?

MR. MUELIER: OBJECTION, ASKED AND ANSWERED, THE ANSWER WAS NO.

MS. BLUTH: NO, THAT WAS NOT THE ANSWER. SHE SAID YES, AND SOMETTMES HE WOULDN'T.

THE COURT: SHE SAID SOMETIMES HE WOULD AND SOMETIMES HE WOULDN'T, BASICALLY, IN A LONG-WINDED ANSWER.

## BY MS. BLUTH:

Q SO IN REGARDS TO THE POTTY, YOU SAT ON THE POTTY?
A YES.
Q AND SOMETIMES YOU WOULD GO -- SOMETIMES YOU'D GO WITHOUT FOOD WHEN MR. DWIGHT WAS THERE?

MR. MUELLER: OBJECTION, LEADING.
MS. BLUTH: IT'S BEYOND THE SCOPE OF DIRECT, BUT IT'S MY
DIRECT.
THE COURT: UM -- IT PROBABLY IS BEYOND THE SCOPE OF CROSS. I DON'T KNOW, CROSS --

MS. BLUTH: HE WENT IN --
THE COURT: -- WAS LONG, BUT --
MS. BLUTH: HE WENT INTO IT, THOUGH.
THE COURT: PARDON ME?
MS. BLUTH: HE ASKED CERT -- MISTER -- THERE'S THREE OF
THEM SO I --
MR. MUELLER: MUELLER.
MS. BLUTH: MR. MUELLER.
THE COURT: OKAY. LET ME LOOK. I THINK IT'S BEYOND THE
SCOPE OF MR. MUELLER'S CROSS.
MS. BLUTH: OKAY.
the court: We have rules they have to follow, TOO, SO THAT'S HOW I'M TRYING TO DETERMINE.

BY MS. BLUTH:
Q UM -- NOW, MR. RUE ASKED YOU ABOUT -- UM -- THE SCARS ON YOUR WRIST, DO YOU REMEMBER THOSE QUESTIONS?

A WHO'S MR. RUE?
THE COURT: THAT'S A GOOD QUESTION.
MR. RUE: ME.

1 BY MS. BLUTH:
2 Q I KNOW IT'S HARD TO GET EVERYBODY STRAIGHT.

4 ELSE, OTHER THAN YOUR WRIST?
5 A OTHER THAN MY WRIST AND MY BOTTOM.
$6 \quad Q \quad$ SHE WOULD HIT ON --
7 A THE WRIST --
8 Q -- ON YOUR BOTTOM, TOO?

11 MR. RUE ASKED YOU QUESTIONS ABOUT STEALING FOOD FROM
12 REBECCA -- UM -- AND YOU SAID THAT YOU AND AMAYA GOT IN
13 TROUBLE.
14 A YES.

17 EYES WERE WATERING, SO IT WAS BLURRY. SO, ALL I SAW WAS
18 SOMEONE HAD GRABBING A RULER, AND -- I DON'T KNOW, BECAUSE SHE
19 DID HAVE -- I THINK IT WAS ON HER ELBOW OR ARM.
20

21
THE COURT: WELL, JUST TELI US WHAT YOU SAW. IF YOU
DIDN'T SEE IT --
THE WITNESS: NO. NO.

## BY MS. BLUTH:

Q WELL DID YOU -- WELL, DID YOU SEE SOMETHING ON HER ARM?

19 REALLY TRUSTING HIM.
A WELL, YEAH, I DID.
Q OKAY. WHAT?

A YEAH.

A UM-HUM.

Q UM-HUM.

Q UM-HUM.

A YEAH. I DIDN'T SEE DANIELLE DO IT.
Q OKAY. BUT YOU SAW SOMEBODY GRAB A RULER?

Q UM -- AT FIRST WHEN MR. BLANKENSHIP ASKED YOU QUESTIONS -- OR WHEN THEY - - WHEN MR. RUE WAS ASKING YOU QUESTIONS ABOUT TALKING TO MR. BEANKENSHIP, AND YOU SAID, "WELL AT FIRST I DIDN"T WANT TO TELL HIM."

Q WHY DIDN'T YOU WANT TO TELL HIM?
A WELL, I WASN'T -- I WASN'T REALLY THAT OPEN TO PEOPLE, BECAUSE I DIDN'T KNOW PEOPLE THAT WELL. I DIDN'T REALLY - I - - I HAVE TO TRUST THEM. WHEN I TRUST THEM AND THEY DO SOMETHING THAT MAKES ME LOSE THEIR TRUST - -

A -- I DON'T KNOW IF I CAN TRUST THEM OR IF I CAN'I TRUST THEM, SO I -- I DIDN'T KNOW. I - - I WASN'T - - I WASN'T

BUT WHEN HE SAID, "I WON'T HURT YOU OR ANYTHING. I WON'T TELL YOUR PARENTS," I -- THEN I WAS LIKE WAY MORE OPEN BECAUSE IF - - BECAUSE HE TALKED TO OUR - - THE PARENTS.

A AND I WAS SCARED IF I TOLD HIM THAT - - UM - - HE ${ }^{1} L L$ TELL MISS JANET AND I WOULD GET IN TROUBLE FOR TELLING ON

THEM.
SO WHEN HE SAID THAT, "I ${ }^{1} M$ NOT GOING TO TELL YOUR PARENTS," THEN I WAS - I WAS ABLE TO TALK TO HIM, BECAUSE I KNEW THAT HE -- HE -- WHEN HE MAKES A PROMISE, HE DOESN'T BREAK IT. SO THAT'S WHY I -- UM -- I -- I WAS ABLE TO TELL 6 HIM. BUT AT FIRST, I DIDN'T TRUST HIM.

7 Q OKAY. THANK YOU.
NOW, YOU SAID THAT MR. DWIGHT DIDN'T ABUSE YOU?
A NO.
Q DID MR. DWIGHT EVER HIT YOU WITH A PAINT STICK?
A YES, HE SPANKS ME, BUT THERF WAS - YEAH, HE DID 12 SPANK ME WITH A PAINT STICK, BUT NOT -- HE DIDN'T DO ANYTHING 13 ELSE.

Q OKAY.
A BECAUSE - - UM -- IT - WELL, IT'S NOT AGAINST THE LAW TO SPANK KIDS. BUT IF YOU SPANK THEM IN -- IN A BAD WAY, LIKE TOOK -- TOOK SOMETHING THAT -- NOT LIKE A PAINE STICK, LIKE FIVE PAINT STICKS AND USE THEM AND BREAK - - AND KEEP BREAKING THEM WHILE YOU'RE SPANKING THEM, THEN WHEN YCU GET UP, ALL YOU SEE IS BLOOD.

THE COURT: OKAY, ANASTASIA, THE QUESTION WAS, DID HE mDID HE SPANK YOU WITH THE PAINT STICK?

THE WITNESS: YES.
THE COURT: QKAY.
MS. BLUTH: OKAY. THANK YOU. NOTHING FURTHER.

4 BY MR. MANN:
5 Q ANASTASIA, THE TIME THAT YOU HBD TO STAND IN THE 5 BAG - $\quad$ UM -- THAT WAS BECAUSE YOU HAD POOPED YOURSELF, RIGHT? 7 A YES.
$8 \quad \mathbf{Q}$ OKAY. AND YOU WERE STANDING IN THE BAG IN ORDER SO
9 YOU DIDN'T GET ANYTHING ON THE FLOOR, CORRECT?

## RECROSS-EXAMINATION

A YES.

A YES, THAT'S CORRECT.
Q OKAY. AND THEN YOU WERE GETTING UNDRESSED, THROWING THE THINGS THAT YOU WERE WEARING INTO THE BAG TO BE THROWN

A YES.
Q AND THEN YOU WERE GOING TO GET IN THE SHOWER TO TAKE 6 A SHOWER TO CLEAN OFF ALL THE POOP, RIGHT?

A YES.
Q OKAY. AND THAT'S WHEN YOU HAD TO STAND IN THE BAG, RIGHT?

A WELL, YEAH.
Q OKAY. AND -- UM -- WHEN YOU WOULD SIT ON THE TRAINING TOILET, YOU DID NOT HAVE TO SIT ON A BUCKET, CORRECT?

A YEAH, THAT'S CORRECT.
Q OKAY. AND THAT YOU SAT ON THE TRAINING TOILET - UM -- AT SOME POINTS DURING THE DAY, BUT NOT DURING THE ENTIRE

1 DAY, CORRECT?

5 Q OKAY. AND - UM - WOULD YOU DO YOUR HOMEWORK FROM 6 THE TRAINING TOILET?

7 A YES.
8 Q OKAY. AND WHERE WOULD YOU DO YOUR HOMEWORK?

9 A IN THE KITCHEN.

10

19 THAT SAME ROOM; IS THAT RIGHT?
A YES, UNLESS I HAD TO GO TO BED, OR HAD TO GO SOMEWHERE, LIKE TO THE DOCTOR, OR I HAD TO GO TO THE BATHROOM ON THE TOILET UPSTAIRS.

Q OKAY. WOULD IT BE - - UM -- WHERE IN THE KITCHEN?

A UM -- THE KITCHEN HAS AN ISLAND, AND WE SIT BY THE ISLAND, AND WE WOULD -- I HAD A BOOK AND -- SO I CAN WRITE, AND THAT IS HOW I WROTE.

Q OKAY. WOULD YOU USE THE ISLAND ITSELF OR JUST SIT NEXT TO THE ISLAND?

A I WOULD SIT NEXT TO THE ISLAND.
Q ALI RIGHT. NOW, THE - UM -- THE DEALS WETH THE CATHETER, YOU SAID THAT OTHER FOSTER KIDS WERE SLEEPING IN

A YES.

Q OKAY. AND SO THEY WERE IN THAT ROOM WHEN SHE WAS PUTTING A CATHETER IN?

A NO. BUT SHE WASN'T - OTHER - - LIKE THE FIRST AND SECOND TIME I WAS IN THERE, WE DIDN'T HAVE FOSTER KIDS THAT TIME. BUT - $U M$ - - AFTER THAT SHE - - SHE DIDN'T WANT ME TO GO

