

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE OF NEVADA,

Appellant,

v.

DWIGHT CONRAD SOLANDER,

Respondent.

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)

Case No. 67710

Electronically Filed
Sep 24 2015 02:41 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

**APPELLANT'S APPENDIX
Volume I**

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on September 24, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT
Nevada Attorney General

CRAIG A. MUELLER, ESQ.
Counsel for Appellant

CHRIS BURTON
Chief Deputy District Attorney

BY /s/ E.Davis
Employee, District Attorney's Office

CB//ed

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DWIGHT SOLANDER, aka,
Dwight Conrad Solander #3074262,
DANIELLE HINTON #6005500,
JANET SOLANDER #6005501,

Defendants.

DATE: 3-25-14

CASE NO: 14F04585A-C

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 20th day of March, 2014, at and within the County of Clark, State of Nevada,

COUNT 1 - 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. 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.

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14F04585A
CRM
Criminal Complaint
3612362



1 COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL
2 BODILY HARM

3 Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander did on or between
4 January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child
5 under the age of 18 years, to-wit: A. S., being approximately 11 year(s) of age, to suffer
6 unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the
7 said A. S. to be placed in a situation where she might have suffered unjustifiable physical pain
8 or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about
9 the head and/or body with a stick, resulting in substantial bodily harm or mental harm to the
10 said A. S.

11 COUNT 3 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL
12 BODILY HARM

13 Defendant DWIGHT SOLANDER, aka, Dwight Conrad Solander did on or between
14 January 19, 2011 and November 11, 2013, wilfully, unlawfully, and feloniously cause a child
15 under the age of 18 years, to-wit: A.S., being approximately 9 year(s) of age, to suffer
16 unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the
17 said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain
18 or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about
19 the head and/or body with a stick, resulting in substantial bodily harm or mental harm to the
20 said A.S.

21 COUNT 4 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

22 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET
23 SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully,
24 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being
25 approximately 12 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a
26 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might
27 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by
28 making the said A.S. hold her urine and bowel movements for an extended period of time.

1 COUNT 5 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

2 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET
3 SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully,
4 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being
5 approximately 12 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a
6 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might
7 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by
8 making the said A.S. sit on a bucket with a toilet seat for extended periods.

9 COUNT 6 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

10 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET
11 SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully,
12 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being
13 approximately 12 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a
14 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might
15 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by
16 withholding food from the said A.S. for days as a punishment for toileting accidents.

17 COUNT 7 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

18 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET
19 SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully,
20 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being
21 approximately 11 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a
22 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might
23 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by
24 making the said A.S. hold their urine and bowel movements for an extended period of time.

25 COUNT 8 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

26 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET
27 SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully,
28 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being

1 approximately 11 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a
2 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might
3 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by
4 making the said A.S. sit on a bucket with a toilet seat for extended periods.

5 COUNT 9 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

6 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET
7 SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully,
8 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being
9 approximately 11 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a
10 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might
11 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by
12 withholding food from the said A.S. for days as a punishment for toileting accidents.

13 COUNT 10 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

14 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET
15 SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully,
16 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being
17 approximately 9 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a
18 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might
19 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by
20 making the said A.S. hold their urine and bowel movements for an extended period of time.

21 COUNT 11 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

22 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET
23 SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully,
24 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being
25 approximately 9 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a
26 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might
27 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by
28 making the said A.S. sit on a bucket with a toilet seat for extended periods.

1 COUNT 12 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

2 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET
3 SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully,
4 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being
5 approximately 9 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a
6 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might
7 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by
8 withholding food from the said A.S. for days as a punishment for toileting accidents.

9 COUNT 13 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

10 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET
11 SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully,
12 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being
13 approximately 12 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a
14 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might
15 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by
16 continued verbal and/or physical abuse and/or threats of such abuse toward the said A.S.

17 COUNT 14 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

18 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET
19 SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully,
20 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being
21 approximately 11 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a
22 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might
23 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by
24 continued verbal and/or physical abuse and/or threats of such abuse toward the said A.S.

25 COUNT 15 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

26 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET
27 SOLANDER did on or between January 19, 2011 and November 11, 2013, wilfully,
28 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S, being

1 approximately 9 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a
2 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might
3 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by
4 continued verbal and/or physical abuse and/or threats of such abuse toward the said A.S.

5 COUNT 16 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL
6 BODILY HARM

7 Defendant DANIELLE HINTON did on or between January 19, 2011 and November
8 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit:
9 A. S., being approximately 12 year(s) of age, to suffer unjustifiable physical pain or mental
10 suffering as a result of abuse or neglect, and/or cause the said A. S. to be placed in a situation
11 where she might have suffered unjustifiable physical pain or mental suffering as a result of
12 abuse or neglect, by striking the said A.S. with a stick about the head and/or body, resulting in
13 substantial bodily harm or mental harm to the said A. S.

14 COUNT 17 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL
15 BODILY HARM

16 Defendant DANIELLE HINTON did on or between January 19, 2011 and November
17 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit:
18 A. S., being approximately 11 year(s) of age, to suffer unjustifiable physical pain or mental
19 suffering as a result of abuse or neglect, and/or cause the said A. S. to be placed in a situation
20 where she might have suffered unjustifiable physical pain or mental suffering as a result of
21 abuse or neglect, by striking the said A.S. with a stick about the head and/or body, resulting in
22 substantial bodily harm or mental harm to the said A. S.

23 COUNT 18 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL
24 BODILY HARM

25 Defendant DANIELLE HINTON did on or between January 19, 2011 and November
26 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit:
27 A. S., being approximately 9 year(s) of age, to suffer unjustifiable physical pain or mental
28 suffering as a result of abuse or neglect, and/or cause the said A. S. to be placed in a situation

1 where she might have suffered unjustifiable physical pain or mental suffering as a result of
2 abuse or neglect, by striking the said A.S. with a stick about the head and/or body, resulting in
3 substantial bodily harm or mental harm to the said A. S.

4 COUNT 19 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL
5 BODILY HARM

6 Defendant JANET SOLANDER did on or between January 19, 2011 and November
7 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit:
8 A. S., being approximately 12 year(s) of age, to suffer unjustifiable physical pain or mental
9 suffering as a result of abuse or neglect, and/or cause the said A. S. to be placed in a situation
10 where she might have suffered unjustifiable physical pain or mental suffering as a result of
11 abuse or neglect, by repeatedly striking the said A.S. about the head and/or body with a stick,
12 resulting in substantial bodily harm or mental harm to the said A. S.

13 COUNT 20 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL
14 BODILY HARM

15 Defendant JANET SOLANDER did on or between January 19, 2011 and November
16 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit:
17 A. S., being approximately 11 year(s) of age, to suffer unjustifiable physical pain or mental
18 suffering as a result of abuse or neglect, and/or cause the said A. S. to be placed in a situation
19 where she might have suffered unjustifiable physical pain or mental suffering as a result of
20 abuse or neglect, by repeatedly striking the said A.S. about the head and/or body with a stick,
21 resulting in substantial bodily harm or mental harm to the said A. S.

22 COUNT 21 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL
23 BODILY HARM

24 Defendant JANET SOLANDER did on or between January 19, 2011 and November
25 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit:
26 A. S., being approximately 9 year(s) of age, to suffer unjustifiable physical pain or mental
27 suffering as a result of abuse or neglect, and/or cause the said A. S. to be placed in a situation
28 where she might have suffered unjustifiable physical pain or mental suffering as a result of

1 abuse or neglect, by repeatedly striking the said A.S. about the head and/or body with a stick,
2 resulting in substantial bodily harm or mental harm to the said A. S.

3 COUNT 22 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL
4 BODILY HARM

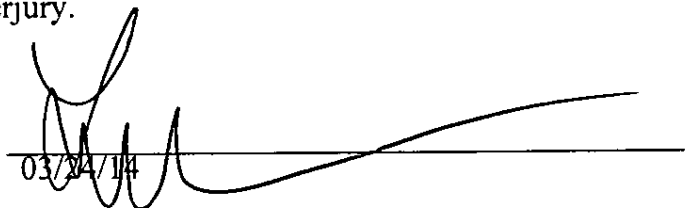
5 Defendant JANET SOLANDER did on or between January 19, 2011 and November
6 11, 2013, wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit:
7 A. S., being approximately 11 year(s) of age, to suffer unjustifiable physical pain or mental
8 suffering as a result of abuse or neglect, and/or cause the said A. S. to be placed in a situation
9 where she might have suffered unjustifiable physical pain or mental suffering as a result of
10 abuse or neglect, by pouring hot water on the said A.S., resulting in substantial bodily harm
11 or mental harm to the said A. S.

12 COUNT 23 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
13 AGE

14 Defendant JANET SOLANDER did on or between January 19, 2011 and November
15 11, 2013, then and there wilfully, unlawfully, and feloniously sexually assault and subject
16 A.S., a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a
17 paint stick into the said A.S.'s genital opening, against her will, or under conditions in which
18 Defendant knew, or should have known, that the said victim was mentally or physically
19 incapable of resisting or understanding the nature of Defendant's conduct.

20 All of which is contrary to the form, force and effect of Statutes in such cases made and
21 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
22 this declaration subject to the penalty of perjury.

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03/24/14

14F04585A-C/rmj
LVMPD EV# 1403041293
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1 CASE NO.

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IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

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CLARK COUNTY, STATE OF NEVADA

JUSTICE COURT
LAS VEGAS NEVADA

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BY _____

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STATE OF NEVADA,

)

7

PLAINTIFF,

)

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VS.

)

CASE NO. 14F04585A
14F04585B
14F04585C

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DWIGHT SOLANDER,

)

DANIELLE HINTON,

)

10

JANET SOLANDER,

)

DEFENDANTS,

)

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REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING - VOLUME I

14

BEFORE THE HONORABLE DIANA L. SULLIVAN, JUSTICE OF THE PEACE

15

THURSDAY, MAY 22, 2014

16

10:45 O'CLOCK A.M.

17

18

FOR THE PLAINTIFF:

JACQUELINE ELIZABETH BLUTH,
ELISSA LUZAICH,
DEPUTY DISTRICT ATTORNEYS

19

20

FOR DEFENDANT D. SOLANDER:

CRAIG A. MUELLER, ESQ.

21

FOR DEFENDANT HINTON:

JEFFREY T. RUE,
DEPUTY PUBLIC DEFENDER

22

23

FOR DEFENDANT J. SOLANDER:

JOEL MANN, ESQ.

24

REPORTED BY: KIT MACDONALD, C.S.R.
CERTIFICATE NO. 65

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14F04585A
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Transcript of Proceedings
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I N D E X

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* * * *

1 LAS VEGAS, CLARK COUNTY, NEVADA, THURSDAY, MAY 22, 2014

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10:45 O'CLOCK A.M.

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* * * * *

6

7 **THE COURT:** TODAY IS THE DATE AND TIME SET FOR THE
8 PRELIMINARY HEARING OF DWIGHT SOLANDER AND DANIELLE HINTON AND
9 JANET SOLANDER, CASE NO. 14F04585A, B AND C.

10 IS THE STATE READY TO PROCEED?

11 **MS. BLUTH:** GOOD MORNING, YOUR HONOR, JACQUELINE BLUTH
12 AND LISA LUZAICH ON BEHALF OF THE STATE.

13 **THE COURT:** THANK YOU.

14 HOW ABOUT DWIGHT SOLANDER?

15 **MR. MUELLER:** GOOD MORNING, YOUR HONOR, CRAIG MUELLER ON
16 BEHALF OF MR. SOLANDER. DEFENSE IS READY TO PROCEED.

17 **THE COURT:** HOW ABOUT FROM MISS HINTON?

18 **MR. RUE:** YES, JUDGE. JEFF RUE ON BEHALF OF MISS HINTON,
19 WHO IS PRESENT, IN CUSTODY. WE'RE READY.

20 **THE COURT:** AND WHAT ABOUT MISS -- MRS. SOLANDER?

21 **MR. MANN:** GOOD MORNING, YOUR HONOR, JOEL MANN ON BEHALF
22 OF JANET SOLANDER, WHO'S PRESENT, IN CUSTODY.

23 **THE COURT:** OKAY. ARE THERE ANY PRELIMINARY MATTERS WE
24 NEED TO HANDLE BEFORE YOU CAN CALL YOUR FIRST WITNESS?

25 **MS. BLUTH:** YES, JUDGE. ON BEHALF OF THE STATE, PURSUANT

1 TO 171.204, I'M ASKING, BECAUSE OF THE AGES OF THE VICTIMS
2 THAT ARE GOING TO TESTIFY TODAY, WHICH ARE TWELVE, ELEVEN AND
3 NINE, THAT THE COURTROOM BE CLOSED WHILE THEY'RE TESTIFYING.
4 I DID SPEAK TO MR. RUE. HE STATES THAT HE HAS AN EXTERN
5 AND A DEPUTY FROM HIS TEAM SITTING BEHIND HIM, I'M FINE WITH
6 THAT.
7 I ALSO HAVE TWO DISTRICT ATTORNEYS IN THE ROOM FROM THE
8 FAMILY DIVISION, WHICH IS FINE, BUT OTHER THAN THAT -- UM --
9 AND BESIDES THE ADVOCATE THAT THE CHILD CHOOSES, I'D ASK THAT
10 THE COURTROOM BE CLOSED.
11 I DO RECOGNIZE THAT THERE'S A CAMERA IN THE COURTROOM.
12 IF YOUR HONOR IS NOT INCLINED TO GRANT MY ORAL MOTION, THEN I
13 WOULD DEFINITELY MAKE SURE TO ASK YOUR HONOR TO MAKE SURE THAT
14 THE CAMERA DOES NOT SHOW THE CHILDREN'S FACES.
15 **THE COURT:** OKAY. MR. MUELLER, ANY RESPONSE?
16 **MR. MUELLER:** NO OBJECTION, JUDGE.
17 **THE COURT:** MR. RUE, ANY RESPONSE?
18 **MR. RUE:** NO, YOUR HONOR.
19 **THE COURT:** MR. MANN, ANY RESPONSE?
20 **MR. MANN:** UH -- NO, YOUR HONOR.
21 **THE COURT:** ALL RIGHT. I DO NOTE THAT I DID SIGN MEDIA
22 REQUESTS AND ORDERS ALLOWING CAMERAS ACCESS TO COURT
23 PROCEEDINGS, I SIGNED THEM ON DIFFERENT DAYS. HOWEVER, I DID
24 CHECK THE BOX THAT SAYS THAT I CAN REVOKE THE MEDIA REQUEST AT
25 ANY TIME TO PROTECT CHILD WITNESSES.

1 I ALSO BELIEVE THAT UNDER CHAPTER 171.204, GOOD CAUSE HAS
2 BEEN SHOWN TO CLOSE THE COURTROOM BASED UPON THE AGE OF THE
3 WITNESSES AND THE NATURE OF THE TESTIMONY.

4 SO, OTHER THAN THE EXCEPTIONS WHICH ARE BASICALLY THE
5 LAWYERS AND PEOPLE THAT REPRESENT THE PARTICULAR AGENCIES, THE
6 COURTROOM WILL BE CLOSED.

7 **MS. BLUTH:** AND THEN, LASTLY, YOUR HONOR, PURSUANT TO
8 NRS 178.571, EACH CHILD SHALL, IF THEY WISH, BE APPOINTED AN
9 ADVOCATE TO SIT BESIDE THEM.

10 AVA, THE FIRST CHILD TO BE TESTIFYING, HAS CHOSEN HER
11 CASA ATTORNEY, ALISON BRASIER, AND SO I'D ASK THAT SHE BE
12 ALLOWED TO SIT UP WITH AVA.

13 I'VE ALREADY ADMONISHED BOTH OF THEM THAT THEY'RE NOT TO
14 SPEAK TO ONE ANOTHER, LOOK AT ONE ANOTHER, BUT SHE'S PURELY
15 THERE FOR COMFORT --

16 **THE COURT:** YEAH.

17 **MS. BLUTH:** -- AND THEY BOTH UNDERSTAND THAT.

18 **THE COURT:** TYPICALLY WHEN I DO THAT, I JUST HAVE THE
19 ADVOCATE SIT KIND OF BEHIND THE WITNESS. I MEAN, NOT RIGHT
20 BEHIND THE WITNESS.

21 **MS. BLUTH:** SURE.

22 **THE COURT:** SO THAT -- BUT THAT THEY ARE UNABLE TO MAKE
23 EYE CONTACT OR SEE A NODDING OF THE HEAD OR SHAKING OF THE
24 HEAD. SO -- UM -- I BELIEVE THE STATUTE ALLOWS THAT. YOU
25 HAVE THAT FOR EACH VICTIM?

1 **MS. BLUTH:** I DO.

2 **THE COURT:** I MEAN, FOR EACH WITNESS?

3 **MS. BLUTH:** YES.

4 **THE COURT:** OKAY. AND THEY EACH HAVE THEIR OWN ADVOCATE?

5 **MS. BLUTH:** YES.

6 **THE COURT:** ALL RIGHT. SO MISS LISA, I THINK YOU WERE

7 OUTSIDE ESCORTING THE CAMERAMEN OUT WHEN WE SAID THAT, BUT

8 WHEN THE ADVOCATES COME -- WHEN THE ADVOCATES COME UP AND SIT

9 BEHIND THE WITNESS -- OR SIT WITH THE WITNESSES, I JUST ASK

10 THAT YOU KIND OF POSITION THE ADVOCATES SLIGHTLY BEHIND THE

11 WITNESS SO THE WITNESS CANNOT -- UM --

12 **THE MARSHAL:** OKAY.

13 **THE COURT:** -- FOR INSTANCE, SEE A NODDING OF THE HEAD OR

14 A SHAKING OF THE HEAD. I DON'T THINK THAT'S GOING TO HAPPEN,

15 BECAUSE THE ADVOCATES ARE TRAINED NOT TO DO THAT, BUT JUST --

16 JUST POSITION THEM THAT MAYBE THERE'S -- I GUESS THAT WOULD BE

17 LIKE 8 O'CLOCK.

18 **THE MARSHAL:** YES.

19 **THE COURT:** OKAY?

20 **THE MARSHAL:** OKAY.

21 **THE COURT:** ALL RIGHT. OKAY. ANYTHING ELSE?

22 **MS. BLUTH:** NO.

23 **THE COURT:** OKAY.

24 **MS. BLUTH:** AND SO THE STATE WOULD CALL AVA SOLANDER,

25 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.

3 MR. MARSHALL: I'M SORRY, YES, MA'AM.

4 THE COURT: WHAT'S YOUR NAME?

5 MR. MARSHALL: TRAVIS MARSHALL (PHONETIC) FROM CHANNEL
6 13.

7 THE COURT: AND YOU'RE FROM?

8 MR. MARSHALL: CHANNEL 13.

9 THE COURT: OKAY.

10 MR. MARSHALL: IS IT JUST CLOSED WHILE THEY'RE TESTIFYING
11 OR AM I DONE COMPLETELY?

12 THE COURT: WELL, IT'S DEFINITELY CLOSED DURING THE THREE
13 WITNESSES, THE CHILD WITNESSES.

14 MR. MARSHALL: OKAY.

15 THE COURT: DO YOU HAVE ANY OPPOSITION TO SAY IF HE CAME
16 BACK DURING ANY --

17 MS. BLUTH: NO, NONE AT ALL.

18 THE COURT: -- LAW ENFORCEMENT OR INVESTIGATIVE
19 WITNESSES?

20 MS. BLUTH: NONE AT ALL. BUT TODAY WILL JUST BE THE
21 CHILDREN, BECAUSE I DON'T WANT TO WASTE HIS TIME.

22 THE COURT: OH, THEN WE'RE ONLY GOING TILL 2:30.

23 MS. BLUTH: RIGHT.

24 THE COURT: OKAY. SO TODAY SHE SAYS THERE ARE ONLY GOING
25 TO BE THE THREE CHILD WITNESSES.

1 **MR. MARSHALL:** OKAY.

2 **THE COURT:** SO IT DOESN'T -- I WOULD REOPEN IT IF -- I
3 MEAN, TO THE EXTENT I NEED TO CLOSE IT AGAIN, WE WOULD HAVE TO
4 PLAY IT BY EAR. BUT THE ONLY REASON WHY I'M CLOSING IT IS
5 BECAUSE OF THE AGE OF THE CHILDREN AND THE NATURE OF THEIR
6 TESTIMONY.

7 **MR. MARSHALL:** YES, MA'AM.

8 **THE COURT:** SO I'M CLOSING IT FOR TODAY.

9 **MR. MARSHALL:** CLOSING IT FOR TODAY.

10 **THE COURT:** YES.

11 **MR. MARSHALL:** OKAY.

12 **THE COURT:** AND I CAN'T TELL YOU IF MISS BLUTH IS GOING
13 TO HAVE INVESTIGATIVE WITNESSES TOMORROW OR NOT.

14 **MR. MARSHALL:** OKAY.

15 **THE COURT:** YOU CAN GET --

16 **MR. MARSHALL:** WELL, WE CAN CALL THE COURT TOMORROW AND
17 SEE --

18 **THE COURT:** YEAH, YOU CAN GET WITH THE DISTRICT
19 ATTORNEY'S OFFICE.

20 ALL RIGHT, THANK YOU.

21 **MR. MARSHALL:** THANK YOU VERY MUCH, MA'AM.

22 **THE COURT:** ALL RIGHT.

23 **THE MARSHAL:** REMAIN STANDING, FACE HER RIGHT NOW.

24 **THE COURT:** RAISE YOUR RIGHT HAND AND LOOK AT THE CLERK,
25 LOOK AT MISS REESA.

1 **THE COURT:** BECAUSE YOU JUST TOOK THE OATH, YOU
2 UNDERSTAND THAT?

3 **THE WITNESS:** (NO AUDIBLE RESPONSE.)

4 **THE COURT:** IS THAT A YES?

5 **THE WITNESS:** YES.

6 **THE COURT:** ALL RIGHT. THE OTHER THING IS, MISS KIT,
7 SITTING RIGHT IN FRONT OF YOU, SHE TAKES DOWN ON HER SPECIAL
8 MACHINE EVERYTHING THAT EVERYBODY IS SAYING IN THE COURTROOM,
9 SO EVERYTHING YOU'RE SAYING SHE'S TAKING DOWN, EVERYTHING THAT
10 I'M SAYING SHE'S TAKING DOWN. SHE'S TAKING DOWN WHAT
11 EVERYBODY SAYS, IT'S A SUPER HARD JOB.

12 BUT THAT'S WHY IT'S PRETTY IMPORTANT THAT YOU DON'T --
13 UM -- NOD YOUR HEAD OR SHRUG YOUR SHOULDERS OR SHAKE YOUR
14 HEAD, BECAUSE SHE CAN ONLY TAKE DOWN WORDS ON HER MACHINE.
15 SHE WOULD HAVE TO GUESS IF YOU'RE GIVING SOME SORT OF
16 VERBAL -- NONVERBAL LANGUAGE, SHE WOULD HAVE TO GUESS, AND WE
17 DON'T WANT HER TO GUESS AT WHAT YOUR ANSWER IS. SO IF YOU
18 HAPPEN TO SHRUG YOUR SHOULDERS OR NOD YOUR HEAD AND NOT SAY
19 ANYTHING, THEN WE MIGHT TRY TO GET YOU TO USE YOUR WORDS ON
20 ANSWERING THE QUESTION.

21 AND IT'S OKAY, BECAUSE IN -- WHEN WE ARE TALKING TO OUR
22 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.
7 **THE COURT:** IS THAT A FAIR REQUEST TO ASK YOU?
8 **THE WITNESS:** YES, MA'AM.
9 **THE COURT:** ALL RIGHT. YOU'RE DOING GREAT BY SAYING YES
10 INSTEAD OF NODDING YOUR HEAD, AND SPEAKING INTO THE
11 MICROPHONE.
12 AND THEN IF YOU DON'T UNDERSTAND ONE OF THE LAWYERS'
13 QUESTIONS, BECAUSE SOMETIMES THEIR QUESTIONS CAN BE
14 LONG-WINDED OR CONFUSING, OR THEY MIGHT USE A WORD THAT YOU
15 DON'T KNOW WHAT THE MEANING OF IT IS, THAT'S OKAY. IF YOU
16 DON'T UNDERSTAND A QUESTION, YOU SAY TO THE LAWYER, "I DON'T
17 UNDERSTAND YOUR QUESTION", AND THE LAWYER WILL EITHER ASK A
18 DIFFERENT QUESTION OR THE LAWYER WILL REPHRASE IT IN A WAY
19 THAT YOU UNDERSTAND IT.
20 SO WE DON'T WANT YOU TO ANSWER ANY QUESTIONS THAT YOU
21 DON'T UNDERSTAND; IS THAT FAIR?
22 **THE WITNESS:** YES.
23 **THE COURT:** YOU'LL AGREE TO TELL THEM YOU DON'T
24 UNDERSTAND IF YOU DON'T UNDERSTAND, RIGHT?
25 **THE WITNESS:** YES.

1 **THE COURT:** OKAY. AND IF YOU EVER NEED A BREAK -- WE'LL
2 GIVE YOU SOME WATER, WE HAVE GIVEN YOU SOME KLEENEX. IF YOU
3 EVER NEED A BREAK, YOU JUST TURN AROUND, LOOK AT ME AND SAY,
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.
12 **MS. BLUTH:** THANK YOU.
13 AVA, DO YOU WANT TO TAKE A DRINK OF WATER BEFORE WE GET
14 STARTED?
15 **THE WITNESS:** NO.
16 **MS. BLUTH:** JUDGE, IS JAVS ROLLING?
17 **THE COURT:** NO.
18 **MS. BLUTH:** WOULD IT BE POSSIBLE, PLEASE?
19 **THE COURT:** SURE.
20 **MS. BLUTH:** THANK YOU.
21 **THE COURT:** IT SHOULD BE NOW. THANK YOU.
22 **MS. BLUTH:** ALL RIGHT.
23 **THE COURT:** JAVS IS ON FOR THE RECORD.
24 ///
25 ////

DIRECT EXAMINATION

1

2 BY MS. BLUTH:

3 Q AVA, HOW OLD ARE YOU?

4 A TWELVE.

5 Q AND WHEN IS YOUR BIRTHDAY?

6 A OCTOBER 21ST, 2001.

7 Q OKAY. WHAT SCHOOL DO YOU GO TO RIGHT NOW?

8 A CANARELLI.

9 Q CANARELLI?

10 A YES.

11 Q WHAT GRADE ARE YOU IN?

12 A SIXTH.

13 Q WHAT TYPES OF THINGS ARE YOU GUYS LEARNING IN THE
14 SIXTH GRADE?

15 A MATH, ENGLISH -- UH -- LIFE SCIENCE.

16 Q WHAT ABOUT ARCHERY?

17 A YEAH.

18 Q WHEN DID YOU LEARN ABOUT ARCHERY?

19 A YESTERDAY.

20 Q OH, YEAH? ARE YOU PRETTY GOOD AT IT?

21 A KIND OF.

22 Q OKAY. WHAT DO YOU LIKE TO DO FOR FUN?

23 A PLAY BASKETBALL.

24 Q OKAY. UM -- DO YOU HAVE ANY -- WHAT DO YOU AND YOUR
25 FRIENDS DO AT SCHOOL FOR FUN?

1 **A** WE DRAW OR TALK TO EACH OTHER.
2 **Q** DO YOU LIKE SCHOOL?
3 **A** YES.
4 **Q** WHAT'S YOUR FAVORITE SUBJECT?
5 **A** MATH.
6 **Q** MATH. OKAY.
7 DO YOU HAVE ANY BROTHERS OR SISTERS?
8 **A** TWO SISTERS.
9 **Q** AND WHAT ARE THEIR NAMES?
10 **A** AMAYA, ANASTASIA.
11 **Q** AND HOW OLD ARE YOUR SISTERS?
12 **A** NINE -- ANASTASIA IS NINE, AND AMAYA IS ELEVEN.
13 **Q** UM -- SO YOU'RE THE OLDEST; IS THAT RIGHT?
14 **A** YES.
15 **Q** DOES THAT MAKE YOU THE BOSS?
16 **A** NO.
17 **Q** NO?
18 **A** NOT REALLY.
19 **Q** WHO'S THE BOSS?
20 **A** MISS DEBBIE.
21 **Q** MISS DEBBIE.
22 **A** AND MR. MACK.
23 **Q** IS THAT WHO YOU LIVE WITH RIGHT NOW?
24 **A** YES.
25 **Q** MISS DEBBIE AND MR. MACK?

1 **A** YES.

2 **Q** OKAY. DO YOU KNOW JANET AND DWIGHT SOLANDER?

3 **A** YES.

4 **Q** DO YOU SEE THEM IN THE COURTROOM TODAY?

5 **A** YES.

6 **Q** CAN YOU TELL ME WHAT MISS JANET IS WEARING?

7 **A** BLACK SHIRT.

8 **Q** UM -- CAN YOU POINT TO HER FOR ME?

9 **A** (NO AUDIBLE RESPONSE.)

10 **Q** OKAY. DOES SHE HAVE HER HAIR UP OR DOWN?

11 **A** DOWN.

12 **MS. BLUTH:** OKAY. YOUR HONOR, MAY THE RECORD REFLECT

13 THAT SHE'S IDENTIFIED JANET SOLANDER?

14 **THE COURT:** YES.

15 **MS. BLUTH:** OKAY.

16 **Q** AND DO YOU SEE MR. DWIGHT?

17 **A** YES.

18 **Q** OKAY. CAN YOU POINT TO HIM AND TELL ME SOMETHING

19 HE'S WEARING?

20 **A** BLUE SHIRT.

21 **MS. BLUTH:** OKAY. YOUR HONOR, MAY THE RECORD REFLECT

22 THAT SHE'S IDENTIFIED DWIGHT SOLANDER?

23 **THE COURT:** YES.

24 **BY MS. BLUTH:**

25 **Q** NOW, DID JANET AND DWIGHT HAVE A DAUGHTER NAMED

1 DANIELLE?

2 **A** YES.

3 **Q** DO YOU SEE 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 TO THE

23 BATHROOM?

24 **A** NO.

25 **Q** DID YOU EVER HAVE ANY ISSUES, LIKE ANY PROBLEMS WITH

1 YOUR TUMMY AT ALL?

2 **A** NO.

3 **Q** AND THEN SOMETIME AFTER YOU LIVED WITH MISS DEBBIE

4 AND MR. MACK, YOU WENT TO THE SOLANDERS' HOME, RIGHT?

5 **A** YES.

6 **Q** AND DID YOU LIVE WITH THEM AS FOSTER CHILDREN?

7 **A** YES.

8 **Q** AND THEN IN JANUARY -- OR JANUARY 19TH OF 2011, DID

9 THE SOLANDERS ADOPT YOU?

10 **A** YES.

11 **Q** AND WHEN YOU WERE ADOPTED BY THEM, DID THEY ALSO

12 ADOPT YOUR SISTERS?

13 **A** YES.

14 **Q** WHAT HOUSE WERE YOU LIVING IN WHEN THEY ADOPTED YOU

15 GUYS?

16 **A** JUBILEE GARDENS AVENUE.

17 **THE COURT:** I'M SORRY, WHAT?

18 **BY MS. BLUTH:**

19 **Q** CAN YOU SAY IT AGAIN?

20 **A** JUBILEE GARDENS AVENUE.

21 **Q** AND THEN AFTER JUBILEE GARDENS AVENUE, WHICH HOUSE

22 DID YOU MOVE TO?

23 **A** WAKASHAN.

24 **Q** OKAY. NOW I'M GOING TO ASK --

25 **MR. MANN:** I'M SORRY, YOUR HONOR, I DIDN'T --

1 **THE COURT:** WHAT DID YOU SAY, SWEETIE?

2 **THE WITNESS:** WAKASHAN.

3 **THE COURT:** WAKASHAN?

4 **THE WITNESS:** YES.

5 **THE COURT:** OKAY.

6 **BY MS. BLUTH:**

7 **Q** NOW, YOU TALKED TO THE POLICE ABOUT SOME OF THE

8 THINGS THAT THE SOLANDERS AND DANIELLE DID TO YOU, RIGHT?

9 **A** YES.

10 **Q** NOW, DID THAT HAPPEN AT THE JUBILEE HOUSE OR THE

11 WAKASHAN HOUSE?

12 **A** WAKASHAN.

13 **Q** OKAY. AND IS THAT HERE IN CLARK COUNTY IN LAS

14 VEGAS?

15 **A** YES.

16 **Q** UM -- NOW, THESE THINGS THAT YOU -- YOU TALKED

17 ABOUT, AND WE'RE GOING TO GET INTO THEM IN A SECOND, DID THAT

18 HAPPEN AFTER YOU WERE ADOPTED?

19 **A** YES.

20 **Q** OKAY. WERE THERE CERTAIN RULES AT THE SOLANDER

21 HOUSE ABOUT GOING TO THE BATHROOM?

22 **A** YES.

23 **Q** OKAY. AND WHAT WERE THOSE RULES?

24 **A** YOU HAVE TO ASK TO USE THE BATHROOM.

25 **Q** WHO DID YOU HAVE TO ASK?

1 **A** DANIELLE, MR. DWIGHT OR MISS JANET.

2 **Q** OKAY. SO YOU WEREN'T ALLOWED TO GO TO THE BATHROOM

3 WHENEVER YOU WANTED?

4 **A** NO.

5 **Q** SO WHEN COULD YOU GO TO THE BATHROOM?

6 **A** WE HAD TO ASK, AND THEN WHEN THE TIME WAS UP, OR IF

7 WE HAD TO GO BEFORE THAT, SOMETIMES THEY WOULD LET US GO.

8 **Q** OKAY. WERE YOU FORCED TO HOLD IT?

9 **A** YES, WHEN THE TIME WASN'T UP, AND WE WERE MAKING

10 THEM UPSET.

11 **Q** SAY THAT LAST PART AGAIN, AVA.

12 **A** WE WERE MAKING THEM LIKE MAD OR UPSET.

13 **Q** OKAY. SO IF THE TIMER HADN'T GONE OFF, THEN YOU

14 WERE FORCED TO HOLD, WHETHER YOU HAD TO GO PEE OR POOP?

15 **A** YES.

16 **Q** OKAY. HOW LONG WOULD YOU HAVE TO WAIT FOR?

17 **A** UNTIL THE TIME WAS UP.

18 **Q** OKAY. I MEAN, COULD THAT BE MINUTES? HOURS?

19 **A** MAYBE HOUR OR SO. IT DEPENDS ON WHAT TIME WE ASKED.

20 **Q** OKAY. AND SO YOU SAID THAT IT WAS MISS JANET,

21 MR. DWIGHT, AND MISS DANIELLE WHO DID THAT, WHO MADE YOU HOLD

22 IT?

23 **A** MR. DWIGHT, HE WOULD LET ME GO WHEN I HAD TO GO.

24 **Q** OKAY.

25 **A** AND MISS JANET, SOMETIMES SHE WOULD LET ME GO, BUT I

1 HAD TO HOLD IT.

2 Q OKAY. SO MISS JANET WOULD MAKE YOU HOLD IT?

3 A YES.

4 Q OKAY. NOW, AT NIGHTTIME, WHEN IT WAS TIME FOR YOU

5 TO GO TO BED, WERE YOU -- WERE YOU ALLOWED TO GO TO THE

6 BATHROOM AT NIGHT?

7 A NO.

8 Q OKAY. UM -- WHAT WERE THE RULES AT NIGHTTIME?

9 A WE HAD TO KNOCK ON THE DOOR TO GO TO THE BATHROOM.

10 Q UM -- IF YOU KNOCKED ON THE DOOR, WOULD YOU GET IN

11 TROUBLE OR WOULD SOMEBODY GET MAD?

12 A YES.

13 Q WHO WOULD GET MAD?

14 A MISS JANET.

15 Q OKAY. WHAT WOULD SHE DO WHEN SHE GOT MAD?

16 A SHE WOULD YELL AT US.

17 Q NOW, WERE THERE EVER ANY GATES OR ALARMS PUT ON SO

18 THAT YOU COULDN'T USE THE BATHROOM AT NIGHT?

19 A YES.

20 Q AND WHERE WERE THOSE?

21 A ONE WAS BY THE LOFT AND BY THE DOOR.

22 Q BY WHICH DOOR?

23 A THE BATHROOM DOOR THAT WAS CLOSEST TO THE LOFT.

24 Q AND WERE THOSE GATES OR ALARMS?

25 A THERE WAS AN ALARM ON THE DOOR, AND THEN THERE WAS A

1 GATE BY THE DOOR.

2 Q AND WHO PUT THOSE ALARMS AND GATES UP?

3 A MISS JANET.

4 Q MISS JANET?

5 A (NO AUDIBLE RESPONSE.)

6 Q IS THAT A YES?

7 A YES.

8 Q OKAY. NOW, IF YOU ASKED TO GO TO THE BATHROOM AND

9 YOU WEREN'T -- YOU KNOW, AND IT WASN'T YOUR TIME YET, WHAT

10 WOULD HAPPEN TO YOU?

11 A WHAT DO YOU MEAN BY THAT?

12 Q SO LET'S SAY YOU REALLY NEEDED TO GO TO THE

13 BATHROOM, BUT THE TIMER HADN'T GONE OFF YET, AND SO YOU WENT

14 TO MISS JANET AND SAID, "I HAVE TO GO TO THE BATHROOM." WHAT

15 WOULD HAPPEN?

16 A EITHER SHE -- IF SHE WANTED ME TO GO UPSTAIRS AND

17 USE THE BATHROOM, SHE WOULD LET ME GO, AND IF I COULDN'T GO

18 BEFORE THAT, THEN I'D HAVE TO WAIT.

19 Q OKAY. NOW, WERE YOU EVER SCARED TO ASK?

20 A YES.

21 Q AND BECAUSE YOU WERE SCARED, DID YOU THEN END UP

22 HOLDING IT UNTIL YOU COULDN'T HOLD IT ANYMORE?

23 A YES.

24 Q AND WOULD YOU SOMETIMES HAVE ACCIDENTS IN YOUR

25 PANTS?

1 **A** YES.

2 **Q** WHAT WOULD HAPPEN IF YOU HAD AN ACCIDENT IN YOUR

3 PANTS?

4 **A** I WOULD GET A SPANKING.

5 **Q** OKAY.

6 **A** OR ONE TIME MISS JANET PUSHED ME DOWN THE STAIRS.

7 **Q** OKAY. LET ME START WITH THE SPANKINGS. WHEN YOU

8 SAY YOU GOT A SPANKING, WHO WOULD SPANK YOU?

9 **A** MISS JANET AND MR. DWIGHT.

10 **Q** OKAY. WHAT WOULD THEY SPANK YOU WITH?

11 **A** A RULER.

12 **Q** UM -- WHEN THEY WOULD SPANK YOU WITH THE RULER, CAN

13 YOU EXPLAIN TO ME WHAT THE RULER LOOKED LIKE?

14 **A** IT WAS LIKE WOODEN.

15 **Q** OKAY.

16 **A** IT HAD HOME DEPOT ON --

17 **THE REPORTER:** I'M SORRY, WHAT?

18 **THE WITNESS:** IT HAD HOME -- THE WORD HOME DEPOT ON IT.

19 **BY MS. BLUTH:**

20 **Q** OKAY. DID ANYBODY WRITE ANYTHING ON THE RULER?

