

1       A       SHE -- THEY HAD DIFFERENT PAINT STICKS, BUT --  
2       Q       SAME TYPE?  
3       A       YEAH, SAME TYPE.  
4       Q       OKAY. ALL RIGHT.  
5               NOW, YOU ALSO TALKED ABOUT THE TIME THAT SHE  
6 THREATENED YOU WITH A RAZOR, RIGHT?  
7       A       YES.  
8       Q       DID YOU ACTUALLY SEE THE RAZOR COME OUT?  
9       A       YES.  
10      Q       OKAY. AND SHE TALKED ABOUT CUTTING YOUR FRONT PART  
11 OUT?  
12      A       YES.  
13      Q       BUT YOU ALSO TALKED ABOUT SEEING PICTURES OF PEOPLE  
14 WITH THEIR FRONT PARTS CUT OUT ON THE COMPUTER, RIGHT?  
15      A       YES.  
16      Q       UM -- AND WHO SHOWED YOU THAT?  
17      A       MISS JANET.  
18      Q       OKAY. AND -- UM -- WHEN SHE SHOWED YOU THAT, WAS  
19 THAT BEFORE OR AFTER SHE HAD SHOWN YOU THE RAZOR?  
20      A       UM -- IT WAS BEFORE SHE SHOWED US THE RAZOR.  
21      Q       OKAY. SO YOU SAW THE PICTURES OF PEOPLE WITH THEIR  
22 FRONT PARTS CUT OUT, AND THEN AFTER THAT SHE SHOWED YOU THE  
23 RAZOR?  
24      A       YES.  
25      Q       ALL RIGHT. AND SHE THREATENED YOU THAT IF YOU HAD

1 AN ACCIDENT YOU WOULD -- SHE WOULD CUT YOUR FRONT PART OUT?  
2       **A**     YES.  
3       **Q**     ALL RIGHT.  AND -- UM -- WHAT -- UM -- HOW MANY  
4 TIMES DO YOU THINK YOU HAD AN ACCIDENT --  
5       **A**     I DON'T KNOW.  
6       **Q**     -- WHILE -- WHILE YOU LIVED AT THE SOLANDERS?  
7       **A**     I DON'T KNOW.  
8       **Q**     A HUNDRED?  
9       **A**     I DON'T KNOW.  
10      **Q**     MORE?  LESS?  
11      **A**     I WOULD SAY LESS, I DON'T KNOW.  
12      **Q**     OKAY.  DID YOU ONLY HAVE PEE ACCIDENTS, OR DID YOU  
13 HAVE POOP ACCIDENTS AS WELL?  
14      **A**     I MAINLY HAD PEE, BUT I RARELY HAD POOP.  
15      **Q**     YOU RARELY HAD POOP?  
16      **A**     YES.  
17      **Q**     ALL RIGHT.  BUT YOU DID HAVE SOME POOP ACCIDENTS?  
18      **A**     YES.  
19      **Q**     NOW, YOU ALSO TESTIFIED THAT YOU WERE ONLY GIVEN  
20 THREE SQUARES OF TOILET PAPER FOR -- UM -- PEEING AND SIX  
21 SQUARES FOR POOPING, RIGHT?  
22      **A**     YES.  
23      **Q**     AND WHO GAVE YOU THOSE TOILET PAPER SQUARES?  
24      **A**     AT NIGHT -- UM -- WE HAD THREE FROM MISS JANET, AND  
25 IN THE MIDDLE OF THE DAY, MISS JANET WOULD -- UM -- TAKE THE

1 TOILET PAPER AND GIVE US IT.

2 Q OKAY. WAS AVA EVER IN CHARGE OF THE TOILET PAPER?

3 A YES.

4 Q OKAY. AND SO AVA, THERE WERE TIMES THAT AVA WOULD

5 GIVE YOU THE TOILET PAPER?

6 A YES.

7 Q ALL RIGHT. AND THERE WERE A LOT OF DISAGREEMENTS

8 OVER AVA GIVING YOU THE RIGHT AMOUNT OF TOILET PAPER?

9 A YES.

10 Q AND YOU WOULD ARGUE WITH AVA ABOUT THAT?

11 A YES.

12 Q AND YOU WOULD GET IN FIGHTS WITH AVA ABOUT THAT?

13 A YES.

14 Q VIOLENT FIGHTS, WHERE YOU GUYS WOULD BE HITTING EACH

15 OTHER, RIGHT?

16 A NO. WE WOULD ARGUE BECAUSE ME AND HER DON'T REALLY

17 HIT. ME AND AMAYA --

18 Q OKAY.

19 A -- REALLY HIT EACH OTHER.

20 Q OKAY. SO YOU AND AMAYA HIT EACH OTHER?

21 A YEAH.

22 Q BUT NOT AVA?

23 A ME AND AVA -- ME AND AVA ARGUE.

24 MR. MANN: OKAY. AND -- UM -- COURT'S INDULGENCE?

25 THE COURT: UM-HUM.

1 (DISCUSSION BETWEEN MR. MANN AND DEFENDANT J. SOLANDER.)  
2 **THE COURT:** DO YOU NEED A BREAK?  
3 **THE WITNESS:** (NO AUDIBLE RESPONSE.)  
4 **THE COURT:** OKAY, WE'RE GONNA' TAKE A BRIEF BREAK.  
5 **MR. MANN:** OKAY.  
6 **THE COURT:** OUR WITNESS NEEDS PROBABLY A RESTROOM BREAK,  
7 AS DOES THE JUDGE. JUST FIVE MINUTES. JUST A SHORT BREAK,  
8 LIKE FIVE, SEVEN MINUTES, SOMETHING LIKE THAT.  
9 (WHEREUPON A RECESS WAS TAKEN.)  
10 **THE COURT:** ALL RIGHT. ANASTASIA, DID YOU HAVE A GOOD  
11 BREAK?  
12 **THE WITNESS:** YES.  
13 **THE COURT:** I KNOW IT WAS SHORT, BUT --  
14 ALL RIGHT. GO AHEAD, MR. MANN.  
15 **MR. MANN:** THANK YOU.  
16 **Q** ANASTASIA, YOU TALKED ABOUT A HAVING TO SIT ON  
17 BUCKETS WITH A TOILET SEAT ON TOP OF IT, RIGHT?  
18 **A** YES.  
19 **Q** OKAY. DID YOU HAVE TO SIT ON THAT BUCKET WITH A  
20 TOILET SEAT?  
21 **A** NO. THERE'S A -- THERE WAS A POTTY TOILET, TOO.  
22 **Q** OKAY. SO YOU ACTUALLY SAT ON THE POTTY TOILET?  
23 **A** YES.  
24 **Q** OKAY. YOU DIDN'T -- AND THAT'S A POTTY TRAINING  
25 TOILET --