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IN THEIR ROOM -- IN THEIR -- UM -- THE FOSTER KIDS' ROOM,
SO...
Q OKAY. SO -- BUT THE FOSTER KIDS WERE THERE WHEN SHE WOULD PUT THE CATHETERS IN, RIGHT?
A YEAH, NOT INSIDE THE ROOM --
Q OKAY.
A - BUT OUTSIDE.
Q ALL RIGHT. AND -- UM -- MS. BLUTH, OR AS YOU CALLED HER, MISS JACQUELINE -- UM -- ASKED YOU ABOUT BROTHER BLANKENSHIP.
A UM-HUM.
Q OKAY. WHEN YOU WERE AT THE SCHOOL IN FJORIDA, YOU WERE ACTUALLY IN TROUBI,E A LOT THERE, RIGHT?
A YEAH.
Q YOU WERE ON RESTRICTION ALMOST THE ENTIRE TIME,
16 RIGHT?
17 A YES.
18 Q UM - BECAUSE YOU WERE NOT BEHAVING APPROPRIATELY?
19 A YES.
A YEAH.
```

1 Q OKAY. AND SO - UM - - THAT'S - UM - WHEN YOU WERE
2 WITH BROTHER BLANKENSHIP, YOU WERE STILL GETTING IN TROUBLE?
3 A YEAH.
4 Q OKAY.
MR. MANN: I HAVE NO FURTHER QUESTIONS.
THE COURT: RECROSS BY MR. MUELLER.

## RECROSS-EXAMINATION

## BY MR. MUELIER:

Q WHEN MR. DWIGHT SPANKED YOU WITH A STICK, ANASTASIA,
11 WHAT HAD YOU DONE WRONG?

12
13

14
15

A UM -- I HAD - - DID - - I HAD EITHER BEEN DISRESPECTFUL OR I HAD HAD AN ACCIDENT. THAT'S MAINLY THE TWO REASONS, BUT ...

Q AND DID HE SPANK YOU JUST WHENEVER YOU DID SOMETHING WRONG?

A YES. SOMETIMES THEY WILL - - THEY - - THEY'LL GIVE ME A CHANCE, BUT -- UM - S SOMETIMES WHEN I -- SOMETIMES WHEN - UH - - I KNOW BETTER AND THEY ALREADY -- THEY ALREADY TOLD ME THAT -- THEY ALREADY GAVE ME A CHANCE ABOUT IT - -

Q UM-HUM.
A - - THEN THEY -- THEN THEY GET MORE UPSET, BUT ...
Q OKAY. AND DID MR. DWIGHT EVER MAKE YOU BLEED?
A NO, HE DIDN ${ }^{1} T$.
MR. MUELLER: OKAY. NOTHING FURTHER.

THE COURT: MR. RUE?
MR. RUE: NO QUESTIONS, JUDGE.
THE COURT: OKAY. BUT I DID ASK.
THANK YOU, ANASTASIA, YOU'RE DONE. LOOK IT AND I SAID
3:30. YOU ARE SO ON TIME.
THE WITNESS: OH.
THE COURT: THANK YOU. YOU KNOW WHAT, I HAVE SOMETHING FOR YOU SINCE YOU'RE DONE. I GAVE YOUR SISTER ONE, SO I HAVE TO REMEMBER TO GIVE YOU ONE. I FORGOT TO GIVE AVA ONE. BUT YOU HAVE TO ASK MISS DEBBIE IF YOU CAN FAVE THAT, BECAUSE I DON'T KNOW WHAT YOU CAN HAvE AND WHAT YOU CAN'T, OKAY?

MS. VECCHIO: SHE CAN HAVE IT. DO YOU WANT SOME WATER? GRAB THE BLANKET.

THE COURT: OKAY. SO THAT CONCLUDES TODAY.
DID YOU ALL TALK ABOUT WHEN WE'RE GOING TO CALL THE NEXT

MS. BLUTH: MR. MUELLER, I THINK YOU WERE THE ONE WE DIDN'T SPEAK WITH, WHAT WAS YOUR THURSDAY?

MR. MUELLER: I'LL MAKE - I'LL MOVE WHAT I NEED TO MOVE FOR THURSDAY, I'M OVER SCHEDULED TOMORROW AS IT IS, AND I CAN'T DO ANYTHING TOMORROW.

THE COURT: YEAH, THE SCHED -- YEAH, NEITHER CAN THE COURT, THE COURT IS WAY BACKED UP TOMORROW.

MS. BLUTH: ARE YOU SPOKE --
THE COURT: BUT I'M LOOKING RIGHT NOW, I'M TRYING TO PULL

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    UP, I ALREADY LOGGED EVERYTHING OFF, SO THAT'S MY BAD, BUT
    THURSDAY THE 2ND. I KNOW -- I DON'T THINK I HAVE ANY IN
    CUSTODIES, AND I WANT TO SAY I HAVE SEVEN OUT OF CUSTODIES,
    BUT -- THURSDAY. THURSDAY. YEAH, I HAVE SEVEN OUT OF
    CUSTODIES AT 9:30 AND NO IN CUSTODIES. THOSE SEVEN OUT OF
    CUSTODIES RANGE FROM -- I MEAN THEY ARE WHAT THEY ARE, I
    CAN'T -- I CAN'T TELL YOU.
    MS. BLUTH: RIGHT. WE'LL TAIK TO THE DEPUTY ABOUT IT.
        SO WOULD TEN BE OKAY? THAT WAY YOU CAN GET THROUGH YOUR
9:30 CALENDAR, BECAUSE WE'RE JUST CALLING --
        THE COURT: YEAH, BUT I CAN'T -- YEAH, BUT I CAN'T
PROMISE YOU -- I DON'T KNOW IF ANY OF THESE HAVE BEEN
CONTINUED FROM ANOTHER DAY, BECAUSE I KNOW I HAD TO KICK A FEW
THINGS --
    MS. BLUTH: RIGHT.
    THE COURT: -- THAT WOULD TAKE PRIORITY BUT -- UM -- I
MEAN, I WOULD NOT SAY 9:30, YEAH.
    MS . BLUTH: OKAY.
    THE COURT: I WOULD SAY MORE LIKE TEN.
    DO I HAVE -- I DON'T HAVE ANYTHING AT THE LUNCH HOUR,
RIGHT? PARDON ME?
THE CLERK: I DON'T THINK SO.
    THE COURT: NO.
MR. MUELLER: CAN I GET -- DO WE HAVE ANY IDEA WHO YOU GUYS ARE GOING TO BE CALLING ON THURSDAY?
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MS. BLUTH: JUST THE - - WE -- JUST THE DETECTIVE,
DETECTIVE EMERY.
THE COURT: AND I THINK THAT'S -..
MR. MUELLER: ALL RIGHT.
THE COURT: - - MY 8 O'CLOCK DAY, TOO. YEAH. REAL工Y LIKE
8 O'CLOCK TIME, TOO, BECAUSE I WAS -- UM -- I WAS - - HAD - I
WAS SUPPOSED TO HANDLE ANOTHER MATTER THAT GOT MOVED, SO,
YEAH, I WOULD SAY TEN.
MS. BLUTH: OKAY.
THE COURT: OKAY?
MS. BLUTH: GOOD DEAL.
THE COURT: TEN.
THE CLERK: TEN?
THE COURT: LET'S SAY TEN.
THE CLERK: AND DO I HAVE ALL THE EXHIBITS?
MR. MANN: YOUR HONOR, JUST TO -- SO WE'RE CLEAR ON
SCHEDULING, ON THURGDAY I WON'T BE ABLE TO GO PAST 12:30.
THE COURT: WONDERFUL.
MR. MANN: OKAY.
THE COURT: OKAY?
MR. MANN: AND I WON'T BE AVAILABLE THE REST OF THE
AFTTERNOON .
THE COURT: BUT YOU MIGHT ONLY HAVE THIS DETECTIVE.
MS. BLUTH: YES.
THE COURT: AND WE DON'T KNOW IF WE'RE GOING TO GET

MR. MANN: OH, BOY.
MS. BLUTH: YOU KNOW WHAT --
THE COURT: BUT WE'LL SCHEDULE 10:00 TO 12:30.
MR. MANN: OKAY.
THE COURT: THAT'S -- THAT'S FINE. THAT WAY EVERYBODY
KNOWS NOW THAT THEIR AFTERNOON WILL BE FREE.
MR. MANN: OKAY. THANK YOU.
THE COURT: OKAY. THANK YOU. HAVE A GREAT NIGHT.
(AT 3:29 P.M. THE PROCEEDINGS WERE RECESSED.)

ATTEST: FULL, TRUE AND CERTIFIED TRANSCRIPT.
/S/KIT MACDONALD
KIT MACDONALD, C.S.R.
COURT REPORTER
C.S.R. 65

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| , | $\begin{aligned} & 29[1] 38 / 7 \\ & 2 \mathrm{ND}[1] 189 / 2 \end{aligned}$ | $\begin{array}{llll}\text { 170/24 175/6 175/21 } & 176 / 3 & 176 / 8 & 177 / 18 \\ 178 / 5 & 178 / 21 & 179 / 11 & 180 / 20 \\ 181 / 11 & 182 / 8\end{array}$ |
| :---: | :---: | :---: |
| ${ }^{12}$ [1] 90/13 | 3 | 186/9 187/20 188/15 189/8 |
| CAUSE [1] 143/21 <br> CM1[1] 157/24 |  | ABRASION [2] 37/17 84/22 ABRASIVE [1] 60/23 |
| I |  | ABSOLUTELY [4] I1/5 14/17 21/2 45/4 ABSORB [2] 48/21 48/22 |
| IS/KIT [1] 191/17 |  | ABUSE [51] 5/17 6/3 6/7 6/12 6/20 6/20 6/25 |
| 1 1 |  | 7/14 8/6 8/7 8/12 8/13 8/19 8/20 8/20 9/9 |
| 10 [4] 1/15 4/11 15/6 17/16 | 4 |  |
| 10:00 [1] 191/4 | (41-11] $2 / 6$ | 55/9 56/2 56/5 56/8 63/11 63/13 63/17 68/8 70/25 71/5 73/4 74/9 75/18 76/13 78/12 81/1 85/2 86/23 179/9 183/8 |
| 10:45 [2] 1/16 4/3 10TH [1] 39/2 | 5 |  |
| 11 [7] 3/4 15/6 16/4 17/18 18/14 171/20 172/1 | $\begin{array}{\|l} \hline 50 \mathrm{TH}[2] 29 / 239 / 1 \\ 5 \mathrm{TH}[2] \\ \hline \end{array}$ | ABUSED [1] 55/15 <br> ABUSING [3] 179/5 I79/5 179/5 |
| 12 [4] 3/5 24/22 25/15 25/18 | 6 | ABUSIVE [3] 56/12 56/14 75/19 <br> ACADEMY [3] 89/13 152/21 163/12 |
| 12:30 [2] 190/17 191/4 <br> 13 [7] 24/22 25/22 27/1 79/20 79/22 80/2 | $\begin{array}{\|l\|l\|} \hline 61[1] & 2 / 7 \\ 65 & 12] \\ \hline \end{array}$ | 125/16 126/6 126/23 135/1 135/4 140/19 140/22 145/12 171/9 187/13 |
| 161/13 | 7 |  |
| 13TH [6] 11/23 15/14 21/2 25/3 34/7 164/2 | 76 \|1] 2/8 | ACCIDENTAL [6] 14/13 18/7 39/20 40/2 40/5 40/16 |
| 142 \|1] 2/14 | 8 | ACCIDENTS [5] 126/4 135/12 135/13 <br> 135/17 143/24 |
| 14F04585A [1] | 80 [1] $78 / 5$ |  |
| 14F04585B [1] $1 / 8$ | 85 [3] 3/11 3/12 3/13 | ACCOMPANIED [1\| $36 / 1$ <br> ACCURATE [2] 43/5 57/16 <br> ACCURATELS [4] 15/16 19/4 25/5 34/14 |
| 14TH [1] 21/4 | 86 ل3 3/1/113/123/13 |  |
| 15 [4] 24/22 26/7 172/21 173/5 | 9 | ACCUSED [3\| 159/1 159/3 159/5 <br> ACCUSES [1] 159/6 |
| [3\| 3/4 24/22 | 9-1-1 [3] 116/2 116/15 117/1 |  |
| $\left\lvert\, \begin{aligned} & 16[3] \\ & 166 \mid 1] \\ & 16 / 164 \\ & \hline \end{aligned}\right.$ | 90 [2] $2 / 92 / 10$ | ACROSS [4] 11/17 42/6 84/6 131/7 <br> ACT [4] 54/6 56/12 56/15 118/19 |
| 17 [4\| 3/5 24/22 25/15 26/17 | 95 [1] $2 / 13$ | ACTING [3] $57 / 960 / 21651$ <br> ACTIVITIES [1] 32/3 <br> ACTUAL [3] 23/7 40/6 6012 |
| 18 [5] 3/6 34/3 34/3 34/24 35/2 | ${ }^{98.6}$ [1] $32 / 6$ 180/10 $189 / 17$ |  |
| 184 [1] 2/17 | 9:30 [3] 189/5 189/10 189/17 |  |
| 187 [1] 2/18 | A | ACTUALLY [32\| $13 / 22$ 18/9 23/2 25/2 <br> 30/14 31/3 34/3 45/16 45/19 45/23 49/24 |
| 1:15 [2] 91/18 92/7 | A-N-A-S-T-S-I-A [1] 94/13 | 50/14 51/13 52/18 54/4 56/15 58/13 58/22 59/9 71/7 102/23 116/17 118/4 127/20 |
| 1:20 [2] 4/12 4/15 | A.M [2] 1/16 4/3 |  |
| 1:30]2] 91/1792/17 | ABDO/41 [1] 57/22 | 131/11 132/1 132/4 134/8 137/22 138/9145/11 186/13 |
| 2 | ABDOMINAL [3] 23/4 58/2 58/3 |  |
| 20 [6] 34/3 35/12 132/13 132/15 132/17 | ABILITY [3] 10/25 11/3 28/13 <br> ABLE [20] 19/4 19/21 23/22 29/25 38/4 43/ | ACUTE [2] 60/12 88/1 |
| 20-YEAR-OLD [1] 178/23 | 48/21 48/22 56/11 58/23 60/3 98/8 99/24 | AD [2] 54/14 54/25 <br> ADDITION [7] 6/8 8/12 $27 / 18$ 33/6 33/10 |
| 2000 [1] 161/13 | 108/11 109/13 174/15 177/18 183/3 183/5 | 38/19 75/1 |
| 2007 [1] 52/1 | 190/17 | ADDITIONALLY [5] 14/11 18/7 24/10 |
| 2008 [2] 52/3 60/15 | ABNORMAL [3] 61/23 62/15 75/2 | 26/24 33/4 |
| 2009 [1] 52/5 |  | ADDRESSING [1] 51/4 |
| 2010 [1] 43/22 | ABOUT [130] $4 / 12$ 4/15 4/15 6/2 8/19 8/25 | ADJUST [1] 50/17 |
| 2011 [1] 90/13 | 21/10 27/10 27/19 28/17 30/24 31/10 38/20 | ADJUSTING [2] 50/11 50/12 |
| 2012 [6] 30/7 31/23 90/17 110/15 113/6 | 39/1 40/18 40/20 40/22 42/2 43/22 43/23 | ADMISSION [3] 31/21 66/4 85/23 |
| 129/23 | 43/25 44/20 44/20 47/20 51/23 66/16 67/6 | ADMITTED [10\| $3 / 316 / 3$ 16/5 25/14 25/16 |
| 2013 [6\| $1643 / 6$ 129/24 161/18 163/9 163/11 |  | 34/22 34/25 86/1 86/2 145/23 |
| 164/2 | 78/15 79/13 80/2 84/24 85/12 87/13 92/2 | ADOLESCENT [1] 21/12 |
|  | $100 / 2100 / 5105 / 11108 / 2110 / 11110 / 21$ | ADOPTED [8] 41/16 119/3 138/11 142/20 <br> 143/14 144/11 169/4 169/5 |
| 21 [2] 34/3 35/23 | 112/15 114/4 114/10 115/24 116/13 118/21 | ADOPTIVE [2] 79/[4 79/16 |
| 22 [1] 36/5 | 119/8 120/5 $123 / 5$ 125/10 125/10 128/2 | ADULT [1] 11/7 |
| 23 [1] 36/8 | 128/25 129/14 132/13 134/5 134/10 134/13 | ADULTS [2] 11/9 11/12 |
| 23RD [2] 30/8 31/23 | 136/10 136/12 137/16 138/6 138/6 140/1 | ADVANCE [1] 70/6 |
| 24 \|2| 36/12 37/3 | 140/2 141/6 144/25 145/2 145/3 145/6 | ADVOCACY [1] 9/15 |
| 25 [2] 3/5 43/25 | 145/17 146/18 146/20 147/24 147/25 148/7 | AFFECT [2] 64/3 64/4 |
| 25TH [1] 39/2 | 150/8 153/3 153/14 154/7 154/21 155/11 | AFFECTED [3] 28/18 39/8 84/10 |
| 26 [1] 37/18 | 155/25 156/3 157/17 158/15 159/22 159/22 | AFFECTING [1] 39/8 |
| 27 [1] 37/24 | 160/1 160/9 162/8 163/3 163/13 164/13 | AFTER [27] 5/22 6/2 27/22 28/19 31/4 70/23 |
| 28 [1] 38/3 | 164/22 166/20 168/14 168/21 169/3 170/20 | 81/7 105/16 113/2 113/5 113/7114/4 134/19 |

## A

AFTER... [14] 134/22 142/20 143/14 144/3
144/6 144/11 144/16 156/21 161/1 161/25
169/4 169/5 169/25 185/25
AFTERNOON [7] 93/9 93/22 95/3 95/4 100/13 190/22 191/7
AFTERWARDS [1] 78/17
AGAIN [22] 18/5 26/19 27/11 37/9 37/25
39/7 39/25 50/20 58/12 69/9 69/18 72/20 87/25 89/6 93/24 97/8 97/9 98/6 107/15 128/12 140/23 $176 / 4$
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1 CASE NO.

6 STATE OF NEVADA,

9 DWIGHT SOLANDER, DANIELLE HINTON, JANET SOLANDER,

DEFENDANTS,
11
12
13

21 FOR DEFENDANT HINTON:
22

24 REPORTED BY: KIT MACDONALD, C.S.R. CERTIFICATE NO. 65
PLAINTIFF,
VS.
$\qquad$

FOR DEFENDANT D. SOLANDER:

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FOR DEFENDANT J. SOLANDER: JOEL MANN, ESQ.
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IN THE JUSTICE COURT OF LAS VEGAS TOWNSHPMPM CLARK COUNTY, STATE OF NEVADAY $\qquad$

CASE NO. 14F04585A 14F04585B 14 F 04585 C

JACQUELINE ELIZABETH BLUTH, ELISSA LUZAICH, DEPUTY DISTRICT ATTORNEYS

CRAIG A. MUELLER, ESQ.
JEFFREY T. RUE, DEPUTY PUBLIC DEFENDER

25



1 LAS VEGAS, CLARK COUNTY, NEVADA, WEDNESDAY, JUNE 9, 2014

9 HINTON AND JANET SOLANDER, 14F04585 A, B AND C.

11 LAWYERS ARE HERE, AS WELL AS THE DEFENDANTS, AS WELL AS THE 12 STATE.

13 MISS BLUTH, ARE YOU READY TO PROCEED?
14 MS. BLUTH: YES, YOUR HONOR.
15 THE COURT: OKAY. YOU CAN CALL YOUR NEXT WITNESS.

AMAYA SOLANDER,
CALLED AS A WITNESS BY THE STATE, AND HAVING BEEN FIRST DULY SWORN TO TESTIFY TO THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS:

THE WITNESS: YES.
THE CLERK: THANK YOU. GO AHEAD AND HAVE A SEAT. I JUST --

MS. BLUTH: JUDGE, MAY I GRAB A TISSUE?
THE COURT: SURE. OH, YEAH. HERE, MAYA. HERE'S SOME KLEENEX IF YOU NEED IT, OKAY?

THE CLERK: WHEN YOU GET A CHANCE, I JUST NEED YOU TO STATE YOUR FIRST AND YOUR LAST NAME, AND IF YOU CAN, SPELL BOTH OF THOSE FOR THE RECORD.

THE WITNESS: OKAY. AMAYA SOLANDER, A-M-A-Y-A, S-O-L-A-N-D-E-R.

THE COURT: OKAY. MAYA, I'M JUDGE SULIJIVAN. CAN YOU SCOOT YOUR CHAIR? THAT -- THAT RIGHT IN FRONT OF YOU IS A MICROPHONE. CAN YOU -- GET COMFORTABLE. I KNOW. OKAY, SCOOT YOUR CHAIR, THERE YOU GO. OKAY? SO THAT'S A MICROPHONE SITTING RIGHT IN FRONT OF YOU, OKAY?

THE WITNESS: (NO AUDIBLE RESPONSE.)
THE COURT: AND MAYA, LOOK OVER HERE FOR ME, OKAY? I KNOW YOU'RE UPSET, IT'S OKAY. ALL RIGHT?

MAYA, YOU MIGHT BE HERE AWHILE, OKAY?

THE WITNESS: OKAY.
THE COURT: SO IF AT -- IF AT ANY TIME YOU MIGHT NEED A BREAK OR A RECESS, YOU JUST LET ME KNOW, OKAY? YOU JUST TELL ME, JUDGE SULLIVAN OR JUDGE, CAN I HAVE A BREAK, AND THEN I'LL LET YOU TAKE A BREAK -- I'LL - I'LL -- EVERYBODY WILL TAKE A BREAK, OKAY?

THE WITNESS: (NO AUDIBLE RESPONSE.)
THE COURT: IS THAT FAIR?
THE WITNESS: YES.
THE COURT: ALL RIGHT. MAYA, THE OTHER THING IS, IT'S -UM - - USUALLY WHEN WE TALK WITH OUR FRIENDS OR OUR CLASSMATES - UM -- WE -- WE NOD OUR HEADS A LOT OR SHAKE OUR HEADS A LOT, JUST KIND OF LIKE WHEN WE'RE TALKING WITH THEM AND HAVING A CONVERSATION, BECAUSE THAT'S KIND OF HOW REGULAR CONVERSATIONS GO. BUT -- UM -- MISS KIT, SITTING RIGHT IN FRONT OF YOU, IS TAKING DOWN ON HER MACHINE EVERYTHING THAT EVERYBODY IS SAYING IN THE COURTROOM, SO IT'S REALLY IMPORTANT THAT WE USE OUR WORDS IN THE COURTROOM. EVEN THOUGH IT'S NORMAL FOR -- SOMETIMES WE SHRUG OUR HEAD OR WE NOD OUR HEAD OR WE SHAKE OUR HEAD, YOU KNOW, WHATEVER AND - - BUT IN THE COURTROOM IT'S REALLY IMPORTANT THAT WE ALL USE OUR WORDS. SO IF YOU HAPPEN TO -- THEY'RE GOING TO ASK YOU SOME QUESTIONS. I'M SURE MISS BLUTH HAS TOLD YOU THEY'RE GOING TO ASK YOU SOME QUESTIONS, AND -- UM -- SO IF YOU HAPPEN TO ANSWER A QUESTION WITH A NOD - - WITH A NODDING OF THE HEAD OR A SHAKING OF THE

HEAD, IT'S NORMAL, EVERYBODY DOES IT, BUT - - UM - - ME OR MISS BLUTH OR ONE OF THE OTHER LAWYERS MAY JUST ASK YOU TO USE YOUR WORDS TO ANSWER THE QUESTION. YOU'RE NOT IN TROUBLE OR ANYTHING LIKE THAT, AND WE'RE NOT TRYING TO GET YOU TO SAY A SPECIFIC ANSWER, WE'RE JUST TRYING TO GET YOU TO USE YOUR WORDS IN ANSWERING THE QUESTION, EITHER YES OR NO OR I DON'T KNOW, INSTEAD OF SHRUGGING YOU SHOULDERS OR NODDING YOUR HEAD; IS THAT FAIR?

THE WITNESS: YES.
THE COURT: OKAY. AND I KNOW YOU'RE A LITTLE SOFT SPOKEN, AND I KNOW YOU PROBABLY DON'T WANT TO BE HERE, SO IT'S KIND OF IMPORTANT THAT YOU SPEAK INTO THE MICROPHONE AGAIN SO MISS KIT, SITTING RIGHT IN FRONT OF YOU, CAN GET EVERYTHING DOWN THAT YOU'RE SAYING, OKAY?

THE WITNESS: OKAY.
THE COURT: ALL RIGHT. AND OF COURSE IT'S VERY IMPORTANT THAT YOU TELL THE TRUTH TODAY, THAT'S ALL WE'RE ASKING YOU TO DO IS TELE THE TRUTH. SO IF YOU DON'T -.. UM -- IF YOU DON'T KNOW THE ANSWER TO A QUESTION OR YOU DON'T REMEMBER THE ANSWER TO A QUESTION, IT'S PERFECTLY FINE TO SAY I DON'T REMEMBER OR I DON'T KNOW, OKAY? JUST BECAUSE THE QUESTION IS ASKED DOES NOT MEAN THAT, YOU KNOW, WE'RE EXPECTING A SPECIFIC ANSWER OUT OF YOU. I DON'T EVEN REMEMBER WHAT I HAD FOR LUNCH YESTERDAY, OKAY? SO IF YOU DON'T REMEMBER SOMETHING WE WANT YOU TO TELL US YOU DON'I REMEMBER, INSTEAD OF JUST SAYING SOMETHING THAT'S

THE WITNESS: YES.
THE COURT: CAN I ASK YOU TO DO THAT FOR ME?
THE WITNESS: YES.
THE COURT: ALL RIGHT. AND THEN IF YOU DON'T - - THE
OTHER THING IS, SOMETIMES LAWYERS DO THIS, WE TEND TO
SOMETIMES USE BIG WORDS OR LEGAL WORDS, SO -- UM - AND
SOMETIMES WE CAN ${ }^{1} T$ HELP OURSELVES. SO IF YOU DON'T UNDERSTAND
THE QUESTION OR YOU DON'T UNDERSTAND A WORD THAT SOMEBODY'S USING, EVEN MYSELF, JUST TELL US YOU DON'T UNDERSTAND THAT WORD OR YOU DON'T UNDERSTAND THE QUESTION, AND THEN SOMEBODY WILL REPHRASE THE QUESTION OR REASK THE QUESTION IN A WAY THAT YOU CAN UNDERSTAND.

DO YOU PROMISE THAT YOU'LL DO THAT?
THE WITNESS: YES.
THE COURT: ALI RIGHT. DO YOU HAVE ANY QUESTIONS FOR ME
BEFORE WE START?
THE WITNESS: NO.
THE COURT: ALI RIGHT. AGAIN, REMEMBER, JUST LET ME KNOW
IF YOU NEED A BREAK, OKAY?
THE WITNESS: (NO AUDIBLE RESPONSE.)
THE COURT: ALL RIGHT. OKAY. MISS BLUTH.
MS. BLUTH: THANK YOU, JUDGE.

## BY MS. BLUTH:

Q DO YOU WANT TO TAKE A DRINK OF WATER BEFORE WE GET

## STARTED OR ARE YOU OKAY?

A I'M FINE.
Q OKAY. ALL RIGHT. AMAYA, HOW DLD ARE YOU?
A ELEVEN.
Q AND WHEN'S YOUR BIRTHDATE?
A JANUARY 23RD, 2003.
Q OKAY. AND DO YOU TO GO SCHOOL RIGHT NOW OR IS IT
SUMMER TIME?
A IT'S SUMMER BREAK.
Q AND WHAT SCHOCL WERE YOU GOING TO BEFORE SUMMER
BREAK STARTED?
A TONY ALAMO ELEMENTARY SCHOOL.
Q WHAT TYPES OF THINGS WERE YOU LEARNING AT SCHOOL?
A GEOMETRY - UM -- LIKE THEY WERE PREPARING ME FOR
MIDDLE SCHOOL.

Q ARE YOU GOING TO MIDDLE SCHOOL NEXT YEAR?
A (NO AUDIBLE RESPONSE.)
$Q$ IS THAT A YES?
A YES.

Q EXCITED?
A UM -- KIND OF NERVOUS.
Q YEAF? WHAT ARE YOU NERVOUS ABOUT?

A JUST MY -- LEARNING LIKE HARDER THINGS, AND IT'S GOING TO GET HARDER.
$Q$ YEAH.
UM -- SINCE SCHOOL IS OUT NOW, WHAT ARE YOU GOING TO DO DURING SUMMER?

A WELI, LIKE I WANT TO DO SPORTS LIKE VOLLEYBALL - UM - GIRI SCOUTS AND SOFTBALL.

Q AND ARE YOU GOING TO ANY CAMPS, OR WHAT DO YOU DO DURING THE DAY? DO YOU GO TO BOYS AND GIRLS CLUB, WHAT DO YOU GUYS DO?

A BOYS AND GIRLS CLUB.
Q AND DO YOU HAVE ANY SISTERS?
A YES.
Q WHAT ARE THEIR NAMES?
A AMAYA [SIC] AND AVA.
Q DO YOU KNOW IF AMAYA [SIC] AND AVA GO TO BOYS AND GIRLS CLUB, TOO?

A YES.
Q WHEN YOU GO TO MIDDLE SCHOOL - - UM -- IS AVA GOING TO BE IN MIDDLE SCHOOL WITH YOU?

A YES.
Q SO AT LEAST YOU ${ }^{1} L L$ HAVE AVA THERE, RIGHT?
A YES.
Q SHE CAN HELP YOU AT MIDDLE SCHOOL?
A YES.

IDENTIFICATION OF DWIGHT SOLANDER?
THE COURT: YES.
BY MS. BLUTH:
Q AND DO YOU KNOW -- UM -- DAN -- MISS DANIELLE?
A YES.
Q OKAY. DO YOU SEE HER HERE IN THE COURTROOM?
A YES.
Q CAN YOU POINT TO HER AND TELL ME WHAT SHE'S WEARING?
A JAIL CLOTHES.
MS. BLUTH: OKAY. YOUR HONOR, MAY THE RECORD REFLECT
THAT SHE'S IDENTIFIED THE DEFENDANT DANIELLE HINTON?
THE COURT: YES.
MS. BLUTH: OKAY.
8 NOW, BEFORE -- I'M GOING TO ASK YOU SOME
QUESTIONS - - UM - - ABOUT LIVING WITH THE SOLANDERS. BUT
BEFORE I GET THERE, BEFORE YOU LIVED WITH THEM -- UM -- DID
YOU STAY IN ANOTHER HOME AS A FOSTER -- AS A FOSTER CHILD?
A YES.
Q OKAY. AND WHEN YOU WERE LIVING IN THAT OTHER HOUSE,
DID YOU EVER HAVE ANY ISSUES WITH GOING TO THE BATHROOM?
A SOMETIMES, NOT ALL THE TIME, NO.
Q I'M SORRY?
A SOMETIMES, NOT ALL THE TIME.
Q NOT ALL THE TIME? OKAY.
AND DID YOU HAVE ANY ISSUES WITH, YOU KNOW, EATING

THINGS OR PROBLEMS WITH YOUR TUMMY?
A NO.
$Q$ OKAY. NOW, YOU LIVED -- UM - - IN THAT DIFFERENT HOUSE, AND THEN YOU MOVED IN WITH THE SOLANDERS, CORRECT?

A YES.
Q AND THEY FORMALLY ADOPTED YOU ON JANUARY 19TH OF
2011; IS THAT RIGHT?

A YES. YES.
Q AND WHEN THEY ADOPTED YOU, WERE YOU GUYS LIVING IN A HOUSE OR AN APARTMENT?

A A HOUSE.
Q ALL RIGHT. AND DO YOU REMEMBER THE ADDRESS OF THAT HOUSE?

A NO.
Q OKAY. WAS IT HERE IN CLARK COUNTY IN IAAS VEGAS?
A YES.
Q NOW, I'D LIKE TO ASK YOU SOME QUESTIONS ABOUT LIVING WITH THE SOLANDERS AFTER YOU WERE ADOPTED.

WERE THERE CERTAIN RULES ABOUT GOING TO THE
BATHROOM?
A YES.
Q CAN YOU TELL ME ABOUT THOSE RULES?
MR. MUELLER: OBJECTION, TIMEFRAME.
THE COURT: WHY DON'T YOU LAY A TIMEFRAME.
MS. BLUTH: AFTER THEY WERE ADOPTED WAS THE TIMEFRAME.

THE COURT: SO SHORTLY -- I MEAN, THAT'S A LONG TIME, SO --

MS. BLUTH: OKAY.
THE COURT: -- LAY SOME FOUNDATION.
BY MS. BLUTH:
Q AFTER -- SO I'M TALKING ABOUT AFTER YOU WERE ADOPTED, SO AFTER JANUARY 19TH DID YOU START HAVING MORE SERIOUS RULES ABOUT THE BATHROOM?

A NO, WE COULD GO. BECAUSE MISS JANET COURD TRUST US THEN.

Q OKAY. AND SO WHEN DID THE RULES START HAPPENING?
A IT WAS - UM - A COUPLE MONTHS AGO AFTER WE GOT ADOPTED.

Q OKAY. AND SO WHAT WERE THOSE RULES?
A LIKE SHE - SHE'D SET THE TIMER ON HER PHONE, AND IF LIKE WE HAD TO GO REALLY BAD SHE'D -- WE ${ }^{\prime} D$ TELL HER, WE'D SAY OUT LOUD WHEN WE WERE DOING OUR HOMEWORK.

0 OKAY.
A AND SHE'D SAY OKAY, AND SOMETIMES SHE SAID SHE'D TAKE -- TAKE US UP TO THE BATHROOM, AND SOMETIMES SHE SAID, YOU HAVE TO WAIT UNTIL THE BATHROOM TIMES UP.

Q OKAY. AND SO THIS TIMER, IT WAS JUST ON HER -- WAS IT ON HER PHONE?

A YES.
0 OKAY. SO WHAT WOULD HAPPEN IF THE TIMER WASN'T UP

2 A SHE'D GET MAD AND -- AND SPANK US.

4 TO HOLD IT?

22 A WELL, SHE ${ }^{\prime} D$ TELL MR. DWIGHT THAT THEY CAN'T GO UNTIL 23 THE TIME IS UP.

24 Q OKAY.
25
A YES, BECAUSE ...
Q IT'S OKAY.
A SHE SAID LIKE -- SHE TOLD US THAT SHE DOESN'T HAVE A PROBLEM WITH US SAYING WE HAVE TO GO, BUT TO MAKE SURE - SHE SAID THAT WHAT MAKES HER UPSET THAT WHEN WE DON'T SAY ANYTHING AND GOING ON OURSELF.

Q OKAY. BUT WHAT WOULD HAPPEN IF YOU DID TELL HER THAT YOU HAD TO GO?

A SHE'D EITHER TAKE US UPSTAIRS AND USE THE BATHROOM, SOMETIMES SHE'D SAY YOU'LL HAVE TO WAIT UNTIL THE TIMES UP, BECAUSE WE JUST WENT TO THE BATHROOM, WE'RE NOT GOING UP THE STAIRS.

Q OKAY. SO YOU'D HAVE TO HOLD IT?
A YES.
Q OKAY. WHAT ABOUT IF MISS JANET WASN'T THERE AND MR. DWIGHT WAS TAKING CARE OF YOU, WHAT WOULD HAPPEN IN THAT

Q
A UM - OR LIKE SHE'D SAY THEY CAN HOLD UNTIL I COME

1 BACK.
2 Q OKAY. SO WHEN MR. DWIGHT WAS TAKING CARE OF YOU HE'D HAVE TO LISTEN TO MISS JANET?

A YES.
9 AT NIGHTTIME WHEN YOU WENT TO BED WERE YOU ALLOWED TO GO TO THE BATHROOM IN THE MIDDLE OF NIGHT IF YOU HAD TO?

A NO.
$Q$ SO WHAT WOULD HAPPEN IF YOU HAD TO GO IN THE MIDDLE OF THE NIGHT?

A WE'D HAVE TO WAIT TILL WE GET UP, BECAUSE LIKE 11 SOMETIMES BEFORE THAT START, LIKE WE WERE ABLE TO GO IN THE 12 MIDDLE OF THE NIGHT SOMETIMES WHERE SHE'D LAY A -- A PAPER -I MEAN TOILET PAPER ON THE LITTLE TABLE IN THE BATHROOM, WE'D have to go in the middle of the night, we can get up and go AND USE IT.

Q OKAY. BUT AT SOME POINT WERE YOU NOT ALLOWED TO GO
17 IN THE NIGHT ANYMORE?
18 A YES.
19 Q $Q$ WRE THERE ANY GATES OR ALARMS ON THE BATHROOM TO

20

21

22

25

A YES.
Q WHERE WERE THEY?
A THERE WAS AN ALARM ON THE DOOR AND THE GATE PAST THE BATHROOM.
$Q$ OKAY. YOU TALKED A LITTLE BIT ABOUT TOILET PAPER.

WERE YOU ALLOWED TO USE AS MUCH TOILET PAPER AS YOU WANTED?
A WELL SHE - - BEFORE WE HAD GOT ADOPTED WE'D USE TOO MUCH, SO SHE'D GIVE US THE AMOUNT THAT -- THAT LIKE IS NORMAL FOR US TO USE.

Q SO HOW MUCH WOULD YOU GET IF YOU HAD TO GO PEE?
A THREE SQUARES.
Q AND IF YOU WENT NO. 2, HOW MUCH DID YOU GET?
A I THINK SIX OR EIGHT.
Q OKAY. UM - NOW, YOU SAID THAT YOU SOMETIMES COULDN'T HOLD IT AND YOU'VE HAD ACCIDENTS; IS THAT RIGHT?

A YES.
9 WHAT WOULD HAPPEN IF YOU HAD AN ACCIDENT?
A SHE'D GET MAD, AND IF MR. DWIGHT WAS AT WORK SHE'D CALL HIM AND SHE'D SPANK US.

9 WHAT WOULD SHE SPANK YOU WITH?
A A PAINT STICK.
Q OKAY. DO YOU REMEMBER WHAT THE PAINT STTCK LOOKED EIKE?

A YES.
Q CAN YOU TELL ME ABOUT IT?
A IT'S ABOUT THAT LONG AND IT'S BROWN. I THINK
MR. DWIGHT WOULD GO IN THE GARAGE AND DO SOMETHING TO IT, I DON'T EVEN KNOW.

Q AMAYA, CAN YOU HOLD YOUR HANDS OUT FOR ME AGAIN AND SHOW ME HOW LONG IT WAS?

A ABOUT THAT LONG.
MS. BLUTH: OKAY. I'M REALLY BAD AT THIS STUFF, JUDGE, BUT I WOULD SAY LIKE 18 INCHES; IS THAT FAIR?

UM -- AND FOR THE RECORD, AMAYA WAS HOLDING HER
HANDS OUT, AND SOME WHERE BETWEEN 14 AND 18 INCHES.
Q AND YOU SAID IT WAS BROWN?
A YES.
Q AND DID IT SAY ANYTHING ON IT?
A HOME DEPOT.
Q NOW, YOU SAID SOMETIMES MR. DWIGHT WOULD GO OUT INTO THE GARAGE AND DO SOMETHING TO THE STICK, WHAT DO YOU MEAN?

A I DON'T KNOW WHAT HE DID, HE JUST GOES OUT IN THE GARAGE AND DOES IT WITH SOMETHING.

Q OKAY. AND WHO WOULD HIT YOU WITH THE PAINT STICK?
A WELL LIKE SOMETIMES MISS JANET WOULD DO IT TO US WHEN MR. DWIGHT WASN'T THERE, AND SHE'D SAY, YOU'RE GONNA' GET IT WHEN MISTER -- WHEN DAD GETS HOME.

Q OKAY. AND WHAT WOULD HAPPEN WHEN DAD GOT HOME?
A HE'D DO IT.
Q OKAY. AND WHERE WOULD THEY HIT YOU?
A ON OUR BOTTOMS, OR SOMETIMES LIKE IF WE KEEP MOVING HE'D KEEP HITTING US LIKE OUR BACK OR OUR ARM OR - OR ANKLES.

Q DID THE STICKS EVER BREAK?
A YES.
Q WHAT WOULD HAPPEN WHEN THEY BROKE?

24 BY MS. BLUTR:
25
A YES.

SCARS.

I'M -- OKAY.

A THEY'D -- BECAUSE WE HAVE A LOT OF THEM IN THE GARAGE, THEY'D GO GET ANOTHER ONE AND SPANK US. SPANK US UNTIL WE STOPPED CRYING.

Q OKAY. DID IT LEAVE MARKS?

Q WHERE DID IT LEAVE THE MARKS AT?
A ON OUR BOTTOM OR -- AND I GOT 'EM -- COUPLE ON MY

Q OKAY. YOU STILL HAVE THEM ON YOUR ARMS?
A NO, ONLY ONE.
Q ONLY ONE? CAN YOU SHOW ME WHERE IT IS?
THE COURT: OH, I LIKE YOUR SHIRT.
MS. BLUTH: RIGHT HERE ON YOUR ELBOW?
THE WITNESS: YES.
MS. BLUTB: OKAY. AND, JUDGE, I'M SHOWING ABOUT TWO

DID YOU WANT TO SEE MR. MANN?
MR. MANN: SURE, IF I COULD APPROACH?
MS. BLUTH: YEAH.
MR. MANN IS GOING TO COME LOOK AT YOUR ELBOW, OKAY?
DO YOU REMEMBER --
taE COURT: CAN I SEE? CAN I SEE, MAYA, BECAUSE I --

Q DO YOU REMEMBER WHO IT WAS THAT GAVE YOU THOSE?

A YES.
Q WHO WAS IT?
A DANIELLE.
Q OKAY. DO YOU WANT TO PUT YOUR SWEATER BACK ON, OR ARE YOU HOT?

DO YOU REMEMBER WHAT YOU DID WHEN DANIELIE DID THAT?
A YES. UM - MISS REBECCA CON -- UM - - MISS JANET WENT TO GO TO OHIO TO SEE ONE OF HER -- NOT ADOPTED SISTERS, BUT TO SEE HER BIOLOGICAL DAUGHTER.

Q OKAY.
A SHE HAD A BABY, AND WE WERE HUNGRY SO WE STOLE, AND SHE CAUGHT US AND THEN SHE SPANKED US, AND SHE HIT ME ON MY ARM, BECAUSE I ACCIDENTALLY STEPPED ON ONE OF - ON SOMETHING OF HERS, SHE GOT MAD. AND I TRIED TO TELL MISS JANET ON THE COMPUTER, BUT SHE WASN'T MAKING NOISE, SO I COULDN'T TELL HER.
$Q \quad$ OKAY.
A AND MISS REBECCA TOOK A PICTURE OF IT BEFORE.
Q MISS REBECCA, YOUR NANNY?
A YES.
Q I WANT TO ASK YOU SOME QUESTIONS AEOUT - - UM -- YOUR BACK AND YOUR BOTTOM WHEN -- WHEN MR. DWIGHT AND MISS JANET AND MISS DANIELEE WOULD HIT YOU, WOUED YOUR BOTTOM BLEED?

A YES.
Q DO YOU HAVE SCARS FROM THAT?
A NOT ANYMORE, BUT THEN YES, I DID.

25 DON'T KNOW.


DID YOU HAVE CLOTHES ON OR OFF?
A WELL, WE'D HAVE CLOTHES -- WE'D -- UM - WE'D SIT ON IT WITH OUR UNDERWEAR OFF.

Q OKAY. SO ON THE TOP DID YOU HAVE LIKE A SHIRT ON?
A YES.
Q BUT WHEN YOU SAT ON THE BUCKETS YOU HAD YOUR UNDERWEAR AND YOUR PANTS OFF?

A YES.
Q AND HOW LONG WOULD YOU SIT ON THOSE BUCKETS FOR?
A LIKE ALL DAY UNTIL WE WENT TO BED.
Q OKAY. DID IT HURT SITTING ON THE BUCKETS?
A YES.
Q WHERE DID IT HURT?
A ON MY BOTTOM. BECAUSE I TRIED TO GET UP AND LIKE .-
I TRY TO GET UP BECAUSE MY BUTT WOULD HURT SO MUCH.
Q WHO WAS IT THAT MADE YOU SIT ON THE BUCKETS?
A MISS JANET.
Q NOW, WHAT WOULD HAPPEN IS MISS JANET WENT OUT OF
TOWN -- UM -- AND JUST MR. DWIGHT WAS THERE?
MR. MUELLER: OBJECTION, SPECULATION. IS THERE AN ACTUAL INCIDENT THAT --

THE REPORTER: I'M SORRY, WHAT WAS THAT LAST PART?
MR. MUELLER: IS THERE AN ACTUAL INCIDENT THAT COUNSEL'S
REFERRING TO?
THE COURT: MISS BLUTH, ARE YOU JUST ASKING IN GENERAL?

BY MS. BLUTH:
4 A AMAYA, WERE THERE EVER TIMES WHERE MR. DWIGHT
WATCHED YOU?
A YES.
Q AND DID YOU SIT ON THE BUCKETS THEN, TOO?
A YES.
Q AND HOW LONG WOULD YOU SIT ON THE BUCKETS WHEN MR.
DWIGHT WAS THERE?
A LIKE DO YOU MEAN HE WAS AT THE -- MISS JANET AND DANIELLE WERE OUT OF TOWN OR --

Q YEAH. OKAY, LET'S SAY THAT IF MISS JANET AND MISS DANIELIE WERE OUT OF TOWN.

A YES, WE'D SIT ON THE BUCKETS.
Q OKAY. NOW, IF I SHOWED YOU A PICTURE OF -- UM -ACTUALLY I'LL DO THAT AT THE VERY END, SORRY, AMAYA.

I WANT TO TALK ABOUT THE FOOD IN THE HOUSE. WERE YOU ALLOWED TO EAT AND DRINK FOOD WHENEVER YOU WANTED?

A NO.
Q WHEN DID YOU EAT FOOD? WHEN WERE YOU ALLONED TO EAT FOOD?

A WHEN MISS JANET OR MR. DWIGHT OR DANIELLE -- LIKE
24 MISS JANET, MR. DWIGHT -- LIKE MISS JANET, SHE WAS GONE, SHE
25 LIKE TOLD DANIELLE AND MR. DWIGHT WHEN TO GIVE IT TO US --

Q OKAY.
A -- OR SHE'D GIVE IT TO US WHEN SHE WANTED TO.
Q OKAY. AND WAS IT REGULAR FOOD OR A -- A -- A SPECIFIC TYPE OF MADE FOOD?

A WELL, LIKE SOMETIMES SHE'D BLEND IT UP OR WE'D EAT IT REGULAR.

Q OKAY. SO WHEN YOU WOULD EAT REGULAR FOOD, WHAT WAS -- WHAT TYPE OF FOOD WAS IT?

A RICE AND BEANS AND THIS NASTY GRAY STUFF, IT WAS -I DON'T KNOW WHAT IT WAS.

Q OKAY. AND THEN YOU SAID SOMETIMES SHE WOULD BLEND IT UP. WHEN YOU SAY SHE, ARE YOU TALKING ABOUT MISS JANET?

A YES.
Q OKAY. AND SO WHEN IT WAS BLENDED, HOW -- HOW WOULD YOU EAT IT?

A DRINK IT.
Q LIKE OUT OF A BOWL OR --
A CUP.
Q -- EXPLAAIN TO ME -- OUT OF A CUP?
A YES.
Q AND WHEN WAS IT THAT YOU WERE -- UM -- WHEN WAS IT, LIKE IN THE MORNING THAT YOU WOULD EAT YOUR BREAKFAST?

A I DON'T KNOW, BECAUSE SOMETIMES SHE'D FEED IT TO US LATE LIKE WHEN THE PRICE IS RIGHT WAS ON OR WHEN HER SOAP PROBABLY WOULD COME ON, OR EVEN LATER LIKE IN THE DAY, BECAUSE

WE'D TAKE SHOWERS SOMETIMES IN THE MORNING.
Q OKAY. UM -- AND THEN AT LUNCHTIME WOULD YOU HAVE REGULAR FOOD OR THE BLENDED FOOD?

A WHAT SHE DECIDED SHE WANTED TO GIVE US, BLENDED FOOD, WHATEVER SHE DECIDED.

Q MISS JANET?
A YES.
8 AND THEN SAME THING FOR DINNER?
A YES.
$Q$ NOW, WERE YOU ALLOWED TO HAVE ANY SNACKS IN BETWEEN THEN?

A NO.
Q WHAT ABOUT DRINKS OF WATER, WERE YOU ALLOWED TO HAVE WATER?

A WELL, I HAVE -- I HAD THIS PILL THAT I TOOK EVERY MORNING, LIKE SHE'D GIVE US -- SHE'D GIVE ME A LITTLE BIT OF WATER, AND IF -- LIKE IF SHE -- I THINK SHE HAD PILLS, TOO, THAT SHE HAD TO TAKE, SHE'D GIVE US A LITTLE BIT OF WATER, AND SOMETIMES SHE'D GIVE US A LITTLE, LIKE CUP, THAT'S ALL SHE'D FILE IT UP AND GIVE IT TO US.

Q OKAY. WHEN YOU SAID THAT SMALL, MAYBE LIKE - YOU DID LIKE THREE OR FOUR INCHES?

A YEAH, FOUR INCHES.
Q OKAY. UM -- NOW, WHEN YOU ATE THE BLENDED - - OR DRANK THE BLENDED THING OUT OF CUP, WERE YOU ALLOWED TO SIT

DOWN AND EAT OR DID YOU HAVE TO STAND AND DRINK IT?
A WELL SOMETIMES WE STOOD -- WE HAD DIFFERENT PLACES IN THE KITCHEN. NOT IN THE -- NOT BY THE COUNTER, BUT IN THE KITCHEN KITCHEN, WE'D STAND IN OUR OWN PLACES AND DRINK IT, OR SOMETIMES WE'D JUST STAND BY THE COUNTER AND DRINK IT.

Q OKAY. WHAT WOULD HAPPEN IF YOU HAD AN ACCIDENT, WOULD YOU STILL BE ALLOWED TO EAT?

A SHE SAID - SOMETIMES SHE'D SAY NO, SOMETIMES SHE'D SAY YES.

Q OKAY. ON THE -- ON THE TIMES THAT SHE WOULD SAY NO - UM -- SO IF YOU HAD AN ACCIDENT AND SHE SAID NO YOU COULDN'T EAT, HOW LONG WOULD IT BE BEFORE YOU WERE ALLOWED TO EAT OR DRINK AGAIN?

A WELL, SOMETIMES WE WOULDN'T EAT ALL DAY. AND IF WE DID IT LIKE THE NEXT DAY WE WEREN'T ALLOWED TO EAT, BUT SHE'D -- SOMETIMES SHE'D CHANGE HER MIND, ACTUALLY GIVE US SOMETHING.
$Q \quad$ OKAY. SO SOMETIMES YOU WOULDN'T BE ALLOWED TO EAT OR DRINK FOR THAT DAY OR THE NEXT DAY, AND SOMETIMES SHE'D CHANGE HER MIND AND SHE WOULD LET YOU EAT, RIGHT?

A YES.
Q OKAY. NOW WHAT WOULD -- ON THOSE TIMES WHEN YOU TALKED ABOUT EARLIER WHERE MISS JANET AND MISS DWIGHT -- I'M SORRY MISS JANET AND MISS DANIELLE WERE OUT OF TOWN AND JUST MR. DWIGHT WAS TAKING CARE OF YOU -- UM -- IF YOU HAD AN

5 EAT OR DRINK," DID MR. DWIGHT LET YOU EAT OR DRINK OR DID HE NOT LET YOU?

A HE FOLLOWED THE RULES MISS JANET MADE UP.
Q OKAY. IF YOU HAD AN ACCIDENT AND YOUR UNDERWEAR GOT DIRTY,

17 Q OKAY.

21 Q SHE PUT -

25 UP ON THE BOARD, SHE DRAPED HER ARMS UP IN THE AIR.

1 Q OKAY. DID YOU EVER HAVE TO PUT UNDERWEAR IN YOUR
2 MOUTH?
3 A YES.
4 MR. MANN: OBJECTION, LEADING.
5 THE COURT: OVERRULED.
6 BY MS. BLUTH:
$7 \quad \mathrm{Q}$ WHO MADE YOU PUT UNDERWEAR IN YOUR MOUTH?
B A MISS JANET.
$9 \quad 9$ OKAY. WAS THE UNDERWEAR CLEAN OR DIRTY?
A DIRTY.
Q DID THAT HAPPEN A LOT?
A YES.
Q DID YOU SEE YOUR SISTERS HAVE TO DO THAT?
A YES.
Q WERE THERE TIMES -- UM -- AFTER AN ACCIDENT WHERE
16 YOU HAD TO ACT LIKE A BABY?
17 A YES.
Q CAN YOU TELL ME ABOUT THAT?
A MISS JANET AND MR. DWIGHT WOULD MAKE FUN OF US.
20 LIKE WE HAD FOSTER KIDS AND THEY MADE US JUST -- MAKE US SAY
21 WHAT -- WHAT THE NAMES ON THE BUCKET, AND DO A WEIRD DANCE,
22 LIKE -- I DON'T KNOW WHAT'S -- HOW TO EXPLAIN IT, BECAUSE WE
23 HAD NAMES ON OUR BUCKETS, AND THOSE -- WE WOULD HAVE TO SAY IT
24 TO THE FOSTER KIDS, AND THEY'D LAUGH AT US AND KEEP DOING IT 25 TO US.

Q OKAY.
A LIKE A PACIEIER.
Q WHAT ABOUT THE PACIFIER?
A PACIFIER WAS IN OUR MOUTHS.
Q OKAY.
A AND IF WE -- IF SALIVA WOULD START COMING OUT OF OUR MOUTH, THEY'D SLAP US.

Q WHERE WOULD THEY SLAP YOU?
A SOMETIMES ON THE BOTTOM OR FACE OR ARM.
Q OKAY. AND WHEN YOU SAY THEY, ARE YOU TALKING
ABOUT MR. DWIGHT AND MISS JANET?
A WELL MAINLY MISS JANET.
Q OKAY.
MR. MANN: I'M SORRY, I'M HAVING A HARD TIME HEARTNG HER.
THE COURT: THAT'S OKAY. CAN YOU -- THAT'S OKAY. YOU
CAN LOOK MY WAY, BUT CAN YOU SPEAK INTO THE MICROPHONE? IT'S
OKAY, YOU'RE DOING GREAT. WE CAN HEAR EVERYTHING UP UNTIL
JUST WHAT YOU JUST SAID, SO -- UM -- I THINK MISS BLUTH ASKED
YOU WHO WOULD DO THAT.
THE WITNESS: MAINLY MISS JANET.

## BY MS. BLUTH:

Q WHEN YOU SAY MAINLY, WAS THERE OTHER PEOPLE WHO EVER MADE YOU DO IT?

A LIKE IF MR. DWIGHT WAS UP IN THE ROOM WE'D DO IT. THEY'D BRING -- BEFORE THAT WE'D BE STANDING LIKE IN THE
4 Q OKAY. YOU TALKED A LITTLE BIT ABOUT TAKING SHOWERS.
5 UM - D DID YOU EVER TAKE BATHS OR WAS IT ONLY SHOWERS? 24 OR - DEPENDS ON OUR BEHAVIOR.

A SHOWERS. SORRY.

A WELL, SHE'D PUT IT LIKE ON THE --
THE REPORTER: ON THE WHAT?
THE WITNESS: LUKEWARM.
THE REPORTER: OKAY. BY MS. BLUTH: SOMETIMES COLD?

KITCHEN, THEY'D CALL THE FOSTER KIDS TO COME DOWN, AND THEY'D JUST BE LAUGHING AND MAKE FUN OF US. AND IF SALIVA STARTED COMING OUT OF MY MOUTH, THEY'D SLAP US AND SOMETIMES KICK US.

Q OKAY. YOU TALKED A LITTLE BIT ABOUT TAKING SHOWERS. UM - DID YOU EVER TAKE BATHS OR WAS IT ONLY SHOWERS?

Q OOPS, YOU OKAY? DID I PUT THAT TOO CLOSE TO YOU?

NOW, WERE THERE ANY RULES ABOUT THE SHOWER?

THE WITNESS: AND THEN SHE'D GIVE US SOAP AND SHE'D - - WE HAD TO WASH UNTIL SHE COME UPSTAIRS OR UNTIL SHE SAYS TO STOP.

9 OKAY. UM - NOW, YOU SAID LUKEWARM. WAS THERE -DID YOU EVER TAKE COLD SHOWERS OR WERE THEY ALWAYS LUKEWARM?

A SOMETIMES LUKEWARM, SOMETIMES COLD.
Q WELL, WHY WOULD SOMETIMES YOU GET LUKEWARM AND

A IT DEPENDS ON WHAT SHE WANTED TO GIVE US. LIKE IF SHE WANTED TO GIVE US A COLD SHOWER OR -- OR A LUKEWARM SHOWER

Q OKAY. NOW, WHAT WOULD HAPPEN IF SHE THOUGHT YOU
$Q \quad$ WHAT DID SHE TELL YOU ABOUT THAT SPECIAL FLASHLIGHT?
A NOTHING. SHE'D JUST GET THE FLASHLIGHT, AND IT WAS A PURPLE LIGHT, BUT I DON'T KNOW WHAT IT DID.

Q OKAY. AND SO SUPPOSABLY SHE COULD SEE IF THERE WAS PEE.

A WITH THE FLASHLIGHT. I GUESS THAT'S WHAT THE FLASHLIGHT THAT WAS FOR ANYWAY.

Q OKAY. AND SO WHAT WOULD HAPPEN IF SHE SAW PEE IN THERE?

A SHE'D SAY "WHAT'S THIS", AND SAY - AND IF WE'D SAY IT WAS, SHE'D START YELIING AT US OR -- SHE SAYS, "DID YOU PEE IN THE TUB?" WE'D SAY NO. SHE'D SAY, "I'M NOT STUPID I CAN SEE THE SPOTS."

9 OKAY. DID YOU GET IN TROUBLE FOR HAVING SPOTS?
A YES.
Q WHAT ABOUT - UM - - YOUR UNDERWEAR, WAS YOUR
UNDERWEAR EVER CHECKED?
A YES.
Q WHO WOULD CHECK YOUR UNDERWEAR?
A LIKE IF - SOMETIMES MISS JANET, SOMETIMES MR.
DWIGHT, SOMETIMES DANIELLE.
$Q$ OKAY. AND WHEN THEY WOULD CHECK YOUR UNDERWEAR, DID THEY USE THE LIGHT, TOO, OR IS IT - HOW WOULD THEY CHECK YOUR UNDERWEAR?

A SOMETIMES THEY USE A REGULAR LIGHT OR IT'S A PURPLE

LIGHT, OR SOMETIMES THEY WOULDN'T USE THE LIGHT.
Q AND - AND WHAT WOULD HAPPEN IF SOMEBODY FOUND SOMETHING?

A GET IN TROUBLE.
2 AND WHAT IS GETTING IN TROUBLE MEAN?
A WE'D GET SPANKED.
Q OKAY. BY WHOEVER IT WAS THAT WAS CHECKING?
A WEIIL LIKE - YES.
Q WHEN YOU SAY SPANKED, WOULD YOU GET SPANKED WITH YOUR HAND OR WITH -- WITH THEIR HAND OR WAS IT ALWAYS THE STICK?

A WELL, SOMETIMES THEY SPANK US WITH THEIR HANDS OR WITH -- MISS JANET'S SLIPPER, OR WITH THE PAINT STICK. MAINLY WITH THE PAINT STICK.

Q UM -- WHERE DID YOU SLEEP IN THE HOUSE?
A WELL, LIKE SOMETIMES WE'D SLEEP BY THE STAIRS, OR SOMETIMES I SLEEP IN FRONT OF DANIELLE'S ROOM ON THE BOARD, BLFT THERE WAS A GATE, SO I COULDN'T CROSS BECAUSE THERE WAS A BATHROOM RIGHT THERE, AND WOULD -- I'D SLEEP BY THE STAIRS IN THE LOFT, LIKE IN THE MIDDLE.

Q WELL, WHO DECIDED WHERE IT WAS THAT YOU SLEPT?
A MISS JANET.
Q AND WHAT WOULD YOU SLEEP ON?
A A BOARD, BUT -- BUT THEN SHE DECIDED LIKE IF WE PEE ON OURSELVES, LIKE SHE GOT US THESE FOLD UP BEDS YOU COULD

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W WAS IT JUST A BOARD?
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10 A JUST A BOARD.
11 Q OKAY. AND WERE YOU ALLOWED TO WEAR PAJAMAS?
12 A WELL WE MAINLY SLEPT IN OUR UNDERWEAR. I THINK
13 WE - WELI, I THINK WE COULD WEAR PAJAMAS, I CAN'T REMEMBER.
$14 \quad Q \quad$ ON DAYS WHEN YOU HAD AN ACCIDENT AND YOU WERE IN
15 TROUBLE, WHAT DID YOU SLEEP IN?
16 A WHAT DO YOU MEAN?
17 Q LIKE YOU SAID, ON SOME DAYS YOU SEEPT IN YOUR
1B UNDERWEAR AND SOME DAYS YOU SLEPT IN YOUR PAJAMAS?
19 A YES.
$20 \quad Q \quad$ UM - $\quad$ AND WHAT ABOUT - - WERE THERE ANY FANS IN - IN
21 THAT AREA WHERE YOU SLEPT?

23 FANS, AND THERE'S THIS ONE -- ONE -- ONE TIME IT WAS A BIG FAN
24 AND SHE COULD PUT IT LIKE LOW OR HIGH, SHE PUT IT IN FRONT OF
25 US WHILE WE ARE SLEEPING, OR SOMETIMES SHE'D PUT ALL THE FANS

25 O OKAY.

WE HAD A TOWEL, LIKE SHE COULD GIVE -- GIVE US A TOWEL AND
3 WE'D PUT IT ON THE BOARD.
4
5
A SOMETIMES WE SLEPT ON A TOWEL ON THE FLOOR. YEAH, $Q$ OKAY. SO THE BOARD WAS ON THE GROUND AND THEN THE TOWEL WAS ON THE BOARD AND THEN YOU SLEPT ON THE TOWEL?

A YES.
Q IN YOUR UNDERWEAR?
A (NO AUDIBLE RESPONSE.)
Q IS THAT A YEAH?
A YES.
Q OR A YES. SORRY, I SAY YEAH, TOO.
UM -- NOW, YOU HAD TALKED EARLIER ABOUT DOING
YOUR - - YOU DID YOUR HOMEWORK DOWNSTAIRS IN THE KITCHEN.
WHO CHECKED YOUR HOMEWORK?
A UM -- LIKE IF MISS JANET WAS DOING SOMETHING SHE'D ASK MR. DWIGHT OR DANIELLE IF THEY COULD CHECK IT, AND THEY'D CHECK IT AND JUST TAKE TURNS.

Q OKAY. SO LET'S TALK ABOUT IF MISS JAN - SO SOMETIMES, THOUGH, DID MISS JANET CHECK YOUR HOMEWORK?

A YES.
Q AND WHAT WOULD HAPPEN IF -- UM -- YOU GOT SOMETHING WRONG?

A WE'D GET SPANKED.
Q BY WHO OR WHOM?
A MAINLY MISS JANET.

Q DID YOU GET PUNISHED IN ANY OTHER WAYS IF YOU GOT -IF SHE GOT FRUSTRATED WITH YOU FOR NOT DOING YOUR HOMEWORK

A YES.
Q CAN YOU EXPLAIN TO ME THOSE?
A LIKE WE KEPT GETTING IT WRONG SHE'S LIKE - SHE WOULD BE LIKE, IF YOU DON'T GET THIS ANSWER RIGHT THIS TIME YOU'RE NOT GONNA' EAT.

Q OKAY.
A OR LIKE WE'D STAY UP LATE AND KEEP DOING - - TRYING TO GO WORK ON THE ANSWER.

Q OKAY. WERE -- IN THE HOUSE THAT YOU LIVED IN, WAS THAT ONE STORY OR TWO STORY?

A TWO STORY.
Q OKAY. UM -- DID YOU EVER GET HURT FROM FALIING DOWN STAIRS IN THAT HOUSE?

A YES.
Q HOW DID YOU FALL?
A WELL, LIKE MISS JANET WOULD -- FROM PEEING ON OURSELVES, SHE'D TELL TO US TO GET UP, AND WE'D LOOK AT HER --

THE REPORTER: I'M SORRY, YOU WHAT?
THE WITNESS: WE'D LOOK AT HER IN A MEAN WAY, BECAUSE WE WERE MAD, AND SHE'D, LIKE DON'T LOOK AT ME, TURN AROUND, AND THEN SHE'D KICK US AND WE'D TRIED TO GO UP THE STAIRS AND SHE'D KICK US, AND WE'D FALL AND GET HURT.

MS. BLUTH: OKAY.
Q AMAYA, DO YOU KNOW WHAT A CATHETER IS?
A YES.
Q CAN YOU EXPLAIN TO ME WHAT ONE LOOKS LIKE? COULD YOU DESCRIBE IT FOR ME?

A IT WAS LIKE THIS TUBE CONNECTED TO THIS BAG, AND SHE'D USE IT ON US, LIKE SHE'D CLOSE THE DOOR AND PUT A TOWEL LIKE ON THE GROUND, AND THEN WE'D -- SHE'D ASK US, "DO YOU HAVE TO GO THE BATHROOM BEFORE I LEAVE?" AND WE'D SAY NO. AND IF - $\operatorname{SHE}{ }^{\prime} D$ CHECK US, GET A CATHETER FROM LIKE $-S_{\text {S }}$ SHED DO IT TO US AND CHECK, AND IF PEE COMES OUT OF THE BAG SHE'D SPANK US.
$Q$ OKAY.
A OR - O ONLY BEFORE SHE'D LEAVE SOMETIMES SHE'D BE LIKE - UM -- SHE'D BE LIKE WHEN - WHEN I GET BACK YOU'RE GONNA' GET IT BECAUSE YOU LIED TO ME.

Q OKAY. SO I WANT TO BREAK THAT DONN A LITTLE BIT. SO SHE WOULD ASK YOU, DO YOU HAVE TO GO TO THE

BATHROOM, AND YOU WOULD SAY NO?
A YES.
Q OKAY. AND THEN YOU SAID SHE WOULD CHECK YOU?
A YES.
Q WHEN YOU SAID SHE'D CLOSE THE DOOR AND PUT A TOWEL DOWN, WHAT ROOM WAS IT, OR WAS IT LOTS OF DIFFERENT ROOMS?

A MAIN - WELL, I CA - I REMEMBER WHEN SHE DID IT TO

US ONE TIME IN THE BATHROOM BY THE TWO BEDROOMS WHERE THE GATE WAS, WHERE I SLEPT. LIKE DANIELLE'S ROOM WAS HERE, AND I SLEPT BY THE BOARD, LET'S JUST GET HERE, AND THEN THE BATHROOM AND TWO OTHER ROOMS.

5 Q OKAY.
6 A SO SHE'D DO IT IN THE BATHROOM.
7 Q AND SO SHE'D LAY DOWN THE TOWEL, AND THEN WOULD YOU
8 LAY DOWN ON THE TOWEL?
A YES.
Q OKAY. AND WHERE WOULD SHE PUT THE CATHETER?
A HER FRONT PRIVATE.
Q OKAY. WOULD IT GO INSIDE?
A YES.
$\mathbf{Q}$ OKAY. AND THEN IF PEE CAME OUT YOU WERE IN TROUBLE?
A YES.
Q WOULD YOU EVER TRY TO FIGHT HER AND -- AND NOT LET
17 HER PUT THE CATHETER IN?
18 A YES.
19 Q WHAT WOULD HAPPEN WHEN YOU FOUGHT?

21 Q DID SHE EVER THREATEN YOU WITH ANYTHING?
A WELL, SHE'D SAY SHE'S GONNA' - I REMEMBER ONE TIME
23 AVA WAS IN THE SHOWER AND SOME -- IT WAS SOMETHING ABOUT THE
24 BATHROOM, AND SHE THREATENED AVA, CUT HER WITH THE RAZOR
25 BLADE, AND SHE SAID SHE'S GONNA' LAUGH, AND WATCH AVA BLEED TO

22 MARKED STATE'S EXHIBIT NEXT.
DEATH IN THE TUB.

BLADE?
A YES. REMEMBER WHAT IT LOOKS LIKE?

A YES.

THE COURT: YES.
BY MS. BLUTH: WHAT COLOR WAS IT? MIDDLE.

THE WITNESS: YES.

THE COURT: ANY OBJECTION, MR, MANN?
MR. MANN : NO, YOUR HONOR.
THE COURT: MR. RUE?

Q OKAY. DID SHE EVER THREATEN YOU WITH THE RAZOR

Q UM - IF I ASKED YOU TO DRAW THE RAZOR BLADE, DO YOU

MS. BLUTH: MAY I APPROACH, YOUR HONOR?

Q COULD YOU DRAW THE RAZOR FOR ME, THE RAZOR BLADE?

A GRAY. IT WAS SHARP, AND THERE WAS A -- IN THE

THE REPORTER: AND WHAT'S IN THE MIDDLE?
MS. ELUTH: THERE WAS ONE IN THE MIDDLE, IT'S A LINE.
MAY I HAVE THIS MARKED OR -- AND SO THIS -- THIS IS WHAT
YOU DREW OF THE - - OF THE RAZOR BLADE THAT IT LOOKS LIKE THE
RAZOR BLADE THAT MISS JANET THREATENED YOU WITH?

MS. BLUTH: JUDGE, I'D ASK TO HAVE THIS ADMITTED AND

MR. RUE: NO, YOUR HONOR.
THE COURT: MR. MUELLER?
MR. MUELLER: NO, YOUR HONOR.
THE COURT: ALL RIGHT, IT WILL BE MARKED AND ADMITTED.
BY MS. BLUTH :
Q WHEN MISS JANET THREATENED YOU WITH THE RAZOR BLADE, HOW DID THAT MAKE YOU FEEL?

THE COURT: HOLD ON ONE SECOND, SORRY. WHAT ARE YOU
MARKING THAT MISS --
THE CLERK: IT WILI BE FIVE.
THE COURT: FIVE? IT WILE BE MARKED -- JUST FOR THE
RECORD, IT WILL BE MARKED AND ADMITTED AS EXHIBIT 5.
MS. BLUTH: THANK YOU.
(WHEREUPON STATE'S PROPOSED EXHIBIT NO. 5 WAS MARKED FOR
IDENTIFICATION AND ADMITTED INTO EVIDENCE.)
THE COURT: I'M SORRY, GO AHEAD.
BY MS. BLUTH:
Q DO YOU WANT ME TO ASK AGAIN MY LAST QUESTION?

A YEAH.
Q THAT'S OKAY.
WHEN -- UM -- WHEN YOU FOUGHT TO HAVE THE CATHETER NOT PUT IN YOU, AND MISS JANET THREATENED YOU WITH THE RAZOR BLADE, HOW DID YOU FEEL WHEN YOU SAW THAT RAZOR BLADE?

A AFRAID.
Q WHAT DID SHE SAY TO YOU WHEN SHE THREATENED YOU?

A SHE SAID, "IF YOU DON'T SHUT UP I'M GONNA' GET THE RAZOR BLADE."
$Q \quad I F$ YOU DON'T SHUT UP, WHAT?
A SHE'S GONNA' GO GET THE RAZOR BLADE AND CUT US.
Q OKAY. DID SHE SHOW YOU IT?
A YES.
AND ONE TIME SHE CUT AVA ON THE LIP, BECAUSE -- SHE
HAD WENT DOWNSTAIRS AND I LOOKED OVER AT AVA AND I SAID, "AVA
WHAT HAPPENED TO YOUR LIP?" AND SHE SAID --
MR. MANN: OBJECTION, HEARSAY.
THE COURT: SUSTAINED. IT'S OKAY.
MS. BLUTH: THAT'S OKAY.
THE WITNESS: DO --
THE COURT: NO, THAT'S OKAY, YOU DON'T HAVE TO ANSWER IT.
MS. BLUTH: YOU DON'T HAVE TO ANSWER THAT ONE.
THANKS, AVA [SIC].
Q DID YOU - UM - BEFORE YOU LEFT FOR MARVELOUS GIRLS ACADEMY -- AM I SAYING THAT RIGHT, OR IS IT MARVELOUS GRACE? HOW DO YOU SAY IT?

A MARVELOUS GRACE GIRLS ACADEMY.
Q BEFORE YOU LEFT FOR MARVELOUS GRACE GIRLS ACADEMY, DO YOU REMEMBER SEEING AVA WITH A BLACK EYE?

A YES.
Q WERE YOU THERE WHEN AVA GOT THAT BLACK EYE?
A YES.

4 YOU HAVE TO GO TO THE BATHROOM?" SHE SAID "YES." I SAY, 5 "JUST SAY SOMETHING, IT'S NOT GOING TO BE BAD." AND SHE SAID,

Q CAN YOU TELL ME HOW SHE GOT IT?
A WELL, SHE - I SAW AVA -- MISS JANET WAS OVER THERE ON THE COUCH WATCHING TV - SHE WAS SHAKING, I SAID, "AVA, DO "NO, I'M SCARED." AND I SAID, "AVA, YOU'RE GONNA' GET IN MORE TROUBIE THAN YOU THINK IF YOU DON'T SAY NOTHING." SHE SAID, "WELTL I'M SCARED."

AND THEN AFTER THAT SHE HAD PEED ON HERSELF, AND MISS -- I THINK MISS JANET CAME OVER AND SAW IT, AND SHE TOLD AVA -- I THINK SHE SAID -- TOLD AVA TO STAND UP, AND SHE SAW PEE, AND SHE GOT AVA AND STARTED KICKING HER UP THE STAIRS. AND STARTED KICKING HER DOWN THE STAIRS, AND THEN SHE GRABBED AVA'S HEAD AND SMACKED -- SLAMMED -- NOT - L LKE GRABBED IT AND SLAMMED IT ON THE COUNTER. AND HER EYE STARTED TO CLOSE UP, AND IT WAS ALL BLACKISH PURPLE. AND THEN WE WENT TO A COUPLE -- COUPLE -- I THINK IT WAS HOURS AGO, WE HAD WENT TO BED AND SHE GAVE AVA AN ICE PACK TO MAKE IT GO AWAY.

Q OKAY. UM -- DID -- DID ANASTASIA EVER HAVE AN ACCIDENT IN THE BUCKETS THAT YOU GUYS WOULD SET ON?

A YES.
Q WHAT HAPPENED -- UM -- WAS THERE A TIME WHEN ANASTASIA POOPED IN THE BUCKET?

A CAN'T REMEMBER.
Q OKAY.

24 STRIKE THAT QUESTION. OF YOUR PEE OR PQOP?

A I DON'T THINK SO.

A FACE.
Q FACE IN THE POOP?
A YES.
Q OKAY.

A I KNOW SHE HAD ACCIDENTS IN THE BUCKET.
Q OKAY. UM -- DID YOU EVER HAVE TO EAT OR DRINK ANY

Q OKAY. DID YOU EVER SEE -- UM -- ANASTASIA HAVE TO?
A YEAH. SHE POOPED IN THE POTTY TOILET THAT THEY GOT HER, AND THEN -- UM -- I THINK MISS JANET -- IT WAS EITHER

MISS JANET OR DANIELLE SMELLED SOMETHING, AND THEY SAID -- I
THINK DANIELLE SAID, "WHAT'S THAT SMELL", AND THEY TOLD --
MISS JANET CAME OVER AND TOLD ANASTASIA TO GET UP, AND SHE SAW
POOP, AND THEN SHE STARTED KICKING HER UP THE STAIRS. AND SHE SAID, BRING THE BUCKET -- OR THE POTTY TOILET UP, AND SHE DUMPED IT IN THE REAL TOILET, AND GRABBED HER HEAD AND SMASHED IT IN THE POOP, AND DANIELLE STARTED TO LAUGH.

Q MISS JANET -- MISS JANET WAS THE ONE WHO SHOVED ANASTASIA'S - UM - - HEAD IN THE POOP?

A AND THEN DANIELLE STARTED LAAUGHING.
Q OKAY. I WANTED TO ASK YOU A COUPLE MORE QUESTIONS ABOUT THE CATHETER. WHEN MISS JANET - - UM - OR ACTUALLY

WHO BROUGHT THE -- OR WHO BOUGHT THE CATHETERS?

A I THINK MISS JANET BRUNG IT FROM HER JOB.
Q OKAY. DID YOU EVER HEAR MR. DWIGHT AND MISS JANET TALKING ABOUT THE CATHETERS?

A NO.
Q DID YOU EVER HEAR ANYBODY ORDERING THE CATHETERS ON THE PHONE?

A I THINK I HAD HEARD MR. DWIGHT, I CAN'T REMEMBER.
Q WHEN YOU SAY YOU THINK, WHAT -- TELL ME WHAT YOU REMEMBER.

A UM - I REMEMBER HE WAS SITTING ON THE COUCH AND HE SAW SOMETHING ON THE TV ABOUT SOMETHING CATHETERS, AND THEN HE CALLED A NUMBER. AND I CAN'T REMEMBER IF IT WAS MISS JANET OR MR. DWIGHT, BUT I THINK IT WAS MR. DWIGHT, I'M NOT SURE, HE CALLED A NUMBER AND I GUESS THEY GAVE THEM TO HIM.
$\mathbf{Q} \quad$ OKAY.
A I DON'T KNOW.
MS. BLUTH: OKAY. UM -- COURT'S INDULGENCE, YOUR HONOR.
MAY I APPROACH, YOUR HONOR?
THE COURT: SURE. WHAT ARE YOU APPROACHING WITH?
MS. BLUTH: UM -- STATE'S ALREADY IN EVIDENCE AS 2. I
HAD ASKED --
THE COURT: AS TWO?
MS . BLUTH: YEAH.
THE COURT: OKAY.
MS. BLUTH: STATE'S 2.

8 ONE OF THE PAINT STICKS THAT WAS USED?
MR. MANN: CAN I SEE IT, MISS --
MS. BLUTH: OH, YEAH. YOU SAID IT WAS BROWN, FROM HOME DEPOT. IF I SHOWED YOU A PICTURE OF IT WOULD YOU RECOGNIZE IT?

A YES.

A YES. JUST ONE THAT WAS USED, RIGHT? SOME WOULD BREAK AND THEN THERE'D BE NEW ONES?

MR. MANN: OBJECTION, LEADING.
THE COURT: SUSTAINED.
BY MS. BIUTH: BUY IT.

Q WHO WOULD GO BUY IT?
A WELL SOMETIMES MR. DWIGHT.
MS. BLUTH: THANK YOU, AMAYA.
I'L工 PASS THE WITNESS. QUESTIONS, OKAY AMAYA?

Q I HAD ASKED YOU EARLIER ABOUT THE PAINT STICK, AND

Q SHOWING YOU STATE'S EXHIBIT 2, DOES THAT LOOK LIKE

Q OKAY. NOW, THE PAINT STICKS -- I MEAN THERE WASN'T

Q WAS THERE JUST ONE OR WERE THERE A LOT IN THE HOUSE?
A WELL, JUST THEY'D SPANK US, AND IF THEY TAKE -- AND IF WE RAN OUT, DIDN'T HAVE ANY MORE IN THE GARAGE, THEY'D GO

THE COURT: OKAY. NOW MR. MANN IS GOING TO ASK YOU SOME

THE WITNESS: YES.

4 BY MR. MANN :

5

6

7

B

A YES. CONDITION, CORRECT?

A YES. COLON?

A YES.

A YES.

A YES. STOMACH?
COLONR
A YES.
$Q \quad$ GOOD MORNING, AMAYA.
A GOOD MORNING.
Q YOU SAID THAT SOMETIMES YOU WOULD GET - UM - -
REGULAR FOOD AND SOMETIMES BLENDED FOOD; IS THAT CORRECT?

Q OKAY. AND - - UM - THE REGULAR FOOD YOU GOT FOR A
PERIOD OF TIME UNTIL YOU WERE DIAGNOSED WITH A MEDICAL

Q WHAT WAS THAT MEDICAL CONDITION?
A IT WAS SOMETHING ABOUT MY COLON.
Q OKAY. SOMETHING TO DO WITH YOUR STOMACH AND YOUR

Q OKAY, AND - UM - - YOU WENT AND SAW A DOCTOR?

Q AND THE DOCTOR WAS THE ONE THAT INSTRUCTED ABOUT THE - UH - WHAT TYPES OF FOOD YOU COULD EAT, CORRECT?

Q OKAY. BECAUSE YOU WERE HAVING PAINS IN YOUR

## CROSS-EXAMINATION

Q

25 SORT OF CONDITION THAT CAUSES SEIZURES?

25 UM -- SEVERAL TRIPS WITH THE SOLANDERS, CORRECT?

20 NANNY, AND ME AND ANASTASIA DIDN'T, BUT I DON'T KNOW WHERE WE
21 WERE, THOUGH.
A YES.
Q YOU WENT TO DISNEY WORLD?
A YES.
Q YOU WENT TO CALIFORNIA?
A YES.
Q YOU WENT TO MANY PLACES, CORRECT?
A YES.
$Q$ OKAY. SOMETIMES WITH ALL YOUR SISTERS, SOMETIMES NOT, CORRECT?

A WELL, YEAH, WE WENT WITH MY SISTERS.
Q ALL THE TIME YOU WENT WITH YOUR SISTERS?
A WELL, THERE WAS ONE TIME WHEN WE WENT TO DISNEY WORLD, I HAD ACTED UP BECAUSE I GOT MAD ABOUT SOMETHING, SO WHEN THEY -- THEY -- THE SOLANDERS DIDN'T WANT TO - THEY NOT -- WELL, LIKE THEY DIDN'T WANT TO --

Q YOU GOT IN TROUBLE --
A - - I CAN'T - - AND THEY DIDN'T WANT TO - - UM -- GIVE US A REWARD BECAUSE WE DIDN'T DESERVE IT. WELL I DIDN'T DESERVE IT, BECAUSE I HAD ACTED OUT, SO AVA WENT WITH HER

Q OKAY. AND SO -- UM - THEY WENT TO DISNEY WORLD YOU DIDN'T GET TO GO BECAUSE YOU GOT IN TROUBLE?

A YES.
Q OKAY. BECAUSE YOU MISBEHAVED?

A YES.
9 OKAY. AND THEY ACTUALLY HAD A POINT SYSTEM FOR TIMES THAT YOU MISS BEHAVED, CORRECT?

A YES.
Q AND THERE WAS A CHART ON THE REFRIGERATOR ABOUT YOUR MISBEHAVIOR, CORRECT?

A YES.
9 UM -- AND IF YOU GOT SIX DEMERITS OR SIX POINTS FOR MISBEHAVIOR, YOU GOT IN TROUBLE, CORRECT?

A YES.
9 SO ESSENTIALLY YOU HAD SIX WARNINGS BEFORE YOU GOT PUNISHED FOR YOUR MISBEHAVIOR, CORRECT?

A YES.
Q OKAY. BUT YOU WERE THE ONE THAT -- BETWEEN YOUR
THREE SISTERS, THAT WOULD GET IN TROUBLE THE MOST, CORRECT?
A YES.
8 UM -- AND YOU HRD -- YOU WOULD USUALLY GET IN
TROUBLE FOR LYING, CORRECT?
A YES.
Q UM -- THAT YOU WOULD -- UM -- HAVE NUMEROUS INSTANCES WHERE YOU WOULD MAKE UP STORIES, AND THEN THEY FOUND OUT THEN TO NOT BE TRUE, AND YOU GOT IN TROUBLE?

A YES.
Q AND YOU GOT A DEMERIT OR A POINT?
A YES.

21 COME -- LIKE IF HOW MANY -- LIKE HOW MANY BAD THINGS WE DID,
A YES.
Q AND SOMETIMES THAT PUNISHMENT WOULD BE FROM THAT STICK, THAT EXHIBIT 2 THAT MISS BLUTH SHOWED YOU, CORRECT?

A YES.
Q OKAY. AND -- UM -- WHEN YOU GOT SPANKED WITH THAT STICK -- UM -- HOW MANY TIMES WOULD YOU GET SPANKED?

A WELL, IF WE DID SOMETHING WRONG THAT'S HOW MANY TIMES WE'D GET SPANKED LIKE. I DON'T KNOW HOW TO EXPLAIN IT.

Q SURE. LET ME SEE IF I CAN HELP YOU, OKAY? ON ONE INSTANCE OF GETTING IN TROUBLE WHERE YOU WERE GOING TO BE SPANKED --

A YES.
Q -- HOW MANY HITS OF THE PAINT STICK WOULD YOU
RECEIVE?
A I DON'T KNOW.
Q ONE?
A I THINK SO.
$Q$ OKAY. SO YOU THINK ONE HIT?
A YEAH. I THINK IT -- I THINK THEY DID IT LIKE THAT'S HOW MANY TIMES WE GOT HIT WITH THE PAINT STICK.

Q SO IF YOU GOT SIX POINTS YOU'D GET HIT SIX TIMES?
A I CAN'T REMEMBER, BUT I -- IT WAS A LONG TIME AGO.
$Q$ OKAY.

THE COURT: WHAT DID YOU SAY, MAYA? I DIDN'T HEAR YOU, I'M SORRY.

THE WITNESS: I CAN'T REMEMBER BECAUSE IT WAS A LONG TIME AGO.

THE COURT: OKAY.
BY MR. MANN :
Q NOW - UM - WHEN - UM - WHEN YOU - UM - WERE
LIVING WITH -- OR BEFORE YOU STARTED LIVING WITH THE SOLANDERS
AS A FOSTER CHILD, YOU WERE LIVING SOMEWHERE ELSE, CORRECT?
A YES.
Q WHERE WERE YOU LIVING?
A WITH MISS DEBBIE.
Q OKAY. AND BEFORE MISS DEBBIE?
A I DON'T KNOW THEIR NAMES.
Q OKAY. ANOTHER FOSTER FAMILY?
A YES.
Q OKAY. AND BEFORE THAT FOSTER FAMIIY?
A BEFORE THAT FOSTER FAMILY WE WERE -- WELL BEFORE MISS DEBBIE WE WERE AT THAT FOSTER FAMILY, BUT BEFORE THAT I THINK WE WERE AT CHILD HAVEN.

Q OKAY. AND HOW LONG DO YOU REMEMBER YOUR WERE AT CHILD HAVEN, A SHORT OR A LONG TIME?

A I CAN'T REMEMBER.
9 OKAY. AND BEFORE CHILD HAVEN YOU WERE AT YOUR BIOLOGICAL MOTHER'S HOUSE, CORRECT?

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A GRANDMA'S.
Q GRANDMA'S.
A (NO AUDIBLE RESPONSE.)
Q AND -. UM -- WAS YOUR MOTHER LIVING AT THAT HOUSE WITH YOUR GRANDMA, OR WERE YOU WITHOUT YOUR MOTHER THERE?
A NO, MOM WASN'T THERE.
Q OKAY.
NOW -- UM -- THE BLENDED FOOD, YOU REMEMBER TALKING
TO -- UM -- MISS EBRAHIM -- UM -- ABOUT -- LET'S SEE, IN ABOUT
MARCH OF THIS YEAR, IN -- UH -- AT, I THINK IT WAS CHILD
HAVEN?
(DISCUSSION BETWEEN MS. BLUTH AND MR. MANN.)
MR. MANN: OH, OKAY. MISS FAIZA?
MS. BLUTH: FAIZA.
BY MR. MANN:
Q FAIZA?
A I CAN'T REMEMBER.
Q OKAY. DO YOU REMEMBER GOING INTO A ROOM AND HAVING
A CONVERSATION WITH SOMEONE WHO ASKED YOU QUESTIONS ABOUT WHAT
HAPPENED AT THE SOLANDER'S HOUSE?
A IN FLORIDA?
Q NO -- UH -- HERE IN LAS VEGAS.
A NO.
Q OKAY. DID YOU HAVE A CONVERSATION WITH -- UM --
SOMEONE IN FLORIDA ABOUT WHAT HAPPENED IN THE SOLANDER'S
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HOUSE?

A YES.
Q TELL ME ABOUT THAT CONVERSATION, WHO WAS THERE?
A MISS JACK -- JACKIE.
Q MISS JACKIE?
A YEAH, SHE HAD -- ONE OF DIRECTORS, BECAUSE WE WERE GOING TO A WEDDING, AND THE DIRECTOR -- WE TOLD THE DIRECTOR A COUPLE DAYS AGO -- A COUPLE DAYS BEFORE SHE CAME, AND HE HAD CALLED THE PEOPLE THERE, SHE CAME OVER AND STARTED -- SHE ASKED ALL THREE OF US QUESTIONS.

Q OKAY. SO -- JUST SO I UNDERSTAND THIS CORRECTLY. UM -- DID MISS JACKIE WORK AT THE HOME IN FLORIDA?

A NO.
9 THE SCHOOL IN FLORIDA?
MISS JACKIE WAS FROM OUTSIDE OF THAT SCHOOL?
A YEAH. SHE WORKED WITH SOME PEOPLE LIKE -- I CAN ${ }^{1} T$
REMEMBER WHAT SHE LOOKED -- WHO SHE WORKED WITH, I MEAN.
Q OH, ALL RIGHT. BUT YOU WERE ON YOUR WAY TO A
WEDDING WHEN SHE HAD THIS DISCUSSION WITH YOU?
A YES.
Q OKAY. DID YOU GET TO GO TO THE WEDDING?
A YES.
8 OKAY. WHO'S WEDDING WAS IT?
A UM -- MISS SHELBY (PHONETIC), SHE WAS -- SHE'S ONE OF THE LADIES THAT HELP - NOT HELPS OUT, BUT HER FAMILY COMES

5 THAT WEDDING?
5 A YES.
7 Q OKAY.

20 A YES, IN FLORIDA.
21 O OKAY. AND -- UM -- WHEN YOU WERE HAVING THAT
22 CONVERSATION WERE YOU BEING HONEST?
AND HELPS OUT SOMETIMES AT MARVELOUS GRACE.
Q OKAY. SO - UM -- THIS WEDDING FOR MISS SHELBY, SHE WAS A HELPER AT THE SCHOOL, AND YOU HAD THIS CONVERSATION WITH

A IT WAS THE SAME DATE.
Q SAME DAY AS THE WEDDING?
A (NO AUDIBLE RESPONSE.)
Q IS THAT A YES?
A YES.
Q OKAY, THANK YOU.
UH -- BUT YOU DON'T REMEMBER HAVING A
CONVERSATION -- UH -- IN LAS VEGAS?
A NO.
Q OKAY. NOW, DO YOU REMEMBER - UM - - TALKING TO
SOMEONE ABOUT THE BLENDED FOOD, AND WHAT WAS IN THAT BLENDED

A YES.
Q AND DID YOU TELI THE WHOLE TRUTH?
A YES.

Q OKAY. AND - UM - - IN THAT CONVERSATION YOU TOLD WHOMEVER WAS INTERVIEWING YOU THAT THE BLENDED FOOD INCLUDED DEAD MICE; IS THAT RIGHT?

A YES, BECAUSE THAT'S WHAT THEY TOLD ME THERE WAS THESE LITTLE LONG PIECE OF -- OF --

Q AND THAT DEAD MICE CAME OUT OF A CAN?
MS. BLUTH: JUDGE, I'D ASK THAT SHE BE ABLE TO FINISH HER ANSWER.

THE COURT: YEAH, YOU DID INTERRUPT HER.
MR. MANN: OH, I'M SORRY, I THOUGHT SHE WAS DONE.
THE COURT: NO, SHE WASN'T DONE.
YOU SAID THAT'S WHAT THEY TOLD YOU BECAUSE WHAT?
THE WITNESS: THEY TOLD ME THAT BECAUSE THEY --
MISS JANET SAID SHE WENT TO A MARKET TO GET THIS STUFF, LIKE - - D DON'T KNOW WHAT THE FOOD WAS, BUT I KNOW THßT ONE OF THEM SAID DEAD MICE, AND THERE WAS LIKE LONG GRAY, AND IT WAS NASTY.

MR. MANN: I COULDN'T HEAR.
THE COURT: IT WAS WHAT?
THE WITNESS: IT WAS LIKE LONG BROWN PIECES LIKE MEAT, AND IT HAD SOME STUFF ON THERE. IT WAS ...

TEE COURT: IN THE -- IN THE BLENDED MIX?
THE WITNESS: NO, LIKE IF -- LIKE SOMETIMES SHE'D GIVE IT TO US REGULAR OR SOMETIMES BLENDED, IT DEPENDS BECAUSE SHE DECIDED. BUT I REMEMBER SHE PUT BEETS AND THIS BIG FAT GRAY

STUFF, AND THEN THAT NASTY BIG LONG SALTY MEAT.
THE COURT: OKAY. GO AHEAD MR. MANN.
MR. MANN: OKAY.
Q BUT - UM - YOU HAD TOLD THIS INTERVIEWER THAT YOU HAD SEEN THE CAN WITH THE DEAD MICE, CORRECT?

A YES. BECAUSE LIKE IF - LIKE WE WOULD SIT ON THE TOILETS, AND I'D LOOK UP AND I SAW THE CAN.

Q OKAY. AND YOU SAID THAT THAT CAN INCLUDED DEAD MICE, CORRECT?

A YES.
Q YOU ALSO TOLD THEM THAT -- UM -- THAT THEY MADE YOU EAT COW PRIVATES; IS THAT RIGHT?

A I THINK YEAH, THAT ${ }^{1}$ S THE -- THAT'S THE GRAY -THAT'S THE BIG GRAY STUFF THAT I WAS TALKING ABOUT.

Q OKAY. SO THAT'S WHAT YOU TOLD THEM THAT THEY MADE YOU EAT, CORRECT?

A YES.
Q ALL RIGHT. NOW -- UM -- LET'S TALK ABOUT THE -UH -- BUCKETS WITH THE SEATS ON THEM. UM -- THOSE BUCKETS, YOU SAID THAT YOU WERE MADE TO SIT ON THOSE BUCKETS?

A YES.
Q OKAY. AND YOU WERE MADE TO SIT ON THOSE BUCKETS AFTER YOU CONTINUALLY HAD -- UM - - WHERE YOU CONTINUALLY PEED YOUR PANTS OR POOPED YOUR PANTS, CORRECT?

A YES.

Q OKAY. UM -- AND WHEN YOU PEED OR POOPED YOUR PANTS, IT WASN'T AN ACCIDENT, YOU DID THAT ON PURPOSE, CORRECT?

A YES, WHEN I GOT MAD.
Q WHEN YOU GOT MAD THAT'S WHAT YOU WOULD DO?
A BUT LIKE WHEN THEY SET THE TIMER THEY'D SAY YOU FAD TO WAIT, BECAUSE WE JUST WENT TO THE BATHROOM AND WE'RE NOT GOING UPSTAIRS.

Q OKAY, LET'S TALK ABOUT THAT TIMER REAL QUICK. WHEN YOU WERE HOMESCHOOLED YOU WERE PUT ON A TIMER WHEN YOU COULD GO TO THE BATHROOM, CORRECT?

A YES.
Q AND YOU WERE GIVEN A BATHROOM BREAK EVERY HOUR WHEN YOU WERE HOMESCHOOLED, CORRECT?

A YES.
Q AND THEY WOULD ENCOURAGE YOU TO GO TO THE BATHROOM DURING THAT BATHROOM BREAK, CORRECT?

A YES.
Q AND YOU WOULD REFUSE TO GO TO THE BATHROOM DURING THE BATHROOM BREAK, RIGHT?

A YES.
Q BUT YOU WOULD THEN PEE OR POOP ON YOURSELF DURING THE NON-BREAK TIMES, CORRECT?

A YES.
Q SO YOU WERE DOING THIS IN A WAY TO PROTEST OR BE MAD ABOUT THE FACT THAT YOU COULD ONLY GO AT CERTAIN TIMES?

23 WENT TO THE BATHROOM, AND WE SAY SOMETHING AFTER THAT, AND
24
25 TOOK - UM - SO AND SO UPSTAIRS TO USE THE BATHROOM, WHY

DIDN'T YOU SAY SOMETHING? AND WE'D TELL HER WHY, AND THEN
SHE ${ }^{1} \mathrm{D}$ GET MAD, SHE'S LIKE, "WELL, I'M NOT GOING TO TAKE YOU UPSTAIRS, BECAUSE I JUST TOOK SOMEONE SO YOU SHOULD HAVE SAID SOMETHING WHEN THAT PERSON WAS GOING TO THE BATHROOM."

Q OKAY. SO, IF THERE WAS A TIME PERIOD WHERE SOMEONE NEEDED TO GO TO THE BATHROOM, AND THEY SAID SOMETHING, MISG JANET WOULD TAKE THEM UP TO THE BATHROOM --

A YES.
Q - CORRECT? AND --
A BUT IF THE TIME WAS UP.
Q OKAY. AND IF SOMEONE ELSE HAD TO GO TO THE BATHROOM AND DID NOT SAY SOMETHING, AND THEN WHEN MISS JANET CAME BACK DOWN FROM TAKING THE FIRST PERSON TO THE BATHROOM, THAT'S WHEN SHE WOULD GET UPSET IF YOU THEN SAID, OH, I HAVE TO GO TO THE BATHROOM?

A YES.
Q BECAUSE SHE INSTRUCTED YOU THAT IF YOU HAVE TO GO TO THE BATHROOM YOU NEED TO SAY SOMETHING WHEN YOU HAVE TO GO TO THE BATHROOM, RIGHT?

A YES.
Q AND NOT TO WAIT UNTIL EVERYONE'S GONE TO THE BATHROOM BEFORE YOU CAN TO GO?

A YES.
Q OKAY. AND THE BUCKETS CAME OUT WHEN YOU GOT - - WHEN YOU KEPT ON PURPOSELY PEEING OR POOPING YOUR PANTS?

21 YOU WERE SITTING ON THIS HOMEMADE BUCKET, ALONG WITH AVA
22 SITTING ON HER OWN HOMEMADE BUCKET?
A YES.
Q OKAY. AND -- UM -- BUT WHEN YOU SAT ON THE BUCKETS YOU ACTUALLY HAD YOUR CLOTHES ON WHEN YOU SAT ON THE BUCKET, CORRECT?

A WE HAD A SHIRT ON, BUT WE -- LIKE MISS JANET WOULD JUST SAY, IF SHE WANTED TO GIVE US -- LIKE WANTED TO GIVE US -- TO WEAR CLOTHES. BUT LIKE SOMETIMES WE WOULDN'T, WE'D JUST HAVE OUR UNDERWEAR ON, ON THE BUCKETS.

Q OKAY.
A SHE DECIDES, NOT US.
Q WHEN YOU HAD THE BUCKET YOU WERE SITTING NEXT TO

A YES, AVA WAS IN THE MIDDLE, ANASTASIA WAS ON THE OTHER SIDE OF AVA, AND I WAS ON THE OTHER SIDE OF THAT.

Q OKAY. AND ANASTASIA ACTUALLY WASN'T ON A BUCKET, SHE WAS ON A -- A --

A YEAH.
Q -- TRAINING POTTY, RIGHT?
A YEAH.
8 OKAY. SO ANASTASIA WAS SITTING ON A TRAINING POTTY,

A YES.
Q AND -- UM -- EVERY TIME THAT YOU HAD TO SIT ON A BUCKET AVA WAS NEXT TO YOU SITTING ON THAT BUCKET?

A YES.
Q OKAY. NOW, IF AVA TESTIFIED EARLIER THAT WHEN SHE HAD TO SIT ON THE BUCKET SHE WAS WEARING ALL HER CLOTHES --

MS. BLUTH: OEJECTION, JUDGE, THAT MISSTATES - -
MR. MANN: -- WOULD THAT BE A CORRECT --
THE COURT: HOLD ON.
MR. MANN: - OR INCORRECT STATEMENT?
MS. BLUTH: OBJECTION, YOUR HONOR, THAT MISSTATE'S AVA'S
TESTIMONY. SHE STATED THAT SHE --
MR. MANN: THAT'S --
MS. BLUTH: -- THINGS ON.
MR. MANN: -- NOT TRUE.
MS. BLUTH: ACTUALLY --
MR. MANN: THAT'S NOT WHAT SHE --
MS. BLUTH: THAT'S ABSOLUTELY TRUE.
MR. MUELLER: IF MY RECOLLECTION SERVES IT WAS TRUE, SHE
SAID THAT THEY HAD ALL THEIR CLOTHES ON.
MR. MANN: YES. MR. MUELLER ASKED HER SPECIFICALLY, WENT

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INTO DETAIL ABOUT -- UH -- HER WEARING CLOTHES.
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MS. BLUTH: SO DID I ON DIRECT.
THE COURT: OKAY. SO --
MR. MANN: AND THERE WAS CROSS-EXAMINATION --
THE COURT: -- WHY DON'T YOU ASK HER ABOUT HER --
MR. MANN: I WAS.
THE COURT: -- PERSONALLY.

MR. MANN: WELL, BECAUSE I'M ASKING WHETHER SHE BELIEVES THAT AVA WAS TELLING THE TRUTH OR NOT TELLING THE TRUTH.

MS. BLUTH; OH, SO NOW SHE'S GONNA' BE A WITNESS IN REGARDS TO HER SISTER'S CREDIBILITY?

MR. MANN: AC -- ACTUAELY SHE WAS ALREADY A WITNESS WHEN SHE - UH - MISS BLUTH ASKED HER QUESTIONS ABOUT THE OTHER GIRLS, AND WHAT HAPPENED TO THE OTHER GIRLS AND WHAT SHE WITNESSED, SO, YES, ABSOLUTELY I'M GONNA' ASK HER ABOUT THAT.

MS. BLUTH: HE CAN ASK HER WHAT SHE OBSERVED, BUT HE SHOULDN'T BE GETTING INTO HER SISTER'S TESTIMONY.

THE COURT: HOLD ON ONE SECOND, MAYA.
AND YOUR QUESTION -- CAN YOU REPEAT YOUR QUESTION AGAIN FOR THE COURT?

MR. MANN: SURE. IF AVA HAD TESTIFIED THAT SHE WAS FULLY CLOTHED WHEN SHE WAS SITTING ON THE BUCKET, WOULD THAT BE A CORRECT OR INCORRECT STATEMENT?

THE COURT: IF SHE TESTIFIED TO THAT?
MR. MANN: IF SHE TESTIFIED TO THAT.
THE COURT: OKAY. I'M GOING TO OVERRULE IT, THAT EXACT QUESTION.

MR. MANN: SURE.
Q AMAYA, ARE YOU READY?
A YES.
9 OKAY. IF AVA TESTIFIED THAT WHEN SHE SAT ON THE BUCKET SHE WAS FULLY CLOTHED, WOULD THAT BE A CORRECT OR

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    INCORRECT STATEMENT?
A MISS JANET DECIDED WHETHER SHE WANTED TO GIVE US CLOTHES, BECAUSE SHE SAID SHE'S NOT GOING TO WASTE HER TIME GOING TO THE STORE AND BUYING US CLOTHES WHEN WE KEEP GOING --
Q OKAY, AVA [SIC], I'M SORRY --
A -- DOING THE --
Q LET - L LET ME JUST - - I ASKED YOU, WOULD THAT BE A CORRECT OR INCORRECT STATEMENT?
A THAT'S INCORRECT, BECAUSE MISS JANET DECIDES IF SHE WANTED TO --
Q OKAY.
A -- US TO WEAR CLOTHES.
Q THANK YOU.
NOW - - NOW, YOU GETTING IN TROUBLE, WE HAD TALKED
15 ABOUT THAT YOU WOULD GET A LOT OF DEMERITS OR POINTS AGAINST
16 YOU AT THE SOLANDERS HOUSE, CORRECT?
17 A YES.
\(18 \quad \mathbf{Q}\) OKAY. NOW, YOU CONTINUED TO GET IN TROUBLE EVEN AT
19 THE GIRLS HOME IN FLORIDA, CORRECT?
A YES, I'D GET DEMERITS.
Q YOU WOULD GET DEMERITS THERE AS WELL?
A YES.
\(\mathbf{Q} \quad O K A Y\).
A BUT THEY DIDN'T SPANK US AT ALL.
Q OKAY. DO YOU MIND TAKING YOUR HAND DOWN, BECAUSE
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I'M JUST HAVING A HARD TIME HEARING YOU.
AND SO YOU WOULD GET IN TROUBLE, AND THERE WAS EVEN A POINT WHERE YOU GOT IN TRDUBLE SO MUCH YOU ENDED UP MISSING YOUR BIRTHDAY, CORRECT?

A NO.
MS. BLUTH: JUDGE, OBJECTION AS TO RELEVANCE.
THE WITNESS: I HADN'T HAD --
THE COURT: HOLD ON ONE SECOND.
MS. BLUTH: SORRY. I DIDN'T EXPLAIN THE RULES OF --

OBJECTION RULES.
MY OBJECTION IS AS TO RELEVANCE, AS WELL AS BEYOND THE SCOPE OF DIRECT EXAMINATION.

THE COURT: MR. MANN?
MR. MANN: YOUR HONOR, I'LL REPHRASE THE QUESTION.
Q SO WHEN YOU MOVED TO FLORIDA YOU CONTINUED TO GET IN TROUBLE, IT WASN'T AS IF YOU STOPPED GETTING IN TROUBLE?

A YEAH, BECAUSE WE'RE NOT ALL PERFECT.
Q OKAY. ALL RIGHT.
AND YOU GREW A VERY CLOSE RELATIONSHIP WITH THE
BLANKENSHIPS?
A YES.