21 **A** YES.

22 **Q** WHO WROTE ON IT?

23 **A** MR. DWIGHT.

24 **Q** WHAT DID HE WRITE?

25 **A** BOARD OF EDUCATION.

1 **MS. BLUTH:** OKAY.
2 SHOWING COUNSEL STATE'S PROPOSED EXHIBIT 2.
3 YOUR HONOR, MAY I APPROACH THE WITNESS?
4 **THE COURT:** SURE.
5 **BY MS. BLUTH:**
6 **Q** OKAY. AVA, IF I SHOWED YOU A PICTURE OF THE STICK
7 RULER FROM HOME DEPOT, WOULD YOU RECOGNIZE IT?
8 **A** YES.
9 **Q** OKAY. I'M SHOWING YOU WHAT'S BEEN MARKED FOR
10 PURPOSES OF IDENTIFICATION AS STATE'S PROPOSED EXHIBIT 2. IS
11 THIS LIKE ONE OF THE STICKS THAT WAS USED?
12 **A** YES.
13 **Q** OKAY. DOES THAT SAY -- IT KIND OF GOT CUT OFF, BUT
14 CAN YOU SAY -- SEE HOME DEPOT THERE IN THE CORNER?
15 **A** YES.
16 **Q** OKAY. AND IS THIS A FAIR AND ACCURATE -- IS THIS
17 WHAT IT LOOKED LIKE?
18 **A** YES.
19 **Q** OKAY.
20 **MS. BLUTH:** YOUR HONOR, I'D ASK TO MOVE INTO EVIDENCE,
21 STATE'S PROPOSED EXHIBIT 2?
22 **THE COURT:** ANY OBJECTION, MR. MANN?
23 **MR. MANN:** UM -- NO, YOUR HONOR.
24 **THE COURT:** MR. RUE?
25 **MR. RUE:** NO, YOUR HONOR.

1 **THE COURT:** MR. MUELLER?

2 **MR. MUELLER:** WELL, IT'S NOT A RULER, IT'S A PAINT MIXER,
3 BUT WITH THAT UNDERSTANDING NO OBJECTION.

4 **THE COURT:** OKAY. TWO WILL BE ADMITTED.
5 (WHEREUPON STATE'S EXHIBIT NO. 2 WAS ADMITTED INTO
6 EVIDENCE.)

7 **MS. BLUTH:** OKAY. NOW, AVA, I MIGHT HAVE ALREADY ASKED
8 YOU THIS, BUT I CAN'T REMEMBER YOUR ANSWER.

9 **Q** WHEN MR. DWIGHT OR MISS JANET WOULD HIT YOU WITH THE
10 STICK, WHERE WOULD THEY HIT YOU?

11 **A** ON MY BOTTOM.

12 **Q** OKAY. DID YOU HAVE CLOTHES ON OR NO CLOTHES ON?

13 **A** NO CLOTHES.

14 **Q** WHAT DOES -- UM -- THE SAYING -- HAVE YOU EVER HEARD
15 OF THE SAYING "GET IN THE POSITION"?

16 **A** YES.

17 **Q** OKAY. WHAT -- WELL, FIRST OF ALL, WHO SAYS "GET IN
18 THE POSITION"?

19 **A** EITHER MR. DWIGHT OR MISS JANET.

20 **Q** AND WHAT DOES "GET IN THE POSITION MEAN"?

21 **A** KIND OF HAVE TO -- I HAVE TO KIND OF LIKE WHEN YOU
22 HAVE TO DO A PUSHUP, WHERE YOU'RE DOWN A LITTLE LOWER.

23 **Q** OKAY. SO ON YOUR BELLY?

24 **A** ON OUR HANDS.

25 **Q** OKAY. SO ON YOUR HANDS AND TOES KIND OF?

1 **A** YES.

2 **Q** OKAY. AND SO YOU WOULDN'T HAVE ANYTHING ON YOUR
3 BOTTOM, AND THEN THEY WOULD SPANK YOU WITH THE STICK?

4 **A** YES.

5 **Q** OKAY. NOW, WHEN THEY WOULD HIT YOU WITH THE STICK,
6 DID IT BREAK YOUR SKIN?

7 **A** YES.

8 **Q** 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 PEOPLE.

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
22 BOTTOM?

23 **A** YES.

24 **Q** DO YOU -- DO YOU STILL HAVE SCARS ON YOUR BOTTOM?

25 **A** YES.

1 **MR. MANN:** OBJECTION.

2 **THE COURT:** HOLD ON. HOLD ON ONE SECOND.

3 WHAT'S THE OBJECTION?

4 **MR. MANN:** THE OBJECTION IS THAT, FIRST OF ALL, I'VE BEEN

5 GIVING A LOT OF LEEWAY REGARDING LEADING, OBVIOUSLY, BUT SHE'S

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.

11 **MS. BLUTH:** WELL, THAT'S WHY I ASKED --

12 **THE COURT:** WELL I THINK SHE ASKED, DO YOU HAVE SCARS ON

13 YOUR BOTTOM.

14 **MR. MANN:** THAT WASN'T MY UNDERSTANDING.

15 **THE COURT:** OKAY. WELL, JUST IN CASE YOU DIDN'T ASK IT

16 THAT WAY, WILL YOU ASK IT THAT WAY?

17 **BY MS. BLUTH:**

18 **Q** DO YOU HAVE ANY SCARS ON YOUR BOTTOM OR YOUR BACK

19 FROM WHEN MR. DWIGHT OR MISS JANET HIT YOU?

20 **A** I DON'T HAVE ANY ON MY BACK.

21 **Q** ON YOUR BOTTOM?

22 **A** YES.

23 **Q** OKAY. NOW, DID MISS -- ARE YOU OKAY? DO YOU WANT

24 TO TAKE A DRINK OF WATER?

25 **A** TAKE A BREAK.

1 **THE COURT:** SURE, SURE. YOU CAN GO.

2 **MS. BRAISER:** GO IN THE --

3 **THE COURT:** YES, SURE. GO AHEAD.

4 WHAT'S MISS -- WHAT'S AVA'S CASA ATTORNEY'S NAME, FIRST

5 NAME?

6 **MS. BLUTH:** ALISON, A-L-I-S-O-N.

7 **THE COURT:** THANK YOU.

8 **MS. BLUTH:** B-R-A-S-I-E-R.

9 (WHEREUPON WITNESS AND MS. BRASIER LEFT THE COURTROOM.)

10 **THE COURT:** I SENT THEM INTO MY CHAMBERS TO USE THE

11 BATHROOM. I TOLD MY J.E.A. NOT TO TALK TO THEM OR ANYTHING,

12 SO ...

13 **MS. BLUTH:** THANK YOU, YOUR HONOR.

14 **THE COURT:** I THINK MISS LISA'S IN THERE, TOO.

15 **MS. BLUTH:** JUDGE, I WON'T TALK ABOUT THE CASE, BUT I'M

16 GOING TO CHECK ON HER.

17 **THE COURT:** OKAY.

18 **MS. BLUTH:** I WON'T TALK ABOUT THE CASE.

19 (WHEREUPON THERE WAS A BREAK IN THE PROCEEDINGS.)

20 **THE MARSHAL:** YOUR HONOR, WE'RE COMING BACK IN.

21 **THE COURT:** ALL RIGHT, AVA, DID YOU HAVE A BREAK?

22 **THE WITNESS:** YES, MA'AM.

23 **THE COURT:** YOU OKAY? YOU READY TO GO?

24 **THE WITNESS:** YES.

25 **THE COURT:** OKAY. JUST LET ME KNOW IF YOU NEED ANOTHER

1 ONE.

2 THE WITNESS: OKAY.

3 BY MS. BLUTH:

4 Q OKAY. AVA, I SHOULD HAVE ASKED YOU THIS A LITTLE
5 BIT AGO, BUT YOU SAID SOMETHING ABOUT THAT THERE WAS A TIMER
6 AT YOUR HOUSE, AND THAT YOU COULDN'T GO TO THE BATHROOM UNTIL
7 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?

14 A BECAUSE WE WERE GOING TO THE BATHROOM AFTER WE JUST
15 WENT, SO WE NEEDED TO LEARN HOW TO HOLD IT. SO I GUESS WE'RE
16 ON LIKE A TRIP AND THERE'S NO BATHROOM, WE COULD BE ABLE TO
17 HOLD IT.

18 Q THAT'S WHAT MISS JANET TOLD YOU?

19 A BASICALLY, THAT'S WHAT IT IS.

20 Q OKAY. AND SO THEN YOU HAD TO HOLD EITHER YOUR PEE
21 OR YOUR POOP UNTIL MISS JANET'S TIMER WENT OFF?

22 A YES.

23 Q OKAY. NOW, WAS MR. DWIGHT EVER IN CHARGE OF THE
24 TIMER?

25 A SOMETIMES.

1 Q OKAY. UM -- AND SO HOW WOULD IT WORK WHEN
2 MR. DWIGHT WAS IN CHARGE?
3 A THE SAME WAY.
4 Q OKAY. NOW, I ASKED YOU SOME QUESTIONS ABOUT THE --
5 THE STICK. UM -- DID MISS DANIELLE EVER USE THE STICK ON YOU?
6 A NO.
7 Q IF YOU HAD AN ACCIDENT IN YOUR PANTS, WERE YOU EVER
8 FORCED TO SIT ON SOMETHING PARTICULAR?
9 A WHAT DO YOU MEAN BY THAT?
10 Q UM -- SO LET'S SAY YOU HAD AN ACCIDENT AND YOU WERE
11 BEING PUNISHED, WAS THERE EVER SOMETHING SPECIFIC THAT YOU HAD
12 TO SIT ON?
13 A WE HAD TO SIT ON THE TOILET UNTIL MISS -- MISS JANET
14 OR -- UM -- UNTIL MISS JANET WAS READY TO CLEAN US UP, TAKE US
15 IN THE SHOWER.
16 Q OKAY. AND WHEN YOU WERE DONE GETTING CLEANED UP,
17 WERE YOU ALLOWED TO SIT ON NORMAL CHAIRS?
18 A NO.
19 Q WHAT WOULD YOU SIT ON?
20 A WE SIT BACK ON THE TOILET.
21 Q OKAY. UM -- NOW, IS IT A TOILET LIKE WE HAVE IN THE
22 NORMAL BATHROOMS OR IS IT A SPECIAL TOILET?
23 A IT'S ANOTHER KIND OF TOILET.
24 Q OKAY. WHAT KIND OF TOILET IS IT?
25 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'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'S PROPOSED
19 EXHIBIT 3, DO YOU RECOGNIZE WHAT'S IN THAT PHOTO?

20 A YES.

21 Q OKAY. AND WHAT ARE THOSE?

22 A THOSE ARE THE BUCKETS WE SAT ON.

23 Q OKAY. AND IS THIS A FAIR AND ACCURATE -- LIKE IS
24 THIS A GOOD COPY OF -- A GOOD PICTURE OF WHAT THOSE BUCKETS
25 LOOK LIKE?

1 **A** YES.

2 **MS. BLUTH:** YOUR HONOR, I WOULD ASK TO MOVE INTO EVIDENCE

3 STATE'S PROPOSED EXHIBIT 3.

4 **THE COURT:** MR. MANN --

5 **MR. MANN:** NO OBJECTION.

6 **MS. BLUTH:** -- ANY OBJECTION?

7 **MR. MANN:** NO, YOUR HONOR.

8 **THE COURT:** MR. RUE?

9 **MR. RUE:** NO, YOUR HONOR.

10 **THE COURT:** MR. MUELLER?

11 **MR. MUELLER:** ARE THOSE THE SAME BUCKETS, OR WHERE WERE

12 THESE BUCKETS FOUND IN THE PHOTOGRAPH?

13 **THE COURT:** WELL, DO YOU WANT TO SEE EXHIBIT 3?

14 **MR. MUELLER:** YEAH, I'D LIKE TO SEE IT.

15 **THE COURT:** OKAY. CAN YOU SHOW MR. MUELLER?

16 **MS. BLUTH:** I THOUGHT HE SAW IT.

17 **MR. MUELLER:** OH, WERE THESE FOUND IN THE HOUSE?

18 **MS. BLUTH:** YEAH.

19 **MR. MUELLER:** OKAY. NO OBJECTION.

20 **THE COURT:** ALL RIGHT. EXHIBIT 3 WILL BE ADMITTED.

21 (WHEREUPON STATE'S EXHIBIT NO. 3 WAS ADMITTED INTO.

22 EVIDENCE.)

23 **BY MS. BLUTH:**

24 **Q** NOW, AVA, WHEN YOU SAT ON THESE BUCKETS, WAS --

25 DID -- DID THEY LOOK LIKE THIS OR WAS THERE SOMETHING ELSE ON

1 THEM?

2 A THERE WAS A TOILET SEAT ON THEM.

3 Q OKAY. AND DO YOU KNOW WHO BOUGHT THESE BUCKETS?

4 A MR. DWIGHT.

5 Q OKAY. AND DO YOU KNOW WHO PUT THE TOILET SEAT ON

6 THEM?

7 A MR. DWIGHT.

8 Q OKAY. UM -- SO EXPLAIN TO ME, YOU KNOW, WHY YOU

9 WOULD HAVE TO SIT ON THERE.

10 A SO WE WOULDN'T HAVE AN ACCIDENT IN OUR PANTS, SO IT

11 WOULD BE MORE MESSIER.

12 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 Q 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

23 YOU HAVE MCDONALD'S?

24 A YEAH.

25 Q OKAY. NOW, ONCE YOU GOT ADOPTED, DID THAT CHANGE?

1 A WE STILL -- IT WAS FOR A LITTLE BIT, THEN AFTER
2 THAT, AFTER MISS JANET HAD FOUND OUT THAT I HAD STOMACH
3 ISSUES, THEN I HAD TO DRINK MY FOOD.

4 Q OKAY. NOW, WHO TOLD YOU, YOU HAD STOMACH ISSUES?

5 A A DOCTOR.

6 Q OKAY. UM -- AND THEN YOU STARTED TO HAVE -- DID YOU
7 SAY MISS JANET STARTED BLENDING YOUR FOOD?

8 A YES.

9 Q EXPLAIN THAT TO ME. WHAT DOES THAT MEAN?

10 A SHE WOULD GET THE -- MISS JANET WOULD MAKE THE FOOD
11 AND PUT IT IN A BLENDER AND -- UM -- MIX IT IN THERE, AND THEN
12 I WOULD HAVE TO DRINK IT OUT OF A CUP.

13 Q OKAY. AND THAT'S WHAT YOU WERE GIVEN TO EAT?

14 A YES.

15 Q NOW, WERE YOUR SISTERS GIVEN THE SAME THING OR
16 SOMETHING DIFFERENT?

17 A THEY WERE GIVEN THE SAME THING.

18 Q OKAY. AND HOW OFTEN WERE YOU GIVEN THAT BLENDED
19 THING?

20 A WHEN -- BEFORE WE HAD -- BEFORE WE HAD THREE DATES,
21 WE HAD IT THREE TIMES.

22 Q THREE TIMES A DAY?

23 A YEAH. YES. AND THEN ONCE WE STARTED TO HAVE
24 ACCIDENTS, THEN IT GOT REDUCED DOWN TO TWO AND ONE. SOMETIMES
25 WE HAD AN ACCIDENT, THEN WE WOULDN'T EAT FOR A DAY.

1 Q OKAY. UM -- WAS -- WHAT ABOUT WATER, WERE YOU
2 ALLOWED TO HAVE WATER WHENEVER YOU WANTED?

3 A WHEN THE NANNY WORKS THERE, WE WOULD HAVE WATER AND
4 WE GET A BATHROOM BREAK.

5 Q OKAY.

6 A AND THEN WE'D HAVE WITH IT OUR MEDICINE. WE
7 WEREN'T -- WE STARTED HAVING ACCIDENTS WE ONLY HAD IT WITH
8 YOUR MEDICINE.

9 Q OKAY. SO IF YOU -- YOU SAID THAT IF YOU HAD AN
10 ACCIDENT, THEN YOU WOULDN'T GET TO EAT THAT DAY.

11 A THE DAY -- WE WOULDN'T EAT FOR THE REST OF THE DAY.

12 Q OKAY. AND WHOSE RULE WAS THAT?

13 A MISS JANET'S.

14 Q OKAY. NOW, WOULD -- IF YOU HAD AN ACCIDENT, WOULD
15 MR. DWIGHT GIVE YOU FOOD?

16 A NO.

17 Q OKAY. SO IF YOU HAD AN ACCIDENT HE WOULDN'T ALLOW
18 YOU TO EAT, EITHER?

19 A MISS JANET TOLD -- DIDN'T LET -- IF MISS JANET
20 DIDN'T WANT US TO HAVE FOOD, SHE WOULD LET MR. DWIGHT KNOW SO
21 THAT HE WOULDN'T GIVE US FOOD.

22 Q OKAY. AND WHAT ABOUT THE WATER, WOULD MR. DWIGHT
23 LET YOU HAVE WATER?

24 A NO.

25 Q IF MISS JANET TOLD HIM NO?

1 A YES.

2 Q NOW, IF YOU HAD AN ACCIDENT IN YOUR -- IN YOUR

3 UNDERWEAR, DID YOU EVER HAVE TO PLACE YOUR UNDERWEAR ON ANY

4 OTHER PART OF YOUR BODY?

5 A YES.

6 Q WHERE?

7 A IN MY MOUTH.

8 Q OKAY. NOW, WAS THAT AN ACCIDENT WITH PEE OR POOP?

9 A IT WAS WITH PEE.

10 Q OKAY. AND WHO MADE YOU PUT IT IN YOUR MOUTH?

11 A MISS JANET.

12 Q AND WHY DID SHE MAKE YOU DO THAT?

13 A IT WAS LIKE BECAUSE I HAD AN ACCIDENT, SO IT WAS

14 LIKE ANOTHER PUNISHMENT. BUT NOT EVERY TIME I -- IT WASN'T

15 FOR EVERY TIME I HAD AN ACCIDENT.

16 Q OKAY. DID IT HAPPEN ONE TIME OR MORE THAN ONE TIME?

17 A I CAN ONLY REMEMBER ONE TIME THAT IT HAPPENED.

18 Q OKAY. AND WERE YOU ALLOWED TO TAKE IT OUT OR HOW

19 DID IT WORK?

20 A I WAS ALLOWED TO TAKE IT OUT.

21 Q OKAY.

22 A I WOULD HAVE TO GET IN THE SHOWER.

23 Q OKAY. SO HOW LONG WAS IT YOU HAD TO KEEP IT IN YOUR

24 MOUTH FOR?

25 A IT WOULD BE LIKE A MINUTE OR TWO.

1 Q OKAY. NOW, YOU TALKED ABOUT GETTING IN THE SHOWER.
2 AFTER YOU HAD AN ACCIDENT, WOULD YOU ALWAYS GO IN THE SHOWER?
3 WOULD SHE ALWAYS PUT YOU IN THE SHOWER?
4 A YES, UNLESS IT WAS LIKE AT NIGHT, WE WOULD GET
5 SPRAYED DOWN WITH THE HOSE OUTSIDE.
6 Q WHO WOULD SPRAY YOU WITH THE HOSE OUTSIDE?
7 A MISS JANET.
8 Q WOULD YOU HAVE ANY CLOTHES ON?
9 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 Q OKAY. SO THIS IS AT NIGHT?
13 A YES.
14 Q LIKE EVEN IF IT'S WINTERTIME?
15 A WE -- WE DIDN'T HAVE LIKE ACCIDENTS, SPRAY US DOWN
16 ON THE HOSE -- UM -- DURING WINTERTIME.
17 Q OKAY. ALL RIGHT. SO WHEN YOU -- UM -- WOULD
18 SHOWER, WERE YOU ALLOWED TO USE THE HOT WATER?
19 A NO.
20 Q WHAT WOULD YOU USE?
21 A COLD WATER.
22 Q AND WHOSE RULE WAS THAT?
23 A MISS JANET'S.
24 Q AND BESIDES COLD WATER, WAS ANYTHING ELSE PLACED ON
25 YOU?

1 **A** WE WOULD -- SHE WOULD GET A BUCKET OF ICE AND WATER
2 AND DUMP IT ON US.

3 **Q** DID YOU KNOW WHY SHE WAS DOING THAT?

4 **A** BECAUSE WE MADE HER UPSET OR MAD, WE HAD AN ACCIDENT
5 ON OURSELF.

6 **Q** OKAY. WHAT DID THAT FEEL LIKE WHEN THE ICE WAS
7 BEING DUMPED ON YOU IN THE SHOWER?

8 **A** IT MADE ME MORE COLD.

9 **Q** AFTER YOU TOOK A SHOWER -- UM -- WHO CLEANED THE
10 SHOWER?

11 **A** UM -- IT WAS -- IT WAS EITHER ME OR AMAYA OR
12 ANASTASIA.

13 **Q** OKAY. WAS THE SHOWER -- DID ANYBODY EVER CHECK THE
14 SHOWER TO SEE IF YOU HAD HAD ANY ACCIDENTS IN THE SHOWER?

15 **A** YES.

16 **Q** WHO DID THAT?

17 **A** MISS JANET OR MR. DWIGHT.

18 **Q** OKAY. AND HOW WOULD THEY CHECK THE SHOWER?

19 **A** WITH THIS FLASHLIGHT THAT WAS ABLE TO -- UM -- IT
20 COULD SEE LIKE IF THE -- IF WE HAD HAD AN ACCIDENT IN THE TUB.

21 **Q** IS THAT WHAT THEY TOLD YOU?

22 **A** YES.

23 **Q** OKAY. AND SO WHAT HAPPENED IF THE LIGHT SHOWED YOU
24 HAD AN ACCIDENT?

25 **A** THEN WE WOULD GET IN TROUBLE.

1 **Q** WHAT DOES GETTING IN TROUBLE MEAN?

2 **A** WE GET A SPANKING -- UM -- WE WOULD HAVE A FAN ON

3 US.

4 **Q** WHAT DO YOU MEAN YOU'D HAVE THE FAN ON YOU?

5 **A** THEY HAD -- MISS JANET AND MR. DWIGHT HAD FANS THAT

6 HAD -- THE BUTTONS WERE HIGH, LOW AND --

7 **THE REPORTER:** I'M SORRY, HAD WHAT?

8 **THE WITNESS:** THEY WOULD HAVE LIKE THESE BUTTONS THAT HAD

9 TO PRESS IT FOR HIGH, MEDIUM OR LOW. AND THEY WOULD TURN IT

10 ON AND -- SO WE COULD DRY OFF.

11 **BY MS. BLUTH:**

12 **Q** AFTER YOU GOT OUT OF THE COLD SHOWER?

13 **A** WE WOULD STAY IN THE TUB AND DRY. WE WOULD STAY

14 BY -- IN THE TUB WITH THE FAN ON, LIKE IN OUR FACES.

15 **Q** OKAY. SO YOU DIDN'T USE TOWELS?

16 **A** BEFORE THAT WE DID. LIKE IF -- UM -- SHE HAD -- IF

17 MISS JANET WAS REALLY TIRED AND SHE HAD TO GO TO SLEEP LIKE

18 SHE HAD AN APPOINTMENT, AND SHE WOULD LET US USE A TOWEL.

19 **Q** BUT IF YOU HAD AN ACCIDENT AND YOU WERE BEING

20 PUNISHED, THEN YOU'D HAVE TO DRY OFF BY THE FAN?

21 **A** OR WE WOULD SHAKE -- UM -- OURSELF.

22 **Q** OKAY. UM -- WHERE DID YOU SLEEP AT THE WAKASHAN

23 HOUSE?

24 **A** WE SLEPT ON THIS BOARD THAT WAS GRAY. AND WHEN WE

25 HAD NANNIES, WE WOULD SLEEP ON THIS COT. THERE WAS LIKE A

1 COT, AND IT WAS BLACK, AND IT HAD A MATTRESS ON IT. AND
2 SOMETIMES WE WOULD SLEEP ON THE -- ON A TOWEL.

3 Q OKAY. SO WHEN THE NANNIES WERE THERE YOU GOT TO
4 SLEEP ON A COT WITH A MATTRESS?

5 A YES.

6 Q OKAY. SO LET'S TALK ABOUT WHEN THE NANNIES WEREN'T
7 THERE, YOU SAID YOU EITHER SLEPT ON A BOARD OR A TOWEL?

8 A AND A LITTLE BIT AFTER THAT, THE NANNIES LEFT, THEN
9 SHE WOULD -- MISS JANET WOULD LET US SLEEP ON IT STILL UNTIL
10 WE HAD AN ACCIDENT, THEN WE SLEPT ON THE BOARD.

11 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 ALLOWED TO WEAR?

16 A OUR UNDERWEAR.

17 Q JUST UNDERWEAR?

18 A YES.

19 Q OKAY. WERE YOU ALLOWED TO HAVE SHEETS OR A BLANKET
20 OR ANYTHING AFTER YOU HAD AN ACCIDENT?

21 A NO.

22 Q OKAY. UM -- NOW, YOU TALKED ABOUT THE FAN DRYING
23 YOU OFF IN THE BATHROOM. WAS THERE A FAN IN THE ROOM WHERE
24 YOU SLEPT?

25 A YES.

1 Q AND WHEN -- WOULD THAT FAN EVER BE PUT ON?
2 A WHEN WE WERE GOING TO SLEEP.
3 Q OKAY. SO WHEN YOU WERE ON THE BOARD WITHOUT
4 CLOTHES?
5 A YES.
6 Q AND WHO DID THAT?
7 A MISS JANET.
8 Q NOW -- UM -- WAS MR. DWIGHT EVER HOME WHEN YOU SLEPT
9 ON THE BOARDS?
10 A WHEN HE CAME BACK FROM WORK HE -- UM -- HE WOULD SEE
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 BLOWING?
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 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.

22 Q OKAY. SO YOU COULDN'T FINISH?

23 A NO.

24 Q UH -- SO WHEN YOU WENT TO SCHOOL, YOU WERE STILL
25 HUNGRY?

1 A YES.

2 Q SO HOW DID YOU GET FOOD AT SCHOOL?

3 A I TOLD THEM -- I TOLD THE LADIES MY NAME, AND THEN

4 THEY FOUND MY NAME WAS -- UM -- PULLED UP OUT OF THE COMPUTER,

5 SO I WAS ABLE TO EAT BREAKFAST.

6 Q OKAY. AND DID MISS JANET FIND OUT ABOUT THAT?

7 A YES.

8 Q AND WHAT HAPPENED?

9 A I HAD -- SHE -- SHE FOUND OUT BECAUSE I HAD -- UM --

10 THE CINNAMON ROLL THAT I WAS EATING GOT STUCK IN THE BACK OF

11 MY THROAT, AND I WENT TO THE NURSE, AND MISS JANET AND

12 DANIELLE WERE WAITING THERE FOR ME, AND THEY WENT TO THE NURSE

13 AND ASKED HER WHAT IT WAS. SO THEN I WENT HOME, AND I WAS IN

14 TIMEOUT. I WENT IN TIMEOUT.

15 Q AND THEN DID YOU GO BACK TO SCHOOL AFTER THAT?

16 A YES.

17 Q OKAY. AND THEN AFTER -- AT WHAT POINT DID YOU START

18 GETTING HOMESCHOOLED?

19 A I CAN'T REMEMBER THAT.

20 Q BUT SOMETIME AFTER THAT INCIDENT?

21 A YES.

22 Q OKAY. SO WHEN YOU WOULD BE HOMESCHOOLED, WOULD

23 SOMEONE STAY HOME AND TEACH YOU, OR HOW DID THAT WORK, THE

24 HOMESCHOOL SITUATION?

25 A MISS JANET AND MR. DWIGHT WENT TO A LEARNING CENTER

1 STORE AND THEY GOT -- FOUND SOME BOOKS -- UM -- LIKE ON
2 DIFFERENT SUBJECTS, AND THEY WOULD RIP THE PAGES OUT AND LET
3 US DO THE WORK, AND THEN THEY WOULD HAVE TO CHECK AND SEE --
4 CHECK IT TO SEE WHICH ONES WERE RIGHT AND WHICH ONES WERE
5 WRONG.

6 Q WOULD THEY STAY HOME WITH YOU WHILE YOU STAYED AT
7 THE HOUSE AND DID YOUR WORK?

8 A YES.

9 Q DID EITHER -- YOU ALREADY SAID THAT MR. DWIGHT
10 WORKED. UM -- DID MISS JANET WORK?

11 A WHEN SHE -- WHEN WE WERE AT THE JUBILEE GARDENS
12 AVENUE HOUSE, SHE WAS WORKING -- UM -- IN SOME PART OF THE
13 MILITARY.

14 Q OKAY. AND THEN WHEN YOU MOVED TO WAKASHAN, DID SHE
15 WORK?

16 A CAN'T REMEMBER.

17 Q OKAY. THAT'S ALL RIGHT.

18 UM -- WHAT WOULD HAPPEN IF YOU GOT SOME OF THE
19 ANSWERS ON YOUR HOMEWORK WRONG?

20 A WE WOULD EITHER GET A SPANKING OR WE WOULD -- UM --
21 SHE WOULD TELL US TO READ -- SHE WOULD YELL AT US AND TELL US
22 TO READ IT CAREFULLY AND FOLLOW DIRECTIONS.

23 Q OKAY. WHEN YOU SAY YOU'D GET A SPANKING, IS THAT A
24 SPANKING WITH A HAND OR WITH A STICK?

25 A WITH A PAINT STICK.

1 Q WITH THE PAINT STICK.

2 NOW, AT -- AT SOME POINT YOU MOVED FROM LAS VEGAS TO

3 FLORIDA AND WENT TO A SCHOOL CALLED -- I THINK IS IT CALLED

4 THE MARVELOUS GIRLS ACADEMY?

5 A MARVELOUS GRACE GIRLS ACADEMY.

6 Q MARVELOUS GRACE GIRLS ACADEMY.

7 BEFORE YOU WENT TO THAT ACADEMY, DID YOU HAVE AN

8 INJURY ON YOUR EYE?

9 A YES.

10 Q HOW DID YOU GET THAT?

11 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 Q OKAY. MISS JANET DID THAT?

17 A YES.

18 Q OKAY. AND DID THAT HURT YOUR EYE?

19 A YES.

20 Q UM -- TELL ME ABOUT THE INJURY TO YOUR EYE. WHAT

21 DID IT LOOK LIKE, WHAT DID IT FEEL LIKE?

22 A IT WAS PURPLE, KIND OF LIKE PURPLISH AND -- AT FIRST

23 I THOUGHT IT WAS BECAUSE -- IT WAS BASICALLY IN PAIN, AND THEN

24 IT STARTED CLOSING, AND THEN -- BUT SHE STARTED PUTTING ICE ON

25 IT, AND THEN IT STARTED OPENING BACK UP.

1 Q OKAY. WHEN IT WAS CLOSING LIKE YOU SAY, WAS IT
2 SWELLING, IS THAT WHAT YOU MEAN BY CLOSING? LIKE SWELLING
3 SHUT?
4 A YES.
5 Q COULD YOU SEE OUT OF IT WHEN IT WAS SWELLING LIKE
6 THAT?
7 A UM -- NOT AS MUCH, BUT I COULD STILL SEE A LITTLE
8 BIT.
9 Q OKAY. UM -- NOW, DID SHE EVER TAKE -- DID MISS
10 JANET EVER TAKE YOU TO THE DOCTOR TO FIX YOUR EYE OR TO GET
11 YOU ANY HELP FOR THAT?
12 A NO.
13 Q OKAY. AVA, DO YOU KNOW WHAT A CATHETER IS?
14 A YES.
15 Q CAN YOU EXPLAIN WHAT IT LOOKS LIKE TO ME?
16 A IT HAD LIKE A BAG AND -- UH -- A CLEAR TUBE --
17 Q OKAY.
18 A -- TOGETHER.
19 Q AND HOW DO YOU KNOW WHAT A CATHETER IS?
20 A MISS JANET HAD -- MISS JANET -- ONE DAY MISS JANET
21 AND MR. DWIGHT ASKED ME IF I COULD USE THE BATHROOM, AND ME
22 AND ANASTASIA SAID NO, SO THEN MISS JANET HAD TOLD ME TO GET
23 UPSTAIRS SO I COULD GET A CATHETER PUT IN.
24 Q OKAY.
25 A AND I SAW HOW IT LOOKED.

1 Q OKAY. SO I JUST WANT TO BACK UP FOR A SECOND. BOTH
2 MR. DWIGHT AND MISS JANET ASKED YOU IF YOU NEEDED TO GO TO THE
3 BATHROOM?
4 A YES.
5 Q AND YOU TOLD THEM NO?
6 A YES.
7 Q BUT THEN MISS JANET TOOK YOU UPSTAIRS?
8 A YES.
9 Q AND WHERE DID YOU GO UPSTAIRS?
10 A IN THE BATHROOM, CLOSE BY THE BEDROOMS.
11 Q UM -- AND WHAT HAPPENED ONCE YOU GOT IN THE
12 BATHROOM?
13 A I HAD TO LAY ON THE TOWEL, AND SHE -- I HAD TO WIPE
14 ME WITH SOME KIND OF WIPE THING.
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?
24 A THEN THEY -- THEY HAD TO GO SOMEWHERE, SO WHEN SHE
25 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
3 YOU DIDN'T HAVE TO GO PEE, RIGHT?

4 A YES.

5 Q OKAY. SO WHEN SHE STUCK THE CATHETER UP YOUR
6 PRIVATE AND PEE CAME OUT, WERE YOU IN TROUBLE?

7 A YES.

8 Q WHO WERE YOU IN TROUBLE WITH?

9 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 Q OKAY. NOW, DO YOU KNOW WHERE THE CATHETERS CAME
13 FROM?

14 A NO.

15 Q DID THIS -- DID THE CATHETER GOING INTO YOUR
16 PRIVATE, DID THAT HAPPEN ONE TIME OR MORE THAN ONE TIME?

17 A I KNOW IT HAPPENED MORE THAN ONE TIME.

18 Q YOU KNOW IT HAPPENED MORE THAN ONE TIME?

19 A YES.

20 Q BUT YOU DON'T KNOW HOW MANY TIMES?

21 A YES.

22 Q OKAY.

23 UM -- WHERE WAS MR. DWIGHT WHEN THIS WAS HAPPENING?

24 MR. MUELLER: OBJECTION, FOUNDATION.

25 THE COURT: SUSTAINED. REPHRASE.

1 **BY MS. BLUTH:**

2 **Q** OKAY. WAS MR. DWIGHT EVER AT THE HOUSE WHEN --

3 BESIDES THE ONE TIME YOU TOLD US ABOUT, WAS MR. DWIGHT EVER AT

4 THE HOUSE WHEN MISS JANET WAS STICKING THE CATHETERS UP YOUR

5 PRIVATE?

6 **A** YES.

7 **Q** OKAY. AND WHERE WAS HE?

8 **A** HE WOULD BE DOWNSTAIRS.

9 **Q** OKAY. AND WAS HE EVER NEAR THE BATHROOM WHEN IT WAS

10 HAPPENING?

11 **A** YES.

12 **Q** WHERE WOULD HE BE?

13 **A** OUTSIDE THE DOOR --

14 **Q** OKAY.

15 **A** -- ONE TIME.

16 **Q** THERE WAS ONE TIME WHEN HE WAS OUTSIDE THE DOOR?

17 **A** YES.

18 **Q** OKAY.

19 **MR. MUELLER:** OBJECTION, FOUNDATION.

20 **THE COURT:** OVERRULED.

21 **BY MS. BLUTH:**

22 **Q** DID YOU EVER SEE MISS JANET -- UM -- USE THE

23 CATHETER ON ANY OF YOUR SISTERS?

24 **A** NO.

25 **Q** UM -- AND I -- DO YOU KNOW WHO BOUGHT THE CATHETERS?

1 **A** IT WAS BETWEEN MR. DWIGHT AND MISS JANET.

2 **Q** OKAY. WHEN YOU SAY IT WAS BETWEEN THEM, WHAT DO YOU

3 MEAN?

4 **A** UM -- IT WAS MISS JANET SAID THAT THEY WERE ORDERING

5 IT, SO I DON'T KNOW WHICH ONE OF THEM ORDERED IT.

6 **Q** OKAY. DID YOU EVER HEAR MR. JANET -- OR MISS JANET

7 AND MR. DWIGHT TALKING ABOUT ORDERING THEM?

8 **A** NO.

9 **Q** OKAY. IF YOU -- YOU KNOW, WHEN YOU WERE IN THE

10 BATHROOM AND MISS JANET WAS STICKING THE CATHETER IN YOUR

11 PRIVATE, WHAT WOULD HAPPEN IF YOU FOUGHT -- FOUGHT BACK?

12 **A** SHE HAD HER -- SHE HAD A RAZOR BLADE, AND SHE TOLD

13 ME IF I DIDN'T STOP MOVING THAT SHE WOULD CUT -- UM -- MY

14 PRIVATE AREA.

15 **Q** OKAY. WHEN YOU SAY SHE HAD A RAZOR BLADE, CAN YOU

16 EXPLAIN TO ME WHAT SHE LOOKED -- WHAT IT LOOKED LIKE?

17 **A** IT WAS GRAY, LIKE SILVER-ISH.

18 **Q** OKAY.

19 **A** AND IT WAS LIKE, MAYBE LIKE THAT SMALL.

20 **Q** OKAY. SO WOULD IT HELP -- WOULD YOU BE ABLE TO DRAW

21 IT FOR ME?

22 **A** YES.

23 **MS. BLUTH:** OKAY.

24 I'M JUST APPROACHING WITH A BLANK PIECE OF PAPER, YOUR

25 HONOR.

1 **THE COURT:** ALL RIGHT.

2 **BY MS. BLUTH:**

3 **Q** COULD YOU DRAW WHAT THE RAZOR LOOKED LIKE FOR ME,

4 AVA?

5 **A** YES.

6 KIND OF LIKE THAT.

7 **Q** OKAY. AND SO YOU SAID IT WAS GRAY?

8 **A** SILVER-ISH.

9 **Q** SILVER-ISH?

10 **A** YES.

11 **MS. BLUTH:** AND, JUDGE, I'D ASK THAT THIS BE MARKED AS --

12 **MR. MANN:** CAN WE SEE IT?

13 **THE COURT:** AND I WANT HER TO WRITE HER NAME UNDER IT.

14 **MS. BLUTH:** SURE.

15 **THE COURT:** AVA, CAN YOU WRITE YOUR NAME UNDER THAT

16 DRAWING?

17 **THE WITNESS:** YES.

18 **THE COURT:** AND THEN MAYBE WRITE THE DATE, THAT WOULD BE

19 HELPFUL. TODAY'S THE DATE -- TODAY IS MAY 22ND.

20 **MS. BLUTH:** THANKS.

21 **THE COURT:** OKAY. SO THAT'S GOING TO BE MARKED IN --

22 NEXT IN ORDER?

23 **MS. BLUTH:** YES, PLEASE, STATE'S 4.

24 **THE COURT:** OKAY.

25 **MS. BLUTH:** AND I'D ASK FOR ITS ADMISSION.

1 **THE COURT:** STATE'S 4?

2 **MS. BLUTH:** OH, YEAH, BECAUSE I HAVE TWO ALREADY MARKED,
3 BUT IT'S NOT COMING IN.

4 **THE COURT:** OKAY. THREE CAME IN.

5 **MS. BLUTH:** YEAH.