1           A       YES.

2           Q       -- HELP YOU TRAIN TO GO TO THE BATHROOM?

3           A       YES.

4           Q       ALL RIGHT.  AND -- UM -- SO WHEN YOU TESTIFIED

5 EARLIER THAT YOU SAT ON THE ORANGE BUCKETS WITH THE SEATS ON

6 TOP, THAT WASN'T ABOUT YOU, THAT WAS ABOUT AVA AND --

7           A       YEAH, THEY SAT ON THEM.

8           Q       -- AMAYA?  OKAY.

9                   AND THAT -- UM -- YOU ACTUALLY -- UM -- WHEN YOU

10 WERE BEING FOSTERED BY THE SOLANDERS, AND YOU WERE A FOSTER

11 CHILD, NOT ADOPTED YET, YOU WERE STILL LEARNING TO GO TO THE

12 BATHROOM BACK THEN, RIGHT?

13          A       YEAH.

14          Q       OKAY.  AND -- UH -- MISS JANET WOULD ASK YOU IF YOU

15 HAD TO GO TO THE BATHROOM, RIGHT?

16          A       YES.

17          Q       AND YOU WOULD SAY NO, BUT SHE WOULD SAY, "GO SIT ON

18 THE BATHROOM ANYWAY," RIGHT?

19          A       YES.

20          Q       OKAY.  BECAUSE SHE WANTED TO MAKE SURE THAT YOU

21 LEARNED WHEN THE RIGHT TIME WAS TO GO TO THE BATHROOM, RIGHT?

22          A       YES.

23          Q       OKAY.  AND YOU WOULD GO AND SIT, AND EVEN THOUGH YOU

24 SAID NO, YOU ENDED UP HAVING TO GO?

25          A       YES.

1 Q OKAY. UM -- AND -- UM -- WHEN -- UM -- THERE WAS A  
2 TIME THAT -- UM -- YOU EVEN POOPED YOUR PANTS ONCE AND DIDN'T  
3 SAY ANYTHING, RIGHT?

4 A YES.

5 Q AND YOU ENDED UP GETTING A SORE FROM THAT, RIGHT?  
6 DID YOU GET A RASH FROM THAT, FROM HAVING POOP IN YOUR PANTS?

7 A I CAN'T REMEMBER.

8 Q OKAY. SO YOU DON'T REMEMBER THAT?

9 A NO.

10 Q YOU DON'T REMEMBER MISS JANET HAVING TO PUT DIAPER  
11 OINTMENT ON YOUR BUTT?

12 A NO, I DON'T REMEMBER.

13 Q OKAY. AND DO YOU REMEMBER -- UM -- WHEN -- THAT YOU  
14 USED TO HAVE A PINK TOWEL THAT YOU WOULD DRY YOURSELF OFF OF,  
15 RIGHT?

16 A YES.

17 Q AND THEN YOU GOT POOP ON THAT TOWEL, RIGHT?

18 A YES.

19 Q AND SO THEN YOU ENDED UP HAVING A WHITE TOWEL THAT  
20 YOU USED TO DRY YOURSELF OFF WITH?

21 A YEAH.

22 Q OKAY. AND -- UM -- AND THERE WAS EVEN A TIME THAT  
23 YOU ENDED UP WIPING POOP ALL OVER YOURSELF ONCE, RIGHT?

24 A NO. IT WAS -- SHE HAD BAGS, AND WHERE I WOULD --  
25 WHERE SHE WOULD PUT IT WHERE I WOULD STAND IN THE BAGS, LIKE

1 BIG TRASH BAGS, AND THEN THERE WAS -- IT WAS ABOUT LIKE RIGHT  
2 HERE, IT LANDED LIKE RIGHT HERE, ABOUT THIS HIGH AND -- UM --  
3 I WAS -- I WAS STANDING IN THERE, AND I WAS STANDING THERE ALL  
4 DAY.

5 Q YOU WERE STANDING THERE ALL DAY AND THAT'S --  
6 A YEAH.

7 Q -- AND THAT'S WHEN YOU WIPED POOP ON YOURSELF?  
8 A NO. IT WAS -- IT WAS IN THE BAG. IT WAS BECAUSE MY  
9 CLOTHES WERE OFF.

10 Q OKAY. AND YOU POOPED INSIDE THE BAG?  
11 A I WAS USING THE BATHROOM IN THERE BECAUSE I COULDN'T  
12 GO ON THE -- IN THE -- ON THE TOILET.

13 Q OKAY. BECAUSE YOU WERE IN THIS BAG?  
14 A YES.

15 Q WHY WERE YOU --  
16 A I HAD TO GO TO THE BATH -- I HAD TO GO TO THE  
17 BATHROOM IN THE BAG.

18 Q WHY WERE YOU IN THE BAG?  
19 A BECAUSE I HAD AN ACCIDENT ON MYSELF.

20 Q OKAY.  
21 A AND SHE DIDN'T WANT TO PUT ME IN THE SHOWER.

22 Q OKAY. SO YOU HAD AN ACCIDENT FIRST, WERE PUT IN THE  
23 BAG SECOND, AND THEN YOU ENDED UP HAVING TO GO AGAIN AND WENT  
24 IN THE BAG?