Q OKAY. AND YOU TALKED TO THEM ABOUT YOUR HOME?
A YES.

Q AND THE SITUATION AT HOME?
A YES.
$Q$ AND HOW FRUSTRATED YOU WERE?
A YES.
Q HOW YOU DIDN'T WANT TO BE ADOPTED BY THE SOLANDERS?
A YES.
Q HOW YOU NEEDED TO FIND A WAY OUT FROM LIVING AT THE SOLANDERS' HOUSE?

A YES.
Q AND THEY HELPED YOU FIND THAT WAY OUT?
A YES.
9 THEY HELPED YOU TELL THIS STORY, CORRECT?
A YES.
Q AND YOU AND YOUR SISTERS TALKED ABOUT TELLING THIS STORY, CORRECT?

A YES.
Q WHEN YOU WERE IN FLORIDA?
A BECAUSE WE -- WE WERE -- THEY -- WE WERE IN SCHOOL ONE DAY, AND I WAS TALKING TO ONE OF THE STAFF ABOUT IT, AND SHE SAID, OKAY, WE'RE GONNA' TALK TO THE -- TO BROTHER BLANKENSHIP. SO WE HAD TOLD -- WE TOOK TURNS, WE WENT IN HIS OFFICE EACH BY OURSELVES, SO WE TOLD HIM EACH -- HIM OUR -OUR OWN STORY.

Q OKAY. AND THEN YOU ENDED UP TALKING TO BROTHER BLANKENSHIP, ALL THREE OF YOU TOGETHER AFTER THAT, CORRECT?

A YES.
Q AND AT THAT POINT YOU WAITED, RIGHT?

6 HOUSE?

9 CORRECT?

11 Q NOW - - UN - - YOU WERE -- UM -- SENT TO MONTEVISTA 12 PSYCHIATRIC HOSPITAL WHILE YOU WERE AT THE SOIANDERS' HOUSE, 13 CORRECT?

16 EXAMINATION.
MR. MANN: YOUR HONOR, IT GOES DIRECTLY TO HER ABILITY TO 18 RECALL AND RELATE EVENTS. GOES TO HER ABILITY TO -- UM -- THE 19 REASONING AS TO WHY SHE WAS AT MONTEVISTA -- UM -- PURPOSELY--

A YES.
Q YOU WAITED FOR SOMETIME UNTIL THIS PERSON, I THINK YOU SAID MISS JACKIE?

A YES.
8 CAME AND ASKED YOU QUESTIONS ABOUT THE SOLANDERS'

A YES.
Q AND THAT'S WHEN YOU WERE ABLE TO TELL THESE STORIES,

A YES.

A YES.
MS. BLUTH: OEJECTION, BEYOND THE SCOPE OF DIRECT

THE COURT: IF SHE KNOWS. I'M GOING TO OVERRULE IT.
MR. MANN: OKAY.
Q DO YOU KNOW WHY YOU WERE SENT TO MONTEVISTA?
A YES, BECAUSE I WAS ACTING UP.
Q HOW WERE YOU ACTING UP?
A I GOT MAD, LIKE I THROW TANTRUMS --


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HOUSE, BECAUSE THE WAY THEY WERE TREATING MY SISTERS AND ME.
Q OKAY.
A I HAVE EVERY RIGHT TO TELL WHAT THEY DID TO ME. AND
I DON'T CARE IF DANIELLE DOESN'T LIKE ME, OR IF SHE LAUGHS AT ME BECAUSE I'M UP HERE CRYING, BECAUSE AT LEAST I WAS - - I HAD SOMEONE - TO HAVE SOMEONE THAT CARES ABOUT ME.

MR. RUE: YOUR HONOR, FOR THE RECORD THERE'S BEEN NO
LAUGHTER .
MS. BLUTH: ACTUALLY I ${ }^{1}$ VE SEEN IT PERSONALLY.
MR. RUE: NO. NO, YOUR HONOR.
THE WITNESS: YES, I SAW IT WITH MY OWN EYES, I'M NOT
BLIND AT ALL, OKAY?
THE COURT: HOLD ON, AMAYA.
MR. MANN: YOUR HONOR, WHY DON'T WE TAKE A BREAK.
THE COURT: YEAH, LET'S TAKE A BREAK.
WE CAN MAKE A RECORD IN A MINUTE.
MS. BLUTH: IS JAVS ON, JUDGE?
THE COURT: WELL, IT JUST GOT TURNED ON ABOUT FOUR MINUTES AGO, BECAUSE NOBODY ASKED US TO DO IT, AND WE ${ }^{1}$ RE NOT A GATEKEEPER OF EVERYTHING SO --

MS. BLUTH: I KNOW, I WAS JUST ASKING.
THE COURT: YEAH, SO I'M JUST TELLING YOU IT JUST GOT
TURNED ON ABOUT FOUR MINUTES AGO.
MS. BLUTH: OKAY.
THE COURT: WHEN I REMEMBERED.

UM - - OKAY. YOU TAKE BREAK. MISS LISA IS GOING TO TAKE YOU, OKAY? WE'RE ALL GOING TO TAKE A BREAK.

AND I AISO NEED TO TALK ABOUT TIMING. BEFORE THE LAWYERS TAKE A BREAK, CAN WE UUST COME UP HERE AND TALK ABOUT TIMING? I GOT TO COURTROOM SHARE AND STUFF LIKE THAT.
(WHEREUPON COUNSEL APPROACHED THE BENCH.)
THE COURT: AND THEN WHILE -- UM - - MAYA'S OUT OF THE COURTROOM, I THINK EVERYBODY WAS TRYING TO MAKE A RECORD, I'D JUST RATHER HER NOT BE IN HERE BECAUSE SHE CHIMED IN. SO, MR. RUE?

MR. RUE: WELL, JUDGE, THERE WAS NO LAUGHING, THERE WAS NO -- THERE WAS NO LAUGHING, WHATSOEVER, BY THIS TABLE, BY MY CLIENT OR ANYONE ELSE.

THE COURT: MISS BLUTH?
MS. BLUTH: I MEAN I DID SEE DURING -- I - I THINK LAUGHING IS A STRONGER TERM. DURING MY QUESTIONING MULTIPLE TIMES I HAVE SEEN DANIELLE SMILE AND SMIRK AND, YOU KNOW, MAKE LITTLE NOISES. I DON'T THINK SHE'S FULL OUT LAUGHING, BUT I HAVE SEEN HER ROLL HER EYES AND SMILE AND SMIRK MULTIPLE TIMES.

THE COURT: OKAY. AND FOR THE RECORD, I HAVE NOT NOTICED ANY OF IT. ALL I'VE NOTICED IS MR. SOLANDER SPEAKING WITH MR. MUELLER AND WRITENG NOTES, WHICH HE IS MOST LIKELY -- I MEAN ABSOLUTELY ENTITLED TO DO.

ALTHOUGH I HAVEN'T BEEN LOOKING AT THE DEFENDANTS, I'VE

1 BEEN WATCHING THE WITNESS, SO
2 MR. MANN : YOUR HONOR --
3 THE COURT: -- AND I DIDN'T SEE ANYTHING, SO.

15 ON BEHALF OF MRS. SOLANDER OR MRS. HINTON, BUT, AGAIN, I
16 HAVEN'T BEEN -- I'VE BEEN NOTICING OBVIOUSLY ANYTHING THAT
17 MR. DWIGHT DOES BECAUSE I'M LOOKING AT THE WITNESS, BUT I'M 18 NOT LOOKING THIS WAY TOWARDS THE DEFENDANTS, SO - - I MEAN IT

19 IS WHAT IT IS. YOU GUYS CAN MAKE A RECORD ALL YOU WANT.
WE DON'T HAVE A -- AND BY THE WAY, ̧AVS IS NOW GOING, BUT
21 I MEAN TO THE EXTENT THERE IS SILENT -- ANYTHTNG SILENT GOING
22 ON, JAVS ISN'T GOING TO PICK IT UP ANYWAY.
MS. BLUTH: RIGHT.
THE COURT: BECAUSE JAVS ONLY PICKS UP AUDIBLE SOUNDS,
25 AND THAT'S IF IT'S ENOUGH TO CATCH THE MICROPHONE.

SO AS I EXPLAINED TO THE LAWYERS, WE'LL GO UNTIL ABOUT 12:15, THEN WE'RE GOING TO TAKE A BREAK TILL 1 D'CLOCK, AND WE WILL BE RESUMING NEXT DOOR IN J.C. 11, IN THIS COURTROOM RIGHT NEXT DOOR IN 7B, AFTER EVERYBODY GETS LUNCH.

MS. BLUTH: OKAY.
THE COURT: OKAY. YOU CAN CALI HER BACK IN.
(WHEREUPON THE WITNESS ENTERED THE COURTROOM.)
THE COURT: OKAY. MISS MAYA, YOU REALIZE YOU'RE STILL SWEARING TO TELL THE TRUTH, RIGHT? YOU REALIZE THAT --

THE WITNESS: YEAH.
THE COURT: -- JUST BECAUSE WE TOOK A BREAK?
THE WITNESS: YES.
THE COURT: OKAY. ALL RIGHT.
MR. MANN IS GOING TO KEEP ON ASKING QUESTIONS, AND THEN WE'RE GOING TO TAKE A LUNCH BREAK IN ABOUT 25 MINUTES.

BY MR. MANN :
9 MAYA, WE WERE TALKING ABOUT HOW YOU FAKED A SEIZURE AND MADE MR. DWIGHT CAL工 9-1-1 AND TAKE YOU TO THE HOSPITAL; DO YOU REMEMBER THAT?

A YEAH. I DIDN'T GO TO THE HOSPITAL.
Q OKAY. BUT YOU WENT IN AN AMBULANCE?
A NO.
Q CALLED 9-1-1?
A I DON'T KNOW. I FAKED IT, BUT I DIDN ${ }^{1} T$ GO TO THE HOSPITAL .

Q HOW DID YOU FAKE IT?
A BECAUSE I DIDN'T WANT TO BE IN THE HOME.
Q OKAY. AND ABOUT WHEN WAS THIS?
A LAST YEAR. NO, 2012 SOME -- I CAN'T REMEMBER.
Q OKAY. AND DO YOU REMEMBER IF IT WAS WARM OR COLD
OUTSIDE?
A I CAN'T REMEMBER.
Q YOU CAN'T REMEMBER?
A NO, IT WAS YEARS AGO.
Q OKAY. AND -- UM -- YOU PURPOSELY MADE THIS FAKE

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SEIZURE SO YOU COULD GET OUT OF THE HOME?
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A YES.
Q AND YOU WERE GOING TO LEAVE YOUR SISTERS IN THE HOME WHEN YOU WERE HAVING A SEIZURE?

A NO, I WAS GONNA' BRING MY SISTERS WITH ME, BECAUSE I WASN'T GONNA' LET THESE PEOPLE DO THAT TO MY SISTERS.

9 OKAY. AND SO WHEN YOU WERE FAKING THIS SEIZURE, HOW WERE YOU GOING TO BRING YOUR SISTERS WITH YOU?

A I WAS GONNA' CALL THE POLICE AND MAKE SURE THAT THESE PEOPLE SUFFER WHAT -- FOR WHAT THEY DID, BECAUSE I DON'T WANT THEM TO DO TO OTHER PEOPLE.

Q OKAY.
A I CAN'T EVEN GO BACK TO MARVELOUS GRACE BECAUSE OF THEM. AND I HAD A RELATIONSHIP WITH ALL OF THOSE PEOPLE IN THAT HOME.

1 Q OKAY. MARVELOUS GRACE THAT WAS THE SCHOOL IN FLORIDA?

3 A YES.
4 Q OKAY. AND WHO SENT YOU TO MARVELOUS GRACE IN THE
5 FIRST PLACE?
6 A THE SOLANDERS.
7 O 2 OKAY. SO THEY WERE THE ONES THAT PUT YOU TO THAT
8 PLACE THAT YOU THOUGHT WAS REALLY GREAT?
9 A YES.
10 Q OKAY. AND -- UM -- YOU'RE SAYING NOW THAT THEY ARE
11 THE ONES THAT ARE KEEPING YOU FROM GOING BACK TO MARVELOUS
12 GRACE?
13 A YEAH, I CAN'T GO BACK.
14 Q BECAUSE --
15 A BECAUSE IF I WAS STILL THERE THEY WOULD HAVE BEEN
16 ABLE TO TAKE ME BACK AND START DOING THE SAME THING. I'M NOT
17 STUPID AT ALL. I DESERVE TO BE IN THAT HOME.
18 Q WHAT HOME?
19 A MARVELOUS GRACE, BECAUSE THEY ACTUALLY CHANGED MY
20 LIFE.
21 Q OKAY.
A I DON'T LIKE -- THE PERSON I WAS BEFORE I WENT THERE
23 I'M NOT THAT PERSON ANYMORE. I LOVE MY ENEMY, I LOVE MISS
24 JANET AND I LOVE DANIELLE AND LOVE MR. DWIGHT, I LOVE ALL OF
25 THEM. I CAN'T TELL THEM, I CAN'T EVEN TALK TO THEM, THOUGH.

Q OKAY.
A AND I DON'T -- I DON'T LIKE TO SEE MISS JANET OR ANY OF THEM TO BE IN JAIL BECAUSE IT KIND OF HURTS.

Q WHY DOES IT HURT?
A WHY? BECAUSE I CAN'T TALK TO THEM, I CAN'T TELL THEM I LOVE THEM. I CAN'T ACTUALLY HUG THE PEOPLE THAT I -THAT I ONCE DIDN'T LOVE, BUT ACTUALLY NOW I DO, BECAUSE I REALIZE THEY ACTUALEY TRIED TO HELP ME WHEN I WAS IN FOSTER HOME WITH THEM. MISS JANET MADE ME CRY BECAUSE SHE KNOWS THAT EVERYTHING THAT SHE'S DONE TO ME, THAT I DON'T HATE HER. I ACTUALLY LOVE MY ENEMY.

AND THERE ARE PEOPLE IN THIS ROOM THAT TREATED ME REALLY BAD THAT DESERVE A CHANCE. THEY DESERVE A CHANCE TO HAVE A LIFE. NOT TO BE TREATED HORRIBLE IN PRISQN. THEY DESERVE A CHANCE, JUST LIKE EVERYONE DESERVES A CHANCE. GOD DOESN'T CONDEMN PEOPLE TO HELL, HE GIVES PEOPLE CHANCES.

I COULD HAVE DIED THAT NIGHT MISS JANET -- IF MISS JANET WASN'T THERE. BUT GOD GAVE ME A CHANCE, AND EVERY ONE DESERVES A CHANCE.

Q WHAT NIGHT ARE YOU TALKING ABOUT?
A THE NIGHT I HAD A SEIZURE.
Q AND MISS JANET SAVED YOU?
A YES.
Q MISS JANET HELPED YOU?
A AND GOD IS GONNA' BLESS HER FOR WHAT SHE DID. SHE'S

7 PEOPLE DON'T DIE AND GO TO HELL AND SUFFER, THOSE PEOPLE
8 ACTUALLY GET THE CHANCE.
$9 \quad \mathbf{9} \quad$ MAYA, DO YOU NEED A MINDTE?
A NO, I'M FINE.
Q OKAY. YOU HAVE SOME KLEENEX NEXT TO YOU IF YOU NEED 12 IT.

17 FOSTER CHILD, YOU WERE UPSET, CORRECT?

21 Q AND YOUR FRUSTRATION GREW, AND YOU WERE UPSET EVEN
22 MORE WHEN THEY ADOPTED YOU.
ARE YOU READY?
A I'M FINE, I'M READY.
Q OKAY. THANK YOU.
UM -- WHEN YOU MOVED INTO THE SOLANDERS' HOUSE AS A

A YES.
Q YOU DIDN'T WANT TO BE THERE?
A YES.

A YES.
8 AND YOU COULDN'T FIGURE OUT HOW TO DEAL WITH THAT ANGER AND FRUSTRATION AT THAT TIME, CORRECT?

1 A YES

Q AND THAT'S WHY YOU WERE ACTING OUT?
A YES.
8 THAT'S WHY YOU WERE GOING TO THE BATHROOM ON YOURSELF?

A YES.
Q BECAUSE YOU WERE ANGRY, NOT NECESSARILY AT THE SOLANDERS, BUT BEING THERE?

A YES.
Q AND THEY WERE TRYING TO HELP YOU BREAK THAT BEHAVIOR
CYCLE?
A YES, BECAUSE I WANTED TO BE WITH MY FAMILY, MY REAL FAMILY, BUT I --

Q YOU WANTED TO BE WITH YOUR BIOLOGICAL PARENTS?
A YES. BUT I ALSO KNEW THAT, ALSO TO MYSELF, IT WAS GOING TO BE OKAY, THEY'RE GOING TO TAKE CARE OF ME.

Q BUT IT REALLY MADE YOU UPSET --
A YES.
Q -- WHEN MISS JANET TOLD YOU TO CALL HER MOM, RIGHT?
A NO. I ACTUALLY WANTED TO CALL HER MOM, BECAUSE I DIDN'T HAVE A MOM AT ALL. I HAVE A MOM OUT IN THE WORLD, AND SHE'S ONE OF MY MOMS RIGHT NOW.

Q OKAY. BUT YOU WANTED TO BE BACK TO YOUR BIOLOGICAL MOTHER?

A NO. NOT AFTER WHAT SHE DID TO ME, DUMPING ME OUT ON

THE STREET WITH MY GRANDMA, SHE DOESN'T CARE ABOUT ME.
Q OKAY. BUT --
A SHE CARES ABOUT ME.
AND I KNOW THAT DANIELLE DOES NOT LIKE TO SEE HER
BIOLOGICAL MOM CRY, OR ANY OF HER OTHER KIDS, AND I DON'T EITHER.

Q BUT AT THE TIME THAT YOU WERE ADOPTED YOU WERE ANGRY?

A YES.
Q AND YOU TOOK THAT ANGER OUT ON MISS JANET?
A YES.
I ASKED GOD TO FORGIVE ME FOR ALL OF THAT. I
LITERALLY WRITE PRAYERS ON MY PAPER, LAY THEM OUTSIDE, AND THEY'RE ALWAYS GONE IN THE MORNING BECAUSE MY PRAYERS ARE ANSWERED.

Q ASKING FOR FORGIVENESS FOR WHAT - -
A YES.
Q - YOU DID TO MISS JANET?
A I ACTUALIY STILL DO THAT EVERY DAY. I WRITE THINGS ON MY PAPERS AND I PUT THEM LIKE IN FRONT - - IN THE FRONT YARD AND EVERYTHING, WHEN I CHECK OUTSIDE THEY'RE GONE, BECAUSE MY PRAYERS HAVE BEEN ANSWERED.

AND I WROTE PRAYERS ON MY -- ON BALLOONS AND LET
THEM GO, SO I KNOW THAT GOD HE EXISTS AND HE DOES FORGIVE.
Q AND THIS FORGIVENESS THAT YOU WANT TO EXTEND TO

1 MISS JANET, THAT HAPPENED AFTER YOU CAME BACK FROM FLORIDA,

2 CORRECT?

3

4
5

6

8 BEFORE IT'S TOO LATE.
$9 \quad 2 \quad$ OKAY. 20 SHE - WELL SHE WAS GONNA', SHE WAS STANDING, AND THEN SHE

21 TOLD HER TO SIT DOWN.
A YES, I FORGAVE HER FOR ALE THE THINGS SHE DID TO ME, AND I'M AC -- I'M ACTUALLY PRAYING FOR ALT OF THEM.

Q OKAY.
A I PRAY EVERY NIGHT, I ASK GOD TO SAVE THEM, TO CONVICT THEM, I WANT TO TELL THEM THAT YOU NEED TO CHANGE
NOW, YOU HAD TESTIFIED REGARDING AVA AND HER BLACK EYE, DO YOU REMEMBER THAT?

A YES.
Q OKAY. UM -- CAN YOU DESCRIBE FOR ME WHERE AVA WAS WHEN THIS OCCURRED?

A SHE WAS BY THE COUNTER WHEN MISS JANET DID IT TO HER.
$\mathbf{Q}$ OKAY. WAS SHE SITTING OR STANDING?
A SHE - SHE - MISS JANET KICKED HER DOWN THE STAIRS, AND SHE GRABBED HER HEAD AND SLAMMED IT ON THE DOOR, BUT

THE COURT: WHO - - SORRY MAYA. WHO'S SHE? ARE YOU TALKING ABOUT MISS JANET WAS STANDING OR --

THE WITNESS: NO, AVA.
THE COURT: - AVA? AVA, OKAY.

## BY MR. MANN:

$Q$ SO AVA WAS STANDING NEAR THE STAIRS, AND THAT'S WHEN MISS JANET DID SOMETHING WITH THE DOOR?

A NO, SHE TOLD THEM -- AVA HAD WENT ON THE BATHROOM IN THE -- THE BUCKET, SO MISS JANET KICKED HER UP THE STAIRS, BECAUSE SHE WAS REALLY UPSET. THEN SHE WENT - - SHE CAME BACK DOWNSTAIRS AND KEPT DOING IT, AND THEN AVA WAS STANDING WHEN HER - - WHEN SHE WAS DOING -- WHEN SHE WAS -- WHEN AVA WAS STARTING TO GET THE BLACK EYE.

Q OKAY. AVA WAS STANDING WHERE?
A BY THE COUNTER IN THE KITCHEN.
Q OKAY. AND YOU SAID WHEN AVA WAS STARTING TO GET THE BLACK EYE. DID YOU ACTUALLY SEE HOW?

A YES.
Q WHAT DID YOU SEE?
A I WAS RIGHT NEXT TO HER.
Q WHAT DID YOU SEE?
A I SAW MISS JANET GRAB HER HEAD, KEPT - - KEEP SLAMMING IT ON THE COUNTER. MY EYES WERE WATERING UP, I WAS ABOUT TO START CRYING.

Q OKAY. AND AVA WAS STANDING UP WHEN SHE - WHEN MISS JANET SUPPOSABLY PUT HER HEAD ON THE COUNTER, SLAMMED HER HEAD ON THE COUNTER IS WHAT YOU SAID?

A YES.
Q OKAY. AND THIS WAS SHORTLY AFTER YOU SAID AVA HAD

12 O OKAY. AND WHEN -- UH -- AVA HAD THE ACCIDENT, WHERE
Q AND THEN COME - AND THEN COME BACK DOWNSTAIRS?
A YES.
Q OKAY. AND WHAT ROOM DID THIS OCCUR IN?
A THE INCIDENT WITH THE BATHROOM?
Q THE INCIDENT WITH THE COUNTER.
A IT WAS IN THE KITCHEN. THE COUNTER'S IN THE KITCHEN. WAS SHE?

A IT WAS IN THE KITCHEN, BECAUSE SHE WAS SITTING ON -BY -- ON THE TOILET. NOT THE REGULAR TOILET, BUT THE BUCKET--

Q THE BUCKET?
A -- BY THE COUNTER.
Q OKAY. AND -- UM -- THE SHOWERS THAT YOU WERE ASKED ABOUT, YOU SAID THAT THE SHOWERS WERE PUT ON BY MISS JANET?

A YES.
Q AND THEY WERE LUKEWARM SHOWERS OR COLD SHOWERS; IS THAT RIGHT?

A YES.
Q OKAY.
A SHE DECIDED WHEN SHE -- WHAT TYPE OF SHOWER. LIKE

1 NOT TYPE, BUT LIKE IF -- WHAT -- WHAT TEMPERATURE SHE WANTED 2 TO THE WATER TO BE.

3 O OKAY. AND SO IT WAS EITHER LUKEWARM OR COLD, AND SOMETIMES COLD WITH AN ICE BUCKET, THAT IS WHAT YOU SAID?

5 A YES.

9 TREATED US THE SAME WAY. SHE -- LIKE IF -- LET'S SAY AVA WAS
10 ONLY SO GOOD IN THE WEEK, AND MISS JANET SAW THAT, AND SHE
11 WANTED TO REWARD HER FOR THAT, THAT'S SOMETHING THAT
12 MISS JANET WOULD DO, SHE DID IT -- SHE DID THAT -- SHE DID ALL
13 OF THAT FOR US.
14 Q SHE WOULD GIVE A WARM SHOWER?
15 A YES, SOMETIMES. BUT IF SHE MESSES UP, THEN SHE
16 LOSES HER PRIVILEGES, MISS JANET GETS UPSET.
17 Q OKAY. COURT'S INDULGENCE.
18
UM -- NOW THE SHOWERS, THEY WERE NEVER SO HOT THAT
19 YOU GOT BURNED, WAS IT?

21 WAS FINE.
$22 \mathcal{Q}$ AND YOU HAD SAID THAT SHE TREATED YOU GUYS ALL
EQUALLY?
24 A YES.
25 Q OKAY.

4 BECAUSE YOU CAN'T FAVOR SOMEONE WHEN THEY ACT UP.
5 Q NOW -- UM - - THE SOLANDERS - - UM - - TAUGHT YOU AND
6 YOUR SISTERS HOW TO RIDE BIKES, RIGHT?
7 A YES.
8
9 A YES.

17 SCRAPE YOUR KNEES OR ARMS?
A IF SOMEONE PEED ON THEMSELVES AND NOT -- THAT PERSON GOT SPANKED, AND ANOTHER ONE -- SOMEONE ELSE DID THAT, SHE'D DO THE SAME THING, BECAUSE SHE DIDN'T FAVOR NONE OF US,
BECAUSE YOU CAN'T FAVOR SOMEONE WHEN THEY ACT UP.

Q UM -- THAT YOU GUYS WERE OUT ON THE STREET?

Q AND - UH - THEY HAD GIVEN YOU BIKES TO RIDE ON?
A YES. BUT I HAD GOT FRUSTRATED SO I JUST GAVE UP.
$\mathbf{Q}$ YOU GOT FRUSTRATED?
A YES.
Q BECAUSE YOU KEPT ON FALLING?
A YES.
Q AND - UH -- WHEN YOU WOULD FALL SOMETIMES YOU WOULD

A YES.
Q OKAY. AND - - UM - WHEN YOU WOULD SCRAPE YOUR KNEES OR ARMS - UH -- MISS JANET WOULD PUT A BAND-AID ON YOU?

A YES.
Q IS THAT A YES?
A YES.
Q OKAY. AND SHE WOULD TAKE CARE OF YOUR INJURIES, CORRECT?

4 ON THEIR BIKING SKILLS, RIGHT?
5 A YES. AND THEY TOLD ME DON'T GIVE UP, 'CAUSE IF YOU
6 GIVE UP NOW YOU'LL NEVER BE ABLE TO DO IT.
$7 \quad$ Q OKAY.
A BUT I WAS ALWAYS TOLD THAT. BUT NOW THAT I SEE WHAT THEY TOLD ME, I REALIZE THAT, WHEN I SAY I GAVE UP, I CAN ${ }^{1} T$ - -

10 I CAN'T EVEN DO IT. THEY -- MISS DEBBIE HAS A BIKE AND I
11 CAN'T EVEN RIDE THE BIKE, BECAUSE I GAVE UP ON MYSELF.
12 Q BUT YOU ALSO SAW YOUR SISTERS AND YOU WOULD SEE YOUR SISTERS FALL?

14 A YES. BUT THEY NEVER GAVE UP LIKE I DID, AND I'M 15 GLAD IT DIDN'T HAPPEN TO THEM.

16 O OKAY. NOW, THE -- UM - - SLEEPING, YOU HAD PAJAMAS
17 TO WEAR, CORRECT?
18 A YES.
19 OKAY. AND YOU WERE INSTRUCTED THAT AFTER EACH --
A YES.
Q ALL RIGHT. UM -- AND EVEN THOUGH YOU GOT
FRUSTRATED, ANASTASIA AND AVA YOU SAW WOULD CONTINUALLY WORK

AFTER SLEEPING EACH NIGHT YOU WERE TOLD TO FOLD UP YOUR
PAJAMAS AND PUT THEM ON THE TABLE IN THE LOFT, CORRECT?
A YES.
Q UM - AND SO EVERY SATURDAY YOUR PAJAMAS WERE
WASHED?
A YES.

Q and those were the pajamas that you would wear every DAY OF THE WEEK?

A YES.
$Q$ OKAY. AND SO THERE RARELY, IF EVER, WAS A TIME THAT YOU WERE TOLD NOT TO WEAR YOUR PAJAMAS, CORRECT?

A WHEN WE - LIKE IF I HAD -- IF I PEED ON MYSELF, WHICH I DID, BECAUSE I WAS MAD, MISS JANET WOULD FIND OUT BECAUSE OUR PAJAMAS WOULD BE WET, AND SHE'D WASHED THEM. BUT SHE'D BE UPSET, TOO, SO SHE WASN'T GOING TO KEEP WASTING HER TIME, KEEP WASHING OUR CLOTHES WHEN WE SHOULD BE WASHING THEM, BECAUSE SHE DOESN'T HAVE TO WASH OUR DIRTY CLOTHES, WE SHOULD, BECAUSE THEY'RE NOT HER CLOTHES. SO SHE'D SAY, "IF YOU KEEP PEEING ON YOURSELF YOU'RE NOT GOING TO WEAR YOUR PAJAMAS, BECAUSE I'M NOT GOING TO WASH YOUR CLOTHES THAT ARE NASTY AND FILTHY, BECAUSE I SHOULDN'T HAVE TO WASH YOUR CLOTHES."

9 AND SO WHEN YOU WERE TOLD TO WEAR YOUR UNDERWEAR INSTEAD OF YOUR PAJAMAS, THAT WAS ON THE NIGHTS THAT YOU DID PEE YOURSELF --

A YES.
Q -- AND YOU WERE TOLD TO TAKE IT OFF AND WEAR YOUR UNDERWEAR BECAUSE THERE WEREN'T ANY OTHER PAJAMAS TO WEAR?

A YES.
$Q$ OKAY. AND - UM - THE FANS THAT WERE, YOU SAID, DIRECTED UPON YOU GUYS, THAT WAS BECAUSE IT WAS HOT OUT, CORRECT?

9 ASLEEP, SO SHE'D PUT THE FAN ON FOR ME TO KEEP ME AWAKE SO I 10 CAN GET IT DONE.

11 O OKAY. BECAUSE IT WOULD BE HOT?
A NO --
MS. BLUTH: OBJECTION.
THE WITNESS: -- SO I CAN SAY AWAKE.
THE COURT: HOLD ON.
MS. BLUTH: I WAS GOING TO SAY IT MISSTATES HER
TESTIMONY, BUT SHE CORRECTED IT.
BY MR. MANN :
9 AND -- UM -- THE FANS -- UM -- THERE WAS JUST ONE big fan that aired the room, Correct?

A THERE WAS ...
$Q \quad$ IN -- IN YOUR LOFT?
A THERE WAS FOUR -- THERE'S -- THERE WAS ONE BIG FAN,
24 THE BIGGEST FAN, BUT THERE WAS ALSO OTHER FANS, TOO.
Q BUT THAT WAS -- THOSE FANS WERE USED WHETHER YOU

## 9 UP THE STAIRS; IS THAT CORRECT?

    \(Q \quad\) OKAY.
    A FROM WHEN I DO MY HOMEWORK.
    Q OKAY.
    A YES.
    DIDN'T KICK US AS HARD, BUT SHE STILL KICKED US.
        Q DID YOU FALL?
    A YES, SOMETIMES I FELL.
    Q FELL, HOW FAR?
    A I DON'T KNOW, BUT NOT FAR.
    Q OKAY.
    A NOT FAR ENOUGH FOR ME TO GET HURT.
    Q DID YOU FALL ON YOUR HEAD?
    IN PART LIKE ON MY ARM.
        \(Q\) OKAY.
    A AND BLEED, A LITTLE, NOT A LOT.
    Q AND IT WOULD BLEED A LITTLE?
    WERE WEARING PAJAMAS OR UNDERWEAR - UH -- WHETHER YOU HAD
PEED YOURSELF OR NOT, TO COOL YOU GUYS OFF; CORRECT?
A YES. OR TO DRY OFF, OR TO KEEP - - TO KEEP ME AWAKE.
AND -- UM -- THE -- THE STAIRS -- YOU HAD TALKED
ABOUT - UM - - THAT MISS JANET KICKED YOU WHILE YOU WERE GOING
Q SHE NEVER KICKED YOU DOWN THE STAIRS, CORRECT?
A WELL, SHE - NOT WHEN WE WERE GOING DOWNSTAIRS SHE
A NOT ON MY HEAD, BUT I KNOW I -- I KNOW I FELL LIKE

A YES.
0 DID SHE PUT A BAND-AID ON IT?
A I -- I TOLD HER LIKE IF SHE WENT -- I SAID - - SAY "MOM, MY ARMS HURT." SHE SAID, "OKAY, I'M GONNA' GET A BAND-AID," SHE'D GIVE US A BAND-AID AND CLEAN IT UP.

Q OKAY. AND WHEN -- WHEN WOULD SHE KICK YOU DOWN THE STAIRS?

A WHEN SHE WAS UPSET, WHEN WE PEED ON OURSELF OR WHEN WE DIDN'T GET OUR HOMEWORK RIGHT.
$Q$ SO SHE WOULD PURPOSELY TAKE YOU TO THE STAIRS TO KICK YOU DOWN THE STAIRS?

A NO. SHE DIDN'T WANT - - OH. LIKE IF WE HAD PEED ON OURSELF SHE DIDN'T WANT TO SMELL IT, RIGHT? SO SHE'D GO -SHE'D TAKE US UPSTAIRS TO CLEAN UP TO TAKE A SHOWER OR SHE'D SAY -- UM - SHE'D GIVE US A SHOWER WHEN SHE DECIDES, BUT THEN SHE'D GET THE -- BRING THE FAN DOWN AND PUT IT ON US TO DRY - TO DRY OFF.

Q OKAY. BUT WHAT I'M TRYING TO UNDERSTAND IS WHEN SHE WOULD -- YOU SAID --

A WHEN SHE WAS UPSET WHEN WE DID THAT, WHEN WE PEED OURSELF AND WHEN WE DIDN'T GET OUR HOMEWORK RIGHT OR WHEN WE DID SOMETHING BAD.

Q SHE WOULD PURPOSELY KICK YOU DOWN THE STAIRS?
A NO. SHE'D --
Q ALL RIGHT.

A -- KICK US DOWN THE STAIRS BECAUSE SHE WAS UPSET, SHE DIDN'T DO IT ON PURPOSE. SHE DID - THAT WAS ONE OF OUR PUNISHMENTS.
$\mathbf{Q} \quad$ OKAY.
A PURPOSE IS WHEN YOU KICK SOMEONE DOWN THE STAIRS, AND YOU SEE IT, YOU START -- I MEAN YOU -- LIKE LET'S SAY MISS JANET AND DANIELLE -- LIKE SAY MISS JANET WAS UPSET AT DANIELIEE BECAUSE SHE FORGOT TO WASH HER CLOTHES, AND MISS JANET START TO LAUGH, AND SHE HAD SAW, SHE KNEW SHE WAS LAUGHING, SHE DID THAT ON PURPOSE.

BUT SHE DIDN'T DO IT ON PURPOSE, THAT WAS ONE OF OUR PUNISHMENTS FOR US SO SHE COULD TRY TO TELL -- THAT WAS ANOTHER WAY FOR HER TO TRY TO TELL US TO STOP DOING THIS, BECAUSE SHE - S SHE NEEDS - SHE CAN'T REWARD, SHE NEEDS TO PUNISH US SOME WAY. SHE CAN ${ }^{1} T$ JUST LET US GET AWAY WITH IT. SHE DIDN'T DO IT ON PURPOSE.

Q OKAY. AND - UM - YOU SAID THE ONLY TIME YOU GOT HURT WAS WHEN YOU GOT YOUR ARM SCRAPED UP?

A YEAH. LIKE IF WE FELL DOWN THE STAIRS, BUT SHE'D KICK - - SHE'D KICK US LIGHTLY. BUT IF SHE WAS REALLY UPSET, MEDIUM. BUT THAT'S -- THAT'S AS FAR AS THAT - AS IT WENT.

Q OKAY.
A SHE DIDN'T KICK US AS -- LIKE ALL THE WAY DOWN THE STAIRS FOR US TO ROLL AND CRASH INTO A GLASS, NO, SHE NEVER DID THAT.

Q OKAY.
A BUT SHE KICKED US LIGHTLY.
Q LIGHTLY?
A YES.
Q OKAY. AND - UM - - THE CATHETER - - UM - YOU'VE HAD
A CATHETER PUT INTO YOU BEFORE, CORRECT?
A YES.
Q UH -- IN THE HOSPITAL?
A YES.
Q OKAY. AND SO YOU KNOW WHAT A CATHETER IS AND WHAT
IT DOES?
A YES.
0 OKAY. HOW MANY TIMES DO YOU THINK A HOSPITAL OR A DOCTOR'S PUT A CATHETER IN YOU?

A WELI, I KNOW THEY PUT ONE - A CATHETER IN ME WHEN I HAD THE SEIZURE, BECAUSE I REMEMBER MISS JANET .-

Q IS THAT IN DECEMBER?
A YEAH, BECAUSE I --
Q OKAY.
A - I - I ASKED MISS JANET, SO WHERE EXACTLY WAS I AT WHEN I HAD THE SEIZURE, SHE SHOWED ME, BECAUSE THERE WAS BLOOD - - BECAUSE THERE WAS BLOOD COMING OUT OF MY MOUTH, AND - - UH - THEY SAID THEY PUT A CATHETER IN ME BECAUSE -- TO GET THE PEE OUT, AND THEN THEY -- YEAH. SO --

Q OKAY.

A -- SHE TOLD ME --
Q IS THAT THE ONLY TIME THAT YOU CAN THINK OF THAT A HOSPITAL PUT A CATHETER IN YOU, OR WAS THERE ANOTHER TIME?

A THAT'S -- THAT'S THE ONLY TIME I CAN REMEMBER THAT THE HOSPITAL PUT A CATHETER IN ME.

Q ALL RIGHT.
A I DON'T THINK - BUT DON'T KNOW -- THEY GAVE ME SOMETHING IN THE HOSPITAL BEFORE THAT FOR MY STOMACH TO HELP TO -- I THINK IT WAS A COLONOSCOPY, OKAY, YEAH THEY GAVE ME A COLONOSCOPY. IT DON'T KNOW IF IT WAS A CATHETER.

9 OKAY.
A I KNOW IT WAS A TUBE TO TRY TO GET THAT --
Q OKAY.
A -- Stuff out.
Q DO YOU KNOW WHAT PART OF YOUR BODY A CATHETER GOES
IN TO?
A ANY - NOT ANY, BUT LIKE THE BODY PARTS DOWN HERE.
Q OKAY. UM -- SO YOU MOTION TO YOUR STOMACH AREA; IS THAT RIGHT?

A NO, DOWN HERE.
Q OKAY. DO YOU KNOW WHAT THOSE BODY PARTS ARE
DESCRIBED AS?
A YES.
Q DO YOU KNOW WHAT THEIR NAMES ARE?
A YES.

Q OKAY. CAN YOU TELL ME WHAT PARTS OF YOUR BODY THAT A CATHETER IS PUT INTO?

A UM -- BOTTOM AND A VAGINA.
Q OKAY. AND SO YOU THINK THAT YOU'VE HAD A CATHETER IN YOUR VAGINA AND IN YOUR BOTTOM?

A I DON'T THINK MY BOTTOM, BECAUSE I KNOW I HAD A COLONOSCOPY, BUT I CAN'T REMEMBER BECAUSE THEY PUT ME TO SLEEP.

Q OKAY. SO YOU'RE NOT JUST SURE IF YOU HAD A CATHETER IN YOUR BOTTOM?

A YEAH.
Q OKAY. BUT YOU ARE SURE THAT THE HOSPITAL PUT A CATHETER IN YOUR VAGINA?

A YES.
Q OKAY. UM -- AND YOU TALKED ABOUT MISS JANET ATTEMPTING TO PUT A CATHETER IN YOU, RIGHT?

A YES. BECAUSE WHEN SHE WAS GETTING READY TO GO SOMEWHERE, SHE'D ASK US, "DO YOU HAVE TO GO TO THE BATHROOM," AND SHE'D -- WE'D SAY NO. SHE'D SAY, "OKAY, I WANT TO CHECK, BECAUSE I'M NOT GONNA' DEAL WITH YOU PEEING ON YOURSELF WHEN I'M TRYING TO GO SOMEWHERE." SO SHE'D GET THE CATHETER AND CHECK US. AND IF NOTHING COME OUT SHE WOULDN'T DO NOTHING, BECAUSE SHE KNEW WE WERE TELLING THE TRUTH. BUT IF SOMETHING -- IF PEE CAME OUT SHE'D SPANK US.

Q OKAY. BUT DID YOU --
6 Q OKAY.

23 CAME UP WITH THIS TO TELL US TO STOP DOING THIS, TO STOP
24 PEEING AND POOPING ON OURSELVES SO SHE DOESN'T - - SO LIKE IT
25 DOESN'T GET WORSE WHEN WE GET OLDER.

9 SHE DIDN'T LITERALLY STAND THERE AND DO THIS.
Q OKAY.
A SO SHE DIDN'T ACTUALLY CUT US, LIKE SKIN OFF. BUT LIKE WHEN AVA WAS IN THE -- SHE -- SHE SAID MISS JANET ACCIDENTALLY CUT HER ON THE LIP, AND I SAID, WELL - AND I JUST - I DON'T KNOW, SAID OKAY. WELL MAYBE -MAYBE IT WAS BECAUSE YOU WERE TRYING TO FIGHT HER, AND THE RAZOR BLADE WAS IN HER HAND AND SHE ACCIDENTALLY CUT YOU. SO SHE DIDN'T -- IT WAS AN ACCIDENT WHEN SHE CUT AVA ON THE LIP.

8 OKAY.
A SHE DID IT ON ACCIDENT, BECAUSE AVA WAS TRYING TO FIGHT HER BACK.

Q OKAY.
A BUT SHE NEVER ACTUALLY CUT US --
Q ALL RIGHT.
A -- ON PURPOSE.
Q HAVE YOU PERSONALLY ACTUALLY SEEN THE RAZOR BLADE?
A YES. SHE WOULD - -
Q OKAY. AND --
A BECAUSE WE HAD -- I HAD -- I HAD PEED ON MYSELF, AND SHE SAID, "IF YOU DON'T STOP I'M GONNA' GET THE RAZOR BIADE AND SHOW IT TO YOU."

AND SO SHE WENT IN HER ROOM, BECAUSE I DID IT, AND SHE WENT IN HER ROOM AND SHOWED US, AND SHE SAID THIS IS -SHE SHOWED US THE RAZOR BLADE AND SHE SAID, "IF YOU DON'T STOP

1 I'M GONNA' HAVE" -- "I'M GONNA' USE THIS." AND IT WAS ANOTHER 2 WAY FOR HER TO TELL US TO STOP DOING THIS, BECAUSE SHE DOESN'T 3 WANT TO USE IT ON US AT ALL.

4 O OKAY.
5 A SO --
$6 \quad Q \quad$ WHEN SHE SHOWED YOU THAT RAZOR BLADE, DID THAT SCARE
7 YOU OR DID YOU THINK --
8 A YEAH, IT SCARED ME. I -- I TOLD MYSELF, I REALLY
9 JUST THOUGHT -- BECAUSE I DON'T WANT TO DIE IN A BATHTUB.
10 \& ALL RIGHT. WHERE DID SHE GET THE RAZOR BLADE FROM?
11 A I DON'T KNOW.
12 Q DID YOU SEE HER GO AND GET THE RAZOR BLADE?

2 OKAY. NOW -- UM -- WHEN YOU WERE -- UM -- GETTING THE CATHETER PUT IN YOU, WHERE WERE YOU?

A IN THE BATHROOM, ON A TOWEL.
Q WHERE? WHAT BATHROOM?
A THERE'S TWO BATHROOMS. ONE - - ONE OF THE BATHROOM
IS BY THE BEDROOMS THAT THE FOSTER KIDS SLEPT IN.
Q SO ARE WE TALKING UPSTAIRS OR DOWNSTAIRS?
A IT WAS -- IT WAS UPSTAIRS.
$Q \quad$ UPSTAIRS.
A YEAH. BUT I --
Q AND YOU SAID THERE'S TWO BATHROOMS UPSTAIRS?
A YES.
0 OKAY.
A AND ONE BY THERE AND THEN ONE BY - IN THE LOFT. BY THE LOFT, I MEAN.
$Q$ OKAY. AND YOU SAID THIS WAS IN THE BATHROOM BY THE LOFT?

A NO.
$Q \quad$ NO?
A IT WAS BY - THE BATHROOM BY THE TWO BEDROOMS.
$Q$ BY THE TWO BEDROOMS, OKAY.
A BECAUSE SHE WAS GOING SOMEWHERE, SHE SAID -- SHE ASKED ALL OF THREE OF US, AND SHE SAID IT LOUD, SHE SAID, "DO YOU HAVE TO GO TO THE BATHROOM? ${ }^{\prime \prime}$ AND I - - WE ALL SAID NO. AND SHE CHECKED US, AND SHE SAID, "WELL, IF PEE COMES OUT YOU'RE GONNA' GET A SPANKING BECAUSE YOU LIED TO ME." AND I DIDN'T - I DIDN'T -- NO PEE CAME OUT OF ME, I

1 DON'T THINK SO, BUT I DIDN'T GET A SPANKING, NO.
2 Q OKAY.

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5 ERA - - AREA. ERA - AREA.
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$6 \quad \mathbf{Q}$ AND THAT'S NEXT TO THE FOSTER KIDS AREA? TWO BEDROOMS, AND SHE LAYS THE TOWEL IN THE - - BY THE SINK
$Q$ AND THAT'S NEXT TO THE FOSTER KIDS AREA?
A THE BEDROOMS.
Q OKAY, THE BEDROOMS.
AND WHEN THIS WOULD HAPPEN WERE THE FOSTER KIDS
THERE?
A NO, THEY WERE GOING WITH THEM.
Q THEY WERE GOING WITH --
A WITH --
Q -- MISS JANET?
A YEAF, THE SOLANDERS.
Q OKAY. UM - AND SO THE FOSTER KIDS WERE OBVIOUSLY
STILL IN THE HOUSE WHEN THIS WAS GOING ON?
A YEAH, BUT THEY WERE DOWNSTAIRS.
$\mathbf{Q}$ THEY WERE DOWNSTAIRS. OKAY. AND --
THE COURT: WE'RE SUPPOSE TO BE TAKING A BREAK, MR. MANN.
MR, MANN: YES. OH, I'M SORRY.
THE COURT: OKAY.
MR. MANN: IF YOU WANT TO STOP --
THE COURT: ARE YOU READY?
MR. MANN: YEAH, THAT'S FINE, YOUR HONOR.

A BUT SHE -- I KNOW LIKE THAT THE BATHROOM WAS BY THE

9 HERE.

21 YOUR LAST NAME IS?

24 WE'RE -- MISS BRASIER, ALISON BRASIER, WHO WAS SITTING WITH 25 AVA - UM - IS THEIR CASA ADVOCATE, AND SO SHE WILL BE

1 SITTING WITH AMAYA THIS AFTERNOON, WHILE MISS DEBBIE, THEIR
2 FOSTER PARENT WHO WAS IN THE COURTROOM WITH AMAYA THIS
3 MORNING, WENT TO GO GET ANASTASIA FOR HER TESTIMONY.
4 THE COURT: OKAY.

9 WAS INTERVIEWED AS A POTENTIAL WITNESS BY THE POLICE - UM --
10 AND MAY HAVE HAD ISSUES THAT WE MAY NEED TO GET INTO FOR TRIAL
11 PURPOSES AT A LATER TIME. I DIDN'T REALIZE SHE WAS SITTING IN
12 HERE FOR THE TRIAL. I DIDN'T KNOW WHO THAT WAS, ACTUALLY.
MS, BLUTH: SO WE'RE ACTUALLY GOING TO HAVE A DIFFERENT INDIVIDUAL SITTING THIS AFTERNOON.

MR. MANN: AND, YOUR HONOR, I DIDN'T REALIZE THAT WAS MISS DEBBIE WHO WAS UP THERE. IT'S MY UNDERSTANDING THAT SHE SO, I JUST WANT TO MAKE IT CLEAR.

THE COURT: OKAY. I DIDN'T KNOW WHO IT WAS EITHER, FRANKLY, BUT I WASN'T --

MR. MANN: MY OBJECTION TO --
THE COURT: I MEAN, I JUST ASSUMED SHE WAS A CASA PERSON, BUT THAT'S PROBABLY A BAD ASSUMPTION ON MY BEHALF AND YOUR BEHALF.

MR. MANN: AND MINE, YEAH. I -- I ASSUMED THAT ANYONE THAT WAS A POTENTIAL WITNESS WOULD NOT BE SITTING UP THERE AS FAMILY SUPPQRT.

MS. LUZAICH: WELL, THE STATUTE IS VERY CLEAR THAT THE CHILD CAN HAVE ANYONE THEY WANT. ANYONE, EVEN IF THEY ARE IN THE FUTURE GOING TO EE A WITNESS. IF THEY'RE GOING TO BE A

WITNESS AT THE HEARING, AT THIS POINT, THEY WOULD HAVE JUST TESTIFIED FIRST. BUT SINCE SHE WASN'T TESTIFYING --

MR. RUE: SO SHE COULD HAVE AVA UP THERE?
MS. LUZAICE: -- IT WASN'T AN ISSUE.
I'M SORRY?
MR. RUE: SO SHE COULD HAVE AVA UP THERE?
MS. BLUTH: IF SHE CHOSE.
MS. LUZAICH: IF SHE WANTED, YEAH.
MR. RUE: I DON'T THINK THAT THE JUDGE WOULD HAVE ALLOWED THAT.

MS. BLUTH: WEL工 --
THE COURT: WELL LUCKILY I HAVEN'T BEEN POSED WITH THAT PROBLEM SO -- THE ONE THING I TOLD THE LANYERS AT THE BENCH WHEN WE CAME BACK ON THE REC -- OR CAME BACK INTO THE COURTROOM, NOT ON THE RECORD, AND I ASKED THEM IF THEY WANTED THIS ON THE RECORD, AND -- UM -- I THINK THE DEFENSE DOES WANT THIS ON THE RECORD, SO I'M GOING TO PUT IT ON THE RECORD -UM - - TO NOTE THE WITNESS, MAYA IS NOT IN THE COURTROOM RIGHT NOW, BUT -- UM - I DID LET THEM KNOW WHILE I WAS -- YOU KNOW, MAYA WAS IN THE BACK HALLWAY WITH HER CASA REPRESENTATIVE --

MS. BLUTH: CORRECT.
THE COURT: -- ALISON, AND I DID GIVE HER A RING POP, BECAUSE SHE WAS VERY UPSET, AND I TOLD HER CANDY MAKES EVERYBODY FEEL BETTER. AND THEN MISS ALISON BROUGHT HER INTO MY CHAMBERS AND TOLD HER SHE COULD ASK THE JUDGE WHAT,

APPARENTLY SHE WAS ASKING MISS ALISON, SO -- UM -- MAYA ASKED ME, WHIJE I WAS SITTING AT MY DESK, WHEN SHE COULD SPEAK WITH THE SOLANDERS, AND WHEN SHE COULD -- WHEN SHE COULD SEE THE SOLAANDERS.

AND $5 O$ I WANTED TO DISCLOSE THAT, AND DISCLOSE THAT I PRETTY MUCH IN ALI INTENTS AND PURPOSES TOLD HER THAT SHE COULD NOT SPEAK WITH THE SOLANDERS OR SEE THE SOLANDERS WHILE THEY WERE IN CUSTODY, BUT THAT'S NOT UNIQUE, THAT THAT IS WITH EVERY CASE WHERE PEOPLE WERE IN CUSTODY, AND THAT WHATEVER SHE FELT AND WHATEVER SHE WANTED TO TELI THE SOLANDERS, SHE HAD SAID FROM THE STAND EARLIER IN HER TESTIMONY, AND THAT EVERYBODY WAS LISTENING TO HER, INCLUDING THE SOLANDERS. SO I TOLD HER BASICALLY THAT I THINK - I THOUGHT SHE HAD ALREADY SAID WHAT SHE WANTED TO SAY -- UM -- PRIOR TO THE BREAK WHILE SHE WAS ON THE WITNESS STAND.

MS. BLUTH: AND, JUDGE, THAT IS RIGHT.
AND JUST FOR THE RECORD, ALISON IS THEIR CASA
REPRESENTATIVE, ALISON BRASIER, B-R-A-S-I-E-R. AND I HAVE SPOKEN TO THEM, I HAVE EXPLAINED TO HER THAT SHE CAN'T SPEAK WITH THEM. SHE HAS ASKED ME SEVERAL TIMES TO TELL THEM THAT SHE LOVES THEM AND SHE FORGIVES THEM. AND I - YOU KNOW, I - SHE'S A CHILD, WHAT CAN I SAY, AND I'VE EXPLAINED MANY TIMES THAT THEY HAVE ATTORNEYS AND THAT SHE CAN'T SPEAK WITH THEM RIGHT NOW.

THE COURT: OKAY.

MS. BLUTH: SO THAT'S KIND OF JUST THE SITUATION.
MR. MANN: YOUR HONOR, JUST ONE LAST THING, LOOKS LIKE WE
HAVE TWO MORE PEOPLE IN THE COURTROOM, JUST FOR THE RECORD WHO ARE THEY?

THE COURT: SURE.
MS. BLUTH: CAN YOU STAND AND GIVE YOUR NAMES FOR THE RECORD?

MS. VECCHIO: JENNIFER VECCHIO, I'M A LICENSED
PSYCHOLOGIST.
THE COURT: CAN YOU SPEAK UP, WE'RE TAKING A RECORD.
MS. VECCHIO: SORRY. JENNIFER VECCHIO, THE -- THE
PSYCHOLOGIST.
THE COURT: OKAY.
MR. MANN: FOR?
MS. VECCHIO: FOR ALL THREE GIRLS.
THE COURT: FOR WHAT?
MS. VECCHIO: FOR ALL THREE GIRLS.
THE COURT: OH, OKAY.
MS. HIGHER: MY NAME IS AMNA HIGHER, I'M ONE OF THE
THERAPISTS FOR ALL THREE GIRLS.
THE COURT: ALL RIGHT. AND WE'VE ALREADY DISCLOSED THE OTHER TWO, AND THEN WE HAVE THE PERSON -- DID WE GET THE NAME OF THE PERSON THAT WAS --

MR. MUELLER: NO, WE DIDN'T, BUT --
THE COURT: OKAY. NELL, WE MIGHT AS WELL. 23 SAME - DIFFERENT COURTROOM, BUT EVERY OTHER - - THEY ALL LOOK

24 THE SAME.
WHAT'S YOUR NAME?
MS. SCHULTZ: SHOULD I STAND?
THE COURT: SURE. JUST - - BECAUSE SHE'S TAKING A RECORD,

MS. SCHULTZ: OKAY, MARIN SCHULTZ (PHONETIC). I'M A - -
THE COURT: WHAT'S YOUR FIRST NAME?
MS. SCHULTZ: MARIN, LIKE THE COUNTY IN CALIFORNIA. SO
M-A-R-I-N, AND THEN SCHULTZ,
THE COURT: OKAY. AND YOU'RE A SOCIAL WORKER?
MS. SCHULTZ: YES.
THE COURT: OKAY. AND YOU'RE KIND OF OBSERVING MR.
MUELLER; IS THAT IT?
THE WITNESS: RIGHT,
THE COURT: OKAY. AND WE'VE ALL AGREED BEFORE WE STARTED
THIS MORNING THAT SHE COULD SIT IN, AS WELL, SO.
NOW WE HAVE A RECORD OF EVERYBODY. SO WE CAN CALL MAYA
BACK IN, I THINK WE'RE READY.
ARE THE DEFENDANTS DONE WITH THEIR LUNCH? YEAH, OKAY.
SO WE'LL GO TILL 4 O'CLOCK TODAY. $^{\prime}$
(WHEREUPON THE WITNESS ENTERED THE COURTROOM.)
THE COURT: ALI RIGHT, MAYA, IT'S KIND OF A CHANGE OF SCENERY, BUT IT KIND OF LOOKS LIKE THE SAME THING, HUH?

OKAY. YOU REALIZE YOU'RE STILL UNDER OATH, AND THAT

YOU'VE PROMISED AND SWORN TO TELL THE -- TELL THE TRUTH, CORRECT?

THE WITNESS: (NO AUDIBLE RESPONSE.)
THE COURT: IS THAT A YES?
THE WITNESS: YES.
THE COURT: OKAY. ALI RIGHT.
WE'RE GOING TO GET STARTED. I THINK MR. MANN WAS ASKING YOU QUESTIONS, AND HE'S GOING TO FINISH UP, AND THEN THERE ARE - THE OTHER LAWYERS WILL BE ABLE TO ASK YOU QUESTIONS.

OKAY, REMEMBER THE MICROPHONE. SAME MICROPHONE, JUST
DIF -- OR DIFFERENT MIGROPHONE, BUT IT LOOKS THE SAME.
ALI RIGHT. GO AHEAD, MR. MANN.
BY MR. MANN :
Q HI, AMAYA.
A HI.
Q HI. UM - YOU HAD TALKED ABOUT - UM - - THE TIME THAT YOU WERE TAKEN INTO THE BATHROOM AND A TOWEL WAS LAID DOWN, AND YOU LIED ON THE BATH -- ON THAT TOWEL IN THE BATHROOM?

A YES.
Q OKAY. NOW, THERE WAS A -- A TIME THAT YOU HAD SOME IRRITATION IN YOUR VAGINAI AREA, CORRECT, AND YOU WENT TO A DOCTOR?

A YES.
$Q$ OKAY. AND THAT DOCTOR PRESCRIBED SOME CREAM TO BE

21 THAT, CORRECT?
22 A YES.
23 Q OKAY. AND ARE YOU CURRENILY ON ANY MEDICATIONS?
24
25
APPLIED TO YOUR PRIVATE AREA, YOUR VAGINAL AREA?
A YES.
Q YES. OKAY. AND ISN'T IT TRUE THAT IT WAS AT THAT TIME THAT MISS JANET WOULD APPLY THE CREAM TO YOUR VAGINAL AREA WHEN YOU LIED ON THE TOWEL?

A YES.
Q OKAY. AND THAT -- UM -- THE TIMES REGARDING THE CATHETER WAS REALLY RELATING TO THE TIMES THAT SHE WAS -- YOU WERE APPLYING THE -- UH -- CREAM TO THE VAGINAL AREA, CORRECT?

A YES.
Q OKAY. UM -- NOW, YOU ALSO -- UM -- TALKED ABOUT - UM - - YOU HAVING SOME MEDICAL ISSUES, CORRECT?

A YES.
Q OKAY. YOU HAD AN ISSUE WITH YOUR STOMACH AND YOUR COLON?

A YES.
Q YOU HAD SOME PSYCHIATRIC ISSUES?
A YES.
Q OKAY. UM - - NOW YOU WERE PRESCRIBED MEDICATIONS FOR

A I DON'T KNOW WHAT IT'S CALLED, IT'S THE SEIZURE MEDICINE.

1 Q OKAY. IS THAT THE ONLY MEDICINE THAT YOU'RE TAKING 2 FOR SEIZURES?

3 A YES.
4 Q OKAY. WERE YOU TAKING OTHER MEDICINES AWHILE BACK,
5 OR $\checkmark$ UUST THAT ONE?
6 A I WAS TAKING THE PILL, THE - SOMETHING FOR MY - -
7 UM -- I DON'T KNOW WHAT IT'S CALLED.
8 Q OKAY. DO YOU REMEMBER WHAT THE PILL LOOKED LIKE?
A IT WAS REALEY SMALL. IT WAS SOMETHING FOR MY -- I
10 CAN'T REMEMBER WHAT IT WAS.
11 Q DO YOU REMEMBER WHAT DOCTOR PRESCRIBED IT?

19 ELSE?
20 A SOMETHING ELSE.
21 Q OKAY. NOW - - UM -- DO YOU REMEMBER YOUR DOCTOR THAT 22 DEALT WITH YOUR TUMMY ISSUES IN LAS VEGAS?

A NO.
Q OKAY. WAS IT A DOCTOR IN LAS VEGAS OR IN FLORIDA?
A UM -- IN LAS VEGAS.
Q OKAY. AND WERE YOU PRESCRIBED IT BEFORE YOU LEFT FOR FLORIDA OR AFTER YOU LEFT FOR FIORIDA?

A BEFORE.
Q OKAY. AND WAS IT TO HELP YOUR TUMMY OR SOMETHING

A YES.
$\mathbf{Q}$ DO YOU REMEMBER WHAT HIS NAME OR HER NAME WAS?
A NO, I JUST KNOW THAT HE WORKS AT SUMMERLIN HOSPITAL. STOMACH.

Q HE WORKS AT SUMMERLIN HOSPITAL?
A YES.
Q WOULD YOU GO THERE WHEN YOU WEREN'T BEING ADMITTED INTO THE HOSPITAL, JUST FOR LIKE A REGULAR VISIT?

A YEAH, LIKE - - UM - WHEN I HAD AN APPOINTMENT FOR MY

Q OKAY. AND WAS THIS BEFORE AND AFTER YOUR COLONOSCOPY? DO YOU REMEMBER WHEN THEY PUT YOU TO SLEEP AND THEY LOOKED UP YOUR BUTT?

A I THINK IT WAS BEFORE, I CAN'T REMEMBER, THOUGH.
Q OKAY. OKAY. UM -- AND -- UM -- BUT YOU WERE PRESCRIBED WITH A - OR DIAGNOSED WITH A CONDITION REGARDING YOUR STOMACH?

A YES.
Q OR YOUR COLON?
WHAT - - WHAT WAS THAT CONDITION?
A IT WAS SOMETHING THAT I CAN'T DIGEST FOOD CORRECTLY LIKE OTHER PEOPLE CAN, SOMETHING LIKE THAT.

Q OKAY. DO YOU REMEMBER WHAT THE NAME WAS, OR NO?
A I CAN'T REMEMBER THE NAME.
Q DID THE DOCTOR TALK TO YOU DIRECTLY?
A WELL, I WAS IN THE DOCTOR'S OFFICE, MISS JANET WAS

Q OKAY.
A BUT I DIDN'T - I COULDN'T FULLY UNDERSTAND WHAT HE 108

1 WAS SAYING.
2 Q OKAY. BUT THE DOCTOR TALKED IN FRONT OF YOU?
3 A YES.
4 O OKAY. AND HE -- UM -- TOLD YOU THAT YOU HAD SOME
5 PROBLEMS WITH YOUR STOMACH?

7 Q OKAY. AND AFTER THE DOCTOR TALKED TO YOU AND AFTER
8 THE COLONOSCOPY - UM -- YOU STARTED EATING SOME BLENDED FOOD?
9 A YES.
$10 \quad \mathbf{Q} \quad$ AND THEN YOUR STOMACH STARTED FEELING BETTER?
11
12

1

14 BETTER, CORRECT?
15 A YES.
$Q$ OKAY. NOW, AFTER YOUR STOMACH STARTED FEELING 17 BETTER, DID YOU CONTINUE TO PURPOSELY PEE OR POOP YOUR PANTS

18 BECAUSE YOU WERE MAD?
19 A YES.
20 A AND SO -- UM -- EVEN THOUGH YOU HAD ISSUES WITH YOUR
21 STOMACH, YOU WERE STILL MAKING YOURSELF PEE OR POOP YOUR
22 PANTS?
23 A YES.
24 Q OKAY.
25
A YES.

A YES.
Q OKAY. AND -- UM -- SO YOU STARTED TQ FEEL -- UM -EETTER AND DIDN'T NEED TO DO AS MUCH TO KEEP YOUR STOMACH

NOW - - UM - Y YOUR HOMEWORK THAT YOU WOULD DO WHILE

1 YOU WERE -- UM -- WHILE YOU WERE HOMESCHOOLED, DID IT TAKE YOU 2 MOST OF THE DAY TO DO IT?

3 A YES.
4 Q WHAT KIND OF HOMEWORK WAS IT?

6 Q OKAY. MATH?

21 WORK ON IT?

24 KEEP WORKING ON THAT HOMEWORK?
25 A YES.
$Q$ OKAY. AND SOMETIMES, THOUGH, YOU WOULD PEE OR POOF YOURSELF TO GET OUT OF HAVING TO DO YOUR HOMEWORK, RIGHT?

A YES.
Q OKAY. AND SO YOU USED PEEING OR POOPING ON YOURSELF AS KIND OF A WAY TO GET BACK AT MISS JANET OR MR. DWIGHT, RIGHT?

A YES.
MR. MANN: COURT'S INDULGENCE.
(DISCUSSION BETWEEN MR. MANN AND DEFENDANT J. SOLANDER.)
BY MR. MANN:
Q NOW, AT NIGHT -- UM -- THERE WAS A BATHROOM NEAR WHERE YOUR SLEPT, RIGHT?

A YES.
Q UM -- AND YOU WOULD SLEEP IN THE LOFT; IS THAT CORRECT?

A YES.
Q OKAY. AND THE BATHROOM THERE -- UM - - THERE WAS A NIGHTLIGHT INSIDE THAT BATHROOM, CORRECT?

A YES.
Q IT WAS IN THE SHAPE OF AN ANGEL?
A YES.
Q OKAY. AND SO THEY HAD THAT NIGHTLIGHT IN THAT BATHROOM SO YOU GUYS COUTD SEE AT NIGHT TO GO TO THE BATHROOM?

A YES.
Q SO IF YOU NEEDED TO GO TO THE BATHROOM YOU WOULD

23 BY MR. MUELIER:
A YES.

BATHROOM, CORRECT?
A YES.

A YES.

A YES.

A YES.

QUESTIONS .

MR. MUELLER?

QUESTIONS, OKAY?

NEED TO GO GET UP AND WALK OVER THERE TO GO TO THE BATHROOM?

Q THERE WAS NOTHING PREVENTING YOU GOING TO THE

Q SO IF YOU WANTED TO YOU COULD GO TO THE BATHROOM AT ANY TIME DURING THE NIGHT?

Q OKAY. UM -- BUT THERE WERE MANY TIMES THAT YOU PURPOSELY DID NOT, AND ENDED UP PEEING YOUR BED, RIGHT?

Q AND THAT WAS ON PURPOSE?

MR. MANN: YOUR HONOR, AT THIS TIME I HAVE NO FURTHER

THE COURT: THANK YOU.

OKAY, SO MR. MUELLER OVER HERE IS GOING TO ASK YOU SOME

THE WITNESS: ALL RIGHT.

CROSS-EXAMINATION

Q WHO WOULD NORMALLY TUCK YOU INTO BED?
A I CAN'T HEAR YOU.

Q WHO WOULD NORMALLY TOK -- TUCK YOU INTO BED?
A MISS JANET.
Q MISS JANET.
NOW, YOU INTENTIONALLY PEED IN YOUR BED, CORRECT?
A YES.
Q ALL RIGHT. AND YOU DID IT MORE THAN ONCE, CORRECT?
A YES.
Q AND WAS IT AFTER YOU CONTINUALLY, INTENTIONALLY PEED IN YOUR BED THAT YOU WERE MADE TO LAY ON THE FLOOR OR THE BOARDS?

A YES.
Q SO THAT CAME AFTER YOU CONTINUED TO PEE IN THE BED?
A YES.
¢ NOW, HOW DID THE MATTRESS SMELL AFTER YOU PEED ON IT A FEW TIMES?

A HMM, I DON'T KNOW, BECAUSE I NEVER SMELLED IT.
Q YOU NEVER NOTICED THE SMELL?
A (NO AUDIBLE RESPONSE.)
Q BECAUSE THAT'S WHERE THE FAN WAS, WAS UP IN -- NEAR THE BED?

A THE FAN WAS IN FRONT OF THE BOARDS.
Q IN FRONT OF THE BOARDS?
A YES.
8 NOW, DID MR. DWIGHT NORMALLY TUCK YOU IN OR WAS IT MOSTLY JANET?

A MOSTLY MISS JANET.
Q MOSTLY MISS JANET.
NOW, WAS MR. DWIGHT -- WHEN YOU WERE BEING
HOMESCHOOLED, WHO DID MOST OF THE INSTRUCTION?
A LIKE WHO'S THE ONE THAT MAYBE CORRECTED OUR
HOMEWORK?
Q WHO WAS THE ONE WHO WAS TEACHING YOU AND POENTING AT THE BOARD AND EXPLAIN --

A MISS JANET.
Q MISS JANET WAS THE ONE WHO WAS HOMESCHOOLING YOU?
A YES.
Q ALL RIGHT. AND THIS WAS AFTER YOU GUYS HAD GOTTEN KICKED OUT OR ASKED TO LEAVE THE PUBLIC SCHOOL?

A THIS WAS AFTER WE WERE TAKEN OUT.
Q TAKEN OUT. ALL RIGHT.
AND YOU GUYS HAD GOT CAUGHT STEALING?
A YES.
Q NOW, YOU AND YOUR TWO SISTERS WEREN'T THE ONLY KIDS AT THE SOLANDER HOUSE, WERE THERE -- WERE YOU?

A NO.
Q ALL RIGHT. WHO WERE THE OTHER KIDS WHEN YOU FIRST ARRIVED?

A LIKE THE FIRST -- FIRST DAY WE WERE WITH THE
SOLANDERS?
Q YES. WHO WAS ALL THERE?

| 1 | A | NO ONE BUT THEM. |
| :---: | :---: | :---: |
| 2 | Q | ALL RIGHT. AND LATER DID SOME OTHER KIDS ARRIVE? |
| 3 | A | YES. |
| 4 | Q | AND WHO WAS THAT? |
| 5 | A | UM -- THERE WAS IVY AND AUTUMN, AND THEN - |
| 6 | Q | IVY AND AUTUMN. |
| 7 | A | NOVALIEH, AREAHIA, DEMEYER AND KAESHIA. |
| 8 | 8 | OKAY. |
| 9 | A | AND THEN ADDISON (PHONETIC) AND FRANKIE (PHONETIC). |
| 10 | 0 | FRANKIE. SO THAT'S A TOTAL OF SEVEN KIDS? |
| 11 | A | SPI -- SPIDER. |
| 12 | 9 | AND SPIDER, OKAY. A TOTAL OF EIGHT KIDS? |
| 13 | A | YES. |
| 14 | Q | NOW, OF ALL those other kids, Did fny of those kids |
| 15 | TO | IT ON THE BUCKETS? |
| 16 | A | NO. |
| 17 | 9 | DID ANY OF THOSE KIDS PEE AND POOP THEMSELVES? |
| 18 | A | SOMETIMES. |
| 19 | Q | INTENTIONALLY? |
| 20 | A | SOMETIMES. |
| 21 | Q | AS AN ACCIDENT OR AS A REGULAR .- |
| 22 | A | ACCIDENT. |
| 23 | Q | OKAY. BUT NOT LIKE YOU GUYS WERE DOING ON A REGULAR |
|  |  |  |
| 25 | A | NO. |

1 Q ALL RIGHT. DID ANY OF THOSE KIDS -- UM -- HAVE 2 TO -- OR HAS ANY OF THEM SIT ON THE BUCKETS? THEY DIDN'T HAVE 3 TO -- UM -- THEY NEVER PEED THEIR BEDS?

4 A SOMETIMES, BUT THEY DIDN'T HAVE TO SIT ON THE BUCKETS AT ALL.

9 ALL RIGHT. AND THESE KIDS ALL WENT TO PUBLIC SCHOOLS OR ALL -- ALL WENT TO SCHOOL, THEY WEREN'T

8 HOMESCHOOLED?
9 A NO.
$10 \quad \mathbb{Q}$ ALL RIGHT . NOW, IN THE MORNING WHEN YOU GOT UP IN 11 THE MORNING, WAS MR. DWIGHT HOME OR HAD HE ALREADY GONE TO 12 WORK?

13 A WELL, HE WAS GONE MOST OF THE TIME. BUT WHEN WE GET
14 UP IN THE MORNING HE'S GONE.
15 Q HE WAS GONE.
SO ON A TYPICAL DAY HE'S ALREADY GONE TO WORK?
A YES.
Q ALL RIGHT. NOW ON A TYPICAL DAY DOES HE COME HOME FOR DINNER OR AFTER DINNER?

A WELL, HE'S LIKE GONE MOST Of THE WEEK.
Q GONE MOST OF THE WEEK?
A YES.
Q OKAY.
A WHEN WE WERE THERE.
Q ALL RIGHT. SO MR. DWIGHT WASN'T THERE TO MAKE YOU

SLEEP ON THE BOARDS?
A NO.
Q ALL RIGHT. NOW - - THEN MR. DWIGHT WOULDN'T HAVE BEEN THERE TO - UH - - HAVE THE FAN BLOW ON YOU?

A NO.
$Q$ OKAY. NOW, WHO COOKED MOST OF THE MEALS FOR YOU AND THE OTHER KIDS?

A MISS JANET.
Q MISS JANET?
AND DID SHE CONTINUE TO COOK THE MEALS AFTER SHE
FOUND OUT YOU NEEDED SPECIAL BLEND FOR YOUR - - UH - - STOMACH?
A WELL, SHE'D MAKE IT AND BLEND IT UP FOR US.
Q THEN SHE WOULD?
A YES.
Q ALL RIGHT. NOW, DID -- SHE HAD YOU EAT THAT FOOD, I MEAN THE - THE -- THE BLENDED FOOD FOR YOU?

A YES.
Q ALL RIGHT. DID YOU NOTICE ANY IMPROVEMENT IN YOUR STOMACH, DID IT MAKE YOU FEEL BETTER?

A YEAH, IT HELPED A LOT. I WAS NOT AS CONSTIPATED AS I WAS BEFORE.

Q OKAY. SO IT DID -- IT DID HELP?
A (NO AUDIBLE RESPONSE.)
Q NOW, DID THERE COME A TIME WHERE MISS JANET SAID YOU COULDN'T EAT?

A WELI, LIKE IF WE COULDN'T GET OUR HOMEWORK RIGHT, LIKE -- YES. IF WE COULDN'T GET OUR HOMEWORK RIGHT SHE'D BE LIKE, YOU CAN'T EAT UNTII YOU GET THIS HOMEWORK PROBLEM RIGHT, BECAUSE YOU GOT TO GET IT DONE.

Q OKAY. SO IT WAS SIT THERE AND DO YOUR HOMEWORK BEFORE DINNER?

A YEAH.
Q OKAY. BUT YOU ALWAYS GOT A DINNER AFTER YOU GOT

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YOUR HOMEWORK DONE?
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A ALWAYS?
Q YES. I MEAN --
A (NO AUDIBLE RESPONSE.)
Q -- YOU GOT DINNER?
A NO, BECAUSE SHE DIDN'T WANT TO FEED US SO LAATE, BECAUSE THEN WE'D FLOOD THE BED.
$\mathbf{Q}$ YOU DID WHAT?
A BECAUSE THEN WE'D FLOOD THE BED.
Q FLOOD THE BED?
A YES.
$Q$ NOW, DID THERE COME A TIME WHEN MISS JANET WAS WANTING TO GO SOMEWHERE AND TAKE YOU GUYS OUT, AND YOU WOULD HAVE TO STOP AND PEE YOURSELVES BEFORE YOU LEFT THE TOWN - BEFORE YOU LEFT THE HOUSE?

A WHEN WE WENT ON VACATIONS, YEAH.
Q OKAY. AND YOU WERE DOING THAT INTENTIONALLY AT THIS
TIME?

A UM -- WE WERE.
Q YOU DID - Y YOU DID IT ON PURPOSE?
A YEAH, BECAUSE I WAS MAD.
Q BECAUSE YOU WERE MAD.
NOW, DID MR. DWIGHT EVER COOK MEALS FOR YOU?
A SOMETIMES.
$Q$ BUT OCCASIONALEY NOT -- NOT AS A MATTER OF COURSE, NOT - - NOT ALWAYG?

A YES.
Q ALL RIGHT. NOW, DID MR. DWIGHT EVER NOT GIVE YOU FOOD?

A WELL LIKE IF -- IT'S LIKE THE SAME THING, LIKE IF -LIKE IF MISS JANET HAD WENT SOMEWHERE AND HE WAS -- AND HE - AND HE WAS WATCHING US, AND WE PEED ON OURSELF, HE'D CALE MISS JANET AND SHE'D SAY, WELL, OKAY, THEN DON'T FEED THEM BECAUSE IT'S OBVIOUSLY MAKING THEM GO ON -- TO THE BATHROOM ON THEMSELVES.

Q ALE RIGHT, LET ME ASK YOU A QUESTION.
WHO - - UM - WHEN YOU STARTED HOMESCHOOLING, HOW DID
THAT WORK? DID YOU GO TO HOMESCHOOLED -- HOW DID IT WORK?
A WELL, I DON'T UNDERSTAND WHAT YOU'RE SAYING.
Q WELL, DID YOU GET UP AND START STUDYING AT THE SAME TIME EVERY DAY?

A WE'D GET UP AND JUST DO OUR HOMEWORK.

25

Q OKAY. AND DID MISS JANET HAVE A LESSON EVERY DAY TO TEACH YOU SOMETHING NEW?

A YES. BUT IF LIKE THE DAY BEFORE WE WERE DOING THE ASSIGNMENT AND DIDN'T FINISH, WE'D HAVE TO FINISH IT BEFORE WE'D GET OUR NEW ASSIGNMENT.

Q OKAY. SO YOU'D FINISH, AND THEN SHE'D HAVE YOU SIT THERE FOR A PERIOD OF TIME?

A YES.
Q ALL RIGHT. AND SHE'D MAKE YOU SIT THERE WITHOUT GOING TO THE BATHROOM, AND THEN YOU'D TAKE A BREAK, A BATHROOM BREAK, AND THEN YOU'D DO ANOTHER PERIOD OF TIME, CORRECT?

A YES.
Q ALL RIGHT. NOW, WAS THERE TIMES WHEN YOU WOULD INTENTIONALLY NOT USE THE BATHROOM WHEN YOU WERE TAKING A BREAK, AND THEN PEE YOURSELF A FEW MINUTES LATER?

A YES.
Q ALL RIGHT. AND YOU DID THAT INTENTIONALLY?
A (NO AUDIBLE RESPONSE.)
Q CORRECT?
A YES.
Q NOW, YOU OCCASIONALLY, BY YOUR OWN ADMISSIONS, WERE LESS THAN -- YOU DID A FEW THINGS WRONG WHEN YOU WERE AT -LIVING WITH THE SOLANDERS, CORRECT?

A YES.
8 AND YOU OCCASIONALLY GOT SPANKED, CORRECT?

A YES.
Q ALL RIGHT. WHO DID THE SPANKING MOST OF THE TIME?
A MISS JANET.
Q MISS JANET. OKAY.
DID MR. DWIGHT EVER SPANK YOU?
A WELL, WHEN HE GOT HOME FROM WORK.
Q OKAY. SO --
A SOMETIMES WHEN HE GOT HOME FROM WORK.
Q FINE. AND HOW IS IT THAT HE SPANKED YOU?
A WITH THE PAINT STICK, SAME WAY MISS JANET DID.
Q ALL RIGHT. WITH THE PAINT STICK. AND WHAT WOULD
THAT CONSIST OF?
A WHAT DO YOU MEAN?
Q WELL, THREE SWATS, FOUR SWATS, FIVE SWATS?
A I GUESS THEY JUST DECIDE, I DON'T KNOW.
Q OKAY. DID YOU EVER GET -- DID MR. DWIGHT EVER HIT
YOU IN THE HEAD WITH A PAINT STICK?
A NO.
Q DID HE EVER HIT YOU IN THE ARM?
A NO.
Q ALL RIGHT. WHERE WAS - WHERE, IF ANY PLACE, DID DWIGHT HIT YOU WITH A PAINT STICK?

A ON OUR BOTTOM WHEN WE GOT SPANKED.
Q ON YOUR BOTTOM WHEN YOU GOT SPANKED.
AND DID YOU DESERVE IT IN THOSE CASES?

## 24 YOUR SCHOOL WORK AT?

 FOR A LONG PERIOD OF TIME? SIT ON THEM 2011 AT ALL.A YES. BUCKETS?

A YES.

A NO. THE WAY I WAS TREATED. DOING YOUR SCHOOL WORK?

A YES.

A WELL, IT WASN ${ }^{1} \mathrm{~T}$ RIGHT THAT YEAR IT WAS LIKE - I M NOT -- I'M NOT SURE. I'M NOT SURE. I DON'T KNOW.

Q ALL RIGHT. WAS IT A COUPLE DAYS, A COUPLE MONTHS,

A WELL, WE WERE SITTING ON THEM BEFORE WE LEFT TO GO TO MARVELOUS GRACE, BUT WE DIDN'T SIT ON THEM IN - - WE DIDN'T

Q OKAY. SO THE BUCKETS CAME LATER?

Q SO YOU WERE ACTUALLY AT THE SOLANDERS' HOUSE SOILING YOURSELF FOR OVER A YEAR BEFORE THEY FINALLY PUT YOU ON THE

Q AND NONE OF THE OTHER KIDS WENT ON THE BUCKETS?

Q AND DID YOU TAKE THE HINT THAT MAYBE YOU OUGHT TO STOP DOING THAT, OR DID YOU CONTINUE TO SOIL YOURSELF?

A I KEPT DOING IT, BECAUSE I DIDN'T WANT TO BE TREATED

Q OKAY. NOW, YOU SAT ON THE BUCKETS WHEN YOU WERE

Q NOW, LET ME ASK YOU A QUESTION. WHERE DID YOU DO

A ON THE COUNTER IN THE KITCHEN.

8 NOW, WAS THE BUCKET HIGHER OR LOWER THAN THE SEAT?

25 Q NEVER?

A WELL WHEN MISS - MISS JANET SAW US -- WHEN SHE SAW THAT WE STOPPED DOING IT, SHE WOULD LIKE TAIK TO MR. DWIGHT AND TELL HER THAT SHE'S SURPRISED THAT OUR BEHAVIOR HAD - - WAS GETTING BETTER THAT TIME, AND LIKE SHE'D REWARD US - THAT WAS ONE REWARD SHE'D GIVE US SOMETIMES LIKE TO WATCH TV.

Q OKAY. SO WHEN YOU STOPPED SOILING YOURSELF YOU WERE ALLOWED TO WATCH TV AND DIDN'T HAVE TO SIT ON THE BUCKET?

A YES.
Q NOW, DID YOU HAVE TO SIT ON THE BUCKET ANY OTHER TIMES, OR OTHER THAN JUST TO DO YOUR SCHOOL WORK?

A WELL, WE SAT ON THE BUCKETS DOING OUR SCHOOL WORK.
Q I'M SORRY, I CAN'T HEAR YOU.
A WE SAT ON OUR BUCKETS DOING OUR SCHOOL WORK, AND WHEN WE -- WHEN SHE FED US THE REGUIAR FOOD. BUT WHEN WE DRUNK THE BLENDED FOOD WE STOOD UP IN THE KITCHEN IN OUR OWN SPOTS.

Q NOW, WOULD YOU HAVE FAMILY DINNERS WITH EVERYBODY, ALL THE KIDS AND THE SOLANDERS?

A NO.
Q YOU WOULDN'T HAVE IT - - ALL AT THE DINING ROOM TABLE WITH EVERY ONE SITTING THERE?

A NO.
Q OKAY. SO YOU JUST HAVE EVERYONE COME IN AND GET SOMETHING TO EAT?

A YES.
2 YOU, CORRECT?
A YES.
Q WAS THE DOOR OPEN OR CLOSED?
A IT WAS CLOSED.
Q CLOSED.
AND TO THE BEST OF YOUR RECOLLECTION HON MANY TIMES
DID THAT HAPPEN?
A THAT WAS THE ONE TIME I REMEMBER.
$\mathbf{Q}$ HOW MANY TIMES?
A THAT WAS THE ONEY ONE TIME SHE DID IT. THAT'S -THAT WAS THE ONLY TIME I REMEMBER HER DOING IT TO ME.
$\mathbf{Q} \quad$ OKAY.
A THAT WAS THE ONLY --
0 ONLY ONE TIME. ALL RIGHT. AND WHEN THAT HAPPENED, WAS MR. DWIGHT PRESENT?
A I DON'T THINK HE WAS THERE.
Q YOU DON'T THINK HE WAS THERE IN THE BATHROOM, DON'T

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1 THINK HE WAS THERE AT THE HOUSE?
2 A I DON'T THINK HE WAS THERE AT ALL IN THE HOUSE.
3 Q OKAY. NOW, WHAT DOES MISS JANET DO FOR A LIVING?
OR WHAT DID SHE DO FOR A JOB, DO YOU KNOW?

22 A NO, I HEARD HIM DIAL A NUMBER. I DIDN'T SAY HE 23 BOUGHT THEM. I DIDN'T EVEN SAY HE BOUGHT THEM, I SAID I 24 THINK.

25 Q YOU THINK?

A I DON'T WANT TO SAY HE DID.
Q SO YOU HAVE NO IDEA WHERE THE CATHETERS CAME FROM?
A NO, I JUST KNOW THAT THEY HAD THEM.
Q JUST KNOW THAT THEY HAD THEM.
MR. DWIGHT DIDN'T MAKE YOU WEAR DIRTY SOILED
UNDERWEAR OVER YOUR HEAD, DID HE?
A NO.
Q HE NEVER MADE YOU WEAR DIRTY SOILED UNDERWEAR, PUTT THEM IN YOUR MOUTH?

A NO.
Q MR. DWIGHT NEVER MADE YOU LICK URINE OFF THE FLOOR?
A NO.
Q MR. DWIGHT NEVER SCALDED YOU WITH HOT WATER?
A No.
Q MR. DWIGHT NEVER THREATENED YOU WITH THE RAZOR
BLADE?
A NO.
MR. MUELLER: COULD I GET THE COURT'S INDULGENCE FOR JUST A MOMENT?

THE COURT: SURE.
(DISCUSSION BETWEEN MR. MUELLER AND DEFT. D. SOLANDER.)
MR. MUELLER: THANK YOU, YOUR HONOR. I DON'T HAVE ANY FURTHER QUESTIONS, THANK YOU.

THE COURT: NOW MR. RUE IS GOING TO ASK YOU SOME QUESTIONS.

2 BY MR. RUE:

A YES.
    THINK --

MISS JACKIE --
A YES.

Q NOW AMAYA, I KNOW YOU'VE ASKED -- ANSWERED A LOT OF QUESTIONS, I'LL TRY TO BE BRIEF, OKAY?

A YES, SIR.
Q DO YOU KNOW WHY YOU WENT TO FLORIDA?
\(Q\) OKAY, WHY?
A BECAUSE WE WERE ACTING UP, AND THEY WANTED US TO
STOP ACTING UP AND WANTED OUR LIVES TO BE CHANGED.
Q OKAY. DO YOU KNOW HOW LONG YOU WERE THERE?
A WE LEFT IN NOVEMBER OF LAST YEAR.
Q OKAY. AND THEN YOU WERE BROUGHT BACK IN WHAT I

A MARCH.
Q MARCH? OKAY. UM -- YOU WERE -- I THINK YOU SAID YOU TALKED TO

Q -- IN FLORIDA?
UM -- AND I JUST WANT TO CLARIFY, DID ALL THREE OF YOU TALK WITH HER AT ONCE OR DID YOU GO --

A SEPARATE.
Q -- ONE AT A TIME?
A WE DID IT ONE AT A TIME.

Q OKAY. UM - - WAS MISS -- WAS IT JUST - LIKE POR YOUR INTERVIEW, WAS IT JUST YOU AND MISS JACKIE?

A YES.
Q OKAY. THERE WAS NO -- NO ONE ELSE IN THE ROOM, NO OTHER ADULTS OR ANYTHING LIKE THAT?

A NO.
Q DO YOU -- DO YOU KNOW -- UM -- WAS THERE ANY RECORDING DEVICE, WAS THERE A MICROPHONE IN THERE OR ANYTHING LIKE THAT, THAT YOU KNOW OF?

A I DON'T THINK SO.
Q OKAY. HOW LONG DID THAT - IF YOU KNOW, HOW LONG DID YOU TALK WITH MISS JACKIE?

A NOT LONG.
Q OKAY. UM -- BUT I -- YOU WERE BEING ASKED ABOUT THE SOLANDERS?

A YES.
Q AND -- UM - YOU WERE BEING AS OPEN AND AS TRUTHFUL AS YOU COULD POSSIBLY BE, CORRECT?
A. YES.

Q OKAY. AND YOU TOLD THEM EVERYTHING YOU POSSIBLY COULD REMEMBER --

A YES.
Q - RIGHT?
UM -- YOU DIDN'T MENTION DANIELLE'S NAME IN THAT
INTERVIEW, DID YOU?

A WELL, I DID SAY THAT I GOT HIT ON THE ARM.
0 YOU DID TELL MISS JACKIE THAT?
A YES.
Q OKAY. UM -- SO AS YOU SIT HERE TODAY, YOU'RE
TELIING ME THAT WHEN YOU SPOKE WITH MISS JACKIE YOU TOLD HER
ABOUT DANIELEE HITTING YOU ON THE ARM?
A YES.
Q OKAY. UM - DO YOU LIKE DANIELLE?
A WELL, I ALWAYS WANTED HER TO LIKE ME BECAUSE --
WELL, SHE DOES HAVE A REALLY GOOD REASON FOR NOT TO LIKE ME BECAUSE THE WAY I TREATED HER BIOLOGICAL MOM.

Q UM - - AND THAT'S SOMETHING THAT - - DO YOU REMEMBER TALKING TO ANYONE BACK WHEN YOU -- AFTER FLORIDA, YOU REMEMBER COMING BACK TO LAS VEGAS AND HAVING A BIG LONG INTERVIEW WITH SOMEONE, DO YOU REMEMBER THAT?

A NO.
Q YOU DON'T REMEMBER THAT AT ALL?
A NO.
Q OKAY. DANIELLE WASN'T THERE ALL THE TIME, THOUGH, WAS SHE?

A WELL, SHE WAS THERE WHEN MISS JANET WAS, BUT SHE WASN'T LIKE ALWAYS DOWNSTAIRS, SHE WAS LIKE IN HER ROOM.

Q BUT -- RIGHT. BUT DANIELLE, SHE WAS IN HIGH SCHOOL, SHE WENT TO SCHOOL, TRUE?

A YES.

18 AND THEN -- UM -- AFTER HIGH SCHOOL SHE WENT AWAY
2 FROM LAS VEGAS ALTOGETHER, RIGHT, FOR A LITTLE BIT?
3 A YES.
4 Q OKAY. AND SHE WAS IN -- DO YOU KNOW IF SHE WAS AT
COLLEGE?
6 A I -
7 Q DO YOU KNOW?
A I THINK, I'M NOT SURE.
Q OKAY. UM -- DURING SOME OF YOUR TIME -- UM -- WITH
10 THE SOLANDERS, YOU HAD -- UH -- NANNIES?

23 Q OKAY. WERE THERE ANY MORE THAN THAT, THAT YOU
24 REMEMBER?
25
A YES.
Q DO YOU CALL THEM NANNIES OR BABY-SITTERS, OR WHAT DO YOU CALL THEM?

A BABYSITTERS.
Q OKAY. YOU HAD BABYSITTERS. UM -- I JUST WANT TO MAKE SURE I HAVE THEM ALL. THERE WAS ANDREA?

A YES.
Q AND THEN THERE WAS JAN?
A YES.
Q DO YOU REMEMBER JAN? AND THEN THERE'S REBECCA?

A YES.

A NO, THOSE.


1 JUDGE YOUR ELBOW - -
2 A YES.
3 Q -- RIGHT? OKAY.
DO YOU REMEMBER GOING -- WHEN YOU CAME BACK TO --
UH -- LAS VEGAS, YOU REMEMBER GOING AND SEEING A DOCTOR --
UM -- TO SORT OF LOOK AT YOUR BODY EVERY WHERE; DO YOU
7 REMEMBER THAT?

A YES.
Q YOU REMEMBER TAKING -- HAVING PICTURES TAKEN?
A YES.
MR. RUE: UM -- COURT'S INDULGENCE.
JUDGE, MAY I APPROACH TO ASK HER IF THIS IS ACCURATE?
THE COURT: HAS THAT BEEN MARKED?

MR. RUE: NO, IT HASN'T, I SHOULD MARK IT, I'M SORRY.
THE COURT: YEAH.
MS. BLUTH: WE CAN JUST STIPULATE TO IT COMING IN, JUDGE.
MR. RUE: OKAY. I THINK THE STATE WILL STIPULATE TO IT COMING IN, JUDGE.

THE COURT: AND WHAT ARE WE MARKING IT AS, MISS CLERK?
THE CLERK: DEFENSE A, I BELIEVE.
MR. RUE: YEAH, DEFENSE A.
THE COURT: DEFENSE A, AND IT'S STIPULATED TO BE ADMITTED, SO IT WILL BE ADMITTED.
(WHEREUPON DEFENSE'S PROPOSED EXHIBIT A WAS MARKED FOR IDENTIFICATION AND ADMITTED INTO EVIDENCE.)

MR, RUE: JUDGE, MAY I APPROACH?
THE COURT: YES.
MR. RUE: FIRST.
Q UM -- I DIDN'T COME UP HERE AND SEE YOUR ELBOW, BUT
IS THAT WHAT WE'RE TALKING ABOUT THE --
A YES.
Q -- THE MARKS?
A YES.
\(Q\) AND THERE'S THREE OF THEM?
A YES.
9 OKAY. UM -- NOW I THOUGHT I HEARD YOU SAY THAT DANIELLE WAS THE ONE THAT MADE THOSE MARKS.

A YES.
Q OKAY. I SORT OF WANT TO GET INTO THE DETAILS OF HOW AND WHERE AND WHEN. UM -- SO DO YOU KNOW WHEN THIS HAPPENED?

A YES.
Q OKAY. WHEN DID THIS HAPPEN?
A IT WAS WHEN MISS REBECCA, OR ONE OF THE NANNIES WAS THERE, AND WE WERE -- ALL THREE OF US STOLE, AND THEN SHE HAD CAME DOWNSTAIRS AND CAUGHT US.

Q WELL WAIT. WHEN YOU SAY SHE --
A I MEAN --
8 -- YOU HAVE MISS REBECCA.
A IT WAS DANIELLE HAD CAUGHT US, SO SHE WENT AND
9 MISS JANET ON THE COMPUTER, I SAID - I WAS TRYING TO TELI

10 HER, BUT THEN SHE STARTED MAKING NOISES.
11 Q OKAY. UM -- SO AVA AND ANASTASIA WERE THERE, TOO?

24 ON THE ELBOW?
CALLED MISS JANET, AND -- UM -- SHE CALLED US UPSTAIRS INTO OUR ROOM AND CLOSED HER DOOR, AND MISS JANET - - UM -- ASKED US WHY WE STOLE, AND WE HAD TOLD HER, AND WE HAD GOT SPANKED. AND I THINK I WAS THE SECOND ONE, WE WERE LINED UP, I THINK I WAS THE SECOND ONE, AND WE LEKE -- YOU KNOW HOW YOU DO PUSHUPS, THAT'S IN THE POSITION WE WERE IN. SO I HAD ACCIDENTALLY STEPPED ON SOMETHING OF HER'S, AND SHE GOT MAD SO SHE HIT ME ON MY ELBOW WITH THE RULER, AND I REMEMBER I SAW MISS JANET ON THE COMPUTER. I SAID -- I WAS TRYING TO TELL

A YES.
Q AND REBECCA WAS THERE?
A SHE WAS NOT IN THE ROOM, BUT SHE WAS OUTSIDE.
Q OKAY. SHE WAS OUTSIDE, BUT YOUR -- YOUR TWO SISTERS WERE IN THE ROOM AND THEY SAW THIS HAPPEN?

A YES.
Q OKAY. AND - UM -- DID SHE HIT YOU WITH HER HAND?
A PAINT STICK.
Q WITH THE PAINT STICK. SHE HIT YOU - - AND IF I'M NOT MISTAKEN, SHE HIT YOU ONE TIME?

A YES.
Q SO ONE TIME WITH THE PAINT STICK -- UM -- AND IT WAS

A YES.

5 THAT RIGHT?
A YES.

Q OKAY. ABOUT IT.

A NO. ABOUT IT?

A YES.

Q OKAY. WERE YOU BLEEDING?
A NO. IT JUST LEFT A MARK.
Q OKAY. IT JUST LEFT A MARK, YOU WEREN'T BLEEDING. BUT THEN RIGHT AFTER THAT REBECCA -- YOU WENT TO REBECCA; IS
\(Q\) OKAY. WHAT HAPPENED NEXT?
A I HAD TOLD HER, AND SHE SAID, WELL, OKAY, AND SHE HAD TOOK A PICTURE OF IT ON HER PHONE.

A AND SHE SAID THAT SHE WAS GONNA' TALK TO MISS JANET
\(Q\) OKAY.
A BUT I DON'T THINK SHE EVER DID.
Q OKAY. SO MISS REBECCA TOOK A PICTURE OF THIS ON HER PHONE. DID SHE TALK TO AVA AND ANASTASIA ABOUT THIS?

A I DON'T THINK SO, BECAUSE I THINK THEY WERE STILL IN THE ROOM WHEN I HAD LEFT.

Q OKAY. DID SHE TALK TO DANIELLE ABOUT THAT?

Q OKAY. SO SHE HEARD WHAT YOU SAID, SHE TOOK A PICTURE, AND THEN SHE SAID SHE WAS GOING TO TALK TO MISS JANET

Q OKAY. UM -- I UNDERSTAND THAT'S THE INCIDENT OF HOW

IT OCCURRED, BUT I'M CURIOUS AS TO WHAT TIME OF YEAR, WHEN DID THIS OCCUR?

A IT WAS AROUND -- IT WAS IN 2012.
Q \(\quad 2012\).
WAS THIS - UM - BEFORE OR AFTER - UM - - YOU HAD GIVEN UP TRYING TO RIDE A BICYCLE?

A I THINK IT WAS AFTER.
Q OKAY. AFTER YOU HAD TRIED TO RIDE THE BICYCLE?
A YES.
Q WAS IT BEFORE OR AFTER - UM - YOU INDICATED THAT -- UM -- MISS JANET HAD PUSHED YOU DOWN THE STAIRS AND YOUR ARMS WERE -- YOUR ARM WAS BLEEDING?

A I DIDN'T FALL ON MY ARM, I JUST FEEL, AND I KEPT WALKING. BUT I GOT THIS MARK FROM DANIELLE HITTING ME WITH A PAINT STICK.

Q I UNDERSTAND THAT. I'M ASKING YOU WHEN. DID IT OCCUR BEFORE OR AFTER YOU GOT KICKED DOWN THE STAIRS BY MISS JANET THAT CAUSED BLEEDING TO YOUR ARM? DO YOU KNOW?

A I NEVER BLED FROM MY ARM. I JUST FELL ON MY ARM, AND I JUST KEPT WALKING.

Q OKAY. FORGIVE ME, MAYBE I MISHEARD YOU.
UM -- I THOUGHT I HEARD YOU SAY A LITTLE WHILE AGO,
THOUGH, WHEN MR. MANN WAS ASKING QUESTIONS HOW YOUR MOM
BAND-AIDED UP THE BLEEDING FROM --
A THAT WAS --
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    Q -- THE ARM.
    A -- WHEN I WAS RIDING THE BIKE I HAD FELL AND --
    Q OH.
    A -- AND MY ARM -- UM -- NOT MY -- MY KNEE WAS
    BLEEDING AND SHE PUT A BAND-AID ON IT. BUT THEN -- UM --
    AFTER IN 2000 -- IT WAS -- I THINK IT WAS IN 2011 WHEN THEY
    HAD TOOK US OUT TO HELP US RIDE THE BIKES, BUT I GOT HIT WITH
    THE PAINT STICK IN 2012.
    Q OKAY. DID THE PAINT STICK BREAK WHEN THIS HAPPENED?
    A I DON'T THINK SO.
    Q OKAY. SO IT WAS ONE HIT ON THE ELBOW THAT CAUSED
    THE THREE MARKS, IT DIDN'T BLEED -- UM -- AND IT HAPPENED IN
    2012?
    A YES.
    Q OKAY. WAS IT -. YOU HAD A LOT OF PEOPLE -- WELL,
    SORRY, FORGET THAT.
    UM -- DID YOU EVER HAVE OCCASION TO TALK TO ANY CPS
    WORKERS OR ANYTHING ABOUT BEING HIT WITH A STICK BEFORE YOU
    WENT TO MARVELOUS GRACE GIRLS ACADEMY?
    A NO.
    Q NO?
    A NOT -- BUT BEFORE THAT, BEFORE - - IN 2011, YES, THEY
    CAME, BUT IN 2012 NO.
    Q WHEN YOU --
    A BECAUSE I TOLD MISS REBECCA, BUT SHE NEVER REPORTED
    1 IT.
19 DON'T THINK WE -- THAT WHOLE YEAR WE DIDN'T GET SPANKED. I
20 DON'T - - I'M NOT SURE, I CAN'T REMEMBER.

21 Q OKAY. SO - $\quad$ UM - I JUST WANT TO BE CLEAR. YOU
22 NEVER SPOKE WITH ANY CPS WORKERS BEFORE GOING -- GOING TO
Q OKAY. WHEN YOU SAY THEY CAME, CAN YOU SORT OF EX -WHO'S THEY?

A THE CPS PEOPLE IN 2011.
Q OKAY.
A WE WERE - - WE WERE STILL IN SCHOOL, AND THEN ONE DAY
I HAD CAME HOME FROM SCHOOL AND MISS JANET HAD OPENED THE DOOR, BECAUSE THEY RUNG THE BELL, AND SHE SAN THE CPS PEOPLE, AND THEY SAID SOMETHING TO HER, AND THEY SAID THAT THEY WANTED TO TALK TO ALL THREE OF US.

Q OKAY. AND IS THAT WHEN YOU -- THEY TALKED TO YOU ABOUT PAINT STICKS?

A NO.

Q NO?
A BECAUSE -- I DON'T -- I DON'T THINK THEY HAD STARTED SPANKING US THEN. BEFORE, WHEN WERE FOSTER KIDS, THOUGH, WE GOT POPPED, SOFT, NOT HARD BUT SOFT, BECAUSE MISS HEATHER SAID DON'T THINK WE -- THAT WHOLE YEAR WE DIDN'T GET SPANKED. I DON'T -- I'M NOT SURE, I CAN'T REMEMBER. FLORIDA --

A YEAH.
Q -- ABOUT ANY PAINT STICK PROBLEMS? GRACE I HAD TOLD BROTHER BLANKENSHIP.

MR. RUE: OKAY. COULD I HAVE THE COURT'S INDULGENCE?
THE COURT: YES.
(DISCUSSION BETWEEN MR. RUE AND DEFENDANT HINTON.)
MR. RUE: THANK YOU, MAYA. NOTHING FURTHER.
THE COURT: OKAY. REDIRECT.
MISS BLUTH IS GOING TO ASK YOU A FEW QUESTIONS.
THE WITNESS: OKAY.
TEE COURT: GOOD NEWS IS YOU'RE ALMOST DONE I THINK,

THE WITNESS: OKAY.
THE COURT: YOU'RE PATIENT, ACTUALLY.
GO AHEAD.
MS. BLUTH: THANK YOU.
///
////

A I TOLD MISS REBECCA, BUT wHEN WE WENT TO MARVELOUS

A IT WAS A COUPLE DAYS BEFORE MISS JACKIE WAS COMING.

## REDIRECT EXAMINATION

## BY MS. BLUTH:

Q AMAYA, WHEN YOU SAID -- I'M JUST TRYING TO GET SOME TIMING ALL IN ORDER. YOU SAID THAT BEFORE YOU GOT ADOPTED YOU GOT POPS, WHAT DOES THAT MEAN?

A ON MY BOTTOM. BUT IT WASN'T HARD, IT WAS JUST SOFT, REALLY SOFT, BECAUSE -- UM -- MISS -- I REMEMBER I HAD GOT MAD BECAUSE I WAS EATING MY CEREAL AT BREAKFAST AND I HAD ELBOWED MISS JANET IN THE STOMACH, AND IT JUST MADE ME REALLY MAD, SO I KEPT ACTING UP, AND SHE HAD CALLED MISS HEATHER -- I THINK SHE CALLED MISS HEATHER, I'M NOT SURE, BUT SHE SAYS TO HER, IS IT OKAY IF WE POP THEM, AND -- UH -- SHE SAID YES, BUT SHE POPPED -- MISS JANET POPPED US REAL LIGHT, SHE DIDN'T LIKE EVER SLAP US HARD OR SHE JUST POPPED US.

Q OKAY. SO POP MEANS LIKE -- I DON'T KNOW, LIKE A SWAT OR --

A YES.
Q IT'S NOT A -- WITH THE BEATING WITH A STICK?
A NO.
Q DO I HAVE THAT RIGHT?
A YES.
Q AND THEN YOU -- WE ALREADY TALKED ABOUT YOU GOT ADOPTED IN JANUARY OF 2011; IS THAT RIGHT?

A YES.
Q AND THEN SHORTLY AFTER THAT IS WHEN THE STICK AND

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THINGS LIKE THAT STARTED HAPPENING?
```