6 **THE COURT:** SO YOU WANT THAT -- YOU DON'T HAVE A FOUR
7 ALREADY MARKED DO YOU?

8 **MS. BLUTH:** NO, I DON'T.

9 **THE COURT:** OKAY. SO WE'LL MARK THAT AS EXHIBIT 4.
10 SHE'S MOVED FOR ITS ADMISSION. MR. MANN, ANY OBJECTION?

11 **MR. MANN:** NO, YOUR HONOR.

12 **THE COURT:** MR. RUE?

13 **MR. RUE:** NO.

14 **THE COURT:** MR. MUELLER?

15 **MR. MUELLER:** NO, YOUR HONOR.

16 **THE COURT:** EXHIBIT 4 WILL BE ADMITTED.
17 (WHEREUPON STATE'S PROPOSED EXHIBIT NO. 4 WAS MARKED FOR
18 IDENTIFICATION AND ADMITTED INTO EVIDENCE.)

19 **BY MS. BLUTH:**

20 **Q** UM -- SO WHEN -- WHEN MISS JANET SHOWED YOU THE
21 RAZOR, EXPLAIN TO ME WHAT SHE DID WITH IT.

22 **A** SHE WOULD TRY -- SHE NEVER DID CUT ME WITH IT, BUT
23 SHE WOULD TRY TO.

24 **Q** OKAY.

25 **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 Q 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.
9 MS. BLUTH: COULD I HAVE THE COURT'S INDULGENCE FOR A
10 SECOND, YOUR HONOR?
11 THE COURT: YES.
12 MS. BLUTH: JUST TWO QUESTIONS.
13 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 TIMES ON THE COUNTER --
16 A IT WAS --
17 Q -- OR HOW MANY?
18 A IT WAS A COUPLE TIMES.
19 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?
22 A NO.
23 Q YOU KEPT FIGHTING?
24 A YES.
25 Q OKAY. BUT YOU SAID THAT YOU WERE SCARED.

1 **A** YES.

2 **Q** OKAY.

3 **MS. BLUTH:** PASS THE WITNESS, YOUR HONOR.

4 **THE COURT:** OKAY. AVA, ARE YOU GOOD OR DO YOU NEED A
5 BREAK?

6 **THE WITNESS:** I'M FINE.

7 **THE COURT:** OKAY. ALL RIGHT. MR. MANN?

8 MISTER -- UH -- MR. MANN IS GOING TO ASK YOU SOME
9 QUESTIONS. IF YOU NEED A BREAK, JUST LET ME KNOW.

10

11 **CROSS-EXAMINATION**

12 **BY MR. MANN:**

13 **Q** HI, AVA. MY NAME IS JOEL MANN, I'M GOING TO ASK YOU
14 A FEW QUESTIONS, LIKE THE JUDGE SAID.

15 I WANT TO ASK YOU ABOUT -- UM -- LET'S GO BACK TO
16 THE LAST THING THAT YOU SAID. UM -- YOU SAID THAT WHEN YOU
17 WERE THREATENED WITH THE RAZOR BLADE -- UH -- THAT YOU WOULD
18 KEEP FIGHTING; IS THAT RIGHT?

19 **A** YES.

20 **Q** HOW WOULD YOU KEEP FIGHTING?

21 **A** I WOULD KEEP -- I WOULD KEEP MOVING AROUND, TRYING
22 TO GET AWAY FROM THE RAZOR BLADE SO I WOULDN'T GET CUT.

23 **Q** OKAY. LET'S -- LET'S KIND OF BACKUP A SECOND.

24 UM -- WERE YOU IN THE BATHROOM AT THIS TIME?

25 **A** YES.

1 Q WERE YOU ON THE GROUND, STANDING UP?
2 A I WAS ON THE GROUND.
3 Q AND -- UM -- DID ANYONE HAVE YOU HELD DOWN?
4 A WHEN I WAS TRYING TO GET AWAY FROM HER, MISS JANET
5 DIDN'T -- NO ONE HAD ME -- NO ONE WAS HOLDING ME DOWN.
6 Q OKAY. AND SO NOTHING WAS KEEPING YOU ON THE GROUND?
7 A YES.
8 Q AND YOU WERE ABLE TO GET UP FROM THE GROUND,
9 CORRECT?
10 A YES.
11 Q OKAY. AND SO WHEN SHE SHOWED YOU THE RAZOR BLADE,
12 YOU COULD GET UP?
13 A YES, I WOULD START.
14 Q AND GET AWAY?
15 A YEAH.
16 Q AND -- UM -- DURING THAT TIME -- UM -- AND THIS WAS
17 ALL BEFORE THE CATHETER WAS ALLEGEDLY PUT IN, CORRECT?
18 A WHAT DO YOU MEAN BY THAT?
19 Q SORRY. UM -- THIS -- UM -- YOU MOVED AWAY BEFORE
20 THE CATHETER WAS PUT INSIDE OF YOU?
21 A CAN'T REMEMBER.
22 Q OKAY. UM -- LET'S TALK ABOUT THIS CATHETER. WHAT
23 DID IT LOOK LIKE?
24 A IT WAS -- IT WAS LIKE A BAG AND IT HAD A CLEAR TUBE.
25 Q OKAY. AND HOW BIG WAS THE BAG?

1 **A** IT WASN'T THAT BIG.

2 **Q** OKAY. WAS IT THE SIZE OF QUARTER?

3 **A** IT WAS MAYBE LIKE -- MAYBE MEDIUM SIZE.

4 **Q** CAN YOU GIVE ME SOMETHING THAT YOU WOULD COMPARE IT

5 TO?

6 **A** MAYBE LIKE SMALLER THAN THE SIDE OF THAT DESK.

7 **Q** WHICH DESK ARE YOU TALKING ABOUT?

8 **A** THIS DESK.

9 **MR. MANN:** THIS DESK?

10 IF I MAY APPROACH, YOUR HONOR?

11 **THE COURT:** SURE.

12 **BY MR. MANN:**

13 **Q** WHAT SIDE OF THE DESK ARE YOU REFERRING TO?

14 **A** THE ONE YOU JUST TOUCHED.

15 **Q** THIS SIDE?

16 **A** YES. A LITTLE SMALLER.

17 **Q** JUST A LITTLE BIT SMALLER THAN THIS --

18 **A** YES.

19 **Q** -- SQUARE RIGHT HERE?

20 **A** YES.

21 **Q** ARE YOU TALKING ABOUT THIS PART OR JUST THIS PART?

22 **A** JUST THAT PART.

23 **MR. MANN:** JUST THIS PART.

24 UM -- AND FOR THE RECORD, THIS WOULD BE THE -- UM --

25 COURT REPORTER'S CORNER OF THE DESK -- UM -- I NEED HELP

1 DESCRIBING IT.

2 **THE COURT:** I CAN'T EVEN SEE IT FROM HERE.

3 **MR. MANN:** IT'S -- IT'S JUST THIS WHOLE PANEL THAT YOU'RE

4 TALKING ABOUT?

5 **THE COURT:** ARE YOU TALKING ABOUT THE WHOLE PANEL TO THE

6 FLOOR?

7 **THE WITNESS:** I'M JUST TALKING ABOUT THE -- JUST THE SIDE

8 OF IT.

9 **THE COURT:** OKAY. LET'S START --

10 **MR. MANN:** SO THIS PART?

11 **THE COURT:** -- WITH THIS, MR. MANN.

12 LET'S TAKE A PIECE OF PAPER. BIGGER OR SMALLER THAN THE

13 EIGHT-AND-A-HALF-BY-ELEVEN TABLET THAT I'M HOLDING UP?

14 **THE WITNESS:** SMALLER.

15 **THE COURT:** OKAY. SO SMALLER THAN THIS.

16 **MR. MANN:** OKAY.

17 **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?

22 **A** MAYBE --

23 **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.

1 **THE COURT:** MAYBE AROUND THIS SIZE?

2 **THE CLERK:** YES.

3 **MR. MANN:** ALL RIGHT. AND WHAT --

4 **THE COURT:** SO I'M NOT GOING TO MEASURE IT, BUT FOR THE

5 RECORD IT'S THE MICHIE NEVADA REVISED STATUTES.

6 **BY MR. MANN:**

7 **Q** AND WHAT -- UH -- WHAT COLOR WAS IT?

8 **A** IT WAS CLEAR.

9 **Q** CLEAR. OKAY.

10 AND -- UM -- WHEN YOU PUT THIS -- WHEN -- WHEN SHE

11 WOULD PUT THIS CATHETER IN YOU, WHAT WOULD SHE STICK INSIDE OF

12 YOU?

13 **A** THE CLEAR TUBE.

14 **Q** OKAY. AND WHERE WOULD IT GO?

15 **A** IN MY PRIVATE.

16 **Q** OKAY. UM -- WHEN YOU SAY YOUR PRIVATE, DO YOU MEAN

17 YOUR BUTT?

18 **A** NO.

19 **Q** YOUR VAGINA?

20 **A** YES.

21 **Q** UM -- WHAT PART OF YOUR VAGINA, IF YOU KNOW?

22 **A** WHERE PEE COMES OUT.

23 **Q** OKAY. AND -- UM -- WHEN SHE WOULD DO THAT, HOW LONG

24 WOULD IT BE -- UM -- HOW LONG DID YOU HAVE THE CATHETER IN?

25 **A** UNTIL PEE CAME OUT. AND -- UM -- IT WASN'T -- MISS

1 JANET DIDN'T WANT IT TO OVERFLOW, SO SHE TOOK IT OUT SO THAT
2 IT WOULDN'T -- UNTIL IT -- IT WASN'T ALL PEE IN THE BAG.
3 Q SO SHE WOULD STICK IT IN, PEE WOULD COME IN THE BAG,
4 AND THEN WHEN THERE WAS ENOUGH SHE WOULD TAKE IT OUT?
5 A YES.
6 Q OKAY. WHEN SHE WOULD TAKE IT OUT, WOULD MORE PEE
7 COME OUT, OR THAT WAS IT?
8 A ONE TIME MORE PEE CAME OUT.
9 Q OKAY. AND WAS THIS ALL WHILE YOU WERE ON THE
10 BATHROOM -- IN THE BATHROOM?
11 A YES.
12 Q ON THE FLOOR?
13 A YES.
14 Q AND DURING THAT TIME WERE YOU STILL, AS YOU
15 DESCRIBED, FIGHTING?
16 A NO.
17 Q WERE YOU JUST LYING THERE?
18 A YES.
19 Q WOULD YOU -- AFTER SHE PUT THE CATHETER IN, WOULD
20 YOU GET UP AND MOVE AROUND?
21 A NO. THAT TIME I DIDN'T MOVE AROUND.
22 Q OKAY. AND -- UM -- WHEN DID THIS OCCUR, DO YOU HAVE
23 ANY IDEA?
24 A NO.
25 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?

4 A NO.

5 Q OKAY. UM -- AND WHEN SHE WOULD -- UM -- THREATEN

6 YOU WITH THIS RAZOR BLADE, WHERE DID SHE GET THE RAZOR BLADE

7 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 A YES.

23 Q OKAY. NOW -- UM -- DO YOU REMEMBER HOW LONG YOU HAD

24 THE CATHETER IN FOR?

25 A MAYBE LIKE A MINUTE.

1 Q A MINUTE?
2 A AROUND THAT.
3 Q OKAY. AND -- UM -- THAT'S WHEN THE CATHETER CAME
4 IN, PEE CAME OUT AND THEN SHE PULLED IT OUT?
5 A YES.
6 Q OKAY. NOW, YOU HAD SEEN A CATHETER BEFORE THIS
7 HAPPENED, RIGHT?
8 A CAN'T REMEMBER.
9 Q OKAY. DO YOU REMEMBER YOUR SISTER AMAYA BEING IN
10 THE HOSPITAL?
11 A YES.
12 Q DO YOU REMEMBER HER BEING IN THE HOSPITAL AROUND
13 CHRISTMAS?
14 A YES.
15 Q DO YOU REMEMBER -- UM -- YOU BEING SHOWN THE
16 CATHETER THAT WAS PUT INTO AMAYA AT THAT TIME?
17 A YES.
18 Q OKAY. AND THAT WAS IN THE HOSPITAL, CORRECT?
19 A YES.
20 Q AND THAT'S WHERE YOU SAW THE CATHETER FOR THE FIRST
21 TIME, CORRECT?
22 A YES.
23 Q OKAY. DO YOU REMEMBER HOW OLD AMAYA WAS?
24 A NO.
25 Q DO YOU REMEMBER HOW OLD YOU WERE?

1 A NO.

2 Q DO YOU REMEMBER ABOUT WHEN THIS WAS?

3 A IT WAS AROUND CHRISTMASTIME.

4 Q IT WAS AROUND CHRISTMAS, BECAUSE SHE WOKE UP ON

5 CHRISTMAS DAY, CORRECT?

6 A YES.

7 Q SHE WAS IN A COMA BEFORE THAT, CORRECT?

8 A YES.

9 Q AND -- UH -- DO YOU REMEMBER WHAT CHRISTMAS THIS

10 WAS?

11 A NO.

12 Q OKAY. UM -- WAS THIS BEFORE OR AFTER -- UM -- YOU

13 WERE ADOPTED?

14 A IT WAS AFTER.

15 Q OKAY. AND -- UH -- YOU WERE ADOPTED IN -- UH --

16 2011, RIGHT?

17 A YES.

18 Q OKAY. AND THAT WAS JANUARY 2011?

19 A YES.

20 Q AND SO -- UM -- WAS IT DECEMBER 2011 THIS HAPPENED

21 OR DECEMBER 2012?

22 A I DON'T KNOW.

23 Q OKAY. NOW, WHEN YOU SAW THE CATHETER -- UM -- THAT

24 AMAYA HAD IN THE HOSPITAL, DID YOU TALK ABOUT IT?

25 A NO.

1 Q DID YOUR SISTER SEE IT, ANASTASIA?
2 A YES.
3 Q OKAY. AND WHEN -- UM -- HOW DID YOUR SISTER -- HOW
4 DO YOU KNOW YOUR SISTER SAW IT, THE CATHETER?
5 A SHE WAS IN THE SAME ROOM WITH ME.
6 Q OKAY.
7 NOW, THE -- UM -- LET'S TALK ABOUT THE BATHROOM.
8 YOU SAID THAT THERE WAS TIMERS TO LET YOU KNOW WHEN YOU COULD
9 GO TO THE BATHROOM, CORRECT?
10 A YES.
11 Q OKAY. AND THESE TIMERS WERE FOR AN HOUR OR LESS,
12 CORRECT?
13 A YES.
14 Q OKAY. AND SO EACH HOUR YOU WOULD HAVE THE
15 OPPORTUNITY TO GO TO THE BATHROOM, CORRECT?
16 A YES.
17 Q EACH TIME THE TIMER WOULD GO OFF, YOU WOULD BE ASKED
18 TO BE ABLE TO SEE IF YOU COULD GO TO THE BATHROOM, CORRECT?
19 A YES.
20 Q AND -- UM -- IN BETWEEN THAT HOUR OF BEING OFFERED
21 TO GO TO THE BATHROOM AND THE NEXT TIME, SOMETIMES YOU WOULD
22 HAVE AN ACCIDENT?
23 A YES.
24 Q OKAY. NOW, THAT TIME -- THEY WEREN'T TELLING YOU
25 THAT YOU COULDN'T GO TO THE BATHROOM ALL DAY LONG, CORRECT?

1 A YES.

2 Q BUT THEY WERE TELLING YOU THAT YOU HAD TO GO TO THE
3 BATHROOM AT EACH HOUR MARK THAT THE TIMER WOULD GO OFF, RIGHT?

4 A NOT EXACTLY.

5 Q OKAY. SO LET ME JUST GET THIS STRAIGHT. THERE WAS
6 A TIMER, IT WAS FOR AN HOUR, AND THAT EACH TIME THE TIMER WENT
7 OFF YOU WERE ALLOWED TO TRY AND GO TO THE BATHROOM?

8 A YES.

9 Q OKAY. AND SO THEN YOU WERE ALLOWED TO GO TO THE
10 BATHROOM EVERY HOUR ON THE HOUR, CORRECT?

11 A YES.

12 Q OKAY. AND -- UM -- FOR SOME REASON, THOUGH, YOU
13 WOULD HAVE ACCIDENTS IN BETWEEN THOSE HOURS, CORRECT?

14 A YES.

15 Q OKAY. AND -- UM -- WHEN YOU HAD THE OPPORTUNITY TO
16 GO TO THE BATHROOM ON THE HOUR, DID YOU USE THAT OPPORTUNITY
17 TO GO TO THE BATHROOM?

18 A NO.

19 Q OKAY. NOW -- UM -- THESE TIMERS WERE USED WHEN YOU
20 WERE -- UM -- SUPPOSE TO BE IN SCHOOL AT HOME, CORRECT?

21 A WOULD YOU SAY THAT AGAIN, PLEASE?

22 Q SURE.

23 YOU WERE -- UH -- YOU TOLD MISS BLUTH THAT YOU WERE
24 HOMESCHOOLED; IS THAT RIGHT?

25 A YES.

1 **Q** OKAY. AND WHEN YOU WERE HOMESCHOOLED, YOU SET --
2 THEY SET UP YOUR AREA LIKE IT WAS IN SCHOOL, CORRECT?
3 **A** YES.
4 **Q** OKAY. AND SO THEY WOULD TURN THESE TIMERS ON TO
5 GIVE YOU AN HOUR PERIOD WHERE YOU WOULD STUDY FOR AN HOUR WITH
6 NO INTERRUPTIONS, WITHOUT HAVING TO GET UP TO GO TO THE
7 BATHROOM OR ANYTHING ELSE, CORRECT?
8 **A** CAN'T REMEMBER.
9 **Q** OKAY. AND IT WAS DURING THE SCHOOLTIME THAT THESE
10 TIMERS WERE TURNED ON, CORRECT?
11 **A** YES.
12 **Q** OKAY. AND SO THESE TIMERS WEREN'T USED OUTSIDE OF
13 THE SCHOOLTIME, CORRECT?
14 **A** YES.
15 **Q** SO THAT IS CORRECT?
16 **A** YES.
17 **Q** OKAY.
18 **THE COURT:** SO -- BECAUSE IT'S CONFUSING. SO THE TIMERS
19 WERE NOT USED WHEN IT WAS NOT SCHOOLTIME?
20 **THE WITNESS:** I DON'T KNOW WHAT YOU MEAN BY THAT?
21 **MR. MANN:** I COULDN'T HEAR.
22 **MS. BLUTH:** I'M SORRY, JUDGE, CAN YOU ASK IT WITHOUT THE
23 DOUBLE NEGATIVE?
24 **THE COURT:** WELL, I KNOW, BUT HE'S ASKING, SHE'S --
25 **MR. MANN:** I COULDN'T HEAR THE ANSWER TO YOUR QUESTION.

1 **THE COURT:** COULD YOU NOT LEAD? I KNOW. CAN YOU JUST
2 ASK IT IN A NON-LEADING QUESTION, BECAUSE SAYING YES IS
3 CONFUSING.

4 **MR. MANN:** OKAY.

5 **THE COURT:** COULD YOU JUST ASK IT IN A NON-LEADING
6 FASHION?

7 **MR. MANN:** SURE, YOUR HONOR.

8 **Q** AVA, WHEN SCHOOL WAS NOT IN SESSION, WERE THE TIMERS
9 USED?

10 **A** SOMETIMES.

11 **Q** OKAY. BUT THE TIMERS WERE NOT USED REGULARLY
12 OUTSIDE OF SCHOOLTIME, CORRECT?

13 **A** YES.

14 **Q** ALL RIGHT.

15 NOW -- UM -- BEFORE YOU CAME TO LIVE WITH MISS JANET
16 AND MR. DWIGHT -- UM -- YOU LIVED WITH MISS DEBBIE, CORRECT?

17 **A** YES.

18 **Q** AND WHEN YOU LIVED WITH MISS DEBBIE, YOU ACTUALLY
19 HAD A LOT OF ACCIDENTS AS WELL THERE, CORRECT?

20 **A** NO.

21 **Q** NO? YOU DIDN'T SOIL YOUR PANTS?

22 **A** NO.

23 **Q** OKAY. AND -- UM -- BEFORE YOU LIVED WITH
24 MISS DEBBIE, WHO DID YOU LIVE WITH?

25 **A** I DON'T KNOW THEIR NAME.

1 Q OKAY. WAS THAT THE FIRST TIME THAT YOU WERE IN
2 FOSTER CARE AT THAT TIME?

3 A CAN YOU REPHRASE THAT AGAIN?

4 Q SURE.

5 UM -- BEFORE YOU WENT TO LIVE WITH MISS DEBBIE --
6 UM -- YOU SAID YOU COULD NOT REMEMBER WHO YOU LIVED WITH
7 BEFORE MISS DEBBIE; IS THAT RIGHT?

8 A YES.

9 Q OKAY. UM -- BUT THAT PERSON THAT WAS BEFORE
10 MISS DEBBIE, WAS THAT THE FIRST TIME THAT YOU WERE IN FOSTER
11 CARE?

12 A YES.

13 Q AND WAS THAT THE FIRST PERSON YOU HAD LIVED WITH?

14 A IN FOSTER CARE, YES.

15 Q IN FOSTER CARE, YES.

16 BEFORE THAT, WHO DID YOU LIVE WITH?

17 A MY GRANDMOTHER -- MA.

18 Q YOUR GRANDMOTHER?

19 A YES.

20 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?

23 A BEFORE THAT I LIVED WITH MY MOM AND HER BOYFRIEND.

24 Q OKAY. WHEN YOU LIVED WITH YOUR GRANDMOTHER, THOUGH,
25 WAS IT JUST YOUR GRANDMOTHER?

1 **A** IT WAS AUNT JESSICA AND SOMETIMES -- UM -- OUR AUNT
2 YOLANDA AND AUNT PARROW (PHONETIC) CAME OVER AND VISITED,
3 STAYED AT THE HOUSE, AND OUR STEP GRANDFATHER.
4 **Q** OKAY. AND WAS THAT HERE IN LAS VEGAS?
5 **A** YES.
6 **Q** ALL RIGHT. AND BEFORE YOU LIVED WITH YOUR
7 GRANDMOTHER, YOU SAID THAT YOU LIVED WITH YOUR MOM AND HER
8 BOYFRIEND; IS THAT RIGHT?
9 **A** YES.
10 **Q** ALL RIGHT. NOW -- UM -- YOU -- UM -- SAID THAT WHEN
11 YOU LIVED WITH MISS JANET AND MR. DWIGHT -- UM -- THAT YOU
12 WOULD SOMETIMES GET SPANKED WITH A -- WITH WHAT YOU DESCRIBED
13 AS A RULER; IS THAT CORRECT?
14 **A** YES.
15 **Q** OKAY. AND MISS BLUTH, THE D.A., SHOWED YOU A
16 PICTURE OF A STICK; IS THAT RIGHT?
17 **A** YES.
18 **MR. MANN:** OKAY. AND IF I MAY APPROACH YOUR CLERK,
19 PLEASE?
20 **THE COURT:** SURE. UH -- THEY'RE RIGHT HERE.
21 **MR. MANN:** THANK YOU.
22 **THE COURT:** UM-HUM.
23 **MR. MANN:** IF I MAY APPROACH WITH STATE'S EXHIBIT 2?
24 **THE COURT:** OKAY.
25

1 **BY MR. MANN:**

2 **Q** AVA, THAT PICTURE YOU HAVE IN FRONT OF YOU, STATE'S
3 EXHIBIT 2, YOU SAID THAT WAS THE STICK THAT WAS USED; IS THAT
4 CORRECT?

5 **A** YES.

6 **Q** OKAY. YOU ALSO SAID THAT -- UM -- THAT ON THE STICK
7 SOMEONE HAD WRITTEN SOMETHING; IS THAT CORRECT?

8 **A** YES.

9 **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.

14 **THE COURT:** SHE SAID IT LOOKED LIKE THAT STICK. OKAY.

15 **MS. BLUTH:** OKAY.

16 **THE COURT:** SO SUSTAINED, I GUESS.

17 **MR. MANN:** OKAY.

18 **THE COURT:** I SHOULDN'T SAY I GUESS. SUSTAINED.

19 **BY MR. MANN:**

20 **Q** UM -- AVA, THAT PICTURE IN FRONT OF YOU -- UM --
21 DOES THAT HAVE ANY OF THE BOARD OF EDUCATION WRITING THAT YOU
22 SAID WAS ON THE STICK?

23 **A** NO.

24 **MR. MANN:** NO.

25 IF I MAY APPROACH, YOUR HONOR?

1 **THE COURT:** YES.

2 **BY MR. MANN:**

3 **Q** WHERE WOULD THESE STICKS BE KEPT?

4 **A** I ONLY KNOW ONE WAS ON LIKE A DESK OR DRAWER THING.

5 I DON'T KNOW WHERE THE REST WERE.

6 **Q** OKAY. UPSTAIRS? DOWNSTAIRS? GARAGE? SOMEPLACE

7 ELSE?

8 **A** THE ONE I WAS TALKING ABOUT THAT WAS DOWN -- THAT

9 WAS -- THAT ONE WAS DOWNSTAIRS.

10 **Q** OKAY. AND SO YOU WERE SAYING THAT WHEN YOU WERE IN

11 TROUBLE THEY WOULD MAKE YOU GET UNDRESSED; IS THAT RIGHT?

12 **A** THEY WOULDN'T MAKE ME GET UNDRESSED, I WOULD JUST

13 HAVE TO TAKE MY -- UH -- MY BOTTOMS OFF.

14 **Q** OKAY.

15 **A** MY SHORTS.

16 **Q** SO THEY'D MAKE YOU PULL YOUR BOTTOMS OFF?

17 **A** YES.

18 **Q** OKAY. WAS THIS UPSTAIRS OR DOWNSTAIRS?

19 **A** DEPENDING ON WHERE WE WERE. IT WAS UPSTAIRS, WE

20 WERE UPSTAIRS, DOWNSTAIRS, WE WERE DOWNSTAIRS.

21 **Q** OKAY. AND YOU'RE SAYING THAT THEY WOULD TELL YOU TO

22 GET INTO POSITION, IS THAT CORRECT?

23 **A** YES.

24 **Q** OKAY. WHEN YOU WOULD GET INTO THE POSITION, WHAT

25 WOULD HAPPEN? WHAT WOULD MISS JANET DO?

1 A SHE WOULD HIT US WITH THE PAINT STICK.
2 Q HOW WOULD SHE DO THAT?
3 A SHE WOULD PUT IT IN HER HAND AND SPANK US.
4 Q OKAY.
5 A ON OUR BOTTOM.
6 Q SO SHE WOULD HIT YOUR BOTTOM WITH A PAIN STICK --
7 PAINT STICK; IS THAT CORRECT?
8 A YES. YES.
9 Q OKAY. AND -- UM -- WHEN SHE HIT YOUR BOTTOM, WAS IT
10 FLAT ACROSS YOUR BOTTOM?
11 A YES.
12 Q OKAY. AND -- UM -- AFTER SHE HIT YOUR BOTTOM, WHAT
13 WOULD HAPPEN NEXT?
14 A THEN I WOULD GET UP AND GO BACK AND DO MY HOMEWORK.
15 SIT ON THE TOILET, DO MY HOMEWORK.
16 Q OKAY. NOW, WHEN YOU GOT SPANKED WITH THE RULER, IT
17 WAS BECAUSE YOU WERE GETTING PUNISHED, CORRECT?
18 A YES.
19 Q AND YOU WERE GETTING PUNISHED FOR A LOT OF DIFFERENT
20 REASONS, CORRECT?
21 A YES.
22 Q OKAY. SOMETIMES YOU HAD DONE THINGS TO YOUR
23 SISTERS?
24 A YES.
25 Q SOMETIMES YOU HAD DONE THINGS TO MISS JANET OR

1 MR. DWIGHT? IS THAT CORRECT?

2 A THAT I DON'T -- I CAN'T REMEMBER.

3 Q OKAY. UM -- YOU WERE NOT FOLLOWING DIRECTIONS?

4 A YES.

5 Q YOU WERE NOT DOING WHAT YOU WERE SUPPOSE TO BE

6 DOING, CORRECT?

7 A WHAT DO YOU MEAN BY THAT?

8 Q YOU WEREN'T DOING WHAT YOU WERE TOLD TO DO?

9 A YES.

10 Q AND THAT'S WHY YOU GOT IN TROUBLE?

11 A YES.

12 Q OKAY. AND SHE WOULD SPANK YOU THREE TIMES, CORRECT?

13 A I CAN'T REMEMBER.

14 Q OKAY. AND -- UM -- IT WAS ALWAYS ON YOUR BOTTOM?

15 A YES.

16 Q AND IT WAS NEVER ON YOUR HEAD?

17 A YES.

18 Q IS THAT CORRECT, IT WAS NEVER ON YOUR HEAD?

19 A YES, THAT IS CORRECT.

20 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?

24 A YES.

25 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 Q HOW DO YOU KNOW THAT THAT HITTING CAUSED SCARS?

5 A BECAUSE MY SISTER SEEN IT BEFORE. WHEN I WENT BACK
6 TO CHILD HAVEN, PEOPLE SAW IT THERE, TOO.

7 Q OKAY. SO YOU KNOW THAT YOU HAVE MARKS ON YOUR
8 BODIES -- BODY, BUT YOU'RE NOT SURE WHAT THOSE MARKS ARE FROM,
9 CORRECT?

10 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 Q 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.

22 Q DID YOU DO ANYTHING REGARDING -- UM -- THE SPANKING
23 ON YOUR BOTTOM?

24 A NO.

25 Q OKAY. HOW DO YOU KNOW THE SPANKINGS CAUSED THE

1 MARKS --

2 MS. BLUTH: OBJECTION, ASKED AND ANSWERED.

3 MR. MANN: -- ON YOUR BOTTOM?

4 MS. BLUTH: SHE ANSWERED THAT QUESTION.

5 THE COURT: SHE DIDN'T ANSWER THAT QUESTION. SO THE

6 QUESTION IS, HOW DO YOU KNOW THAT THE SPANKINGS CAUSED THE

7 MARKS?

8 MR. MANN: CORRECT.

9 THE WITNESS: BECAUSE THERE WAS BLOOD ON THE RULER.

10 BY MR. MANN:

11 Q YOU SAW BLOOD ON THE RULER?

12 A WELL PAINT STICK, NOT RULER.

13 Q OKAY. UM -- AND -- UM -- HOW MANY TIMES DID YOU SEE

14 BLOOD ON THE PAINT STICK?

15 A I ONLY REMEMBER ONE.

16 Q OKAY. NOW, YOU SAID THAT THE STICK WOULD BREAK; IS

17 THAT RIGHT?

18 A YES.

19 Q HOW MANY TIMES DID THE STICK BREAK?

20 A I KNOW IT HAPPENED MORE THAN ONCE.

21 Q OKAY. AND WHEN WE'RE TALKING, THIS IS ALL INVOLVING

22 YOU, CORRECT?

23 A YES.

24 Q ANYTHING THAT YOU'RE REFERENCING IS NOT TALKING

25 ABOUT YOUR SISTERS, CORRECT?

1 A YES.

2 Q OKAY. NOW, THE -- UM -- YOU HAD DESCRIBED THAT YOU
3 WERE FORCED TO SIT ON A BUCKET WITH A TOILET SEAT ON IT; IS
4 THAT RIGHT?

5 A YES.

6 Q OKAY. AND YOU SAID THAT YOU HAD TO SIT ON IT ALL
7 DAY LONG?

8 A YES.

9 Q AND ALL THREE OF YOUR SISTERS HAD TO SIT ON THE
10 BUCKET ALL DAY LONG?

11 A YES.

12 Q OKAY. NOW, THIS BUCKET THAT YOU TALK ABOUT -- UM --
13 IT WAS -- YOU WOULD HAVE AN ACCIDENT DURING A SCHOOLDAY,
14 CORRECT?

15 A YES.

16 Q AND YOU WERE SITTING ON A CLOTH CHAIR, CORRECT?

17 A YES.

18 Q AND YOU WOULD GET THE CLOTH CHAIR WET AND DIRTY,
19 CORRECT?

20 A YES.

21 Q AND WHEN YOU WOULD GET THIS CHAIR DIRTY, YOU WERE
22 TOLD TO GO CHANGE, CORRECT?

23 A CAN'T REMEMBER.

24 Q YOU WERE TOLD TO GO SHOWER?

25 A WE HAD TO GET UPSTAIRS, I COULDN'T TAKE A SHOWER BY

1 MYSELF.

2 Q OKAY. AND THEN EVENTUALLY YOU HAD TO COME BACK AND
3 STUDY AGAIN, CORRECT?

4 A YES.

5 Q IT WAS ANASTASIA THAT HAD THE MOST DIFFICULT TIME
6 NOT HAVING ACCIDENTS, CORRECT?

7 A CAN YOU REPHRASE THAT AGAIN?

8 Q WAS ANASTASIA THE ONE THAT HAD THE MOST PROBLEMS
9 WITH ACCIDENTS?

10 A YES.

11 Q OKAY. AND SO ANASTASIA WAS TOLD TO SIT ON A
12 LITTLE -- UM -- TRAINING POTTY, CORRECT?

13 A YES.

14 Q AND WHEN YOU SAW HER SITTING ON THAT TRAINING POTTY,
15 YOU WANTED TO SIT ON A POTTY AS WELL?

16 A NO.

17 Q 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 Q OKAY. NOW, THE -- UM -- YOU HAD SAID THAT YOU HAD
24 GONE TO A DOCTOR REGARDING YOUR STOMACH; IS THAT RIGHT?

25 A YES.

1 Q DO YOU REMEMBER THAT DOCTOR'S NAME?
2 A YES.
3 Q WHAT'S THAT DOCTOR'S NAME?
4 A REED CHRISTOPHER.
5 Q I'M SORRY?
6 A REED CHRISTOPHER.
7 Q REED CHRISTOPHER?
8 A YES.
9 Q OKAY. AND YOU SAW THAT DOCTOR AND HE TOLD YOU THAT
10 YOU NEEDED TO DRINK YOUR FOOD, CORRECT?
11 MS. BLUTH: OBJECTION TO ANYTHING THE DOCTOR SAID, THAT'S
12 HEARSAY.
13 THE COURT: IS IT OFFERED FOR THE TRUTH OF THE MATTER?
14 MR. MANN: NO, YOUR HONOR. IT'S OFFERED FOR MEDICAL
15 ADVICE AND WHAT SHE DID BASED ON THAT.
16 MS. BLUTH: THAT'S -- THEN THAT WOULD BE --
17 THE COURT: WELL --
18 MS. BLUTH: -- FOR THE TRUTH, AND IT'S NOT -- THAT'S NOT
19 A HEARSAY EXCEPTION.
20 THE COURT: WELL, THEN SHE DOESN'T NEED TO TELL HER
21 WHAT -- IF IT'S NOT OFFERED FOR THE TRUTH OF THE MATTER THEN
22 SHE --
23 MR. MANN: FIRST OF ALL --
24 THE COURT: -- DOESN'T NEED TO TELL US WHAT HE SAID.
25 MR. MANN: FIRST OF ALL, 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 WOULD BE
4 THE --
5 **THE COURT:** YEAH. JUST DON'T ASK WHAT THE DOCTOR TOLD
6 HER.
7 **MR. MANN:** OKAY, THAT'S FINE.
8 AND, YOUR HONOR, JUST FOR THE RECORD, WE GAVE THE
9 PROSECUTION A LOT OF LEEWAY BECAUSE OF THIS TYPE OF WITNESS.
10 I JUST AM TRYING TO GO THROUGH AND -- AND DO THE SAME THING.
11 **THE COURT:** WELL, I UNDERSTAND, BUT THE RULES OF EVIDENCE
12 STILL APPLY.
13 **MR. MANN:** I UNDERSTAND THAT.
14 **THE COURT:** SO IT'S HEARSAY.
15 **MR. MANN:** I UNDERSTAND.
16 **THE COURT:** AND IF IT'S NOT OFFERED FOR THE TRUTH OF THE
17 MATTER, THEN WE DON'T NEED TO KNOW WHAT THE CONTENTS OF THE
18 HEARSAY STATEMENT IS.
19 **MR. MANN:** OKAY.
20 **Q** YOU WENT TO DR. CHRISTOPHER REED OR REED
21 CHRISTOPHER, CORRECT?
22 **A** YES.
23 **Q** OKAY. AND DOCTOR -- IS HIS LAST NAME CHRISTOPHER OR
24 REED?
25 **A** I DON'T KNOW THE DIFFERENCE, I JUST KNOW IT'S REED

1 CHRISTOPHER BECAUSE OF THE REED.

2 Q OKAY. WOULD YOU CALL HIM DR. REED CHRISTOPHER?

3 A DR. REED.

4 Q DR. REED, OKAY.

5 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.

11 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?

19 A YES.

20 Q AND THAT'S WHY YOU WENT AND SAW DR. REED?

21 A YES.

22 Q AND DR. REED GAVE YOU SOME INSTRUCTIONS; IS THAT

23 RIGHT?

24 A HE DIDN'T GIVE ME INSTRUCTIONS, HE JUST SAID I HAVE

25 CROHN'S DISEASE, AND IT WENT ON FROM THERE.

1 Q 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'M NOT TAKING MEDICINE.
19 Q NOW -- UM -- THERE WAS AN AWARD CHART ON THE FRIDGE;
20 IS THAT RIGHT?
21 A YES.
22 Q 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 Q AND -- UM -- WHEN YOU HAD GOOD BEHAVIOR, YOU WERE
2 ABLE TO GET MORE STARS ON THAT CHART, CORRECT?

3 A YES.

4 Q AND EVENTUALLY IF YOU HAD SO MANY STARS ON THE
5 CHART, YOU WERE ABLE TO PICK A TOY OUT OF A BOX; IS THAT
6 RIGHT?

7 A YES.

8 Q AND THERE WAS A TIME WHERE -- UM -- ANASTASIA WAS
9 ABOUT TO PASS YOU ON THAT CHART, CORRECT?

10 A YES.

11 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 Q NO?

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?

1 **A** YES.

2 **Q** EVEN THOUGH YOUR SISTERS ASKED YOU TO GIVE MORE
3 TOILET PAPER?

4 **A** YES.

5 **Q** NOW, WHILE YOU WERE YOU AT BOARDING SCHOOL IN
6 FLORIDA, YOU WERE PUT ON RESTRICTION, CORRECT?

7 **A** YES.

8 **Q** YOU GOT ENOUGH DEMERITS TO PUT YOU ON RESTRICTION?

9 **A** YES.

10 **Q** UM -- AND DO YOU KNOW WHY YOU WERE PUT ON
11 RESTRICTION?

12 **A** YES.

13 **Q** WHY DID YOU GET DEMERITS?

14 **A** BECAUSE I WAS MAD AT SOMEONE, SO I TOOK IT OUT ON
15 THE WRONG PERSON.

16 **Q** OKAY. WERE THERE OTHER TIMES BESIDES THEN?

17 **A** NO.

18 **Q** THAT ONE OF THOSE TIMES THAT YOU WERE PUT ON
19 RESTRICTION -- UM -- IT WAS DURING YOUR BIRTHDAY, CORRECT?

20 **A** NO.

21 **Q** DO YOU REMEMBER TALKING TO -- UM -- MISS EBRIHAM
22 ABOUT YOUR BIRTHDAY?