25 A YEAH, BECAUSE SHE DIDN'T -- SHE DIDN'T WANT ME TO

1 SIT ON THE REGULAR TOILET.

2 Q AND THAT'S WHEN YOU HAD WIPED THE POOP ALL OVER  
3 YOURSELF?

4 A I DIDN'T WIPE IT ON MYSELF. IT WAS IN THE BAG AND  
5 IT WAS FILLED UP.

6 Q OKAY. SO WHEN I ASKED YOU ABOUT YOU WIPING POOP ALL  
7 OVER YOURSELF, THAT'S THE TIME THAT YOU'RE THINKING OF?

8 A YES.

9 Q OKAY. AND -- UM -- NOW, WHEN ALL THIS WAS GOING  
10 ON -- UM -- THERE WERE OTHER KIDS IN THE HOME, RIGHT?

11 A YES.

12 Q THESE WERE OTHER FOSTER KIDS?

13 A YES.

14 Q AND DO YOU REMEMBER THE NAMES OF THOSE OTHER FOSTER  
15 KIDS?

16 A YES.

17 Q WHAT ARE THEY?

18 A AUTUMN, IVY -- UM -- AREAHIA, KAESHIA, DEMEYER,  
19 SPIDER -- UM -- MADISON AND FRANKIE.

20 Q OKAY. SO ALL THOSE KIDS WERE IN THE HOME AT ONE  
21 POINT OR ANOTHER?

22 A YES.

23 Q OKAY. AND -- UM -- THEY WERE THERE WHEN ALL THESE  
24 DIFFERENT INCIDENTS HAPPENED?

25 A MOST OF THEM.



1       **MR. MANN:**   OKAY.   I HAVE NO FURTHER QUESTIONS.

2       **THE COURT:**   CROSS-EXAMINATION BY MR. MUELLER.

3

4

**CROSS-EXAMINATION**

5 **BY MR. MUELLER:**

6       **Q**       WHO WOULD TUCK YOU IN BED AT NIGHT?

7       **THE COURT:**   EXCUSE ME -- I DIDN'T EVEN HEAR THAT.

8 **BY MR. MUELLER:**

9       **Q**       WHO WOULD TUCK YOU INTO BED AT NIGHT?

10      **A**       WHAT DO YOU MEAN "TUCK YOU"?

11      **Q**       WELL, OKAY.   WHEN IT'S TIME TO GO TO BED WHO WOULD  
12 TUCK YOU INTO BED NORMALLY?

13      **A**       WHEN WE FIRST CAME IN, WHEN WE WERE FOSTER CHILDREN?

14      **Q**       YES.

15      **A**       UM -- SOMETIMES MISS JANET OR MR. DWIGHT.

16      **Q**       OKAY.   AND THEN LATER ON, WHO WOULD TUCK YOU INTO  
17 BED?

18      **A**       WHAT DO YOU MEAN "LATER ON"?

19      **Q**       WELL, YOU SAID -- AS OPPOSED TO BEING A FOSTER KID,  
20 AFTER YOU GOT ADOPTED, THEN WHO WOULD TUCK YOU INTO BED?

21      **A**       I BELIEVE LIKE A MONTH OR TWO -- UM -- MISS JANET  
22 WOULD, BEFORE WE WENT INSIDE THE BED, SHE WOULD -- UM -- WE  
23 WOULD PULL OUR COMFORTERS BACK AND SHE'LL, BEFORE WE GOT IN --  
24 UM -- THE BED TO SLEEP, MISS JANET WOULD GIVE US A HUG, AND  
25 THEN WE'LL GO TO SLEEP.

1           Q     OKAY.  NOW, ON YOUR TYPICAL AVERAGE DAY WITH THE  
2 SOLANDERS, WAS MR. DWIGHT HOME FOR BREAKFAST?  
3           A     UM --  
4           Q     OR WAS HE GONE BEFORE YOU WOKE UP?  
5           A     SOMETIMES ON THE WEEKDAYS IT -- SOMETIMES HE WASN'T,  
6 SOMETIMES HE WAS.  
7           Q     ALL RIGHT.  
8           A     BECAUSE HE HAD TO WORK.  
9           Q     AND WOULD YOU GUYS GO TO BED BEFORE HE GOT HOME  
10 SOMETIMES?  
11          A     YES.  
12          Q     ALL RIGHT.  SO DOES THAT MEAN MISS JANET TUCKED YOU  
13 GUYS INTO BED MOST OF THE TIME?  
14          A     WHEN WE WERE -- AFTER WE WERE ADOPTED?  
15          Q     YES.  
16          A     NO, WE SLEPT ON BOARDS.  
17          Q     ALL RIGHT.  NOW, YOU WENT FROM SLEEPING IN A BED TO  
18 SLEEPING ON THE BOARDS, CORRECT?  
19          A     YES.  
20          Q     WHAT HAPPENED THAT HAD YOU SLEEPING ON THE BOARDS?  
21          A     CUZ WHEN WE WOULD -- I WAS SLEEPING --  
22          Q     UM-HUM.  
23          A     -- AND I COULDN'T WAKE UP IN THE MIDDLE OF THE  
24 NIGHT, AND I WAS -- UM -- PEEING, I WAS HAVING ACCIDENTS IN  
25 THE BED.

1 Q SO YOU -- YOU'RE -- YOU'RE WETTING THE BED?  
2 A YES.  
3 Q OKAY. AND -- UM -- AFTER THE FIRST TIME YOU WET THE  
4 BED, WHAT HAPPENED?  
5 A WHAT DO YOU MEAN?  
6 Q WELL, YOU DIDN'T GET PUT ON A BOARD AFTER -- JUST  
7 WETTING THE BED ONE TIME, CORRECT?  
8 A NO.  
9 Q ALL RIGHT. HOW MANY TIMES DID YOU WET THE BED  
10 BEFORE YOU HAD TO SLEEP ON THE BOARD?  
11 A AFTER WE WERE ADOPTED?  
12 Q HOW MANY TIMES?  
13 A I WOULD SAY -- UH -- PLENTY.  
14 Q PLENTY. MORE THAN A FEW?  
15 A YES.  
16 Q OKAY. AND THEN AFTER THAT, YOU HAD TO SLEEP ON THE  
17 BEDS -- ON THE BOARDS?  
18 A YES.  
19 Q OKAY. NOW, YOU NEVER SAT ON A BUCKET, CORRECT?  
20 A NO, I DID NOT SIT ON THE ORANGE BUCKET.  
21 Q YOU DID NOT HAVE TO SIT ON THE ORANGE BUCKET.  
22 NOW, DID YOU AND YOUR SISTERS TALK WHEN MR. DWIGHT  
23 AND JANET WASN'T AROUND?  
24 A YES.  
25 Q OKAY. AND DID YOU GUYS TALK ABOUT THINGS BETWEEN

1 YOURSELVES?

2       **A**       SOMETIMES WE TALKED ABOUT NORMAL STUFF, LIKE TV OR  
3 SOMETHING, OR FUNNY STUFF, BUT SOMETIMES WE'LL TALK ABOUT  
4 LIKE, OH, THIS HURTS OR THAT HURTS, OR -- UM -- WE TALK ABOUT,  
5 LIKE WE'LL SAY -- UM -- LIKE WE'LL SEE SOMETHING, AND WE'LL  
6 LOOK AT HER -- I MEAN WE'LL LOOK AT EACH OTHER, LIKE LOOK AT  
7 EACH OTHER, AND WE'LL -- WE'LL SAY, HOW DID THAT HAPPEN? LIKE  
8 IF WE HAD A BRUISE ON OUR FACE OR SOMETHING.