A YES.
Q OKAY. I JUST WANTED TO MAKE SURE THAT I HAD THAT CORRECT.

NOW, YOU JUST SAID, "I LIED TO CPS IN 2011", IS THAT WHAT YOU SAID?

A YES.
Q WHAT DID YOU LIE IN -- TO CPS ABOUT IN 2011?
A I KNOW I LIED ABOUT MISS JANET ABOUT SOMETHING, BUT
I KNOW -- THEY HAD CAME, I JUST CAN'T REMEMBER WHAT I SAID EXACT - - I CAN REMEMBER SOME -- SOMETHING THAT I SAID, BUT NOT EXACTLY.

Q OKAY. COULD YOU TELL ME WHAT YOU DO REMEMBER? IF YOU REMEMBER ANYTHING, WHAT DO YOU THINK IT WAS?

A I REMEMBER THEY HAD CAME AND - - UM -- TALKED TO EVERYONE IN THE HOUSE AND -- UM -- THEY ASKED US QUESTIONS, AND THEY TOOK PICTURES OF THE -- OF -- THEY ASKED US -- UM -DO YOU HAVE ANY MARKS AND WE SAID, AND THEY TOOK PICTURES. BUT -- I REMEMBER SAYING I DO HAVE SOME BRUISES LIKE WHEN I FELL. LIKE I REMEMBER LIKE WHEN WE WERE -- IT WAS SHORTLY AFTER WE HAD GOT ADOPTED, I WAS TRYING TO GET OUT OF BED TO GO TO THE BATHROOM, AND I HAD FELL ON THE FLOOR BECAUSE I FELT REALLY WEAK, AND I HAD TOLD MISS JANET. AND I HAD THREW UP THAT MORNING, ANASTASIA SAW ME, AND I COULDN'T GET UP, BUT I HAD FALLEN AND I HAD A LITTLE BRUISE, AND THEY HAD TOOK A


# IN THE SUPREME COURT OF THE STATE OFINE $\$$ ABACourt 

STATE OF NEVADA, Appellant(s),

VS.

DWIGHT CONRAD SOLANDER, Respondent(s),

Case No: C299737-1
Docket No: 67710

# RECORD ON APPEAL VOLUME 

ATTORNEY FOR APPELLANT
STEVEN B. WOLFSON, DISTRICT ATTORNEY 200 LEWIS AVE. LAS VEGAS, NV 89155-2212

ATTORNEY FOR RESPONDENT CRAIG MUELLER, ESQ.
600 S. EIGHTH ST.
LAS VEGAS, NEVADA 89101

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# JUSTICE COURT, LAS VEGAS TOWNSHIP 

STATE OF NEVADA,
Plaintiff,
vs.
DWIGHT SOLANDER,
Defendant CLARK COUNTY, NEVADA
Plaintiff,
vs.
DWIGHT SOLANDER,
Defendant
) District Court Case No:
Justice Court Case No.: 14F04585A
C-14-299737-1
Dept XXI
) )

## CERTIFICATE

1 hereby certify the foregoing to be a full, true and correct copy of the proceedings as the same appear in the above case.

Dated this July 24, 2014

Dineathuliza

Justice of the Peace, Las Vegas Township

# JUSTICE COURT, LAS VEGAS TOWNSHIP <br> CLARK COUNTY, NEVADA 

STATE OF NEVADA, Plaintiff,
vs.
DWIGHT SOLANDER, Defendant

District Court Case No.:
Justice Court Case No.: 14F04585A

## BINDOVER and ORDER TO APPEAR

An Order having been made this day by me that DWIGHT SOLANDER be held to answer before the Eighth Judicial District Court, upon the charge(s) of Child abuse/neglect, w/SBMH [55222]; Child abuse or neglect, (1st) [55226]; Child abuse or neglect, (1st) [55226]; Child abuse or neglect, (1st) [55226]; Child abuse or neglect, (1st) [55226]; Sex asslt against child $<14$ [50105]; Sex asslt against child $<14$ [50105]; Child abuse or neglect, (1st) [55226]; Child abuse or neglect, (1st) [55226]; Child abuse or neglect, (1st) [55226]; Child abuse or neglect, (1st) [55226]; Child abuse/neglect, w/SBMH [55222]; Sex asslt against child < 14 [50105]; Child abuse/neglect, w/SBMH [55222]; Child abuse or neglect, (1st) [55226]; Child abuse or neglect, (1st) [55226]; Child abuse or neglect, (1st) [55226]; Child abuse or neglect, (1st) |55226|; Sex asslt against child $<14$ |50105]; Sex assit against child < 14 [50105]; Sex asslt against child $<14$ [50105]; Sex asslt against child < 14 [50105]; Sex asslt against child $<14$ [50105]; Sex asslt against child $<14$ [50105]; Sex asslt against child < $\mathbf{1 4}$ [50105] committed in said Township and County, on March 20, 2014

IT IS FURTHER ORDERED that said defendant is commanded to appear in the Eighth Judicial District Court, Regional Justice Center, Lower Level Arraignment Courtroom "A", Las Vegas, Nevada on 7/31/14 at 9:30am for arraignment and further proceedings on the within charge (s).

Dated this July 24, 2014
Hisuad. HuNutio

Justice of the Peace, Las Vegas Township

THE STATE OF NEVADA,
Plaintiff,
-vs-
DWIGHT CONRAD SOLANDER, \#3074262, DANIELLE HINTON, \#6005500,
JANET SOLANDER, \#6005501,

Storit


CASE NO: 14F04585A-C DEPT NO: 12

Defendants.

The Defendants above named having committed the crimes of CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.508(1) - 55222); CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - 55226) SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366-50105) and ASSAULT WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - 50201) in the manner following, to-wit: That the said Defendants, on or between the $19^{\text {th }}$ day of January, 2011, and the $11^{\text {th }}$ day of November, 2013, at and within the County of Clark, State of Nevada, COUNT 1 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander, DANIELLE IIINTON, and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the head, and/or body with a stick, resulting in substantial bodily harm and/or mental harm to the said A.S..

## COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL

 BODILY HARMDefendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking and/or slamming the said A.S.'s head and/or eye into the counter, resulting in substantial bodily harm and/or mental harm to the said A.S..

## COUNT 3 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a bucket for extended periods of time.

## COUNT 4 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or bowel movements for an extended period of time. COUNT 5 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a
result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards with no sheets or blankets with a fan blowing on her.

## COUNT 6 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by withholding food and water from the said A.S. for extended periods of time.

## COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 10/21/01), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting cach other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

## COUNT 8 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $10 / 21 / 01$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by pushing and/or kicking the said A.S. down the stairs.

## COUNT 9 - CIILLD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering. COUNT 10 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to lick her own urine off the floor.

## COUNT. 11 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to place soiled underwear in her mouth.

## COUNT 12 - ASSAULT WITH USE OF A DEADLY WEAPON

Defendant JANET SOLANDER did wilfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did wilfully and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB: 10/21/01), with use of a deadly weapon to wit: a razor blade, by holding the said razor blade to the face and/or body of the said A.S.

## COUNT 13 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander, DANIELLE HINTON, and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $1 / 23 / 03$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the head, and/or body with a stick, resulting in substantial bodily harm and/or mental harm to the said A.S..

## COUNT 14 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiablc physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a bucket for extended periods of time.

## COUNT 15-CHILD ABUSE, NEGLECF, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have
suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or bowel movements for an extended period of time.

## COUNT 16 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Dcfendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $1 / 23 / 03$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards with no sheets or blankets with a fan blowing on her.

## COUNT 17 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $1 / 23 / 03$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or reglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by withholding food and water from the said A.S. for extended periods of time.

## COUNT 18 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: $1 / 23 / 03$ ), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the
crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout. COUNT 19 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by pushing and/or kicking the said $\Lambda . S$. down the stairs.

## COUNT 20 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $1 / 23 / 03$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering.

## COUNT 21 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $1 / 23 / 03$ ), to suffer unjustiftable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to place soiled underwear in her mouth.

## COUNT 22 - ASSAULT WITH USE OF A DEADLY WEAPON

Defendant JANET SOLANDER did wilfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did wilfully and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB: $1 / 23 / 03$ ), with use of a deadly weapon to wit: a razor blade, by holding the said razor blade to the face and/or body of the said A.S.

## COUNT 23 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander, DANIELLE HINTON, and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the head and/or body with a stick, resulting in substantial bodily harm and/or mental harm to the said A.S.. COUNT 24 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustitiable physical pain or mental suffering as a result of abuse or neglect, by holding the said A.S.'s head and/or body under hot water and/or pouring hot water on the said A.S.'s head and/or body resulting in burns to the said A.S.'s ears and/or back, resulting in substantial bodily harm and/or mental harm to the said A.S..

## COUNT 25 - CHILD ABUSE, NEGIUECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, 10-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a bucket for extended periods of time.

## COUNT 26 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOL ANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or bowel movements for an extended period of time.

## COUNT 27 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said $A . S$ to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards with no sheets or blankets with a fan blowing on her.

## COUNT 28 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result
of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect delined as negligent treatment or maltreatment, by withholding food and water from the said A.S. for extended periods of time.

## COUNT 29 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout. COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the
crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

## COUNT 31 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

Defendants DWIGHT SOI.ANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the-said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

## COUNT 32 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

Defendant JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a stick into the said A.S.'s genital opening, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

## COUNT 33 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by pushing and/or kicking the said A.S. down the stairs.

## COUNT 34 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering.

## COUNT 35 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to place soiled underwear in her mouth.

## COUNT 36 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANE' SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S.'s head into the toilet.

## COUNT 37 - ASSAULT WITH USE OF A DEADLY WEAPON

Defendant JANET SOLANDER did wilfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did wilfully and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB: 7/25/04), with use of a deadly weapon to wit: a razor blade, by holding the said razor blade to the face and/or body of the said A.S.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.


## DA\#14F04585A-C/hjc/SVU

 LVMPD EV笲1403041293 (TK12)
# JUSTICE COURT, LAS VEGAS TOWNSHIP 

 CLARK COUNTY, NEVADATHE STATE OF NEVADA,
Plaintiff,
-vs-
DWIGHT SOLANDER, aka, Dwight Conrad Solander \#3074262, DANIELLE HINTON \#6005500, JANET SOLANDER \#6005501,

Defendants.


DEPT NO: 12

SECOND AMENDED
CRIMINAL COMPLAINT

The Defendants above named having committed the crimes of CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.508(1) - 55222); CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - 55226) SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 50105) and ASSAULT WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - 50201), BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony - NRS 200.400.4-50157) in the manner following, to-wit: That the said Defendants, on or between the $19^{\text {th }}$ day of January, 2011, and the $11^{\text {th }}$ day of November, 2013, at and within the County of Clark, State of Nevada,

## COUNT 1 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL

 BODILY HARMDefendants DWIGHT SOLANDER, aka, Dwight Conrad Solander, and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the buttocks, and/or body with a stick, resulting in substantial bodily harm and/or mental harm to the said A.S..

COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking and/or slamming the said A.S.'s head and/or eye into the counter, resulting in substantial bodily harm and/or mental harm to the said A.S.. COUNT 3 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a bucket for extended periods of time.

COUNT 4 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or bowel movements for an extended period of time.

## COUNT 5 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a
result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards and/or towels with no sheets or blankets with a fan blowing on her.

COUNT 6 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by withholding food and water from the said A.S. for extended periods of time.

COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS
Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 10/21/01), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

## COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 10/21/01), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

## COUNT 9 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by pushing the said A.S. down the stairs.

COUNT 10 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a
result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering. COUNT 11 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to lick her own urine off the floor.

COUNT 12 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to place soiled underwear in her mouth.

## COUNT 13 - ASSAULT WITH USE OF A DEADLY WEAPON

Defendant JANET SOLANDER did wilfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did wilfully and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB: 10/21/01), with use of a deadly weapon to wit: a razor blade by displaying a razor blade and threatening the said A.S.
COUNT 14 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander, DANIELLE HINTON, and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a
situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the buttocks, arm, and/or body with a stick, resulting in substantial bodily harm and/or mental harm to the said A.S. COUNT 15 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $1 / 23 / 03$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a bucket for extended periods of time.

COUNT 16 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or bowel movements for an extended period of time.

COUNT 17 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards and/or towels with no sheets or blankets with a fan blowing on her.

COUNT 18 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $1 / 23 / 03$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by withholding food and water from the said A.S. for extended periods of time.
COUNT 19 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS
Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 1/23/03), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout. COUNT 20 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a
result of abuse or neglect defined as negligent treatment or maltreatment, by pushing and/or kicking the said A.S. down and/or on the stairs.

## COUNT 21 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: $1 / 23 / 03$ ), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering. COUNT 22 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to place soiled underwear in her mouth.

## COUNT 23 - ASSAULT WITH USE OF A DEADLY WEAPON

Defendant JANET SOLANDER did wilfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did wilfully and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB: $1 / 23 / 03$ ), with use of a deadly weapon to wit: a razor blade, by displaying a razor blade and threatening the said A.S.
COUNT 24 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander, DANIELLE HINTON, and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a
situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the buttocks, and/or wrist, and/or body with a stick, resulting in substantial bodily harm and/or mental harm to the said A.S.

## COUNT 25 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH <br> SUBSTANTIAL BODILY HARM

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by holding the said A.S.'s head and/or body under hot water and/or pouring hot water on the said A.S.'s head and/or body resulting in burns to the said A.S.'s ears and/or shoulder and/or back, resulting in substantial bodily harm and/or mental harm to the said A.S.

## COUNT 26 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a "training potty" and/or bucket for extended periods of time.

## COUNT 27 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined
as negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or bowel movements for an extended period of time.

COUNT 28 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards and/or towels with no sheets or blankets with a fan blowing on her.

## COUNT 29 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by withholding food and water from the said A.S. for extended periods of time.

## COUNT 30- SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS (BEDROOM 1)

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the
crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout. COUNT 31 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS (BATHROOM 1)

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout. COUNT 32-SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS (BATHROOM 2)
Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or
urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout. COUNT 33 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS (LOFT 1)
Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

## COUNT 34 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS (LOFT 2)

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout. COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS (LOFT 3)

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in
the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout. COUNT 36 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS (LOFT 4)

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout. COUNT 37 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

Defendant JANET SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a stick into the said A.S.'s genital opening, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 38 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT
Defendant JANET SOLANDER did then and there wilfully, unlawfully, and feloniously use force or violence upon the person of another, to-wit: A.S. (DOB: 7/25/04), with intent to commit sexual assault by holding the said A.S. down in an effort to insert the catheter into A.S.'s vagina.

COUNT 39 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT
Defendant JANET SOLANDER did then and there wilfully, unlawfully, and feloniously use force or violence upon the person of another, to-wit: A.S. (DOB: 7/25/04), with intent to commit sexual assault by holding the said A.S. down in an effort to insert the catheter into A.S.'s vagina.

COUNT 40 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by pushing and/or kicking the said A.S. down and/or on the stairs.

## COUNT 41 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering. COUNT 42 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a
situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to place soiled underwear in her mouth.

## COUNT 43 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S.'s head into the toilet.

COUNT 44 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S.'s to stand in a garbage bag while she urinated and defecated on herself.

## COUNT 45 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to stand in a garbage bag while she urinated and defecated on herself.

## COUNT 46 - ASSAULT WITH USE OF A DEADLY WEAPON

Defendant JANET SOLANDER did wilfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did wilfully and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB:

7/25/04), with use of a deadly weapon to wit: a razor blade, by displaying a razor blade and threatening the said A.S.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.


THE STATE OF NEVADA, Plaintiff,
-vs-
DWIGHT SOLANDER, aka, Dwight Conrad Solander \#3074262, DANIELLE HINTON \#6005500, JANET SOLANDER \#6005501,

Defendants.

DEPT NO: 12

## CRIMINAL COMPLAINT

The Defendants above named having committed the crimes of CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.508(1) - 55222); CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - 55226) and SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 50105) and, in the manner following, to-wit: That the said Defendants, on or about the 20 th day of March, 2014, at and within the County of Clark, State of Nevada,

## COUNI 1-CHILD ABUSE, NEGLECT, OR ENDANGERMENT WTTH SUBSTANTIAL BODILY HARM

Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander, did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 ycars, to-wit: A. A., being approximately 12 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A. A. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the head and/or body with a stick, resulting in substantial bodily harm or mental harm to the said A.S.

## COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A. S., being approximately 11 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abusc or neglect, and/or cause the said A. S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the head and/or body with a stick, resulting in substantial bodily harm or mental harm to the said A. S.

## COUNT 3 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S., being approximately 9 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the head and/or body with a stick, resulting in substantial bodily harm or mental harm to the said A.S.

## COUNT 4 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being approximately 12 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiablc physical pain or mental suffering as a result of abuse or neglect, by making the said A.S. hold her urinc and bowel movements for an extended period of time.

## COUNT 5 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being approximately 12 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by making the said A.S. sit on a bucket with a toilet seat for extended periods.

## COUNT 6 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being approximately 12 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a rcsult of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by withholding food from the said A.S. for days as a punishment for toileting accidents.

## COUNT 7 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 ycars, to-wit: A.S, bcing approximately 11 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by making the said A.S. hold their urine and bowel movements for an extended period of time.

## COUNT 8 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being
approximately 11 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by making the said A.S. sit on a bucket with a toilet seat for extended periods.

## COUNT 9 - CHILD ABUSE, NEGLECT, OR ENDANGLRMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being approximately 11 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by withholding food from the said A.S. for days as a punishment for toileting accidents.

## COUNT 10 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being approximately 9 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by making the said A.S. hold their urine and bowel movements for an extended period of time.

## COUNT 11 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being approximately 9 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by making the said A.S. sit on a bucket with a toilet seat for extended periods.

COUNT 12 - CHII.D ABUSE, NEGLECT, OR ENDANGERMENT
Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being approximately 9 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by withholding food from the said A.S. for days as a punishment for toileting accidents.

## COUNT 13-CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being approximatcly 12 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said $A . S$ to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by continued verbal and/or physical abusc and/or threats of such abuse toward the said A.S.

## COUNT 14 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being approximately 11 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or ncglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by continued verbal and/or physical abuse and/or threats of such abuse toward the said A.S.

## COUNT 15 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being
approximately 9 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by continued verbal and/or physical abusc and/or threats of such abuse toward the said A.S.

## COUNT 16 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendant DANIELLE HINTON did on or between January 19, 2011 and November 11,2013 , wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A. S., being approximately 12 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by striking the said A.S. with a stick about the head and/or body, resulting in substantial bodily harm or mental harm to the said A.S.

## COUNT 17 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendant DANIELLE HINTON did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A. S., being approximatcly 11 year(s) of agc, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A. S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by striking the said A.S. with a stick about the head and/or body, resulting in substantial bodily harm or mental harm to the said A. S.

## COUNT 18 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendant DANIELLE HINTON did on or between January 19, 2011 and November 11,2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A. S., being approximately 9 ycar(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abusc or neglect, and/or cause the said A.S. to be placed in a situation
where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by striking the said A.S. with a stick about the head and/or body, resulting in substantial bodily harm or mental harm to the said A. S.

## COUNT 19 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendant JANET SOLANDER did on or between January 19, 2011 and November 11,2013 , wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A. S., being approximately $12 \mathrm{year}(\mathrm{s})$ of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A. S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the head and/or body with a stick, resulting in substantial bodily harm or mental harm to the said $\mathrm{A} . \mathrm{S}$.

## COUNT 20-CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendant JANET SOLANDER did on or between January 19, 2011 and November 11,2013, wilfully, unlawfully, and fcloniously cause a child under the age of 18 years, to-wit: A. S., being approximately 11 ycar(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A. S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repcatedly striking the said A.S. about the head and/or body with a stick, resulting in substantial bodily harm or mental harm to the said A. S.

## COUNT 21 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendant JANET SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A. S., being approximately 9 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said $\Lambda . S$. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of
abuse or neglect, by repeatedly striking the said A.S. about the head and/or body with a stick, resulting in substantial bodily harm or mental harm to the said $A . S$.

## COUNT 22 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM

Defendant JANET SOLANDER did on or between January 19, 2011 and November 11,2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A. S., being approximately 11 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A. S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by pouring hot water on the said $\Lambda . S$., resulting in substantial bodily harm or mental harm to the said A. S.

## COUNT 23 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

Defendant JANET SOLANDER did on or between January 19, 2011 and November 11,2013, then and there wilfully, unlawfully, and Celoniously sexually assault and subject A.S., a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a paint stick into the said A.S.'s genital opening, against her will, or under conditions in which Defendant knew, or should have known, that the said victim was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.


[^2]
# Justice Court, Las Vegas Township Clark County, Nevada 

## Court Minutes

14F04585A State of Nevada vs. SOLANDER, DWIGHT

## 3/25/2014 8:00:00 AM Arraignment

| PARTIES  <br> PRESENT: State of Nevada | State of Nevada |  |
| :--- | :--- | :--- |
|  | Defendant |  |
| Judge: | Sullivan, Diana L. |  |
| Prosecutor: | Kochevar, Brian |  |
| Court Reporter: | MacDonaid, Kit |  |
| Court Clerk: | Westbay, Stephanie |  |

PROCEEDINGS

| Hearings: | 3/26/2014 8:00:00 AM: Bail Hearing <br> 4/8/2014 9:30:00 AM: Preliminary Hearing | Added <br> Added |
| :---: | :---: | :---: |
| Events: | Criminal Complaint |  |
|  | Filed in open Court |  |
|  | Counsel appeared as Friend of the Court |  |
|  | C. Mueller, Esq. to possibly confirm as counsel of record for one or more of the defendants |  |
|  | Motlon for O/R or Reasonable Bail Setting continued for argument |  |
|  | Continued for Confirmation of Counsel |  |
|  | and bail hearing |  |

# Justice Court, Las Vegas Township Clark County, Nevada 

Court Minutes

14F04585A
State of Nevada vs. SOLANDER, DWIGHT
Lead Atty: Craig A Mueiler
3/26/2014 8:00:00 AM Bail Hearing
\(\left.$$
\begin{array}{lll}\text { PARTIES } & \text { State of Nevada } & \begin{array}{l}\text { State of Nevada } \\
\text { PRESENT: }\end{array}
$$ <br>

\& Attorney \& Mueller, Craig A\end{array}\right]\)| SOLANDER, DWIGHT |
| :--- | :--- |

PROCEEDINGS
Attorneys:
Mueller, Craig A SOLANDER, DWIGHT
Events: Counsel Confirms as Attorney of Record
C. Mueller, Esq.

Confict waiver to be filed
Oral Motion
States motion for bail to be set at $\$ 300,000$.
Defense argue ball to be set at $\$ 20,000$
Bail Reset
Bail Reset to: $\$ 250,000$ / 250,000 Total
Future Court Date Stands
4/8/14

# Justice Court, Las Vegas Township Clark County, Nevada 



# Jusuce Court, Las Vegas Towiship <br> Clark County, Nevada 

## Court Minutes

| 14F04585A | State of Nevada vs. SOLANDER, DWIGHT |
| :--- | :--- |
| 4/8/2014 9:30:00 AM Motion |  |
| PARTIES Attorney <br> PRESENT:  <br> Judge: Cruz, Cynthia <br> Prosecutor: Kochevar, Brian <br> Court Reporter: MacDonald, Kit <br> Court Clerk: Westbay, Stephanie |  |

## PROCEEDINGS

Events: Motion for Disclosure of Non-Public Information
Objection by State and Defense - Deferred final ruling if Fox5 representative appears at Preliminary hearing Future Court Date Stands

4/21/14 1:15 PM

# Justice Court, Las Vegas Township Clark County, Nevada 

## Court Minutes



# Justice Court, Las Vegas Township Clark County, Nevada 

## Court Minutes



14F04585A
State of Nevada vs. SOLANDER, DWIGHT
Lead Atty: Craig A Mueller
5/9/2014 9:30:00 AM Decision

| PARTIES | State of Nevada |
| :--- | :--- |
| PRESENT: | Attorney <br> Defendant |
| Judge: | Sullivan, Diana L.. |
| Prosecutor: | Kochevar, Brian |
| Court Reporter: | MacDonald, Kit |
| Court Clerk: | Westbay, Stephanie |

PROCEEDINGS

| Attorneys: | Morey, Michael J. SOLANDER, DWIGHT | Added |
| :---: | :---: | :---: |
| Hearings: | 5/15/2014 10:30:00 AM: Decision | Added |
|  | 5/15/2014 10:30:00 AM: Decision | Restored |
| Events: | Motion |  |
|  | Motion Denied as to points 8 and 11. <br> Motion continued as to all other points after fu <br> Court to hold In Camera Review of CPS and DF |  |
|  | Future Court Date Stands |  |

5/22/14 and 5/23/14

# Justice Court, Las Vegas Township <br> Clark County, Nevada 

## Court Minutes

14F04585A
State of Nevada vs. SOLANDER, DWIGHT

## 5/16/2014 8:00:00 AM Decision

PARTIES
PRESENT:

## Judge:

Prosecutor:
Court Reporter:
Court Clerk:

State of Nevada
Attorney
Defendant
Sullivan, Diana L.
Kochevar, Brian
MacDonald, Kit
Westbay, Stephanie

State of Nevada
Shimer, John J
SOLANDER, DWIGHT

## PROCEEDINGS

Events: Motion Denied
Court made record of basis of Decision rendered this date
Confidential Document
IM CAMERA DOCUMENTS SEALED BY COURT (Documents not returned to State at parties request).
Future Court Date Stands
5/22/14 and 5/23/14

# Justice Court, Las Vegas Township Clark County, Nevada 

Court Minutes

14F04585A
State of Nevada vs. SOLANDER, DWIGHT


5/22/2014 10:30:00 AM Preliminary Hearing

| PARTIES | State of Nevada |
| :--- | :--- |
| PRESENT: | Attorney |
|  | Defendant |
| Judge: | Sullivan, Diana L. |
| Prosecutor: | Bluth, Jacqueline |
| Court Reporter: | MacDonald, Kit |
| Court Clerk: | Thau, Rissa |

## PROCEEDINGS

| Exhibits: | Document, Photograph, Etc. (ID: 2) | Admitted (No objection by Defense) |
| :---: | :---: | :---: |
|  | Document, Photograph, Etc. (ID: 3) | Admitted (No objection by Defense) |
|  | Document, Photograph, Etc. (ID; 4) | Admitted (No objection by Defense) |
| Hearings: | 5/23/2014 10:00:00 AM: Preliminary Hearing | Added |
| Events: | Preliminary Hearing |  |
|  | Motion to Exclude Witnesses by State - Motion Granted <br> State's motion pursuant to 171.204 to close courtroom as to the children witnesses not to be viewed on camera - motion granted <br> State's motion pursuant to 178.571 to have child advocate present with witness - motion granted States Witnesses: <br> 1-Ava Solander - witness identified Defendant - no objection by Defense |  |
|  | Amended Criminal Complaint |  |

Future Court Date Vacated
May 23, 2014 at 10:30
Comment
Preliminary hearing continued by court for tomorrow, May 23, 2014 at 10am.

## Justice Court, Las Vegas Township Clark County, Nevada

Charges: Amended: 003: Child abuse or neglect, first offense Amended Complaint Filed
007: Sexual assault against child under 14
018: Sexual assault against child under 14
029: Sexual assault against child under 14
030: Sexual assault against child under 14
031: Sexual assault against child under 14
Amended: 016: Child abuse or neglect, first offense Amended Complaint Filed
Amended: 023: Child abuse or neglect, with substantial bodily or Amended Complaint Filed mental harm

Amended: 017: Child abuse or neglect, first offense Amended Complaint Filed
Amended: 025: Child abuse or neglect, first offense
Amended Complaint Filed
Amended: 026: Child abuse or neglect, first offense
Amended: 027: Child abuse or neglect, first offense
Amended: 027: Child abuse or neglect, first offense
Amended: 018: Sexual assault against child under 14 Amended Complaint Filed
Amended Complaint Filed
Amended Complaint Filed
Amended Complaint Filed
Amended: 028: Child abuse or neglect, first offense
Amended Complaint Filed

# Justice Court, Las Vegas Township <br> Clark County, Nevada 

Court Minutes

14F04585A
State of Nevada vs. SOLANDER, DWIGHT
5/23/2014 10:00:00 AM Preliminary Hearing
Resutt: Matter Heard

| PARTIES | State of Nevada | State of Nevada <br> PRESENT: |
| :--- | :--- | :--- |
|  | Mueller, Craig A <br> Sefney |  |
| Judge: | Sullivan, Diana L. |  |
| Prosecutor: | Bluth, Jacqueline |  |
| Court Reporter: | MacDonald, Kit |  |
| Court Clerk: | Thau, Rissa |  |

## PROCEEDINGS

| Exhibits: | Document, Photograph, Etc. (ID: 1) | Photograph | Court Custody - Active |
| :---: | :---: | :---: | :---: |
| Hearings: | 6/9/2014 9:30:00 AM: Preliminary Hearing |  | Added |
| Events: | Preliminary Hearing |  |  |
|  | Motion to Exclude Witnesses by State - Motion Granted <br> State's motion pursuant to 171.204 to close courtroom as to children witnesses not to be viewed on camera motion granted <br> State's motion pursuant to 178.571 to have child advocate present with witness - motion granted States Witnesses: <br> 1-Ava Solander - witness continued from yesterday's Preliminary Hearing <br> Stacy Dastrup, Child Advocate, present with Witness |  |  |

Motion for O/R or Reasonable Bail Setting
to $\$ 50,000$ - objection to said motion by State - denied at this time. Motion can be renewed after ciose of preliminary hearing.