23 **MS. BLUTH:** JUDGE, I'M GOING TO OBJECT AS TO RELEVANCE
24 AND OUTSIDE THE SCOPE.

25 **THE COURT:** WHAT'S THE RELEVANCE?

1 **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
8 APOLOGIZE. UM -- IT GOES TO HER CREDIBILITY -- UM -- AND --
9 UM -- DIFFERENT THINGS REGARDING -- UM -- WHY SHE MAY BE LESS
10 THAN TRUTHFUL.
11 **THE COURT:** MISS BLUTH?
12 **MS. BLUTH:** I'D JUST ASK FOR AN OFFER OF PROOF, BECAUSE I
13 DON'T -- I'VE READ BOTH STATEMENTS AND I DON'T KNOW WHERE
14 THAT'S COMING FROM.
15 **THE COURT:** OKAY.
16 **MR. MANN:** YOUR HONOR, I ACTUALLY APOLOGIZE. I ACTUALLY
17 MIXED UP -- UH -- ONE OF THE SISTERS.
18 **THE COURT:** OKAY. YOU CAN MOVE ON.
19 **BY MR. MANN:**
20 **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?
25 **A** - YES.

1 Q AND -- UM -- THAT IF YOU WOULD HAVE OPENED YOUR
2 MOUTH AND SAID YOU HAD TO GO, THEY WOULD LET YOU GO, CORRECT?
3 A CAN'T REMEMBER.
4 Q OKAY. NOW, BEFORE YOU WENT TO DR. REED, AND WERE
5 GIVEN THE BLENDED FOOD, YOU WOULD EAT ALL SORTS OF FOODS,
6 CORRECT?
7 A YES.
8 Q YOU WOULD EAT MCDONALD'S?
9 A YES.
10 Q AND ALL OTHER TYPES OF FOOD, CORRECT?
11 A YES.
12 Q AND IT WAS AFTER YOUR MEETING WITH DR. REED THAT YOU
13 STARTED EATING THE BLENDED FOOD?
14 A YES.
15 Q NOW, YOU WOULD GO TO THE DOCTOR AT LEAST FOUR TIMES
16 A YEAR, RIGHT?
17 A DON'T KNOW.
18 Q 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?
22 A YES.
23 Q CAN YOU GIVE ME SOME OF THOSE DOCTORS' NAMES?
24 A DR. BERNSTEIN.
25 Q AND WHAT WAS DR. BERNSTEIN FOR?

1 **A** HEMATOLOGIST?

2 **Q** OKAY. AND HEMATOLOGY, DO YOU KNOW WHAT THAT MEANS?

3 **A** NO.

4 **Q** OKAY. WHAT DO YOU THINK DR. BERNSTEIN WAS DOING FOR

5 YOU?

6 **A** CHECKING WHAT WAS CAUSING ME TO HAVE BLOOD IN MY

7 STOOL.

8 **Q** OKAY. WHO ELSE WOULD YOU SEE?

9 **A** DON'T KNOW THE REST. I DON'T EVEN KNOW IF I HAD ANY

10 OTHER DOCTORS.

11 **Q** DID YOU SEE A DR. SHAWFER (PHONETIC)?

12 **A** CAN'T REMEMBER.

13 **MS. BLUTH:** CAN I ASK THE SPELLING OF THAT, MR. MANN,

14 PLEASE?

15 **MR. MANN:** I'M ASSUMING IT'S S-H-A-W-F-E-R. UH -- I

16 DON'T KNOW THE EXACT SPELLING. I DON'T KNOW THE EXACT

17 SPELLING.

18 **MS. BLUTH:** COULD YOU GIVE ME THE SPELLING?

19 **MR. MANN:** I DON'T KNOW THE EXACT SPELLING.

20 **Q** NOW, WHEN -- UM -- YOU WERE HAVING THESE PROBLEMS

21 WITH NOT BEING ABLE TO GO TO THE BATHROOM, NOT BEING ABLE TO

22 POOP, AND YOU SAW DR. REED AND THEN DR. BERNSTEIN. DID YOU

23 EXPLAIN TO MISS JANET WHY -- WHAT YOU THOUGHT THE CAUSE OF

24 THIS WAS?

25 **A** I CAN'T REMEMBER.

1 Q DID YOU TELL MISS JANET THAT -- UM -- YOU THOUGHT IT
2 WAS BECAUSE YOUR FIRST FOSTER FATHER HAD PUT HIS FINGER INSIDE
3 YOUR BUTT?
4 A NO.
5 Q NO?
6 NOW, DO YOU REMEMBER MEETING WITH A DOCTOR AND
7 TELLING THAT DOCTOR THAT YOUR MOTHER'S BOYFRIEND MOLESTED YOU?
8 A YES.
9 Q OKAY. AND DO YOU REMEMBER TELLING MISS JANET WHY
10 YOU HAD TOLD THE DOCTOR THAT?
11 A NO.
12 Q 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 KNOW IF ANY OF YOUR SISTERS SAID ANYTHING
16 LIKE THAT?
17 A YES.
18 Q WHICH SISTER?
19 A AMAYA.
20 Q OKAY. AND WAS IT AMAYA THAT SAID --
21 **MS. BLUTH:** OBJECTION, HEARSAY, TO ANYTHING AMAYA SAID.
22 **THE COURT:** IF IT'S OFFERED FOR THE TRUTH OF THE MATTER,
23 IS IT?
24 **MR. MANN:** NO.
25 **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.

12 WHEN YOU HEARD AMAYA TELL THIS STORY ABOUT YOUR

13 BIRTH MOM'S BOYFRIEND, DO YOU KNOW WHY AMAYA IS TELLING THAT

14 STORY?

15 **MS. BLUTH:** OBJECTION, SPECULATION.

16 **THE COURT:** SUSTAINED.

17 **MR. MANN:** I'M ASKING HER IF SHE KNOWS WHY.

18 **THE COURT:** SUSTAINED.

19 **BY MR. MANN:**

20 **Q** WHEN -- WOULD AMAYA MAKE UP STORIES LIKE THAT?

21 **A** SOMETIMES.

22 **Q** OKAY. WOULD YOU MAKE UP STORIES LIKE THAT?

23 **A** SOMETIMES.

24 **Q** SOMETIMES?

25 AND WHEN YOU WOULD MAKE UP STORIES LIKE THAT, THAT

1 WAS TO GET SOMETHING THAT YOU WANTED, CORRECT?

2 A NO.

3 Q WHY WOULD YOU MAKE UP STORIES LIKE THAT?

4 A I WAS JUST COPYING MY SISTER.

5 Q OKAY. AND WAS IT AMAYA TELLING YOU WHAT TO DO?

6 A NO.

7 Q BUT YOU WANTED TO COPY AMAYA?

8 A YES.

9 Q EVEN THOUGH YOU KNEW WHAT SHE WAS DOING WAS NOT
10 TRUE?

11 A YES.

12 Q NOW, DO YOU REMEMBER A TIME WHERE AMAYA FAKED A
13 SEIZURE?

14 A YES.

15 Q AND MR. DWIGHT BELIEVED THAT SHE WAS HAVING A
16 SEIZURE?

17 A YES.

18 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 Q OKAY. AND IT WAS AMAYA THAT CONVINCED MR. DWIGHT TO
24 TAKE HER TO THE HOSPITAL?

25 A YES.

1 Q EVEN THOUGH SHE WASN'T HAVING A SEIZURE?
2 A YES.
3 Q AND MR. DWIGHT HAD TO CALL 9-1-1?
4 A YES.
5 Q AND THE AMBULANCE CAME AND TOOK HER?
6 A YES.
7 Q EVEN THOUGH SHE WAS NOT HAVING A SEIZURE?
8 A YES.
9 Q AND THIS WAS AMAYA TRYING TO PLAY A JOKE?
10 A YES.
11 Q NOW, YOU HAD A NANNY THAT WORKED FOR MISS JANET AND
12 MR. DWIGHT THAT ONLY WORKED FOR A WEEK, CORRECT?
13 A WHICH PARTICULAR ONE ARE YOU TALKING ABOUT?
14 Q MISS JAN?
15 A YES.
16 Q MISS -- OR, I'M SORRY, MISS BECCA?
17 A YES.
18 Q AND MISS BECCA QUIT AFTER ONE WEEK, CORRECT?
19 A DON'T KNOW IF IT WAS ONE WEEK.
20 Q AFTER A SHORT PERIOD OF TIME?
21 A YES.
22 Q ALL RIGHT. AND SHE QUIT BECAUSE YOU WOULD GO INTO
23 HER ROOM AND STEAL ITEMS FROM HER, CORRECT?
24 A NO, I DID NOT STEAL ITEMS.
25 Q YOU WOULD TAKE ITEMS OUT OF THE ROOM?

1 **A** NO.

2 **Q** SO WHAT WOULD YOU DO THEN?

3 **MS. BLUTH:** JUDGE, I'M GOING TO OBJECT TO OUTSIDE THE
4 SCOPE OF DIRECT EXAMINATION AND RELEVANCE AT THIS POINT.

5 **THE COURT:** WELL, I THINK THE RELEVANCE IS WHAT?

6 **MR. MANN:** YOUR HONOR, IT GOES TO HER CREDIBILITY. IT
7 GOES TO -- UM -- THE MANIPULATION OF THE HOUSEHOLD AT THE
8 TIME, AND HOW -- UM -- SHE'S TALKING ABOUT BEING -- UM --
9 SOMEONE THAT HAD NO CONTROL, WHEN SHE CLEARLY HAD SIGNIFICANT
10 AMOUNTS OF CONTROL. I THINK IT SETS THE SCENE FOR THE TIME
11 THAT SHE WAS AT THAT HOUSEHOLD.

12 **THE COURT:** RESPONSE?

13 **MS. BLUTH:** I DON'T KNOW -- HOW DOES THAT SHOW THAT SHE
14 HAD CONTROL, THAT SHE WENT INTO A NANNY'S ROOM, AND SHE'S
15 SAYING SHE DIDN'T TAKE ANYTHING. I'M NOT SURE HOW THAT HAS --
16 WELL, CONTROL, OR WHAT THAT HAS TO DO WITH THESE THREE
17 INDIVIDUALS.

18 **THE COURT:** THESE THREE -- OH, THE THREE DEFENDANTS.

19 **MS. BLUTH:** RIGHT. AND IT HAS NO BEARING ON PROBABLE
20 CAUSE. IT'S A PROBABLE CAUSE HEARING.

21 **THE COURT:** YEAH. I GUESS THAT'S WHAT I'M TRYING TO
22 FIGURE OUT, IS WHAT -- WHAT DOES IT HAVE TO DO WITH THESE
23 ALLEGATIONS?

24 **MR. MANN:** FIRST OF ALL, YOUR HONOR --

25 **THE COURT:** OR PC?

1 **MR. MANN:** FIRST, YOUR HONOR, PROBABLE CAUSE NEEDS TO
2 WEIGH CREDIBILITY. SO THAT DEFINITELY COMES INTO PLAY TO YOUR
3 ANALYSIS FOR PROBABLE CAUSE. NOW, IT MAY BE SLIGHT OR
4 MARGINAL EVIDENCE, BUT THAT'S DEFINITELY AN ELEMENT THAT YOU
5 NEED TO WEIGH AS TO PROBABLE CAUSE.

6 IF SOMEONE'S COMPLETELY UNCREDIBLE IN GIVING A STATEMENT,
7 NO MATTER WHAT STATEMENT THEY MAKE, YOUR HONOR IS NOT GOING TO
8 FIND PROBABLE CAUSE BECAUSE THEY'RE COMPLETELY UNCREDIBLE.

9 **THE COURT:** MISS BLUTH?

10 **MS. BLUTH:** THERE'S NOT -- CREDIBILITY IS NOT SOMETHING
11 THAT IS TO BE DECIDED BY THE JUSTICE OF THE PEACE AT
12 PRELIMINARY HEARING.

13 **MR. MANN:** IT NEEDS TO BE TAKEN INTO CONSIDERATION WHEN
14 DECIDING PROBABLE CAUSE.

15 **THE COURT:** I AGREE WITH, FRANKLY, BOTH OF YOU.

16 **MS. BLUTH:** BUT THE LAW SAYS WHAT I SAY.

17 **THE COURT:** THE LAW DOES SAY THAT THE J.P. IS NOT TO
18 CONSIDER CREDIBILITY, THAT IT'S LEFT FOR THE JURY AT TRIAL.
19 THE SUPREME COURT SAYS --

20 **MR. MANN:** YOUR HONOR, IF A WITNESS WHO'S TESTIFYING
21 DURING PROBABLE CAUSE -- LET'S ACTUALLY JUST TAKE IT OUT OF
22 THE PRELIMINARY HEARING --

23 **THE COURT:** I DON'T DISAGREE WITH YOU, YOU'RE SINGING TO
24 THE CHOIR.

25 **MR. MANN:** OKAY.

1 **THE COURT:** YOU NEED TO STATE --

2 **MR. MANN:** UM -- I DON'T -- I DON'T KNOW WHAT LAW --

3 **THE COURT:** -- SING TO THE CHOIR UP NORTH.

4 **MR. MANN:** I DON'T KNOW WHAT LAW YOU'RE REFERRING TO, AND

5 MAYBE THAT'S MY IGNORANCE. BUT -- UM -- I DON'T REMEMBER

6 SOMETHING ON POINT SPECIFIC TO -- UM -- THAT A J.P. IS NOT

7 ALLOWED TO CONSIDER CREDIBILITY OF A WITNESS WHATSOEVER IN

8 DECIDING IF THERE'S PROBABLE CAUSE. I APOLOGIZE FOR MY

9 IGNORANCE.

10 **THE COURT:** OKAY.

11 **MR. RUE:** JUDGE, CAN WE APPROACH?

12 **THE COURT:** SURE. WE'RE GOING TO TAKE A SHORT RE --

13 WE'RE GOING TO TAKE A LUNCH RECESS ANYWAY, SHORTLY.

14 **MR. RUE:** THAT'S WHAT I'M ASKING FOR.

15 **THE COURT:** OH.

16 (WHEREUPON ALL COUNSEL APPROACHED THE BENCH.)

17 **THE COURT:** OKAY. I DON'T KNOW WHAT HAPPENED HERE. OH,

18 OKAY. FOR THE RECORD, MY JAWS WENT OFF, BUT WE'RE ABOUT TO

19 TAKE A RECESS ANYWAY.

20 SO I KNOW, MR. MANN, YOU'RE KIND OF IN THE MIDDLE OF

21 CROSS-EXAMINATION, BUT THE COURT REALLY DOES NEED TO TAKE A

22 RECESS.

23 **MR. MANN:** FINE, YOUR HONOR.

24 **THE COURT:** AND I'M INFORMED A COUPLE OTHER PEOPLE NEED

25 TO TAKE A RECESS.

1 **MR. RUE:** THANK YOU, YOUR HONOR.

2 **THE COURT:** UM -- AND MISS AVA'S BEEN ON THE STAND FOR
3 QUITE A WHILE. SO WE'RE GOING TO TAKE OUR LUNCH RECESS, AND
4 WE'RE GOING TO RESUME AT 1 O'CLOCK, IT'S 12:30.

5 **MR. RUE:** THANK YOU, YOUR HONOR.

6 **MR. MANN:** THANK YOU, YOUR HONOR.

7 **THE COURT:** ALL RIGHT?

8 **MS. BLUTH:** YEAH.

9 **THE COURT:** MISS AVA, YOU'RE NOT SUPPOSE -- HELLO, CAN I
10 SEE YOU? CAN I SEE YOUR FACE? IT'S OKAY. JUST DON'T TALK TO
11 ANYBODY ABOUT YOUR CASE -- ABOUT THE CASE OR YOUR TESTIMONY
12 WHILE YOU'RE ON BREAK, OKAY? YOU CAN TALK ABOUT ANYTHING
13 ELSE, THE WEATHER OUTSIDE, OR HOW YOUR LUNCH IS OR WHATEVER,
14 BUT JUST DON'T TALK TO ANYBODY ABOUT YOUR CASE, OKAY, BECAUSE
15 YOU'RE STILL TESTIFYING, OKAY?

16 **THE WITNESS:** OKAY.

17 **THE COURT:** ALL RIGHT, THANK YOU.

18 (WHEREUPON THE LUNCH RECESS WAS TAKEN.)

19 **THE COURT:** ALL RIGHT, WE'RE BACK IN SESSION. I WAS TOLD
20 ON THE BREAK, FYI, THAT JAVS WAS PROBABLY NOT WORKING.

21 **UNIDENTIFIED WOMAN:** OH, AWESOME.

22 **MS. BLUTH:** OH, NO.

23 **MR. PETERSEN:** IT WAS DEFINITELY NOT WORKING.

24 **THE COURT:** OH, OKAY. SO I WAS TRYING TO --

25 **MS. BLUTH:** IS IT GOING TO BE WORKING FROM THIS POINT

1 FORWARD?

2 **THE COURT:** THAT'S WHY I HAVE --

3 **MS. BLUTH:** I KNOW. HE SAVES ME ALL THE TIME WITH THE

4 POWER POINT.

5 **THE COURT:** WE HAVE ONGOING PROBLEMS WITH JAVS, AND SO

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.

10 **MS. BLUTH:** OKAY.

11 **THE COURT:** ALL RIGHT.

12 ALL 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.

20 MR. MANN, YOU CAN PROCEED.

21 **MR. MANN:** THANK YOU, YOUR HONOR.

22 **Q** AVA, YOU HAD INDICATED THAT YOUR EYE WAS INJURED; IS

23 THAT CORRECT?

24 **A** YES.

25 **Q** OKAY. THAT YOU HAD SAID THAT MISS JANET HAD SLAMMED

1 YOUR EYE ON A COUNTER; IS THAT CORRECT?

2 **A** SHE HAD SLAMMED THE SIDE OF MY HEAD, LIKE RIGHT --

3 SHE HAD SLAMMED THIS PART.

4 **Q** OKAY. AND YOU'RE TOUCHING YOUR RIGHT SIDE

5 OF YOUR -- THE RIGHT SIDE OF YOUR FACE, CORRECT?

6 **A** YES.

7 **Q** OKAY. AND -- UM -- THAT WHEN THAT HAPPENED -- UM --

8 THAT YOU SAID SHE DID IT BECAUSE SHE WAS ANGRY AT YOU?

9 **A** I HAD AN ACCIDENT SO I MADE HER UPSET.

10 **Q** THAT MADE HER UPSET?

11 **A** YES.

12 **Q** WHEN WAS THIS?

13 **A** DON'T KNOW THE EXACT DATE OR TIME.

14 **Q** YOU SAID IT WAS CLOSE TO YOU GOING TO FLORIDA, IS

15 THAT CORRECT?

16 **A** NO.

17 **Q** NO.

18 WHEN WAS IT, TIME WISE?

19 **A** IT WAS CLOSE AROUND ME GOING TO A DOCTOR'S

20 APPOINTMENT.

21 **Q** OKAY. WHAT DOCTOR WAS THAT?

22 **A** CAN'T REMEMBER.

23 **Q** OKAY. DO YOU REMEMBER WHAT YEAR IT WAS?

24 **A** TWO THOUSAND -- 2012.

25 **Q** TWO-THOUSAND-TWELVE.

1 A WAIT. IT WAS ACTUALLY 2013.
2 Q TWO-THOUSAND-THIRTEEN?
3 A YES.
4 Q TOWARDS THE END OF 2013?
5 A I CAN'T REMEMBER.
6 Q OKAY. WAS IT IN THE FALL?
7 A I DON'T KNOW.
8 Q OKAY. DO YOU REMEMBER IF IT WAS WARM OR COLD
9 OUTSIDE?
10 A I DON'T KNOW.
11 Q 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?
16 A IN THE KITCHEN AREA.
17 Q OKAY. AND -- UM -- WHAT DID SHE SUPPOSABLY HIT YOUR
18 HEAD ON?
19 A THE MARBLE COUNTER.
20 Q THE MARBLE COUNTER?
21 A YES.
22 Q AND IS THAT THE COUNTER THAT THE SINK IS ATTACHED
23 TO?
24 A NO, IT WAS JUST A COUNTER WHERE WE DID OUR HOMEWORK.
25 Q OKAY. UM -- WERE YOU SITTING AT THE COUNTER?

1 STANDING? SOMETHING ELSE?

2 A STANDING.

3 Q YOU WERE STANDING AT THE COUNTER?

4 A WELL, I WAS SITTING DOWN DOING MY HOMEWORK, AND THEN

5 I HAD AN ACCIDENT, I WAS -- I WAS STANDING.

6 Q YOU WERE STANDING?

7 A SO MY HEAD WAS BEING SLAMMED INTO THE COUNTER.

8 Q OKAY. AND YOU'RE SAYING THAT MISS JANET SLAMMED

9 YOUR HEAD IN THE COUNTER?

10 A YES.

11 Q AND WHAT PART OF YOUR HEAD HIT THE COUNTER?

12 A FACE.

13 Q YOUR FACE?

14 A RIGHT.

15 Q THE RIGHT SIDE OF YOUR FACE?

16 A YES.

17 Q WHAT PART OF YOUR FACE?

18 A MY EYE.

19 Q YOUR EYE?

20 A YES.

21 Q UM -- DO YOU MIND MOVING THE HAIR OUT OF YOUR EYE SO

22 I CAN TAKE A LOOK? THANK YOU.

23 UM -- AND SO YOU SAID -- YOU'RE POINTING TO YOUR

24 RIGHT EYE; IS THAT CORRECT?

25 A YES.

1 Q OKAY. AND -- UM -- DID YOU BLEED?
2 A NO.
3 Q OKAY. DID YOU BRUISE?
4 A YES.
5 Q HOW BIG WAS THE BRUISE?
6 A DON'T KNOW.
7 Q WAS IT ALL OVER YOUR WHOLE RIGHT SIDE OF YOUR FACE?
8 A NO.
9 Q WAS IT JUST AROUND THE EYE? WAS THERE BARELY
10 ANYTHING?
11 A I WOULD SAY AROUND MY EYE.
12 Q OKAY. DID YOU TAKE A PICTURE?
13 A NO, I COULDN'T TAKE A PICTURE.
14 Q OKAY. BUT YOU SAID YOU SAW THE DOCTOR AFTER THIS?
15 A YES, A COUPLE WEEKS LATER.
16 Q OKAY. AND WHEN YOU SAW THE DOCTOR, DID HE SEE YOUR
17 EYE?
18 A NO, IT WAS CLEARED UP.
19 Q SO A COUPLE WEEKS LATER YOUR EYE WAS CLEARED UP?
20 A YES.
21 Q CAN YOU SEE OUT OF YOUR EYE OKAY?
22 A YES.
23 Q OKAY. AND -- UM -- DID YOU NEED ANY STITCHES OR ANY
24 MEDICAL ATTENTION TO YOUR -- SIDE OF YOUR FACE?
25 A I DIDN'T NEED ANY STITCHES, BUT I DON'T KNOW WHAT

1 YOU MEAN BY MEDICAL ATTENTION.

2 Q OKAY. DID YOU HAVE TO SEE A DOCTOR OR NURSE OR
3 ANYTHING LIKE THAT TO HELP YOU WITH THE SIDE OF YOUR FACE THAT
4 WAS HIT?

5 A NO.

6 Q OKAY. AND THEN YOU SAID A COUPLE WEEKS LATER IT
7 CLEARED UP; IS THAT CORRECT?

8 A A COUPLE WEEKS LATER I WENT TO THE DOCTOR AND IT WAS
9 CLE -- BY THEN IT WAS ALREADY CLEARED UP, SO NO ONE -- NO --
10 NO ONE KNEW THAT I -- THAT HAPPENED.

11 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 A NO.

21 Q OKAY. DO YOU REMEMBER WHAT DOCTOR YOU SAW?

22 A NO.

23 Q UM -- WHO TOOK YOU TO GET YOUR PHYSICAL?

24 A MISS JANET.

25 Q OKAY.

1 AND WHEN YOU GOT YOUR PHYSICAL, DID THEY CHECK YOUR
2 WHOLE BODY?

3 A NOT -- NOT WHOLE BODY, BUT THEY CHECKED WHAT THEY
4 NEEDED TO CHECK.

5 Q OKAY. THEY LOOKED AT YOUR ARMS?

6 A YES.

7 Q THEY LOOKED AT YOUR LEGS?

8 A YES.

9 Q THEY LOOKED AT YOUR STOMACH?

10 A YES.

11 Q THEY LOOKED AT YOUR BACK?

12 A YES.

13 Q DID THEY LOOK AT YOUR BUTT?

14 A NO.

15 Q OKAY. DID THEY LOOK AT YOUR PRIVATES?

16 A NO.

17 Q OKAY. DID THEY LOOK AT YOUR FACE?

18 A I HAD TO GET AN EYE CHECKED ON, OR WHATEVER IT IS.

19 Q OKAY. WHEN THEY LOOKED AT YOUR BODY, DID THEY RUN
20 TESTS ON YOU? DID THEY TAKE BLOOD FROM YOU?

21 A I GOT SOME KIND OF A SHOT, BUT I CAN'T REMEMBER WHAT
22 IT WAS FOR.

23 Q OKAY. NOW, HOW SOON BEFORE YOU WENT TO FLORIDA DID
24 YOU HAVE THIS PHYSICAL?

25 A I DON'T KNOW.

1 Q A WEEK? A MONTH?

2 A NO.

3 Q A YEAR?

4 A I WOULD SAY LIKE A COUPLE WEEKS.

5 Q COUPLE WEEKS?

6 AND YOU WENT TO FLORIDA IN NOVEMBER OF 2013; IS THAT

7 CORRECT?

8 A YES.

9 Q OKAY. AND YOU'RE SAYING A COUPLE WEEKS BEFORE YOU

10 LEFT YOU HAD YOUR PHYSICAL?

11 A YES.

12 Q AND DID ANYTHING, THAT YOU KNOW OF, COME UP IN THE

13 PHYSICAL THAT CAUSED ANYONE ANY CONCERN?

14 A I DON'T KNOW.

15 Q OKAY. AND -- UM -- WHEN YOU ARRIVED IN FLORIDA --

16 HOW DID YOU GET TO FLORIDA, LET'S START THERE.

17 A UH -- MISS JANET TOOK US TO THE AIRPORT AND WE WENT

18 ON A PLANE.

19 Q DID YOU GO ON A PLANE WITH MISS JANET?

20 A YES.

21 Q OKAY. AND YOU FLEW TO FLORIDA?

22 A YES.

23 Q WHEN YOU ARRIVED IN FLORIDA, THEN WHAT HAPPENED?

24 A WE DROVE TO THE GIRLS HOME.

25 Q OKAY.

1 **A** AND --

2 **Q** AND YOU SAID THAT WAS MARVELOUS GRACE GIRL ACADEMY?

3 **A** MARVELOUS GRACE GIRLS ACADEMY.

4 **Q** OKAY. AND YOU ARRIVED THERE, WHAT HAPPENED?

5 **A** THEN THEY SHOWED US AROUND.

6 **Q** SHOWED YOU WHAT?

7 **A** THEY SHOWED US AROUND --

8 **Q** OKAY.

9 **A** -- THE HOME AND SHOWED US WHERE WE WOULD BE AND WE

10 ATE, AND THEN THEY LEFT --

11 **Q** OKAY.

12 **A** -- AFTER.

13 **Q** WHEN YOU SAY "THEY LEFT", DO YOU INCLUDE MR. DWIGHT

14 IN THAT?

15 **A** YES, HE WAS THERE, TOO.

16 **Q** OKAY. AND -- UM -- HOW BIG WAS THE HOME?

17 **A** THERE WAS A COUPLE, NOT HOMES, BUT THERE WAS A

18 COUPLE BUILDINGS, SO...

19 **Q** OKAY. HOW MANY GIRLS?

20 **MS. BLUTH:** OBJECTION, RELEVANCE.

21 **THE WITNESS:** I DON'T KNOW.

22 **THE COURT:** HOLD ON.

23 WHAT'S THE RELEVANCE?

24 **MR. MANN:** YOUR HONOR, THE RELEVANCE GOES TO THE TIME OF

25 HER INITIAL DISCLOSURE. I'M TRYING TO SET THE SCENE AND IT

1 TALKS ABOUT THE WHOLE -- THE WHOLE STORY, *RES GESTAE*, OF
2 EVERYTHING THAT HAPPENED.

3 I MEAN, PART OF WHAT THEY'RE ALLEGING IS THAT THEY WERE
4 SENT TO THE HOME TO AVOID SOME OF THIS THAT'S -- THAT'S
5 OCCURRING. AND SO I AM JUST TRYING TO GET AN UNDERSTANDING OF
6 THE DETAILS.

7 **THE COURT:** TO AVOID THE ALLEGATIONS IN THE COMPLAINT?

8 **MR. MANN:** TO AVOID THE -- UM -- WELL, THAT'S WHAT MY
9 UNDERSTANDING THAT THE STATE IS -- UM -- THEY HAVEN'T ALLEGED
10 IT SPECIFICALLY, BUT I BELIEVE THAT'S ONE OF THEIR THEORIES OF
11 THEIR CASE.

12 **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 --

16 **MR. MANN:** YOUR HONOR, AND ALSO --

17 **THE COURT:** -- FOR PROBABLE CAUSE.

18 **MR. MANN:** THERE'S ALSO A DISTANCE OF TIME BETWEEN THEM
19 BEING IN THE CARE AND CUSTODY OF MY CLIENTS, AND WHEN THEY'RE
20 BEING CHECKED FOR INJURIES AND THINGS LIKE THAT.

21 AND SO TO SAY THAT THERE'S A CONTINUUM WHERE IT'S MY
22 CLIENT THAT CAUSED THESE INJURIES, BUT YET THERE'S A BIG SPACE
23 IN TIME, I THINK WE NEED TO SET THE SCENE AS TO THAT SPACE IN
24 TIME REGARDING --

25 **THE COURT:** OKAY. WELL JUST GET TO THE TIMEFRAME THEN.

1 **MR. MANN:** WELL, I THINK SETTING THE SCENE REGARDING
2 WHERE SHE WAS STAYING, HOW IT WAS, THINGS LIKE THAT, ARE
3 RELEVANT TO JUST THAT.

4 **THE COURT:** WHICH -- WHICH INJURIES ARE YOU TALKING
5 ABOUT, THE SCARS ON HER BOTTOM? BECAUSE OTHER THAN THAT -- I
6 MEAN, OTHER THAN THAT, SHE TALKED ABOUT THE EYE, THAT THAT WAS
7 GONE IN A COUPLE WEEKS OR SHORTER THAN A COUPLE WEEKS, SO WHAT
8 OTHER INJURIES DO YOU NEED TO SET THE TIME -- THE STAGE FOR?

9 **MR. MANN:** THE SCARS ON HER BOTTOM.

10 **THE COURT:** RIGHT.

11 **MR. MANN:** THE -- THE INJURIES -- UM -- REGARDING HER
12 HEAD. UM -- THE --

13 **THE COURT:** THE SAME ONE WE'RE TALKING ABOUT WHERE SHE
14 SAID HER EYE WAS INJURED?

15 **MR. MANN:** YEAH.

16 **THE COURT:** OKAY. I DIDN'T KNOW THAT WE'RE -- OKAY. I
17 DIDN'T KNOW THAT THERE WAS --

18 **MR. MANN:** YOUR HONOR, JUST TO BE CLEAR.

19 **THE COURT:** -- ONGOING INJURIES ON HER.

20 **MR. MANN:** WE HAVEN'T ESTABLISHED A STRONG TIMEFRAME.
21 WHEN ASKED ABOUT TIME, WE GET A LOT OF I DON'T KNOWS. SO, I
22 THINK IT'S RELEVANT TO TALK ABOUT WHAT HAPPENED AT THAT
23 FLORIDA SCHOOL, SO THAT WE HAVE A BETTER UNDERSTANDING OF --
24 FROM BEGINNING TO END WHAT WAS GOING ON.

25 **THE COURT:** WELL, THIS IS NOT A BEGINNING TO THE END

1 HEARING?

2 MR. MANN: I UNDERSTAND THAT.

3 THE COURT: OKAY. SO -- SO MOVE ALONG ON TIMEFRAME. I

4 DON'T NEED TO KNOW WHAT COLOR THE SHEETS WERE.

5 MR. MANN: AND I'M NOT ASKING THAT.

6 MR. RUE: IT'S NOT RELEVANT TO PROBABLE CAUSE.

7 MR. MANN: YOUR HONOR, ALL I ASKED WAS HOW MANY GIRLS

8 WERE AT THE SCHOOL.

9 THE COURT: I UNDERSTAND. SO THAT'S SUSTAINED.

10 BY MR. MANN:

11 Q SO HOW LONG WERE YOU AT THE FLORIDA SCHOOL?

12 A AROUND MAYBE FOUR MONTHS.

13 Q OKAY. WHILE HERE, DID YOU EVER GET INJURED?

14 A NO.

15 Q DID YOU EVER HAVE A COMPLAINT WHERE YOU HAD TO SEE

16 THE NURSE?

17 A NO.

18 Q WAS THERE A NURSE?

19 A NO.

20 Q DID YOU EVER SEE A DOCTOR?

21 A NO. THERE, NO.

22 Q SO WHILE YOU WERE THERE FOR FOUR MONTHS YOU WERE

23 NEVER TAKEN TO THE DOCTOR?

24 A YES, YOU'RE CORRECT.

25 Q OKAY. UM -- AND THE PEOPLE THAT RUN THE FLORIDA

1 SCHOOL ARE THE BLANKENSHIPS?

2 A YES.

3 Q OKAY. UM -- AND -- UH -- IS IT JUST THE

4 BLANKENSHIPS THAT RUN THE SCHOOL OR ARE THERE OTHER STAFF?

5 A THERE'S OTHER STAFF.

6 Q AND -- UM -- HOW MANY OTHER STAFF?

7 A AROUND FIVE OR SEVEN.

8 Q OKAY. ALL RIGHT.

9 AND YOU LIKED IT IN FLORIDA, CORRECT?

10 A YES.

11 Q AND YOU DID NOT WANT TO COME BACK FROM FLORIDA,

12 CORRECT?

13 A YES.

14 Q THAT'S CORRECT?

15 A YES.

16 Q OKAY. AND -- UM -- YOU WERE -- UM -- AND AMAYA

17 LIKED IT IN FLORIDA, TOO, CORRECT?

18 A YES.

19 Q ANASTASIA LIKED IT IN FLORIDA?

20 A YES.

21 Q OKAY. AND YOU DID NOT WANT TO COME BACK TO NEVADA,

22 CORRECT?

23 A YES.

24 Q NOW, THESE -- UM -- ICE SHOWERS OR SHOWERS WHERE YOU

25 WERE, YOU SAID, DUMPED WITH BUCKETS OF ICE; IS THAT RIGHT?

1 **A** YES.

2 **Q** DO YOU KNOW WHEN THAT HAPPENED?

3 **A** I GOT IN TROUBLE AND I HAD AN ACCIDENT.

4 **Q** OKAY. AND SO YOU WERE GIVEN AN ICE SHOWER BECAUSE

5 YOU HAD AN ACCIDENT?

6 **A** I GOT A BUCKET OF ICE WATER DUMPED ON ME BECAUSE I

7 HAD AN ACCIDENT.

8 **Q** OKAY. WHAT WAS THE -- WHAT COLOR WAS THE BUCKET?

9 **A** CLEAR.

10 **Q** CLEAR?

11 AND -- UM -- WHERE DID -- WHO -- WHO DUMPED THE ICE

12 ON YOU?

13 **A** THE ONLY PERSON I CAN REMEMBER IS MISS JANET.

14 **Q** OKAY.

15 **MR. RUE:** WHAT DID YOU SAY?

16 **THE WITNESS:** THE ONLY PERSON I CAN REMEMBER WAS

17 MISS JANET.

18 **THE COURT:** OKAY, THANK YOU.

19 **BY MR. MANN:**

20 **Q** AND WHEN YOU GOT THIS -- THE ICE DUMPED ON YOU,

21 WHERE DID SHE GET THE ICE FROM?

22 **A** DOWNSTAIRS IN THE FREEZER.

23 **Q** IN THE WHAT?

24 **A** IN THE FREEZER.

25 **Q** OKAY. AND WHEN YOU WENT -- AND WHILE YOU WERE

1 LIVING AT MISS JANET'S AND MR. DWIGHT'S HOUSE, YOU WERE GIVEN
2 SPECIFIC TOWELS TO USE, CORRECT? EACH GIRL HAD A DIFFERENT
3 COLOR TOWEL?

4 **A** YES.

5 **Q** OKAY. AND SO YOU WERE TOLD TO USE THESE TOWELS; IS
6 THAT RIGHT?

7 **A** WHAT -- WHICH HOME ARE YOU TALKING ABOUT?

8 **Q** UM -- WAKASHAN.

9 **A** WELL, WE WEREN'T TOLD TO USE THOSE SPECIFIC TOWELS.
10 WE HAD TO USE.

11 **Q** I'M SORRY?

12 **A** WE WEREN'T TOLD -- NO ONE TOLD US YOU NEED TO USE A
13 SPECIFIC TOWEL.

14 **Q** BUT YOU KNEW THAT WAS YOUR TOWEL?

15 **A** YES.

16 **Q** OKAY. WHAT COLOR WAS YOUR TOWEL?

17 **A** BLUE.

18 **Q** OKAY. AND SO YOU HAD A BLUE TOWEL TO USE TO DRY OFF
19 AFTER SHOWERS?

20 **A** YES.

21 **Q** AND THEN YOU WERE RESPONSIBLE FOR HANGING THAT TOWEL
22 UP?

23 **A** YES.

24 **Q** AND KEEPING THAT TOWEL CLEAN?

25 **A** YES.

1 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?
6 A I JUST -- I DON'T KNOW HOW TO EXPLAIN IT WITHOUT
7 SAYING OUT LOUD, BUT I JUST DIDN'T LIKE IT.
8 Q OKAY. DID YOU WANT TO BE ADOPTED BY MISS JANET?
9 A NO.
10 Q DID YOU EVER TELL ANYONE YOU DIDN'T WANT TO BE
11 ADOPTED BY MISS JANET?
12 A TOLD MY SISTERS.
13 Q OKAY. AND SO WHEN YOU WERE ADOPTED BY MISS JANET
14 YOU WERE UPSET, CORRECT?
15 A YES. I WAS UPSET, BUT I NEVER SHOWED IT.
16 Q I'M SORRY, I DIDN'T HEAR THE LAST PART.
17 A I WAS UPSET ON THE INSIDE, BUT NO ONE -- I NEVER
18 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
21 THINGS HAPPENED TO YOU AS A FOSTER CHILD, CORRECT?
22 A YES.
23 Q OKAY. AND YOU'RE NOW SAYING THAT WHEN YOU WERE
24 ADOPTED, THAT'S WHEN ALL THESE THINGS SUPPOSABLY HAPPENED,
25 CORRECT?

1 **A** YES.

2 **Q** OKAY. AND YOU'RE SAYING THAT -- YOU ALSO TOLD MISS
3 EBRIHAM THAT WHEN YOU WERE ADOPTED, THEY NO LONGER TREATED YOU
4 THE SAME AS WHEN YOU WERE A FOSTER CHILD; IS THAT RIGHT?

5 **A** YES.

6 **Q** BUT YOU ACTUALLY WENT ON A LOT OF VACATIONS WITH
7 MISS JANET --

8 **MS. BLUTH:** OBJECTION, RELEVANCE.