9       **Q**       UM-HUM.

10       **A**       AND WE'LL SAY, HOW DID THAT HAPPEN, AND EITHER --  
11 EITHER WE'LL SAY, OH, WE FELL, BECAUSE WE ACTUALLY FELL AND --  
12 ON ACCIDENT, OR TRIPPED OVER SOMETHING. OR SOMETIMES  
13 SHE'LL -- WE'LL SAY THAT MISS -- MISS JANET KICKED ME DOWN THE  
14 STAIRS AND THEN I MADE A BRUISE.

15       **Q**       ALL RIGHT.

16       **A**       AND THAT'S AN EXAMPLE, BUT ...

17       **Q**       AND YOU GUYS WOULD TALK AMONG YOURSELVES ABOUT HOW  
18 THESE THINGS WOULD HAPPEN?

19       **A**       YEAH.

20       **Q**       AND YOU WOULD TELL STORIES TO EACH OTHER AND -- AND  
21 CONVERSE AMONG YOURSELVES?

22       **A**       LIKE STORIES THAT'S NOT TRUE?

23       **Q**       WELL, YOU'VE ADMITTED THAT YOU LIED ON A PAST  
24 OCCASIONAL, HAVEN'T YOU?

25       **A**       YES.

1           **Q**     OKAY.  SO WHEN --

2           **THE COURT:**  WELL, I THINK SHE -- SHE DOESN'T UNDERSTAND  
3 YOUR DEFINITION OF STORY.

4           **MR. MUELLER:**  ALL RIGHT.

5           **THE COURT:**  THERE COULD BE A TRUE STORY AND THERE COULD  
6 BE A FALSE STORY, SO WHY DON'T YOU BETTER DEFINE YOUR VERSION  
7 OF STORY.

8 **BY MR. MUELLER:**

9           **Q**     HAVE YOU EVER MADE UP STORIES WITH YOUR SISTERS THAT  
10 WEREN'T TRUE?

11          **A**     NO, NOT WITH ALL MY SISTERS.  BUT AMAYA, SHE -- SHE  
12 WAS THE ONE THAT MAINLY TOLD MOST OF THE LIES.  BUT SOME --  
13 LIKE VERY FEW, VERY FEW WERE TRUE, LIKE ONLY ONE OR TWO OR  
14 THREE.

15          **Q**     OF THE STORIES WERE TRUE?

16          **A**     THE OTHER STORIES WEREN'T TRUE.

17          **Q**     OKAY.  WHICH STORIES WEREN'T TRUE?

18          **A**     LIKE -- I DON'T KNOW ABOUT THE -- UM -- SHE SAID  
19 THAT MISS JANET STUCK SOMETHING UP HER VAGINA, I DON'T KNOW  
20 ABOUT THAT ONE, BUT SHE SAID THAT -- UM -- MISS JANET -- I  
21 DON'T KNOW WHAT -- IF SHE WAS TELLING THE TRUTH OR NOT, BUT --  
22 ON THIS ONE EITHER, BUT -- UM -- SHE SAID THAT SHE HAD A  
23 BRUISE EITHER ON HER FACE OR ON HER ARM, AND SHE SAID THAT  
24 MISS JANET PUSHED HER DOWN THE STAIRS.

25                   AND SHE SAID THAT WHILE SHE WAS CLIMBING UP A

1 CABINET, SHE -- MISS JANET SLAPPED HER AND SHE FELL. THOSE  
2 ARE THE ONES THAT I DO NOT KNOW IF THEY ARE TRUE OR NOT. AND  
3 I CAN'T SAY THAT SHE WAS TELLING A LIE OR NOT, BECAUSE I  
4 DIDN'T SEE IT AT ALL.

5 BUT -- UM -- LIKE I -- SOME STUFF, LIKE ONE OR TWO  
6 OR THREE, I DID SEE LIKE -- UM -- MISS JANET PUSHED HER -- NOT  
7 LIKE PUSHED, LIKE SHE WAS LIKE GENTLY, SOMETIMES SHE MADE IT  
8 HAPPEN, BUT MADE IT LOOK LIKE IT HAPPENED. SHE WENT LIKE  
9 THIS, NUDGED HER, AND SHE PURPOSELY MADE HERSELF FALL ON THE  
10 FLOOR.

11 SO IT WASN'T LIKE MISS JANET WAS -- TOOK HER ARMS  
12 AND LIKE PUSHED HER LIKE THAT. SHE WAS LIKE, HURRY UP AND GO  
13 DOWNSTAIRS, AND SHE FELL, AND THEN SHE HAD A BRUISE.

14 Q AND SHE DID THAT -- SHE FELL, EVEN THOUGH SHE DIDN'T  
15 GET PUSHED OVER?

16 A YEAH. IT WAS LIKE SOMEONE WAS -- IF -- LIKE LET'S  
17 SAY I WAS WALKING DOWNSTAIRS --

18 Q UM-HUM.

19 A -- AND SOMEONE CAME UP TO ME AND PUSHED ME AND I  
20 FELL DIRECTLY ON MY FACE. BUT IF SOMEONE JUST DID -- TRYING  
21 TO LIKE -- LIKE -- UM -- TOUCH ME, LIKE GENTLY LIKE THIS, AND  
22 SHE FELL, I DON'T SEE WHY SHE WOULD FALL, BECAUSE ALL THEY --  
23 ALL SHE DID WAS TOUCH HER.