# Justice Court, Las Vegas Township Clark County, Nevada 

## Court Minutes

| 14F04585A | State of Nevada vs. SOLANDER, DWIGHT |  |
| :--- | :--- | :--- |
| 6/9/2014 9:30:00 AM Preliminary Hearing |  |  |
| PARTIES | State of Nevada | State of Nevada |
| PRESENT: | Attorney | Mueller, Craig A |
|  | Defendant |  |
|  | SOLANDER, DWIGHT |  |
| Judge: | Sullivan, Diana L. |  |
| Prosecutor: | Bluth, Jacqueline |  |
| Court Reporter: | MacDonald, Kit |  |
| Court Clerk: | Westbay, Stephanie |  |

## PROCEEDINGS

| Exhibits: | Document, Photograph, Etc. (ID: 5) <br> Document, Photograph, Etc. (ID: 6) <br> Document, Photograph, Etc. (ID: A) | Drawing <br> Drawing <br> Photograph | Admitted (Without objection) <br> Admitted (Without objection) Admitted (by Stipulation of the parties) |
| :---: | :---: | :---: | :---: |
| Events: | Preliminary Hearing |  |  |
|  | Continued preliminary hearing. <br> Record made as to the parties that are present in the Courtroom. <br> States Witnesses: Amaya Solander and Anastasia Solander duly sworn. testified under oath and both identified the defendant in open Court. |  |  |
|  | Preliminary hearing continued due to time. <br> To resume with cross examination of Anastasia Solander. |  |  |
|  | Court Continuance |  |  |
|  | Custody Status Slip (No Custody Change) |  |  |
|  | Future Court Date Stands |  |  |
|  | 6/10/14 continued preliminary hearing |  |  |

# Justice Court, Las Vegas Township Clark County, Nevada 

## Court Minutes

14F04585A
State of Nevada vs. SOLANDER, DWIGHT
6/10/2014 9:30:00 AM Preliminary Hearing
Result: Matter Heard

PARTIES
PRESENT:
PRESENT:

Judge:
Prosecutor:
Court Reporter:
Court Clerk:

State of Nevada
Altorney Defendant

Sullivan, Diana L.
Jones, Tiara
MacDonald, Kit
Westbay, Stephanie

State of Nevada<br>Mueller, Craig A<br>SOLANDER, DWIGHT

## PROCEEDINGS

| Exhibits: | Document, Photograph, Etc. (ID; 7) | Photograph | Admitted (With no objection) |
| :---: | :---: | :---: | :---: |
|  | Document, Photograph, Etc. (ID: 8) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 9) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 10) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 11) | Photograph | Admitled (With no objection) |
|  | Document, Photograph, Etc. (ID: 12) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 13) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID; 14) | Photograph | Admitted (With no objection) |
|  | Document, Photographr Etc. (ID: 15) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 16) | Photograph | Admitled (With no objection) |
|  | Document, Photograph, Etc. (ID: 17) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 18) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 19) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 20) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 21) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 22) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 23) | Photograph | Admitted (Wiith no objection) |
|  | Document, Photograph, Etc. (ID: 24) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 25) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 26) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 27) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 28) | Photograph | Admitted (With no objection) |
|  | Document, Photograph, Etc. (ID: 29) | Photograph | Admitted (With no objection) |
| Hearings: | 5/12/2014 10:00:00 AM: Preliminary Hearing 5/12/2014 10:00:00 AM: Preliminary Hearing |  | Added Restored |

Las Vegas Justice Court: Department 12
LVJC_Criminal_MinuteOrder

## Justice Court, Las Vegas Township <br> Clark County, Nevada

## Events: Preliminary Hearing

Continused preliminary hearing.
States Witnesses: Dactor Sandra Cetl testified under oath.
Anastasia Solander continued her testimony under oath.
Preliminary hearing continued due to time.

## Court Continuance

Preliminary hearing continued

# Justice Court, Las Vegas Township Clark County, Nevada 

Court Minutes



## 14F04585A <br> PARTIES PRESENT

State of Nevada vs, SOLANDER, DWIGHT
Lead Atty: Craig A Mueller
6/12/2014 9:30:00 AM Preliminary Hearing

| PRESENT: | Attorney <br> Defendant |
| :--- | :--- |
| Judge: | Sullivan, Diana L. |
| Prosecutor: | Bluth, Jacqueline |
| Prosecutor: | Luzaich, Lisa |
| Court Reporter: | Delucca, Gerrl |
| Court Clerk: | Westbay, Stephanie |

State of Nevada
Mueller, Craig A
SOLANDER, DWIGHT

PROCEEDINGS

Exhibits:

| Document, Photograph, Etc. (ID: 31 ) | Emailed receipt dated $12 / 8 / 12$ | Admitted (Admitted as to this defendant only over Defense ob) |
| :---: | :---: | :---: |
| Document, Photograph, Etc. (ID; 32) | Email dated 7/24/13 | Admitted (Admitted as to defendant A and $C$ only over defense) |
| Document, Photograph, Etc. (ID: 33) | Email dated 9/5/12 with Photograph | Admitted (Admitted as to defendant $A$ and C only over defense) |
| Document, Photograph, Etc. (ID: 34) | Email dated 10/15/12 | Admitted (Admilted as to defendant A and C only over defense) |
| Document, Photograph, Etc. (ID: 35) | Emailed receipt dated $12 / 2 / 12$ | Admitted (Admitted as to this defendant only over defense ob) |
| Document, Photograph, Etc. (ID: A1) | Formal Complaint 2 pages | Rejected (Offered but Not Admitted) |
| Document, Photograph, Etc. (ID; B1) | Continuation report | Not Offered (Marked but not offered or admitted) |
| 6/20/2014 10:30:00 AM: Argument |  | Added |
| Preliminary Hearing |  |  |
| States Witness: Officer Frances Emery tes State preliminarisy rests pending requeste Defendant Advised of His Statutory Right to or testify on their own behalf. Defense Rests penalng possible amendment | s under path. mendments upon receipt of ake a Statement Defendani | transcripts. <br> Waives the Right to call witnesses |

Argument for bindover hearing date set.
Stipulation
Parties stipulate to transcripts being provided prior to bind over argument.
Bail Stands

# Justice Court, Las Vegas Township Clark County, Nevada 

## Court Minutes

| 14F04585A | State of Nevada vs. SOLANDER, DWIGHT | Lead Atty: Craig A Mueller |
| :--- | :--- | :--- |
| 6/19/2014 10:00:00 AM Argument |  | Result: Matter Heard |
| PARTIES | State of Nevada | State of Nevada |
| PRESENT: | Altorney | Mueller, Craig A |
|  | SOLANDER, DWIGHT |  |
| Judge: |  |  |
| Prosecutor: | Sullivan, Diana L. | Luzaich, Lisa |
| Prosecutor: | Bluth, Jacqueline |  |
| Court Reporter: | MacDonald, Kit |  |
| Court Clerk: | Whestbay, Stephanie |  |

## PROCEEDINGS

Hearings: 7/18/201410:00:00 AM; Decision $\quad$ Added

## Events: Oral Motion

Defense motion and argument for Bail reduction.
Objection and argumem by State.
Motion granted over State's objection.

## Bail Reset

Bail Reset to: $\$ 150,000 / 150,000$ Total

## Bail Condition

If bail posted the following conditions apply:
To be release on bail with Intensive supervision;
To have no contact with victims and or any children under the age of 18 yrs.
To surrender any passports (Parties represented that they do not have a passport)
Initial Notice Regarding US Passport for Criminal
Defendant
Filed this date
Certificate of Mailing Re: Initial Notice for Passports
Filed this date
Continued by Stipulation of Counsel
Argument for Bind Over date set by stipulation of the parties

# Justice Court, Las Vegas Township <br> Clark County, Nevada 

## Court Minutes




## Las Vegas Justice Court: Department 12

LVJC_Criminal_MinuteOrder

# Justice Court, Las Vegas Township Clark County, Nevada 

003: Child abuse or neglect, (1st) [55226]
Disposition: Bound Over to District Court as Charged (PC Found)
004: Child abuse or neglect, (1st) [55226]
Disposition: Bound Over to District Court as Charged (PC Found)
005: Child abuse or neglect, (1st) [55226]
Disposition; Bound Over to District Court as Charged (PC Found)
006: Child abuse or neglect, (1st) [55226]
Disposition: Bound Over to District Court as Charged (PC Found)
007: Sex asslt against child < 14 [50105]
Disposition: Bound Over to District Court as Charged (PC Found)
008: Sex assit against child $<14$ [50105]
Disposition: Bound Over to District Court as Charged (PC Found)
14: Child abuse or neglect, (1st) [55226]
Disposition: Bound Over to District Court as Charged (PC Found)
015: Child abuse or neglect, (1st) [55226]
Disposition; Bound Over to District Court as Charged (PC Found)
016: Child abuse or neglect, (1st) [55226]
Disposition: Bound Over to District Court as Charged (PC Found)
017: Child abuse or neglect, (1st) [55226]
Disposition: Bound Over to District Court as Charged (PC Found)
018: Child abuse/neglect, w/SBMH [55222]
Disposition: Bound Over to District Court as Charged (PC Found)
019: Sex assit against child $<14$ [50105]
Disposition: Bound Over to District Court as Charged (PC Found)
024: Child abuse/neglect, w/SBMH [55222]
Disposition: Bound Over to District Court as Charged (PC Found)
026: Child abuse or neglect, (1st) [55226]
Disposition: Bound Over to District Court as Charged (PC Found)
027: Child abuse or neglect, (1st) [55226]
Disposition: Bound Over to District Court as Charged (PC Found)
028: Child abuse or neglect, (1st) [55226]
Disposition: Bound Over to District Court as Charged (PC Found)
029: Child abuse or neglect, (1st) [55226]
Disposition: Bound Over to District Court as Charged (PC Found)

## Las Vegas Justice Court: Department 12

LVJC_Criminal_MinuteOrder
7/24/2014 7:25 AM

## Justice Court, Las Vegas Township Clark County, Nevada

030: Sex assit against child < 14 [50105]
Disposition: Bound Over to District Court as Charged (PC Found)
031: Sex asslt against child < 14 [50105]
Disposition: Bound Over to District Court as Charged (PC Found)
032: Sex assit against child < 14 [50105]
Disposition: Bound Over to District Court as Charged (PC Found)
033: Sex asslt against child < $\mathbf{1 4}$ [50105]
Disposition: Bound Over to District Court as Charged (PC Found)
034: Sex asslt against child < 14 [50105]
Disposition: Bound Over to District Court as Charged (PC Found)
035: Sex asslt against child < 14 [50105]
Disposition: Bound Over to District Court as Charged (PC Found)
036: Sex asslt against child < 14 [50105]
Disposition: Bound Over to District Court as Charged (PC Found)

## ORIGINAL

## FILED


Nevada Bar No. 4703
600 S. Eighth Street
Las Vegas, NV 89101
(702) 382-1200

Attorney for Defendant
DWIGHT SOLANDER
JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff,
vs.
DWIGHT SOLANDER,
Defendant.
Case No. 14F04585A
Dept No. 12
DEFENDANT DWGGHT SOLANDER'S JOMDER IN DANICLLE HINTON'S OPPOSITION TO FOX 5'S MOTION GOR DISCLOSURE OFNON-PUBLIC INHORMATION

COMES NOW, Defendant DWIGHT SOLANDER by and through his attorney, CRAIG A. MUELLER, ESQ., of the law firm MUELIER, HINDS \& ASSOCLATES, CHTD., and moves this, Honorable Court for its order permitting DWIGHT SOLANDER to join in Defendant Danielle Hinton's Opposition to Fox 5's Motion for Disclosure of Non-Public Information.


This request for Joinder is made in the interest in judicial economy, as Defendant Dwight Solander is similarly situated as Defendant Hinton as to opposition of Fox 5's motion for disclosurc of non-public information.

DATED this $16^{\text {th }}$ day of April, 2014.


## CERTIFICATE OF SERVICE

1 hereby certify that scrvice of DEFENDANT TANET SOLANDER'S IOINDER IN DANIELLE HINTON'S OPPOSITION TO FOX 5'S MOTION FOR DISCLOSURE OF NONPUBLIC INFORMATION was made on this $16^{\text {th }}$ day of April, 2014 , via facsimile to the following parties:

Brian Kochevar, Chief Deputy District Attomey
Fax: (702)477-2939
Attomey for the State of Nevada

Joel M. Mann, Esq.
Fax: (702) 789-1045
Attomey for Janet Solander

Ben Saxe, Esq.
Fax: (702) 455-5112
Attomey for Danielle Hinton

$$
\text { By: } \quad \text { S/Angela Arias-Macauley }
$$

MUELLER, HINDS AND ASSOCIATES, CHTD.
Nevada Bar No. 4703
600 S. Dightt Street
Las Vegas, Ny 89101
(702) 382-1200

Actorney for Defendant
DWIGIT SOLANDLR
WSTICE COURT, LAS VEGAS TOWNSHEP
CLARK COUNTY, NRYADA

THE STATE OFNEVADA,

Plaintiff,
vs.
DWIGHT SOYANDER,
Defendant.

Case No. 14F94585A
Dept No. 12
DREENDANT BWIGHI SORANDLR TOINDER OT IANET SOLANDEL'S MTTION FOR DTSCOVLRY


COMES NOW, Demand DWIGHT SOLANDER by and hrough hatomey, CRAGA. MUFILFR FSQ of the $a w$ frm MDEL PR, MNDS \& ASSOCIATES, CETD, and moves this Honorable Cout for its order pemiting DWGGITT SOLANDER to join in Defendant Janet Solander's Motion for Discovery

This request for Joinder is made in the intercst in judicial economy, as Defondan Dwigh Solander is similarly situted as, to the discovery requesied by Detendant Ianet Solander.

DATED this $21^{3 t}$ day of April, 2014.


MUEIIFR, HINDS \& ASSOCTATES CHTD.


CRAIG MEELUER, ESO.
Nevgó Bar No. 4703
600 Eighth Street
Las Vegas, Nevada 80101
1

## CERUIMCATEOFSBRVICE

I herchy certity that serwice of DWIGHT SOLANDER'S JOINDER OF JANET
SOLANDER'S MOTION EOR DISCOVERY was made on this $21^{\text {si }}$ day of Aprid, 2014 , via facsinile to the following parties:

Brian Kochevar, Chict Depury Distict Atomey
Fan: (702)477-2939
Atorney for the State of Nevada

Joci M. Mann, Esq.
Fax: (702) 789-1045
Attorney for Janet Solander

Ben Suxe, Esc.
Ftx: (702) 455.5112
Attomey for Danielle Hinton

> By: SiAngelta Arits-Macruley. :
> Employe of Craig Muclice und Aasocintos

JUSTICE COURT LAS VEGAS TOWNSHIP
IN THE CASE OF
CASE \# 14F04585A
DEPT STATE OF NEVADA VS.

Solander, Dwight
DATE: 3/22/2014

## SECTION 1

1, Dwight Solander, do solemnly swear under penalty or perjury that I am named as defendant in the case of State of Nevada VS. Dwight Solander and that I do not have the ability to pay for an attorney or for any other court services necessary for my defense because: (check (V) all that apply)I currently receive SSI benefits;
$\square$ I am currently a public housing resident / Section 8 recipient;I am currently receiving food stamps;I am currently a welfare recipient (TANF);
$\square$ I currently receive Unemployment / Workers Compensation benefits as my sole income;
$\square$ I have been determined disabled but benefits are pending;1 am unemployed with no source of income;I am a resident of Shade Tree Shelter;
$\square \quad$ I am a recipient of HELP Homeless Outreach Subsidy;I am a recipient of Women's Development Housing Assistance;I am a recipient of Medicaid Disability Insurance;I am a resident of the Salvation Army or a Transitional Housing Program;I am currently incarcerated;

Are you a veteran or a member of the military?
I Am
I Am Not $\boxtimes$

COMMENTS:


Are you employed? YES
How much do you earn each month? $\$ 8143.00$
Name and Address of employer: SOURCE REFIGIRATION -
Does your spouse work? NO
How much does he/she earn per month? N/A
Do you have any other income (from retirement funds, interest, dividends, rents, etc.)? NO

List all other income sources:

## N/A

How much money do you have in bank accounts? $\$ 300.00$
Do you own any real estate, motor vehicles, motor homes, stocks or other valuable property? NO Please describe and list value:

N/A
$\qquad$

Marital Status: Married
Total Number of dependents: 4
List the people you support (Name, Age \& Relationship):
EVA SOLANDER $12 Y$ DAUGTHER, AMAYA SOLANDER $11 Y$ DAUGTHER, ANASTESIA SOLANDER 9Y DAUGTHER, DANIEL HINGTS 21Y STEP DAUGTHER

What is your address? 9500 WALKINSHAN AVE LAS VEGAS, NV 89149
How much do you pay monthly in rent or mortgage? $\$ 2,500.00$
List all other significant debts:
2 CAR PAYMENTS $\$ 900.00$

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

SIGNATURE OF DEFENDANT $\qquad$

Revision Date: April 7, 2011

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA
THE STATE OF NEVADA,
PLAINTIFF
 2014 MAR )28 MEDIA REQUEST AND ORDER ALLOWING ) CAGIER ACCESS TO COURT PROCEEDINGS Jus :-) : Please fax to (702) 671-4548 to ensure that the DEFENDANT $A 4$ v id, request will be processed as quickly as possible.)


$\qquad$ (media organization),
hereby requests permission to broadcast, record, photograph or televise proceedings in the sbove-entitled case in
Dept. No. $\qquad$ , the Honorable Judge $\qquad$ Presiding: on the $\qquad$ day of


I hereby certify that I am familiar with, and will comply with Supreme Court Rules 229-249, inclusive. If this request is being submitted less than seventy-two (72) hours before the above-described proceedings commence, the following facts provide good cause for the Court to grant the request on such short notice:

It is further understood that any media camera pooling arrangements shall be the sole responsibility of the media and must be arranged prior to coverage, without asking for the Court to mediate disputes.
Dated this $\qquad$ 27 day of $\qquad$ March $\frac{14}{f 0}$ $\qquad$ 4362507
SIGNATURE: $\qquad$
[ ] The media request is denied because it was submitted less than 72 hours before the scheduled proceeding was to commence, and no "good cause" has been shown to justify granting the request on shorter notice.
[ ] The media request is denied for the following reasons: $\qquad$
(c) The media request is granted. The requested media access remains in effect for each and every hearing in the aboveentitled case, at the discretion of the Court, and unless otherwise notified. This Order is made in accordance with Supreme Court Rules 229-249, inclusive, al the discretion of the judge, and is subject to reconsideration upon motion of any party to the action. Media access may be revoked if it is shown that access is distracting the participants, impairing the dignity of the Court, or otherwise materially interfering with the administration of justice.
14 orrer: can be, reworked at any time to protect child witherses.
IT IS FURTHER ORDERED that this document shall be made a part of the record of the proceedings in this case.
Dated this $\qquad$ 27 day of $\qquad$ 20

Any written objection to the Court's order should be filed at least $\mathbf{2 4}$ hours prior to the subject hearing.

# JUSTICE COURT, LAS VEGAS TOWNSHIP <br> CLARK COUNTY, NEVADA 

STATE OF NEVADA,

Plaintiff,
vs.
DWIGHT SOLANDER,
Defendant.
) CASE NO.: 14F04585A
) DEPT. NO.: 12

## NOTIFICATION OF MEDIA REQUEST

## TO: COUNSEL OF RECORD IN THE ABOVE-CAPTIONED CASE:

You are hereby notified, pursuant to Nevada Supreme Court Rules 229-246, inclusive, that media representatives from FOX 5 have requested permission to broadcast, televise, record, or take photographs of all hearings in this case. Any objection to this request should be filed in writing as soon as possible prior to the next scheduled hearing in this case.

Dated this $28^{\text {th }}$ day of March, 2014.


## CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION

I hereby certify that on the $28^{\text {th }}$ day of March, 2014 , service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-246, inclusive, by faxing a true and correct copy of the same to each Attorney of Record as follows:

Plaintiff's Attorneys) noticed by fax to the following fax numbers):

Marc DiGiacomo, Chief Deputy District Attorney (702) 477-2922

Defendant's Attorneys)
noticed by fax to the following fax numbers):
Craig Mueller, Esq.
(702) 940-1235

The Court did not have contact information for the following individuals (if applicable):

Revision Date: 08/22/2012


DATE: March 28, 2014

TO:
Nicole Roretto
FROM:
Jennifer Clark - Judicial
Executive Assistant to The
Honorable Diana L. Sullivan
Pages (including this one): Client/Matter:

4
14F04585A-C State v Dwight Solander,
Danielle Hinton, Janet Solander
Media Request and Order Allowing Camera
Access to Court Proceedings

Message:

## HP LaserJet $\mathbf{4 0 0}$ MFP M425dn

## Fax Confirmation

Mar－28－2014 7：36AM

| Job | Date | Time | Type | Identification | Duration | Pages | Result |
| :---: | :--- | :--- | :--- | :--- | :---: | :--- | :--- |
| 1478 | $3 / 28 / 2014$ | $7: 34: 20 \mathrm{AM}$ | Serd | 4362507 | $1: 59$ | 6 | 0 K |


|  | LAS पEGAS JUSTICE COURT DEPT． 12 THE HONORABLE DIANA L．SLULLIUAN 200 Lewis AVENUE， $7^{7 \text { H }}$ Floor L通 VEGAS，NEVADA 881.5 <br> （702）671－0042 <br> Reply fax to：（702）671－0644 |
| :---: | :---: |


| DATE－ | Mach 28， 2014 |
| :---: | :---: |
| T0： Kicale Roretto | P敖里： (T02) 436-2507 |
| FROM： | OIRECT PHONE： |
| Jennifer Clark－Judicial Execuliue Assistant to The Hmorable Diana L．Sullivan | （702）671．0842 |
| Pug＋a（neiluding thit ont）： | CilqnelMatior： |
| 4 | 14F04585A－C Stote v Dwighi Solander， Cunlelle Hinton，Janet Salander Hedla Request and Order Alowing Camera Access to Court Proceadinga |

Mestaga：

[^3]DATE: March 28, 2014

| TO: | FAX \#: |
| :--- | :--- |
| Marc DiGiacomo | (702) 477-2922 |
| Craig Mueller | (702) 940-1235 |
| FROM: | DIRECT PHONE: |
| Jennifer Clark - Judicial | (702) 671-0842 |
| Executive Assistant to The |  |
| Honorable Diana L. Sullivan |  |
| Pages (including this one): | Client/Matter: |
| - | 14F04585A \& CState v Dwight Solander |
|  | Janet Solander <br>  |

## Message:

## HP LaserJet $\mathbf{4 0 0}$ MFP M425dn

## Fax Confirmation

Маг-28-2014 8:18АМ

| Job | Date | Time | Type | Identification | Duration | Pages | Result |
| :---: | :--- | :--- | :--- | :--- | :--- | :--- | :--- |
|  |  |  |  | $2: 32$ | 5 | $0 K$ |  |
| 1481 | $3 / 28 / 2014$ | B:14:25AM | Send | 4772922 | $1: 07$ | 5 | $0 K$ |


|  | LAS VEGdS JUSTICE COURT DEPT. 12 THE HONQRABLE DIANA L. SULLIVAN: 200 LEMIS AU'ENUE, $7^{\text {TM }}$ Floor LAS VEGAS, NEVADA 89155 (702) $671-0842$ <br> Reply fax to: (702) 871-0848 |
| :---: | :---: |


| DATE: | Manch 2e, 2014 |
| :---: | :---: |
| T0: | FAXA; |
| Marc DiGipermm | (702) 477.2922 |
| Craig Muatler | (702) 940-1235 |
| FROM: | DIRECT PHINE: |
| Jennifer clank - Judicial Execuliwe Assistant to The | (702) 471 -0842 |
| Honorable Diana L. Sullvan |  |
| Pages \|lincluding this one): | Clishtilulter: |
| F | 14F045e5a \& CState v Dwight Solamber |
|  | Janel Solander |
|  | Media Request and Order Allowing Cumpra |
|  | Aecteta to Court Proceedinge |

Message:

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA


2014 MAR 27P2:06


AFFIDAVIT
MOTION FOR DISCLOSURE OF NON-PUBLIC INFORMATION
(3) PLEASE EXPLLAIN WHY THE COURT SHOULD ALLOW ACCESS TO THE DOCUMENT (S) LISTED ABOVE :
(NOTE: If you need more space, please attach additional pages.)

email: 5newsdesk@foxtyregas.com
(4) PLEASE SIGN BELOW:

Under the penalty of perjury under the law of the State of Nevada, I swear or affirm that the above information is true and correct, and that the Court should allow access to the requested document (s).


ORDER
Q. This matter will be set for hearing, and all parties will be notified. The hearing date will, be at $9!30$ a. $M$ on the $B^{3}$ day of Ap nl. 2014 .
[.] The motion is denied as to the following documents $\qquad$ for the following reasons):
$\qquad$
$\qquad$
[ ] The motion is granted as to the following documents $\qquad$
You may bring a copy of this order to the front counter to obtain the requested information.
[ ] OTHER: $\qquad$


IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP COUNTY OF CLARK, STATE OF NEVADA

STATE OF NEVADA,

vs.

DWIGHT SOLANDER, aka Dwight Conrad Solander \#3074262, DANIELLE HINTON \# 6005500 JANET SOLANDER \#6005501,

Defendants. )

## CERTIFICATE OF SERVICE

Tal Tobin, Fox 5
Facsimile: (702) 436-2507
Brian Kochevar, Chief Deputy District Attorney
Facsimile: (702) 477-2939
Attorney for Plaintiff
Craig A. Mueller, Esq.
Facsimile: (702) 940-1235
Attorney for Defendants
Dwight and Janet Solander
Michael J. Morey, Esq.
Facsimile: (702) 940-1235
Attorney for Danielle Hinton

-1-

LAS VEGAS JUSTICE COURT DEPT. 12
THE HONORABLE DIANA L. SULLIVAN 200 LEWIS AVENUE, $7^{\text {TH }}$ Floor
LAS VEGAS, NEVADA 89155 (702) 671-0842

Reply fax to: (702) 671-0846

|  | April 4, 2014 |
| :---: | :---: |
| TO: | FAX \#: |
| Craig Mueller, Esq. | (702) 940-1235 |
| Joel Mann, Esq. | (702) 789-1045 |
| FROM: | DIRECT PHONE: |
| Jennifer Clark - Judicial Executive Assistant to The | (702) 671-0842 |
| Honorable Diana L. Sullivan |  |
| Pages (including this one): | Client/Matter: |
| 4 | 14F04585A \&C State v Dwight Solander (A) |
|  | Danielle Hinton (B), Janet Solander (C) |
|  | Motion for Disclosure of Non-Public |
|  | Information |

Message:
Attached please find the Motion for Disclosure of Non-Public Information submitted by Fox 5 News.

## HP LaserJet 400 MFP M425dn

## Fax Confirmation

Apr-4-2014 9:01AM

| Job | Date | Time | Type | Identification | Duration | Pages | Result |
| :---: | :--- | :--- | :--- | :--- | :--- | :--- | :--- |
| 1536 | $4 / 4 / 2014$ | $8: 58: 17$ AM | Send | 9401235 | $0: 55$ | 4 | 0 K |
| 1537 | $4 / 4 / 2014$ | $8: 59: 16$ AM | Send | 7891045 | $1: 53$ | 4 | OK |


| LAS VEGAS JUSTICE COURT DEPT. 12 THE HONORABLE DUANA L SJULLIVAN 200 LEWI AYENUE, $T^{\text {TH }}$ Floor LAS VEGAS, NEVADA 98158 (702) 871-0842 <br> Reply fax to: (702) 671-0846 |  |
| :---: | :---: |
| DATE: | April 4, 2014 |
| T0: | FAX |
| Craig Mueller, Esq. | (702) 940-1235 |
| Joel Mann, Esq. | (702) 789-1045 |
| FROM: | DIRECT PHONE: |
| Jennifer Clark - Judicial Executive Assistant to The | (702) 871-0842 |
| Honorable Diana L. Sullivan |  |
| Pages (Inclualing tins ona): | Climametar: |
| 4 | 14F0483EA \&C State v Owight Solander (A) |
|  | Danlelle Hinton (B), Janet Solander (C) |
|  | Motion for Diaclosure of Non-Public |
|  | Information |

## Meseage:

Attached please find the Motion for Dischosure of Non-Public informetion submited by Fox 5 News.

[^4]JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
CASE NO.: 14F04585A
DEPT. NO.: 12
Plaintiff,
vs.
DWIGHT SOLANDER,
Defendant
INITIAL NOTICE REGARDING
UNITED STATES PASSPORT FOR
CRIMINAL DEFENDANT

TO: United States Department of State, Office of Passport Services
Legal Affairs Division
Via e-mail to: ca-ppt-courtorders@state.gov
FROM: Las Vegas Justice Court
200 Lewis Ave.
Las Vegas, NV 89155
DEFENDANT INFORMATION:
Date of Birth:
Social Security Number:
Place of Birth (if known):
Alien ("A") Number (if known):


On Tune 19 , 2014 , the Court ordered that Defendant is not permitted to apply for the issuance of a passport during the pendency of this case.


On $\qquad$ , 20 $\qquad$ , Defendant surrendered a passport numbered as $\qquad$ to the custody of the Las Vegas Justice Court for safekeeping.

$\qquad$
$\qquad$ . $\cdot$ day of

-1-


JUDGE DIANA SULLIVAN
Las Tegas Fustice Count
REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, SEVENTH FLOOR
BOX 552511
LAS VEGAS NV 89155-2511
1702; 671-0842 -- CFFICE
(702) 67 1-6846 -- FAX

April 9, 2014

Brian J. Kochevar, Chief Deputy DA Craig A. Mueller, Esq.
Jeff T. Rue, Deputy Public Defender Joel M. Mann, Esq.

Via Facsimile: (702) 477-2939
Via Facsimile: (702) 940-1935
Via Facsimile: (702) 455-5112
Via Facsimile: (702) 789-1045

## RE: 14F04585C State v Janet Solander <br> Fox 5's Motion for Disclosure of Non-Public Information

## Dear Gentlemen:

Judge Sullivan has reviewed the transcript from the hearing on Fox 5's Motion for Disclosure of Non-Public Information heard by Judge Cruz in Judge Sullivan's absence on April 8, 2014. Judge Cruz continued decision on the matter until April 21, 2014 at 1:00 p.m.

While Judge Sullivan has taken note of the oral objections raised by each attorney at yesterday's hearing, Judge Sullivan requests that each of you provide to chambers written Points and Authorities to support your respective positions no later than April 16, 2014 at 5:00 p.m. In your Points and Authorities, you do not need to refer to the confidentiality of names, ages, and identifying information of witnesses and/or victims, as that information would be sua sponte redacted by Judge Sullivan if the Motion is granted. As a reminder, the continued hearing on the Motion is April 21, 2014 at 1:00 p.m., shortly before the time of the preliminary hearing.


If you have any questions, please do not hesitate to contact me.

Very Truly Yours,


Jddicial Executive Assistant to
The Honorable Diana L. Sullivan
Las Vegas Justice Court Dept. 12

Reply fax to: (702) 671-0846

|  | DATE: |
| :--- | :--- |
|  | April 9, 2014 |
| To: | FAX \#: |
| Brian Kochevar | (702) 477-2939 |
| Craig Mueller | (702) $940-1935$ |
| Jeff Rue | $(702) 455-5112$ |
| Joel Mann | $(702) 789-1045$ |
| FROM: | DIRECT PHONE: |
| Jennifer Clark - Judicial | (702) 671-0842 |
| Executive Assistant to The |  |
| Honorable Diana L. Sullivan |  |
| Pages (including this one): | Client/Matter: |
| 3 | 14F04585C State v Janet Solander |
|  | Motion for Disclosure of Non-Public |
|  | Information |

Message:

## HP LaserJet 400 MFP M425dn

## Fax Confirmation

Apr-9-2014 12:59PM

| Job | Date | Time | Type | Identification | Duration | Pages | Result |
| :---: | :--- | :--- | :--- | :--- | :--- | :--- | :--- |
|  |  |  |  |  |  |  |  |
| 1566 | $4 / 9 / 2014$ | $12: 54: 45 P M$ | Send | 4772939 | $0: 43$ | 3 | 0 |
| 1567 | $4 / 9 / 2014$ | $12: 56: 05 P M$ | Send | 9401235 | $0: 42$ | 3 | $0 K$ |
| 1568 | $4 / 9 / 2014$ | $12: 56: 53 P M$ | Send | 4555112 | $1: 16$ | 3 | OK |
| 1569 | $4 / 9 / 2014$ | $12: 57: 41 P M$ | Send | 7891045 |  | $0 K$ |  |


|  | LAS VEGAS JUSTICE COURT DEPT. 12 THE HONORABLE DIANA L. SULLIVAN 200 LEWIS AVENUE, $7^{\text {Th }}$ Floor LAS VEGAS, NEVADA 89156 (702) 871 -0842 <br> Reply fax to: (702) 671-0848 |
| :---: | :---: |


| DATE: | April 9, 2014 |
| :---: | :---: |
| TO: | FAXA: |
| Brian Kochevar | (702) 477-2939 |
| Craig Mueiler | (702) 940-1935 |
| Jeff Rue | (702) 455-5112 |
| Joel Mann | (702) 789-1045 |
| FROM: | DIRECT PHOWE: |
| Jennifer Clark - Judicial Executive Assistant to The | (702) 671-0842 |
| Honorable Diana L. Sullivan |  |
| Pagee [inchuding this one): | crientriatier: |
| 3 | 14F04585C State y Janet Solander |
|  | Motlon for Dleclosure of Non-Publie |
|  | Information |

Mongage:

[^5]Jennifer Clark

| From: | Jennifer Clark |
| :---: | :---: |
| Sent: | Wednesday, May 14, 2014 11:43 AM |
| To: | brian.kochevar@clarkcountyda.com; 'Jacqueline.Bluth@clarkcountyda.com'; Jeffrey Rue |
| Cc: | Stephanie Westbay; Janet Cossio |
| Subject: | 14F04585A-C Solander, Hinton, Solander - New Hearing Date for Decision on Defendant's Motion for Discovery \& Request for All Dept of Family Services Documents Along with CPS Documents |
| Importance: | High |
| Tracking: | Recipient Delivery |
|  | brian.kochevar@clarkcountyda.com |
|  | 'Jacqueline.Bluth@clarkcountyda.com' |
|  | Jeffrey Rue Delivered: 5/14/2014 11:43 AM |
|  | Stephanie Westbay Delivered: 5/14/2014 11:43 AM |
|  | Janet Cossio Delivered: 5/14/2014 11:43 AM |

Please be advised that that the hearing date for the Judge Sullivan's Decision for Defendant's Motion for Discovery for the above-referenced defendants, currently set for Thursday, May $15^{\text {th }}$ at $10: 30$ a.m., will now be held on Friday, May 16 ${ }^{\text {th }}$ at 8:30 a.m.
I've also notified Craig Mueller (Attorney for " $A$ " defendant) and Joel Mann (Attorney for " $B$ " defendant) of new date/time.
Thank you.
Jennifer Clark
Judicial Executive Assistant to
The Honorable Diana L. Sullivan
Justice Court Department 12
Telephone: (702) 671-0842
Facsimile: (702) 671-0846
Email: jennifer.clark@clarkcountynv.gov
NOTICE: This e-mail message and any attachments thereto may contain confidential privileged or non-public information. Use, dissemination, distribution or reproduction of this information by unintended recipients is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy all copies.


## IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

COUNTY OF CLARK, STATE OF NEVADA
THE STATE OF NEVADA.


2014 JIN 30 A $11: 21$

VS.
DWIGHT SOLANDER, DANIELLE HINTON, JANET SOLANDER,

## ORDER FOR TRANSCRIPT

IT IS HEREBY ORDERED that Certified Court Reporter, Gerri De Lucca, prepare a transcript for Case No. 14F04585A/B/C_heard on the 12 day of June 2014 in Department 12 of the Clark County Justice Court.

IT IS FURTHER ORDERED that said original transcript be filed stamped by the clerk of the court and made part of the case file herein with copies being distributed to the District Attorney's Office and the Defense Attorney.

DATED this 30 day of June , $20^{14}$.


IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP CLARK COUNTY, STATE OF NEVADA Iीll JUN 30 A $11: 21$
STATE OF NEVADA, )
PLAINTIFF,
VS.
DWIGHT SOLANDER,
DANIELLE HINTON,
JANET SOLANDER,

DEFENDANTS,

## ORDER FOR PREPARATION OF TRANSCRIPT

IT IS HEREBY ORDERED THAT THE COURT REPORTER, KIT MACDONALD, IN JUSTICE COURT NO. 12, OF THE LAS VEGAS JUSTICE COURT, IS REQUESTED TO PREPARE A TRANSCRIPT OF THE PROCEEDINGS HELD ON THE ABOVE ENTITLED MATTER ON THE 5/22/14, 5/23/14, 6/9/14 AND 6/10/14, CASE NOS. 14F04585A, 14F04585B, 14F04585C.

IT IS HEREBY ORDERED THAT AN ORIGINAL AND 4 COPIES OF SAID TRANSCRIPTS BE PREPARED, WITH THE ORIGINAL BEING FILED IN THE LAS VEGAS JUSTICE COURT, WITH COPIES DELIVERED TO THE DISTRICT ATTORNEY'S OFFICE AND DEFENSE COUNSEL.

DATED THIS $\qquad$ DAY OF JUN?? 2014 , 2014 .


CONFIDENTIAL

# JUSTICE COURT, LAS TEGAS TOWSSHIT <br> CLARK COUNTY, NEVADA 

## PRETRIAL SERVICES INFORMATION SHEET

CASE \# 14F04585A

NAME:
Dwight Solander

DEPT \# JC12

ID \#
3074262

REQUESTED BY:

CHARGES:
Child abuse, w/SBMH [50267], Child abuse or neglect, (1st) 14CTS CURRENT BAIL: SIC

VERIFIED: EMPLOYMENT STATUS: SOURCE REFIGIRATION / CONTROLS EGENIER LENGTH: 6Y

VERIFIED: RELATIVES - LOCAL:
NOT LOCAL:

FELONY/GROSS MISDEMEANOR CONVICTIONS: NONE
MISDEMEANOR CONVICTIONS: 0
FAIL TO APPEAR: 0
COMMENTS:

## RECOMMENDATION:

DATE: 3/24/2014
PRETRIAL SERVICES: Cheryl Allen

## CONFIDENTIAL

## JUSTICE COURT, LAS VEGAS TOWNSHIP <br> CLARK COUNTY, NEVADA

PRETRIAL SERVICES INFORMATION SHEET

CASE \# 14F04585A
NAME:
Dwight Solander

DEPT \# JC12

ID \#
3074262

REQUESTED BY:

CHARGES:
Child abuse, w/SBMH [50267], Child abuse or neglect, (1st) 14CTS CURRENT BAIL: SIC
$\begin{array}{ll}\text { VERIFIED: } & \text { ADDRESS: 9500 WALKINSHAN AVE , LAS VEGAS, NV } \\ & \text { WITH WHOM/HOW LONG: } / 3 Y\end{array}$
VERIFIED: EMPLOYMENT STATUS: SOURCE REFIGIRATION / CONTROLS EGENIER LENGTH: 6Y

VERIFIED: RELATIVES - LOCAL:
NOT LOCAL:

FELONY/GROSS MISDEMEANOR CONVICTIONS: NONE
MISDEMEANOR CONVICTIONS: 0
FAIL TO APPEAR: 0
COMMENTS:

RECOMMENDATION:

DATE: 3/24/2014
PRETRIAL SERVICES: CheryI Allen

## CONFIDENTIAL

## JUSIICE COURT, LAS TEGAS TOWJSHIT <br> CLARK COUNTY, NEVADA

PRETRIAL SERVICES INFORMATION SHEET
CASE \# 14F04585A NAME:
Dwight Solander
CHARGES:
3CTS-CHILD ABUSE/NEGLECT, W/SBMH; 12CTSCHILD ABUSE OR NEGLECT, (1ST) CURRENT BAIL: 250,000

VERIFIED: ADDRESS: 9500 WALKINSHAN AVE, LAS VEGAS, NV WITH WHOM/HOW LONG: /3Y

VERIFIED: EMPLOYMENT STATUS: SOURCE REFIGIRATION / CONTROLS EGENIER LENGTH: 6Y

VERIFIED: RELATIVES - LOCAL : NOT LOCAL:

FELONY/GROSS MISDEMEANOR CONVICTIONS: NONE
MISDEMEANOR CONVICTIONS: 0
FAIL TO APPEAR: 0
COMMENTS:

RECOMMENDATION:

DATE: 4/4/2014
PRETRIAL SERVICES: MARITZA AGUILAR

## CONFIDENTIAL

## JUSTICE COURT, LAS TEGAS TOWHSHIP <br> CLARK COUNTY, NEVADA

## PRETRIAL SERVICES INFORMATION SHEET

CASE \# 14F04585A
NAME:
Dwight Solander

DEPT \# JC12
REQUESTED BY:

CHARGES:
3CTS-CHILD ABUSE/NEGLECT, W/SBMH; 11CTS-CHILD ABUSE OR NEGLECT, (1ST); SEX ASSAULT AGAINST CHILD $<14$
CURRENT BAIL: $\mathbf{2 5 0 , 0 0 0}$

```
VERIFIED: ADDRESS: 9500 WALKINSHAN AVE, , LAS VEGAS, NV
    WITH WHOM/HOW LONG: /3Y
```

VERIFIED: EMPLOYMENT STATUS: SOURCE REFRIGERATION / CONTROLS ENGINEER LENGTH: 6Y

VERIFIED: RELATIVES - LOCAL : NOT LOCAL:

FELONY/GROSS MISDEMEANOR CONVICTIONS: NONE

MISDEMEANOR CONVICTIONS: 0

FAIL TO APPEAR: 0

COMMENTS:

RECOMMENDATION:

DATE: 5/30/2014
PRETRIAL SERVICES: MARITZA AGUILAR

## CONFIDENTIAL

## JUSTICE COURT, LAS TEGAS TOWSSSHIP <br> CLARK COUNTY, NEVADA

PRETRIAL SERVICES INFORMATION SHEET

CASE \# 14F04585A NAME:
Dwight Solander

DEPT \# JC12

ID \#
3074262

CHARGES:
3CTS-CHILD ABUSE/NEGLECT, W/SBMH; 11CTS-CHILD ABUSE OR NEGLECT, (1ST); SEX ASSAULT AGAINST CHILD < 14
CURRENT BAIL: 250,000

| VERIFIED: ADDRESS: 9500 WALKINSHAN AVE , , LAS VEGAS, NV |  |
| :--- | :--- |
|  | WITH WHOM/HOW LONG: / Y |

VERIFIED: EMPLOYMENT STATUS: SOURCE REFRIGERATION / CONTROLS ENGINEER LENGTH: 6Y

VERIFIED: RELATIVES - LOCAL: NOT LOCAL:

FELONY/GROSS MISDEMEANOR CONVICTIONS: NONE

MISDEMEANOR CONVICTIONS: 0
FAIL TO APPEAR: 0
COMMENTS:

RECOMMENDATION:

DATE: 6/2/2014

# LAS VEGAS JUSTICE COURT PRETRIAL SERVICES <br> Intensive Supervision Report 

Name: Dwight Solander
ID\#: 3074262
Reporting Frequency: Weekly

Court: JC12
Case Number: 14F04585A
Court Date: 7/23/14
Court Time: 1:30 PM

## Adjustment to Supervision:

Satisfactory
The defendant was assigned to report Weekly to the CheckIn system since 7/10/14 and has reported 2 times.

The defendant failed to report to Check-in 0 times.


7/22/14

## CONFIDENTIAL



NAME: DWIGHT SOLANDER

CASE \#: PC14F04585A

CLEERK: Richard Perez

DEFENDANT'S ID\#: 3074262

| COUNT | CHARGE | BAIL RESET | AMENDED TO |
| :--- | :--- | :--- | :--- |
| $001,008,009$ | Child abuse, w/SBMH <br> [50267] | Bail Reset to: \$0/\$0 SIC |  |
| $002-007$ | Child abuse or neglect, <br> (1st) [55226] |  |  |
| $010-015$ | Child abuse or neglect, <br> (1st) [55226] |  |  |

NEXT COURT DATE: March 25,2014 TIME: 8:00 AM LOCATION Chambers - Department

## CHANGE OF CUSTODY STATUS

$\square$ No Probable Cause FoundReleased on Own Recognizance$\mathrm{O} / \mathrm{R}$ Intensive SupervisionNo contact with VictimHouse Arrest

Conditions:

Return Date: $\qquad$ Time: $\qquad$ Department $\qquad$
Distribution: Copy CCDC, PreTrial Services, Original File
JC-20 (CRIMINAL PTS) $12 / 12$



OTHER CHARGES RECOMMENDED FOR CONSIDERATION:

THE UNDERSIGNED MAKES THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That 1 am a peace officer with $\qquad$ LUMP County, Nevada, being so employed for a period of $\square$
$\square$ (ears (months). That \& learned the following facts and gimymstances which lead me to believe that the above named subject committed (or
 and that the offense occurred at approximately $L$ Ah hours on the $m$ day of (ADDRESS/CITY/STATE:ZEP) DETAILS FOR PROBABLE CAUSE:
$\qquad$
$\qquad$
$\qquad$
$\qquad$
$\qquad$
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$\qquad$
$\qquad$
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$\qquad$
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$\qquad$
$\qquad$
Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are a misdemeanor).



| ARRESTING OFFICER \#1: <br> F. Emery | F\#: | ARRESTING OFFICER \#2: |  |
| :--- | :--- | :--- | :--- |
| CONNECTING REPORTS (Type or Event Number) <br> $140304-1293$ |  |  |  |

APPROVED BY (PRINTED NAME): $\qquad$

CIRCUMSTANCES OF ARREST:
On Tuesday, March 4, 2014 the Las Vegas Metropolitan Police Department received a report from Child Protective Services (CPS) detailing an extensive history of abuse and neglect to three children by their previous foster parents who later became their adoptive parents, that being, Janet Solander DOB/06-08-60, Dwight Solander DOB/06-07-63 and by Janet's biological adult daughter, Danielle Hinton DOB/12-21-92. The three children are Ava Solander DOB/10-21-01, Amaya Solander DOB/01-23-03 and Anastasia Solander DOB/07-25-04. The sisters were first placed into foster care with the Solander's on June 20, 2010 and were adopted by the Solander's on January 19, 2011.

In addition to the three adopted children, the Solander's also had four foster children in their home; these children being, Areahia Diaz, DOB/03-14-04, Kaeshia Burnett, DOB/06-07-09, Demyer Burnett, DOB/05-21-10 and Novalieh Burnett, DOB/07-06-12. These children were placed in the Solander home on March 31, 2013. On February 27, 2014, CPS removed these children due to allegations of physical risk.

Based on Unity case notes from Crystal Rosas with Foster Care Licensing, she wrote dated March 01, 2013, Dwight stated Amaya was hospitalized and in a coma during Christmas 2012. She
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CPS contacted Florida's Department of Children \& Families. Florida's CPS case worker, Jackie Henry, responded to the Marvelous Girls Grace Academy and took the Solander children into protective custody. Based on the report from Ms. Henry, Ava, Amaya and Anastasia arrived at the Marvelous Girls Grace Academy on November 11, 2013. According to Ms. Henry, the Solander kids expressed fear of returning to Las Vegas due to believing they would be killed by their mother, Janet.

On March 1, 2014, Ms. Henry interviewed Ava, Amaya and Anastasia at Florida's CPS office. All three girls disclosed the following:

1) Janet, Dwight and Danielle would hit them with a tan paint stick until they bled if they had an accident in their underwear, if they took too long going to the bathroom or if they answered homework problems wrong. Ava described the tan paint stick as a "Home Depot" paint stick. Janet, Dwight and Danielle mainly hit the girls on their legs and buttocks.
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5) If the girls got into trouble, Janet made them sit on a bucket that had a toilet seat on top. They would have to sit there for hours at a time.
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7) The girls slept on boards with no sheets or blankets. They had to sleep with a fan blowing on them, could only sleep in their underwear and were not allowed to turn the fan off.
8) All three girls believed if they were returned back to their parents, they would be killed by Janet.
9) In addition, Amaya disclosed there were cameras all over the house and Janet could see what they were doing via her cell phone. Amaya also stated she has a scar on her back from Janet pouring hot water on her.
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According to Ms. Henry's notes, Ava, Amaya and Anastasia were sent to the Marvelous Girl's Grace Academy due to their alleged behaviors by their parents. Director of the academy, Mr. Blankenship advised Ms. Henry the girls had not displayed any behaviors their parents indicated they were displaying prior to being sent to the academy nor have they had any wetting accidents since they arrived at the academy.

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asked Janet why the girls' skin was bleeding, Janet told her they had a skin problem. Areahia was able to confirm Janet, Dwight and Danielle watched the girls go to the bathroom and would put them on a timer. Janet and Dwight timed Areahia as well when going to the bathroom, however they never hit her if she went over the time limit of one minute to urinate and two minutes to defecate. Areahia stated the Solander's punished the girls mainly for bathroom issues and incorrectly completed homework. The punishment usually occurred in Areahia's bedroom. Areahia also witnessed Janet forcing the girls to take cold showers if they had toileting accident.

On March 13, 2014, Forensic Pediatrian, Dr. Sandra Cetl conducted a Medical Exam at the CAC on Ava, Amaya and Anastasia Solander. The results showed Anastasia had scars from burns on her right earlobe, right shoulder and the right side of her neck. Anastasia had linear scars on her left buttock and a hyperpigmentation scar (prior injury of some kind) on her right buttock. Anastasia also has scars on her right elbow, upper right arm, back of her left upper leg and the lower front part of her left leg. Amaya had two scars on each knee, on the top of each foot and a linear scar on her left wrist and elbow. Ava had three to four linear scars on her lower right buttock, a two inch raised linear scar on the inside of her left leg, five rounded scars on her mid to lower back, scars on both elbows, top right hand and second and third knuckles of her right hand. Due to the similarities of the patterns of the scars on all three girls' buttocks, it was Dr. Cetl's conclusion that an implement had been used on the girls and the scars were definitive for abuse. As far as the scars on the elbows, arms and legs of the girls, these are probable and consistent for abuse. Dr. Cetl also conducted a Sexual Assault Nurse's Exam (SANE) on Ava, Amaya and Anastasia at the same time the medical exam was conducted. The SANE exams showed normal on all three girls, and no indication of any sexual abuse, however it does not rule out the possibility a sexual abuse took place.

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On March 20, 2014 at 1700 hours, LVMPD SWAT served a Search Warrant at 9500 Wakashan Ave Las Vegas, NV 89149 in which Janet and Dwight Solander and Danielle Hinton were all found inside the residence and taken into custody. Sgt. Bitkso completed and inventory of property taken pursuant to the warrant which in part included: (4) paint sticks, prescription medication and various medical supplies. Detective F. Emery read Janet Solander and Danielle Hinton Miranda at 1750 hours in which they both stated they understood their rights and wanted to speak with me. Detective C. Grivas, P\#8759 read Dwight Solander Miranda at 1750 hours in which he stated he understood and wanted to speak to me as well. All three were transported to Police Headquarters.

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the girls did not use the bathroom in the shower. Janet and Dwight made Ava, Amaya and Anastasia dry off from the shower by standing in front of a large floor fan or air dry.

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Danielle also stated Dwight and Janet purchased catheters to use as punishment on the girls for holding their urine. Danielle stated she never actually saw Dwight or Janet use the catheter because they would always take the girls into the bathroom and close the door.

Danielle stated she felt the girls' toileting accidents were becoming more frequent because of the abuse and associated trauma. She stated the girls are the "definition of abused kids."

CPS photographed the Solander residence on 09-13-13 in which one of the photos depicts an orange Home Depot bucket with a toilet seat sitting on top of the bucket. Declarant showed Danielle this photograph. Danielle confirmed this is the bucket the girls would sit on as punishment for hours and were made to use as a toilet. Another photo CPS took of the residence on 09-13-13 was of a flat rectangular board on the floor in the loft area. Danielle also confirmed this is one of the boards Dwight and Janet made the girls sleep on.
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This declarant attempted to interview Janet after interviewing Danielle and Dwight in which she refused.

Due to the fact Dwight Solander, DOB/06-07-63, did cause or allow Ava Solander, DOB/10-2101, Amaya Solander, DOB/01-23-03 and Anastasia Solander, DOB/07-25-04 to suffer unjustifiable pain and mental suffering as a result of hitting them repeatedly with a tan paint stick which resulted in non-accidental linear patterned scars on their buttocks is being charged with three counts of Child Abuse with Substantial Bodily Harm.

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| ARRESTING OFFICER \#1: | P\#: | ARRESTING OFFICER \#2: | P\#: |
| :---: | :--- | :--- | :--- |
| F. Emery | 2782 |  |  |

CONNECTING REPORTS (Type or Event Number)
140304-1293

APPROVED BY (PRINTED NAME): $\qquad$ CIRCUMSTANCES OF ARREST:

On Tuesday, March 4, 2014 the Las Vegas Metropolitan Police Department received a report from Child Protective Services (CPS) detailing an extensive history of abuse and neglect to three children by their previous foster parents who later became their adoptive parents, that being, Janet Solander DOB/06-08-60, Dwight Solander DOB/06-07-63 and by Janet's biological adult daughter, Danielle Hinton DOB/12-21-92. The three children are Ava Solander DOB/10-21-01, Amaya Solander DOB/01-23-03 and Anastasia Solander DOB/07-25-04. The sisters were first placed into foster care with the Solander's on June 20, 2010 and were adopted by the Solander's on January 19, 2011.

In addition to the three adopted children, the Solander's also had four foster children in their home; these children being, Areahia Diaz, DOB/03-14-04, Kaeshia Burnett, DOB/06-07-09, Demyer Burnett, DOB/05-21-10 and Novalieh Burnett, DOB/07-06-12. These children were placed in the Solander home on March 31, 2013. On February 27, 2014, CPS removed these children due to allegations of physical risk.

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was diagnosed with hypothyroidism and a twisted colon and was on anti-seizure medications. Dwight also informed Crystal that, Ava had Crohn's Disease and Anastasia was currently undergoing tests to figure out what was wrong with her.

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YOU ARE TOREPORT TO PRETRIALSERVICES ONTHEABOVE NOTED DATE AND TIME. YOUR REPORTINDAYS WILLBE ASSIGNEDATTHATTIME.FAILURE TODOSO WILL RESULT INA WARRANT FOR YOURARREST.

SPECIAL CONDITIONS:
I understand as a condition of my INTENSIVE SUPERVISION RELEASE from custody I will be required to pay a fee of $\$ 10.00$ per month for my supervision to the Automated Monitoring System.
$\qquad$

IF YOU VIOLATE ANY CONDITION OF YOUR RELEASE YOU MAY BE ARRESTED IF PROBABLE CAUSE OF THE VIOLATION IS FOUND.

YOUR NEXT COURT APPEARANCE IS:
JUSTICE COURT, 200 LEWIS AVENUE, LV, NV 89155 (702) 671-3116
DATE, TIME \& DEPARTMENT: $\operatorname{sulay} 18,20 / 4$

DISTRICT COURT, 200 LEWIS AVENUE, LV, NV 89155 (702) 671-4554
DATE, TIME \& DEPARTMENT: $\qquad$ RA

OTHER JURISDICTION COURT: $\qquad$ Release
3986227

DATE \& TIME: $\qquad$
If I fail to appear when so ordered and I am taken into custody outside of thys/tate, I waive my rights relating to extradition proceedings.

$\qquad$
zuDbe sullivan


Release Authorized By

JC-2A (PreTrial Services)
APPROPRIATE COURTROOM ATTIRE REQUIRED
Rev. 11/13
NO SHORTS, HALTER TOPS OR TANK TOPS
White-Court / Canary-PreTrial / Pink-Client SHOES ARE REQUIRED

CONFIDENTIAL


STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar \$001565
BRIAN J. KOCHEVAR
Chief Deputy District Attorney
Nevada Bar \#5691
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500

Attorney for Plaintiff
JUSTICE COURT, LAS VEGAS TOWNSHIP.
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
-vs-
JANET SOLANDER, \#6005501

Defendant.
CASE NO: 14F04585 $\not \subset \mathrm{A}$
DEPT NO: 12

## STATE'S RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY AND REQUEST FOR ALL DOCUMENTS ALONG WITH CHILD PROTECTIVE SERVICES DOCUMENTS

DATE OF HEARING: May 9, 2014<br>TIME OF HEARING: 9:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through BRIAN J. KOCHEVAR, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in State's Response to Defendant's Motion for Discovery and Request for All Documents Along With Child Protective Services Documents.

This Response is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.


## POINTS AND AUTHORITIES

## STATEMENT OF FACTS

Dwight Solander, aka, Dwight Conrad Solander, Danielle Hinton, and Janet Solander (hereinafter referred to as "defendants") are charged by way of Criminal Complaint with the crimes of Child Abuse, Neglect, or Endangerment with Substantial Bodily Harm, Child Abuse, Neglect or Endangerment and Sexual Assault with a Minor Under Fourteen Years of Age. The victims in this case are the three (3) adopted daughters of Dwight and Janet Solander: A.S. (DOB: 10/21/01); A.S. (DOB: 1/23/03); and A.S. (DOB: 7/25/04).

A preliminary hearing in this matter is currently scheduled for May 22, 2014. Defendant Janet Solander filed the subject Motion for Discovery and Request for All Department of Family Services Documents Along with Child Protective Services Documents on April 21, 2014. Defendant Danielle Hinton joined in this Motion on April 21, 2014. The State's response follows:

## LEGAL ARGUMENT

The State is aware of its obligation to provide exculpatory evidence to the defense. Kyles v, Whitley, 514 U.S. 419, 115 S.Ct. 1555 (1995); Giglio v. United States, 405 U.S. 150, 92 S.Ct. 763 (1972); Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963); Wade v. State, Nev. 115 Nev. 290, 986 P. 2 d 438 (1999); Jimenez v. State, 112 Nev. 610, 918 P.2d 687 (1996); Roberts v. State, 110 Nev. 1121 , 881 P. 2 d 1 (1994); Wallace v. State, 88 Nev. 549, 501 P.2d 1036 (1972)

Due process requircs the prosecution to disclose materially exculpatory information in its possession to the defense upon a proper request. See United States v. Bagley, 473 U.S. 667, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985); United States v. Agurs, 427 U.S. 97 (1976); Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963). Evidence is material if there is a reasonable probability that the result would have been different if the evidence had been disclosed. Jimenez v. State, 112 Nev. 610, 619, 918 P.2d 687, 692 (1996).

Nevada Revised Statutes require the disclosure of certain evidence prior to a preliminary hearing. NRS 171.1965 states:

1. At the time a person is brought before a magistrate pursuant to NRS 171.178, or as soon as practicable thereafter, but not less than 5 judicial days before a preliminary examination, the prosecuting attorney shall provide a defendant charged with a felony or a gross misdemeanor with copies of any:
(a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by a witness or witnesses, or any reports of statements or confessions, or copies thereof, within the possession or custody of the prosecuting attorney;
(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attomey; and
(c) Books, papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the case in chief of the state and which are within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney.
2. Defendant is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:
(a) An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case.
(b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the constitution or laws of this state or the Constitution of the United States.
3. The provisions of this section are not intended to affect any obligation placed upon the prosecuting attorney by the constitution of this state or the Constitution of the United States to disclose exculpatory evidence to Defendant.

In the case of Riddle v. State, 96 Nev. 589,613 P.2d 1031 (1980) the Nevada Supreme Court reaffirmed the strictures of the provisions of our discovery statutes by making the following statement:

The trial court is vested with the authority to order the discovery and inspection of materials in the possession of the State. The exercise of the court's discretion however is predicated on a showing that the evidence sought is material to the presentation of the defense and the existence of the evidence is known or, by the exercise of due diligence may become known to the District Attorney.

Id, at 390.
There will only be a Brady violation if the prosecution fails to provide material evidence. As stated in Mazzan v. Warden, 116 Nev. 48, 993 P.2d 25 (2000), evidence is material if there is a reasonable probability that the result would have been different if the evidence had been disclosed. A reasonable probability is shown when the nondisclosure undermines confidence in the outcome of the trial.

The State herein responds to defendants' specific discovery requests as follows:

1. Any and all Officer notes or police notes, police reports, and documents regarding their investigation of the alleged incident including all information regarding suspects: Janet Solander, Dwight Solander, Danielle Hinton.