9 **MR. MANN:** -- AND MR. DWIGHT?

10 **THE COURT:** HOLD ON. HOLD ON ONE SECOND.

11 RELEVANCE?

12 **MR. MANN:** WELL, CONSIDERING NOTHING IS RELEVANT, YOUR
13 HONOR.

14 **MS. BLUTH:** UM -- I WOULD OBJECT TO THAT AS
15 ARGUMENTATIVE.

16 **THE COURT:** I THINK IT'S ARGUMENTATIVE. ARE YOU TRYING--

17 **MR. MANN:** WELL, I THINK -- I THINK THAT WAS CLEAR, I
18 WASN'T TRYING TO MASK THAT, I APOLOGIZE. UM --

19 **THE COURT:** I DON'T MAKE THE RULES.

20 **MR. MANN:** I UNDERSTAND.

21 **THE COURT:** I JUST APPLY THEM AND GO BY THEM. SORRY.

22 **MR. MANN:** I UNDERSTAND.

23 THE RELEVANCE IS SHE HAD SAID THAT -- UM -- THIS OCCURRED
24 WHILE SHE WAS ADOPTED, THAT THEY TREATED HER COMPLETELY
25 DIFFERENT AFTER BEING ADOPTED. I AM --

1 **THE COURT:** SHE SAID THAT TODAY?
2 **MR. MANN:** WE JUST WENT THROUGH THAT.
3 **MR. MUELLER:** MOMENTS AGO.
4 **THE COURT:** WELL, OKAY. I THOUGHT YOU MEANT -- NEVER
5 MIND. OKAY. I THOUGHT YOU MEANT ON DIRECT.
6 **MR. MANN:** NO. UM -- ACTUALLY, YES, IN THE VERY
7 BEGINNING, THAT WAS DISCUSSED ON DIRECT.
8 **THE COURT:** WELL, THAT NONE OF THESE THINGS, SHE SAID,
9 OCCURRED WHILE SHE WAS IN FOSTER STATUS.
10 **MR. MANN:** CORRECT.
11 **THE COURT:** OKAY.
12 **MR. MANN:** SO I AM TRYING TO ESTABLISH THAT THE STATE IS
13 MAKING IT SOUND LIKE ONCE THEY WERE ADOPTED THAT THEY WERE
14 COMPLETELY TREATED IN A DIFFERENT LIGHT, AND I'M TRYING TO
15 SHOW HOW THEY WERE ACTUALLY TREATED ONCE THEY WERE ADOPTED.
16 **THE COURT:** WELL, I --
17 **MR. MANN:** IT GOES TO --
18 **THE COURT:** I MEAN, I'M NOT GOING TO ARGUE WITH YOU. I'M
19 JUST NOT GOING TO ARGUE.
20 **MR. MANN:** JUDGE, YOU'RE -- YOU'RE THE JUDGE.
21 **THE COURT:** I -- I --
22 **MR. MANN:** AND IF YOU SAY DON'T DO IT, I WON'T DO IT.
23 THAT'S IT.
24 **THE COURT:** I THINK THE -- THE STATE'S POSITION IS MAYBE
25 THE SITUATION CHANGED IN A -- ON THE -- UM -- ON THE

1 DETRIMENTAL SIDE OF THINGS.

2 THEY DIDN'T EVEN GET INTO THE GOOD THINGS THAT WERE GOING
3 ON IN THE HOME DURING FOSTER STATUS VERSUS THE GOOD THINGS
4 GOING ON DURING -- UM -- ADOPTION STATUS, SO THERE'S -- I
5 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?

12 **THE COURT:** SURE.

13 (WHEREUPON ALL COUNSEL APPROACHED THE BENCH.)

14 **THE COURT:** OKAY, YOU CAN CONTINUE. I THINK YOU'RE GOING
15 TO MOVE ON.

16 **MR. MANN:** YES, I UNDERSTAND, YOUR HONOR.

17 **Q** AVA, WHEN YOU WOULD SIT ON THE BUCKETS, YOU HAD
18 INDICATED THAT YOU WOULD SIT ALL DAY, RIGHT?

19 **A** YES.

20 **Q** WHAT IS ALL DAY? WHAT DOES THAT MEAN?

21 **A** TILL I WENT TO BED.

22 **Q** FROM WHEN YOU WOKE UP UNTIL YOU WENT TO BED?

23 **A** YES.

24 **Q** OKAY. AND SO WHEN YOU WOKE UP, YOU'RE IMMEDIATELY
25 IN TROUBLE AND WERE FORCED TO SIT ON THESE BUCKETS?

1 A WE WEREN'T IMMEDIATELY IN TROUBLE, UNLESS WE DECIDED
2 TO DO SOMETHING ELSE BESIDES NOT OPENING OUR MOUTH BECAUSE WE
3 WERE SCARED.

4 Q OKAY. SO AS SOON AS YOU OPENED YOUR MOUTH YOU HAD
5 TO SIT ON THESE BUCKETS?

6 A WE HAD TO SIT ON THEM WHEN WE WOKE UP, BECAUSE
7 MISS JANET DIDN'T WANT TO DEAL WITH US HAVING ACCIDENTS, SO IT
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
11 BATHROOM EVERY HOUR ON THE HOUR, RIGHT?

12 A WE WERE ASKED.

13 Q YOU WERE ASKED TO GO TO THE BATHROOM EVERY HOUR ON
14 THE HOUR. AND EVEN THOUGH BEING REMINDED EVERY HOUR TO GO TO
15 THE BATHROOM, YOU WOULD STILL HAVE ACCIDENTS; IS THAT RIGHT?

16 A WOULD YOU SAY THAT AGAIN, PLEASE?

17 Q EVEN THOUGH YOU WERE REMINDED TO GO TO THE BATHROOM
18 AT EVERY HOUR, YOU WOULD STILL HAVE ACCIDENTS; IS THAT
19 CORRECT?

20 A WE WEREN'T REMINDED. WE WERE ASKED IF EVERY HOUR,
21 FROM THE TIME WE WOKE UP IF WE HAD TO USE THE BATHROOM.

22 Q OKAY. SO EVEN THOUGH YOU WERE ASKED EVERY HOUR TO
23 GO TO THE BATHROOM, YOU STILL HAD ACCIDENTS?

24 A YES.

25 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 --
3 WHILE -- I DIDN'T WANT TO GET IN TROUBLE.

4 **Q** THEY WERE ASKING YOU TO GO TO THE BATHROOM, BUT YOU
5 DIDN'T WANT TO GO TO THE BATHROOM BECAUSE YOU'D GET IN
6 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 **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
13 EVERY TIME, BUT MOST OF THE TIME I ASKED, I GOT EITHER SLAPPED
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.

18 **Q** OKAY. BUT WHAT ABOUT THOSE TIMES WHEN THEY ASKED
19 YOU TO GO TO THE BATHROOM?

20 **A** WHEN THEY ASKED ME, I HELD IT IN, BECAUSE I KNEW I
21 WAS GOING TO GET IN TROUBLE FOR NOT ASKING BEFORE THAT.

22 **Q** SO EVEN THOUGH THEY ASKED YOU TO GO TO THE BATHROOM
23 EVERY HOUR, YOU CHOSE NOT TO GO, AND YOU CHOSE TO HOLD IT IN;
24 IS THAT RIGHT?

25 **A** YES.

1 **Q** OKAY. AND YOU ARE SAYING BECAUSE YOU WERE AFRAID
2 THAT IF YOU WENT TO THE BATHROOM YOU'D GET IN TROUBLE FOR
3 ACTUALLY NEEDING TO GO TO THE BATHROOM?

4 **A** I WAS AFRAID BECAUSE I KNEW I WAS GOING TO GET IN
5 TROUBLE FOR NOT ASKING BEFORE THAT.

6 **Q** OKAY. SO ARE YOU SAYING THAT THEY ACTUALLY WANTED
7 YOU TO ASK THEM FOR YOU TO USE THE BATHROOM, AND THAT'S WHAT
8 THEY REALLY WANTED YOU TO DO?

9 **A** CAN YOU SAY THAT AGAIN, PLEASE?

10 **Q** SURE.

11 ARE YOU SAYING THAT MISS JANET AND MR. DWIGHT WANTED
12 YOU TO ASK THEM TO USE THE BATHROOM?

13 **A** THEY WANTED ME TO ASK TO USE THE BATHROOM.

14 **Q** SO THAT'S CORRECT?

15 **A** YES.

16 **MR. MANN:** OKAY. COURT'S INDULGENCE.

17 (DISCUSSION BETWEEN MR. MANN AND DEFENDANT J. SOLANDER.)

18 **MR. MANN:** I HAVE NO MORE QUESTIONS AT THIS TIME.

19 **THE COURT:** THANK YOU, MR. MANN.

20 **MR. MANN:** THANK YOU.

21 **THE COURT:** LET ME ASK MR. MUELLER, DO YOU THINK YOU HAVE
22 LONGER THAN 50 MINUTES? BECAUSE I WAS GOING TO LET MR. RUE GO
23 FIRST IF YOU THINK YOU HAVE LONGER THAN 50 MINUTES.

24 **MR. MUELLER:** I THINK I DO.

25 **THE COURT:** HOW ABOUT --

1 **MR. RUE:** JUDGE, I HAVE PROBABLY FIVE MINUTES.

2 **THE COURT:** OH, OKAY.

3 **MR. RUE:** WELL, IF EVEN THAT.

4 **THE COURT:** WELL, THEN, HOW ABOUT YOU? HOW ABOUT MR. RUE
5 GO CROSS-EXAMINATION.

6 **MR. RUE:** ALL RIGHT.

7

8 **CROSS-EXAMINATION**

9 **BY MR. RUE:**

10 **Q** HI, AVA. I'M JEFF. UM -- I JUST WANT TO ASK YOU A
11 FEW QUESTIONS.

12 UM -- I HEARD YOU TELL THE -- THE NICE LADY OVER
13 THAT -- UM -- AND I WANT TO MAKE SURE I GET IT RIGHT -- THAT
14 DANIELLE NEVER USED A STICK ON ME?

15 **A** THAT I -- THAT I CAN REMEMBER.

16 **Q** OKAY. AND THAT'S -- YOU DON'T EVER REMEMBER
17 DANIELLE EVER USING A STICK ON YOU?

18 **A** YOU'RE CORRECT.

19 **Q** AND THAT'S WHAT YOU TOLD THE POLICE OR MISS EBRIHAM
20 WHEN YOU TALKED TO HER, TOO, YOU TOLD HER YOU DON'T REMEMBER
21 EVER -- MISS DANIELLE EVER TOUCHING YOU WITH A STICK?

22 **A** YES.

23 **Q** OKAY. SO YOU'RE SAYING THE SAME THING.

24 UM -- YOU REMEMBER EVER DANIELLE USING THE STICK ON
25 ANASTASIA OR AMAYA?

1 **A** SHE USED IT ON -- DANIELLE USED IT ON ANASTASIA.
2 **Q** ANASTASIA --
3 **THE COURT:** THAT YOU -- THAT YOU SAW?
4 **THE WITNESS:** YES.
5 **THE COURT:** OKAY.
6 **MR. RUE:** OKAY. THAT YOU SAW.
7 **Q** UM -- WHAT ABOUT AMAYA?
8 **A** NOT THAT I'VE SEEN.
9 **Q** OKAY. DO YOU REMEMBER WHEN YOU TALKED TO MISS -- IS
10 IT ABRAHAM?
11 **MR. MANN:** EBRIHAM.
12 **MR. RUE:** EBRIHAM?
13 EBRIHAM, DO YOU REMEMBER YOU -- I THOUGHT YOU SAID YOU
14 DIDN'T REMEMBER EVER -- I'M SORRY, LET ME GET THE EXACT QUOTE.
15 **A** I DON'T KNOW.
16 **Q** DO YOU REMEMBER TELLING MISS ABRAHAM [SIC] -- UM --
17 ON PAGE 40, "I KNOW DANIELLE DIDN'T DO ANYTHING TO ME, BUT I
18 DON'T KNOW ABOUT MY SISTERS."
19 UM -- IS THAT TRUE, DO YOU KNOW WHETHER SHE HIT YOUR
20 SISTERS, OR NOW YOU'RE TELLING US THERE IS A TIME WHEN SHE HIT
21 YOUR SISTER?
22 **A** SHE NEVER HIT THEM. LIKE ANASTASIA HAD AN ACCIDENT
23 WHEN DANIELLE WAS TAKING CARE OF US, AND -- UM -- ANASTASIA
24 HAD TO USE THE BATHROOM, DANIELLE WAS ON THE PHONE, AND
25 ANASTASIA COULDN'T HOLD IT, AND WE WERE EATING, SHE HAD AN

1 ACCIDENT ON THE FLOOR. AND THEN DANIELLE STEPPED ON
2 SOMETHING, AND SHE THOUGHT IT WAS LIKE JUICE OR SOMETHING, BUT
3 IT WASN'T.

4 SO WHEN SHE FOUND OUT, SHE CALLED -- I DON'T EVEN
5 KNOW IF SHE CALLED, BUT SHE TOLD MISS JANET AND THEN SHE HAD
6 SPANKED ANASTASIA.

7 Q SHE -- WHEN YOU SAY SHE CALLED SOMEONE, YOU SAY
8 SHE -- I WANT TO MAKE SURE I UNDERSTAND. THAT SHE CALLED
9 MISS JANET, AND SHE, DANIELLE, SPANKED ANASTASIA; IS THAT WHAT
10 YOU'RE SAYING?

11 A I DON'T KNOW IF SHE WAS ALREADY ON THE PHONE WITH
12 HER OR NOT, BUT THEN SHE SPANKED ANASTASIA.

13 Q OKAY. AND THAT WAS IN FRONT OF YOU?

14 A YES. I WAS RINSING OUT MY CUP AND WATCHING.

15 THE COURT: I'M SORRY, YOU WERE WHAT?

16 THE WITNESS: RINSING OUT MY CUP.

17 THE COURT: RINSING OUT HER CUP.

18 BY MR. RUE:

19 Q AND THEN WHO CLEANED UP THE MESS?

20 A ANASTASIA.

21 Q OKAY. UM -- AND SHE -- DANIELLE SPANKED ANASTASIA
22 WITH A STICK?

23 A WITH THE PAINT.

24 Q WITH THE PAINT --

25 A YES.

1 Q WITH THE RULER OR PAINT STICK --
2 A PAINT STICK.
3 Q -- THAT STICK THAT YOU SAW?
4 A YES.
5 Q OKAY. AND THAT'S THE ONLY TIME YOU CAN EVER
6 REMEMBER ANA -- OR DANIELLE USING THE PAINT STICK?
7 A YES.
8 Q IS ONE TIME SPANKING ANASTASIA?
9 A YES.
10 Q OKAY. UM -- WERE THERE A LOT OF TIMES WHEN YOU
11 WEREN'T AROUND YOUR SISTERS IN THE HOUSE?
12 A NOT A LOT, BUT SOMETIMES WHEN -- UM -- NOT A LOT,
13 BUT I WAS AROUND THEM LIKE WHEN WE WERE DOING OUR HOMEWORK OR
14 SOMETHING?
15 Q OKAY. YOU WOULD -- I TAKE IT THE HOUSE IS SMALL
16 ENOUGH YOU WOULD KNOW IF SOMEONE WAS GETTING SPANKED, RIGHT?
17 A WELL, I'M NOT SAYING THAT -- THAT DANIELLE DID DO IT
18 OR SHE DIDN'T DO IT, I DON'T KNOW.
19 Q OKAY. I ONLY WANT TO HEAR ABOUT WHAT YOU KNOW,
20 OKAY?
21 A BUT AMAYA WAS UPSTAIRS AND SHE WAS SCREAMING ABOUT
22 SOMETHING, I DON'T KNOW, AND THEN SHE SAID THAT DANIELLE HAD
23 DID SOMETHING TO HER, AND I WAS LIKE, WELL, I WASN'T THERE SO
24 I CAN'T SAY THAT SHE DID -- DANIELLE DID DO IT OR NOT.
25 Q OKAY.

1 **A** BECAUSE I WAS -- I DON'T KNOW, I CAN'T REMEMBER
2 WHERE I WAS, BUT I KNOW SHE TOLD ME THAT, AND I JUST TOLD HER,
3 WELL, I CAN'T TELL ANYONE BECAUSE IF -- IF I TOLD SOMEONE, I
4 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 **Q** OKAY. AND AS WE SIT HERE TODAY, SHE -- WHAT YOU
9 KNOW IS, DANIELLE HAS NEVER TOUCHED YOU WITH A STICK?

10 **A** YES.

11 **Q** AND YOU'VE ONLY SEEN DANIELLE TOUCH ANASTASIA ONCE
12 IN THE SPANKING WITH THE STICK?

13 **A** YES.

14 **MR. RUE:** THANK YOU, YOUR HONOR. I HAVE NO MORE
15 QUESTIONS.

16 **THE COURT:** OKAY, AVA, SORRY THERE'S THREE LAWYERS,
17 BUT -- WELL, I'M NOT SORRY, BUT NOW MR. MUELLER GETS TO ASK
18 YOU QUESTIONS. THEY'RE ALL DOING THEIR JOB, BUT YOU'LL
19 HAVE -- YOU'LL DO A JOB WHEN YOU'RE OLDER, TOO.

20 **MR. MUELLER:** I THANK YOU, JUDGE.

21 UM -- FOR SCHEDULING YOU WANTED TO KNOCK OFF AT WHAT
22 TIME, TWO?

23 **THE COURT:** TWO-THIRTY, LITERALLY, BECAUSE I HAVE TO BE
24 CLEAR ACROSS TOWN AT THREE.

25 **MR. MUELLER:** OKAY. I UNDERSTAND.

1 THE COURT: THANKS.

2

3

CROSS-EXAMINATION

4 BY MR. MUELLER:

5 Q AVA, I WANT TO ASK YOU A FEW BASIC QUESTIONS, AND
6 THEN WE'LL TALK HERE.

7 DWIGHT, WAS HE HOME A LOT OR WAS HE WORKING?

8 A HE WAS WORKING.

9 Q HE WAS WORKING.

10 AND IN THE THREE YEARS YOU LIVED WITH THE SOLANDERS,
11 DO YOU REMEMBER WHAT KIND OF JOB HE HAD?

12 A NO. BUT I REMEMBER THE -- SOMETHING RESOURCE
13 REFRIGERATION, SOMETHING LIKE THAT.

14 Q ALL RIGHT. AND WHEN HE WOULD COME AND GO TO WORK,
15 WOULD HE BE IN WORK CLOTHES AND OVERALLS OR WOULD HE BE IN A
16 BUSINESS SUIT, OR HOW WOULD HE DRESS?

17 A SOMETIMES HE HAD LIKE TARGET SHIRT AND PANTS OR JUST
18 REGULAR CLOTHES ON.

19 Q JUST REGULAR CLOTHES?

20 A LIKE A SHIRT AND PANTS.

21 Q NOW, WOULD YOU SEE DWIGHT BEFORE YOU WOULD LEAVE --
22 BEFORE HE'D LEAVE TO GO TO WORK AND BEFORE YOU'D GO TO SCHOOL?

23 A WHEN I WAS HOMESCHOOLED, SOMETIMES I SAW HIM,
24 DEPENDING ON WHAT TIME HE LEFT AND WHAT TIME WE WOKE UP. BUT
25 I KNOW SOMETIMES I SAW HIM BE -- BEFORE, AND HE WOULD TELL US

1 TO ACT RIGHT.

2 Q HE WOULD TELL YOU TO ACT RIGHT?

3 A YEAH.

4 Q ALL RIGHT. SO IN THE TYPICAL MORNING, YOU GUYS

5 WOULDN'T HAVE A LOT OF CONTACT, AND HE'D BE OUT THE DOOR?

6 A YES.

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

10 CAN'T SAY IF IT WAS EXACTLY A YEAR. I KNOW IT WAS MORE THAN A

11 MONTH, THOUGH.

12 Q OKAY. SO YOU WENT TO SCHOOL FOR AT LEAST MORE THAN

13 A MONTH, AND THAT'S ALL YOU CAN RECALL?

14 A YES.

15 Q ALL RIGHT. NOW, WHAT TIME OR WHEN WOULD DWIGHT COME

16 HOME FROM WORK NORMALLY?

17 A SOMETIMES LATE AT NIGHT.

18 Q LATE AT NIGHT, AS IN -- WHAT'S YOUR DEFINITION OF

19 LATE AT NIGHT? DARK OUT?

20 A IT'S DARK.

21 Q ARE YOU IN BED?

22 A SOMETIMES WE WERE IN BED, BUT SOMETIMES HE CAME HOME

23 EARLY.

24 Q OKAY. WHAT TIME IS YOUR NORMAL BEDTIME?

25 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.
4 Q ALL RIGHT. NOW, IT WAS DURING THE HOMESCHOOLING
5 THAT THE TIMER WAS BEING USED TO TRY TO GET YOU TO CONTROL
6 YOUR BLADDER, CORRECT?
7 A YES.
8 Q ALL RIGHT. NOW, YOU WERE FORCED TO SIT ON A BUCKET
9 HOW MANY TIMES?
10 A WE SAT ON IT -- WE SAT ON IT UNTIL IT WAS TIME TO GO
11 TO BED, BUT THERE WAS LIKE ONLY A COUPLE TIMES, I CAN REMEMBER
12 OF, THAT WE SAT ON A CHAIR UNTIL THEY CAME BACK.
13 Q AND WHEN YOU ARE TALKING ABOUT TIME -- THE TIME YOU
14 SAT ON A CHAIR, WHAT DO YOU MEAN?
15 A UM -- ANASTASIA HAD A -- HAD AN ACCIDENT, SO SHE WAS
16 IN THE BATHROOM WITH THE LIGHT ON, AND ME AND AMAYA WERE
17 SITTING ON THE -- A CHAIR, ON THE CHAIR.
18 Q UM-HUM.
19 A A BLACK CHAIR, AND DOING OUR HOMEWORK. AND THEN
20 WHEN THEY CAME BACK -- UM -- THEN WE SAT BACK ON OUR BUCKETS.
21 Q SAT BACK ON THE BUCKETS.
22 NOW, THE CLOTH -- THE BLACK CHAIR, WAS IT CLOTH?
23 A YES.
24 Q ALL RIGHT. SO IF LIQUID WAS POURED ON THE CLOTH
25 CHAIR IT WOULD GET WET?

1 A YES.

2 Q ALL RIGHT. NOW, WHO WOULD NORMALLY TUCK YOU IN AT
3 NIGHT?

4 A WE HAD TO -- NO ONE. WE HAD TO GO TO BED. WE HAD
5 TO GO IN OUR -- TO GO ON THE BOARDS BY OURSELVES.

6 Q I'M SORRY?

7 A WE HAD TO GO ON THE BOARDS BY OURSELF.

8 Q 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?

14 A YES.

15 Q AND YOU AND THE GIRLS WERE SLEEPING ON BUNK BEDS,
16 CORRECT?

17 A YES.

18 Q AND THEN THERE WAS PROBLEMS WITH PEEING THE BED?

19 A YES.

20 Q ALL RIGHT. AND THAT'S WHEN YOU WERE NOT ALLOWED TO
21 SLEEP ON THE MATTRESS -- MATTRESSES ANYMORE?

22 A YES.

23 Q ALL RIGHT. NOW, WHEN YOU WERE NOT ALLOWED TO SLEEP
24 ON THE MATTRESSES, WHERE WOULD YOU SLEEP?

25 A WE WOULD SLEEP ON A TOWEL.

1 Q ON A TOWEL.

2 WELL, I'M A LITTLE CONFUSED NOW. YOU SAID THAT YOU

3 WERE FORCED TO SLEEP ON THE BOARDS, BUT NO ONE PUT YOU TO BED.

4 NOW IF --

5 A WHAT DO YOU MEAN?

6 Q THAT MEANS YOU WENT UPSTAIRS AND PUT YOURSELF TO

7 BED, CORRECT?

8 A WELL, WHAT DO YOU MEAN BY PUTTING -- PUTTING US TO

9 BED?

10 Q WELL, I ASKED WHAT TIME WAS YOUR BEDTIME, AND YOU

11 SAID YOU DIDN'T HAVE A REGULAR BEDTIME, CORRECT?

12 A YES.

13 Q SO IF YOU DON'T HAVE A REGULAR BEDTIME, THAT MEANS

14 YOU TO GO BED WHEN YOU'RE SLEEPY, CORRECT?

15 A NO. WE HAVE TO WAIT TILL MISS JANET SAYS, "YOU GUYS

16 GET UPSTAIRS." AND WHEN SHE SAYS -- WHEN MISS JANET SAYS

17 THAT, WE USUALLY KNOW IT'S TIME TO GO TO BED.

18 Q 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?

22 A YES.

23 Q ALL RIGHT. NOW, YOU GUYS WENT UPSTAIRS AND PUT

24 YOURSELVES TO BED?

25 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?
7 A YES.
8 Q OKAY. DID IT GET HOT IN THAT LOFT?
9 A NO, NOT THAT I CAN RECALL.
10 Q IS THAT WHERE THE FAN WAS, UP IN THE LOFT?
11 A YES.
12 Q OKAY. AND DID THE FAN WORK?
13 A YES.
14 Q ALL RIGHT. NOW, WAS THIS THE BUNK BEDS IN THE --
15 WHERE THE -- THERE WAS PROBLEMS WITH PEEING ON THE MATTRESSES;
16 IS THAT THE SAME LOFT?
17 A NO. THE BUNK -- WHERE THE BUNK BEDS WERE?
18 Q YES.
19 A THAT WAS IN THE TWO ROOMS BY THE BATHROOM.
20 Q UM-HUM.
21 A AND THEN THE LOFT IS WHERE WE HAD THE COT. WHERE WE
22 HAD THREE COTS AND THREE BOARDS.
23 Q ALL RIGHT. NOW, YOU DID OR -- OKAY.
24 NOW, I WANT TO TALK ABOUT YOUR SPANKING. THE PAINT
25 STICK YOU SAID GOT BROKEN OVER YOUR BUTTOCKS, CORRECT?

1 A YES.

2 Q ALL RIGHT. WHO BROKE THE PAINT STICK OVER YOUR

3 BUTTOCKS?

4 A I WAS TENSING UP SO ...

5 Q WHO BROKE THE BOARD, THOUGH?

6 A THE BOARD?

7 Q WHO BROKE THE PAINT STICK?

8 A I DID, BECAUSE I WAS TENSING UP.

9 Q WHO HIT YOU WITH THE PAINT STICK?

10 A IT WAS EITHER MISS JANET OR MR. DWIGHT.

11 Q WELL -- OKAY. YOU AGREE THAT YOU WERE HIT BY ONLY

12 ONE PERSON BY THE PAINT STICK, CORRECT?

13 A MOST OF THE TIME IT WAS MISS JANET.

14 Q MOST OF THE TIME IT WAS MISS JANET.

15 AT THE TIME -- AND YOU CAME IN HERE AND TOLD ABOUT

16 THE TIME THAT YOU ACTUALLY HAD IT BROKEN OVER YOUR BUTTOCKS,

17 CORRECT?

18 A UM-HUM.

19 Q NOW, YOU REMEMBER THAT, CORRECT?

20 A YES.

21 Q ALL RIGHT. NOW, A VERY SIMPLE QUESTION, WHO HAD THE

22 PAINT STICK WHEN THAT HAPPENED?

23 A MISS JANET.

24 Q MISS JANET.

25 WHAT EXACTLY DID YOU DO IMMEDIATELY PRECEDING

1 GETTING THE PAINT STICK BROKEN OVER YOUR BUTTOCKS THAT CAUSED
2 YOU TO BE SPANKED?

3 **A** I HAD AN ACCIDENT ON MYSELF.

4 **Q** NOW, WAS THIS DURING THE SCHOOLDAY?

5 **A** YES.

6 **Q** ALL RIGHT. SO MR. DWIGHT WOULD NOT HAVE BEEN HOME?

7 **A** YES.

8 **Q** NOW, HE TALKED A LITTLE BIT ABOUT OR MISTER -- YOU
9 TALKED A LITTLE BIT ABOUT THE CATHETER, DO YOU REMEMBER THAT?

10 **A** YES.

11 **Q** OKAY. NOW, THE CATHETER WAS USED TO REMOVE URINE
12 FROM YOUR BLADDER, WE TALKED ABOUT THAT.

13 **A** YES.

14 **Q** WAS THAT BATHROOM UPSTAIRS OR DOWNSTAIRS?

15 **A** UPSTAIRS.

16 **Q** UPSTAIRS.

17 NOW, WAS THAT DURING THE SCHOOLDAY OR WAS THAT AFTER
18 A SCHOOLDAY?

19 **A** WE HADN'T STARTED DOING OUR SCHOOLWORK, SO I WOULD
20 SAY IT WAS RIGHT BEFORE WE STARTED TO DO OUR SCHOOLWORK.

21 **Q** SO IT WOULD HAVE BEEN DURING A SCHOOLDAY RIGHT AT
22 THE VERY BEGINNING?

23 **A** YES.

24 **Q** ALL RIGHT. SO MR. DWIGHT WOULD NOT HAVE BEEN HOME
25 THEN?

1 A WHAT -- ARE YOU TALKING ABOUT THE TIME WHEN ME AND
2 ANASTASIA HAD GOT THE CATHETER, OR JUST ME?

3 Q A MOMENT -- A LITTLE WHILE AGO YOU TALKED ABOUT
4 MISS JANET USING A CATHETER ON YOU, AND THEN THREATENING YOU
5 WITH A RAZOR BLADE; DO YOU REMEMBER THAT?

6 A YES.

7 Q OKAY.

8 A HE WAS -- HE WAS THERE.

9 Q OKAY.

10 A BECAUSE WE DO SCHOOLWORK EVERY DAY.

11 Q DURING THE MORNING?

12 IF I COULD -- I KNOW YOU'RE CONFUSED, BUT IF YOU'LL
13 JUST LET ME ANSWER YOUR -- ASK A QUESTION.

14 NOW, A FEW MINUTES AGO, WE'LL GO BACK HERE, I ASKED
15 YOU IF IT WAS DAY OR NIGHT WHEN YOU HAD THE CATHETER; DO YOU
16 REMEMBER THAT? YOU SAID IT WAS AT THE BEGINNING OF THE
17 SCHOOLDAY, CORRECT?

18 A YES.

19 Q OKAY. SO CAN YOU EXPLAIN TO ME EXACTLY WHAT
20 HAPPENED LEADING UP TO THIS?

21 A MISS JANET AND MR. DWIGHT HAD ASKED ME IF I HAD TO
22 USE THE BATHROOM.

23 Q WHY WAS MR. DWIGHT THERE IF IT WAS THE BEGINNING OF
24 THE SCHOOLDAY AND HE WORKED?

25 A HE WASN'T -- WE DO -- FOR US SCHOOL IS EVERYDAY.

1 Q SATURDAY AND SUNDAY?

2 A YES.

3 Q AND CHRISTMAS AND NEW YEAR'S?

4 A YES.

5 Q AND EVERY SINGLE DAY YOU WENT TO SCHOOL?

6 A NOT TO PUBLIC SCHOOL, BUT IT WAS HOMESCHOOL, SO IT

7 WAS --

8 Q HOMESCHOOL.

9 SO IF YOU'RE AWAKE, EVERY DAY YOU WENT TO SCHOOL,

10 THERE WAS NO DAYS OFF?

11 A YES, EXCEPT FOR ONE TIME WHEN MISS JANET'S FAMILY

12 HAD CAME OVER AND -- I HAD -- UM -- MISS JANET LET US GO

13 UPSTAIRS IN THE LOFT WITH HER GRANDDAUGHTER. AND THEN ONCE WE

14 HAD STARTED -- ONCE WE HAD STARTED, BECAUSE SHE KNEW WE HAD TO

15 GO TO THE BATHROOM, SHE SAW IT ON THE CAMERA, SO THEN AFTER

16 THAT WE GOT BACK TO DOING SCHOOLWORK.

17 Q LET ME ASK YOU THE QUESTION. THE THREE OF YOU, YOU

18 AND YOUR TWO SISTERS, WEREN'T THE ONLY PEOPLE -- ONLY KIDS

19 LIVING IN THE HOUSEHOLD, WERE THEY?

20 A YES.

21 Q OKAY. WHO WERE THE OTHER KIDS THAT WERE LIVING

22 THERE?

23 A FIRST GROUP WAS AUTUMN AND IVY.

24 Q OKAY. AND DID THEY GO TO HOMESCHOOLING WITH YOU?

25 A NO, THEY WERE PUBLIC.

1 Q THEY WENT TO PUBLIC SCHOOL. YOU WENT TO PUBLIC
2 SCHOOL AT THE SAME TIME?
3 A NO.
4 Q NO.
5 SO SOME KIDS WENT TO PUBLIC SCHOOL AND SOME KIDS
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?
11 A CAN'T REMEMBER THE OTHER ONE, BUT I REMEMBER IT WAS
12 A BABY.
13 Q 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 Q OKAY. DO YOU KNOW WHY JANET HOMESCHOOLED THE THREE
21 OF YOU, BUT SENT THE REST OF THE KIDS TO PUBLIC SCHOOL?
22 A BECAUSE WE WERE EATING BREAK -- WE WERE -- SAID WE
23 WERE -- WE WERE STEALING BREAKFAST.
24 Q BECAUSE YOU WERE STEALING BREAKFAST?
25 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 Q WAS IT IN THE SPRING? SUMMER?

7 A I DON'T REMEMBER IT.

8 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 -- WELL, I AM NOT GOING TO SAY
12 ANYTHING ABOUT MY SISTERS, BUT I DIDN'T DO ANYTHING.

13 Q I'M SORRY?

14 A I DIDN'T DO ANYTHING, LIKE THE OTHER KIDS.

15 Q WHAT DO YOU MEAN DIDN'T DO ANYTHING?

16 A I WOULDN'T HAVE -- I DIDN'T HAVE FUN LIKE THE OTHER
17 KIDS.

18 Q WHAT DO YOU MEAN?

19 A BECAUSE IT WAS -- WE WENT THERE -- THEY TOOK --
20 MISS JANET AND MR. DWIGHT TOOK US TO EITHER ARIZONA OR
21 CALIFORNIA. WE WERE PEEING ON OURSELVES, AND LIKE AUTUMN AND
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'S
25 BERRY FARM, BUT THEY LEFT -- THEIR ADOPTED CHILDREN DIDN'T GET

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 **Q** AND WHY WAS THAT?

10 **A** BECAUSE WE WERE ACTING UP.

11 **Q** ACTING UP.

12 **A** AND WHEN WE GOT TO GO TO DISNEYLAND THE FIRST
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?

19 **A** YES. AND THEN -- BUT ONCE I STARTED -- THEN WHEN --
20 THE FIRST NIGHT WE WENT THERE I HAD AN ACCIDENT, AND THEN THEY
21 DIDN'T WANT TO TAKE ME ANYMORE.

22 **Q** NOW, WERE THEY USING THE TIMERS DOWN ON VACATION?

23 **A** I CAN'T REMEMBER THAT.

24 **Q** NOW, PUTTING ON THE -- BEING SAT ON THE BUCKET IS --
25 WAS A PUNISHMENT, CORRECT?

1 **A** YES.

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

4 **A** WE WERE SITTING ON IT ALL THE TIME.

5 **Q** ALL THE TIME.

6 NOW, WAS THE BUCKET SITTING NEXT TO THE TELEVISION,
7 BY ANY CHANCE?

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

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

13 **A** YES.

14 **Q** I THOUGHT YOU SAID IT WAS A PUNISHMENT?

15 **A** WE WERE STILL SITTING ON THE BUCKET.

16 **Q** RIGHT. BUT THE PUNISHMENT CONSISTED OF YOU BEING
17 ALLOWED TO MOVE THE BUCKET ANYWHERE YOU WANTED TO?

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

20 **Q** ALL RIGHT. AND YOU SAT THE BUCKET NEXT TO A
21 TELEVISION?

22 **A** AND SAT ON IT.

23 **Q** AND SAT ON IT. AND WATCHED AS MUCH TELEVISION AS
24 YOU WANTED, CORRECT?

25 **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,
3 THEN?

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

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

9 THE COURT: OVERRULED.

10 BY MR. MUELLER:

11 Q HOW MANY TIMES DID YOU GET SAT ON THE BUCKET?

12 A SAT ON IT ALL THE TIME. I NEVER GOT TO GET OFF IT,
13 EXCEPT FOR THAT TIME WHEN I TOLD YOU WE SAT ON -- ME AND AMAYA
14 SAT ON THE CHAIR.

15 AND BEFORE WE STARTED PEEING ON OURSELVES.

16 Q NOW, WHO MADE -- WHEN YOU WERE HOMESCHOOLED, WHO
17 MADE THE MEALS AT THE HOUSE?

18 A MISS JANET MADE THEM, MOST OF THE TIME.

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

21 A NO.

22 Q ALL RIGHT. SO SINCE YOU DIDN'T KNOW HOW TO MAKE IT
23 AND MISS JANET DIDN'T MAKE IT, YOU DIDN'T EAT?

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

1 THING, SO THEY WANTED ME TO GET BETTER.

2 Q WELL, DO YOU KNOW WHAT CROHN'S DISEASE IS?

3 A NO, BECAUSE I REALLY HAVEN'T BEEN HAVING STOMACH

4 ISSUES OR BLOOD IN MY BOWEL MOVEMENT.

5 Q SO ONCE YOU STARTED TO EAT THE BLENDED MEALS, THE

6 PROBLEMS WENT AWAY?

7 A SOMETIMES I HAD STOMACHACHES, BUT -- EVEN NOW I'M

8 HAVING STOMACHACHES, BUT IT'S NOT BECAUSE I'M HAVING TROUBLE

9 USING THE BATHROOM, IT'S FOR OTHER THINGS.

10 Q UM-HUM. OKAY.

11 NOW, HAVE YOU HAD ANY FURTHER FOLLOW-UP EXAMINATIONS

12 BY A PHYSICIAN OR A DOCTOR REGARDING THE CROHN'S DISEASE?

13 A AM I GETTING TO READY -- AM I ABOUT TO HAVE A

14 FOLLOW-UP?

15 Q HAVE YOU EVER GONE BACK TO THE DOCTOR?

16 A NOT YET.

17 Q NOT YET.

18 NOW, DID MISS JANET WORK WHILE YOU GUYS WERE LIVING

19 WITH HER?

20 A YES.

21 Q ALL RIGHT. AND WHERE DID SHE WORK AT OR WHAT DID

22 SHE DO?

23 A I KNOW IT'S SOME PART OF THE MILITARY AND SHE WAS --

24 WHEN WE WERE LIVING IN THE JUBILEE GARDEN HOUSE.

25 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 **Q** 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 **A** YES.

14 **Q** OKAY.

15 **A** BUT I DON'T KNOW IF THAT'S WHERE SHE ACTUALLY

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.