24 Q ALL RIGHT. I'D LIKE TO TALK ABOUT THESE CATHETERS.  
25 MR. MANN ASKED YOU A LOT ABOUT THE CATHETERS, DO YOU REMEMBER

1 THAT?

2 A YES.

3 Q OKAY. NOW, THAT WAS UP IN THE BEDROOM UPSTAIRS THAT

4 USED TO BE AMAYA'S OLD BEDROOM?

5 A ME AND AMAYA'S OLD BEDROOM, YES.

6 Q OKAY. NOW, YOU NEVER SAID MR. DWIGHT'S NAME AT ALL

7 DURING THAT, WHEN YOU TOLD ABOUT THAT. WAS HE THERE?

8 A UM -- ONE TIME OUT WHEN HE WAS -- UM -- LIKE WHEN I

9 TOLD MISS JACQUELINE, SHE -- WHEN HE WAS IN THE UPSTAIRS SMALL

10 BATHROOM BY THE LOFT, HE WAS STANDING OUT OF THE DOORWAY.

11 Q SO HE WAS NOT IN THE ROOM?

12 A LIKE -- NO, HE WAS NOT IN THE ROOM.

13 Q OKAY.

14 A BUT THAT WAS THE ONLY TIME HE WAS OUT OF THE

15 DOORWAY, BUT HE WAS LOOKING SOMEWHERE ELSE. BUT HE WASN'T

16 THERE AT ALL.

17 Q OKAY. NOW, DID YOU EVER GO TO MISS JANET'S WORK?

18 A YES.

19 Q ALL RIGHT. AND WHERE DID SHE WORK AT?

20 A UM -- THE BASE.

21 Q AND WHAT DID SHE DO AT THE BASE, DO YOU KNOW?

22 A UM -- SHE WORKED AND SHE SAID SHE WAS A NURSE.

23 Q SHE SAID SHE WAS A NURSE?

24 A UM-HUM.

25 Q DID YOU EVER SEE HER IN NURSING CLOTHES, CLOTHING,

1 NURSE'S CLOTHES?

2       **A**     NO. I DON'T KNOW HOW IT LOOKS LIKE.

3       **Q**     THE SCRUBS. HAVE YOU EVER SEEN THE SCRUBS?

4       **A**     NO.

5       **Q**     OKAY. NOW, THE OTHER TIMES THAT MISS JANET USED THE

6 CATHETER ON YOU, MR. DWIGHT WAS NOT THERE, CORRECT?

7       **A**     YES.

8       **Q**     CORRECT?

9       **A**     THAT'S CORRECT, YES.

10       **Q**    OKAY. NOW, DID YOU AND MR. DWIGHT EVER GO OUT AND

11 RUN ERRANDS TOGETHER?

12       **A**    A COUPLE OF TIMES, YES.

13       **Q**    OKAY. SO HE'D TAKE YOU ALONG TO RUN SOME ERRANDS?

14       **A**    YES, WHEN MISS JANET WAS NOT THERE.

15       **Q**    OKAY. AND WHAT SORT OF ERRANDS DID YOU RUN WITH

16 MR. DWIGHT?

17       **A**    HE'LL GO SHOPPING TO GET SOME FOOD OR GO TO HOME

18 DEPOT --

19       **Q**    OKAY.

20       **A**    -- AND GET SOME SUPPLIES.

21       **Q**    ALL RIGHT. WHATEVER JUST THE HOUSE NEEDED?

22       **A**    YEAH. OR SOMETIMES HE'LL JUST LOOK AROUND. OR .

23 SOMETIMES HE'LL GO TO THE MALL.

24       **Q**    ALL RIGHT. NOW, UP IN THE ROOM THERE WAS FANS, WERE

25 THERE NOT?



1       A     THE LOFTS?

2       Q     YES.

3       A     YES.

4       Q     OKAY.  AND WHAT KIND OF FANS WERE THEY?

5       A     THERE WAS A BIG -- A BIG HUGE SILVER ONE.

6       Q     BIG HUGE --

7       A     AND THEN --

8       Q     BIG HUGE SILVER ONE?  HOW BIG ARE WE TALKING ABOUT?

9       A     A BIG HUGE CIRCLE.

10      Q     OKAY.

11      A     AND THE OTHER ONE WAS YELLOW, AND IT LOOKED LIKE A

12   SHAPE OF A WHISTLE, BUT EXCEPT FOR IT HAD -- UM -- IT HAD

13   WHERE YOU -- ON THE SIDES WHERE IT COULD STAND.

14      Q     ALL RIGHT.

15      A     STAY UP.

16      Q     DOES THE LOFT GET HOT?

17      A     SOMETIMES.

18      Q     OKAY.  AND IS THAT WHY THE FANS WERE UP THERE?

19      A     UM -- A COUPLE OF TIMES SOME -- YEAH.

20      Q     OKAY.  NOW, DID MR. DWIGHT EVER TAKE YOU OUT TO GRAB

21   A BITE TO EAT, TAKE YOU TO A RESTAURANT?

22      A     ON -- LIKE -- LIKE --

23      Q     MCDONALD'S?

24      A     -- OLIVE GARDEN OR SOMETHING?

25      Q     YEAH, LIKE OLIVE GARDEN.

1           **A**     YEAH.

2           **Q**     ALL RIGHT.  AND DID MR. DWIGHT COOK FOOD OR SERVE

3  YOU FOOD WHEN MISS JANET WASN'T HOME?

4           **A**     UM -- THAT -- NOT THAT I REMEMBER.

5           **Q**     NOT THAT YOU REMEMBER?

6           **A**     NO, NOT THAT I REMEMBER.

7           **Q**     OKAY.  IF YOU ASKED FOR SOMETHING TO EAT WHEN

8  MR. DWIGHT WAS HOME, WOULD YOU GET IT?

9           **A**     LIKE A COOKIE?

10          **Q**     YEAH, A COOKIE, SOMETHING LIKE THAT?

11          **A**     HMM, SOMETIMES.

12          **Q**     SOMETIMES?