The State has provided, and will continue to provide, all police reports and documents regarding the investigation of Janet Solander, Dwight Solander and Danielle Hinton.
2. Color Copies of any and all pictures taken by Officers at the time of the search.
The State has provided color copies of any and all pictures taken by officers at the time of execution of the search warrant.
3. Any and all video recordings of Defendants and Defendant's houses, including, but not limited to the video walk.
The State has provided all video recordings of defendants and defendants' house, including the video walk.
4. Any and all recordings of any and all defendants, including but not limited to, Janet Solander, Dwight Solander, Danielle Hinton.
The State has provided the defense all recordings of defendants' interviews.
5. Any and All Department of Family Services records, including the social summary of each child alleged to have been abused. This should not only include Ava Solander, Amaya Solander, and Anastasia Solander, but also the other foster children that were in the house.
6. Any and All Child Protective Services records, including the UNITY Notes of each child alleged to have been abused. This should not only include Ava Solander, Amaya Solander, and Anastasia Solander, but also the other foster children that were in the house.
Information maintained by a child welfare services agency is confidential per NRS 432B.280(1). Any person, law enforcement agency or public agency who wilfully releases such information is guilty of a gross misdemeanor crime per NRS 432.280(2). NRS 432B. 290 authorizes a court to order the release of any CPS records concerning this event, for in camera review, to determine the relevance and admissibility of the privilcged records. However, since these reports are not required to be disclosed prior to preliminary hearing per NRS 171.1965, the defendants are not entitled to these reports at this point in the proceedings and this in camera review process should be conducted at the district court level.
7. Any and All medical records of all the children that have been alleged to been abused. This should include all counseling and psychological records of the children.
The State has provided to the defendants a copy of the medical records that are currently in the possession and/or custody of the State.
8. The taped recording as well as the transcriptions of Ava Solander, Amaya Solander, and Anastasia Solander that were conducted in Florida on behalf of Nevada CPS.
The State is not currently in possession or custody of any transcripts or recordings that were conducted in Florida on behalf of Nevada CPS. Furthermore, it is the 'State's belief that no recorded statements were taken of the victims in Florida. The State will provide the defendants with the report from Florida which documents the victims' oral statements.
9. Any and all statements made by Dwight Solander and Danielle Hinton, including all video recordings and transcriptions.

The State has provided the defense all recordings and transcripts of defendants' interviews.
10. Any and all information regarding Dr. Cetl's diagnosis of abuse, including Dr. Cetl's report as well as all pictures and tests that were conducted in the process of diagnosis.
The State has provided to the defendants the reports of Dr. Cetl's physical examination of the victims. Additionally, the State has provided to the defendants the color photographs that were taken of the victims during the physical examination.
11. All records from the Florida Boarding school, including academic records, medical records, and behavioral record.

The State is not currently in possession or custody of any records from the Florida boarding school where the victims were attending. Furthermore, pursuant to NRS 171.1965 these records are not something that must be provided prior to the preliminary hearing.
12. Any materials and/or information of any nature whatsoever, tangible or intangible, recorded or unrecorded, in the State's possession, custody, or control, or the existence of which is either known or through the exercise of due diligence may become known to the State, which would tend to exculpate the Defendant of the State's charges, might mitigate the punishment should he be convicted, or would be or may lead to information which would tend to impeach or affect the credibility of a witness anticipated to be present by the State.
The State is aware of its obligation to provide exculpatory evidence to the defense. Kyles v. Whitley, 514 U.S. 419, 115 S.Ct. 1555 (1995); Gigolo v. United States, 405 U.S. 150, 92 S.Ct. 763 (1972); Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963); Wade v. State, Nev. 115 Nev. 290, 986 P. 2 d 438 (1999); Jimenez v. State, 112 Nev. 610, 918 P.2d 687 (1996); Roberts v. State, 110 Nev. 1121, 881 P.2d 1 (1994); Wallace v. State, 88 Nev. 549,501 P. 2 d 1036 (1972). Additionally, the State is aware of its obligation to provide discovery pursuant to NRS 171.1965. The prosecution has complied and intends to continue to comply with the mandate of the aforementioned cases and statute.
13. Any material and/or information in the government's possession from which it could be inferred that any person whom the government calls as a witness at trial has a reputation for untruthfulness or for shifting his own guilt upon other persons which would either be admissible or aid in the discovery of evidence which would be admissible.

To the extent that the requested material exists, the State will provide copies to Defendant upon reccipt of the same.
14. Any and all other materials required to be disclosed by the United States and Nevada Constitutions and the Nevada Revised Statutes.
The State is aware of its obligation to provide exculpatory cvidence to the defense. Kyles v. Whitley, 514 U.S. 419, 115 S.Ct. 1555 (1995); Gigolo v. United States, 405 U.S. 150, 92 S.Ct. 763 (1972); Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963); Wade v. State, Nev. 115 Nev. 290, 986 P.2d 438 (1999); Jimenez v. State, 112 Nev. 610, 918 P.2d 687 (1996); Roberts v. State, 110 Nev. 1121, 881 P. 2 d 1 (1994); Wallace v. State, 88 Nev. 549, 501 P.2d 1036 (1972). Additionally, the State is aware of its obligation to provide discovery pursuant to NRS 171.1965. The prosecution has complied and intends to continue to comply with the mandate of the aforementioned cases and statute.

DATED this $28^{\text {th }}$ day of April, 2014.
Respectfully submitted,
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar $\# 001565$


## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of State's Response to Defendant's Motion for Discovery and Request for All Documents Along With Child Protective Services Documents, was made this $\qquad$ day of April, 2014, by facsimile transmission to:

JOEL M. MANN, ESQ.
FAX \#789-1045

BY:

state of nevada
vs.
Defendant SOLANDER. DWIGHTC

Bail Bond No. IS 250K - 11990 (power of attomey with this number must be attached.)

Know all men by these presents:
That we, RESCUE BAIL BONDS, as principal and International Fidelity Insurance Co, as the surety, hereto authorized to transact Bail Bonds in the State of Nevada, are held and bound to the above court, for payment in the sum of: ONE HUNDRED FIFTY THOUSAND (F150.000.D0) Dollars, whereof, we bind ourselves, our heirs, executors, administrators, and successors, and assigns, jointly, severally, and firmly, by these presents. The conditions of this obligation in such that the said defendant shall appear from day to day and term to term of said court to answer the charge(s) of

## CHILD ABUSE/NEGLECT/ $\omega / S B M H-3$ cts CHILD ABUSE OR NEGLECT, ( (ST) - llats SEXLAL ASSAULT AGAINST GHILD $<14$

And not depart the same without leave, then this obligation to be void, else to remain in full force and effect.

This bond shall be in full force and effect until any of the following events:

1) Exoneration by Court order, 2) Termination of this case by dismissal or conviction.


Subscribed and sworn before me, a Notary for the State of Nevada,
$\qquad$ day of $\qquad$ , 2014

Place Notary Seal here
JUL 022014
Approved this $\qquad$ day $\qquad$ 2014
By:


RESCUE BAIL BONDS
3100 E CHARLESTON BLVD SUITE 108
LAS VEGAS, NEVADA 89104
PH (702) 386-9116 FAX (702) 386-9131

INTERNATIONAL FIDELITY INS. CO. PO BOX 9810
CALABASAS, CA 91372-9810

VERIFY FIRST - THIS DOCUMENT IS PRINTED IN BLUE, RED \& BLACK INKS.
Only the original Power of Attorney
will bind thls Surety.

POWER OF ATTORNEY
INTERNATIONAL FIDELITY INSURANCE COMPANY NUMBER of New Jersey, has constituted and appointed, and does hereby constitute and appoint, its true and lawful Attorney-in-Fact, with full power and authority to sign the company's nane and affix cis coporate seat to, and deliver anits behalf as surety any and allobligations as herein provided, and the oxecution of suchsobligations in pursuance of these presents shallse as binding upon the company as filly andito all intents and puppses as if done by the regularly elected offieers of sadicompany at lus hasme office in their own proper person and the seid conigany hereby ratfles and confims all and whatsoever its said Attorney-minact may lawfully do andperformin the piremises by vitue of these presents:

AND MAY BE EXECUTED FORRECOGNIZANEE ON CRIMINAL BAIL BONDS ONLY.
Authonty of such Attomey-in-Fact is limited to the execution of appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to fravel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearances. A separate Power of Aftorney must be atfached to each bond executed. Powers of Attomey must not be returned to Attorney-in-Fact, but should remain a permanent part of the court records.
$\qquad$ D.OB. $\qquad$ If rewrite, give orig. power \# $\qquad$ $\square$ IncreaseDecrease Executing Agent $\qquad$ Signature/if applicable, add your COURT assigned Agent \# Form Hi 1F 1.0100 (9/06) ORIGINAL

IN WITNESS WHEREOF, said INTERNATIONAL FIDELITY INSURANCE COMPANY, by virtue of authority conferred by its Board of Directors, has caused these presents to be sealed with its corporate sealisigned by its Chairman of the Board and attested by its Segretary, this $7^{3 r d}$ day of March, 1998.


NOTICE: Stacking of Powers is strictly prohlblted. No more than one power from this Surety may be used to post any one ball amount

> NOT VALID FOR IMMIGRATION

# Las Vegas Justice Court 

Regional Justice Center
(702) 671-3116
http://www.clarkcountycourts.us/lvic/index.html

## BOND ACCEPTANCE NOTICE

NOTICE TO APPEAR OFFICIAL RECEIPT

Date: 7/2/2014
Case\#: 14F04585A
Name: DWIGHT C SOLANDER
Scope ID: 3074262

| Charges: | Child abuse/neglect, <br> w/SBMH [55222] ( 3 <br> CTS); Child abuse <br> or neglect, (1st) <br> [55226]( 11 CTS); <br> Sex assault against <br> child < 14 [50105] | Bail Amount: | $\$, 150,000.00$ |
| :--- | :--- | :--- | :--- |
| Bond Company(s): | Rescue Bail Bonds | Power Number: | IS250K-11990 |

YOU ARE TO APPEAR ON:

July 18, 2014 at 10:00 AM in JC Department 12
No Contact w/ victims and no unsupervised contact w/children 18 yrs. \& under, Def. release w/ ISU

Failure to appear could result in a bench warrant being issued for your arrest.

Appropriate Courtroom attire required No shorts, halter tops or tank tops, shoes are required. (NO FOOD OR DRINK PERMITTED)

14F04585А
SBAN
Surety Bond Acceptance - Notice of Appea 3978319

CASE NO.
VS.
DWIGHT SOLANDER,
DANIELLE HINTON,
10 JANET SOLANDER,
DEFENDANTS,

11

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13

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21 FOR DEFENDANT HINTON:

22
23
24 REPORTED BY: KIT MACDONALD, C.S.R. CERTIFICATE NO. 65

JACQUELLINE ELIZABETH BLUTH, ELISSA LUZAICH, DEPUTY DISTRICT ATTORNEYS

CRAIG A. MUELLER, ESQ.
JEFFREY T. RUE, DEPUTY PUBLIC DEFENDER
JOEL MANN, ESQ.
25


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LAS VEGAS, CLARK COUNTY, NEVADA, THURSDAY, UTNE 10, 2014

10:45 O'CLOCK A.M.

THE COURT: OKAY. TODAY IS THE DATE AND TIME SET FOR THE CONTINUED PRELIMINARY HEARING OF DWIGHT SOLANDER, DANIELLE HINTON, AND JANET SOLANDER.

FOR SCHEDULING PURPOSES, WE WILL GO TILL 12:15 TODAY. WE'LL TAKE A RECESS UNTIL ABOUT 1:20, BECAUSE I HAVE A 1 $O^{\prime} C L O C K$ BAD CHECK CALENDAR. SO WE'LL GO TO 12:15, AND THEN HAVE A LUNCH BREAK, AND COURT WILL RESUME AT 1 O'CLOCK, BUT THIS PRELIM WILI RESERVE AT ABOUT -- RESUME AT ABOUT 1:20. ALL RIGHT. MR. MUELLER, MR. RUE AND MR. MANN ARE PRESENT, THE THREE DEFENDANTS ARE PRESENT. MISS BLUTH AND MISS LUZAICH ARE PRESENT. YOU CAN CALL YOUR NEXT WITNESS, STATE. MS. LUZAICH: THE STATE CALLS DR. CETL. TEE COURT: HI.

SANDRA CETL, M.D.,
CALLED AS A WITNESS BY THE STATE, AND HAVING BEEN FIRST DULY SWORN TO TESTIFY TO THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS:

THE WITNESS: YES, I DO.
THE CLERK: THANK YOU, MA'AM. GO AHEAD AND HAVE A SEAT. I DO NEED YOU TO STATE YOUR FIRST AND YOUR LAST NAME, AND TO SPELL BOTH FOR THE RECORD.

THE WITNESS: SANDRA, $S-A-N-D-R-A, C E T L, C-E-T-L$. THE COURT: C-E-T-L. THANK YOU. YOU CAN PROCEED. MS. LUZAICH: THANK YOU.

## DIRECT EXAMINATION

## BY MS. LUZAICH:

Q MA'AM, WHAT DO YOU DO FOR A LIVING?
A I'M A PEDIATRICIAN AT SUNRISE CHILDREN'S HOSPITAL, AS WELL AS AT SOUTHERN NEVADA CHILDREN'S ASSESSMENT CENTER.

Q OKAY.
A UM - - AND I WORK IN TWO BASIC AREAS, AS A CHILD ABUSE PEDIATRICIAN, AS WELJ AS AN E.R. PHYSICIAN.

Q CAN YOU DESCRIBE FOR THE COURT WHAT TRAINING, EDUCATION YOU HAVE THAT QUALIFIES YOU TO DO THAT?

A UM - - I ATTENDED - - UH - - UNIVERSITY OF CALIFORNIA, LOS ANGELES -- UM - AND EARNED A BACHELOR'S DEGREE IN NEUROSCIENCE. UM - - AFTER WHICH, I ATTENDED MEDICAL SCHOOL AT UNIVERSITY OF VERMONT, A FOUR-YEAR PROGRAM, AT THE END OF WHICH I WAS A MEDICAL DOCTOR.

I NEXT ATTENDED A SPECIAUTY PEDIATRIC RESIDENCY AT

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    THE UNIVERSITY OF NEVADA IN THE LAS VEGAS PROGRAM. UM -- AND
    AFTER WHICH, I SPENT ABOUT SIX MONTHS IN AN APPRENRICESHIP
WITH A CHILD ABUSE PEDIATRICIAN, AND THEN CONTINUED -- UH --
WORKING IN THAT FIELD.
Q AND WHAT HAVE YOU BEEN DOING SINCE YOUR -- UH -APPRENTICESHIP FINISHED?
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A UM -- SO I EVALUATE ANY CONCERNS OF CHILD ABUSE AND/OR NEGLECT, IN ADDITION TO TAKING SHIFTS IN THE EMERGENCY DEPARTMENT AS JUST A E.R. DOCTOR.

Q AND HAVE YOU TESTIFIED AS AN EXPERT IN THE EIGHTH JUDICIAL COURTS IN BOTH FAMILY COURT AND CRIMINAL COURT AS A PEDIATRICIAN, AS WELL AS A CHILD ABUSE EXPERT?

A YES.
Q NOW, CAN YOU DESCRIBE FOR US, YOU SAID YOU WORKED BOTH AT SUNRISE CHILDREN'S HOSPITAL AND THE SNCAC. WHAT DO YOU DO AT SUNRISE CHILDREN'S HOSPITAL?

A AT SUNRISE CHILDREN'S HOSPITAL, WHEN -- UM -- A CHILD COMES IN AND SEES ONE OF OUR PHYSICIAN STAFF DUE TO CONCERNS -- UH -- WHATEVER THEY COME IN FOR, AND THERE MAY BE CONCERNS OF SEXUAL ABUSE, NEGLECT OR PHYSICAL ABUSE -- UM -ONE OF THE PHYSICIANS OR A SOCIAL WORKER MAY CONTACT ME AND CONSULT FOR ME TO CONTINUE THE EVALUATION AS A CONSULTANT. SO THAT MAY TAKE PLACE IN THE EMERGENCY DEPARTMENT, THAT MAY TAKE PLACE IN THE PEDIATRIC FLOOR OR THE INTENSIVE CARE UNIT.

Q AS THE CHILD ABUSE PEDIATRICIAN -- UM -- DO YOU SEE

EVERY CHILD, OR ARE THERE SITUATIONS WHERE YOU'RE ASKED TO REVIEW MEDICAL RECORDS FOR -- UM -- OTHER INDIVIDUALS?

A UM - - EITHER, EITHER WAY. SO I - I SEE A GREAT MAJORITY OF THEM, AND THEN ANOTHER PART OF WHAT I DO WITH WORK IS TO STAFF -- UH - CHILDREN, THE MEDICAL CONCERNS OF CHILDREN THAT MAY HAVE NOT GONE THROUGH EITHER MY FACILI'TY OR BEEN IN AN OUTSIDE FACILITY, OR NOT IN MEDICAL CARE AT THAT TIME.
$9 \quad \mathbf{Q}$ OKAY. UM - Y YOU MENTIONED THAT YOU ALSO TAKE SHIFTS AT THE SUNRISE CHILDREN'S HOSPITAL. CAN YOU DESCRIBE WFAT YOU DO THERE?

A UM -- I WORK AS AN EMERGENCY ROOM PHYSICIAN JUST SEEING WHATEVER COMES THROUGH THE DOOR.

Q OKAY. $S O$ YOU DON'T ONLY WORK ON CHILD ABUSE CASES, YOU SEE KIDS FOR OTHER CONCERNS AS WELL?

A CORRECT.
Q AND THEN YOU SAID THAT YOU WORK AT THE SNCAC. CAN YOU DESCRIBE FOR THE COURT VERY BRIFFLY WHAT IS THE SNCAC?

A THE SNCAC IS A -- IT'S A --
MR. MUELLER: MAY I ASK THE WITNESS TO SLOW DOWN JUST A LITTLE BIT ON THE JARGON, I CAN'T WRITE AS FAST AS THEY CAN TALK. WHAT - - WHAT IS --

THE COURT: OKAY, WELL --
MR. MUELLER: S, WHAT IS IT?
THE WITNESS: SOUTHERN NEVADA CHILDREN'S ASSESSMENT

6 ABUSE. SPECIFICALLY, MY CLINIC -- UM -- FOCUSES ON
7 NON-EMERGENT CONCERNS OF CHILD SEXUAL ABUSE.
FOR INSTANCE, IF A CHILD HAS ANY CONCERNS, HAS DISCLOSED SOMETHING MAYBE INAPPROPRIATE HAS HAPPENED, OR SOMETHING LIKE THAT, AND SOMEBODY HAS CONCERNS, THEN THEY CAN MAKE APPOINTMENTS -- UM -- WHICH WE HAVE FOR TWICE A WEEK.

UM -- IN ADDITION, IF THERE ARE CONCERNS OF SEXUAL ABUSE AND/OR PHYSICAL ABUSE AND NEGLECT, THEN I CAN SEE THEM THERE, AS WELL. THE MAJOR DIFFERENCE IS THAT WE DON'T COLLECT ANY FORENSIC EVIDENCE. WE DON'T -- UM -- SEE KIDS WHO HAVE EMERGENT OR REQUIRING MEDICAL TREATMENT AT THAT MOMENT FOR ANYTHING THAT YOU WOULD SEE, LET'S SAY, IN A HOSPITAL.

BY MS. LUZAICH:
Q AND WHEN YOU TALK ABOUT BEING A CHILD ABUSE PEDIATRICIAN, IS THAT ONLY PHYSICAL ABUSE, ONLY SEXUAL ABUSE, A COMBINATION OF THE TWO?

A IT CAN BE A COMBINATION -- UM -- ALSO COULD INCLUDE NEGLECT AS WELL.

Q OKAY. WHEN YOU SEE THE KIDS AT SUNRISE CHILDREN'S HOSPITAL, DO YOU -- YOU TALKED ABOUT COLLECTING FORENSIC

EVIDENCE. IS THAT THE ONLY DIFFERENCE IN HOW THE KIDS ARE TREATED AT SUNRISE AS OPPOSED TO AT THE CAC?

A THAT'S A MAJOR DIFFERENCE, YES.
Q SO WHEN THE KIDS COME INTO THE CAC -- WELL, CAN YOU DESCRIBE WHAT THE CAC BUILDING IS, FOR THOSE HERE WHO HAVE NOT BEEN THERE?

A SURE.
IT'S A LOCKED FACILITY -- UM -- THAT IS SET UP FOR CHILDREN WHEN THERE ARE CONCERNS OF ABUSE. THEY CAN KIND OF COME IN -- UM -- WHETHER IT'S INVESTIGATORS OR CPS, OR -UH -- SOMETIMES THE DISTRICT ATTORNEY'S OFFICE HAVE KIND OF FACILITIES IN THAT ONE AREA -- UM -- SO A CHILD DOESN'T HAVE TO TRAVEL TOO MUCH WHEN THERE ARE ANY CONCERNS.

IN THAT, THEY ALSO HAVE PSYCHOLOGY SERVICES. THERE
15 ARE OTHER VICTIM TYPE OF ADVOCACY SERVICES, AS WELL AS THE
16 CLINIC THAT -- UM -- I'M A PART OF. UM -- AND IT JUST --
17 UM -- IT' MAKES IT KIND OF A MORE CHILD FRIENDLY SAFE
18 ATMOSPHERE FOR KIDS.
THEY CAN ALSO CONDUCT FORENSIC INTERVIEWS IN THIS FACILITY, AND SO IT'S SOMEWHERE THAT IT'S TRYING OF BE KIND OF SAFE AND AN EASY PLACE THAT KIDS CAN HAVE ALL THEIR EVALUATIONS DONE, KIND OF IN THE SAME TIME.

Q OKAY. SO IT'S BASICALLY ONE BUILDING THAT FOUSES METRO'S SEXUAL ABUSE JUVENILE DIVISION, THE SEXUAL ABUSE CHILD PROTECTIVE SERVICES INVESTIGATORS -- UM -- FORENSIC

23 OR QUESTIONS, AND -- UM -- THEN OFFER ANY REFERRALS BEYOND
24 ТНДТ POINT.
A YES.
Q - AND FORENSIC INTERVIEW ROOMS --
A CORRECT.
Q - - PSYCHOLOGICAL COUNSELING, AND THEN YOU SAID YOU
HAVE A CLINIC THERE?
A YES.
Q CAN YOU DESCRIBE FOR THE COURT YOUR CLINIC THAT'S THERE?

A SO OUR CLINIC IS FOR -- IT'S ON MONDAYS AND THURSDAYS - - UM - - APPOFNTMENTS ARE MADE VIA A REFERRAL - UM - FROM AN AGENCY - UM -- SUCH AS LAW ENFORCEMENT OR CPS. UM - - THE CLINIC IS - CONSISTS OF MYSELF AND THEN TWO NURSES, WHO ARE NURSES AT THE SUNRISE CHILDREN'S EMERGENCY DEPARTMENT.

UM - - AND WHEN WE SEE CHILDREN, WE DO A HEAD-TO-TOE EVALUATION, UM - - NO MATTER WHAT THE CONCERNS BROUGHT TFEM THERE, WE CHECK THEIR VISUAL ACUITY, MAKE SURE THEY CAN SEE OKAY. WE CHECK DENTAL, HEIGHT, WEIGHT, GO THROUGH ALL THEIR VITAL SIGNS AND DO KIND OF FULI-TIME BODY CHECKS ON THEM.

UM -- AND THEN WE WILL PROCZED TO DO A PHYSICAL EXAMINATION, AS WELL AS TALK TO ANY CAREGIVERS, IF THEY'Rヨ, YOU KNOW, ANYBODY THAT'S PRESENT - - UM -- THEY HAVE CONCERNS

WE ALSO HAVE THE ABILITY TO DRAW BLOOD AND TAKE LABS

1. FROM URINE, AS WELL AS FROM ANY OF THE OTHER BODY FLUIDS.

4 TO DQ -- UM -- VAGINAL EXAMS?
5 A ABSOLUTELY, YES.
$6 \quad \Omega \quad$ AND WHEN YOU DO A VAGINAL EXAM ON A CHILD, IS THAT
7 THE SAME AS ON AN ADULT OR DIFFERENT?
8 A UM -- IT DEPENDS ON THE AGE, SO IT'S A LITTLE BIT 9 DIFFERENT. WITH ADULTS IT'S PRETTY SEANDARDIZED WHERE THERE 10 MAY BE INTERNAL EXAMS, MUCH LIKE WHEN A FEMALE GOES TO HER --

11 UM -- OB/GYN OR SOMETHING LIKE THAT -- UM -- AND THAT'S PRETTY
12 STANDARD FOR ADULTS.
13
14 THEY ARE IN. WE MAY NOT DO INTERNAL EVALUATIONG, THE MORE 15 EXTERNAL, KIND OF LOOK ON THE OUTSIDE OF THE BODY. UM -- BUT

16 IN TERMS OF TESTING THAT WE COLLECT FOR SEXUALLY TRANSMITTED
17 INFECTIONS, THAT'S PRETTY MUCH THE SAME ACROSS THE BOARD.
18 Q AND THAT'S DONE BY BLOOD AS OPPOSED TO -- UM --
19 A WE DO BOTH. WE DO BLOOD --
20 Q -- SWABS?
21 A -- AND WE DO SWABS.
FOR THE KIDS, IT DEPENDS ON WHAT STAGE OF PUBERTY

- OKAY. I'M GOING TO DIRECT YOUR ATTENTION SPECIFICALLY TO MARCH 13TH OF 2014. WERE YOU WORKING AT THE SNCAC, YOUR CLINIC, THAT DAY?

A YES.

1 Q AND WERE YOU ASKED TO EXAMINE THREE CHILDREN KNOWN 2 TO YOU AS AVA SOLANDER, AMAYA SOLANDER, AND ANASTASIA

3 SOLANDER?
4 A YES, I DID.
5 Q WHAT WAS THE NATURE OF WHAT BROUGHT THEM TO YOU?
6 A UM -- THE REPORT THAT I RECEIVED, OR THAT I WAS
7 TOLD, THERE WERE CONCERNS OF PHYSICAL ABUSE, NEGLECT, AND
8 POSSIBLY SOME KIND OF INAPPROPRIATE SEXUAL CONTACT, AND,
9 THEREFORE, WE WERE EVALUATING THEM FOR KIND OF ALL THREE.
10 Q AND WHAT WAS YOUR UNDERSTANDTNG OF THE INAPPROPRIATE
11 SEXUAL CONTACT?
A MY UNDERSTANDING WAS THAT THERE MAY HAVE BEEN --
13 UM -- CONTACT BY THEIR CAREGIVERS -- UM -- WITH A PAINT STICK
14 OR SOME KIND OF HOUSEHOLD OBJECT, AS WELL AS INSERTION OF
15 URINE CATHETERS.
16 Q OKAY. AND DID YOU SEE ALL THREE CHILDREN?
17 A YES.
18 D DID YOU GIVE ALL THREE CHILDREN A HEAD-TO-TOE
19 INVESTIGATE -- EXAMINATION?
20 A YES. AN EXAM, YES.
21 Q ULTIMATELY, WERE THERE PHOTOGRAPHS TAKEN AT THE CAC
22 OF ALL THREE CHILDREN?
A YES.
Q AND AS YOU SAN THE THREE CHILDREN, DID YOU ALSO SEE SOME INJURIES THAT CAUSED PHOTOGRAPHS TO BE TAKEN?

A YES.
Q UM -- FIRST, LET ME -- OH, AND WHEN YOU SEE THESE KIDS, IS A HISTORY TAKEN?

A YES, A MEDICAL HISTORY IS TAKEN. UM -- SO, AND THAT INCLUDES -- UM -- ANY PAST MEDICAL HISTORY -- UM -- FAMILY HISTORY, SOCIAL HISTORY, SO AS WE WOULD DO AT ANY CLINIC OR HOSPITAL OR ANY SETTING, MEDICAL SETTING, TRYING TO UNDERSTAND THEIR BACKGROUND AS MUCH AS POSSIBLE -- UM -- TO HELP GUIDE US

Q WHO BROUGHT THE KIDS TO YOU?
A UM -- A CPS INVESTIGATOR, YVETTE GONZALES.
Q AND I'M GOING TO DIRECT YOUR ATTENTION FIRST
SPECIFICALLY TO AVA SOLANDER. UM -- WHEN YOU EXAMINED AVA, YOU SAID YOU EXAMINED HER FROM HEAD TO TOE?

A CORRECT.
$Q$ AND YOU ALSO DID BLOOD WORK?
A YES.
Q DID YOU NOTICE ANYTHING ON HER BODY THAT CAUSED YOU

## CONCERN?

A UM - SHE HAD MULTIPLE -- UM -- HEALED SCARS ON HER BODY -- UM -- THAT WERE OF CONCERN TO ME, YES.
$Q$ AND DID YOU ACTUALLY HAVE PHOTOS TAKEN OF THEM?
A YES.
Q CAN YOU DESCRIBE WHERE ON HER BODY THE SCARS THAT CAUSED YOU CONCERN WERE LOCATED? 9 AND -- UM - - JUST, YOU KNOW, REFLEXES - - UN - - WE TEND TO

10 PROTECT THOSE AREAS.
A UM - - THE - $\operatorname{SHE}$ HAD THEM KIND OP ON A LOT OF PLACES ON THE BODY. ONES THAT WERE MOS' CONCERNING WITH ON HER BUTTOCKS - - UM -- AS WELL AS ON HER BACK.

Q AND WHY WOULD THEY BE CONCERNING BEING ON HER BUTTOCKS AND HER BACK?

A THOSE ARE AREAS THAT ARE VERY PROTECTED. SO NOT JUST PROTECTED BY CLOTHING, BUT PROTECTED FROM, LET'S SAY, FALLING TYPES OF MECHANISMS. UM - - THE WAY OUR BODIES REACT

ADDITIONALLY, THEY ARE PROTECTED ON THE BODY ITSELF JUST BY THE WAY OUR PHYSIOLOGY IS, AND SO IT'S -- UM -- KIND OF A VERY UNUSUAL PLACE TO HAVE ANY KIND OF ACCIDENTAL SCARING OR INJURY.

Q OKAY. YOU KNOW, KIDS ARE CARELESS AND FALI DOWN A LOT, WOULD YOU AGREE WITH THAT?

A ABSOLUTELY.
Q ARE THERE CERTAIN AREAS ON THE BODY THAT IF YOU SEE INJJRIES, YOU WOULD NOT BE CONCERNED?

A ANYTHING THAT STICKS OUT. SO YOUR KNEES, YOUR SHINS, ANYTHING ON THE BONE. SO BONES LIKE ON THE FOREARM, FOREHEAD - UM -- EVEN, YOU KNOW, CHIN OR CHEEKBONES, NOSE, THINGS LIKE THAT. UM - THOSE ARE PLACES THAT KIDS TYPICALLY INJURE FROM WHEN THEY BEGIN TO WALK TILL - T TILL FOREVER.

Q OKAY. SO INJURIES THERE WOULD EE LESS CONCERNING?

7 RECORD, HAVE BEEN SHOWN TO COUNSEL EARLIER.
8 THE COURT: WHAT DID YOU START WITH?
A. YES.

MS. LUZAICH: UM - - MAY I APPROACH THE WITNESS?
THE COURT: YES.

BY MS. LUZAICH:
Q DR, CETL, I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S PROPOSED EXHIBITS 7, 8, 9, 10 AND 11, FOR THE

MS. LUZAICH: SEVEN --
THE COURT: SEVEN. THANK YOU.

## BY MS. LUZAICH:

Q EIGHT, NINE, TEN AND ELEVEN.
CAN YOU TELL ME, ARE THESE ALL -- UM -- PHOTOGRAPHS
OF AVA SOLANDER THAT WERE TAKEN ON MARCH 13TH OF 2014?
A YES.
Q UM - AND DO THESE PHOTOGRAPHS FATRLY AND ACCURATELY DEPICT THINGS ON AVA'S BODY THAT YOU NOTICED ON THAT DATE?

A YES, THEY DO.
MS. LUZAICH: MOVE THEM INTO EVIDENCE.
THE COURT: ANY.
MR. MANN: NO.
THE COURT: -- OBJECTION?
MR. MANN: NO OBJECTION.
THE COURT: MR. RUE?
MR. RUE: NO, YOUR HONOR.

6 BY MS. LUZAICH:
7 Q DR. CETL, STATE'S EXHIBIT 7, IS THAT A PHOTOGRAPH OF AVA'S FACE?

A YES.
Q SO THAT WE KNOW THAT THE REST OF THE PICTURES ARE OF AVA?

A YES.
Q STATE'S EXHIBIT 8, CAN YOU DESCRIBE FOR ME WHAT
14 YOU'RE SEEING THERE?
A WELL, AVA IS LAYING ON HER -- ON HER BELLY, KIND OF 16 ON HER - - ON HER FRONT STDE - UM -- ON THE EXAM TABEE, AND - -

17 UM - A PHOTOGRAPH IS - - IS BEING TAKEN OF HER BUTTOCKS AND
18 LOWER LEG AREA.
Q AND WHAT SPECIFICALLY ARE WE SEEING THAT IS OF NOTE
20 IN THE PHOTO?
21 A UM - S SHE HAS HEALED SCARS - - UM -- SPECIFICALLY ON
THE COURT: MR. MUELLER? NO.
OKAY. SEVEN, EIGHT, NINE, TEN, AND ELEVEN WIL亡̆ BE
ADMITTED. THANK YOU.
(WHEREUPQN STATE'S EXHIBIT NOS. 7 THROUGH 11 WERE ADMITTED INTO EVIDENCE.) THE RIGHT BUTTOCK ARE MOST PROMINENT.

Q AND WHEN YOU SAY HEALED SCARS, HOW CAN YOU TELL THAT THEY'RE HEALED SCARS?

A UM - SKIN CHANGES THAT OCCUR WITH SCARRING WILL BE

7 KIND OF THE RIGHT-HAND SIDE - UM - OF THREE MORE PROMINENT
8 AREAS OF HEALED SCAR.
9 Q YOU SAID MOST SPECIFICALLY THE RIGHT-HAND SIDE. IS 10 THERE ALSO - - UM - - SOME HEALED SCARING ON THE LEFT SIDE OF 11 THE BUTTOCK?

SOME RAISED, ALSO DISCOLORATION -- UM -- AND KIND OF JUST THE - THE QUALITY OF THE SKIN IN THAT AREA THERE, SCAR TISSUE HAS FORMED.

Q OKAY. SHOWING YOU STATE'S EXHIBIT 9, WHAT IS THAT?
A THAT IS A CLOSE-UP OF HER BUTTOCKS - - UM - -
INCLUDING THE SCARS THAT WE WERE SEEING. MOST SPECIFICALLY ON

A THERE ARE, BUT A LIETLE BIT MORE FAINT FROM THIS PHOTO.

Q OKAY. BUT PRESENT?
A YES. YES.
Q STATE'S EXHIBIT 10, WHAT ARE WE SEEING?
A SO AN EVEN MORE CLOSE-UP PHOTO OF THE RIGHT BUTTOCK.
Q AND STATE'S EXHIBIT 11?
A UTM -- I BELIEVE THIS IS ON HER -- UM -- KIND OF HER
BACK, BACKSIDE. UM -- ANOTHER SCAR MORE LINEAR IN NATURE.
Q OKAY. HIGHER UP ON HER BUTTOCKS, BUT - -
A CORRECT.
Q -- KIND OF IN THE CREASE OF THE BACK TO THE BUTTOCK?
A CORRECT.
Q SO IT'S A SEPARATE SCAR FROM EIGHT, NINE, AND TEN?

A YES.
Q UM -- NOW, IN EIGHT, NINE, AND TEN, THE SCARS THAT YOU DESCRIBED, IS THERE ANYTHING SIGNIFICANCE TO THE FACT THAT IT'S ON BOTH THE RIGHT AND THE LEFT BUTTOCK?

A UM - AGAIN, IT'S A VERY PROTECTED AREA. UM -- IT'S SOMEWHERE THAT DOESN'T INJURE MUCH AT ALL WITH ANY KIND OF

ACCIDENTAL MECHANISMS OR FALLS, AND SO -- AND ADDITIONALLY, IT'S PRETTY EXSENSIVE SCARRING.

AND I THINK THIS ONE'S ACTUALLY ON THE THIGH, AND I APOLOGIZE, IT'S NOT ON THE HIGHER END, IT'S ON THE LOWER END. Q OH, SORRY.

THE COURT: WHICH ONE?
MS. LUZAICH: ELEVEN.
THE WITNESS: ELEVEN. YEAH, NO. 11.
THE COURT: THANK YOU.

## BY MS. LUZAICH:

Q NOW, BY LOOKING AT THESE SCARS WHEN YOU SAW THEM IN PERSON, WOULD YOU AGREE THAT THEY'RE - WHILE THE PHOTOGRAPHS SHOW YOU A LOT, THEY'RE NOT QUITE AS DESCRIPTIVE AS SEEING THEM IN PERSON?

A CORRECT.
Q UM - WHEN YOU LOOK AT THESE SCARS IN PERSON, IS THERE ANY WAY TO TELL HOW OLD THEY ARE?

A NO.
Q CAN YOU SAY MORE THAN, YOU KNOW, THIS, LESS THAN

1 THAT?
2 A UH -- YOU KNOW, TYPICALLY SCAR FORMATION OCCURS WITH 3 MORE THAN A COUPLE OF WEEKS OF HEALING. BUT IN TERMS OF LESS 4 THAN, I WOULDN'T BE ABLE TO ACCURATELY PINFOINT THAT AGE.

5 Q OKAY. YOU SAY MORE THAN A COUPLE OF WEEKS. WOULD 6 YOU SAY MORE THAN MONTHS?

7 A MORE THAN LIKELY.
9 AND COULD IT BE AS MUCH AS A YEAR OLD?
A $\quad \mathrm{OH}, \mathrm{YES}$.
Q UM -- COULD IT BE AS MUCH AS -- WELL, BUT YOU CAN'T
11 SAY SPECIFICALLY ANYTHING OTHER THAN OLDER?
12 A CORRECT.
13 Q UM -- WAS IT YOUR LNDERSTANDING THAT WHEN AVA CAME
14 TO YOU SHE WAS TAKING ANY MEDICATIONS?
A UH -- YES, I BELIEVE SHE WAS.
Q WHAT MEDICATIONS WAS SHE TAKING WHEN SHE CAME TO
17 YOU?

20 BOTH ON DIFFERENT MEDICATIONS.
WOULD I BE ABLE TO REVIEW JUST MY LIST, JUST TO
A UM -- AVA, I BELIEVE, WAS ON -- UM -- MEDICATIONS FOR SEIZURES. UM -- I KNOW -- YOU KNOW, AVA AND AMAYA ARE DOUBLE-CHECK IT?

9 WHEN YOU EXAMINE THE KIDS, DO YOU DO -- UM -- WHAT'S CALLED A SCAN EXAM?

A YES.

THAT YOU DO THESE EXAMINATIONS?
A YES.
© AND WOUED REFRESHING YOUR -- OR WOULD REVIEWING YOUR REPORT REFRESH YOUR RECOLLECTION?

A YES, IT WOULD.
Q GO RIGHT AHEAD.
A OH, MAY I TAKE - -
Q YEAH. AND JUST FOR THE RECORD, WHAT'S A SCAN EXAM?

A SO SCAN STANDS FOR SUSPECTED CHILD ABUSE AND
12 NEGLECT, AND THE EXAM SIMPLY MEANS THAT DUE TO THOSE CONCERNS
13 AN EXAMINATION WAS DONE. AND IT'S JUST THE STANDARDIZED

14 PAPERWORK THAT'S USED TO FILL OUT AND DESCRIBE THAT

15 EXAMINATION.
16 Q OKAY.

17
18

A SO LET ME JUST DOUBLE-CHECK.
MR. MANN: YOUR HONOR, COULD WE JUST GET, FOR THE RECORD, THE REPORT THAT'S SHE REVIEWING, HOW MANY PAGES IT IS AND --

THE COURT: YEAH. BUT I ASSUME YOU PROB -- YOU PROBABLY HAVE IT.

MR. MANN: I WOULD HOPE SO, AND I BELIEVE SO, BUT I ${ }^{1} \mathrm{M}$ JUST MAKING SURE.

THE COURT: SO CAN YOU LIKE REFER TO SAY A DATE OF A REPORT, AND MAYBE HOW LONG IT $\bar{\Xi} S, S O$ WE CAN BE ASSURED THAT

1 THE DEFENSE HAS THE REPORT THAT YOU'RE LOOKING AT?

THE WITNESS: ABSOLUTELY. SO THIS IS FROM MARCH 13TH, 2014. UM - - THERE ARE --

THE COURT: DID YOU SAY MARCH 14TH?
THE WITNESS: THIRTEENTH.
THE COURT: THIRTEENTH, THANK YOU,
THE WIINESS: SO THERE ARE - UM - THERE'S NURSING NOTES TITLED, THE BEGINNING -- THE FIRST PAGE IS SOUTHERN NEVADA CHILDREN'S ASSESSMENT CENTER CLINIC ASSESSMENT. IT CONTINUES TO - - UM -- THAT'S ABOUT THREE PAGES. AND THEN MY -- UH -- MY SPECIFIC ENTRANCE IN THE REPORT IS THE CHILD, SLASH, ADOLESCENT SEXUAL ABUSE, SLASH, ASSAULT FORENSIC MEDICAL EXAMINATION. THE NEXT FIVE PAGES IS THE SCAN PHYSICAL ABUSE AND NEGLECT FORM, IT STARTS WITH A NARRATIVE.

AND SO I'M LOOKING DOWN HERE - - UM - - JUST FOR HER MEDICAL HISTORY TO UNDERSTAND WHICH MEDICATIONS SHE WAS ON.

I'M JUST GOING BACK TO THE NURSING AREA HERE. UM -- SO SHE WAS NOT ON ANY MEDICATIONS WHEN I HAD SEEN HER, AT THE TIME THAT I HAD SEEN HER.

BY MS. LUZAICH:
Q OKAY. WAS IT YOUR UNDERSTANDING THAT THEY HAD DISCONTINUED ALL MEDICATIONS?

A YES.
Q UM - - AND WHEN YOU SAW AVA, WAS SHE IN A MEDICALLY HEALTHY CONDITION?

A YES.
Q WHILE NOT TAKING ANY MEDICATIONG?
A YES, SHE APPEARED TO BE.
Q WAS SOME OF THE HISTORY PROVIDED TO YOU THE FACT THAT SOMEONE HAD INDICATED THAT AVA HAD CROHN'S?

A YES.
9 WHAT IS CROHN'S DISEASE?
A CROHN'S DISEASE IS A FORM OF -- UM -- INFLAMMATORY DISEASE OR I.B.D., ESSENTIALLY AN AUTOIMMUNE DISEASE, SO IT'S WHERE YOUR BODY IS ATTACKING ITSELF. UM -- AND SPECIFICALLY IN THE INTESTINES -- UM -- SO THAT IT MAKES IT VERY DIFFICULT TO PROCESS FOODS THAT ARE COMING IN, PROTEINS, CARBOHYDRATES, AND WILL CAUSE DAMAGE WITHIN THE INTESTINAL SYSTEM -- UM -CREATING A -- SEVERAL DIFFERENT TYPES OF CONDITIONS.

Q ARE THERE TESTS THAT CAN BE DONE TO KIND OF CONFIRM OR CONTRADICT WHETHER SOMEONE'S GOT CROHN'S?

A YES.
Q AND DID YOU REVIEW TESTS THAT AVA HAD HAD DONE?
A YES.
Q AND DID AVA HAVE CROHN'S?
A NO, SHE DID NOT.
Q AND, IN FACT, WAS THERE A TEST DONE THAT
SPECIFICALLY INDICATED SHE DID NOT HAVE CROHN'S?
A YES.
Q UM -- YOU SAID THAT PART OF HER HISTORY WAS THAT SHE

HAD SOME BOWEL PROBLEMS. WHAT WERE THE BOWEL PROBLEMS THAT SHE ACTUALLY HAD?

A THE BOWEL PROBLEMS THAT WERE DOCUMENTED THROUGHOUT HER VISITS INCLUDED -- UM -- ABDOMINAL PAIN THAT WAS RECURRING, AS WELL AS CONSTIPATION.

Q DID YOU -- IN REVIEWING MEDICAL RECORDS AND AVA'S ACTUAL EXAMINATION AND LAB WORK THAT YOU DID -- UM -- COULD YOU TELL WAS THERE ANYTHING MEDICALLY WRONG WITH AVA THAT WOULD CAUSE CONSTIPATION?

A THERE DID NOT APPEAR TO BE, NO.
Q ARE T'HERE OTHER THINGS, OTHER THAN MEDICALLY -SOMETHING MEDICALLY WRONG INSIDE OF YOU, ARE THERE OTHER THINGS THAT MIGHT CAUSE CHILDREN TO HAVE CONSTIPATION?

A YES.
Q FOR EXAMPLE?
A DIET. THAT'S A MAJOR REASON WHY CHILDREN DEVELOP CONSTIPATION.

UM -- ALSO ANOTHER MAJOR REASON IS CALLED FUNCTIONAL CONSTIPATION, SO HOLDING STOOL, NOT GOING TO THE BATHROOM -UM -- CAUSES THE STOOL TO BE HARDER, AND THEN WHEN -- UM -- A CHILD DOES HAVE A BOWEL MOVEMENT, IT MAY BE PAINFUL OR UNCOMFORTABLE OR THEY MAY NOT BE ABLE TO GET RID OF ALL THE POOP AND THE STOOL IN THERE, AND SO THEN IT'S KIND OF A DOWNWARD SPIRAL KIND OF EFFECT WHERE THEY HOLD LONGER AND THEN 5 THAT CONTINUES TO CAUSE MORE CONSTIPATION.

Q OKAY. DID YOU ALSO EXAMINE AMAYA SOLANDER?
A YES.
Q AND WHEN YOU EXAMINED AMAYA FROM HEAD TO TOE AS WELL?

A YES.
Q DID LABS ON AMAYA AS WELL?
A YES
Q AND DID YOU NOTICE ANYTHING - UM - - PHYSICALIG ON
AMAYA THAT CAUSED YOU CONCERN?
A SHE, ADDITIONALLY, HAD MANY AREAS OF SCAR TISSUE.
Q UH - CAN YOU DESCRIBE WHERE THE AREAS OF SCAR
TISSUE WERE THAT CAUSED YOU CONCERN ON AMAYA?
A ON HER AS WELL ON HER BUTTOCKS AND -- AND BACK AREA.
Q OKAY. AND DID YOU CAUSE THOSE TO BE PHOTO -- WELL, WERE THEY PHOTOGRAPHED --

A THEY WERE.
Q -- WHILE THEY WERE OUT THERE THAT DAY?
MAY I APPROACH?
THE COURT: YES.
BY MS. LUZAICH :
Q DOCTOR, I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS STATE'S PROFOSED EXHIBIT 12, 13, 14, 15, 16 AND 17, WHICH FOR THE RECORD HAVE BEEN SHOWN TO DEFENSE COLNSEL BEFORE THE HEARING .

A ○K及Y.

Q ARE THOSE PHOTOGRAPHS FAMILIAR TO YOU?
ACTUALLY, ARE THEY PHOTOGRAPHS OF AMAYA SOLANDER

A YES, THEY WERE.
Q AND DO THESE PHOTOGRAPHS FAIRLY AND ACCURATELY
DEPICT AMAYA AND SOME SCAR TISSUE THAT YOU HAD OBSERVED?
A YES.
MS. LUZAICH: MOVE THEM INTO EVIDENCE.

THE COURT: ANY OBJECTION?
MR. MANN: NO.
MR. RUE: NO, YOUR HONOR.
MR. MUELLER: NONE.
THE COURT: ALT RIGHT. TWELVE THROUGH SEVENTEEN WILL BE

ADMITTED.
(WHEREUPON STATE'S EXHIBIT NOS. 12 THROUGH 17 WERE ADMITTED INTO EVIDENCE.

MS. LUZAICH: THANK YOU.
Q AND FOR THE RECORD, STATE'S EXHIBJT 12, IS TFAT A PHOTOGRAPH OF AMAYA'S FACE, SO PHAT WE KNOW THAT THE REST OF THE PHOTOGRAPHS ARE OF AMAYA?

A YES.
Q EXHIBIT 13, WHAT DO WE SEE THERE?
A UM - IT APPEARS TO BE TWO AREAS OF SCAR TISSUE ON HER E亡BOW.

Q STATE'S EXHIBIT 14, WHAT DO WE SEE THERE?

1 A A LINEAR KIND OF HEALING - UM - S SCAR AREA ON
2 HER - UM - - I BEدIEVE IT WAS HER UPPER ARM.
3 THE COURT: ON HER WHAT?
4 THE WITNESS: UPPER ARM.
5 THE COURT: THANK YOU.
6 BY MS. LUZAICH:
7 Q STATE'S EXHIBIT 15, WHAT DO WE SEE THERE?
$9 \quad \mathbf{Q}$ STATE'S EXHIBIT 16, WHAT DO WE SEE THERE?

12 UPPER PART OF HER - - THE BACK OF HER THIGH - UM - THERE
13 APPEARS TO BE A LINEAR HEALED AREA AS WELL OF SCAR TISSUE.
$14 \quad Q \quad$ AND THAT'S ON THE UPPER BACK PART OF HER RIGFT
15 THIGH?
16 A CORRECT.
$17 \quad Q \quad$ STATE'S EXHIBIT 17?
18
19
20
21 Q OKAY. AND WHY DO THESE AREAS CAUSE YOU CONCERN?
22
23
24 THEN ADDITIONALLY TO CAUSE - UM -- YOU KNOW, EXTENSIVE SCAR 25 TISSUE.

Q NOW, STATE'S EXHIBIT 13 YOU DESCRIBED AS HER ELBOW. EARLIER YOU SAID THAT THE ELBOW IS A PLACE THAT KIDS, YOU KNOW, OFTEN FALL DOWN. BY ITSELF, WOULD THAT INJURY CAUSE YOU CONCERN?

A NO.
Q WHEN CONSIDERED WITH THE REST OF THE INJURIES THAT YOU OBSERVED - - UM -- DOES THAT CAUSE YOU MORE CONCERN?

A UM - - THE MUעTITUDE OF INJURIES, AS WELL AS THE HISTORY OF -- GIVEN BY THE CHILD -- UM - MADE ME MORE CONCERNED ABOUT IT.

Q OKAY. AND, AGAIN, WITH AMAYA, THE INJURIES THAT YOU SAW, THE SCARS THAT YOU SAW IN PERSON, DO THE PHOTOS KIND OF NOT DO IT JUSTICE?

A NOT QUITE, NO.
Q OKAY. AND JUST FOR THE RECORD, THESE ARE NOT GLOSSY PHOTOS OR ANYTHING, IT'S REGULAR PAPER, CORRECT?

A CORRECT.
Q IN ADDITION TO THE INJURIES THAT YOU'VE JUST DESCRIBED ON AMAYA, DID YOU NOTICE ANYTHING ELSE ABOUT AMAYA THAT WAS CONCERNING?

A UM - - HER HEIGHT - - UM -- WAS CONCERNING TO ME. UM -- AFTER REVIEWING -- UM -- MEDICAL RECORDS FROM PRTMARY MEDICAL VISITS EARLIER ON IN HER LIFE - - UM - - NOTING THAT SHE HAD LOST -- UH -- HEIGHT VELOCITY, SO THE RATE IN WHICH SHE WAS GROWING WAS -- UM -- DRAMATICALLY DECREASED FROM THOSE

1 PRIOR VISITS.

4 A SO ANY -- EVERX CHILD GETS PLOTTED ON A GRAPH, AND 5 THAT'S A GROWTH CURVE. GROWTH CURVES HELP US SEE THAT

6 CHILDREN ARE GROWING APPROPRIATELY AS WE WOULD EXPECT. SO
7 SOME KIDS ARE SMALLER, SOME KIDS ARE BIGGER, SOME ARE RIGHT IN THE MIDDLE, AND SO WHAT WE DO AS PEDIATRICIANS IS YOU PLOT THEM ON THAT CURVE, AND THE ANTICIPATED RESULT IS THAT THEY FOLLOW THE CURVE WHICH THEY STARTED. SO IF YOU START OUT SMALL, YOU KIND OF CONTINUE SMALL, ET CETERA, ET CETERA.

UM -- AND WHEN THERE ARE DRAMATIC CHANGES IN THAT VELOCITY, SO THAT ABILITY TO GROW WEIGHT AND HEIGHT -- UM -THERE IS KIND OF AN EVALUATION TO UNDERSTAND WHAT'S GOING ON THERE THAT'S CAUSING THAT -- UH -- CHANGE.

UM -- IN TERMS OF HEIGHT VELOCITY, WHAT IS CONCERNING ABOUT THAT IS THAT WHEN CHILDREN, FOR WHATEVER REASON, ARE NOT GROWING, THE FIRST THING TO BE AFFECTED IS THEIR WEIGHT. THE SECOND THING, AFTER QUITE SOMETIME WILL BE THEIR HEIGHT, AND THIRD WIEL BE THEIR HEAD CIRCUMFERENCE, SO THAT'S THE MOST PROTECTED OF OUR BODY.

AND FOR HER, ALTHOUGH HER WEIGHT APPEARED CONSISTENT FROM THE TIME THAT I HAD -- UM -- HAD MEDICAL RECORDS, AND THEN THERE WAS A JUMP TO THE TIME THAT SHE HAD BEEN SEEN AT OUR CLINIC -- UM -- HER HEIGHT VELOCITY KIND OF PLATEAUED, AND

SHE HAD CROSSED SEVERAL STANDARD DEVIATIONS, SO LINES THAT WHEN SHE STARTED OFF AT 50TH PERCENTILE, NOW SHE WAS AT THE 5TH, AND SO THAT WAS VERY CONCERNING OF WHY A CHILD WOULD DO THAT.

Q WHY MIGHT A CHILD DO THAT?
A SO THERE CAN BE - UM - - ANY REASONS WHY SOMEONE IS NOT GETTING ENOUGH NUTRITION WOULD BE THE KIND OF NO. 1 REASON FOR IT - UM - - WHETHER IT WAS ENVIRONMENTAL OR MEDICAL.

Q UM -- WAS IT -- WELL, WAS AMAYA ON MEDICATIONS WHEN SHE CAME TO YOU?

A SHE WAS NOT AT THE TIME SHE -- THAT SHE CAME TO ME.
Q OKAY. AND WHEN SHE CAME TO YOU, DID SHE APPEAR TO BE IN GOOD HEALTH OTHERWISE?

A YES.
Q AND THIS IS IN MARCH OF 2014?
A CORRECT.
9 WAS IT YOUR UNDERSTANDING THAT SHE HAD BEEN ON MEDICATIONS AND EVERYTHING HAD BEEN STOPPED?

A YES.
Q SO SHE WAS FINE WHILE NOT ON THE MEDICATIONS?
A SHE APPEARED TO BE, YES.
Q UM -- SO WAS IT ALSO YOUR UNDERSTANDING THAT THERE HAD BEEN A TIME THAT AMAYA HAD SUFFERED SOME SEIZURES?

A YES.
Q WERE YOU ABLE TO REVIEW SOME MEDICAL RECORDS FROM

1 SUMMERLIN HOSPITAL OF SEIZURE ISSUES THAT AMAYA HAD SUFFERED?
2 A YES.
3 Q WHEN WAS THAT?
4 A DECEMBER - -
5 Q THE HOSPITAL STAY, NOT THE REVIEW OF THE MEDICAL
6 RECORDS, SORRY.
7 A DECEMBER OF 2012, I BELIEVE.
Q DECEMBER 23RD MAYBE, RIGHT BEFORE CHRISTMAS?
A CORRECT.
Q UH - AND IN THE MEDICAL RECORDS, DID IT INDICATE 11 THAT SHE HAD SUFFERED A SEIZURE AND, THEREFORE, WENT TO THE

12 HOSPITAL?
13 A YES.
14 Q UM - WAS IT ACTUALLY DOCUMENTED THAT SHE SUFFERED A 15 SEIZURE CAUSING HER TO GO THERE, OR WAS IT SOMETHING SLIGHTLY

16 DIFFERENT?

17 A UM -- THE CHIEF COMPLAINT, OR WHAT YOU TELL THE
18 TRIAGE WINDOW WHEN YOU COME IN, IS - UM - PASSING OUT, THAT

19 SHE HAD LOST CONSCIOUSNESS.
20 Q UM - AND DID IT INDICATE THAT SOMEBODY HAD TOLD HER
21 THAT SHE HAD SUFFERED A SEIZURE?

22

24 ABOUT.
25 Q OH, OKAY. WHAT WAS IN THE DIAGNOSES?

2 THAT WAS GOING TO BE EVALUATED.
3 O OKAY. WAS THERE ACTUALLY A SEIZURE SUFFERED BY HER
4 THAT WAS OBSERVED BY SUMMERLIN HOSPITAL PERSONNEL AFTER SHE 5 WAS THERE?

6 A IT APPEARED THE MEDICAL STAFF HAD OBSERVED ONE

7 SEIZURE EPISODE.
Q WHAT MIGHT CAUSE SEIZURES IN A CHILD THAT AGE?
A UM -- SEIZURES ARE FAIRLY COMPLEX WHEN IT COMES TO HOW THEY COME ABOUT. SOMETIMES, YOU KNOW, THE ANSWER IS THAT WE DON'T KNOW. UM - SOMETIMES IT COULD BE BRAIN DAMAGE OR SOMETHING IRRITATING THE BRAIN. IT COULD BE -- UM -- TOXIC EXPOSURF. IT COULD BE SOMETHING ELSE METABOLIC GOING ON IN THE BODY, INFECTIONS, THERE IS A MYRIAD OF DIFFERENT CAUSES FOR IT, AND USUALLY IT'S THAT WE DON'T KNOW.

Q OKAY. CAN, FOR EXAMPLE, DEHYDRATION, MALU --
17 MALNUTRITION, AND EXHAUSTION COMEINE AND CAUSE A SEIZURE IN AN EIGHT - YEAR-OLD CHILD?

A IT'S POSSIBLE.
Q UM - WAS THERE AN ISSUE WITH HER BEING HYPOTHERMIC ON ADMISSION --

A YES.
Q -- ON DECEMBER 23RD OF 2012?
A YES, IT WAS DOCUMENTED THAT HER TEMPERATURE WAS VERY LOW .
$1 \quad \mathrm{Q}$ WHAT DOES THAT MEAN?
A UM -- OUR TEMPERATURE IS REGULATED BY OUR BRAIN -UM -- AND ALSO BY JUST KIND OF NORMAL ACTIVITIES IN THE BODY. ONCE WE'RE OUT OF INFANCY -- UM -- OUR BODIES CAN KIND OF CONTROL THE TEMPERATURE, AND YOU SHOULD STAY AROUND, YOU KNOW, 98.6 IS KIND OF THE AVERAGE. AND SO HER BEING LOWER THAN THAT

7 WOULD MAKE A CONCERN FOR -- UM -- SOMETHING GOING ON IN HER
8 BODY THAT -- UH -.. NEEDS TO BE EVALUATED.
9 Q WHAT MIGHT CAUSE THAT TO HAPPEN?

11 NUTRITIONAL DEFICITS, IT CAN BE INFECTION, IT CAN BE MANY
12 DIFFERENT THINGS.
13 Q WAS IT YOUR UNDERSTANDING THAT MOST OF THOSE THINGS WERE RULED OUT, EXCEPT FOR POTENTIALLY MALNUTRITION?

A UM -- SHE HAD, IT LOOKED LIKE, AN INFECTION IN HER LUNGS POSSIBLY -- UN -- AND THEN -- UH -- OTHER THAN THAT, EVERYTHING ELSE SEEMED TO COME UP NEGATIVE.

Q AND THEN FINALLY DID YOU ALSO EXAMINE ANASTASIA SOLANDER?

A YES.
Q WHEN YOU EXAMINED ANASTASIA, ALSO HEAD TO TOE?
A YES.
Q BLOOD RESULTS ALSO --
A YES.
9 -- DONE OR BLOOD -- SORRY, LABS ALSO DONE? 9 HER NECK -- UM - - THAT WERE OF CONCERN.
$10 \quad \mathbf{Q}$ IN ADDITION TO THE -- WELL, CAN YOU DESCRIBE THE 11. BACK SHOULDER/NECK AREA SCARS FOR ME? LIKE WERE THEY 12 DIFFERENT THAN THE ONES ON THE BUTTOCKS?

A YES.
Q WAS THERE ANYTHING THAT YOU NOTICED ON ANASTASIA'S EXAMINATION THAT CAUSED YOU NOTE?

A SHE ADDITIONALLY HAD SCAR TISSUE TO HER BUTTOCKS -UM - AS WELL AS OTHER PARTS OF HER BODY.

Q WHERE IN ADDITION TO HER BUTTOCKS?
A UM -- SHE, I BELIEVE, ALSO HAD KIND OF ON THE BACK SHOULDER AREA -- UM -- AND -- UM -- KIND OF AN AREA ON HER --

A THE SCAR TISSUE ITSELF WAS A LITTLE BIT DIFFERENT, IT WAS A LITTLE BIT MORE PRONOUNCED -- UM -- AND IT WAS 5 IRREGULAR IN SHAPE, BUT APPEARED TO KIND OF HAVE THE SAME -6 UM -- KIND OF START POINT FROM -- FROM THE NECK TO THE 7 SHOULDER, DOWN TOWARDS THE KIND OF ARMPIT AREA.
8 Q DID THE SCARS ON THE NECK/SHOULDER AREA HAVE A DIFFERENT MECHANISM OF INJURY THAN THE ONES ON THE BUTTOCKS?

A THEY APPEARED TO BE CONSISTENT WITH BURN INUURIES.
MS. LUZAICH: WAS THERE ALSO A -- UM -- I'M SORRY, I LOST
MY TRAIN OF THOUGHT.
MAY I APPROACH?
THE COURT: YES.

## BY MS, IUZAICH:

Q SHOWING YOU WHAT'S BEEN MARKED AS STATE'S PROPOSED EXHIBITS 18, 19, 20, 21 - - ACTUALLY, 18 ALL THE WAY THROUGH 30, TO MAKE LIFE EASIER -- UM -- WHICH, FOR THE RECORD, HAVE ALSO BEEN SHOWN TO COUNSEL PRIOR TO THE HEARING.

CAN YOU TELL ME ARE THESE ALL PHOTOGRAPHS OF ANASTASIA THAT WERE TAKEN ON MARCH 13TH, 2014, AT THE ASSESSMENT CENTER?

9 A SO FAR, YES. YEP.

12 THOSE PHOTOS TAKEN OF ANASTASIA ON THAT DAY?

Q I'M SORRY, I ASKED THAT QUESTION TOO QUICKLY.
NOW THAT YOU HAVE LOOKED AT ALL OF THOSE PHOTOS, ARE

A YES.
Q AND DO THOSE PHOTOS FAIRLY AND ACCURATELY REFLECT THE INJURIES THAT YOU HAVE DESCRIBED FOR US?