1 Q OKAY. SO YOU DIDN'T SEE ANYBODY LYING IN A HOSPITAL
2 BED THERE?
3 A YOU'RE CORRECT.
4 Q OKAY. NOW, DID YOU EVER GO OUT AND RUN ANY ERRANDS
5 WITH DWIGHT?
6 A NOT THAT I CAN REMEMBER.
7 Q HE DIDN'T PUT YOU IN THE TRUCK AND TAKE YOU TO A
8 SERVICE CALL OR TWO WITH YOU?
9 A TO WHAT?
10 Q HE DIDN'T TAKE YOU TO WORK WITH HIM ONCE OR TWICE?
11 A NO. HE TOOK ME TO MY DOCTOR'S APPOINTMENT.
12 Q OKAY.
13 A THAT'S IT, THAT I CAN REMEMBER.
14 Q WHICH DOCTOR WAS THAT?
15 A DR. BERNSTEIN, HEMATOLOGIST.
16 Q I'M SORRY?
17 A DR. BERNSTEIN, HE'S MY HEMATOLOGIST.
18 Q OKAY. NOW, DID DWIGHT COME BACK -- FREQUENTLY COME
19 BACK AFTER WORK AND AFTER YOU GUYS WERE ALREADY ASLEEP?
20 A HE WOULD COME BACK AFTER WORK -- HE -- SOMETIMES.
21 Q SOMETIMES. SO HE'D COME HOME AFTER WORK AND YOU
22 GUYS WERE ALREADY IN BED?
23 A YES.
24 Q NOW, AS A REGULAR COURSE DID DWIGHT MAKE FOOD FOR
25 YOU, OR IS THAT SOMETHING JANET MOSTLY DID?

1 **A** HE MADE IT SOMETIMES, BUT IT WAS SOMETHING
2 MISS JANET MOSTLY DID.
3 **Q** MOSTLY DID.
4 NOW, DO YOU RECALL ANY INSTANCES WHERE DWIGHT TOLD
5 YOU, YOU COULDN'T EAT ANYTHING?
6 **A** NO. HE DIDN'T -- HE NEVER SAID IT.
7 **Q** OKAY. DO YOU RECALL ANY INSTANCES WHERE HE SAID YOU
8 COULDN'T DRINK ANYTHING?
9 **A** NEVER SAID IT.
10 **Q** NEVER SAID IT.
11 NOW, WHEN YOU WERE HOMESCHOOLED, DID DWIGHT EVER
12 TEACH YOU ANY LESSONS, OR WAS THAT MISS JANET?
13 **A** WELL, MISS JANET -- THE FIRST TIME WE STARTED DOING
14 IT, MISS JANET TAUGHT US HOW TO DO IT, AND THEN MR. DWIGHT
15 TAUGHT US -- UM -- ONE TIME BEFORE HE WENT TO WORK.
16 **Q** SO ONE TIME IN THREE YEARS HE TAUGHT THE HOMESCHOOL?
17 **A** WELL, HE HAD TO HELP US, AND KEEP SHOWING US --
18 WELL, NOT -- HE DIDN'T HAVE TO KEEP DOING IT TO ME, BUT HE
19 TAUGHT ME HOW TO DO -- HOW TO DO WHAT MY SISTERS WERE DOING,
20 SO I WOULDN'T HAVE TO GO UP TO HIM, AND HE WOULDN'T HAVE TO
21 TEACH IT AGAIN.
22 **Q** SO HE'D HELP YOU WITH THE HOMEWORK IN THE EVENING
23 HOURS?
24 **A** YES.
25 **Q** OKAY. AND WHERE WOULD YOU STUDY IN THE EVENING

1 HOURS?

2 **A** SOMETIMES WE DID MATH.

3 **Q** WHERE?

4 **A** DID CHARTS.

5 **Q** WERE YOU GUYS AT A DESK?

6 **A** WE HAD -- ON THE COUNTER, BUT THAT WAS WHERE I WAS

7 SITTING.

8 **MR. MUELLER:** IF I COULD HAVE THE COURT'S INDULGENCE FOR

9 JUST A MOMENT? I NEED SOME WORKSPACE HERE.

10 **THE COURT:** SURE.

11 (DISCUSSION BETWEEN MR. MUELLER AND DWIGHT SOLANDER.)

12 **BY MR. MUELLER:**

13 **Q** ALL RIGHT. SO DWIGHT WOULD HELP YOU WITH THE

14 SCHOOLWORK IN THE EVENINGS, CORRECT?

15 **A** WELL, IF -- ON THE WEEKENDS IF WE NEEDED HELP HE

16 WOULD HELP US. BUT THAT ONE TIME WHEN HE HELPED ME, IT WAS ON

17 MULTIPLICATION AND FRACTIONS, THAT TIME IT WAS RIGHT BEFORE HE

18 WENT TO WORK, SO IT WAS THE DAYTIME.

19 **Q** SO HE DID HELP YOU IN THE DAYTIME OCCASIONALLY?

20 **A** IF HE WAS -- IF HE HAD TIME.

21 **Q** ALL RIGHT. SO MOST OF THE TIME IT WAS JANET, AND ON

22 OCCASION IT WOULD BE DWIGHT?

23 **A** YES.

24 **Q** ALL RIGHT. NOW, WHEN YOU HAD THE CATHETER INSERTED,

25 WHO WAS -- WAS THAT IN THE BATHROOM UPSTAIRS?

1 **A** YES.

2 **Q** ALL RIGHT. WAS THE DOOR CLOSED?

3 **A** YES.

4 **Q** OKAY. SO IT WAS JUST YOU AND JANET IN THE ROOM?

5 **A** YES.

6 **Q** OKAY. NOW, EARLIER ON DIRECT EXAMINATION, YOU

7 THOUGHT DWIGHT WAS HOME AT THAT TIME. DO YOU REMEMBER THAT?

8 **A** YES.

9 **Q** OKAY. YOU DON'T KNOW THAT HE WAS HOME, DO YOU?

10 **A** HE WAS HOME.

11 **Q** AND THAT WOULD BE BASED ON YOU BEING ALONE IN THE

12 BATHROOM WITH JANET, HOW DO YOU KNOW THAT?

13 **A** HE WAS DOWNSTAIRS. HE ASKED ME -- MR. DWIGHT ASKED

14 ME, SO HE WAS IN THE HOUSE, AND HE ASKED ME IF I HAD TO GO TO

15 THE BATHROOM.

16 **Q** OKAY. AND DID YOU HAVE TO GO TO THE BATHROOM?

17 **A** AND I WENT UPSTAIRS.

18 **Q** I WAS SUPPOSE TO STOP.

19 **A** I SAID NO.

20 **Q** SO HE ASKED YOU, DO YOU HAVE TO GO TO THE BATHROOM.

21 AND SO WAS THIS DURING A SCHOOLDAY?

22 **A** IT'S ALWAYS A SCHOOLDAY.

23 **Q** EVERY DAY IS A SCHOOLDAY?

24 **A** YES.

25 **MS. BLUTH:** ASKED AND ANSWERED, OBJECTION.

1 **THE COURT:** SUSTAINED.

2 **BY MR. MUELLER:**

3 **Q** ALL RIGHT. AND THEN WHAT HAPPENED?

4 **A** AND I WENT TO THE BATHROOM.

5 **Q** HE ASKED YOU IF YOU HAD TO GO, DIDN'T YOU SAY YES?

6 **A** I SAID NO, AND THEN I WENT TO THE BATHROOM UPSTAIRS

7 TO GET -- SO MISS JANET COULD PUT THE CATHETER IN ME.

8 **Q** WHERE WERE THE CATHETERS KEPT?

9 **A** I DON'T KNOW WHERE THEY KEPT THEM.

10 **Q** OKAY.

11 **A** BECAUSE I COULDN'T -- I COULDN'T GO IN THE ROOM -- I

12 COULDN'T GO WHERE I WANTED, SO...

13 **Q** WHAT DO YOU MEAN YOU COULDN'T GO WHERE YOU WANTED?

14 **A** I COULDN'T GO LIKE -- LIKE OTHER KIDS DO, IF THEY

15 WANT TO GO IN THEIR ROOM, THEY GO IN THEIR ROOM, I COULDN'T DO

16 THAT. OR SOMETHING LIKE THAT, I COULDN'T DO IT.

17 **Q** ALL RIGHT. DWIGHT ASKED YOU IF YOU WANTED TO GO TO

18 THE BATHROOM, YOU SAID NO. THEN YOU URINATED ON YOURSELF,

19 CORRECT? AND THEN YOU WENT UPSTAIRS, CORRECT?

20 **MS. BLUTH:** OBJECTION, JUDGE, MISSTATES HER TESTIMONY.

21 SHE NEVER URINATED ON HERSELF. SHE WAS TAKEN UPSTAIRS SO MISS

22 JANET COULD USE THE CATHETER, WHICH IS HER TESTIMONY ON DIRECT

23 AND TO MR. MUELLER RIGHT BEFORE THEN.

24 **MR. MUELLER:** THAT'S NOT WHAT SHE --

25 **THE COURT:** I DIDN'T HEAR HER SAY THAT. I'M NOT SAYING

1 SHE DIDN'T, BUT CAN WE -- CAN YOU START OVER?

2 MR. MUELLER: CERTAINLY.

3 THE COURT: AND SO LISTEN TO HIS QUESTIONS, OKAY?

4 THE WITNESS: OKAY.

5 THE COURT: ALL RIGHT. GO AHEAD.

6 BY MR. MUELLER:

7 Q YOU WENT -- DWIGHT ASKED YOU -- IT'S YOUR
8 RECOLLECTION NOW THAT DWIGHT ASKED YOU IF YOU NEEDED TO USE TO
9 THE BATHROOM.

10 A YES.

11 Q AND THIS WAS ON A SCHOOLDAY WHEN HE WAS ACTUALLY
12 THERE, NOT WHEN HE WAS AT WORK?

13 A YES.

14 Q AND YOU SAID NO.

15 A YES.

16 Q WHAT HAPPENED THEN?

17 A MISS JANET TOLD ME TO GO UPSTAIRS SO SHE COULD PUT
18 THE CATHETER IN ME, AND THEN I --

19 Q YOU WENT -- DID YOU, IN FACT, GO UPSTAIRS?

20 A I WENT UPSTAIRS.

21 Q OKAY. AND DID DWIGHT GO UPSTAIRS, OR DID HE STAY
22 DOWNSTAIRS?

23 A HE STAYED DOWNSTAIRS AND DID WHATEVER HE NEEDED TO
24 DO.

25 Q SO HE'S DOWNSTAIRS. OKAY.

1 AND YOU WENT IN THE BATHROOM WAS THE DOOR CLOSED?

2 **A** IT WAS CLOSED.

3 **Q** IT WAS CLOSED.

4 NOW, DO YOU KNOW DID DWIGHT BUY THE CATHETERS OR DID

5 JANET GET THEM FROM WORK?

6 **A** I DON'T KNOW. IT WAS EITHER -- I KNOW IT WAS --

7 **Q** YOU DON'T KNOW?

8 **A** YEAH, I DON'T KNOW.

9 **MR. MUELLER:** OKAY. THANK YOU.

10 IF I COULD GET THE COURT'S INDULGENCE FOR JUST A MOMENT?

11 **THE COURT:** OKAY.

12 (DISCUSSION BETWEEN MR. MUELLER AND DWIGHT SOLANDER.)

13 **MR. MUELLER:** ALL RIGHT. YOUR HONOR, AT THIS TIME I HAVE

14 NO FURTHER QUESTIONS.

15 **THE COURT:** OKAY. BEFORE YOU REDIRECT I MIGHT HAVE A

16 QUESTION, HOLD ON.

17 OKAY. SO, AVA, THERE WAS -- YOU SAID WHEN MISS BLUTH WAS

18 ASKING YOU QUESTIONS THAT -- I THOUGHT YOU SAID THAT

19 MR. DWIGHT WAS NEAR THE BATHROOM DOOR, OUTSIDE THE DOOR

20 SOMEWHERE WHEN THE CATHETER WAS BEING USED.

21 **THE WITNESS:** THAT WAS ANOTHER TIME.

22 **THE COURT:** THAT WAS A DIFFERENT TIME THAN WHAT

23 MR. MUELLER WAS JUST ASKING YOU?

24 **THE WITNESS:** YES.

25 **THE COURT:** OKAY. SO THE TIME THAT MR. MUELLER WAS JUST

1 ASKING YOU ABOUT, IT'S -- IT'S YOUR TESTIMONY THAT MR. DWIGHT
2 WAS DOWNSTAIRS THE WHOLE TIME?
3 **THE WITNESS:** YES.
4 **THE COURT:** AND THE DOOR WAS CLOSED AND YOU WERE
5 UPSTAIRS?
6 **THE WITNESS:** YES.
7 **THE COURT:** IN THE BATHROOM UPSTAIRS?
8 **THE WITNESS:** YES.
9 **THE COURT:** AND THE DOOR WAS CLOSED?
10 **THE WITNESS:** YES.
11 **THE COURT:** AND ONLY MISS JANET WAS IN THERE WITH YOU?
12 **THE WITNESS:** YES.
13 **THE COURT:** BUT THEN -- SO THE TIME THAT MISS BLUTH WAS
14 ASKING YOU ABOUT WAS A -- WAS A DIFFERENT TIME?
15 **THE WITNESS:** YEAH. JUST MISS JANET PUT IT IN ME A
16 COUPLE DIFFERENT TIMES, SO THE ONES I CAN ONLY REMEMBER OF.
17 **THE COURT:** OKAY. AND YOU DID TESTIFY TO MISS BLUTH THAT
18 IT WAS MORE THAN ONE TIME AND YOU DIDN'T KNOW HOW MANY TIMES.
19 **THE WITNESS:** YES.
20 **THE COURT:** OKAY, MISS -- OKAY, CROSS-EXAMINATION. I
21 MEAN, I'M SORRY, REDIRECT?
22 **MR. MUELLER:** WELL --
23 **THE COURT:** WELL, I'LL LET YOU FOLLOW-UP ON MY QUESTIONS,
24 LET HER REDIRECT RIGHT NOW.
25 **MR. MUELLER:** ALL RIGHT. THANK YOU.

1 **THE COURT:** I TRY TO GO IN ORDER.

2 **MS. BLUTH:** OKAY.

3

4 **REDIRECT EXAMINATION**

5 **BY MS. BLUTH:**

6 **Q** OKAY. I JUST WANT TO GET A LITTLE BIT BETTER
7 TIMEFRAME.

8 AVA, DO YOU REMEMBER WHAT MONTH IT WAS THAT YOU WENT
9 TO FLORIDA TO -- I'M SORRY IF YOU ALREADY SAID IT.

10 **A** NOVEMBER.

11 **Q** OKAY. NOVEMBER -- THE LAST NOVEMBER THAT WE JUST
12 HAD? SO NOVEMBER OF 2013?

13 **A** WAIT. YES, I THINK IT WAS THE LAST ONE.

14 **Q** OKAY. SO FROM WHEN YOU WERE ADOPTED IN JANUARY --
15 UM -- OF 2000 -- 2011 UNTIL NOVEMBER WHEN YOU WENT TO THE
16 GIRLS ACADEMY, THESE -- THAT'S THE TIMEFRAME THAT THESE THINGS
17 WERE HAPPENING?

18 **A** YES.

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

22 **MR. MANN:** OBJECTION, LEADING.

23 **MS. BLUTH:** WHAT? IT DOESN'T SUGGEST AN ANSWER.

24 **MR. MANN:** AND OUTSIDE THE SCOPE.

25 **MS. BLUTH:** WELL, I CAN RECALL HER IF YOU WOULD LIKE.

1 **THE COURT:** OKAY. UM -- I DON'T THINK IT'S LEADING. SHE
2 DIDN'T GET THE QUESTION OUT, BUT IT DIDN'T SOUND LIKE IT'S
3 LEADING TO ME.

4 **MS. BLUTH:** IT'S ONE QUESTION I FORGOT TO ASK HER.

5 **THE COURT:** YEAH, IF YOU'RE GOING TO RECALL HER, THEN I'M
6 JUST GOING TO ALLOW IT.

7 **BY MS. BLUTH:**

8 **Q** WERE YOU EVER FORCED TO EAT OR DRINK YOUR OWN URINE
9 OR POOP?

10 **A** YES.

11 **Q** OKAY. WHO FORCED YOU TO DO THAT?

12 **A** MISS JANET.

13 **Q** WHAT DID SHE FORCE YOU TO DO?

14 **A** LICK MY PEE OFF THE FLOOR.

15 **Q** WHY WAS THERE PEE ON THE FLOOR?

16 **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 **Q** OKAY. AND SO WAS MISS JANET MAD THAT YOU PEED ON
20 THE FLOOR?

21 **A** YES.

22 **Q** DID YOU ACTUALLY LICK YOUR PEE?

23 **A** YES.

24 **Q** OKAY. UM -- WE'VE ASKED YOU A LOT OF QUESTIONS
25 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 Q YOU WHAT?
5 A I WASN'T ALLOWED TO GO EVERY HOUR.
6 Q OKAY. SO YOU HAD TO HOLD IT FOR LONGER PERIODS OF
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 BATHROOM, AND IF I DIDN'T ASK, THEN I WAS IN -- THEN
11 MISS JANET WASN'T GOING TO TAKE ME BECAUSE I DIDN'T ASK.
12 Q OKAY. I GUESS WHAT I'M ASKING IS, IS DID YOU -- DID
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 Q 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 A NO, HE WOULD TELL US TO GET UPSTAIRS.
22 Q OKAY. DID HE EVER USE THE TIMERS?
23 A I DON'T KNOW IF HE USED THEM OR IF MISS -- OR IF
24 HE -- BECAUSE I KNOW HE WOULD TEXT MISS JANET, BUT I DON'T
25 KNOW WHICH -- IF HE ACTUALLY USED IT HIMSELF.

1 **Q** WHAT DO YOU MEAN HE WOULD TEXT MISS JANET?
2 **A** AND TELL HER -- HE WOULD TELL HER THAT I ASKED TO
3 USE THE BATHROOM.
4 **Q** OKAY. AND SO WHAT WOULD HAPPEN IF MISS JANET SAID,
5 OKAY, WELL, SHE CAN'T GO?
6 **A** THEN I EITHER ENDED UP GOING ON MYSELF, OR I JUST
7 TRIED TO HOLD IT.
8 **Q** OKAY. SO IF MISS JANET TOLD MR. DWIGHT --
9 **MR. MUELLER:** OBJECTION, LEADING, SPECULATION, AND BEYOND
10 THE SCOPE OF DIRECT EXAMINATION.
11 **MS. BLUTH:** NO, IT'S NOT.
12 **THE COURT:** WELL, IT'S SUSTAINED, SUSTAINED AND
13 OVERRULED.
14 **MR. MUELLER:** THANK YOU.
15 **MS. BLUTH:** WHAT WERE THE TWO SUSTAINED, BECAUSE NOW I
16 DON'T EVEN --
17 **THE COURT:** LEADING AND --
18 **MR. RUE:** SPECULATION.
19 **THE COURT:** -- REALLY SPECULATION, I WOULD SAY, IS THE
20 CAPITAL S.
21 **MS. BLUTH:** OKAY.
22 **Q** SO WE CAN'T GET INTO THE CONVERSATION THAT
23 MR. DWIGHT AND MISS JANET HAD, BUT AFTER THAT CONVERSATION DID
24 MR. DWIGHT TELL YOU, YOU HAD TO HOLD IT?
25 **MR. MUELLER:** OBJECTION. WE'VE GONE FROM A -- WE'VE GONE

1 FROM A HYPOTHETICAL QUESTION, AND MY COLLEAGUE IS NOW TURNING
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
5 HAD TO GO TO THE BATHROOM, SHE WOULD BE IN MR. DWIGHT'S
6 PRESENCE WHEN HE CALLED MISS JANET.

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

9 **MS. BLUTH:** NO.

10 **MR. MUELLER:** -- AND SHE'S TURNED IT INTO DIRECT
11 TESTIMONY.

12 **THE COURT:** WELL JUST SEE -- WHY DON'T YOU JUST REPHRASE
13 YOUR QUESTION IF IT ACTUALLY 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 --

22 **Q** OKAY.

23 **A** -- BECAUSE MISS JANET -- MR. DWIGHT KNEW MISS JANET
24 DIDN'T WANT TO GET BOTHERED ALL THE TIME.

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

1 MISS JANET, AFTER HE GOT OFF THE PHONE DID YOU STILL -- WERE
2 YOU STILL TOLD YOU HAD TO HOLD IT?
3 **A** NO. HE JUST -- HE JUST -- WE KNEW HE HAD CALLED,
4 BECAUSE WE COULD HEAR, AND IF WE HAD TO GO, THEN WE WOULD JUST
5 SAY -- UH --- I HAD TO GO REALLY BAD AND HE WOULD LET US GO,
6 AND THEN HE WOULD JUST LET MISS JANET KNOW THAT I COULDN'T
7 HOLD IT BEFORE -- I COULDN'T HOLD IT TILL THE TIME WAS UP.
8 **Q** OKAY. AND DID YOU EVER GET PUNISHED BY MR. DWIGHT
9 FOR NOT HOLDING IT?
10 **A** SAY THAT AGAIN, PLEASE?
11 **Q** YEAH. DID YOU EVER GET PUNISHED BY MR. DWIGHT FOR
12 NOT HOLDING YOUR PEE OR YOUR POOP?
13 **A** NOT AS OFTEN, BUT I -- I DID.
14 **Q** OKAY. UM -- ARE YOU ON ANY SPECIAL DIET NOW?
15 **A** NO.
16 **Q** DO YOU TAKE ANY MEDICINE NOW?
17 **A** NO.
18 **Q** SO YOUR CROHN'S DISEASE, IT JUST DISAPPEARED?
19 **MR. MANN:** OBJECTION, SPECULATION.
20 **THE COURT:** SUSTAINED.
21 **THE WITNESS:** UM -- I DON'T KNOW.
22 **MS. BLUTH:** THAT'S OKAY, YOU DON'T HAVE TO ANSWER. IF
23 THE JUDGE SAYS SUSTAINED THEN --
24 **THE COURT:** IT'S HARD TO KEEP TRACK.
25 **MS. BLUTH:** THAT'S OKAY, IT'S HARD WITH ALL OF US

1 LAWYERS.

2 **THE COURT:** AND ME.

3 **BY MS. BLUTH:**

4 **Q** BUT -- BUT NOW YOU EAT REGULAR FOODS?

5 **A** YES.

6 **Q** AND YOUR FOOD DOESN'T NEED TO BE BLENDED?

7 **A** YES, YOU'RE RIGHT.

8 **Q** MR. MANN ASKED YOU SOME QUESTIONS ABOUT BURNS ON

9 ANASTASIA ON HER EAR?

10 I'M SORRY, THAT'S MR. MANN RIGHT THERE WITH THE

11 GLASSES. WELL, THEY ALL HAVE GLASSES, THAT GUY.

12 DO YOU REMEMBER HIM ASKING YOU IF YOU BURNED

13 ANASTASIA?

14 **A** YES.

15 **Q** DO YOU KNOW HOW ANASTASIA GOT THOSE BURNS?

16 **A** ANASTASIA HAD -- SHE WENT IN THE BATHROOM AND

17 MISS JANET WAS IN THERE WITH HER.

18 **THE COURT:** WAIT. DO YOU KNOW THIS, OR ARE YOU JUST --

19 YOU'RE GOING BY WHAT SOMEBODY TOLD YOU?

20 **THE WITNESS:** I KNOW IT.

21 **THE COURT:** AND YOU KNOW IT BECAUSE YOU SAW IT?

22 **THE WITNESS:** WHEN SHE CAME OUT THE BATHROOM I SAW LIKE

23 WHERE IT -- MISS JANET HAD BURNED HER, BECAUSE SHE WOULD TURN

24 THE HOT WATER ON, BOILING, WHEN WE WASHED OUR HANDS.

25 **THE COURT:** GO AHEAD.

1 BY MS. BLUTH:

2 Q SO HOW DID -- HOW DID SHE GET THE BURNS?

3 A ANASTASIA HAD WENT IN THE BATHROOM WITH MISS JANET,
4 AND THEN ANASTASIA -- SHE WAS TRYING TO GET ANASTASIA TO PUT
5 HER HANDS IN THE --

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

9 MS. BLUTH: SHE JUST SAID --

10 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 Q DID YOU SEE THIS?

16 A WHEN SHE CAME OUT I SAW THE BURN.

17 Q OKAY. WHEN SHE CAME OUT, WHAT DID YOU SEE?

18 A I SAW THE -- I -- I SAW LIKE THE INSIDE OF HER SKIN,
19 LIKE WHERE IT WAS BURNING.

20 Q OKAY. AND WHERE WAS IT THAT YOU SAW IT?

21 A LIKE BY HER EAR AND BY HER -- LIKE CLOSER TO HER --
22 NOT NECK, BUT UPPER BACK.

23 Q OKAY.

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

1 **MS. BLUTH:** I'M ALMOST --
2 **THE COURT:** WELL, I KNOW, BUT THEY HAVE RECROSS.
3 **MS. BLUTH:** OKAY.
4 **THE COURT:** I KNOW THEY DO. RIGHT, MR. MANN?
5 **MR. MANN:** YES, YOUR HONOR.
6 **THE COURT:** RIGHT -- OH, I DON'T KNOW ABOUT MR. RUE.
7 RIGHT, MR. MUELLER?
8 **MR. MUELLER:** YES, JUDGE.
9 **THE COURT:** SO I WAS TRYING TO GET HER OFF --
10 **MS. BLUTH:** YES.
11 **THE COURT:** BUT IT'S NOT YOUR --
12 **MS. BLUTH:** I KNOW. YOU'RE RIGHT. YOU'RE RIGHT.
13 **THE COURT:** YOU OPENED THE DOOR, I OPENED THE DOOR.
14 **MS. BLUTH:** THE DOORS ARE OPEN.
15 **THE COURT:** THE DOORS ARE OPEN.
16 OKAY. MISS AVA, LONG DAY, HUH?
17 **THE WITNESS:** WILL I BE HERE TOMORROW?
18 **THE COURT:** JUST -- BUT NOT NEAR LIKE IT WAS TODAY.
19 MAYBE, MAYBE, MAYBE LIKE 30 MINUTES. MAYBE.
20 **THE WITNESS:** SO COULD I BE AT SCHOOL BEFORE 1 O'CLOCK?
21 **THE COURT:** OH, YES, YOU'LL BE AT SCHOOL -- YOU NEED TO
22 BE THERE AT 1 O'CLOCK, DID YOU SAY? AT 1 O'CLOCK OR UNTIL 1
23 O'CLOCK?
24 **THE WITNESS:** I JUST WANT TO BE THERE FOR P.E.
25 **THE COURT:** BE THERE FOR P.E. NICE.

1 **THE WITNESS:** AND MY ADVISER --

2 **THE COURT:** AND WHAT TIME IS P.E., 1 O'CLOCK?

3 **THE WITNESS:** IT STARTS AT THAT TIME.

4 **THE COURT:** OKAY. WE'RE GOOD.

5 CAN WE -- I KNOW YOU THINK YOU HAVE TWO GOING. CAN WE

6 TRY TO BE HERE, EVERYBODY, AT TEN IN THE MORNING, IS THAT

7 PROBLEM?

8 **MS. BLUTH:** YES.

9 **MR. MANN:** BE HERE AT NINE, WHATEVER YOU NEED.

10 **THE COURT:** SO ORIGINALLY WE SET AT 10:30. THEN IT WAS

11 SET -- THEN I TRIED TO CHANGE IT TO 9:30. I'D REALLY LIKE

12 MAYBE SARAH'S TO TRAIL AT LEAST AFTER WE GET DONE WITH HER, I

13 DON'T KNOW. MAYBE YOU ALL CAN TALK AMONGST YOURSELVES, BUT --

14 THEN YOU COULD TALK TO SARAH IN THE MEANTIME TO SEE WHAT'S

15 GOING AND WHAT'S NOT, BUT --

16 **MS. BLUTH:** OKAY. DID ANYBODY SHOW UP --

17 **THE COURT:** BUT IF EVERYBODY CAN BE HERE AT 9:30 FOR US

18 TO JUGGLE, I'D LOVE FOR THAT, BUT...

19 **MS. BLUTH:** OKAY.

20 **THE COURT:** AND GET HER DONE AT LEAST.

21 **MS. BLUTH:** YEAH. YEAH.

22 **THE COURT:** WHAT DO YOU NEED?

23 **MS. BLUTH:** DID ANYBODY SHOW UP FOR THIS 1 O'CLOCK THING?

24 **THE COURT:** NO, WE BENCH WARRANTED IT. I JUST SAID WE

25 CALLED IT AT 1 O'CLOCK AND NO ONE SHOWED UP. I MEAN, NO

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

3 MS. LUZAICH: WE WERE HERE. WE WERE HERE.

4 THE COURT: YEAH, RIGHT. THANK YOU. OKAY, WE WILL SEE
5 YOU TOMORROW.

6 AVA, DON'T TALK TO ANYBODY ABOUT YOUR CASE, OKAY?

7 THE WITNESS: ALL RIGHT.

8 THE COURT: NOBODY. YOU CAN TALK ABOUT THE WEATHER, WHAT
9 YOU'RE GOING TO HAVE FOR DINNER, P.E. TOMORROW, BUT NOTHING
10 ABOUT YOUR CASE, OKAY --

11 THE WITNESS: ALL RIGHT.

12 THE COURT: -- BECAUSE YOU'RE STILL TESTIFYING. THANK
13 YOU.

14 THE WITNESS: OKAY.

15

16 (AT 2:28 P.M. THE PROCEEDINGS WERE RECESSED.)

17

18 * * * *

19

20 ATTEST: FULL, TRUE AND CERTIFIED TRANSCRIPT.

21

22 /S/KIT MACDONALD
23 KIT MACDONALD, C.S.R.
24 COURT REPORTER
25 C.S.R. 65

/	114/25 115/4 115/4 116/7 116/18 118/19 118/21 122/13 125/24 126/15 127/8 127/9 127/12 128/1 128/3 131/12 133/25 135/13 136/2 144/1 144/14 146/25 151/8 152/11 153/6 155/6 155/8 155/10	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 92/19 93/3 93/8 93/11 93/12 93/19 97/7 104/7 105/8 108/24 111/5 111/13 111/18 111/20 115/6 119/18 120/14 121/4 121/7 121/13 121/15 122/1 122/4 122/8 122/24 123/2 123/10 123/20 123/23 124/23 125/14 125/23 126/2 126/21 127/6 127/24 131/8 131/8 133/2 133/4 133/5 133/20 134/5 134/6 134/12 134/22 135/21 135/25 136/17 136/20 139/13 139/21 139/24 140/2 141/3 141/17 142/5 143/13 144/25 149/21 149/24 150/25 151/11 154/13 155/7 155/11
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ORIGINAL

FILED

1 CASE NO.

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IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

4

CLARK COUNTY, STATE OF NEVADA

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2014 JUL -8 P 2:29
JUSTICE COURT
LAS VEGAS NEVADA
BY _____

6 STATE OF NEVADA,)

7 PLAINTIFF,)

8 VS.)

CASE NO. 14F04585A
14F04585B
14F04585C

9 DWIGHT SOLANDER,)

DANIELLE HINTON,)

10 JANET SOLANDER,)

DEFENDANTS,)

11 _____)

12

13 REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING - VOLUME II

14 BEFORE THE HONORABLE DIANA L. SULLIVAN, JUSTICE OF THE PEACE

15

FRIDAY, MAY 23, 2014

16

10:17 O'CLOCK A.M.

17

18 FOR THE PLAINTIFF:

JACQUELINE ELIZABETH BLUTH,
ELISSA LUZAICH,
DEPUTY DISTRICT ATTORNEYS

19

20 FOR DEFENDANT D. SOLANDER:

CRAIG A. MUELLER, ESQ.

21 FOR DEFENDANT HINTON:

JEFFREY T. RUE,
DEPUTY PUBLIC DEFENDER

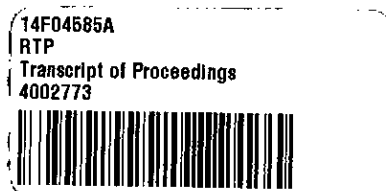
22

23 FOR DEFENDANT J. SOLANDER:

JOEL MANN, ESQ.

24 REPORTED BY: KIT MACDONALD, C.S.R.
CERTIFICATE NO. 65

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* * * *

1 LAS VEGAS, CLARK COUNTY, NEVADA, FRIDAY, MAY 23, 2014

2

3

10:17 O'CLOCK A.M.

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* * * * *

6

7 **THE COURT:** ARE WE BACK ON THE RECORD?

8

WE ARE IN THE CONTINUED PRELIMINARY HEARING, IT IS
9 FRIDAY, MAY 23RD, AND WE'RE ABOUT TO CONTINUE THE PRELIMINARY
10 HEARING OF DWIGHT SOLANDER, DANIELLE HINTON AND JANET
11 SOLANDER, CASE 14F04585A, B AND C.

12 IS THE STATE READY TO PROCEED BASED UPON THE SCHEDULING
13 WE DISCUSSED THIS MORNING?

14 **MS. BLUTH:** THE STATE IS, YOUR HONOR.

15 **THE COURT:** MR. MANN, ARE YOU READY TO PROCEED?

16 **MR. MANN:** WE ARE, YOUR HONOR.

17 **THE COURT:** MR. RUE, ARE YOU READY TO PROCEED?

18 **MS. BLUTH:** MR. RUE.

19 **MR. MANN:** UM --

20 **MS. BLUTH:** OH, SORRY.

21 **MR. RUE:** YES, BUT I'D LIKE TO MAKE A RECORD ON
22 SOMETHING.

23 **THE COURT:** OKAY.

24 **MR. RUE:** JUDGE -- AND I DON'T KNOW IF LISA CAN ENLIGHTEN
25 ME, BUT THERE WAS A REPORTER IN HERE TAKING PICTURES ON HER

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

7 **THE COURT:** WELL BECA -- WELL -- WELL, I MEAN I DON'T
8 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?

13 **THE MARSHAL:** I DON'T REMEMBER HER NAME -- UH -- SHE WAS
14 A REPORTER, SHE SAID --

15 **MS. LUZAICH:** CHANNEL 3.

16 **THE MARSHAL:** CHANNEL 3? SHE SHOWED ME HER CREDENTIALS,
17 AND I REMEMBER YOU SAID THERE WAS A MEDIA REQUEST, AND SHE DID
18 TAKE A -- SHE SAID SHE DID TAKE A PHOTO OF ONE OF THE
19 DEFENDANTS, I DON'T KNOW WHICH ONE.

20 **MR. RUE:** OKAY.

21 **THE COURT:** OKAY.

22 **MR. RUE:** I JUST WANTED TO --

23 **THE MARSHAL:** AND SHE SAID SHE ONLY DID THAT BECAUSE
24 NORMALLY SHE HAS A CAMERA MAN HERE, AND THERE WAS NO CAMERA
25 MAN HERE.

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

3 **THE MARSHAL:** YES.

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

8 **MR. RUE:** OKAY. I -- I'VE NEVER -- I'VE NEVER BEEN IN A
9 COURTROOM THAT WOULD ALLOW A CELL PHONE TO TAKE PICTURES WHILE
10 COURT IS IN SESSION. I'VE NEVER -- I'VE NEVER HAD THAT
11 HAPPEN, JUDGE. I'VE HAD CAMERAS, AND I KNOW THAT, BUT WITH
12 PEOPLE JUST COMING IN AND TAKING PICTURES, I'VE NOT SEEN THAT
13 BEFORE, BUT THAT'S FINE. I JUST WANT TO MAKE A RECORD OF
14 THAT.

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

22 SO YOU'VE MADE YOUR RECORD AND THAT'S --

23 **MR. RUE:** OKAY. BUT OTHER THAN THAT, JUDGE, YES I'M
24 READY.

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

1 **MR. MUELLER:** YES, JUDGE.

2 **THE COURT:** SO THE WAY WE'RE GOING TO PROCEED, AS WE ALL
3 AGREED IN CHAMBERS, DUE TO SOME SCHEDULING ISSUES WE'RE GOING
4 AS -- DEFINITELY SOME SCHEDULING ISSUES WITH THE COURT, WE ARE
5 GOING TO FINISH AVA TODAY AS I PROMISED HER.

6 **MS. BLUTH:** YES, JUDGE.

7 **THE COURT:** AND THEN WE ARE GOING TO FINISH THIS PRELIM
8 TODAY AND WE WILL GIVE IT IT'S NEW DATE AT THE END OF AVA'S
9 TESTIMONY TODAY.

10 **MS. BLUTH:** YES, JUDGE.

11 **THE COURT:** ALL RIGHT.

12 **MS. BLUTH:** AND IF WE COULD JUST MAKE SURE JAVS IS
13 ROLLING, PLEASE.

14 **THE COURT:** I'M NOT TOUCHING IT. MISS REESA, IS JAVS
15 ROLLING?

16 **THE CLERK:** IT'S BEEN ROLLING SINCE SHE STARTED.

17 **MS. BLUTH:** THANK YOU.

18 **THE COURT:** OKAY, GREAT.

19 **MS. BLUTH:** THANK YOU.

20 **THE COURT:** THANK YOU. YOU CAN CALL AVA.

21 **MS. BLUTH:** SHE'S IN THE HALL.

22 **THE COURT:** AND FOR THE RECORD WE ARE IN THE MIDDLE OF
23 REDIRECT.

24 I DID CLARIFY SOMETHING ON -- OR I -- I ATTEMPTED TO
25 CLARIFY SOMETHING ON A QUESTION, AND I TOLD ALL THE DEFENSE

1 LAWYERS THEY WILL BE ABLE TO FOLLOW UP ON MY QUESTIONS --
2 UM -- ON MY QUESTION, AS WELL AS MISS BLUTH I BELIEVE OP --
3 ADMITTEDLY OPENED THE DOOR TO SOMETHING ELSE. UM -- JUST SAID
4 SHE WAS JUST GOING TO RECALL AVA IF I DIDN'T LET HER OPEN THE
5 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.
10 I'M GOING TO HAVE YOU RE-SWEAR HER IN, BECAUSE IT'S A NEW
11 DAY.
12 GOOD MORNING, AVA.
13 **MISS A. SOLANDER:** GOOD MORNING.
14 **THE COURT:** I TOLD YOU, YOU WOULD GO FIRST, AS SOON AS WE
15 COULD GET YOU GOING SO YOU COULD GET TO SCHOOL, OKAY?
16 **MISS A. SOLANDER:** OKAY.
17 **THE COURT:** NOW SINCE IT'S A NEW DAY, I'M GOING TO HAVE
18 MISS REESA SWEAR YOU IN AGAIN, JUST LIKE YOU DID YESTERDAY,
19 OKAY?
20 **MISS A. SOLANDER:** OKAY.
21 **THE COURT:** IN CASE -- SINCE IT'S 24 HOURS LATER, OKAY?
22 **MISS A. SOLANDER:** OKAY.
23 **THE CLERK:** PLEASE RAISE YOUR RIGHT HAND.
24 ///
25 ///

1 AVA SOLANDER,
2 CALLED AS A WITNESS BY THE STATE, AND HAVING BEEN FIRST DULY
3 SWORN TO TESTIFY TO THE TRUTH, THE WHOLE TRUTH, AND NOTHING
4 BUT THE TRUTH, TESTIFIED AS FOLLOWS:
5
6 **THE WITNESS:** YES.
7 **THE CLERK:** PLEASE HAVE A SEAT.
8 STATE YOUR FIRST AND LAST NAME AGAIN FOR THE RECORD, AND
9 SPELL IT.
10 **THE WITNESS:** AVA, A-V-A, SOLANDER, S-O-L-A-N-D-E-R.
11 **THE COURT:** OKAY. THANKS AVA. I TOLD YOU WE WOULDN'T
12 BE -- WE'D MAYBE BE A HALF HOUR OR AN HOUR TODAY, BUT WE'LL
13 GET YOU OUT OF HERE, OKAY?
14 **MS. BLUTH:** AND, YOUR HONOR, I SHOULD HAVE -- UM --
15 BEFORE WE STATED -- OR BEFORE WE STARTED, I SHOULD HAVE STATED
16 THAT TODAY AVA HAS A DIFFERENT ADVOCATE, IT'S STACY DASTRUP.
17 SHE'D HAVE TO SPELL IT FOR THE RECORD, IF WE CAN GET IT
18 SPELLED, THOUGH.
19 **THE COURT:** PLEASE SPELL IT.
20 **MS. DASTRUP:** D-A-S-T-R-U-P.
21 **THE COURT:** THANK YOU.
22 **MS. DASTRUP:** UM-HUM.
23 **THE COURT:** ALL RIGHT, YOU CAN CONTINUE.
24 **MS. BLUTH:** THANK YOU.
25

REDIRECT EXAMINATION (CONTINUED)

1
2 **BY MS. BLUTH:**

3 **Q** GOOD MORNING, AVA.