13                 NOW, IF YOU WERE HOME WITH MR. DWIGHT ON THE

14  WEEKEND, WOULD -- DID HE EVER SAY YOU COULDN'T GO TO THE

15  BATHROOM?

16          **A**     NOT REALLY, BUT SOMETIMES HE WOULD.  IT WOULD ONLY

17  MAKE US HOLD IT LIKE FOR 30 MINUTES OR ONE HOUR.  NOT LIKE TWO

18  OR THREE HOURS.

19          **Q**     OKAY.  AND THAT WAS JUST DEPENDING ON WHAT WAS GOING

20  ON IN THE HOUSE?

21          **A**     YEAH.

22          **MR. MUELLER:**  MAY I HAVE THE COURT'S INDULGENCE FOR JUST

23  A MOMENT?

24          **THE COURT:**  SURE.

25                 (DISCUSSION BETWEEN MR. MUELLER AND DEFT. D. SOLANDER.)

1       **MR. MUELLER:** ALL RIGHT. THANK YOU, YOUR HONOR, I DON'T  
2 BELIEVE I HAVE ANY FURTHER QUESTIONS.  
3       **THE COURT:** ANY REDIRECT -- OH, SORRY. MR. RUE?  
4       **MR. RUE:** THAT'S TWICE.  
5       **THE COURT:** I KNOW. I'M HAVING THIS MENTAL BLOCK. I'M A  
6 COUNTER-CLOCKWISE PERSON. SORRY.  
7       **MR. RUE:** IT'S ALL RIGHT.  
8       **THE COURT:** YOU GUYS THREW A MONKEY WRENCH INTO IT, SO  
9 SEE, IT'S ALL YOUR FAULT.  
10       **MR. RUE:** IT'S ALL MY FAULT. IT ALWAYS IS.

11

12                                   **CROSS-EXAMINATION**

13 **BY MR. RUE:**

14       **Q**     ANASTASIA, I JUST WANT TO ASK YOU SOME QUESTIONS,  
15 OKAY?

16       **A**     OKAY.

17       **Q**     UM -- DO YOU REMEMBER WHEN YOU WERE LIVING IN  
18 FLORIDA?

19       **A**     YES.

20       **Q**     OKAY. UM -- YOU WERE AT THE MARVELOUS GRACE GIRLS  
21 ACADEMY?

22       **A**     YES.

23       **Q**     THAT'S HOW YOU SAY IT?

24       **A**     UM-HUM.

25       **Q**     ALL RIGHT. UM -- DID YOU EVER TALK TO -- UM --

1 BROTHER BLANKENSHIP?

2 A YES.

3 Q OKAY. DID YOU TALK TO HIM ABOUT THINGS THAT WERE

4 GOING ON BACK HERE?

5 A UM -- YES. UM -- HE -- HE -- WE WERE -- UM -- HE

6 SAW SOME -- HE SAW SOME STUFF ON ME, LIKE WHEN WE WERE, LIKE

7 LET'S SAY I WAS WEARING A SHIRT AND -- LIKE A T-SHIRT, AND HE

8 SAW SOMETHING ON ME THAT -- LIKE A BRUISE OR SOMETHING, AND HE

9 WILL ASK ME, WHERE DID THAT COME FROM.

10 AND -- UM -- HE -- HE -- UM -- I SAID -- WELL -- I

11 DIDN'T REALLY WANT TO TELL HIM AT FIRST, BUT THEN HE -- HE

12 TOOK ME OVER AND SAID, "I WON'T HURT YOU," AND THEN I JUST

13 TOLD HIM.

14 Q OKAY. SO, FOR EXAMPLE, YOU TOLD HIM PROBABLY ABOUT

15 YOUR BEHIND THE EAR, THE MARK THERE?

16 A UM-HUM. YES.

17 Q AND YOU TOLD HIM WHERE THAT CAME FROM?

18 A UM-HUM. YES.

19 Q SO -- UM -- AT SOME POINT, THOUGH, YOU WERE PULLED

20 OUT OF THAT SCHOOL, RIGHT?

21 A YES.

22 Q OKAY. AND YOU WERE -- YOU SPOKE TO SOME PERSON IN

23 FLORIDA LIKE A CPS WORKER?

24 A YEAH.

25 Q DO YOU KNOW THE NAME?

1           A       I BELIEVE IT WAS MISS JACKIE.  I KNOW IT STARTED  
2 WITH A J.  
3           Q       OKAY.  WE'LL SAY MISS JACKIE THEN.  
4                   UM -- WHEN YOU TALKED TO MISS JACKIE, ALL THREE OF  
5 YOU GIRLS TALKED TO MISS JACKIE, RIGHT?  
6           A       YES.  
7           Q       AND WERE YOU TALKING ABOUT WHAT -- EVERYTHING THAT  
8 WAS GOING ON BACK IN LAS VEGAS AT THE SOLANDER --  
9           A       YEAH.  
10          Q       -- HOME?  
11          A       NOT ALL OF IT, BUT SHE ASKED ME CERTAIN QUESTIONS.  
12          Q       OKAY.  AND -- UM -- SHE ASKED -- SHE WANTED TO MAKE  
13 SURE THAT YOU WERE TRUTHFUL?  
14          A       YEAH.  
15          Q       AND THAT YOU TOLD HER EVERYTHING THAT YOU COULD  
16 REMEMBER?  
17          A       YES.  
18          Q       RIGHT?  
19          A       YES.  
20          Q       UM -- HOW LONG DID THAT INTERVIEW TAKE, IF YOU KNOW?  
21          A       WELL, IT WAS A -- I BELIEVE ON A SATURDAY, AND ABOUT  
22 LIKE 30 MINUTES EACH.  
23          Q       OKAY.  AND DO YOU KNOW WHETHER IT WAS RECORDED OR  
24 NOT?  DID YOU HAVE LIKE A MICROPHONE OR ANYTHING LIKE THAT, DO  
25 YOU REMEMBER?