A YES.
MS. LUZAICH: MOVE THEM INTO EVIDENCE.
THE COURT: ANY OBJECTION?
MR. MANN: NO, OBJECTION.
MR. RUE: NO, YOUR HONOR.
MR. MUELIER: NO.
THE COURT: OKAY. EIGHTEEN THROUGH 30 WIJT BE ADMITTED.
THANK YOU.
(WHEREUPON STATE'S EXHIBIT NOS. 18 THROUGH 30 WERE ADMITTED INTO EVIDENCE.)

MS. LUZAICH: THANK YOU.
Q STATE'S EXHIBIT 1B, DOCTOR, IS THAT A PHOTOGRAPH OF ANASTASIA'S FACE?

A YES.
Q SO THAT WE KNOW THAT THE PHOTOS, THE REST ARE HER. STATE'S EXHIBIT 19, WHAT ARE WE LOOKING AT?

A WE'RE LOOKING AT A PHOTOGRAPH OF HER BACK. UM -THERE IS SCAR TISSUE PRESENT ON THE -- UNM -- KIND OF THE MID SHOULDER AREA -- UM -- AS WELL AS ON THE -- KIND OF BACK OF THE SHOULDER BLADE EXTENDING DOWN TO THE AXILLA OR THE ARMPIT AREA.

Q STATE'S EXHIBIT 20. IS THAT A CLOSE-UP OF STATE'S

## EXHIBIT 19?

A YES. OF THE BACK OF THE SHOULDER, YES.
9 AND THESE ARE THE PHOTOS THAT ARE CONSIS -- OR THE SCARS THAT ARE CONSISTENT WITH BURNS?

A YES.
Q CAN YOU TELL WHEN YOU LOOK AT THE SCARS HOW OLD THE BURNS WERE?

A NO, I CAN'T.
Q CAN YOU SAY THEY WERE MORE THAN?
A THEY WERE MORE THAN -- UM -- WEEKS TO MONTHS.
$Q \quad$ STATE'S EXHIBIT 21?
A THIS IS THE RIGHT SIDE OF HER BACK -- UM -- KIND OF THE MIDDLE RIGHT SIDE OF THE BACK, AND IT'S A LINEAR SCAR --

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    UM -- ACCOMPANIED BY TWO KIND OF SMALLER LINEAR SCARS COMING
    OFF OF THEM PERPENDICULAR - - UM -- ON -- ON HER BACKSIDE AREA.
    Q BACKSIDE AS OPPOSED TO BUTTOCKS SIDE?
    A CORRECT. SORRY.
    Q EXHIBIT 22, IS THAT A CLOSE-UP OF WHAT YOU JUST
    DESCRIBED?
    A YES.
    Q WHAT IS EXHIBIT 23?
    A SO THAT IS ANOTHER FAIRLY LINEAR SCAR ON THE RIGHT
    FLANK, SO THAT IS THE RIGHT -- UH -- SIDE OF THE BACK, BUT
    LOWER DOWN.
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    Q STATE \({ }^{\dagger}\) S EXHIBIT 24?
    A THIS IS THE - A PHOTOGRAPH OF THE BACK OF HER EAR.
        UM -- SHE HAS IN THE - K KIND OF THE CREASE OF THE BACK OF THE
        EAR THAT'S CLOSEST TO THE SCALP AREA SOME FLAKING AND REDNESS
        OF SKIN -- UN - AND THEN A LITTLE BIT OF DISCOLORATION, BUT
        I'M NOT SURE OF WHA'I ON THE KIND OF OUTER EARLOBE.
    Q UM - IS THERE ALSO A SCAR ON THE EAR? IS THAT - -
    A IT WAS VERY DIFFICULT TO TELL. SHE -- UM - SHE AND
        ALL THE GIRLS HAD BEEN UNDERGOING TREATMENT WITH SOME TYPE OF
            21 TOPICAL, SO LIKE A CREAM FOR THE HAIR, BECAUSE THEY HAD SOME
            22 TYPE OF FUNGUS -- UM - - IN THE -- IN THE HAIR AREA. AND SO
            23 DUE TO THAT, THEY HAD A LOT OF KIND OF REDNESS AND CHAFING OF
            24 SKIN, KIND OF -- ESPECIALLY RIGHT AT THE HAIRLINE BEHIND
            25 THERE, AND SO IT WAS A BIT OF A -- A DISTRACTER. WE TRIED
    CLEANING SOME OF IT OFF, BUT WE WERE UNABLE TO KIND OF SUCCESSFULLY GET EVERYTHING OFF.

Q OKAY. CAN YOU SEE ANY BURN MARKS IN 24?
A NOT THAT I'M COMFORTABLE --
$\mathbf{Q} \quad Y O U$ CAN'T, OKAY.
A UM-UM.
Q TWENTY-FIVE, WHAT IS THAT?
A THAT IS THE TOP OF HER RIGHT SHOULDER - - UM - WITH, AGAIN, SCAR TISSUE -- UM -- THAT APPEARS TO BE SECONDARY TO A BURN - - UM -- KIND OF IN THE MIDDLE AREA OF THE TOP OF A SHOULDER.

Q WHEN YOU SAY SCAR TISSUE THAT APPEARS TO BE SECONDARY TO A BURN, WHAT DOES THAT MEAN IN PEOPLE TERMS?

A IT JUST MEANS THAT THE WAY IT LOOKS -- UM -- AND HOW IT'S HEALED - UM -- THE MECHANISM IS MORE CONSISTENT WITH SOME KIND OF BURN RATHER THAN SOME KIND OF HIT OR FALL OR 17 ABRASION.

Q OKAY. STATE'S EXHIBIT 26?
A THAT IS HER - - THE OUTSIDE OF HER RIGHT EAR.
$Q \quad$ AND WHAT DO WE SEE?
A UM - - I SEE SOME LIGHTENING OF THE SKIN, KIND OF TOWARDS THE OUTER END OF THE EARLOBE, AND THEN A LITTLE BIT OF REDNESS ALL THE WAY AROUND.

Q STATE'S EXHIBIT 27?
A THAT IS HER BUTTOCKS -- UM - - AGAIN WITH SCAR TISSUE

1 TOWARDS THE KIND OF BOTTOM, ALMOST TOWARDS THE CREASE OF THE 2 BUTTOCK AREA.

3 Q STATE'S EXHIBIT 28?
4 A SIMILARLY -- UM -- THE BUTTOCKS, BOTH BEING ABLE TO 5 SEE THE RIGHT AND THE LEFT BUTTOCKS WITH SCAR TISSUE ON -- ON 6 BOTH BUTTOCK.

7 Q EXHIBIT 29?
8 A THIS IS THE LEFT BUTTOCKS, A LITTLE BIT HIGHER - -
9 UM -- MID AREA WITH A LINEAR -- UM -- SCAR.
10 Q AND THAT WOULD BE THE CLOSE-UP OF THE BUTTOCKS,
11 CORRECT?

12 A THE CLOSE-UP OF THE --
13 Q LEFT SIDE.
14 A $\quad$ - TOP - TOP END OF THE LEFT SIDE.
$15 \quad \mathbf{Q} \quad$ AND THEN STATE'S 30?
A IS THE CLOSE-UP OF THE RIGHT - - UM - - BOTTOM OF THE
17 BUTTOCK - UM -- SHOWING THE SCAR TISSUE.
Q DID I BRING A PAPER CLIP? NO?
UM -- IN ADDITION TO THE -- UM -- SCARS THAT WE'VE
19

21 ANASTASIA'S EXAM THAT CAUSED YOU CONCERN?
22 A SHE ALSO WAS ON A LOWER END OF HEIGHT - - UM -- FOR 23 HER GROWTH CURVE, GIVEN HER AGE. UM - - AND THEN LOOKING BACK 24 ON HER - - WE GOT A MEDICAL PASSPORT OF HER KIND OF EARLIER 25 YEARS OF -- OF ERIMARY MEDICAL CARE, APPEARED THAT SHE HAD - -

1 UM - - INITIALLY BEEN ABOUT 50TH OR SO PERCENTILE AND HAD
2 CROSSED THOSE LINES OF 25TH AND 10TH AND WAS NOW CLOSER TO THE 3 5TH PERCENTILE WITH HER HEIGHT, SO LOSING VELOCITY, SO THE 4 SPEED OF WHICH SHE'S GROWING, WHICH WAS OF -- OF VERY MUCH 5 CONCERN.
$6 \quad Q \quad$ AND CONCERN WHY?

8 AFFECTING A CHILD'S GROWTH, THE FIRST THING THAT IS AFFECTED
9 IS WEIGHT, AND THEN NOT ONLY TILL THEY'VE PASSED KIND OF THAT
10 POINT WHERE THERE'S NOTHING LEFT TO TAKE FROM THEIR WEIGHT, DO
11 THEY GO TO THEIR HEIGHT. SO LOSING HEIGHT - - UM - - IS

12 INDICATIVE OF A FAIRLY CONCERNING CONDITION.

Q UM - WHEN YOU SAW THE SCARS ON THE THREE CHILDREN, DID THAT CAUSE YOU MORE CONCERN THAN IF YOU HAD SEEN ONE CHILD BY THEMSELF?

A EACH CHILD VISUALLY WAS VERY CONCERNING WHERE THEY HAD THEIR SCARS AND THE EXTENT OF IT. BUT THEN SEEING THAT ALL THREE HAD PRETTY MUCH THE SAME SCAR TISSUE ON BOTH BUTTOCKS IN ALMOST THE IDENTICAL AREA -- UM -- WAS VERY DEFFNITIVE FOR NON-ACCIDENTAL TYPE OF TRAUMA.

Q OKAY. INITIALLY YOU SAID THAT SEEING JUST EACH CHILD BY THEMSELVES WAS CONCERNING.

A YES.
Q WHY WAS IT CONCERNING JUST ONE CHILD BY THEMSELF?
A AGAIN, THIS IS A HIGHLY PROTECTED AREA, IT'S A PLACE

1 THAT DOESN'T SCAR VERY READILY, THAT IS NOT -- UM - - INJURED
2 TYPICALLY FROM ACCIDENTAL MECHANISMS, FALLS, ET CETERA. UM - -
3 AND THE FACT THAT THREE OF THEM HAD THE EXACT SAME SET OF SCAR
4 TISSUE - UM -- INDICATED EVEN MORE VEHEMENTLY THAT THIS WAS
5 NOT SOMETHING THAT WAS ACCIDENTAL.
6 Q NOW, THE ACTUAL INJURIES, THE SCARS THEMSELVES - -
7 UM - - WAS THERE SOME KIND OF PATTERN TO THEM?

9 MIGHT HAVE BEEN A LITTLE BIT OF CURVATURE TO IT, BUT OVERALL
10 I'D DESCRIBE THEM AS IRREGULAR SHAPES, BECAUSE THEY DIDN'T
11 HAVE ANY SOLID PATTERNING TO THEM, NO.
12 Q OKAY BUT THE FACT THAT THEY WERE THE SAME AS THE OTHER GIRLS WAS WHAT WAS CONCERNING TO YOU?

A YES.
Q UM - WOULD THESE - - UH - THESE - T WELL, SO YOUR CONGERN WAS OF NON-ACCIDENTAL INJURY.

A YES.
Q WHAT ABOUT THEIR CONDITIONS AS A WHOLE? WHAT KIND OF CONDITION WERE THE GIRLS IN AS A WHOLE?

A AS A WHOLE, I WAS CONCERNED ABOUT THE HEIGHT
21 VELOCITY, THE GROWTH PARAMETERS THEY WERE NOT FOLLOWING.
22 UM - CONCERN ABOUT THEIR OVERALL SCAR TISSUE THAT WAS SEEN.
23 UM - - AND THEN KIND OF AS A REVIEW OF RECORDS, KIND OF THE
24 MEDICATIONS AND SOME OF THE - - UM - EVALUATIONS THAT THEY
25 WERE UNDERGOING WITHOUT - - UH - - KIND OF MEDICAL CONCERNS THAT

CAME FROM IT, SO ALL BEING NEGATIVE.
Q AND BASED ON YOUR TRAINING AND EXPERIENCE, DO YOU HAVE AN OPINION WHETHER OR NOT THESE CHILDREN HAD SUFFERED ABUSE?

A MY OPINION THAT THE SCAR TISSUE REPRESENTED DEFINITIVE FOR ABUSE.

MS. LUZAICE: THANK YOU. I PASS THE WITNESS.
THE COURT: MR. MANN, CROSS-EXAMINATION?

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## BY MR. MANN :

Q DR. CETL -- UM -- DO YOU KNOW THE HISTORY OF THESE CHILDREN?

A UM -- MY -- TO SOME EXTENT. I UNDERSTAND THAT THEY WERE IN, I GUESS, D.F.S. CUSTODY, AND THEN WERE IN FOSTER CARE, AND THEN ADOPTED. UTH -- SO I KNOW, IN GENERAL, THEIR -KIND OF THEIR HISTORY.

Q SO YOU WERE AWARE THAT THEY WERE REMOVED FROM THEIR BIOLOGICAL HOME?

A YES.
Q FOR SOME SORT OF NEGLECT OR ABUSE PURPOSES?
A THAT'S MY UNDERSTANDING.
Q OKAY. UM - AND YOU ALSO INDICATED THAT YOU WERE MISSING SIGNIFICANT PORTIONS OF THEIR MEDICAL HISTORY, CORRECT?

A AT THE TIME OF THEIR INITIAL EVALUATION, YES.
Q OKAY. LET'S TALK ABOUT THE GROWTH CHART LINE FOR A SECOND.

A YEP.
Q OKAY. NOW, THE GROWTH CHART LINES -- UM -PEDIATRICIANS ACROSS THE UNITED STATES USE THIS, CORRECT?

A CORRECT.
Q IS IT SOMETHING -- SOMETHING OUT OF -- OUTSIDE THE UNITED STATES OR JUST THE MAIN UNITED STATES?

A I BELIEVE THE UNITED STATES AS WELL. OR I MEAN OUTSIDE THE UNITED STATES AS WELL.

Q OKAY. UH -- AND SO IT IS A NORMAI PRACTICE TO CHART, RIGHT?

A CORRECT.
Q NOW, IN ORDER TO CHART CORRECTLY, YOU'RE DEPENDENT ON WHOEVER MEASURES, WEIGHS THEM, AND THINGS LIKE THAT, CORRECT?

A THAT IS CORRECT.
Q OKAY. NOW, IT'S NOT UNUSUAL FOR SOMEONE TO DEVIATE FROM A DIFFERENT LINE ON A -- ON A REGULAR BASIS MOVE DOWN A LINE, UP A LINE, UP TWO LINES, DOWN TWO LINES, CORRECT?

A HMM, I THINK IT WOULD BE UNUSUAL TO DEVIATE MORE THAN ONE OR TWO LINES, THAT WOULD BE VERY UNUSUAL. BUT SOME DEVIATION I WOULD EXPECT JUST FROM, YOU KNOW, DIFFERENT' SCALES, DIFFERENT PEOPLE MEASUREMENTS.

Q OKAY. AND SO YOU WOULD SEE - - IT'S POSSIBLE YOU CAN SEE A NORMAL CURVE AND SOMEONE KIND OF BOUNCING ON A CURVE BELOW OR ABOVE IT, CORRECT?

A YES.
Q OKAY. AND IN ORDER TO GET AN ACCURATE PICTURE, YOU WOULD NEED TO BE ABLE TO SEE EVERY TIME THAT THEY WERE SEEN BY A DOCTOR IN ORDER TO UNDERSTAND IF THEY HAD BOUNCED ONE DOWN, TWO DOWN, AND WAS MAKING A SLOWER PROGRESSION ON THAT CURVE LINE, VERSUS AN IMMEDIATE FALL TO WHICH YOU OBSERVED, CORRECT?

A UM - YOU WOULD NEED MULTIPLE POINTS. NOT NECESSARILY ALL OF THEM, BUT YES, MULTIPLE.

Q OKAY. AND IT'S FAIR TO SAY THAT THE MEDICAL RECORDS THAT YOU LOOKED AT ENDED WELL WITHIN THEIR EARLY PARTS OF THEIR LIFE, OF THE CHILD'S LIFE, CORRECT?

A YES.
Q AND - UH - - THEY WERE - WHEN YOU SAW THEM - UM - NINE, ELEVEN AND TWELVE?

A CORRECT.
Q OKAY. AND SO I BELIEVE THE LAST RECORD YOU SAW WAS FOR WHAT, FOUR OR FIVE?

A UM - - AT THE TIME OF THE CAC WITH THE FIRST CURVE I THINK THEY WERE ABOUT -- I THINK IT WAS 2010, SO IT MUST HAVE BEEN, YEAH, ABOUT FOUR YEARS.

Q OKAY. AND SO -- UH -- THERE WAS, IN A CHILD'S LIFE, THESE CHILDREN, ABOUT AT LEAST 25 TO 30 PERCENT OF THEIR LIFE,

## OF A GAP THAT YOU DIDN'T HAVE INFORMATION FOR, CORRECT?

A AT THE TIME, THAT'S CORRECT.
Q OKAY. NOW, YOU SAY AT THE TIME. HAVE YOU SINCE REVIEWED MORE MEDICAL RECORDS?

A RECENTLY I'VE RECEIVED MORE MEDICAL RECORDS.
Q OKAY. AND WHERE DID YOU RECEIVE THOSE MEDICAL RECORDS FROM?

A UM - F FROM I BELIEVE IT WAS CPS AND FAMILY COURT.
Q OKAY. AND WHAT DO THOSE MEDICAL RECORDS INCLUDE?
A UH -- THEY WERE RECORDS FROM SUMMERLIN HOSPITAL - UM -- I'M TRYING TO THINK. I BEEIEVE ALSO AN ENDOCRINOLOGIST, DR. DEWAN -- UM - AND SOME OTHER APPOINTMENTS. I DON'T RECALL ALL. THEY HAD SEVERAL SUBSPECIALISTS. THERE WAS GASTROENTEROLOGY AND HEMATOLOGY AND SEVERAL OTHER ONES.

MR. MANN: ALI RIGHT, YOUR HONOR. AND JUST FOR THE RECORD - - UM -- THE DEFENSE HAS NOT RECEIVED ANY OF THOSE RECORDS.

MS. LUZAICH: NEITHER HAS THE STATE.
MR. MANN: UM -- T THE STATE WAS ASKING HER SPECIFICALLY ABOUT THOSE RECORDS AND ABOUT THOSE INCIDENTS. UM -- SO -UM - - I JUST WANTED TO MAKE SURE THAT YOUR HONOR WAS AWARE THAT WE HAD ASKED FOR THAT AND HAD NOT RECEIVED IT, AND THE STATE HAD ASKED QUESTIONS BASED ON THAT.

Q UH -- SO -- NOW, A PERSON THAT DEVIATES FROM DIFFERENT GROWTH CHARTS, YOU WOULD INDICATE ALL THAT IS, IS

1 MAYBE A WARNING LIGHT THAT WOULD GO OFF TO INDICATE THERE
2 MIGHT BE A PROBLEM, CORRECT?

5 THERE IS A PROBLEM?
6 A UM - I THINK THERE WERE ENOUGH POINTS IN THE EARLY 7 LIFE TO SEE WHERE THEY WERE GOING, AND THAT ALL THREE OF THEM KIND OF WERE FOLLOWING A CERTAIN CURVE AND THEN WERE SIGNIFICANTLY LOWER, SO I FELT THAT THAT WAS MORE THAN JUST A WARNING LIGHT.

Q OKAY. BUT I'M SAYING THAT THAT GROWTH CHART USED IS MAINLY A WARNING LIGHT TO ANY PEDIATRICIAN THAT, HEY, WE NEED TO LOOK FURTHER INTO IT. IT'S NOT, IN AND OF ITSELF, FUNDAMENTAL THAT THERE IS A PROBLEM?

A CORRECT.
Q OKAY. AND SO YOU COULD HAVE SOMEONE THAT ACTUALLY
17 JUST KIND OF SLOWS DOWN IN THEIR GROWTH PATTERN AND THAT' S JUST IN THEIR GENETICS?

A THAT'S ACTUALLY BUILT INTO GROWTH CURVES, SO ALL CHILDREN, THEY KIND OF HAVE A REALLY STEEP SLOPE AND THEN THEY KIND OF CURVE OFF, AND THEN THEY ARE - OR PLATEAU OFF AND THEN GO BACK UP. UM -- AND SO THAT KIND OF SLOWING IS ACTUALLY BUILT IN FOR IT.

AND ALSO GENETICS - - UM - - GENETIC ISSUES, SO JUST
25 FAMILY SHORT STATURE, THINGS LIKE THAT, IS SOMETHING THAT

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DOESN'T CHANGE THROUGHOUT THE LIFETIME.
Q OKAY. NOW, YOU SAID THAT YOU REVIEWED OTHER RECORDS -- UM -- SINCE THIS SCAN EXAM, CORRECT?
A CORRECT.
Q AND SOME OF THOSE OTHER RECORDS YOU SAID IN -- IN -INCLUDED A DR. DEWAN, WHO'S AN ENDOCRINOLOGIST, CORRECT?
7 A CORRECT.

A THAT IS WHAT WAS - - UM -- DIAGNOSED BY THAT
2 ENDOCRINOLOGIST.
\(3 \quad Q \quad\) OKAY, AND YOU'RE SAYING -- ARE YOU SAYING THAT
DR. DEWAN, WHO DIAGNOSED THAT, IS CORRECT OR INCORRECT?
A BASED ON THE LABORATORIES THAT I SAW FROM
DR. DEWAN'S OFFICE, THERE WASN'T ANY SIGNIFICANT ABNORMALITY
IN HER THYROID STUDIES, AND SO I WAS CONCERNED THAT - UN - -
THERE WERE - THERE WAS OTHER THINGS THAT WERE AT PLAY HERE.
Q OKAY. AND - UM - NOW, ARE YOU AN ENDOCRINOLOGIST?
A NO, SIR.
Q ARE YOU SPECIALIZED IN ENDOCRINOLOGY?
A NO.
\(\boldsymbol{Q}\) AND WOULD YOU THEN SAY THAT YOU ARE BETTER TO EVALUATE ANASTASIA'S CONDITION THAN DR. DEWAN?

A AS A WHOLE, I THINK, JUST LOOKING AT THE TOTALITY OF HER MEDICAL RECORDS. HOWEVER, IN TERMS OF THE

17 HYPOTHYROIDISM -- UM -- THAT'S SOMETHING THAT HE, YOU KNOW, IS
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    Q WHO'S A HEMATOLOGIST?
    A YES.
    Q AND DR. BERNSTEIN LOOKS AT BLOOD, CORRECT?
    A CORRECT.
    Q AND MAKES A DETERMINATION BASED ON WHAT YOU SAY LAB
    REPORTS, RIGHT?
A CORRECT.
Q AND DOCTOR -- DID YOU SEE THAT DR. BERNSTEIN HAD
REFERRED - UM - A APAYA TO DR. DEZENBERG (PHONETIC) - - UH - -
FOR GASTROINTESTINAL ISSUES?
A YES.
Q BASED ON THOSE LAB REPORTS?
A CORRECT.
Q OKAY. AND GASTROINTESTINAL ISSUES WOULD BE - - UM - -
IN LINE WITH CROHN'S DISEASE, CORRECT?
A YES.
Q OKAY. THAT CROHN'S DISEASE IS PART OF A G.I. TYPE
ISSUE, CORRECT?
A YES.
Q NOW, CROHN'S DISEASE - - UH -- PREVENTS THE BODY FROM
BEING ABLE TO ABSORB THE NUTRIENTS - - OR LET ME REPHRASE --
THE COLON TO BE ABLE TO ABSORB THE NUTRIENTS INTO THE BODY,
CORRECT?
A CORRECT.
Q ALL RIGHT. AND SO IF SOMEONE HAD CROHN'S DISEASE,

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1 IT'S NOT SURPRISING TO SEE SOMEONE'S GROWTH CHART CHANGE
2 BECAUSE OF THOSE ISSUES?
3 A IF SOMEONE HAD IT, YES.
4 Q OKAY. NOW, YOU -- UH -- ARE YOU A GASTRO IN --
INTERNIST?
A NO.
Q OKAY. DO YOU HAVE THE SPECIALTY THAT DR. DEZENBERG
HAS?

A NO.
Q OKAY. AND YET YOU'RE SAYING DR. DEZENBERG IS WRONG
11 IN HIS DETERMINATION THAT HE HAD -- THAT SHE HAD CROHN'S
12 DISEASE?
13 A HE HADN'T DIAGNOSED HER WITH CROHN'S DISEASE. THERE
14 WAS SOME LABORATORIES THAT WAS SUGGESTIVE GF IT, SO
15 APPROPRIATELY WENT TO SEE DEZENBERG, DR. RHEE - UM - - AND
16 THEY, THROUGH THE DEFINITIVE TESTING, FOUND THAT IT WAS NOT
17 CONSISTENT WITH CROHN'S DISEASE.
18 Q OKAY. AND THAT WAS OVER A SIGNIFICANT PERIQD OF
19 TIME THAT THEY WENT THROUGH THAT?

21 Q OKAY. IT WASN'T IMMEDIATE, WHERE THEY TOOK THE
22 BLOOD IMMEDIATELY KNEW SHE DIDN'T HAVE CROHN'S DISEASE?
A THAT'S CORRECT.
Q THEY ACIUAELY SUSPECTED IT FOR A YEAR, RIGHT --
A YES.

6 AND START DIRECTING THE PATIENT TO FOLLOW AS IF SHE DID,
7 CORRECT?
B A UM - - THEY WOUED, BUT THEY DIDN'T - - NOT THE TYPE OF
9 TREATMENT THAT SHE WOULD NEED FOR CROHN'S DISEASE. SHE DID
10 NOT RECEIVE ANYTHING -\(11 \quad \mathbf{Q}\) WELL, ADJUSTING DIET?

A SHE WAS ADJUSTING, AND MEDICATION FOR CONSTIPATION,
13 BUT ALL THE OTHER CHANGES WERE NOT FOR CROHN'S DISEASE. THE
14 CHANGES THAT WERE RECOMMENDED WERE ACTUALLY FOR -- UN --
15 CONSTIPATION CONCERNS.
16 Q OKAY. BUT THERE WAS NO DIRECTIVE FROM DR. DEZENBERG
17 TO ADJUST FOR DIET?
18
Q -- THAT SHE HAD CROHN'S DISEASE?
A THEY WERE EVALUATING FOR IT, YES.
Q OKAY. AND SO OVER THAT YEAR'S TIME, THAT'S WHAT THEY WERE FOLIOWING. AND IN A NORMAL COURSE AND PRACTICE, A GOOD DOCTOR WOULD ASSUME THAT SHE DOES HAVE CROHN'S DISEASE
4 CHANGES THAT WERE RECOMMENDED WERE ACTUALLY FOR -- UM --
5 CONSTIPATION CONCERNS.

A UM - - NOT THAT I NOTED IN TERMS OF CROHN'S DISEASE CARE.

Q OKAY. AND -- UM -- BUT, AGAIN, YOU SAW DR. DEZENBERG'S FILE, CORRECT, ON AMAYA?

A YES.
Q AND IN THAT FILE YOU'RE SAYING THAT THERE WAS NO EVIDENCE OR INDICATION THAT DR. DEZENBERG GAVE ANY SORT OF INDICATION TO AMAYA OR HER FAMILY TO CHANGE DIET OR THE WAY

1 SHE EATS?
2 A UM -- I DID NOT SEE ANYTHING IN TERMS OF CROHN'S. I 3 THINK THAT THERE WERE INSTRUCTIONS AND EDUCATION IN TERMS OF

4 DIET IN GENERAL ADDRESSING THE CONSTIPATION.
5 Q OKAY. SO YOU'RE SAYING THAT EVEN THOUGH CROHN'S WAS 6 SUSPECTED, THEY -- WHATEVER RECOMMENDATIONS WERE MADE WAS NOT

7 ON THE BASIS OF CROHN'S, BUT BASED ON SOME OTHER ISSUE, IN
8 THIS CASE YOU'RE SAYING CONSTIPATION?
9 A THAT'S WHAT IT APPEARED TO BE.
\(10 \quad Q \quad\) OKAY. BUT YOU DON'T -- YOU'RE NOT DR. DEZENBERG, 11 CORRECT?

12 A THAT'S CORRECT.
13 Q AND YOU DON'T KNOW WHAT HE OR SHE WAS ACTUALEY
14 THINKING?
15 A CORRECT.
16 Q OKAY. AND SO YOU'RE MAKING ASSUMPTIONS BASED ON THE
17 REPORTS THAT YOU RECEIVED FROM -- I'M SORRY, IS IT A MALE OR
18 FEMALE DOCTOR?
19 A HE'S A MALE.
20 Q MALE, OKAY. FROM-FROM HIS OFFICE?

A CORRECT.
\begin{tabular}{|c|c|c|}
\hline 1 & Q & THEY COULD HAVE BEEN CAUSED -- UM -- BACK IN 2007? \\
\hline 2 & A & IT'S POSSIBLE. \\
\hline 3 & 0 & OKAY. THEY COULD HAVE BEEN CAUSED IN 2008? \\
\hline 4 & A & CORRECT. \\
\hline 5 & 9 & 2009? \\
\hline 6 & A & CORRECT. \\
\hline 7 & Q & SO ANY -- THESE SCARS ARE NOT -- UH -- INDICATIVE OF \\
\hline 8 & WHO CAUSED & THEM, WHATSOEVER? \\
\hline 9 & A & NO. \\
\hline 10 & Q & OKAY. NOW -- UM -- THE SCARS THAT YOU OBSERVED -- \\
\hline 11. & UM -- YOU & SAID THAT THEY WERE IRREGULAR IN SHAPE. \\
\hline 12 & & UM -- SOME OF THEM WERE, YES, IRREGULAR IN SHAPE. \\
\hline 13 & 8 & OKAY. AND THAT -- UM -- YOU COULD NOT SEE AT -- \\
\hline 14 & WHEN MISS & LUZAICH HAD ASKED YOU IF THERE WAS A PATTERN, YOU \\
\hline 15 & COULD NOT & IDENTIFY A PATTERN OF THESE SCARS? \\
\hline 16 & A & CORRECT. \\
\hline 17 & Q & OKAY. NOW -- UM -- THE ONLY REASON WHY YOU'RE \\
\hline 18 & HYPOTHESIZ & IING THAT IT'S ACTUALEY ABUSE IS BECAUSE IT'S IN THE \\
\hline 19 & BUTT OR LO & WWER BACK REGION, CORRECT? \\
\hline 20 & A & THE LOCATION, YES. \\
\hline 21 & Q & OKAY. AND, OBVIOUSLY, YOU'RE SAYING THAT -- UH - \\
\hline 22 & THESE CHIL & DREN CAN'T CAUSE THESE INJURIES TO THEMSELVES \\
\hline 23 & BECAUSE, O & ONE, PEOPLE NORMALLY DON'T FALL ON THEIR BUTT OR \\
\hline 24 & LOWER BACK & , RIGHT? \\
\hline 25 & A & UH -- NOT THAT THEY DON'T FALL ON THEIR BUTT OR \\
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LOWER BACK, BUT THEY ARE PROTECTED AREAS THAT DON'T OFTEN
SUSTAIN ANY 'TYPE OF INJURIES THIS WAY, ESPECIALLY BEING THAI'
THEY ARE CLOTHED INDIVIDUALS - - UM -- AND THAT THEY ALL HAVE
THE SAME SCARRING PATTERN.
Q OKAY. SO YOU'RE ASSUMING THAT IF THESE INJORIES OCCURRED BY THESE CHILDREN ON THEMSELVES, THAT THEY WERE CLOTHED WHEN THEY HAPPENED, AND THAT SOMEHOW OR ANOTHER THESE CHILDREN WOULD PROTECT THEMSELVES FROM INJURING THEIR BUTT?
A MORE THAN LIKELY, YES.
Q OKAY. AND - - UM - - IT'S QUITE POSSIBLE THAT THESE INJURIES THAT YOU SAW ALSO COULD HAVE OCCURRED IN THE BEGINNING OF 2014, CORRECT?
A. UH - YES.
Q AND SO THERE REALLY IS NQ TIMEFRAME THAT YOU ARE PUTTING TO THESE INJURIES, WHATSOEVER?
A THAT'S CORRECT.
Q OKAY. UM -- NOW -- UM -- CONSTIPATION -- UM -- A CHILD THAT HAS CONSTIPATION -- UM -- IS THAT A MEDICAL REASON, OR IS THERE SOME OTHER REASON?
A I DON'T - - I DON'T UNDERSTAND YOUR QUESTION.
Q SURE. MAYBE I DON'T UNDERSTAND MY QUESTION, EITHER. UM - - THERE WAS TESTIMONY THAT ONE OF THE CHILDREN PURPOSELY HELD THEIR PEE OR POOP -- UM -- FOR SIGNIFICANT PERIODS OF TIME IN A WAY TO GET BACK AT THEIR CAREGIVERS.
A UM-HUM.

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7 WAY, CORRECT?
A IN SOME WAY.
MS. LUZAICH: WELL, OBJECTION. I DON'T THINK SHE CAN TESTIFY TO ANY KIND OF ISSUE WITH THE FOSTER CARE SYSTEM.

THE COURT: I THINK YOU NEED TO LAY SOME FOUNDATION FOR THAT QUESTION.

MR. MANN: SURE. SURE.
Q UM - T THE STATE ASKED YOU AD NAUSEAM THAT YOU ARE - -
MS. LUZAICH: WELL, OBJECTION, TO THE - -
MR. MANN: - - PLACED IN PART IN THE -- IN THE CHILD ABUSE
17 PROCESS OF EVALUATION, AND YOU ARE IN CLOSE CONNECTION WITH
0 AND DOING THAT COULD CAUSE DAMAGE TO THEMSELVES, CORRECT?

A UM -- YES, HOLDING STOQL COULD.
Q OKAY. AND -- UM -- THAT'S ACTUALLY A COMMON TRAIT FOR KIDS THAT ARE -- UH -- GOING THROUGH THE FOSTER CARE SYSTEM OR BEING REMOVED FROM THEIR HOME TO ACT OUT IN SOME

THE WITNESS: CORRECT.
THE COURT: OKAY. IS THERE AN OBJECTION?
MS. LUZAICH: WELL, MY OBJECTION --
THE COURT: I MEAN I WAS JUST --
MS. LUZAICH: - WAS TO THE "AD NAUSEAM."
l THE COURT: OH, OKAY.
2 MR. MANN: CAN I KEEP GOING?

5 UM -- YOU CAN CONTINUE TO TRY TO LAY A FOUNDATION FOR YOUR ORIGINAL QUESTION.

7 MS. LUZAICH: AND MY EXPERTISE FOUNDATION HAD NOTHING TO DO WITH FOSTER CARE, JUST CHILD ABUSE. PEOPLE WHO ABUSE CHILDREN AREN'T ONLY IN -- OR CHILD ABUSE VICTIMS ARE NOT ONLY FROM FOSTER CARE, SO THERE IS NO FOUNDATION HERE FOR THAT.

THE COURT: YES, I'VE SUSTAINED YOUR -- I'VE SAID HE
12 NEEDS TO LAY A FOUNDATION FOR HIS ORIGINAL QUESTION.
MR. MANN: RIGHT.
Q UM -- AND SO YOU'VE DEALT WITH A LOT OF KIDS THAT HAVE MADE -- UM -- OR HAVE HAD ALLEGATIONS OF BEING ABUSED, CORRECT?

A YES.
Q OKAY. AND THOSE KIDS -- UM -- ARE BOTH IN FOSTER CARE AND NOT IN FOSTER CARE, CORRECT?

A CORRECT.
Q OKAY. AND SO WOULD YOU SAY THAT YOU'VE SEEN A SIGNIFICANT NUMBER OF CHILDREN IN FOSTER CARE?

A UM -- I'M NOT SURE HOW TO DEFINE SIGNIFICANT NECESSARILY. THE MAJORITY ARE NOT IN FOSTER CARE, BUT THERE 25 DO COME OCCASION THAT WE DO SEE FOSTER CARE CHILDREN.

Q OKAY. NOW, YOU HAVE STUDIED -- UM - THE PROCESS OF CHILD ABUSE, CORRECT?

A YES.
Q UM -- KIDS THAT - THE PSYCHOLOGICAL EFFECTS OF CHILD ABUSE?

A YES.
Q THE EFFECTS OF - UM - - THE PHYSICAL EFFECTS OF CHILD ABUSE?

A CORRECT.
Q OKAY. NOW, IN THOSE STUDIES -- UN -- YOU HAVE BEEN ABLE TO -- UM -- GRASP THE CONCEPT THAT CHILDREN THAT ARE IN ABUSIVE HOMES -- UM - FIND WAYS TO ACT OUT?

A THEY CAN, YES.
Q OKAY. AND SO A CHILD THAT'S IN AN ABUSIVE HOME, THAT'S ACTUALEY REMOVED FROM THAT HOME - - UM - - MAY - - MAY ACT OUT EVEN IN THE NEW HOME, CORRECT?

A THEY MAY, YEAH.
Q OKAY. AND SO IS IT A NORMAL COURSE FOR A CHILD TO PURPOSELY WITHHOLD THEIR PEE OR POOP, EVEN WHEN IT INJURES THEMSELVES?

A NOT REALLY AS A NORMAL COURSE. UM -- TYPICALLY WITH FECES - UM - - IT TENDS TO BE THE OPPOSETE. THERE'S A LOT OF SMEARING IT ON WALLS, THINGS LIKE THAT, TEND TO BE KIND OF A RED FLAG OR SOMETHING THAT WE - - WE WILL SEE. UM - - HOLDING STOOL -- UM -- YOU KNOW, IS SEEN, BUT I DON'T KNOW THAT IT

WOULD NECESSARILY BE COMMON OR -- OR NORMAL.
2 Q OKAY.
A \(\quad \mathrm{NQ}\).
Q AND SO THESE SAME CHILDREN THAT - - UH - MAY NOT WITHHOLD THEIR STOOL, MAY TRY AND USE IT AT CERTAIN TIMES, TO 6 DEFECATE AT CERTAIN TIMES, CORRECT?

7 A THEY CAN, YES.
8 Q IN ORDER TO CAUSE HAVOC TO THEIR CAREGIVERS?

15 BE PROBLEMS.
16 Q WHICH WOULD SEEM ACCURATE WITH A CHILD WHO HAS A
17 CHIEF COMPLAINT OF CONSTIPATION?
18 A YES.
19
20
Q AND THAT WOULD SEEM DIRECTLY IN LINE WITH -- TH - - A CHILD HAVING SOME STOMACH ISSUES?

A UM --
Q COMPLAINING OF ABDOM - -
A YES.
Q -- ABDOMAL (PHONETIC) --
A YES.

1 Q SORRY. YOU SAY FROM --
2 A ABDOMINAL.
3 Q ABDOMINAL ISSUES AND CAUSING THEM TO GO TO VARIOUS
4 SPECIALISTS TO DEAL WITH THESE ISSUES?
5 A YES.
6 Q OKAY. UH -- WHEN THOSE ISSUES MAY NOT BE MEDICAL IN
7 NATURE BUT FSYCHOLOGICAL IN NATURE?
A THATIS POSSIBLE, YES.
Q OKAY. NOW, IN -- UM -- EVALUATING AMAYA'S RECORDS, YOU SAID THAT -- UM -- YOU WERE CONCERNED ON THE GROWTH CHART BECAUSE SHE WAS NOT GETTING ENOUGH NUTRITION. UM -- AND, AGAIN, THAT GOES BACK TO THE DR. DEZENBERG QUESTION. DR. DEZENBERG IN HIS FILE, HE ACTUALLY PERFORMED TWO COLONOSCOPIES ON AMAYA, RIGHT?

A YES.
Q SO OBVIOUSLY HE SUSPECTED THAT THERE WAS SOMETHING
17 SIGNIFICANT GOING ON, CORRECT?
A UM -- THAT'S WHAT IT SEEMS, YES.
Q AND ISN'T IT TRUE THAT EVEN ON CROHN'S DISEASE, THAT BLOOD WORK THAT COMES BACK DOESN'T NECESSARILY INDICATE THAT THEY HAVE CROHN'S. BUT IT'S WHEN THEY DO A COLONOSCOPY THAT THEY SEE THE INFLAMMATION OF THE COLON THAT THEY ACTUALLY ARE ABLE TO INDICATE WHETHER IT'S CROHN'S DISEASE OR NOT?

A IT'S FROM THE BIOPSY, SECONDARY TO THE COLONOSCOPY.
Q OKAY.
\(9 \quad \mathbf{2}\) - - BUT YOU ACTUALLY HAVE TO DO A BIOPSY OF THE
10 COLON?
A SO GOING IN THERE, SOMETIMES YOU SEE INFLAMMATION, BUT IT'S TAKING A PIECE OF THAT TISSUE AND TESTING IT, AND THAT'S WHAT GIVES YOU THE DEFINITIVE.

A YES.
Q AND SO BLOOD WORK, JUST PLAIN OLD LAB WORK, IS NOT DEFINITIVE OF CROHN'S DISEASE --

A NO.

A SOME BLOOD WORK. SO THERE'S CERTAIN NONSPECIFIC BLOOD WORK THAT KIND OF TESTS AUTOIMMUNE FUNCTIONS IN GENERAL -- UM -- AND SO CAN POINT TOWARDS CROHN'S. THERE IS SOME BLOOD WORK, IT'S A - IT'S A PRETTY EXTENSIVE PANEL - UM - - THAT CAN PROVIDE MORE DEFINITIVE DIAGNOSIS FOR IT, IN CONJUNCTION WITH ALL THE OTHER STUDIES?

Q OKAY.
NOW, THE - UM - - THE - - WHAT YOU DEFINED AS BURN MARKS ON ANASTASIA, YOU DONיT KNOW WHEN THOSE BURN MARKS OCCURRED?