4 **A** GOOD MORNING.

5 **Q** I JUST HAVE ONE QUESTION FOR YOU.

6 WE TALKED A LITTLE BIT YESTERDAY ABOUT WHEN YOU
7 WOULD SIT ON THE BUCKETS. DO YOU REMEMBER US TALKING ABOUT
8 THAT?

9 **A** YES.

10 **Q** OKAY. WHEN YOU WOULD SIT ON THE BUCKETS, WOULD YOU
11 HAVE CLOTHES ON OR OFF?

12 **A** UM -- I WOULD HAVE MY BOTTOMS OFF.

13 **Q** OKAY. BUT YOU'D HAVE A SHIRT ON?

14 **A** YES.

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

18 **A** YES.

19 **MS. BLUTH:** OKAY. NOTHING FURTHER, JUDGE.

20 **THE COURT:** OKAY. MR. MANN?

21

22 **RECROSS-EXAMINATION**

23 **BY MR. MANN:**

24 **Q** UM -- AVA, YOU HAD INDICATED THAT -- UM -- YOU HAD
25 PEED ON THE FLOOR IN THE BATHROOM; IS THAT RIGHT?

1 A YES.

2 Q OKAY. AND THAT'S WHEN YOU WERE ASKED DIRECTLY, SAID

3 THAT'S WHEN YOU WERE FORCED TO DRINK THE PEE ON THE FLOOR?

4 A I HAD TO LICK MY PEE.

5 Q YOU HAD TO LICK YOUR PEE.

6 WHEN WAS THIS THAT THIS OCCURRED?

7 A DON'T KNOW THE EXACT DATE.

8 Q OKAY. DO YOU REMEMBER A MONTH, A YEAR?

9 A NO.

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

11 THAT TIME ON PURPOSE, CORRECT?

12 A NO.

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

14 A YES.

15 Q OKAY. AND -- BUT YOU SPECIFICALLY HAD SAID THAT YOU

16 WERE NOT TRYING TO GO TO THE BATHROOM WHEN YOU WERE SUPPOSE TO

17 GO, CORRECT?

18 A YES.

19 Q OKAY. AND SO THIS WAS ONE OF THOSE TIMES THAT YOU

20 DIDN'T GO TO THE BATHROOM AND THEN ENDED UP PEEING ON THE

21 FLOOR?

22 A NO, SIR.

23 Q WHAT HAPPENED THIS TIME THEN?

24 A I HAD ASKED, AND I COULDN'T HOLD IT ANYMORE, SO I

25 ENDED UP PEEING ON THE FLOOR.

1 Q 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 WENT UPSTAIRS, AND I COULDN'T HOLD IT, THEN I PEED ON
7 MYSELF.
8 Q 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 Q SO YOUR UNDERWEAR GOT WET?
17 A YES.
18 Q 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.
25 AND -- UH -- CAN YOU SHOW ME WITH YOUR HANDS WHAT

1 MEDIUM MEANS?

2 A MAYBE LIKE THAT BIG.

3 MR. MANN: OKAY. SO, FOR THE RECORD, IT LOOKS LIKE IT'S
4 ABOUT AN INCH, INCH AND A HALF DISTANCE BETWEEN HER THUMB AND
5 HER FINGER.

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

9 THE WITNESS: SMALLER.

10 THE COURT: SMALLER THAN AN APPLE?

11 THE WITNESS: YES.

12 THE COURT: DO YOU KNOW HOW BIG A PLUM IS?

13 THE WITNESS: YES.

14 THE COURT: WHAT ABOUT --

15 THE WITNESS: ACTUALLY --

16 THE COURT: -- COMPARISON TO A PLUM?

17 THE WITNESS: HALF THAT.

18 THE COURT: OKAY.

19 THE WITNESS: SO --

20 THE COURT: SO SMALL.

21 THE WITNESS: YEAH.

22 MR. MANN: OKAY.

23 Q NOW, YOU HAD ALSO SAID THAT -- UM -- THAT -- UH --
24 WHEN -- THAT IT WAS ALWAYS MISS JANET THAT WAS THE ONE THAT
25 WAS DIRECTING WHEN YOU COULD OR COULDN'T GO TO THE BATHROOM,

1 CORRECT?

2 A IT WASN'T 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 Q OKAY. NOW, THERE WAS A TIME THAT MISS JANET WASN'T

9 HOME FOR A MONTH, CORRECT?

10 A DON'T REMEMBER THAT.

11 Q WHEN SHE WENT TO OHIO?

12 A WHEN SHE WENT TO OHIO.

13 Q OKAY. DO YOU REMEMBER HER BEING GONE FOR A LONG

14 PERIOD OF TIME?

15 A YES.

16 Q DURING THAT TIME DID YOU HAVE ACCIDENTS?

17 A CAN'T REMEMBER.

18 Q OKAY. UM -- DURING THAT TIME DID YOU -- UM -- WERE

19 YOU FORCED TO SIT ON THE BUCKET WITH A TOILET SEAT?

20 A I CAN'T REMEMBER.

21 Q OKAY. DO YOU REMEMBER WHEN SHE WAS GONE?

22 A UM -- I DON'T KNOW.

23 Q DO YOU REMEMBER WHO WATCHED YOU WHEN SHE WAS GONE?

24 A MR. DWIGHT.

25 Q MR. DWIGHT. ANYONE ELSE?

1 **A** THERE WAS A NANNY.

2 **Q** WHAT WAS THE NANNY'S NAME?

3 **A** REBECCA.

4 **Q** REBECCA?

5 **A** YES.

6 **Q** WAS THIS THE SAME REBECCA THAT LEFT AFTER A WEEK?

7 **A** YES.

8 **Q** BECAUSE YOU STOLE HER EARRINGS?

9 **MS. BLUTH:** OBJECTION, RELEVANCE. WE WENT THROUGH THIS

10 YESTERDAY, IT'S BEYOND THE SCOPE OF REDIRECT.

11 **THE COURT:** YEAH, WE DID.

12 **MR. MANN:** YOUR HONOR -- UM -- REGARDING THAT ISSUE, I

13 WAYS TOLD YESTERDAY BY BOTH YOUR HONOR AND THE D.A. THAT --

14 UH -- CREDIBILITY ISSUES WERE NOT TO BE RAISED IN PRELIMINARY

15 HEARING.

16 MR. RUE ACTUALLY DID SOME RESEARCH AND FOUND A CASE

17 SPECIFICALLY ON POINT THAT SAYS NEVADA LAW DOES NOT PRECLUDE A

18 DEFENDANT FROM QUESTIONING WITNESS'S CREDIBILITY OR MOTIVE

19 DURING A PRELIMINARY HEARING. WHILE THE DEFENDANT IN THE

20 STEWART CASE COULD NOT QUESTION THE WITNESS'S CREDIBILITY AND

21 MOTIVE, CHAVEZ QUESTIONED D.C.'S CREDIBILITY IN A WIDE RANGING

22 CROSS-EXAMINATION.

23 THAT IS CHAVEZ V. STATE, 125 NEVADA 328.

24 **THE COURT:** CAN I SEE IT?

25 **MR. MANN:** YES.

1 **THE COURT:** HAVE YOU SHOWN IT TO COUNSEL?

2 **MR. MANN:** NO, I HAVEN'T, ACTUALLY. I WAS -- I STILL

3 DON'T KNOW THE CASE THAT YOU GUYS WERE REFERRING TO.

4 **MS. LUZAICH:** WREN, W-R-E-N.

5 **MR. MANN:** I'M SORRY.

6 **THE COURT:** WHICH ONES THE ONE YOU GUYS WERE REFERRING

7 TO? SEE, I DON'T REMEMBER IT.

8 **MS. BLUTH:** WREN.

9 **MS. LUZAICH:** WREN, W-R-E-N.

10 **MR. MANN:** CITE, PLEASE?

11 **THE COURT:** I LOOKED THROUGH MY --

12 **MR. MANN:** I ASKED YOU YESTERDAY NICELY.

13 **THE COURT:** -- GO TO RESEARCH AND I COULDN'T FIND IT.

14 **MR. MANN:** ME, TOO.

15 AND FOR MR. MUELLER, THAT CASE, THE YEAR IS 2009.

16 **THE COURT:** OKAY, HOLD ON. SO 125 NEVADA 128.

17 **MR. MANN:** 125 NEVADA 328.

18 **THE COURT:** OH, 328, AND THAT'S A 2009 CASE.

19 **MR. MANN:** CORRECT.

20 **THE COURT:** AND -- AND THE STATE WAS REFERRING TO WREN

21 V. WHAT?

22 **MS. BLUTH:** I'M GETTING THERE.

23 **MS. LUZAICH:** I HAVE IT WRITTEN DOWN, WREN V. STATE.

24 **MS. BLUTH:** 87 NEVADA 85.

25 **THE COURT:** OKAY. WELL, OBVIOUSLY THAT'S OLDER. SO LET

1 ME SEE MISTER -- UH -- MR. MANN'S, PLEASE.

2 **MR. MANN:** OH, SORRY.

3 THIS WAS THE CITE I WAS READING OFF OF.

4 **THE COURT:** OF COURSE IT HAS TO BE THE ONE SUPREME COURT
5 THAT ACTUALLY IS -- I MEAN, THAT IS LONGER THAN A PAGE AND A
6 HALF LONG.

7 **MR. MANN:** I THINK IT'S 13 PAGES.

8 I CAN GIVE YOU THE CLIFF NOTES, YOUR HONOR.

9 **THE COURT:** WELL -- I MEAN, I'VE READ THE HEADNOTES,
10 WHICH I THINK ARE THE CLIFF NOTES.

11 **MR. MANN:** THE FACTUAL BASIS, YOUR HONOR, IS ESSENTIALLY
12 IT WAS A SEX CASE THAT WENT TO PRELIM -- UM -- AND IN THAT SEX
13 CASE -- UH -- HE WAS SHOT DOWN ON ONE QUESTION. THAT CASE
14 ENDED UP GOING TO TRIAL, AND THE WITNESS WAS NOT AVAILABLE,
15 AND SO THEY INTRODUCED THE PRELIMINARY HEARING TRANSCRIPTS.
16 HE THEN WAS CONVICTED AND APPEALED THAT, CLAIMING THAT --
17 UH -- I DON'T -- THE DEFENSE'S CLAIM AT THE TIME WAS THAT THE
18 PRELIMINARY HEARING NEVER PROVIDED HIM A FULL OPPORTUNITY TO
19 QUESTION THINGS LIKE THAT, AND THE SUPREME COURT WENT THROUGH,
20 YOU KNOW, VARIOUS FACTORS TO CONSIDER WHETHER A PRELIMINARY
21 HEARING TRANSCRIPT IS A FULL CONFRONTATION ISSUE, AND THEY
22 THEN SPECIFICALLY SAID, A PRELIMINARY HEARING IN AND OF ITSELF
23 ALLOWS THE DEFENSE THE OPPORTUNITY TO QUESTION CREDIBILITY
24 AND -- AND MOTIVE, AND THOSE ISSUES AS WELL. AND SO YOU HAVE
25 THAT OPPORTUNITY AT -- TO CONFRONT THE WITNESS AT A

1 PRELIMINARY HEARING. AND BECAUSE OF THAT, THEY ESSENTIALLY
2 SHOT DOWN THE DEFENSE'S CLAIM THAT A PRELIMINARY HEARING
3 DOESN'T PROVIDE FOR THOSE OPPORTUNITIES, WHICH ESSENTIALLY
4 SUPPORTS OUR CLAIM THAT A DEFENSE -- A PRELIMINARY HEARING
5 ALLOWS US TO GET INTO THOSE ISSUES.

6 **THE COURT:** MISS BLUTH?

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

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

19 **MR. MANN:** YOUR HONOR.

20 **THE COURT:** WELL -- WELL -- WELL -- WELL, I MIGHT AGREE
21 THAT IT -- UM -- WOULD BE BEYOND THE SCOPE, IT'S -- HE WAS
22 SHUT DOWN -- WELL, OKAY. I'M GONNA' -- I'M GONNA' MAKE A
23 STATEMENT HERE. I GAVE YOU A LOT OF LEEWAY YESTERDAY ON SOME
24 CREDIBILITY ISSUES, EVENTUALLY I SHUT IT DOWN.

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

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

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

5 **MR. MANN:** FIRST OF ALL, YOUR HONOR, THAT WAS THE TIME
6 THAT I WAS SHUT DOWN REGARDING THESE -- THESE SERIES OF
7 QUESTIONS.

8 **THE COURT:** BUT DIDN'T SHE ANSWER THE QUESTION?

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

15 IN ADDITION TO THAT, JUST -- I'M GOING TO MAKE A RECORD
16 AS WELL, I ALSO DON'T HAVE -- UM -- FULL DISCOVERY AS WE WENT
17 THROUGH AD -- AD NAUSEAM, WHAT I'M ALLOWED AND NOT ALLOWED, SO
18 FOR THIS TO BE A CONFRONTATION ISSUE, I UNDERSTAND UNDER
19 NEVADA LAW I HAVE WHAT'S ALLOWED UNDER NEVADA LAW ACCORDING TO
20 YOUR RULING. BUT I'M SAYING, FOR A CONFRONTATION ISSUE, I
21 ALSO DON'T FEEL THAT I HAVE -- UM -- THOSE ISSUES AS WELL. SO
22 IF SHE BECAME UNAVAILABLE, I WOULD SAY THAT I DID NOT PROVIDE
23 AN EFFECTIVE CROSS-EXAMINATION BECAUSE OF THOSE LIMITATIONS.
24 AND I'M JUST PUTTING THAT ON THE RECORD, I'M NOT ASKING
25 YOU TO RULE ON THAT.

1 **THE COURT:** AND IF SHE BECAME UNAVAILABLE --
2 **MR. MANN:** OF COURSE.
3 **THE COURT:** -- THEN THAT WOULD BE A DISTRICT COURT'S
4 DECISION WHETHER YOU GOT EFFECTIVE CROSS-EXAMINATION --
5 **MR. MANN:** CORRECT.
6 **THE COURT:** -- OR NOT, SO I -- BECAUSE I SUSPECT THE
7 DISTRICT COURT IN THIS CASE MAY HAVE GOTTEN OVERRULED BECAUSE
8 THERE WASN'T AN EFFECTIVE CROSS-EXAMINATION AT PRELIM,
9 THEREFORE THE UNAVAILABILITY SHOULDN'T HAVE COME IN UNDER --
10 UNDER UNAVAILABILITY.
11 THAT'S JUST MY GUESS, I DIDN'T READ THE --
12 **MR. MANN:** WELL, THIS PARTICULAR DECISION THEY SAID THAT
13 THE DISTRICT COURT WAS CORRECT IN ALLOWING THE PRELIMINARY
14 HEARING TRANSCRIPT TO COME IN, BECAUSE THEY -- THE DEFENSE
15 ATTORNEY DID HAVE EFFECTIVE CROSS-EXAMINATION.
16 **THE COURT:** OKAY. OKAY.
17 **MS. LUZAICH:** JUST FOR THE RECORD, I AM FAMILIAR WITH
18 THAT CASE, AND THAT WAS THE WHOLE ISSUE IN THAT CASE WAS THE
19 AVAILABILITY OF THE PRELIMINARY HEARING TRANSCRIPT AT TRIAL
20 UNDER CRAWFORD. SO THE ANALYSIS WAS ALL WHETHER OR NOT THE
21 PRELIM TRANSCRIPT SHOULD HAVE BEEN ADMITTED AT TRIAL UNDER
22 CRAWFORD, WHETHER OR NOT THERE WAS FULL CROSS-EXAMINATION.
23 **THE COURT:** UM-HUM.
24 **MS. LUZAICH:** THE CASE DOESN'T STAND FOR THE PROPOSITION
25 THAT THE MAGISTRATE IS SUPPOSE TO ASSESS CREDIBILITY, IT JUST

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

6 **THE COURT:** RIGHT.

7 **MS. LUZAICH:** WE HAVE NO INTENTION --

8 **THE COURT:** I THINK WE'RE TALKING ABOUT TWO --

9 **MS. LUZAICH:** -- PRELIMINARY HEARING --

10 **THE COURT:** -- KIND OF SEPARATE ISSUES THAT MIGHT BE
11 CONNECTED SOME WAY, SHAPE OR FORM, BUT I -- I DON'T THINK THIS
12 REFUTES WHAT IS WREN, APPARENTLY, WHICH IS THE ONE I'M
13 FAMILIAR WITH, THAT TALKS ABOUT THE COURT'S ABILITY TO JUDGE
14 CREDIBILITY IN MAKING THE DECISION.

15 **MR. MANN:** OKAY.

16 **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
18 WAS HANDED JUST NOW, I'VE READ THE HEADNOTES. THERE'S NOTHING
19 IN THERE THAT I SEE THAT DIRECTS OR LIMITS OR ENLARGES THE
20 COURT'S ABILITY TO JUDGE CREDIBILITY AT A PRELIMINARY HEARING,
21 WHICH WAS WHAT WE KIND OF HAD A GENERAL DISCUSSION AT THE
22 BENCH YESTERDAY ON.

23 HOWEVER, BECAUSE OF THAT I DID, AT SOME POINT, LIMIT YOUR
24 CROSS-EXAMINATION BASED UPON SOME CREDIBILITY ISSUES FOR --
25 BASED UPON THAT PARTICULAR LEGAL CASE, THAT -- THAT LEGAL

1 PROPOSITION UNDER WREN.

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

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

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

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

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

2 MR. MANN: I UNDERSTAND.

3 THE COURT: SO YOU CAN -- I'M GOING TO ALLOW YOU TO ASK
4 THE QUESTION. BUT WHEN SHE GIVES YOU THE ANSWER, IF YOU DON'T
5 LIKE THE ANSWER, YOU'RE NOT GOING TO ASK IT -- I'M NOT GOING
6 TO ALLOW YOU TO ASK IT FOUR DIFFERENT NEW WAYS.

7 ARE WE -- ARE WE -- KIND OF UNDERSTAND WHAT I'M -- WHAT
8 MY RULING IS?

9 MR. MANN: AS MUCH AS I THINK I DO, YES.

10 THE COURT: OKAY. I'M NOT -- YOU DON'T HAVE TO AGREE
11 WITH IT, DO YOU UNDERSTAND IT?

12 MR. MANN: YES.

13 THE COURT: OKAY. DO YOU WANT YOUR CASE BACK?

14 MR. MANN: PLEASE. THANK YOU.

15 THE COURT: ALL RIGHT.

16 BECAUSE I THINK SHE ANSWERED THE QUESTION YESTERDAY, BUT
17 FRANKLY I DON'T REMEMBER, SO I'M GOING TO ALLOW YOU TO ASK IT
18 AGAIN.

19 MR. MANN: OKAY. I'M GOING TO LEAD UP TO IT, THOUGH.

20 THE COURT: SURE.

21 MR. MANN: OKAY.

22 Q YOU HAD A NANNY THAT STAYED WITH YOU GUYS FOR A WEEK
23 NAMED BECCA; CORRECT?

24 A YES.

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

1 CORRECT?

2 **A** YES.

3 **Q** BECCA ENDED UP LEAVING BECAUSE SHE ACCUSED YOU OF

4 STEALING HER EARRINGS, CORRECT?

5 **A** I DON'T KNOW IF SHE ACCUSED ME, BUT I DIDN'T STEAL

6 THE EARRINGS.

7 **Q** OKAY. BUT SOMEONE DID --

8 **THE COURT:** DID YOU SAY YOU DID OR YOU DID NOT?

9 **THE WITNESS:** I DID NOT.

10 **THE COURT:** OKAY.

11 **MR. MANN:** OKAY.

12 **Q** DO YOU KNOW OF ANYONE THAT ACTUALLY DID TAKE THE

13 EARRINGS?

14 **A** NO.

15 **MR. MANN:** OKAY. AND, YOUR HONOR, BASED ON THAT RULING

16 I'M GOING TO MOVE ON.

17 **THE COURT:** OKAY, THANK YOU.

18 **BY MR. MANN:**

19 **Q** NOW, YOU SAID THAT -- UM -- YOU HAD SEEN WHEN

20 ANASTASIA WAS BURNED; IS THAT RIGHT?

21 **A** WHEN SHE CAME OUT, YES.

22 **Q** WHEN SHE CAME OUT OF THE SHOWER YOU SAW HER BODY; IS

23 THAT RIGHT?

24 **A** THE BATHROOM.

25 **Q** OKAY. AND DID YOU SEE HER BODY?

1 **A** HER EAR AND HER UPPER NECK, YES.

2 **Q** OKAY.

3 **A** AND HER BACK.

4 **Q** HER BACK?

5 **A** YEAH, UPPER BACK.

6 **Q** UPPER BACK.

7 AND WHAT WAS SHE WEARING?

8 **A** SHE WASN'T WEARING -- I REALLY CAN'T REMEMBER, SO I

9 CAN'T SAY IF SHE WAS WEARING SOMETHING OR NOT.

10 **Q** OKAY. UM -- HOW DO YOU REMEMBER SEEING HER EAR AND

11 BACK?

12 **A** SHE CAME OUT, I COULD SEE HER EAR AND I -- HER EAR

13 WAS BURNED, AND I KNOW IT WAS BURNED.

14 **Q** HOW DO YOU KNOW IT WAS BURNED?

15 **A** BECAUSE WHEN SHE CAME OUT THE BATHROOM THE WATER WAS

16 ON HOT.

17 **Q** HOW DO YOU KNOW THE WATER WAS ON HOT?

18 **A** CAN I TAKE A BREAK?

19 **THE COURT:** UM -- YEAH. YES. YES, YOU CAN.

20 (WHEREUPON THE WITNESS LEFT THE COURTROOM.)

21 **THE COURT:** WHILE WE ARE ON THE RECORD AND SHE'S TAKING A

22 BREAK, WHAT -- WHAT -- I'M SORRY, IT'S BEEN LIKE OF THE FULL

23 20 MINUTES, WHAT DID WE DECIDE ON A CONTINUED DATE? WE

24 DECIDED THE 9TH, RIGHT?

25 **MS. BLUTH:** NINTH AND TENTH.

1 **THE COURT:** AND INTO THE 10TH?

2 **MS. BLUTH:** (NO AUDIBLE RESPONSE.)

3 **THE COURT:** THANK YOU. I'M PUTTING IT ON THE CALENDAR.

4 **MR. MANN:** WHAT TIME WERE WE THINKING? YOU'LL GET BACK

5 TO US?

6 **THE COURT:** WE'RE PUTTING THEM ON THE 9:30 CALENDAR --

7 **MR. MANN:** OKAY.

8 **THE COURT:** -- BECAUSE I'M GOING TO TRY TO ALLEVIATE THE

9 IN CUSTODIES ON THE -- AT LEAST ONE OF THOSE DAYS.

10 **MR. MANN:** YOUR HONOR, COULD WE GET SOME TISSUES, PLEASE?

11 **THE COURT:** YEAH, THERE'S SOME, MR. MANN.

12 **MR. MANN:** OH. OKAY.

13 (OFF THE RECORD.)

14 **THE COURT:** OKAY. OKAY. ARE YOU OKAY AVA?

15 **THE WITNESS:** YES.

16 **THE COURT:** OKAY, GOOD.

17 GO AHEAD, MR. MANN.

18 **BY MR. MANN:**

19 **Q** HOW DID YOU KNOW IT WAS HOT WATER?

20 **A** BECAUSE MISS JANET TRIED TO DO IT TO ME, TOO, AND NO

21 ONE COULD JUST GET A BURN WITHOUT SOMETHING ELSE HAPPENING.

22 **Q** OKAY. SO YOU JUST FIGURED OUT THAT NO ONE COULD GET

23 OUT -- A BURN WITHOUT MISS JANET TURNING ON THE HOT WATER?

24 **A** YES. AND SHE'S TRIED TO DO IT TO ME, TOO.

25 **Q** OKAY. AND SO YOUR TESTIMONY NOW IS THAT SHE HAS NOW

1 TRIED TO DO IT TO YOU?

2 **A** SHE HAS.

3 **Q** OKAY. HOW DID YOU KNOW WHEN IT WENT TO ANASTASIA

4 THAT IT WAS HOT WATER?

5 **MS. BLUTH:** OBJECTION, ASKED AND ANSWERED.

6 **MR. MANN:** NO. SHE -- SHE -- HER ANSWER ORIGINALLY WAS,

7 I KNOW BECAUSE IT'S HAPPENED TO ME, NOT WHY SHE KNOWS THIS

8 PARTICULAR TIME.

9 **THE COURT:** OVERRULED.

10 **BY MR. MANN:**

11 **Q** SO HOW DID YOU KNOW THIS TIME?

12 **A** SHE -- CAN YOU SAY THE QUESTION AGAIN, PLEASE?

13 **Q** HOW DID YOU KNOW THIS TIME, REGARDING ANASTASIA,

14 THAT IT WAS HOT WATER?

15 **A** YOU CAN'T GET BURNED WITH COLD WATER. I DON'T KNOW

16 HOW YOU CAN THINK OF ANOTHER WAY SOMEONE ELSE CAN GET BURNT.

17 **Q** SO IT'S JUST YOU MAKING THAT ASSUMPTION, THAT GUESS,

18 CORRECT?

19 **A** AND SHE'S JUST GONNA' SAY THE SAME THING.

20 **Q** DID YOU TALK TO ANASTASIA ABOUT THIS?

21 **A** SHE'S TOLD ME BEFORE.

22 **Q** OKAY. SO YOU AN ANASTASIA HAVE TALKED ABOUT ALL

23 THIS?

24 **A** YES, AND SHE'S GONNA' SAY THE SAME THING.

25 **Q** OKAY. BECAUSE YOU GUYS TALKED ABOUT HOW YOU'RE

1 GONNA' TESTIFY IN COURT, RIGHT?

2 **A** NO.

3 **Q** 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** OKAY. SO IN THE GIRLS HOME YOU TALKED ABOUT THIS?

8 **A** I SAID BEFORE WE ...

9 **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.

13 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?

23 **A** AMAYA DIDN'T TALK ABOUT IT.

24 **Q** BUT AMAYA WAS THERE?

25 **A** NO.

1 Q SO IT WAS JUST YOU AND ANASTASIA?
2 A YES. I ASKED HER -- BECAUSE SHE WAS --
3 Q YOU WENT --
4 A SHE WASN'T --
5 Q I'M SORRY, I DIDN'T MEAN TO INTERRUPT YOU. GO
6 AHEAD.
7 A SHE TOLD ME THE SAME THING. I DIDN'T BURN HER WITH
8 HOT WATER, AND SHE HAD THAT BURN BEFORE SHE GOT IN THE SHOWER,
9 TOO.
10 Q SO SHE HAD THAT BURN BEFORE SHE GOT IN THE SHOWER?
11 A YES.
12 Q OKAY. SO IT WASN'T THE HOT WATER FROM THE SHOWER,
13 BUT SHE HAD A BURN BEFORE SHE GOT INTO THE SHOWER?
14 A YES, THAT DAY BEFORE SHE GOT IN THE SHOWER.
15 Q SO HOW DO YOU KNOW SHE GOT BURNT?
16 A MISS JANET HAS DONE THE SAME THING TO ME, TRIED TO
17 DO IT. SHE --
18 Q HOW DO YOU KNOW THAT ANASTASIA GOT BURNT? YOU SAID
19 ORIGINALLY THAT YOU SAW ANASTASIA WALK OUT OF THE BATHROOM,
20 THAT'S HOW YOU SAW HER BURN.
21 A YES.
22 Q BUT YOU'RE NOW SAYING THAT SHE WAS BURNED BEFORE SHE
23 WAS EVEN IN THE SHOWER?
24 A YES.
25 Q HOW DID YOU KNOW THAT SHE GOT BURNT?

1 **A** WHEN SHE CAME OUT I SAW THE BURN. YOU CAN'T GET
2 BURNED WITH COLD WATER.

3 **Q** OKAY. SO YOU DON'T KNOW HOW SHE GOT BURNT, CORRECT?

4 **A** I DO KNOW, AND SHE'S GONNA' SAY THE SAME THING ON
5 TUESDAY.

6 **Q** OKAY.

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

10 **THE WITNESS:** SHE TOLD ME BEFORE, AND WHEN SHE CAME OUT
11 THE BATHROOM I SAW.

12 **THE COURT:** OKAY. SO BASED UPON WHAT YOU SAW YOU THINK
13 SHE WAS BURNED?

14 **THE WITNESS:** YES.

15 **BY MR. MANN:**

16 **Q** DO YOU NEED SOME WATER, AVA?

17 **A** NO.

18 **Q** OKAY. THERE'S TISSUE RIGHT IN FRONT OF YOU IF YOU'D
19 LIKE.

20 ARE YOU READY FOR ME TO GO ON?

21 **A** YES.

22 **Q** OKAY. NOW, YOU SAID THAT SHE WAS BURNED BEFORE THE
23 SHOWER, IS THAT RIGHT?

24 **A** YES.

25 **Q** DID YOU SEE HER GETTING BURNED BEFORE THE SHOWER?

1 A NOT RIGHT WHEN SHE WAS IN THE BATHROOM. SHE CAME
2 OUT, I SAW THE BURNS --
3 Q OKAY.
4 A -- ON HER SKIN.
5 Q OKAY. AND SO ANASTASIA, YOU SAW HER WHEN SHE WALKED
6 INTO THE SHOWER OR INTO THE BATHROOM?
7 A WHICH TIME ARE YOU TALKING ABOUT?
8 Q THE TIME THAT YOU SAW HER WALK OUT OF THE BATHROOM
9 WITH THE BURNS. DID YOU SEE HER WALK INTO THE BATHROOM THAT
10 SAME TIME?
11 A YES.
12 Q OKAY. WHAT WAS SHE WEARING WHEN SHE WALKED INTO THE
13 BATHROOM?
14 A CAN'T REMEMBER EXACTLY WHAT SHE WEARING -- WHAT SHE
15 WAS WEARING.
16 Q UM -- WAS SHE CRYING WHEN SHE WALKED INTO THE
17 BATHROOM?
18 A DON'T KNOW.
19 Q OKAY. DO YOU REMEMBER ACTUALLY SEEING HER WALK INTO
20 THE BATHROOM?
21 A YES.
22 Q YES, YOU DO?
23 A YES.
24 Q OKAY. HOW LONG WAS SHE IN THE BATHROOM FOR?
25 A MAYBE LIKE A MINUTE, TWO, THREE.

1 Q OKAY. AND WHILE SHE WAS IN THE BATHROOM SHE TOOK A
2 SHOWER?
3 A NO.
4 Q NO, SHE DIDN'T TAKE A SHOWER THIS TIME?
5 A BEFORE SHE TOOK A SHOWER THAT DAY I SAID THAT SHE
6 HAD -- I HAD SAW THE BURNS.
7 Q BEFORE SHE --
8 A THAT'S WHEN I --
9 Q -- TOOK A SHOWER?
10 A BEFORE SHE TOOK A SHOWER THAT DAY I HAD ALREADY SEEN
11 THE BURNS.
12 Q OKAY. WHEN DID YOU SEE THE BURNS?
13 A AFTER SHE CAME OUT THE BATHROOM.
14 Q OKAY. NOW, YOU SAID YOU -- THE BURNS WERE RED AND
15 YOU COULD SEE INSIDE HER SKIN?
16 A I NEVER SAID THEY WERE RED.
17 Q WHAT -- WHAT DID THEY LOOK LIKE?
18 A JUST LIKE -- JUST LIKE IT LOOKED IF YOU WERE TO PEAL
19 YOUR SKIN OFF IF IT GOT BURNED.
20 Q OKAY. AND SO WHEN YOU'RE TALKING A BURN, YOU MEAN
21 LIKE A SUNBURN? AVA, DO YOU MEAN A SUNBURN?
22 A I DON'T KNOW HOW TO EXPLAIN IT.
23 Q OKAY. BUT YOU SAID THAT YOU SAW SOME OF HER SKIN
24 PEELING OFF; IS THAT RIGHT?
25 A NO. I SAID THAT IT'S JUST LIKE WHEN YOU PEAL OFF

1 YOUR SKIN ONCE YOU GET BURNED. I NEVER SAID I SAW HER -- I
2 SAW HER SKIN PEELING OFF.

3 Q OKAY. AND YOU ALSO SAID THAT YOU DIDN'T SEE HER
4 SKIN BEING RED; RIGHT?

5 A YES.

6 Q OKAY. NOW -- UM -- NOW, YOU HAD TOLD MR. MUELLER,
7 THAT GENTLEMAN OVER THERE, THAT -- UH -- YOU SAT ON THE
8 BUCKETS ALL DAY LONG.

9 A YES.

10 Q OKAY. DID YOU EVER GET OFF THE BUCKETS DURING THE
11 DAY?

12 A WHEN WE HAD TO MOVE IT, WHEN MR. DWIGHT -- THAT DAY
13 WHEN MR. DWIGHT OR MISS JANET TOLD US TO GET IN THE FAMILY
14 ROOM.

15 Q TO DO WHAT?

16 A TO GET IN THE FAMILY ROOM.

17 Q OKAY. WHERE THE TV WAS?

18 A YES.

19 Q OKAY. NOW, MR. DWIGHT AND MISS JANET ALSO TAUGHT
20 YOU TO RIDE YOUR BIKE, CORRECT?

21 MS. BLUTH: OBJECTION, RELEVANCE. BEYOND THE SCOPE OF --

22 MR. MANN: GOES TO HER INJURIES, YOUR HONOR.

23 MS. BLUTH: WELL IT'S STILL BEYOND THE SCOPE.

24 THE COURT: WHAT INJURY?

25 MR. MANN: SHE'S TALKING ABOUT THE SCARING.

1 **THE COURT:** SUSTAINED. WE'RE NOT GOING TO REOPEN THAT
2 DOOR.

3 **MR. MANN:** OKAY.

4 **Q** SO -- UM -- YOU ALSO SAID THAT YOU HAD TO ASK TO USE
5 THE BATHROOM; IS THAT RIGHT?

6 **A** YES.

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

10 **A** YES.

11 **Q** SO THEY WANTED YOU TO OPEN YOUR MOUTH AND SAY THAT
12 YOU HAD TO USE THE BATHROOM, CORRECT?

13 **A** YES.

14 **Q** BUT YOU HAD ALSO SAID THAT YOU CHOSE NOT TO GO TO
15 THE BATHROOM WHEN YOU WERE ASKED TO GO TO THE BATHROOM,
16 CORRECT?

17 **A** YES.

18 **THE COURT:** HAVEN'T WE BEEN THROUGH ALL THIS? IS THIS --
19 IS THIS RECROSS OF SOMEBODY ELSE'S QUESTIONS?

20 **MR. MANN:** NO.

21 **THE COURT:** OKAY. BECAUSE I REMEMBER THIS --

22 **MR. MANN:** DURING --

23 **THE COURT:** -- EXACT LINE OF QUESTIONING --

24 **MR. MANN:** DURING --

25 **THE COURT:** -- FROM YOU MR. MANN.

1 **MR. MANN:** DURING DIRECT EXAM -- OR REDIRECT SHE HAD
2 ASKED -- UM -- MISS BLUTH HAD ASKED ABOUT --
3 **THE COURT:** THAT'S WHAT I'M ASKING, IF IT'S -- IF IT'S
4 RECROSS OF SOMEBODY'S --
5 **MR. MANN:** REDIRECT.
6 **THE COURT:** OKAY, REDIRECT OR -- GO AHEAD, WHAT -- POINT
7 TO IT.
8 **MR. MANN:** WELL --
9 **THE COURT:** BECAUSE -- I MEAN, I JUST SPECIFICALLY
10 REMEMBER THIS EXACT LINE OF QUESTIONING. SO WHAT DID
11 MISS BLUTH ASK, JUST REMIND ME. THERE'S A LOT GOING ON.
12 **MR. MANN:** I WROTE DOWN THAT SHE -- SHE ASKED, YOU KNOW,
13 DID YOU HAVE TO ASK TO USE THE BATHROOM.
14 **THE COURT:** OKAY. AND SO YOUR FOLLOW UP IS?
15 **MR. MANN:** IS A SERIES OF QUESTIONS ABOUT THAT PARTICULAR
16 QUESTION, ABOUT DID SHE HAVE TO ASK OR WAS THIS WHAT THEY
17 WANTED HER TO DO.
18 **MS. BLUTH:** MY --
19 **MR. MANN:** THEIR CONTENTION IS THAT IT'S CHILD ABUSE
20 BECAUSE SHE WAS FORCED TO HOLD HER BOWEL AND URINE. AND YET
21 WHAT I'M ASKING ABOUT, YOU KNOW, DID YOU HAVE TO ASK TO GO OR
22 DID THEY ASK YOU, HEY, GO AHEAD AND GO, I THINK THESE ARE VERY
23 RELEVANT QUESTIONS --
24 **THE COURT:** OKAY, HOLD ON.
25 **MR. MANN:** -- TO GET INTO.

1 **THE COURT:** CAN YOU TAKE AVA OUTSIDE?

2 **MS. DASTRUP:** UM-HUM.

3 **THE COURT:** SO THAT WAY WE DON'T -- WE CAN HAVE A BENCH
4 DISCUSSION WITHOUT ...

5 (WHEREUPON THE WITNESS LEFT THE COURTROOM.)

6 **THE COURT:** OKAY. LET'S -- WE'RE GOING TO KEEP A FEW
7 THINGS IN MIND. SHE'S 12.

8 **MR. MANN:** GOT IT.

9 **THE COURT:** THIS IS HOUR, I DON'T KNOW, FIVE OF
10 TESTIMONY. YOU HAD MUCH MORE LENGTHY CROSS-EXAMINATION THAN
11 EVEN DIRECT EXAMINATION YESTERDAY.

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

24 BUT AT THIS POINT I JUST FEEL IT'S CONTINUALLY ASKING HER
25 THE SAME QUESTIONS AND RE-CROSSING HER AND REDIRECTING HER OVER

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

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

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

11 THE COURT: UM-HUM.

12 MR. MANN: -- AND THOSE ISSUES THAT WOULD INDICATE A
13 NORMAL PATTERN OF WHEN SOMEONE WOULD HAVE TO GO TO THE
14 BATHROOM, AND SHE SPECIFICALLY SAID ON CROSS THAT SHE CHOSE
15 NOT TO GO TO THE BATHROOM AT THOSE SPECIFIC TIMES.