1           A     I THINK SHE HAD A LITTLE -- UM -- RECORDER WHERE SHE  
2 REMEMBERED EVERYTHING.

3           Q     OKAY.

4           A     I -- I THINK SO, BUT I DON'T REMEMBER THAT.

5           Q     SURE. IT WAS A WHILE AGO.

6                   UM -- DID YOU SHOW HER YOUR -- UM -- INJURY ON YOUR  
7 WRIST?

8           A     NO. SHE DID NOT ASK THAT QUESTION.

9           Q     OKAY.

10          A     I DON'T BELIEVE SO.

11          Q     OKAY. UM -- DID YOU TELL HER ABOUT BEING HIT BY  
12 DANIELLE AT ALL?

13          A     I DID TELL HER THAT, BUT I DON'T REMEMBER SHOWING  
14 HER THE -- UM -- SCAR.

15          Q     OKAY. WHY NOT?

16          A     I THINK SHE -- IT WAS LIKE THE LAST QUESTION,  
17 BECAUSE THEY -- SHE DID -- UM -- MISS JANET FIRST, AND THEN A  
18 LITTLE BIT OF MISS -- I MEAN MR. DWIGHT.

19          Q     UM-HUM.

20          A     THEN AT THE END A LITTLE BIT OF EVERYONE.

21          Q     OKAY.

22          A     AND SHE DID DANIELLE AT THE END, SO THAT WAS LIKE  
23 THE LAST THING SHE DID, AND SHE HAD TO GO, AND WE HAD TO GO,  
24 TOO.

25          Q     OKAY. BUT YOU -- YOU TOLD HER ABOUT EVERYTHING THAT

1 YOU POSSIBLY COULD?

2 A YEAH.

3 Q OKAY. UM -- I WANT TO TALK ABOUT THAT INJURY REAL

4 QUICK. AND I FORGOT, IS THAT INJURY THAT -- ON YOUR WRIST, IS

5 IT ON YOUR RIGHT WRIST OR YOUR LEFT WRIST?

6 A ON LEFT.

7 Q ON YOUR LEFT WRIST?

8 A YES.

9 Q NOW, YOU HAD SOME PICTURES TAKEN -- YOU HAD TO GO TO

10 THE DOCTOR AND SOME PICTURES WERE TAKEN AT THE DOCTOR IN

11 MARCH, DO YOU REMEMBER THAT?

12 A WHEN WE WERE TOOKEN OUT OF THERE AND --

13 Q YES.

14 A -- SENT TO CHILDREN'S IN CHRIST?

15 Q NO, I'M -- I'M SORRY, I'LL BE MORE SPECIFIC.

16 DO YOU REMEMBER ONCE YOU CAME BACK FROM FLORIDA --

17 UM -- YOU -- YOUR -- YOU STAY AT MISS DEBBIE'S HOUSE, RIGHT?

18 RIGHT NOW?

19 A UH -- YEAH.

20 Q OKAY. DO YOU REMEMBER A TIME WHEN YOU CAME BACK

21 FROM FLORIDA, AFTER YOU SPOKE WITH MISS JACKIE, YOU CAME BACK

22 HERE TO LAS VEGAS, AND THEY WANTED YOU TO SEE A DOCTOR. DO

23 YOU REMEMBER THAT? AND SOME PICTURES WERE TAKEN?

24 A NO. ALL I REMEMBER WAS WE WERE AT -- WE TOOK -- WE

25 GOT TOOKEN AWAY FROM FLORIDA, FROM THE SCHOOL, AND THEN WE GOT

1 SENT TO MIAMI AT CHILDREN'S IN CHRIST, AND THERE WAS A LADY  
2 THAT CAME BY AND TOOK PICTURES OF THE -- UM -- SCARS. BUT I  
3 DON'T REMEMBER GOING TO THE DOCTOR.

4 Q OKAY. YOU DON'T REMEMBER GOING TO THE DOCTOR BACK  
5 HERE IN LAS -- A DOCTOR BACK HERE IN LAS VEGAS?

6 A NO, I DO NOT REMEMBER.

7 Q WHERE THEY TOOK PICTURES OF YOU?

8 A OH -- UM -- AT CHILD HAVEN?

9 Q YEAH.

10 A YEAH.

11 Q OKAY. YOU REMEMBER THAT?

12 A YEAH.

13 Q OKAY. DID YOU SHOW THE DOCTOR -- UM -- THE SCAR ON  
14 YOUR LEFT WRIST?

15 A UM -- I BELIEVE SO.

16 Q OKAY.

17 I WANT TO SWITCH GEARS A LITTLE BIT AND TALK ABOUT  
18 NANNIES, OR DO YOU CALL THEM BABYSITTERS?

19 A NANNIES.

20 Q OKAY, NANNIES. YOU HAD THREE NANNIES --

21 A YES.

22 Q -- RIGHT?

23 A YES.

24 Q I WANT TO MAKE SURE I GOT 'EM RIGHT. IT'S -- JAN  
25 WAS ONE NANNY.



1       **A**     YES.

2       **Q**     UM -- ANDREA?

3       **A**     YES.

4       **Q**     AND REBECCA?

5       **A**     YES.

6       **Q**     OKAY. WHO WAS THE FIRST?

7       **A**     ANDREA.

8       **Q**     ANDREA?

9       **A**     YES.

10      **Q**     AND THEN WHO CAME SECOND?

11      **A**     REBECCA.

12      **Q**     REBECCA.

13             AND THEN JAN WAS THE THIRD ONE?

14      **A**     YES.

15      **Q**     OKAY. UM -- I WANT TO TALK ABOUT A TIME WHEN --

16 UM -- REBECCA WAS YOUR NANNY -- UM -- WHEN YOU STOLE FOOD FROM

17 REBECCA. DID THAT EVER HAPPEN?

18      **A**     WE DIDN'T STEAL FOOD FROM REBECCA, SHE -- SHE LET US

19 HAVE IT. SHE DIDN'T -- I MEAN, SHE -- SHE BOUGHT SOME MILK

20 AND SHE BOUGHT US A COUPLE OF TREATS.

21      **Q**     UM-HUM.

22      **A**     AND SHE GAVE IT TO US.

23      **Q**     OKAY. SO WAS THERE EVER A TIME WHERE YOU GOT IN

24 TROUBLE FOR STEALING FOOD FROM REBECCA?

25      **A**     NO. UM --

1           Q       WAS THERE A TIME WHEN ANASTASIA ACCUSED YOU OF  
2       STEALING FOOD FROM -- I'M SORRY, YOU ARE ANASTASIA -- WHERE  
3       AMAYA ACCUSED YOU OF STEALING FOOD FROM REBECCA?