A NO, SIR.
Q YOU DON'T KNOW WHAT CAUSED THOSE BURN MARKS?
A IT DIDN'T APPEAR TO BE - UM - - THE APPLICATION OF A HOT IMPLEMENT OR SURFACE. APPEARED MORE TO BE SOMETHING FROM A LIQUID TYPE OF BURN, NOT NECESSARILY A RADIATION BURN OR
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CHEMICAL -- UM -- BUT FROM THAT -- BUT SPECIFICALLY THE -- THE

``` ACTUAL MEDIUM, I DON'T KNOW.

Q OKAY. AND SO THE ONLY REASON WHY YOU'RE ABLE TO SAY THAT YOU BELIEVE IT WAS SOME SORT OF LIQUID SOURCE IS BECAUSE OF THE SHAPE AND THE WAY IT FELI ON THE BODY?

A CORRECT.
Q OKAY. IF TT WAS FROM LIKE AN IRON, YOU'D SEE A PATTERN OF AN IRON?

A MORE THAN LIKELY.
Q OKAY. AND -- UM -- YOU DON'T HAVE ANY INDICATION AS 11 TO TIME, CORRECT?

A ONLY THAT IT'S NOT RECENT OR ACUTE, BUT YEAH, TIME IN GENERAL I DON'T -- I DON'T HAVE.

Q OKAY. SO IT COULD BE FROM THE EARLY PART OF 2014, IT COULD BE FROM 2008, AS FAR AS YOU KNOW?

A GORRECT.
Q OKAY. NOW, THOSE - UM - - THOSE MARKS ON ANASTASIA'S BODY, IS THERE ANYTHING ELSE OTHER THAN A BURN

19 THAT THEY COULD BE?

22 ENOUGH SO IT WOULD BE A -- SOME KIND OF FAIRLY SIGNJFICANT
23 ABRASIVE THAT COULD SOMETIMES CAUSE THOSE TYPES, BUT -- UM --
24 WOULDN'T BE THE LOCATION ON THE BODY THAT WE -- THAT WE WOULD
25 SEE SOMETHING LIKE THAT, AND SPECIFICALLY - UM - - HOW THEY
l ARE IN CONJUNCTION WITH EACH OTHER -- UM -- THAT WOULD BE
2 VERY, VERY LOW ON THE LIST.
3 Q OKAY.

9 BY MR. MUELLER:
10 Q DOCTOR, I'M A LITTLE CONFUSED HERE. YOU DISREGARDED 11 THE OPINIONS OF NOT ONE BUT TWO SPECIALISTS IN YOUR TESTIMONY 12 TODAY.
(DISCUSSION BETWEEN MR. MANN AND DEFENDANT J. SOLANDER.)
MR. MANN: I HAVE NO FURTHER QUESTIONS AT THIS TIME.
THE COURT: MR. MUELLER?

\section*{CROSS-EXAMINATION} TODAY.

A NO, I DON'T BELIEVE SO.
Q WELL, YOU DISAGREE WITH THE DIAGNOSIS OF HYPOTHYROIDISM?

A NO. I LEFT THAT FOR DR. DEWAN. I SAID FOR THAT BEING THE ONLY CAUSE OF FAILURE TO THRIVE, THAT'S WHAI I WAS CONCERNED THAT THERE WASN'T A FURTHER EVALUATION DONE.

Q WELL, I WAS A LITTLE CONFUSED, MAYBE I DIDN'T HEAR YOU CORRECTLY.

YOU DO OR DON'T AGREE WITH THE DIAGNOSIS OF HYPOTHYROIDISM?

A THE LABBS WEREN'T VERY SIGNIFICANTLY ABNORMAL, BUT I WOULD TRUST HIS OPINION ON THAT.

Q ALL RIGHT. AND HE DIAGNOSED HYPOTHYROIDISM.

1 A CORRECT.

MS. LUZAICE: WELL, OBJECTION. LET HER FINISH THE
9 ANSWER.
10 THE COURT: OKAY. YEAH, SHE WASN'T DONE.
11 BY MR. MUELLER:
12 Q GROWTH PROBLEMS?

18 Q OKAY. AND YOU ALSO DISAGREE WITH THE CROHN'S
19 DISEASE DIAGNOSIS?
A I DON'T BELIEVE SHE WAS EVER DIAGNOSED WITH CROHN'S
21 DISEASE.
22 Q JUST GUSPECTED?
A YOU CAN HAVE THAT, BUT MORE OFTEN -- UM -- IT WOULD BE OVERWEIGHT', NOT METABOLIZING FAST ENOUGH. KIDS WHO HAVE TEEMPERATURE FLUCTUATIONS THAT ARE ABNORMAL. SOMETIMES YOU CAN ALSO SEE CHANGES IN THE SKIN. CONSTIPATION CAN BE A PART OF

A INITIAL -- ON INITIAL EVALUATION SUSPECTED, AND THEN RULED OUT BY THE GASTROENTEROLOGIST.

Q ALL RIGHT. NOW, HUMAN BEINGS ARE COMPLICATED
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CREATURES, ARE THEY NOT?
A YES.
Q ALL RIGHT. AND THE BODY AND MIND ARE, IN FACT, TIGHTLY INTERTWINED?
A YES.
Q ALL RIGHT. SO FREQUENTLY WHAT HAPPENS TO A PERSON PSYCHOLOGICALLY AND EMOTIONALLY CAN HAVE A CHRONIC EFFECT ON
THE BODY?
A IT CAN, YES.
Q NOW, YOU DIAGNOSED, AT MY COLLEAGUE'S BEHEST, A CONDITION OF ABUSE?
A YES.
Q ALL RIGHT. YOU DON'T KNOW WHEN THAT ABUSE OCCURRED, CORRECT?
A CORRECT.
Q NOW, IF YOU'RE GOING TO COME IN AND OPINE THAT THERE 17 HAD BEEN ABUSE, HAvE YOU GONE BACK AND DONE ANY SOCIAL HISTORY 18 OF THESE CHILDREN?
19 A UM -- THE SOCIAL HISTORY THAT WAS PROVIDED BY
Q ALL RIGHT. AND WHAT HISTORY -- AND DID YOU RELY ON THAT, AT LEAST IN PART, IN FORMING AN OPINION?
A IN PART -- OH, NOT IN FORMING THE OPINION, NO, THAT WAS BASED ON THE MEDICAL EVALUATION.
Q WELI, LET ME ASK YOU THE QUESTION. MOVING AROUND A

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1 LOT, HAVING CHANGES OF ENVIRONMENT, IS THAT GOOD FOR CHILDREN, 2 YOUNG CHILDREN?

3 A IT CAN AFFECT THEM POORLY.
4 Q IT CAN AFFECT THEM POORLY.
5 AND AS YOU SIT HERE NOW, DOCTOR, HOW MANY DIFFERENT
6 HOUSEHOLDS HAVE THESE THREE GIRLS LIVED IN, IN THE LAST FIVE
7 YEARS?
8 A MULTIPLE.
\(9 \quad \mathbf{8} \quad\) HOW MANY MULTIPLE?
10 A I BELIEVE ONE, TWO, AT LEAST FOUR, THAT'S MY
11 UNDERSTANDING. PROBABLY FIVE, ONCE THEY -- UH -- GOT RE - -
12 REHOUSED, SO I BELIEVE AT LEAST FIVE.
13 Q AND THAT INCLUDED THE GIRLS SCHOOL IN FLORIDA, DID
14 YOU INCLUDE THAT ONE?
15 A UM - YES.
16 Q OKAY. NOW, FIVE TIMES BEING CHANGED FROM FAMILIES
17 IN CIRCUMSTANCES, WHAT EXPECT - WHAT WOULD YOU EXPECT TO SEE
18 IN KIDS IN THAT LEVEL OF TURMOIL?

19
20 A VARIETY. IT'S KIND OF ON A CONTINUUM, THEIR REACTIONS TO
21 THOSE ENVIRONMENTS. UM -- BUT WE DO OFTEN SEE BEHAVIORAL
22 ISSUES, WE CAN SEE, YOU KNOW, DEPRESSION. UM -- YOU KNOW,
23 THERE ARE DIFFERENT TYPES OF SYMPTOMS THAT CAN ARISE FROM IT.
\(24 \quad \boldsymbol{Q} \quad\) ANGER ISSUES?
25 A THERE CAN BE, YES.

6 GIVEN -- UM -- OF --
7 Q JUST THAT WERE GIVEN. DID YOU DO ANY INDEPENDENT
RESEARCH?
A THROUGH THE -- UM - - MEDICAL RECORDS - - UM - AS
WELL, SO NOT JUST FROM D.F.S., BUT WHAT WAS - UM - - PLACED IN
ALL THOSE MEDICAL RECORDS AS PER THE CAREGIVER.
\(\boldsymbol{Q}\) NOW, WHEN YOU WERE GIVEN MEDICAL RECORDS AND HISTORIES, THERE ARE OCCASIONS WHERE PEOPLE NOT NECESSARILY WANT TO GIVE YOU A COMPLETE STORY, CORRECT?

A CORRECT .
Q ALL RIGHT. AND PART OF YOUR JOB AND YOUR SPECIALTY 17 IS TO KIND OF FILL IN THE BLANKS.

Q ACTING OUT?
A YES.
Q WOULD YOU HAVE OR WERE YOU TAKING A SOCIAL HISTORY FROM ANYBODY OTHER THAN THE DEPARTMENT OF SOCIAL SERVICES?

A UM - - I LOOKED AT ALL THE SOCIAL HISTORIES THAT WERE
GIVEN -- UM -- OF --
Q ACTING OUT?
A UM - I LOOKED AT ALL THE SOCIAL HISTORIES THAT WERE
    ALL IHOSE MEDICAI RECORDS AS PER THECAREGIVER.

A UM -- NOT TO FILL IN THE BLANKS, JUST TO TAKE EHAT ALL AS A WHOLE AS PART OF THE GENERAL EVALUATION.

Q ALL RIGHT. NOW, DID YOU DO ANY IN-DEPTH PSYCHOLOGICAL REVIEW ON THESE CHILDREN?

A THAT IS THE OUT OF SCOPE - - OUT OF THE SCOPE OF MY
PRACTICE.
Q IT IS OUT OF THE SCOPE?
A (NO AUDIBLE RESPONSE.)
\(6 \quad 2\) ALI, RIGHT. NOW, WOULD CHANGING THEIR ENVIRONMENT 7 FOUR OR FIVE TIMES IN OVER A FEW YEARS, WOULD THAT BE THE SORT OF SIDE EFFECT THAT YOU WOULD EXPECT TO SEE?

9 A IT COULD BE.
Q ALL RIGHT. AND USING YOUR BOWEL MOVEMENTS AND YOUR
11 URINARY MOVEMENTS AS A WEAPON FOR LASHING OUT, HAVE YOU SEEN
12 THAT, AND THAT'S A COMMON PHENOMENON?
13 A I'VE SEEN IT, I WOULDN'T CALL IT A COMMON
14 PHENOMENON.
15 Q WELL, WERE YOU FAMILIAR WITH OR DID YOU READ ANY 16 PART OR ANY DISCLOSURE ABOUT ANASTASIA SMEARING FECES ON THE 17 WALL?

18 A I DON'T RECALL.
19 Q YOU DO NOT RECALL THAT.
Q DO YOU KNOW IF ANY OF THEM WERE HAVING EMOTIONAL OR HAD EMOTIONAL OR MENTAL HEALTH ISSUES?

A UM - I BELIEVE THAT AMAYA HAD AN INPATIENT -- TM - ADMISSION TO -- UM -- YEAH, AN INPATIENT PSYCHOLOGICAL FACILITY HERE.

DID YOU INTERVIEW ANY OF THE CARECIVERS PERSONALLY?
A NO.
Q SO YOU GOT HANDED WHATEVER THE GOVERNMENT WANTED YOU TO HAVE?

A UM \(\rightarrow\) I LOOKED AT ALL THE MEDICAL RECORDS THAT WERE PROVIDED TO ME.

Q NOW, HAVE YOU EVER RENTED A CAR, DOCTOR?
A YES.
Q ALL RIGHT. HAVE YOU EVER GONE IN AND CHECKED THE BODY DAMAGE SO THAT YOU DIDN'T GET BLAMED FOR IT LATER?

A YES.
Q OKAY. SO YOU KNOW WHAT I'M TALKING ABOUT?
A YES.
Q NOW, WHEN A KID COMES INTO THE D.P.S. [SIC]
SERVICES, DOES ANYBODY PROACTIVELY DOCUMENT THE CONDITION OF
THE KID BEFORE THEY ARE ASSIGNED FOSTER CARE?
MS. LUZAICH: WELL, OBJECTION, FOUNDATION. THIS IS NOT WITHIN THE SCOPE OF WHAT SHE DOES. SHE IS A DOCTOR, SHE EXAMINES KIDS.

THE COURT: OKAY. LACK OF FOUNDATION IS THE OBUECTION, IT'S SUSTAINED.

MR. MUELLER: ALL RIGHT, LET ME REPHRASE.
Q HAVE YOU EVER BEEN ASKED TO DOCUMENT THE KID'S -THE CONDITION OF A CHILD COMING INTO THE FOSTER CARE SYSTEM?

A I DON'T, NO.
Q NO?
A AS THEY COME INTO FOSTER CARE, THAT'S ANOTHER FACILITY, THAT'S NOT SOMETHING THAT I -- I PARTICIPATE IN.

Q WHAT FACILITY WOULD THAT BE?
MS. LUZAICH: WELL, OBJECTION.
MR. MUELLER: IF SHE --

7 Q WEL.L, DOCTOR, YOU'VE DIAGNOSED AND BELIEVE THAT THE 8 KIDS WERE SUBJECT TO SOME ABUSE?

MS. LUZAICH: THIS IS NOT FOR HER.
THE COURT: WELL, SHE MAY OR MAY NOT KNOW, I DON'I KNOW.
MR. MUELLER: WELL - -
THE COURT: THAT'S A - THAT'S A FAIR QUESTION. I DON'T KNOW IF SHE KNOWS, BUT...

\section*{6 BY MR. MUELTER:}

A CORRECT.
Q ALL RIGHT. WELL, WE KNOW AS A FACT THAT THEY WERE TAKEN AWAY FROM THEIR BIOLOGICAL PARENTS, CORRECT?

A YES.
Q AND THEY'VE BEEN BOUNCED THROUGH AT LEAST FOUR OR FIVE OTHER LOCATIONS IN THE LAST FEW YEARS, CORRECT?

A YES.
Q SO I'M SIMPLY ASKING, VERY SIMPLY, DO YOU KNOW ARE THERE ANY MEDICAL RECORDS OUT THERE AT ANY FACILITY THAT WOULD DIAGNOSE THOSE KIDS' CONDITIONS WHEN THEY CAME INTO THE FOSTER CARE, AND WHEN THEY WERE TRANSFERRED FROM HOUSE TO HOUSE?

A SO MY UNDERSTANDING OF HOW IT WORKS, IS THAT -UM - - THERE'S A CASEWORKER OR INVESTIGATOR, WHOEVER'S ASSIGNED FROM CPS OR D.F.S., DOES A BODY CHECK, AND THEN -- UM - UPON ARRIVAL TO CHILD HAVEN -- HM -- WHICH IS THE TEMPORARY FOSTER CARE SYSTEM HERE, MY UNDERSTANDING IS THERE'S ALSO A MEDICAL STAFF THAT DOES A HEAD-TO-TOE BODY CHECK ON EACH CHILD THAT

1 COMES IN.
2 Q AND DID YOU, IN FACT, LOOK AT ANY OF THOSE RECORDS, 3 IF THEY EXIST, ON BEHALF OF THESE THREE GIRLS?

4 A UM -- THROUGH THEIR MEDICAL PASSPORT, I BELIEVE THAT
5 THEIR -- ALL THEIR CHECK-INS TO -- I BELIEVE IT WAS CHILD
6 HAVEN WHEN THEY WERE EVALUATED.
7 \& AND YOU DID LOOK AT THOSE?
8 A I BELIEVE THAT I DID, BUT I WOULD HAVE TO REVIEW
9 THAT AGAIN.
10 THE COURT: REVIEW WHAT, YOUR REPORT TO SEE IF THAT'S
11 WHAT YOU REVIEWED?
12 THE WITNESS: NOT MY REPORT --
THE COURT: OH.
THE WITNESS: -- BUT I KNOW THAT I REVIEWED ENTRANCE
15 INTO -- UM -- THE FOSTER CARE SYSTEM AND THEIR MEDICAL
16 PASSPORTS FOR THEIR PRIMARY MEDICAL CARE DURING FOSTER CARE.
17 BUT THEIR EXACT DATES AND WHAT WAS CONTAINED IN THERE, I WOULD
18 HAVE TO SEE THAT AGAIN, JUST SO THAT I CAN REFRESH MY MEMORY
19 ON --
20 MR. MUELLER: RIGHT.
21 THE WITNESS: -- EXACTLY WHAT WAS THERE.

SURE.
(DISCUSSION BETWEEN MR. MUELLER AND DEFT. D. SOLANDER.)

1 BY MR. MUELLER:
2 Q 2 NOW, IF I UNDERSTOOD RIGHT, YOU HAD YOUR MEDICAL
3 TRAINING -- UH -- BASIC MEDICAL TRAINING AT THE UNIVERSITY OF
4 VERMONT?
5 A YES.
6 Q AND THEN YOU CAME BACK HERE AND HAD ADVANCE TRAINING
7 IN - AT UNLV?
8 A THE UNIVERSITY OF NEVADA HAS A LAS VEGAS RESIDENCY
9 FOR PEDIATRICS, BECAUSE THEY CAN'T SUSTAIN THE RESIDENCY UP 10 NORTH, SO THAT WAS THE SPECIALTY TRAINING THROUGH U.N.R. IN

11 THE LAS VEGAS PROGRAM.
12 Q OKAY. SO YOU DID YOUR - ALL RIGHT. SO YOU DID
13 YOUR PEDIATRIC TRAINING UNDER U.N.R.'S AUSPICES IN THE VALLEY?
14 A CORRECT.
15 Q JUST - I THINK WE ALL KNOW THE MAJORITY OF PEOPLE
16 IN NEVADA LIVE IN THIS VALLEY.
17 A CORRECT.
18 Q AND HOW LONG WAS THAT TRAINING?
19

20 YOU'RE ASKING ME ABOUT?
\(21 \quad \mathrm{Q} \quad \mathrm{YES}, \mathrm{MA} \mathrm{A}^{\prime}\).
22 A THAT'S THREE YEARS.

23 Q ALL RIGHT. AND AFTER YOUR PEDIATRIC RESIDENCY, WHAT
24 TRAINING DID YOU HAVE?
25 A UM - I CONTINUED ON WITH A CHILD ABUSE PEDIATRICIAN

AND UNDERWENT ABOUT A SIX-MONTH APPRENTICESHIP WITH HER, AND THEN A CONTINUED \(A\) PEER REVIEW FOR ABOUT TWO, TWO-AND-A-HALF YEARG CONTINUING TO WORK WITH THAT PHYSICIAN.

4 Q NOW, DOES - IS THAT A BOARD CERTIFIED SPECIALTY, A 5 BOARD RECOGNIZED SPECIALTY, BEING A CHILD ABUSE PEDIATRICIAN?

6 A IT IS. COMPLICATED.

A UH-HUM.

A IT CAN.

A CORRECT. OR DO YOU KNOW?

A I HAVE. STUDY?

Q OKAY. THAT'S ACTUALLY A BOARD?
A IT -- IT -- RECENTLY, YES.
Q OKAY. UNFORTUNATELY EVERYTHING GETS MORE

HAVE YOU TAKEN THAT -- SAT FOR THAT BOARD YET?
A I HAVEN'T. I'M APPLYING TO GRANDFATHER INTO THAT.
Q NOW, SEVERE PSYCHOLOGICAL PROBLEMS IN CHILDREN --

Q -- WHO HAVE GONE THROUGH THE UPHEAVAL THAT THESE
KIDS HAVE GONE THROUGH -- UM -- WOULD THAT EFFECT GROWTH?

Q OKAY. BODY AND MIND ARE TIED TOGETHER, CORRECT?

Q ALL RIGHT. HAVE YOU SEEN ANY STUDIES ON THAT POINT

Q ALL RIGHT. AND DO YOU RECALL THE NATURE OF THE

A UM -- I'VE HAD ONE PATIENT, AND THAT'S HOW I WAS

CONNECTED, THAT - \(M M\) - - UNDERWENT DIAGNOSIS OF PSYCHOSOCIAL DWARFISM - - UM - AN EXTREMELY RARE PROCESS - - UM - - BUT THAT INCLUDED ALSO WITHHOLDING THE ENVIRONMENT OF FOOD AND NUTRITION -- UM - OF THE ENVIRONMENT ITSELF - - UM - - BEING KIND OF LOCKED AWAY -- UM -- AND SO -- UH -- IT WAS A FAIRLY SEVERE CASE.

Q ALL RIGHT. IT IS A PHENOMENON?
A UM-HUM.
\(\mathbf{Q}\) OKAY. NOW, OVER THE COURSE OF THE LAST TWO OR THREE YEARS, THESE KIDS HAVE SEEN DOCTORS, NUTRITION SPECIALISTS?

A UMM, I'M NOT SURE ABOUT A NUTRITION SPECIALIST.
Q OKAY. WELL THEY --
A I DON'T RECALL SEEING ANYTHING.
Q ALL RIGHT, I APOLOGIZE.
GASTROENTEROLOGIST?
A YES.
Q OKAY. SO THEY'VE BEEN TAKEN TO A
GASTROENTEROLOGIST. WHAT OTHER DOCTORS HAVE THEY SEEN?
A WELL, TWO OF THEM, THE GASTROENTEROLOGY. I THINK THERE WAS A NEUROLOGIST, AN ENDOCRINOLOGIST. AGAIN, NOT FOR ALL THREE, IT WAS KIND OF VARIED FOR ...

UM - - THEY HAD A PEDIATRICIAN. ONE OF THEN HAD A HEMATOLOGIST/ONCOLOGIST. UH -- THEY WERE -- I THINK THAT THAT'S ABOUT ALL THE SUBSPECIALTIES THAT -- MY UNDERSTANDING.

Q WELL THAT'S A LOT OF SUBSPECIALTIES?

A CORRECT.
Q OKAY. NOW, DID ANY OF THOSE SPECIALISTS OR SUBSPECIALISTS NOTES INDICATE OR HAVE EVEN A WHISPER OR A
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SUSPICION OF CHILD ABUSE?

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A UM -- NOT DIRECTLY WRITTEN AS SUCH.
Q NOT ANYTHING THAT THEY WOULD -- I OR ANYBODY ELSE COULD READ THROUGH THERE AND SAY, WOW? I MEAN, THE MARKS ON THE BUTTOCKS WERE THERE TO BE SEEN?

A UM-HUM.
Q PRESUMABLY WOULD HAVE BEEN THERE TO BE SEEN, CORRECT?

A CORRECT NOBODY DOCUMENTED THAT.
Q NOBODY DOCUMENTED. THE BURN TO THE SHOULDER WOULD HAVE BEEN THERE TO BE SEEN?

A CORRECT.
Q AND NOBODY DOCUMENTED THAT?
A NOT THAT I SAW, NO.
MR. MUELLER: OKAY. COULD I GEI THE COURT'S INDULGENCE
FOR UUST A MOMENT?
THE COURT: SURE.
BY MR. MUELIER:
Q NOW, DO THESE GIRLS HAVE A PRIMARY CARE PHYSICIAN?
A YES, THEY DID.
Q AND WHO WAS THAT?
A I DON'T RECALJ HIS NAME, IT'S A NIEVO (PHONETIC) OR

1

UH -- THINGS THAT THEY'D SEEN THAT WERE NORMAL, IN ADDITION TO ABNORMAL, AND SO I DON'T -- I DON'T KNOW. I COULDN'T SPEAK FOR WHAT THE PHYSICIAN DID IN THEIR OFFICE.

4 Q NOW, THE DOCTOR WHO -- UH - - WHO WAS THE REFERRING PHYSICIAN THAT SENT THE GIRLS OUT TO ALL THESE SPECIALISTS, DO YOU RECALL?

A UM -- I BELIEVE THAT -- UM -- AMAYA HAD A REFERRAL OUT OF SUMMERLIN HOSPITAL INITIALLY.

Q UM-HUM.
A. I THINK IT WAS DR. KESAVULU (PHONETIC) OR POSSIBLY DR. SEVAZIAN (PHONETIC).

AND THEN AVA - GOSH, I'M NOT SURE ABOUT HER. I KNOW THAT -- UM - SOME OF THE REFERRALS CAME FROM OTHER SUBSPECIALISTS THAT THINGS WERE GETTING LOOKED AT. I THINK DR. BERNSTEIN HAD -- HAD SENT THE GIRLS TO GASTROENTEROLOGY, SO IT WAS KIND OF DIFFERENT, DEPENDING ON THE SITUATION.

17 Q AND ALL THOSE DOCTORS AND ALL THOSE RECOMMENDA - ALL THOSE RECORDS, NOT ANYBODY OTHER THAN YOU SAW ABUSE?

A NOBODY DOCUMENTED THAT THEY THOUGHT IT WAS ABUSIVE.
MR. MUELLER: OKAY. I HAVE NOTHING FURTHER.
THE COURT: REDIRECT?
MS. LUZAICH: I THINK MR. RUE GETS --
THE COURT: OH, I'M SORRY, MR. RUE. I ALWAYS --
MR. RUE: I KNOW, YOUR HONOR.
THE COURT: - FORGET ABOUT YOU, BECAUSE I TRY TO PASS

1 LIKE THIS, BUT YOU GUYS ALWAYS DO -- LET MR. MUELLER GO
2 SECOND, SO ...

3

4
5 BY MR. RUE:
6 Q UM - DR. CETL, JUST SORT OF PIGGYBACKING ON THAT, WHAT IS A MANDATORY REPORTER?

A UM - - A MANDATORY REPORTER IS THE STATE - UM - -
9 BASED ON THE STATE LAW -- BLESS YOU.
10 Q BLESS YOU.
11 A UM - THAT IF A PERSON WHO WORKS WITH CHILDREN, SO
12 THAT CAN BE THROUGH MEDICAL CARE, SCHOOLING, ANYTHING IIKE
13 THAT -- UM - IF THEY SUSPECT CHILD ABUSE AND/OR NEGLECT, THAT
14 THEY ARE REQUIRED TO CALL AN AGENCY SUCH AS CHILD PROTECTIVE 15 SERVICES AND/OR LAW ENFORCEMENT IN ORDER TO REPORT THEIR - 16 UH - - CONCERNS.

17 Q AND DOCTORS ARE MANDATORY REPORTERS?
18 A YES.

19 Q NURSES ARE MANDATORY REPORTERS?

\section*{CROSS-EXAMINATION}

A YES.
Q CNA'S ARE MANDATORY REPORTERS?
A YES.
Q UM - ANYONE DEAEING, AS YOU SAID, WITH KIDS IN A MEDICAL FACILITY ARE PROBABLY MANDATORY REPORTERS?

A EVERY SINGLE PERSON IN THE MEDICAL FACILITIES GROUP
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SHOULD BE.

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Q AND TO BE CLEAR, IT'S NOT -- IT'S SUSPICION ALONE, CORRECT?

4 A YES.
Q THAT -- THAT THEY'RE REQUIRED TO REPORT?
A YES.
Q SO -- UM -. IF THE PATIENT TELLS THEM SOMETHING,
THAT'S FROBABLY ENOUGH TO REPORT?
9 A IT IS, YES.
10 \(Q\) AND IF THE PATIENT DOESN'T TELL THEM ANYTHING, BUT
11 SEES WHAT LOOKS TO BE A SUSPICIOUS INJURY, THEY GOT TO REPORT
12 IT?
13 A THEY ARE SUPPOSED TO, YES.
14 Q OKAY. OKAY.

16 ANYTHING, SO I JUST WANT TO ASK YOU A QUESTION. I HEARD
17 YOU -- THE STATE ASKED -- UM -- IF YOU'VE TESTIFIED IN THE
18 EIGHTH उUDICIAL DISTRICT. YOU'VE DONE THAT, CORRECT?

19
20
21

A YES.
Q BOTH IN -- IN FAMILY COURT AND IN HERE?
A YES.
Q OKAY. UM -- HOW MANY TIMES HAVE YOU TESTIFIED FOR THE DEFENSE?

A I'VE BEEN REQUESTED -- I HAVE GOTTEN SUBPOENAED BY THE DEFENSE ON SEVERAL OCCASIONS -- UM -- HOWEVER, FOR

WHATEVER REASON, THEY DIDN'T GO TO TESTIMONY. UM -- AND SO -BUT THE MAJORITY IS FOR THE PROSECUTION.

Q COULD YOU GIVE ME A PERCENTAGE OF -- UM --
PROSECUTION VERSUS DEFENSE?
A UM -- PROBABLY BO PERCENT.
Q OKAY. UM -- WHEN YOU WERE CALLED UPON TO EXAMINE THESE THREE GIRLS --

A UM-HUM.
Q -- WHAT INFORMATION DID YOU REVIEW PRIOR TO THE 10 EXAMINATION?

11 A PRIOR TO THE EXAM, ITSELF, I REVIEWED REFERRAL NOTES
12 THAT INDICATED THERE WERE CONCERNS OF PHYSICAL ABUSE -- UM --
13 AND POSSIBLY SEXUAL CONTACT.
14 UM - WHAT WAS HER NAME? I BELIEVE THAT I SPOKE TO
15 THE CPS INVESTIGATOR JUST PRIOR TO THE EXAM, ITSELF, ABOUT
16 WHAT WERE SOME OF THE CONCERNS FOR THE GIRLS, BUT, OTHERWISE,
17 ALL THE REST OF THE RECORDS AND EVERYTHING CAME AFTERWARDS.
18 O OKAY. ANY REPORT -- ANY STATEMENTS, LIKE RECORDED
19 STATEMENTS OR ANYTHING LIKE THAT FROM INTERVIEWS, DID YOU
20 REVIEW ANY OF THOSE PRIOR TO?
21 A NO.
22 Q OKAY. HAVE YOU REVIEWED THOSE SINCE?

24 O OKAY. DID YOU REVIEW ANY REPORTS FROM CPS IN
25 FLORIDA?

7 A YES.
A YES. THREE CHILDREN?

A NO, SIR.

A UH, YES.

A CORRECT.

A NO, I DON'T BELIEVE SO, NO.
Q OKAY. AND I HAVE THREE SOUTHERN NEVADA CHILD ASSESSMENT CENTER CLINIC ASSESSMENTS.

Q UM - ARE THOSE YOUR QNLY REPORTS, THE THREE FOR THE

Q OKAY. THERE'S NOT LIKE A SYNOPSIS REPORT OF CONCLUSIONS AND FINDINGS OR ANYTHING LIKE THAT?

Q OKAY. UM - AND AS I UNDERSTAND IT, YOU -- YOU WERE DOING THESE EXAMS BECAUSE THE PATIENT WAS BROUGHT IN FOR A MEDICAL EXAM BECAUSE THERE WAS CONCERNS ABOUT THE PARENTS, THE ADOPTIVE PARENTS; IS THAT CORRECT?

Q OKAY. THE ADOPTIVE PARENTS, DWIGHT AND JANET?

MR. RUE: UM -- JUDGE, CAN I APPROACH, I'D LIKE TO SEE --
THE COURT: YEAH.
MR. RUE: -- EXHIBIT 13.
THE COURT: WHICH ONE?
MR. RUE: NUMBER 13. THANK YOU, JUDGE.
JUDGE, IF I COULD APPROACH?
THE COURT: YES.

1 BY MR. RUE:
2 Q ASK HER ABOUT NO. 13.
A YES.
Q YOU RECALL THAT PICTURE?
A YES.
Q NOW, WHEN YOU'RE DOING THE EXAM - - UM -- DO YOU TALK
TO THE CHILDREN?
A UM - - MOSTLY JUST KIND OF COMFORT OR INSTRUCTIONS ON WHAT TO DO, BUT NOT --

Q BUT NOT LIKE, HOW DID THAT HAPPEN, OR ANYTHING LIKE 11 THAT?

12 A NO, NOT NECESSARILY.
13 Q OKAY.

14
15
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25

A NO.
Q UM - CAN YOU -- THAT IS A PICTERE OF AMAYA'S ELBOW?
A CORRECT .
Q WHICH -- CAN YOU TELL WHICH ELBOW IT IS?
A I BELIEVE IT'S THE RIGHT ONE, BASED ON WHERE HER GOWN IS, AND IT'S THE BACK --

Q OKAY.
A -- SO THAT WOULD BE HER RIGHT ELBOW.
Q OKAY. UM -- IN THIS -- YOU SAID TWO MARKS. IS IT TWO OR THREE MARKS THAT YOU SEE THERE?

A UM -- I BELIEVE IT WAS TWO ON -- LOOKS -- LOOKS
5 DEPICTED ON HERE.
\(6 \quad 8 \quad\) OKAY. HYPOPIGMENTED SCAR. POST-INFLAMMATION.

Q OKAY. SCAR TISSUE.

A No.

A NO.

Q OKAY. UM -- AND I SEE THAT IN YOUR SCAN ABUSE AND NEGLECT FORM, YOU CHARACTERIZE IT AS A POST-INFLAMMATORY

A YES. IT JUST MEANS SCAR. UM -- IT - SO ANYTHING THAT CAUSES CHANGES IN THE SKIN --

A -- LEAD FROM INFLAMMATION. SO AFTER INFLAMMATION IS

A THE SKIN WILL EITHER CHANGE TO BE LIGHTER OR DARKER. LIGHTER, HYPOPIGMENT, SO LESS PIGMENT. HYPER, MORE PIGMENT, AND THAT'S JUST THE WAY TO DESCRIBE SCARS. IT JUST MEANS THAT DUE TO SOME INSULT THERE WAS CHANGES IN THE SKIN COLOR AND THIS IS -- UH -- YOU KNOW, THE TYPE OF CHANGE, AS WELL AS IT'S

Q OKAY. UM -- I THINK MISS LUZAICH ASKED YOU, YOU CAN'T REALLY AGE THAT ONE?

Q DOES THAT LOOK TO BE - - CAN YOU TELI ME WHETHER THAT -- THOSE SCARS, TWO SCARS IN YOUR OPINION, ARE FROM ONE INCIDENT OR MULTIPLE INCIDENTS, CAN YOU TELL THAT?

Q OKAY. WHY DO YOU SAY POST-INFLAMMATORY?
A UM - JUST ANY BREAK IN THE SKIN, FOR WHATEVER 25 REASON, IS INFLAMMATION. SCAR TISSUE IS SECONDARY TO THE
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    CASCADE OF INFLAMMATION, AND SO THAT'S THE ONLY REASON THAT --
    IT'S JUST THE WAY I'VE LEARNED TO DOCUMENT SKIN FINDINGS.
    Q OKAY. UN -- WHEN YOU SAY BREAK OF THE SKIN, WHAT DO
    YOU MEAN BY BREAK OF THE SKIN?
A UM -- THAT THE INTEGRITY OF THE SKIN BEING SOLID --
Q UH-HUH.
A -- HAS SOMEHOW BEEN DISRUPTED.
Q AND WOULD THAT, IN YOUR OPINION, NORMALLY CAUSE
BLEEDING?
A UM -- USUALLY.
Q OKAY. UM -- WOULD YOU -- I MEAN USUALLY, IN YOUR
OPINION, WOULD THERE HAVE BEEN BLEEDING CAUSED BY THAT INJURY,
OR THOSE INJURIES?
A MORE THAN LIKELY TO SOME EXTENT, YES.
Q OKAY. AND IF MY CHILD CAME TO YOU AND YOU SAW THAT
INJURY ON AN ELBOW -- BY THE WAY, THE ELBOW IS ONE OF THOSE
AREAS THAT'S NOT A SOFT TISSUE AREA THAT YOU WOULD EXPECT TO
HAVE INJUURIES ON?
A YES.
Q IF MY CHILD CAME IN -- UM -- AND YOU SAW THOSE
INJURIES, AND AS A PARENT I EXPLAINED TO YOU THAT IT WAS
CAUSED BY A RULER SLAPPING HER ONE TIME ON THAT ELBOW, WOULD
THAT -- WOULD YOU EXPECT AN INJURY LIKE THAT?
A UM -- I GUESS SLAPPING WITH THE -- I WOULD HAVE TO
25 UNDERSTAND MORE THAN THAT MECHANISM.

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Q OKAY. SUPPOSE I EXPLAINED TO YOU THAT SHE GOT THOSE INJURIES BY ME TAKING -- MAY I HAVE A PICTURE?

MS. LUZAICH: YEAH, IT'S RIGHT THERE.
MR. RUE: JUDGE, I'M SHOWING -- COULD I APPROACH?
THE COURT: UM-HUM.
MR. RUE: STATE'S EXHIBIT 2.
THE WITNESS: OKAY.
BY MR. RUE:
Q IF I EXPLAINED TO YOU THAT MY CHILD, MY DAUGHTER GOT THAT INJURY FROM ME TAKING THAT PAINT STICK AND SLAPPING HER ONE TIME, ONE TIME ON THAT ELBOW, WOULD -- DOES THAT SOUND PLAUSIBLE?

A UH - NOT WITH A REASONABLE AMOUNT OF FORCE.
Q NOT WITH A REASONABLE AMOUNT OF FORCE.
HOW MUCH FORCE WOULD IT TAKE -- IF I EXPLAINED TO YOU IT WAS LESS FORCE THAT DID NOT EVEN CAUSE THE PAINT STICK TO BREAK?

A UM - I GUESS I DON'T - - I DON'T KNOW HOW MUCH FORCE IT WOULD CAUSE FOR A PAINT STICK TO BREAK. MY CONCERN WOULD BE THAT - UM - THAT IT'S LEFT SIGNIFICANT MARKS THAT THAT WOULD BE SOMETHING THAT IS -- UM -- MORE FORCE THAN A CORPORAL PUNISHMENT, THAT'S SOMETHING THAT, YOU KNOW, WE WOULD NOT EXPECT TO SEE ANY MARKS FROM.

Q CAN YOU EXPLAIN TO ME HOW ONE STRIKE OF A PAINT STICK WOULD CAUSE FWO OR THREE MARKS?

24 HAVE TO UNDERSTAND MORE ABOUT YOUR DEFINITION OF BLEEDING AND 25 WHAT YOU MEAN BY THAT.

Q OKAY. ARE THOSE INJURIES, IN YOUR MIND, CONSISTENT WITH ABUSE OR ACCIDENT?

A UM - - NEITHER. THEY'RE NOT SPECIFIC FOR EITHER ONE.
Q OKAY.
A \(\quad\) I COULD --
Q THEY COULD BE CAUSED BY FALLING DOWN OFF A BIKE?
A YES.
Q THEY COULD BE CAUSED BY -- UM -- FALLING DOWN THE STAIRS?

A YES.
MR. RUE: UM -- I DID HAVE ONE MORE -- THANK YOU - - AREA THAT I WANTED TO ASK YOU ABOUT - U UM -- AND THAT'S WITH ANASTASIA.

JUDGE, I'M GOING TO NEED SOME PICTURES MARKED. JUDGE, COULD I APPROACH AND HAVE THESE MARKED?

THE COURT: SURE. ARE YOU MARKING THOSE?
MR. RUE: YES, DEFENSE B THROUGH D, MAYBE?
(DISCUSSION BETWEEN MR. RUE AND THE CLERK.)
(WHEREUPON DEFENSE PROPOSED EXHIBITS B, C AND D WERE MARKED FOR IDENTIFICATION.)

THE COURT: SO B THROUGH D.
MR. RUE: YOUR HONOR, AND I BELIEVE THE STATE'S GRACIOUS ENOUGH TO STIPULATE TO THE ADMISSION OF THESE.

THE COURT: OKAY. IS THAT CORRECT?
MS. LUZAICH: (NO AUDIBLE RESPONSE.)

THE COURT: B THROUGH D WILL BE ADMITTED.
(WHEREUPON DEFENSE EXHIBITS \(B, C\) AND \(D\) WERE ADMITTED INTO EVIDENCE.

MR. RUE: COULD I APPROACH?
THE COURT: YES.
BY MR. RUE:
Q DOCTOR, I'M SHOWING YOU -- UM -- DEFENDANT'S B, Ct AND D - UM - ANASTASIA, CORRECT?

A YES.
Q IN B.
AND C AND D ARE PICTURES OF WHAT I BELIEVE IS AN
INJURY; IS THAT RIGHT?
A YES.
Q UM -- WHERE IS THE INJURY?
A UH -- IT APPEARS TO BE ON HER RIGHT, KIND OF BELOW THE WRIST, THE WRIST AREA.

Q OF WHICH WRIST?
A I BELIEVE HER RIGHT.
Q OKAY. SO AN INJURY ABOVE HER RIGHT WRIST.
UM - - I'M GOING TO NEED YOUR HELP, DOCTOR. I'M
LOOKING AT YOUR SCAN --
A UM-HUM.
Q -- PHYSICAL ABUSE AND NEGLECT FORM.
A THIS IS AMAYA?
Q NO, THIS IS ANASTASIA.

A OH, MY APOLOGIES. UM, LET'S SEE.
MR. RUE: JUDGE, COULD I APPROACH AND I'LL SHOW HER MINE?
THE WITNESS: YEAH, MAY I JUST LOOK AT YOURS? SORRY,
IT'S TOO MANY PAGES.
BY MR. RUE:
Q UM - Y YOU CHARACTERIZE THAT INJURY AS A SUPERFICIAL
LINEAL --
A SCRATCH.
Q -- SCRATCH?
A YES, LINEAR SCRATCH. I KNOW. I KNOW. WE'RE
GETTING AN E.M.R. SOON.
Q OKAY.
A SORRY ABOUT THE HANDWRITING.
Q SO IT'S A SUPERFICIAL LINEAL SCRATCH, IT'S NOT A SCAR?

A NO.
9 OKAY. YOU, IN FACT, CROSSED OUT SCAR HERE - -
A CORRECT
9 - - CORRECT?
UM - - THAT LOOKS PRETTY FRESH.
A UM-HUM.
Q I MEAN, IT LOOKS FRESHER THAN ANY SCAR?
A YES.
Q IS THERE ANY WAY THAT YOU CAN AGE THAT AT ALL?
A YEAH. I MEAN SCRATCHES -- UM - - SO, AGAIN, IT'S

ACUTE SO IT'S MORE RECENT. IT WOULD HAVE BEEN - - THEY USUALLY
2 START SCAR FORMATION, YOU KNOW, WITHIN A WEEK OR A LITTLE BIT
3 LONGER. SO I THOUGHT THAT SHE SUSTAINED A LITTLE SCRATCH --
4 UM -- THAT WAS A LINE IN NATURE.
5 © SURE.
6 A UM - - AND SUPERFICIAI, 50 NO'T DEEP - - UH - WITHIN
7 THE LAST FEW DAYS TO WEEKS OR SO.
\(8 \quad \mathbf{Q}\) LAST FEW DAYS TO WEEKS.
9 UM -- DID YOU NOTE ANY OTHER SCARRING ON THE WRIST
10 OF ANY SORT -- UM -- ON ANASTASIA?
\(11 \quad \mathrm{~A} \quad \mathrm{I} \mathrm{DON}^{\prime} \mathrm{T}\) BELEEVE SO.
12 Q OKAY. YOU WOULD HAVE NOTED IT HAD YOU - HAD YOU -.
13 UM -- SEEN IT?
14 A YES.
15 Q CORRECT?
16 UM - - AND TO BE FAIR, YOU DIDN'T NOTE IT?
17 A NO.
18 Q OKAY. EITHER TO HER LEFT WRIST OR HER RIGHT WRIST?
A CORRECT.
Q OKAY. UM -- NOW, YOU INDICATED THAT YOU HAD --
21 UM -- SEEN SQME REPORTS SINCE THEN, SINCE THE EXAMINATION.
22 A UH - SOME MEDICAL RECORDS, YES.
23 Q UM - DID - - DO YOU PROVIDE THOSE TO THE STATE, OR
24 HOW DOES THAT WORK?
25
A UM - NO, I - - UM - - WEL工, I GUESS I GOT THEM FROM

CPS AND FAMILY COURT -- UH -- IN PREPARATION FOR -- UM - THEIR TRIAL COMING UP, AND SO WHETHER - - I MEAN, I DON'T OFTEN PROVIDE MEDICAL RECORDS, THAT'S SOMETHING THAT I RECEIVE.

Q OKAY. YOU RECEIVE BUT YOU DON'T GIVE OUT?
A UM - - NOT - - NOT ONLY THE ONES THAT ARE FROM MY CLINIC, THOSE GET SUBPOENAED AND THEN TAKEN. BUT, AGAIN, THEY'RE REQUESTED, YEAH.

Q OKAY. AND JUST TO CONCLUDE, YOU - - YOU DIDN'T GIVE ANY OF THOSE ITEMS TO THE STATE, TRUE?

A NO.
Q UM - Y YOU WERE AWARE THAT THESE THREE CHILDREN RECEIVED A PHYSICAL EXAM RIGHT BEFORE THEY WENT TO MARVELOUS GRACE GIRLS ACADEMY. WERE YOU AWARE OF THAT?
 RECORDS TO THAT. UM - BUT I BELIEVE THAT I WAS - YEAH, I BELIEVE IT WAS REPORTED THAT THEY HAD, BUT I DID NOT SEE A MEDICAL RECORD.

MR. RUE: OKAY. COURT'S INDULGENCE?
THE COURT: SURE.
(DISCUSSION BETWEEN MR. RUE AND DEFENDANT HINTON.)
MR. RUE: THANK YOU, DR. CETL, NOTHING MORE.
THE WITNESS: THANK YOU.
THE COURT: REDIRECT?
MS. LUZAICH: JUST VERY BRIEFLY.

\section*{BY MS. LUZAICH:}

Q DOCTOR, GIVEN THAT ALL OF THE PHOTOS THAT WE LOOKED AT TODAY AND YOUR EXAMINATION WAS IN MARCH OF 2014 -- UM --

MAY I APPROACH?
THE COURT: YES.
BY MS. LUZAICH:
Q I'M GOING TO SFOW YOU STATE'S EXHIBIT 2 -- UM -IT'S BEEN CALLED A PAINT STICK, DOES THAT SOUND RIGHT TO YOU?

A THAT'S WHAT IT LOOKS LIKE.
Q ALL OF THE INJURIES TO THE GIRLS' BUTTOCKS, COULD THEY BE CONSISTENT WITH - - UM -- BEING HIT WITH A PAINT STICK THAT LOOKED LIKE OR SIMILAR TO THAT IN 2011, '12 OR '13?

A YES.
Q THE BURNS TO -- UM - - ANASTASIA's NECK, SHOULDER, EAR, GOING DOWN HER BACK, COULD THEY BE CONSISTENT WITH HAVING BEEN HELD UNDER HOT WATER IN 2012?

A LN - THEY COULD BE, YES.
MS. LUZAICH: NOTHING FURTHER.
THE COURT: ANY RECROSS?
MR. MANN: JUST BRIEFLY.

\section*{RECROSS-EXAMINATION}

\section*{BY MR. MANN :}

Q ON THAT SAME PAINT STICK ANALYSIS, IT DOESN'T HAVE

A CORRECT .
Q IT COULD BE ANYTHING?
A UM -- SOME KIND OF IMPLEMENT, YEAH.
Q IT COULD BE ANY -- ANY SCOPE OF TIME?
A YES.
MR. MANN: NO FURTHER QUESTIONS.
THE COURT: ANY REDIRECT -- I MEAN RECROSS, EXCUSE ME.
MR. MUELLER: NO, YOUR HONOR.
THE COURT: RECROSS, MR. RUE?
MR. RUE: NO. NO, YOUR HONOR.
THE COURT: ALL RIGHT. THANK YOU VERY MJCH, DOCTOR.
THE WITNESS: THANK YOU.
THE COURT: APPRECIATE YOUR TIME TODAY.
THE WITNESS: OKAY.
THE COURT: SO WE'RE JUST A LITTLE LATE BREAKING FOR
LUNCH, SO WE'LL RESUME AT LIKE 1:30, BECAUSE I HAVE TO DO MY BAD CHECK AT 1:15.

MS. BLUTH: AND WE STAY IN HERE?
THE COURT: YES, WE STAY IN HERE.
MR. MANN: CAN I LEAVE MY BOOKS AND STUFF HERE?
THE COURT: YES.
MR. MANN: GREAT.
THE COURT: UM -- THERE -- THERE WILL BE A P.D. SITTING THERE, BUT JUST BRIEFLY, SO ...

MR. MANN: NO, I'LL CEEAN UP.
MR. RUE: DON'T WORRY ABOUT IT. THE COURT: DON'T LEAVE ANY NASTY NOTES ABOUT ANYBODY. MR. RUE: NO, JUST LEAVE IT.

THE COURT: AND I - \(S O\) I KNOW YOU NEED LUNCH, TOO, SO - -
UM - - YOU CAN OPEN THE DOORS LATE IF YOU WANT. I FIGURE
WE'LL - I E-MAILED SAM BATEMAN AND SAID WE'LL START AT 1:15.
THE MARSHAL: THAT WAS GOING TO BE LEFT?
THE COURT : YES, BU'T --
MS. LUZAICH: I -- I HAVE A SCHEDULING ISSUE. CAN WE
APPROACH TO TALK ABOUT IT?
THE COURT: SURE.
MS. IUZAICH: AND IT'S NOT GOING TO EFFECT --
THE COURT: OKAY.
MS. LUZAICH: -- ANASTASIA.
THE COURT: BECAUSE WE'RE GOING TO GO - ON THIS CASE,
WE'RE GONNA' GO FROM LIKE 1:30 --
MR. MANN : DO WE NEED TO APPROACH?
THE COURT: -- TO 3:30.
MS. BLUTH: YES.
MR. MANN: OH, WE DO, OKAY.
MS. BLUTH: YEAH. I KNOW IT'S WEIRD.
MS. LUZAICH: ONE-THIRJY TO THREE-THIRTY. WE HAVE TO
FINISH AT 3:30, RIGHT?
THE COURT: YES, THAT'S WHAT I SAID YESTERDAY.

11 THE COURT: OH, WITH -- WHO'S ONE OF - - A CASA.?
MS. BLUTH: UV -- NO, SHE'S ONE OF HER THERAPISTS, LIKE

24 MISS STEPHANIE IS GOING TO SWEAR YOU IN AGAIN, JUST SO WE
25 REMEMBER HOW IMPORTANT IT IS TO TELL THE TRUTH, OKAY?

MISS ANASTASIA: OKAY.
THE COURT: THANK YOU.

\section*{ANASTASIA SOIANDER,}

CALLED AS A WITNESS BY THE STATE, AND HAVING BEEN FIRST DULY SWORN TO TESTIFY TO THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS:

THE WITNESS: YES.
THE CLERK: THANK YOU.
AND JUST ONE MORE TIME I WANT YOU TO STATE YOUR FIRST AND YOUR LAST NAME FOR THE RECORD.

THE WITNESS: ANASTASTA, A-N-A-S-T-S-I-A. SOLANDER, \(S-O-L-A-N-D-E-R\).

THE COURT: THANK YOU. YOU CAN HAVE A SEAT THERE WITH POOH.

YOU CAN CONTINUE WITH -- OH, IT'S CROSS-EXAMINATION. SO NOW, MR. MANN'S GOING TO ASK YOU SOME QUESTIONS, OKAY, AND THEN THEY -- MR. MUELLER WILL ASK YOU QUESTIONS, AND THEN MR. RUE WILL ASK YOU QUESTIONS.

THE WITNESS: OKAY.
THE COURT: REMEMBER WHEN I TOLD EVERYBODY GETS TWO TURNS PRETTY MUCH?

THE WITNESS: UM-HUM.
THE COURT: ALL RIGHT. THANK YOU.

2 BY MR. MANN:

Q GOOD AFTERNOON, ANASTASIA.
A GOOD AFTERNOON.
Q WHAT GRADE ARE YOU IN, ANASTASIA?
A FOURTH.
Q AND -- UM -- IS THAT YOU JUST FINISHED YOUR FOURTH
GRADE OR YOU'RE MOVING INTO FOURTH GRADE?
A UM -- I JUST FINISHED IT.
Q SO YOU'RE MOVING INTO FIFTH GRADE?
A YES.
Q ALI RIGHT. AND YOU HAD TALKED ABOUT - - UM - THERE BEING RULES IN THE HOUSE ABOUT GOING TO THE BATHROQM, WHEN YOU WERE LIVING AT THE SOLANDERS; DO YOU REMEMBER THAT?

A YES, SIR.
Q OKAY. AND ONE OF THE RUEES THAT YOU TALKED ABOUT
17 WAS THAT YOU HAD TO ASK TO GO TO THE BATHROOM; IS THAT
18 CORRECT?
A YES, SIR.
Q OKAY. AND SO IN ORDER TO GO TO THE BATHROOM, YOU 21 JUST NEEDED TO ASK AND THEN YOU COULD GO TO THE BATHROOM,

22 CORRECT?
23 A YES.
24 Q OKAY. AND - UM -- THEN - - UM -- THERE WERE TIMES,
25 THOUGH, THAT YOU WOULDN'T ASK TO GO TO THE BATHROOM, RIGHT?

A YES.
Q AND YOU ENDED UP -- UM -- PEEING OR POOPING
YOURSELF, CORRECT?

A YES.
Q UM -- NOW, WHEN YOU WOULD PEE AND POOP YOURSELE, YOU
WOULD DO THAT ON PURPOSE, CORRECT?

A NO.
Q YOU WOULDN'T DO THAT ON PURPOSE?
A NO.
Q OKAY. UM -- BUT YOU WOULD -- THERE WERE TIMES THAT -- UM -- YOU WERE TOLD YOU CAN GO TO THE BATHROOM AND YOU DIDN'T GO TO THE BATHROOM, CORRECT?

A NO.
Q OKAY. LET ME BACK UP. WERE THERE TIMES THAT THERE WERE TIMERS ABOUT WHEN YOU COULD AND COULDN'T GO TO THE BATHROOM?

A YES.
Q OKAY. AND THOSE TIMERS WERE SET, AND YOU WERE OFFERED AN OPPORTUNITY OR A CHANCE TO GO TO THE BATHROOM, CORRECT?

A NO. WE HAD TO ASK.
Q OKAY. SO EVEN THOUGH THERE ARE TIMERS THERE AND YOU HAD TO ASK, AND IF YOU ASKED, YOU COULD THEN GO TO THE BATHROOM?

A WE COULD GO TO THE BATHROOM IF WE ASKED, BUT IF WE

DON'T ASK, WE CAN'T GO BECAUSE SHE DOESN'T KNOW.
Q OKAY. AND SO IF YOU DON'T ASK, HOW WOULD SHE KNOW, RIGHT?

4 A YEAH.
Q OKAY. AND SO WHEN YOU WOULD PEE AND POOP YOURSELF, THAT WAS BECAUSE YOU DIDN'T ASK, CORRECT?

A IT WAS BECAUSE I ASKED, AND THEN SHE - SHE - AT FIRST I ASKED AND SHE DIDN'T ANSWER, SO THEN I ASKED AGAIN, AND SHE DIDN \({ }^{1} T\) ANSWER. SO TFEN I ASKED AGAJN, AND THEN I SAID, "I HAVE TO GO TO THE BATHROOM REALLY BAD," SO THEN I
\(I 1\) WENT. AND THEN SHE -- I WAS HOLDING IT, SO I DON'T KNOW. 12 Q OKAY. SO WHEN YOU SAID THAT YOU WENT, YOU MEAN YOU 13 WENT AND YOU WALKED TO THE BATHROOM WHERE THE TOILET WAS; IS 14 THAT CORRECT?

15 A YES.
16 O OKAY. AND SO THEN YOU WALKED INTO THE BATHROOM
17 WHERE THE TOILET WAS, AND YOU DID WHAT YOU NEEDED TO DO INSIDE

THAT BATHROOM?

A YES.
Q OKAY. UM - \(\quad\) SO - BUT THE TIMES - - WERE THERE TIMES THAT YOU WOULD PEE AND POOP YOURSELF?

A YES.
Q OKAY. AND THOSE TIMES THAT YOU WOULD PEE AND POOP YOURSELF, YOU DIDN'T ASK FOR PERMISSION TO GO TO THE BATHROOM, CORRECT?

3 Q OKAY. BUT YOU -- YOU WERE ALSO, THOUGH, GIVEN TIMES

BATHROOM?

6 A SAY THAT AGAIN.
7 Q SURE.
8
9 GO AND ASK IF YOU COULD GO TO THE BATHROOM, AND THEN
10 EVENTUALLY YOU WOULD GO TO THE BATHROOM?
A YES.
Q OKAY. NOW, YOU ALSO TALKED ABOUT -- UM - WHEN - UH - - THERE WAS AN ACCIDENT - - UH -- THAT SHE WOULD KICK YOU UP THE STAIRS; IS THAT RIGHT?

A YES, SIR.
Q OKAY. AND SO SHE WOULD -- UM -- YOU WOULD BE WALKING UP THE STAIRS AND SHE WOULD KICK YOUR BOTTOM?

A YES.
Q OKAY. AND YOU WOULD THEN CONTINUE TO MOVE UP THE STAIRS, CORRECT?

A YES, BUT I'D BE FALLING, TOO.
Q YOU WOULD FALL DOWN?
A YEAH, BECAUSE - UH - - SHE'LL KICK ME, SO THEN I'LL
24 FALL AND I \({ }^{1} L L\) GET BACK UP.
25 Q OKAY. WHAT PART OF YOUR BODY DID YOU FALL ON?

6 LANDED ON?

7 A YES.
\(8 \quad \mathbf{Q}\) ОКAY. AND - EN - - AND THAT WAS ONL, K KICKING YOU UP THE STAIRS, CORRECT?

A YES.

Q OKAY. NOW -- UM -- THE NIGHTTIME BATHROOM, YOU
12 WOULD SLEEP IN THE LOFT; IS THAT RIGHT?

16 Q AND IN THAT BATHROOM, THERE WAS A ANGEL NIGHTLIGIIT,
17 CORRECT?
18 A YES.
\(19 \quad \mathbf{Q} \quad \mathrm{AND}\) YOU COULD SEE AT NIGHT WITH THAT ANGEL
A MY KNEES.
\(Q\) OKAY.
A I - I FALL - I FELL, AND THEN I LANDED ON MY KNEES .

Q OKAY. SO THAT WAS IT, JUST YOUR KNEES THAT YOU

A YES.

Q OKAY. AND NEXT TO THE LOFT WAS A BATHROOM, CORRECT?
A YES.

NIGHTLIGHT ON?
A YES.
Q OKAY. AND SO IF YOU NEEDED TO GO TO THE BATHROOM, YOU JUST WALK INTO THAT BATHROOM WITH THE ANGEL NIGHTLIGHT, AND YOU WOULD BE ABLE TO DO WHAT YOU NEEDED TO DO?

A YES.
\(1 \quad \mathbf{Q}\) OKAY. UM -- AND -- UM -- THAT -- UM -- YOU ALSO
TALKED ABOUT THE FOOD THAT YOU WERE GIVEN; DO YOU REMEMBヨR THAT?

A YES.
Q OKAY. AND YOU TALKED ABOUT THE EACT THAT YOU WERE GIVEN REGULAR FOOD, YOU WERE GIVEN QUINOA AND OATMEAL IN THE

7 MORNING?
A YES.
Q OKAY. AND THE QUINOA WAS COOKED?
A YES.
9 THE OATMEAL WAS COOKED?
A YES.
Q OKAY. AND THAT IN THE AFTERNOON OR DINNERTIME, YOU WERE GIVEN CORNBREAD AND BEANS AND RICE?

A WHEN I WAS EATING REGULAR FOOD, YES.
Q OKAY. BUT THERE WAS A TIME THAT YOU STOPPED EATING
17 REGULAR FOOD?

A YES.
Q AND THAT'S WHEN YOU WERE GIVEN SOME BLENDED FOOD; IS THAT RIGHT?

A YES.
Q OKAY. AND THAT BLENDED FOOD YOU WOULD STILL EAT, BUT YOU WERE JUST GIVEN THAT BLENDED FOOD, CORRECT?

A YES.
Q OKAY. AND YOU WOULD EAT THAT BLENDED FOOD WITH A

1 SPOON; IS THAT RIGHT?
2 A UM -- WE WOULD DRINK IT AT FIRST.
3 Q UH-HUM.
4 A AND THEN WHEN WE GET TO THE BOTTOM WHEN IT'S ALL
5 THICK, THEN WE START TO USE A SPOON.
\(6 \quad \& \quad\) OKAY. AND DID YOU HELP MAKE THE BLENDED FOOD?
7 A NO.
8 Q OKAY. DID YOU SEE WHO MADE THE BLENDED FOOD?
9 A NO.
10 \& YOU DIDN'T SEE WHO MADE IT?
11 A I KNOW MISS JANET WAS -- UM -- WAS THE MAIN ONE WHO
12 COOKED IT, BUT SOMETIMES SOMEONE ELSE WOULD COOK IT IF SHE'S
13 NOT THERE.
14 Q WHEN YOU SAY COOKED IT, YOU MEAN WOULD THEY COOK IT
I5 IN A POT AND THEN BLEND IT UP?
16 A YES.
17 O OKAY. SO THERE WAS SOME SORT OF -- DO YOU KNOW WHAT
18 WAS IN THE BLENDED FOOD?
19 A I ONLY KNOW THE -- UM -- IN THE MORNING, THEY
20 WOULD -- SHE WOULD -- SHE WOULD PUT OATMEAL, AND I KNOW SHE'LL
21 PUT OATMEAL, BUT IN THE -- AT DINNER, I DON'T KNOW. I THINK
22 SHE PUT -- UM -- BEANS AND RICE AND VEGETABLES.
23 Q AND THAT'S WHAT WAS BLENDED IN THE DRINK?
24 A YES.
25 Q OR IN THE --

A YES. AND -- UH --. SHE SAID SHE PUT SOMETHING ELSE IN IT LIKE MICE.

Q OKAY. AND DID YOU SEE --
A NO.
Q OKAY. YOU DIDN'T SEE HER DANGLING A MICE AND
PUTTING IT IN THE BLENDED FOOD?
A NO. SHE - SHE SAID SHE BOUGHT THE MICE FROM A CAN AND SHE PUT IT IN THE -- IN THE BLENDER.

Q OKAY. DID YOU SEE A CAN THAT HAD A PICTURE OF A MICE ON IT OR ANYTHING, A MOUSE ON IT?

A I NEVER SAN ANY CANS.
Q OKAY.
A I DON'T GO IN THE CABINETS.
Q OKAY. ALL RIGHT.
NOW, THE SHOWERS THAT YOU WOULD TAKE -- UM -- EACH OF YOU, AVA, AMAYA, AND YOU, HAD YOUR OWN TOWELS THAT WAS EACH A DIFFERENT COLOR, RIGHT?

A YES.
Q OKAY. AND THAT YOU WERE GIVEN THIS TOWEL TO THEN DO WHATEVER YOU NEEDED TO DO DURING THE DAY, INCLUDING DRY OFF FROM A SHOWER, RIGHT?

A YES, VERY OFTEN.
Q OKAY. SO YOU WOULD USE THESE TOWELS TO ACTUALLY DRY OFF FROM SHOWERS MOSTLY, RIGHT?

A NO --

Q YOU SAID VERY OFTEN.
A -- NOT MOSTLY.
Q YOU SAID VERY OFTEN?
A YES. SOMETIMES. IT DEPENDS.
Q OKAY. WHAT DID --
A WHEN SHE --
Q -- IT DEPEND ON?
A WHEN SHE WANTS TO. OR IF SHE DOESN'T WANT TO, WE HAD TO DRY OFF, AIR DRY WITH THE FAN.

Q OKAY. AND HOW WOULD SHE DECIDE TO AIR DRY?
A WITH A FAN.
Q WHAT WOULD SHE -- WHAT WOULD MAKE HER DECIDE THAT?
A BECAUSE IF WE DIDN'T FINISH OUR SCHOOLWORK OR IF WE HAD AN ACCIDENT ON OURSELF.

Q OKAY. AND -- UM -- NOW, THE SLEEPING ARRANGEMENTS, YOU SAID THAT -- UM -- YOU WOULD SLEEP ON A BED IN THE LOFT, RIGHT?

A YES.
Q AND THEN THERE WERE SOMETIMES, THOUGH, THAT YOU SAID THAT YOU WOULD SLEEP ON BOARDS IN THE LOFT; IS THAT RIGHT?

A WELL -- UM -- YES, WE DID SLEEP ON BOARDS ON THE LOFT, BUT WE SLEPT ON IT IN THE BEGINNING WHEN SHE GOT THE BOARDS, WE SLEPT ON THAT. AND -- AND THEN WHEN SHE THEN WENT ON VACATION TO OHIO, WE SLEPT ON THESE -- UM -- POP-UP BEDS, AND THEN WHEN SHE CAME EACK, WE STARTED TO SLEEP BACK ON THE

1 BOARDS.
2 O OKAY. YOU SAID THE BOARDS WERE BLUE BOARDS?
3 A YES.
4 Q OKAY. AND SO -- UM -- WERE THE BLUE BOARDS MADE OF
WOOD?
6 A YES.

\section*{24 Q OKAY.}

25
A YES. PULL-OUT COUCH?

A YES. THE BOARDS?

A NO. GIVE US TOWELS OR --

Q OKAY EACH OF THESE BLUE BOARDS?

Q OKAY. UM -- BUT -- UH -- YOU ALSO GOT TO SLEEP ON A

A HMM, NO, IT WAS A POP-UP BED THAT SHE ORDERED.
Q A POP-UP BED.

Q OKAY, I'M SORRY. AND THIS POP-UP BED, WAS IT LIKE A -- A MATTRESS?

A IT HAD A MATTRESS, YES.
Q OKAY. AND ON THE BOARDS, WERE THERE A MATTRESS ON

Q NEVER A MATTRESS ON THE BOARDS?
A NO, THERE WAS NO MATTRESS, BUT SOMETIMES SHE WOULD

A -- OR A PILLOW.

Q OKAY. BUT YOU'RE SAYING, THOUGH, THAT THERE WAS NEVER A MATTRESS ON THOSE BOARDS?

A NO.
Q OKAY. AND SO IT WASN'T LIKE THERE WAS A MATTRESS ON THERE, AND ONE OF YOU HAD AN ACCIDENT, AND THEN THAT MATTRESS HAD TO BE REMOVED TO BE AIRED OUT?

A NO.
Q OKAY.
A THERE WAS NO MATTRESS ON THERE.
Q GOT IT.
UH -- AND -- UH -- LET'S TALK ABOUT THE INJURY ON YOUR SHOULDER -- UM -- THE MARK ON YOUR SHOULDER. DO YOU KNOW HOW THAT WAS CAUSED?

A YES.
Q HOW WAS THAT CAUSED?
A BECAUSE WHEN I - - AFTER I WAS DONE CLEANING THE DOG BATHROOM, I WASHED MY HANDS AND IT WAS REALLY HOT, AND THEN I DRAGGED MY HANDS OUT OF IT. SO THEN I STARTED TO CRY, AND I SAID, "IT'S HOT," AND THEN SHE PUT -- SHE SQUEEZED MY HANDS AND THEN SHE PUT MY HANDS IN IT, AND THEN I KEPT SAYING, "IT'S HOT. "

AND THEN SHE -- WE. HAD A CANDIE IN THERE, SO THEN SHE TOOK THE LID OFF OF IT, AND THEN SHE FILLED IT UP WITH THE HOT WATER, AND THEN SHE PUT - S SPLASHED IT ON MY FACE, AND THEN I STARTED TO CRY EVEN MORE, AND THEN SHE SAID, "STOP

CRYING," AND I COULDN'T STOP CRYING BECAUSE IT WAS REALLY HOT. SO THEN -- UM -- SHE WOULD PICK ME UP, AND THEN SHE TRIED TO PUT MY WHOLE BODY IN IT, AND THEN I WAS LIKE 4 SQUIRMING AROUND, SO THEN IT LANDED ON MY SHOULDER AND MY EAR.

1 GOT BURNED?
2 A YES.
3 Q OKAY. WHY IS IT, THEN, THAT YOUR FACE DIDN'T GET
BURNED?
A BECAUSE I WAS LANDING ON SIDEWAYS.
Q OKAY. WHY ISN'T IT THAT YOUR HANDS GOT BURNED WHEN YOUR HANDS WERE IN THE WATER?

A IT -- I HAVE LITTLE SPLINTERS WHERE IT GOT BURNED. THEN ET HEALED.

Q OKAY. SO YOUR SHOULDER DIDN'T HEAL, BUT YOUR HANDS DID HEAL, AND THEN YOU --

A BECAUSE MY HANDS, I ONLY PUT IT IN THERE FOR ONE SECOND. LIKE I PUT MY HANDS IN THERE, AND THEN I JERKED IT BACK OUT AS SOON AS I PUT MY HANDS IN THERE.
\(\mathbf{Q}\) OKAY. BUT SHE THEN PUT YOUR HANDS IN AGAIN YOU SAID?

A YEAF, BECAUSE SHE MADE ME.
Q OKAY. SO YOU PUT YOUR HANDS IN THERE TWICE?
A YES.
Q OKAY. UM -- HOW LONG WAS YOUR SHOULDER IN THE --
21 UH -- IN THE SINK?
A I DON'T KNOW, IT WAS FOR LONG BECAUSE SHE -- SHE WAS 23 MAD.

Q OKAY. AN HOUR?
A NO, NOT AN -- AN HOUR.

14 O OKAY. SO YOU'RE SAYING THAT -- UM - - IS IT YOUR
15 RIGHT OR LEFT SHOULDER?
16 A RIGHT.
17 Q OKAY. YOUR RIGHT SHOULDER.
18
9 HOW LONG?
A ABOUT A MINUTE.
Q OKAY. SO YOUR SHOULDER WAS IN THERE FOR A MINUTE?
A YES.
Q AND WHAT WERE YOU DOING WHEN YOUR SHOULDER WAS IN
THERE?
A I WAS SQUIRMING AROUND BECAUSE SHE TRIED TO PUT MY WHOLE BODY IN THERE.

Q AND HOW WERE YOU SQUIRMING AROUND?
A I WAS -- I WAS SQUIRMING AROUND. LIKE SHE PUT -SHE WAS ABLE TO PICK ME UP, PUT ME ON THE -- UM -- COUNTER, AND THEN I WAS -- SO THIS, THIS PART AND MY EAR WERE ON THIS SIDE, SO -- SO THAT WAY THE WATER WAS ON IT. IS IT YOUR RIGHT OR LEFT EAR?

A UH -- I EELIEVE RIGHT.
\(Q\) OKAY. AND SO SHE PUT YOUR RIGHT SHOULDER INTO THE RUNNING WATER?

A YES.
Q OKAY. AND SO WAS WATER COMING DIRECTLY OUT OF THE

A YES.

\begin{tabular}{|c|c|c|}
\hline 1 & A & YES. \\
\hline 2 & Q & SO ONLY ON THAT SPOT ON YOUR SHOULDER, RIGHT? \\
\hline 3 & A & YES. \\
\hline 4 & 2 & OKAY. AND THAT'S WHERE YOU GOT BURNED FROM? \\
\hline 5 & A & YES. \\
\hline 6 & Q & OKAY. AND IT WASN'T A SHOWER THAT YOU GOT BURNED \\
\hline 7 & FROM, WAS & IT? \\
\hline 8 & A & NO. \\
\hline 9 & 9 & IT WAS THE SINK? \\
\hline 10 & A & YES. \\
\hline 11 & Q & OKAY. AND -- UM -- DO YOU KNOW ABOUT WHEN THIS \\
\hline 12 & HAPPENED? & \\
\hline 13 & A & I DON'T KNOW. \\
\hline 14 & Q & DO YOU KNOW WHAT YEAR? \\
\hline 15 & A & UM -- I THINK IN 2012 OR '13. \\
\hline 16 & Q & OKAY. UM -- AND DO YOU KNOW WAS IT WARM OR COLD \\
\hline 17 & OUTSIDE? & YOU HAD JUST GOTTEN BACK IN FROM CLEANING UP FROM \\
\hline 18 & THE DOG, & RIGHT? \\
\hline 19 & A & YEAH. \\
\hline 20 & Q & SO WAS IT WARM OR COLD OUTSIDE? \\
\hline 21 & A & IT WAS ABOUT LIKE -- IT WAS A LITTLE WARM, BUT A \\
\hline \multicolumn{3}{|l|}{22 LITTLE COLD BREEZE AT THE SAME TIME.} \\
\hline 23 & Q & OKAY. AND DO YOU KNOW WHAT TIME OF YEAR IT WAS? \\
\hline 24 & A & NO. \\
\hline 25 & Q & A SEASON? \\
\hline
\end{tabular}

A NO.
Q OKAY. SO FALL, WINTER?
A I CAN'T REMEMBER.
Q OKAY. UM -- IS THERE A REASON YOU CAN'T REMEMBER WHEN IT HAPPENED?

MS. BLUTH: OBJECTION.
MR. MANN: WHAT'S THE OBJECTION?
MS. BLUTH: IS THERE A REASON YOU CAN'T REMEMBER? I MEAN IT'S VAGUE. HOW -- IF YOU DON'T REMEMBER SOMETHING, HOW DO YOU HAVE A REASON YOU DON'T REMEMBER SOMETHING.

MR. MANN: WELL --
THE COURT: WELL, THAT'S TRUE, BUT --
MR. MANN: IT OBVIOUSLY WAS A VERY SPECIFIC EVENT. I M JUST CURIOUS IF SHE CAN'T REMEMBER THE TIME, WHY SHE CAN \({ }^{1}\) T REMEMBER THE TIME.

THE COURT: DO YOU KNOW WHY YOU CAN'T REMEMBER?
THE WITNESS: IT WAS IN THE MORNING, AND IT WAS -- I DON'T KNOW. IT WAS ON WEDNESDAY, BECAUSE I HAD TO CLEAN - BECAUSE IT WAS IN THE MORNING BECAUSE THE TRASHMAN COMES ON WEDNESDAY AND, I BELIEVE, FRIDAY.

THE COURT: OKAY.
BY MR. MANN :
Q SO IT WAS ON A WEDNESDAY BECAUSE THE TRASHMAN COMES ON WEDNESDAY --

A YES.


7 AFTER THAT?
\(9 \quad 2 \quad\) OKAY. WHAT DID SHE PUT ON IT?

12 WHAT DID SHE - WHAT WAS IT SUPPOSED TO DO?

17 COULD TELL.

25 RIGHT SIDE OF MY BACK WHERE I GOT BURNED.

Q OKAY. THANK YOU FOR MAKING THAT CLEAR.
UM - AND - UH -- HOW OFTEN WOULD SHE PUT THIS
STUFF ON?
A ABOUT LIKE EVERY DAY IN THE MORNING AFTER I TAKE MY SHOWER.

Q OKAY. AND DO YOU KNOW HOW LONG SHE WOULD DO THAT FOR?

A I DON \({ }^{1}\) T KNOW.
Q HOW MANY DAYS?
A HMM, PROBABLY ABOUT FIVE DAYS.
Q FIVE DAYS?
AND WHAT WAS IT, WAS IT A WHITE CREAM -- UH --
CEEAR, WHAT DID IT LOOK LIKE?
A I CAN'T REMEMBER, BUT I KNOW -- UM -- SHE PUT SOME BANDAGE ON - I MEAN BANDAGE, AND SHE WRAPPED IT UP.

Q OKAY. AND THAT'S ON YOUR EAR SHE DID THAT AS WELL?
A YES. AND THEN SHE TOOK A PIECE - SHE RIPPED A PART OF THE BANDAGE OFF, AND SHE PUT IT ON MY -- UM - BACK.

Q OKAY. AND SO YOU WOULD -- DURING THOSE FIVE DAYS, YOU WOULD HAVE A BANDAGE ON YOUR EAR?

A YES.
Q OKAY. AND THAT BANDAGE, WAS IT A WHITE BANDAGE, OR WAS IT JUST A BAND-AID, WHAT WAS IT?

A I BELIEVE A WHITE BAN -- BANDAGE.
Q OKAY. SO IT WAS A WHITE BANDAGE THAT WAS ON YOUR
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EAR, AND YOU HAD IT FOR FIVE DAYS WHEN THIS WAS GOING ON?

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    A YES.
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    A YES.
    Q OKAY. AND DURING THAT TIME WERE YOUR SISTERS HOME?
    Q OKAY. AND DURING THAT TIME WERE YOUR SISTERS HOME?
    A YES.
    A YES.
    Q OKAY. AND SO DID YOUR SISTERS SEE YOUR BANDAGE?
    Q OKAY. AND SO DID YOUR SISTERS SEE YOUR BANDAGE?
    A I DON'T KNOW, BECAUSE IT'S -- I DON'T KNOW IF THEY
    A I DON'T KNOW, BECAUSE IT'S -- I DON'T KNOW IF THEY
    LOOKED AT ME, I DON'T KNOW WHAT THEY --
LOOKED AT ME, I DON'T KNOW WHAT THEY --
Q OKAY.
Q OKAY.
A -- WHAT THEY'RE DOING.
A -- WHAT THEY'RE DOING.
Q SO YOU DON'T KNOW.
Q SO YOU DON'T KNOW.
UM -- DO YOU KNOW IF ANYONE ELSE SAW YOUR BANDAGE?
UM -- DO YOU KNOW IF ANYONE ELSE SAW YOUR BANDAGE?
A PROBABLY MR. DWIGHT.
A PROBABLY MR. DWIGHT.
Q OKAY. ALL RIGHT.
Q OKAY. ALL RIGHT.
DID YOU GO OUTSIDE DURING THIS TIME?
DID YOU GO OUTSIDE DURING THIS TIME?
A I DON'T BELIEVE SO.
A I DON'T BELIEVE SO.
Q OKAY. SO FOR THE FIVE DAYS YOU DIDN'T GO OUTSIDE?
Q OKAY. SO FOR THE FIVE DAYS YOU DIDN'T GO OUTSIDE?
A NO, BECAUSE SHE - WE - - WE DIDN'T REALLY GO
A NO, BECAUSE SHE - WE - - WE DIDN'T REALLY GO
18 OUTSIDE.
19 Q OKAY. EXCEPT FOR TO CLEAN UP THE DOG STUFF?

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19 Q OKAY. EXCEPT FOR TO CLEAN UP THE DOG STUFF?
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A YEAH.
Q $\quad \mathrm{ALL}$ RIGHT. AND -- UM -- NOW -- UM -- YOU'VE EXPERIENCED TIMES WHERE - UH - AMAYA HAS IIED, RIGHT?
A YEAH.
Q UM -- AMAYA HAS LIED ABOUT HER HAVING A SEIZURE?
A SHE HAD A SEIZURE ONCE.

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    8
    9
10

Q OKAY. WAS THERE A TIME THAT SHE TOLD MR. DWIGHT THAT SHE WAS HAVING A SEIZURE, AND MR. DWIGHT CALLED 9-1-1?

A YES.
Q OKAY. AND THAT WASN'T TRUE, THOUGH?
A I DON'T KNOW.
Q YOU DON'T KNOW IF IT WAS TRUE OR NOT?
A I DON'T REALLY PAY ATTENTION TO HER. ALL I KNOW I CAN -- WHEN WE - WHEN SHE LEAVES US IN THE BATHROOM AND SHE'S
GOING OUT SOMEWHERE, SHE - - WE TALK TO EACH OTHER, BUT I CAN'T
DEFINE -- I CAN'T SAY, OH, SHE WAS LYING OR OH, SHE WAS
TELLING THE TRUTH.

Q OKAY. AND SO -- UM -- WHEN YOU SAY "SHE," YOU'RE TALKING ABOUT AMAYA?

A YES.
Q OKAY. AND SO THIS TIME WHERE THEY CALLED 9-1-1 BECAUSE THEY THOUGHT THAT SHE WAS HAVING A SEIZURE, YOU DON'T KNOW IF SHE WAS ACTUALLY HAVING A SEIZURE OR NOT?

A NO.
Q YOU NEVER TOLD --
A BECAUSE I DON'T --
Q YOU NEVER --
A I DON'T KNOW SYMPTOMS OF A SEIZURE.
Q OKAY. YOU --
A I DON'T KNOW HOW A SEIZURE LOOKS LIKE.
Q AND YOU NEVER TOLD MR. DWIGHT, ONCE HE WAS CALLING

9-1-1 THAT, NO, SHE'S -- SHE'S NOT REALLY HAVING A SEIZURE?
A NO, BECAUSE I DON'T KNOW IF SHE WAS REALLY HAVING A SEIZURE OR NOT.

Q OKAY. AND -- UM -- YOU GUYS -- UM -- DO YOU KNOW WHY -- UM -- AMAYA WAS PRETENDING TO HAVE A SEIZURE?

A I DON'T KNOW. BUT ALL I KNOW THAT WE -- SHE DIDN'T LIKE IT THERE.

Q OKAY. AND SO SHE DIDN'T LIKE IT THERE, SO THAT'S WHY SHE WAS PRETENDING TO HAVE A SEIZURE?

A I DON'T KNOW WHY SHE WAS PRETENDING TO HAVE -- HAVE A SEIZURE.

Q OKAY.
MS. BLUTE: ONE SECOND, OKAY?
MY OBJECTION IS TO ASKED AND ANSWERED.
THE COURT: SUSTAINED.
MS. BLUTH: THANK YOU.
17 BY MR. MANN:
Q ALL RIGHT. AND SO -- UM -- THERE WERE OTHER TIMES THAT YOU EXPERIENCED AMAYA LYING, RIGHT?

A YES.
Q OKAY. AND THAT THERE WERE TIMES THAT YOU'VE LIED AS WELL, RIGHT?

A YES.
Q UM -- IN FACT, THERE WAS A -- A SHEET ON -- ON THE REFRIGERATOR THAT MARKED DIFFERENT GOOD POINTS AND BAD POINTS
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[^0]:    ${ }^{1}$ Later in the preliminary hearing A.S. (10/21/01) testified that DEFENDANT Dwight Solander did not withhold food and water from her or her siblings.

[^1]:    ${ }^{2}$ Much of the testimony of all three siblings is similar. Unfortunately to show all counts were bound over correctly, the State must reiterate and repeat the information each victim gave.

[^2]:    14F04585A-C/rmj
    LVMPD EV\# 1403041293 (TK12)

[^3]:    THT R PRMLEOEOATM
    

[^4]:    
    

[^5]:    CDFIOENTAL IF YOU HUVE RECENEO THE TEEECOM W ERROR PLEABE NOTFY US MMEDUTELY BY TELEPHCNE CNL COLLECM
    