16 NO WHEN IT WAS REDIRECTED, SHE SAID THAT SHE HAD TO ASK
17 TO USE THE BATHROOM, THAT SHE COULDN'T GO WHEN SHE WANTED TO
18 GO. THAT SHE HAD TO GO -- UM -- THAT IF SHE ASKED SHE'D GET
19 IN TROUBLE.

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

23 MR. MANN: YES.

24 THE COURT: OKAY.

25 MR. MANN: SO THAT --

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

3 **MR. MANN:** OKAY.

4 **THE COURT:** THAT YOU GOT "A" OUT OF HER, MISS BLUTH GOT
5 "B" OUT OF HER, AND NOW YOU WANT TO TRY TO GET "A" OUT OF HER
6 AGAIN. YOU ALREADY GOT "A" OUT OF HER. MISS BLUTH GOT "B"
7 OUT OF HER. IT WILL BE FOR THE JURY TO DECIDE WHAT THE TRUTH
8 IS.

9 **MR. MANN:** YOUR HONOR.

10 **THE COURT:** I MEAN, AND WHAT -- I'M NOT GOING TO -- I'M
11 NOT GOING TO PASS JUDGMENT ON WHAT'S NORMAL BATHROOM POLICY,
12 BECAUSE THIS IS IT'S OWN UNIQUE FAMILY. SO WHAT YOU MIGHT
13 THINK IS NORMAL, UNIQUE BATHROOM POLICY, AND WHAT I MIGHT
14 THINK IS NORMALLY -- NORMAL BATHROOM POLICY, I DON'T KNOW.

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

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

1 SO YOU CAN BRING HER BACK IN.

2 (WHEREUPON THE WITNESS REENTERED THE COURTROOM.)

3 **THE COURT:** OKAY. AVA, I HAVE TALKED TO THE LAWYERS AND
4 THEY'RE GONNA TRY TO SUM UP THEIR QUESTIONS ON WHATEVER THEY
5 NEED TO QUESTION YOU, BASED UPON MISS BLUTH'S QUESTIONING.

6 WE DID TALK ABOUT THE -- THE ACCIDENT ON THE FLOOR, WHICH
7 WAS REALLY THE DOOR THAT WAS OPENED DURING REDIRECT. I FELT
8 THAT WAS REALLY A DOOR OPENED, THAT I'VE LET YOU HAVE WIDE
9 LATITUDE ON. SO BASED UPON THE RECORD THAT I MADE OUTSIDE THE
10 PRESENCE OF AVA, DO YOU HAVE ANY FURTHER QUESTIONS?

11 **MR. MANN:** YOUR HONOR, BASED ON YOUR RULING I DON'T FEEL
12 THAT I CAN ASK ANY FURTHER QUESTIONS, SO NO.

13 **THE COURT:** OKAY. MR. RUE?

14 **MR. RUE:** NO QUESTIONS, JUDGE.

15 **THE COURT:** MR. MUELLER?

16 **MR. MUELLER:** THANK YOU.

17

18 **RECROSS-EXAMINATION**

19 **BY MR. MUELLER:**

20 **Q** AVA, I JUST WANT TO TOUCH ON A FEW THINGS.

21 WHEN YOU HAD TO LICK THE URINE OFF THE FLOOR, WAS
22 MISTER -- WAS MR. DWIGHT AROUND?

23 **A** NO.

24 **Q** OKAY. NOW, YESTERDAY WE TALKED AT LENGTH, AND YOU
25 HAD ME A LITTLE CONFUSED, I WANT TO TRY TO UNDERSTAND. YOU

1 TALKED ABOUT TWO INSTANCES WHERE -- UM -- YOU HAD A CATHETER
2 ADMINISTERED ON YOU, CORRECT?

3 A YES.

4 Q ALL RIGHT. NOW, IS THAT THE ONLY TWO INCIDENCES ON
5 THIS POINT, THAT YOU CAN RECALL, TWO TIMES?

6 A LET ME THINK FOR A SECOND.

7 YES.

8 Q YES.

9 SO YOU RECALL THIS SPECIFICALLY TWICE, AND BOTH
10 INSTANCES THE BATHROOM DOOR WAS CLOSED?

11 A YES.

12 Q AND IN BOTH INSTANCES MR. DWIGHT WAS NOT IN THERE?

13 A YES, HE WAS NOT IN THERE.

14 Q NOW, I WANT TO GO BACK AND TALK A LITTLE BIT -- AND
15 OBVIOUSLY YOU AND YOUR SISTERS TALK, BUT THERE'S ALSO A LOT OF
16 OTHER KIDS IN THE HOUSE DURING THIS TIME, WAS THERE NOT?

17 MS. BLUTH: OBJECTION, BEYOND THE SCOPE OF REDIRECT.

18 MR. MUELLER: I'M GONNA' -- IT'S EXACTLY ...

19 THE COURT: HOLD ON.

20 MR. MUELLER: IT'S ACTUALLY ON THE POINT THAT SHE OPENED
21 UP, IF I COULD GET JUST THE LATITUDE FOR A MOMENT. SHE WAS
22 THE ONE THAT ASKED ABOUT THESE --

23 THE COURT: OH, OPENED UP ON THE --

24 MR. MUELLER: YES.

25 THE COURT: -- ON ONE OF THE NEW ISSUES?

1 **MR. MUELLER:** YES.

2 **THE COURT:** OKAY, I'LL GIVE YOU SOME LATITUDE.

3 OVERRULED.

4 **BY MR. MUELLER:**

5 **Q** DID THE OTHER KIDS HAVE TO SIT ON THESE BUCKETS?

6 **A** NO.

7 **Q** NO. SO THERE WAS TWO -- WHO HAD TO SIT ON THE

8 BUCKETS THEN?

9 **A** AMAYA, ANASTASIA AND ME.

10 **Q** JUST THE THREE OF YOU?

11 **A** YES. SINCE I'VE BEEN IN THE HOUSE WITH THEM.

12 **Q** OKAY. AND THE OTHER KIDS THAT DIDN'T HAVE TO SIT ON

13 THE BUCKETS, WHAT WERE THEIR NAMES?

14 **A** AREAHIA, DEMEYER, KAESHIA, NOVALIEH, AND THERE WAS

15 ANOTHER BABY, I DON'T REMEMBER HIS NAME.

16 **Q** ALL RIGHT. AND DID THEY HAVE PROBLEMS WITH THEIR

17 BOWELS AND THEIR BLADDERS, THE OTHER KIDS?

18 **A** I DON'T KNOW.

19 **Q** NOT THAT YOU RECALL?

20 **A** YES, SIR.

21 **Q** OKAY. NOW, THE OTHER FURNITURE IN THE HOUSE WAS

22 CLOTH YOU SAID?

23 **MS. BLUTH:** OBJECTION --

24 **MR. MUELLER:** CHAIRS?

25 **MS. BLUTH:** OBJECTION RELEVANCE, BEYOND THE SCOPE OF

1 REDIRECT.

2 **MR. MUELLER:** THEY ARE TRYING TO PUT MISTERS -- THEY'RE
3 TRYING TO PROVE THAT THERE'S BEEN CHILD ABUSE BY THE KIDS
4 HAVING TO SIT ON THESE BUCKETS. I'M JUST 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.

12 **THE COURT:** I'M GOING TO GIVE YOU VERY SLIGHT LEEWAY.

13 **MR. MUELLER:** OKAY.

14 **THE COURT:** -- NOT TO REASK THE SAME QUESTIONS.

15 **BY MR. MUELLER:**

16 **Q** DID THE OTHER KIDS HAVE BUCKETS?

17 **A** NOT WHEN I WAS THERE WITH THEM.

18 **Q** NOT WHEN YOU WERE THERE.

19 NOW, IN THE THREE YEARS THAT YOU LIVED WITH MISS --
20 MR. DWIGHT AND MISS JANET, WHEN WERE THE BUCKETS EMPLOYED?

21 **A** WHEN I WAS IN THE WAKASHAN HOUSE, AND I WAS PEEING
22 ON MYSELF, AND I WAS SITTING ON A CLOTH -- THE CLOTH-BACKED
23 CHAIRS.

24 **MR. MUELLER:** OKAY. NOTHING FURTHER.

25 **THE COURT:** THANK YOU VERY MUCH, AVA, YOU'RE DONE. YOU

1 CAN GET TO SCHOOL. IT'S A LOT MORE FUN THAN HERE.

2 OKAY. SO TO RECAP -- WHERE DID SHE GO?

3 MS. LUZAICH: OH, NO SHE -- GO AHEAD. I'M FINE HERE.

4 THE COURT: SHE HAD WHAT? YOU'RE HERE?

5 MS. LUZAICH: UM-HUM.

6 THE COURT: OKAY.

7 MR. MANN: YOUR HONOR, I'M SORRY, WAS THERE ANY SORT OF

8 ADMONISHMENT THAT WE'RE GOING TO PROVIDE TO AVA REGARDING --

9 UM -- TALKING ABOUT HER TESTIMONY?

10 THE COURT: I DON'T NORMALLY. IF YOU WANT ME TO GIVE HER

11 AN ADMONISHMENT I WILL. IT'S NOT SOMETHING I NORMALLY DO WHEN

12 THEY'RE DONE, ONLY WHEN THEY'RE IN THE MIDDLE OF TESTIMONY,

13 BUT --

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

15 THAT --

16 THE COURT: OKAY.

17 MR. MUELLER: -- GIVEN THE EXTRAORDINARILY FUNGIBLE

18 NATURE OF THIS TESTIMONY.

19 THE COURT: GRAB HER BEFORE SHE GETS ON THE ELEVATOR.

20 THE MARSHAL: SHE DIDN'T GO BACK THIS WAY?

21 THE COURT: NO.

22 THE MARSHAL: OH, THERE, SHE'S TELLING ME --

23 THE COURT: I AGREE.

24 MR. MUELLER: ALL RIGHT, THANK YOU, JUDGE.

25 MR. MANN: THANK YOU.

1 **THE COURT:** I KNOW YOU THINK -- AVA, I JUST WANT TO TELL
2 YOU ONE THING -- YOU DON'T HAVE TO ANSWER ANYMORE QUESTIONS.
3 I JUST WANT TO TELL YOU ONE THING, OKAY? IT'S REALLY SUPER
4 IMPORTANT THAT YOU DON'T TALK TO ANYBODY ABOUT THIS CASE, OR
5 ABOUT WHAT YOU SAID IN COURT, OR ABOUT WHAT SOMEBODY ELSE IS
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 -- UM -- YOU KNOW, PROBABLY YOUR SISTERS WILL TESTIFY.
9 SO IT'S SUPER IMPORTANT, THE RULES OF THE COURT, OKAY? SO
10 JUST REMEMBER ME, THAT MY RULE OF THE COURT IS THAT YOU CAN'T
11 TALK TO YOUR SISTERS ABOUT THIS CASE, OR WHAT YOU SAID, OR
12 WHAT THEY SHOULD SAY OR WHAT THEY'RE GOING TO SAY, OR ANYTHING
13 LIKE THAT, OKAY?

14 **THE WITNESS:** OKAY.

15 **THE COURT:** DO I HAVE YOUR PROMISE TO DO THAT?

16 **THE WITNESS:** YES.

17 **THE COURT:** YOU PROMISE, RIGHT?

18 **THE WITNESS:** YES.

19 **THE COURT:** AND DON'T TALK TO ANYBODY ELSE ABOUT IT, LIKE
20 YOUR -- UM -- FOSTER --

21 **MS. BLUTH:** SHE HAS -- SHE HAS A THERAPIST, THOUGH,
22 THAT -- I MEAN --

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

25 **THE WITNESS:** YES.

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

6 **THE WITNESS:** ALL RIGHT.

7 **THE COURT:** OKAY? I HAVE YOUR PROMISE?

8 **THE WITNESS:** YES.

9 **THE COURT:** ALL RIGHT, THANK YOU. BYE, BYE. HAVE A
10 GREAT WEEKEND, A DAY OFF FROM SCHOOL.

11 **THE WITNESS:** RIGHT.

12 **THE COURT:** WELL, NOW A COUPLE DAYS OFF OF SCHOOL.

13 SO WE'RE GOING TO BE IN RECESS NOW, BECAUSE I'M GOING TO
14 START ANOTHER PRELIMINARY HEARING WHERE THERE'S AN
15 OUT-OF-STATE WITNESS.

16 AND WE HAVE ALL AGREED IN CHAMBERS THAT WE ARE GOING TO
17 CONTINUE THIS PRELIMINARY HEARING UNTIL JUNE 9TH AT 9:30.
18 I'VE INFORMED -- AND WE'VE ALSO BLOCKED OFF JUNE 10TH AT 9:30,
19 HOWEVER, WITH THE CAVEATS THAT I ALREADY HAVE OUT OF
20 CUSTODIES, ORDINARY COURSE SETTINGS ON THOSE DAYS. ON JUNE
21 9TH I WILL NOT SET ANY IN CUSTODIES, AND ON JUNE 10TH I WILL
22 HAVE TO SET SOME LIMITED IN CUSTODIES, BUT I'LL TRY TO LIMIT
23 THE CALENDAR AS MUCH AS I CAN.

24 **MS. LUZAICH:** THANK YOU, JUDGE.

25 **MR. MUELLER:** AND YOUR HONOR --

1 **THE COURT:** THANK YOU VERY MUCH.

2 **MR. MUELLER:** BEFORE -- BEFORE WE MOVE ON.

3 **THE COURT:** YES.

4 **MR. MUELLER:** YOUR HONOR, MR. SOLANDER HAS NOW BEEN IN
5 CUSTODY SINCE THE 20 -- 20TH OF MARCH. THERE'S A QUARTER OF A
6 MILLION DOLLARS BAIL SET, AND WE'RE GOING ON TWO MONTHS IN
7 CUS -- GOING ON ABOUT -- MARCH, APRIL, MAY, INTO JUNE, WE ARE
8 GOING ABOUT TWO AND A HALF MONTHS. I ASK THAT MR. SOLANDER
9 EITHER BE GIVEN AN OWN -- OWN RECOGNIZANCE OR A \$50,000 BAIL.

10 **THE COURT:** OKAY. UM -- MISS BLUTH, OR WHOEVER WANTS TO
11 RESPOND TO THAT.

12 **MS. BLUTH:** SURE.

13 I MEAN, JUDGE, WE'RE IN THE MIDDLE OF A PRELIMINARY
14 HEARING AT THIS POINT. I DON'T THINK THAT ANYTHING HAS
15 CHANGED. I'D ASK, YOUR HONOR -- I'M SURE THAT BAIL WILL BE
16 REVISITED AFTER THE OTHER CHILDREN AND THE DOCTOR TESTIFIES,
17 BUT I WOULD ASK YOUR HONOR TO WAIT UNTIL THE PRELIMINARY
18 HEARING HAS BEEN PRESENTED IN -- IN IT'S ENTIRETY. I
19 UNDERSTAND THE DEFENSE'S POSITION, BUT THEY ALSO ASKED FOR
20 MULTIPLE CONTINUANCES, THE STATE HAS NOT ASKED FOR A
21 CONTINUANCE.

22 **MR. MUELLER:** I --

23 **MS. BLUTH:** AND SECONDLY -- UM -- STATE -- YOU KNOW, IT'S
24 OF NO FAULT OF THE STATE, AT THIS POINT, THAT THE DEFENDANT'S
25 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
6 CONTINUED FOR TWO WEEKS, BUT -- UM -- THIS IS A CASE WHERE IT
7 HAS HAD MULTIPLE CONTINUANCES. SO THE FACT -- WHILE I AM
8 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, THERE'S SEVERAL LAWYERS THAT WE HAVE TO PLAY WITH
14 EVERYBODY'S SCHEDULE.

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

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

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

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

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

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

1 ITEMS THAT WE HAD REQUESTED THAT WAS UNDER 1965.

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

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

8 **MR. MANN:** STATEMENTS.

9 **THE COURT:** -- YOU KNOW, AS TO EVERYTHING ELSE BEING
10 EXCHANGED, I MEAN I -- I -- I CAN'T -- I CAN'T CHIME IN OR
11 OPINE ON THAT.

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

15 **MS. BLUTH:** WHICH --

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

19 **MS. BLUTH:** OH, NO --

20 **MR. MANN:** BECAUSE THE STATE FORCED US TO ASK FOR A
21 CONTINUANCE BECAUSE THEY DIDN'T FULFILL THE OBLIGATION UNDER
22 NRS 171.1965.

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

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

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

14 **THE COURT:** I AGREE.

15 MR. RUE?

16 **MR. RUE:** WELL, JUDGE, I DISAGREE. UH -- YOU -- THE
17 COURT NOTES -- AND I DON'T MEAN TO BE DISRESPECTFUL, BUT THE
18 COURT NOTES IT'S NOT OF THE STATE'S FAULT AND IT'S NOT AT THE
19 COURT'S FAULT THAT THIS IS BEING CONTINUED. IT CERTAINLY IS
20 NOT DANIELLE HINTON'S FAULT, OR JANET OR DWIGHT SOLANDER'S
21 FAULT THAT THIS GOT CONTINUED. I MEAN, TO HAVE EFFECTIVE
22 CROSS-EXAMINATION AT A PRELIMINARY HEARING, AT A MINIMUM WE
23 WOULD NEED THE STATEMENTS OF THE PEOPLE THAT ARE GOING TO
24 TESTIFY.

25 NOW, THE FACT THAT SHE DIDN'T -- THE STATE DOESN'T HAVE

1 IT IN THEIR CASE FILE IS NOT ON US, BUT WE STILL NEED THOSE TO
2 PROCEED. I THINK THE COURT WOULD EVEN AGREE WITH THAT, THAT
3 WE WOULD NEED, AT A MINIMUM, THE STATEMENTS, THE RECORDED
4 STATEMENTS OF THE WITNESSES THAT THEY INTEND TO TESTIFY.
5 OTHERWISE, WHY ARE WE HERE?

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

11 **THE COURT:** I UNDERSTAND.

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

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

18 **MR. RUE:** THANK YOU, YOUR HONOR.

19

20 (AT 11:22 A.M. THE PROCEEDINGS WERE RECESSED.)

21 * * * *

22 ATTEST: FULL, TRUE AND CERTIFIED TRANSCRIPT.

23 /S/KIT MACDONALD
24 KIT MACDONALD, C.S.R.
25 COURT REPORTER
C.S.R. 65

\$	ACCIDENTS [1] 13/16	AS [26] 4/9 5/20 5/21 6/2 6/4 6/5 7/2 7/2 7/5
\$50,000 [1] 45/9	ACCORDING [1] 18/19	7/14 7/14 8/2 8/4 16/24 18/10 18/16 18/16
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-- MR [1] 16/1	ACCUSED [2] 23/3 23/5	48/13
-- THEY'RE [1] 41/2	ACTUALLY [11] 12/15 14/16 15/2 16/5	ASK [19] 21/22 22/3 22/5 22/6 22/17 33/4
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/S/KIT [1] 50/23	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 11/1 11/5 15/12
10:17 [2] 1/16 3/3	ADDRESS [1] 21/16	17/15 17/25 26/5 28/2 33/15 34/2 34/2 34/12
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WHILE [5] 5/9 14/19 24/21 31/1 46/7	
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WHOLE [2] 8/3 19/18	
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WOULDN'T [2] 8/11 36/20	

1 CASE NO.

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IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP, CLARK COUNTY, STATE OF NEVADA

4

5

6 STATE OF NEVADA,

7 PLAINTIFF,

8 VS.

9 DWIGHT SOLANDER,

DANIELLE HINTON,

10 JANET SOLANDER,

DEFENDANTS,

11

12

13 REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING - VOLUME III

14 BEFORE THE HONORABLE DIANA L. SULLIVAN, JUSTICE OF THE PEACE

15

WEDNESDAY, JUNE 9, 2014

16

10:15 O'CLOCK A.M.

17

18 FOR THE PLAINTIFF:

JACQUELINE ELIZABETH BLUTH,
ELISSA LUZAICH,
DEPUTY DISTRICT ATTORNEYS

19

20 FOR DEFENDANT D. SOLANDER:

CRAIG A. MUELLER, ESQ.

21 FOR DEFENDANT HINTON:

JEFFREY T. RUE,
DEPUTY PUBLIC DEFENDER

22

23 FOR DEFENDANT J. SOLANDER:

JOEL MANN, ESQ.

24 REPORTED BY: KIT MACDONALD, C.S.R.
CERTIFICATE NO. 65

25

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RTP
Transcript of Proceedings
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1 LAS VEGAS, CLARK COUNTY, NEVADA, WEDNESDAY, JUNE 9, 2014

2

3 10:15 O'CLOCK A.M.

4

5 * * * * *

6

7 **THE COURT:** SO TODAY IS THE DATE AND TIME SET FOR THE
8 CONTINUED PRELIMINARY HEARING OF DWIGHT SOLANDER, DANIELLE
9 HINTON AND JANET SOLANDER, 14F04585 A, B AND C.

10 I NOTE THAT EVERYBODY IS HERE. EVERYBODY'S RESPECTIVE
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.

16 **MS. BLUTH:** THANK YOU.

17 STATE CALLS AMAYA SOLANDER.

18 **THE COURT:** HI, MAYA. MAYA? HI, I'M JUDGE SULLIVAN.
19 CAN YOU STAND UP AND RAISE YOUR RIGHT HAND, MISS CLERK IS
20 GOING TO SWEAR YOU IN, OKAY?

21 **MISS AMAYA:** YES.

22 **THE COURT:** RAISE YOUR RIGHT HAND LIKE THIS.

23 ///

24 ////

25 /////

1 AMAYA SOLANDER,
2 CALLED AS A WITNESS BY THE STATE, AND HAVING BEEN FIRST DULY
3 SWORN TO TESTIFY TO THE TRUTH, THE WHOLE TRUTH, AND NOTHING
4 BUT THE TRUTH, TESTIFIED AS FOLLOWS:
5
6 **THE WITNESS:** YES.
7 **THE CLERK:** THANK YOU. GO AHEAD AND HAVE A SEAT. I
8 JUST --
9 **MS. BLUTH:** JUDGE, MAY I GRAB A TISSUE?
10 **THE COURT:** SURE. OH, YEAH. HERE, MAYA. HERE'S SOME
11 KLEENEX IF YOU NEED IT, OKAY?
12 **THE CLERK:** WHEN YOU GET A CHANCE, I JUST NEED YOU TO
13 STATE YOUR FIRST AND YOUR LAST NAME, AND IF YOU CAN, SPELL
14 BOTH OF THOSE FOR THE RECORD.
15 **THE WITNESS:** OKAY. AMAYA SOLANDER, A-M-A-Y-A,
16 S-O-L-A-N-D-E-R.
17 **THE COURT:** OKAY. MAYA, I'M JUDGE SULLIVAN. CAN YOU
18 SCOOT YOUR CHAIR? THAT -- THAT RIGHT IN FRONT OF YOU IS A
19 MICROPHONE. CAN YOU -- GET COMFORTABLE. I KNOW. OKAY, SCOOT
20 YOUR CHAIR, THERE YOU GO. OKAY? SO THAT'S A MICROPHONE
21 SITTING RIGHT IN FRONT OF YOU, OKAY?
22 **THE WITNESS:** (NO AUDIBLE RESPONSE.)
23 **THE COURT:** AND MAYA, LOOK OVER HERE FOR ME, OKAY? I
24 KNOW YOU'RE UPSET, IT'S OKAY. ALL RIGHT?
25 MAYA, YOU MIGHT BE HERE AWHILE, OKAY?

1 **THE WITNESS:** OKAY.

2 **THE COURT:** SO IF AT -- IF AT ANY TIME YOU MIGHT NEED A
3 BREAK OR A RECESS, YOU JUST LET ME KNOW, OKAY? YOU JUST TELL
4 ME, JUDGE SULLIVAN OR JUDGE, CAN I HAVE A BREAK, AND THEN I'LL
5 LET YOU TAKE A BREAK -- I'LL -- I'LL -- EVERYBODY WILL TAKE A
6 BREAK, OKAY?

7 **THE WITNESS:** (NO AUDIBLE RESPONSE.)

8 **THE COURT:** IS THAT FAIR?

9 **THE WITNESS:** YES.

10 **THE COURT:** ALL RIGHT. MAYA, THE OTHER THING IS, IT'S --
11 UM -- USUALLY WHEN WE TALK WITH OUR FRIENDS OR OUR
12 CLASSMATES -- UM -- WE -- WE NOD OUR HEADS A LOT OR SHAKE OUR
13 HEADS A LOT, JUST KIND OF LIKE WHEN WE'RE TALKING WITH THEM
14 AND HAVING A CONVERSATION, BECAUSE THAT'S KIND OF HOW REGULAR
15 CONVERSATIONS GO. BUT -- UM -- MISS KIT, SITTING RIGHT IN
16 FRONT OF YOU, IS TAKING DOWN ON HER MACHINE EVERYTHING THAT
17 EVERYBODY IS SAYING IN THE COURTROOM, SO IT'S REALLY IMPORTANT
18 THAT WE USE OUR WORDS IN THE COURTROOM. EVEN THOUGH IT'S
19 NORMAL FOR -- SOMETIMES WE SHRUG OUR HEAD OR WE NOD OUR HEAD
20 OR WE SHAKE OUR HEAD, YOU KNOW, WHATEVER AND -- BUT IN THE
21 COURTROOM IT'S REALLY IMPORTANT THAT WE ALL USE OUR WORDS. SO
22 IF YOU HAPPEN TO -- THEY'RE GOING TO ASK YOU SOME QUESTIONS.
23 I'M SURE MISS BLUTH HAS TOLD YOU THEY'RE GOING TO ASK YOU SOME
24 QUESTIONS, AND -- UM -- SO IF YOU HAPPEN TO ANSWER A QUESTION
25 WITH A NOD -- WITH A NODDING OF THE HEAD OR A SHAKING OF THE

1 HEAD, IT'S NORMAL, EVERYBODY DOES IT, BUT -- UM -- ME OR MISS
2 BLUTH OR ONE OF THE OTHER LAWYERS MAY JUST ASK YOU TO USE YOUR
3 WORDS TO ANSWER THE QUESTION. YOU'RE NOT IN TROUBLE OR
4 ANYTHING LIKE THAT, AND WE'RE NOT TRYING TO GET YOU TO SAY A
5 SPECIFIC ANSWER, WE'RE JUST TRYING TO GET YOU TO USE YOUR
6 WORDS IN ANSWERING THE QUESTION, EITHER YES OR NO OR I DON'T
7 KNOW, INSTEAD OF SHRUGGING YOUR SHOULDERS OR NODDING YOUR HEAD;
8 IS THAT FAIR?

9 **THE WITNESS:** YES.

10 **THE COURT:** OKAY. AND I KNOW YOU'RE A LITTLE SOFT
11 SPOKEN, AND I KNOW YOU PROBABLY DON'T WANT TO BE HERE, SO IT'S
12 KIND OF IMPORTANT THAT YOU SPEAK INTO THE MICROPHONE AGAIN SO
13 MISS KIT, SITTING RIGHT IN FRONT OF YOU, CAN GET EVERYTHING
14 DOWN THAT YOU'RE SAYING, OKAY?

15 **THE WITNESS:** OKAY.

16 **THE COURT:** ALL RIGHT. AND OF COURSE IT'S VERY IMPORTANT
17 THAT YOU TELL THE TRUTH TODAY, THAT'S ALL WE'RE ASKING YOU TO
18 DO IS TELL THE TRUTH. SO IF YOU DON'T -- UM -- IF YOU DON'T
19 KNOW THE ANSWER TO A QUESTION OR YOU DON'T REMEMBER THE ANSWER
20 TO A QUESTION, IT'S PERFECTLY FINE TO SAY I DON'T REMEMBER OR
21 I DON'T KNOW, OKAY? JUST BECAUSE THE QUESTION IS ASKED DOES
22 NOT MEAN THAT, YOU KNOW, WE'RE EXPECTING A SPECIFIC ANSWER OUT
23 OF YOU. I DON'T EVEN REMEMBER WHAT I HAD FOR LUNCH YESTERDAY,
24 OKAY? SO IF YOU DON'T REMEMBER SOMETHING WE WANT YOU TO TELL
25 US YOU DON'T REMEMBER, INSTEAD OF JUST SAYING SOMETHING THAT'S

1 NOT NECESSARILY TRUE OR ACCURATE, OKAY?

2 **THE WITNESS:** YES.

3 **THE COURT:** CAN I ASK YOU TO DO THAT FOR ME?

4 **THE WITNESS:** YES.

5 **THE COURT:** ALL RIGHT. AND THEN IF YOU DON'T -- THE

6 OTHER THING IS, SOMETIMES LAWYERS DO THIS, WE TEND TO

7 SOMETIMES USE BIG WORDS OR LEGAL WORDS, SO -- UM -- AND

8 SOMETIMES WE CAN'T HELP OURSELVES. SO IF YOU DON'T UNDERSTAND

9 THE QUESTION OR YOU DON'T UNDERSTAND A WORD THAT SOMEBODY'S

10 USING, EVEN MYSELF, JUST TELL US YOU DON'T UNDERSTAND THAT

11 WORD OR YOU DON'T UNDERSTAND THE QUESTION, AND THEN SOMEBODY

12 WILL REPHRASE THE QUESTION OR REASK THE QUESTION IN A WAY THAT

13 YOU CAN UNDERSTAND.

14 DO YOU PROMISE THAT YOU'LL DO THAT?

15 **THE WITNESS:** YES.

16 **THE COURT:** ALL RIGHT. DO YOU HAVE ANY QUESTIONS FOR ME

17 BEFORE WE START?

18 **THE WITNESS:** NO.

19 **THE COURT:** ALL RIGHT. AGAIN, REMEMBER, JUST LET ME KNOW

20 IF YOU NEED A BREAK, OKAY?

21 **THE WITNESS:** (NO AUDIBLE RESPONSE.)

22 **THE COURT:** ALL RIGHT. OKAY. MISS BLUTH.

23 **MS. BLUTH:** THANK YOU, JUDGE.

24 ///
25 ////

DIRECT EXAMINATION

1

2 BY MS. BLUTH:

3 Q DO YOU WANT TO TAKE A DRINK OF WATER BEFORE WE GET
4 STARTED OR ARE YOU OKAY?

5 A I'M FINE.

6 Q OKAY. ALL RIGHT. AMAYA, HOW OLD ARE YOU?

7 A ELEVEN.

8 Q AND WHEN'S YOUR BIRTHDATE?

9 A JANUARY 23RD, 2003.

10 Q OKAY. AND DO YOU TO GO SCHOOL RIGHT NOW OR IS IT
11 SUMMER TIME?

12 A IT'S SUMMER BREAK.

13 Q AND WHAT SCHOOL WERE YOU GOING TO BEFORE SUMMER
14 BREAK STARTED?

15 A TONY ALAMO ELEMENTARY SCHOOL.

16 Q WHAT TYPES OF THINGS WERE YOU LEARNING AT SCHOOL?

17 A GEOMETRY -- UM -- LIKE THEY WERE PREPARING ME FOR
18 MIDDLE SCHOOL.

19 Q ARE YOU GOING TO MIDDLE SCHOOL NEXT YEAR?

20 A (NO AUDIBLE RESPONSE.)

21 Q IS THAT A YES?

22 A YES.

23 Q EXCITED?

24 A UM -- KIND OF NERVOUS.

25 Q YEAH? WHAT ARE YOU NERVOUS ABOUT?

1 A JUST MY -- LEARNING LIKE HARDER THINGS, AND IT'S
2 GOING TO GET HARDER.

3 Q YEAH.

4 UM -- SINCE SCHOOL IS OUT NOW, WHAT ARE YOU GOING TO
5 DO DURING SUMMER?

6 A WELL, LIKE I WANT TO DO SPORTS LIKE VOLLEYBALL --
7 UM -- GIRL SCOUTS AND SOFTBALL.

8 Q AND ARE YOU GOING TO ANY CAMPS, OR WHAT DO YOU DO
9 DURING THE DAY? DO YOU GO TO *BOYS AND GIRLS CLUB*, WHAT DO YOU
10 GUYS DO?

11 A *BOYS AND GIRLS CLUB*.

12 Q AND DO YOU HAVE ANY SISTERS?

13 A YES.

14 Q WHAT ARE THEIR NAMES?

15 A AMAYA [SIC] AND AVA.

16 Q DO YOU KNOW IF AMAYA [SIC] AND AVA GO TO *BOYS AND*
17 *GIRLS CLUB*, TOO?

18 A YES.

19 Q WHEN YOU GO TO MIDDLE SCHOOL -- UM -- IS AVA GOING
20 TO BE IN MIDDLE SCHOOL WITH YOU?

21 A YES.

22 Q SO AT LEAST YOU'LL HAVE AVA THERE, RIGHT?

23 A YES.

24 Q SHE CAN HELP YOU AT MIDDLE SCHOOL?

25 A YES.

1 Q UM -- HOW OLD ARE ANASTASIA AND AVA?
2 A UM -- ANASTASIA NINE, AVA TWELVE AND A HALF.
3 Q TWELVE AND A HALF?
4 A (NO AUDIBLE RESPONSE.)
5 Q OKAY. ALL RIGHT.
6 UM -- DO YOU KNOW JANET AND DWIGHT SOLANDER?
7 A YES.
8 Q OKAY. DO YOU SEE THEM IN THE COURTROOM TODAY?
9 A YES.
10 Q OKAY. CAN YOU POINT TO JANET AND TELL ME SOMETHING
11 SHE'S WEARING?
12 A SHE'S WEARING -- UM -- THE JAIL CLOTHES.
13 Q OKAY. WOULD YOU BE ABLE TO POINT HER OUT FOR ME?
14 SHE'S SITTING IN THE MIDDLE?
15 A YES.
16 MS. BLUTH: OKAY. YOUR HONOR, MAY THE RECORD REFLECT
17 IDENTIFICATION OF JANET SOLANDER?
18 THE COURT: YES.
19 MS. BLUTH: OKAY.
20 Q AND DO YOU SEE MR. DWIGHT IN THE COURTROOM?
21 A YES.
22 Q OKAY. CAN YOU POINT TO HIM AND TELL HIM WHAT
23 HE'S -- TELL ME WHAT HE'S WEARING?
24 A JAIL CLOTHES.
25 MS. BLUTH: OKAY. YOUR HONOR, MAY THE RECORD REFLECT

1 IDENTIFICATION OF DWIGHT SOLANDER?

2 THE COURT: YES.

3 BY MS. BLUTH:

4 Q AND DO YOU KNOW -- UM -- DAN -- MISS DANIELLE?

5 A YES.

6 Q OKAY. DO YOU SEE HER HERE IN THE COURTROOM?

7 A YES.

8 Q CAN YOU POINT TO HER AND TELL ME WHAT SHE'S WEARING?

9 A JAIL CLOTHES.

10 MS. BLUTH: OKAY. YOUR HONOR, MAY THE RECORD REFLECT

11 THAT SHE'S IDENTIFIED THE DEFENDANT DANIELLE HINTON?

12 THE COURT: YES.

13 MS. BLUTH: OKAY.

14 Q NOW, BEFORE -- I'M GOING TO ASK YOU SOME

15 QUESTIONS -- UM -- ABOUT LIVING WITH THE SOLANDERS. BUT

16 BEFORE I GET THERE, BEFORE YOU LIVED WITH THEM -- UM -- DID

17 YOU STAY IN ANOTHER HOME AS A FOSTER -- AS A FOSTER CHILD?

18 A YES.

19 Q OKAY. AND WHEN YOU WERE LIVING IN THAT OTHER HOUSE,

20 DID YOU EVER HAVE ANY ISSUES WITH GOING TO THE BATHROOM?

21 A SOMETIMES, NOT ALL THE TIME, NO.

22 Q I'M SORRY?

23 A SOMETIMES, NOT ALL THE TIME.

24 Q NOT ALL THE TIME? OKAY.

25 AND DID YOU HAVE ANY ISSUES WITH, YOU KNOW, EATING

1 THINGS OR PROBLEMS WITH YOUR TUMMY?

2 **A** NO.

3 **Q** OKAY. NOW, YOU LIVED -- UM -- IN THAT DIFFERENT

4 HOUSE, AND THEN YOU MOVED IN WITH THE SOLANDERS, CORRECT?

5 **A** YES.

6 **Q** AND THEY FORMALLY ADOPTED YOU ON JANUARY 19TH OF

7 2011; IS THAT RIGHT?

8 **A** YES. YES.

9 **Q** AND WHEN THEY ADOPTED YOU, WERE YOU GUYS LIVING IN A

10 HOUSE OR AN APARTMENT?

11 **A** A HOUSE.

12 **Q** ALL RIGHT. AND DO YOU REMEMBER THE ADDRESS OF THAT

13 HOUSE?

14 **A** NO.

15 **Q** OKAY. WAS IT HERE IN CLARK COUNTY IN LAS VEGAS?

16 **A** YES.

17 **Q** NOW, I'D LIKE TO ASK YOU SOME QUESTIONS ABOUT LIVING

18 WITH THE SOLANDERS AFTER YOU WERE ADOPTED.

19 WERE THERE CERTAIN RULES ABOUT GOING TO THE

20 BATHROOM?

21 **A** YES.

22 **Q** CAN YOU TELL ME ABOUT THOSE RULES?

23 **MR. MUELLER:** OBJECTION, TIMEFRAME.

24 **THE COURT:** WHY DON'T YOU LAY A TIMEFRAME.

25 **MS. BLUTH:** AFTER THEY WERE ADOPTED WAS THE TIMEFRAME.

1 **THE COURT:** SO SHORTLY -- I MEAN, THAT'S A LONG TIME,
2 SO --
3 **MS. BLUTH:** OKAY.
4 **THE COURT:** -- LAY SOME FOUNDATION.
5 **BY MS. BLUTH:**
6 **Q** AFTER -- SO I'M TALKING ABOUT AFTER YOU WERE
7 ADOPTED, SO AFTER JANUARY 19TH DID YOU START HAVING MORE
8 SERIOUS RULES ABOUT THE BATHROOM?
9 **A** NO, WE COULD GO, BECAUSE MISS JANET COULD TRUST US
10 THEN.
11 **Q** OKAY. AND SO WHEN DID THE RULES START HAPPENING?
12 **A** IT WAS -- UM -- A COUPLE MONTHS AGO AFTER WE GOT
13 ADOPTED.
14 **Q** OKAY. AND SO WHAT WERE THOSE RULES?
15 **A** LIKE SHE -- SHE'D SET THE TIMER ON HER PHONE, AND IF
16 LIKE WE HAD TO GO REALLY BAD SHE'D -- WE'D TELL HER, WE'D SAY
17 OUT LOUD WHEN WE WERE DOING OUR HOMEWORK.
18 **Q** OKAY.
19 **A** AND SHE'D SAY OKAY, AND SOMETIMES SHE SAID SHE'D
20 TAKE -- TAKE US UP TO THE BATHROOM, AND SOMETIMES SHE SAID,
21 YOU HAVE TO WAIT UNTIL THE BATHROOM TIMES UP.
22 **Q** OKAY. AND SO THIS TIMER, IT WAS JUST ON HER -- WAS
23 IT ON HER PHONE?
24 **A** YES.
25 **Q** OKAY. SO WHAT WOULD HAPPEN IF THE TIMER WASN'T UP