4           A       YES.

5           Q       SHE ACCUSED YOU OF STEALING FOOD?

6           A       YEAH, SHE -- SHE ACCUSES ME.

7           Q       OKAY. AND THAT WAS -- I MEAN AMAYA WAS LYING?

8           A       YEAH.

9           Q       OKAY. UM -- DID ANY OF YOU EVER GET PUNISHED FOR  
10       STEALING FOOD FROM REBECCA, EVER?

11          A       I DON'T REMEMBER, BECAUSE MISS -- ALL OF THE FOOD  
12       THAT MISS REBECCA GAVE, THAT WE HAD FROM MISS REBECCA, SHE  
13       GAVE IT TO US. WE -- WE DIDN'T -- WE DIDN'T GO IN HER ROOM.  
14       IF WE WENT IN HER ROOM, IT WAS BECAUSE WHEN SHE WAS IN THERE--

15          Q       OKAY.

16          A       -- AND WE WERE LISTENING TO MUSIC WITH HER.

17          Q       AND -- I MEAN TO BE CLEAR, REBECCA LIVED -- LIVED  
18       WITH YOU, RIGHT?

19          A       YEAH, FOR -- FOR THEN.

20          Q       OKAY. OKAY.

21                 NOW, THE MARK ON YOUR LEFT WRIST -- UM -- I'M NOT  
22       REALLY SURE HOW THAT CAME ABOUT. I KNOW YOU TALKED ABOUT IT A  
23       LITTLE BIT WITH MISS JACQUELINE?

24          A       YEAH.

25          Q       BUT I WANT TO TALK -- I WANT TO HEAR A LITTLE BIT

1 MORE ABOUT THAT, OKAY?

2       **A**     OKAY.  WELL --

3       **Q**     UM --

4       **A**     OH.

5       **Q**     WELL, WHAT HAPPENED?

6       **A**     WELL -- UM -- WELL, MISS REBECCA, I -- I DON'T KNOW

7 WHO AND WHO -- I DON'T KNOW WHO TOLD HER ANYTHING, BUT --

8 UM -- WE -- WE -- UM -- MISS REBECCA, SHE WAS LETTING US EAT

9 FOOD AND -- UM -- SOMEONE FOUND OUT ABOUT IT, AND MISS

10 REBECCA -- UM -- SHE GOT FIRED.

11               SO THEN WHEN -- WHEN THEY -- WHEN DANIELLE THEN GOT

12 FOUND OUT THAT WE -- THAT MISS REBECCA WAS -- UM -- GIVING US

13 FOOD, WE GOT IN TROUBLE.  SO I -- ME AND AMAYA MADE AVA -- AVA

14 ATE FOOD, BUT SHE DIDN'T TELL -- SHE DIDN'T TELL IT, BUT

15 ME AND -- ME AND AMAYA -- UM -- AVA TOLD ME, AVA SAID THAT ME

16 AND AMAYA DID IT AND AVA DID IT, TOO, BUT -- UM -- THEY FOUND

17 OUT THAT -- THEY THOUGHT ME AND AVA -- I MEAN ME AND AMAYA

18 WERE JUST THE ONLY ONES THAT WERE EATING THE FOOD.  AND SO

19 THEN -- UM -- ME AND AMAYA GOT PUNISHED AND WE GOT A SPANKING.

20 AND -- AND DANIELLE DID IT BECAUSE MISS JANET WAS ON A

21 VACATION, AND I BELIEVE MR. DWIGHT WAS AT WORK.  SO DANIELLE

22 WAS THE ONLY ONE THERE TO SPANK US.

23               SO SHE -- SHE SPANKED ME AND MAYA AND -- UM -- ME --

24 ME AND AMAYA, WE HAD -- I HAD -- WHEN I GOT UP, SHE -- UM --

25 TOOK THE RULER AND WENT LIKE THAT, SO THEN IT ENDED UP DOING

1 THAT. IT ENDED UP HAVING A SCAR AFTER IT.

2 Q OKAY.

3 A AND THEN --

4 Q SO LET ME -- I WANT TO MAKE SURE I'M CLEAR.

5 SO YOU -- YOU'RE SAYING YOU GOT PUNISHED BY

6 DANIELLE -- UM -- FOR EATING FOOD?

7 A YES.

8 Q OKAY. AND -- UM -- WHEN DID THIS HAPPEN?

9 A UM --

10 Q IF YOU KNOW?

11 A EITHER IN -- I WANT TO SAY JANUARY OR DECEMBER.

12 Q OF WHAT YEAR?

13 A UH -- 2000 -- I WANT TO SAY 13.

14 Q OKAY.

15 A BECAUSE -- UH -- WE -- WHEN WE WERE AT MARVELOUS

16 GRACE IT TURNED 2014, SO THEN IT WAS LIKE A YEAR WHEN IT

17 HAPPENED BEFORE WE WENT TO MARVELOUS GRACE.

18 Q OKAY. SO JANUARY OF 2013 -- UM -- YOU GOT THIS

19 MARK. UM -- BY THE WAY, IF I UNDERSTOOD YOU RIGHT, AVA WAS

20 TELLING ON YOU, BUT SHE WAS JUST AS GUILTY, TOO?

21 A YES.

22 Q OKAY. DID YOU TELL ANYONE THAT?

23 A NO, BECAUSE IF AVA -- AVA WOULD HAVE KEPT LYING AND

24 LYING, BUT IT -- IT WAS DONE AND OVER WITH.

25 Q OKAY. SO AT SOME POINT AFTER YOU GOT SPANKED ON THE

1 BOTTOM WITH THE PAINT STICK -- UM -- YOU GOT HIT ON THE LEFT  
2 WRIST?  
3 A YES.  
4 Q OKAY. UM -- WHO SAW THIS?  
5 A UM -- ME AND AMAYA.  
6 Q AMAYA SAW IT?  
7 A YES.  
8 Q OKAY. WHAT ABOUT A AVA?  
9 A AVA WASN'T THERE.  
10 Q WHERE WOULD -- WHERE DID THIS HAPPEN?  
11 A IN DANIELLE'S ROOM.  
12 Q OKAY. UM -- WHEN YOU GOT HIT ON THE LEFT WRIST, DID  
13 IT BLEED?  
14 A I DON'T --  
15 Q IF YOU --  
16 A NO, I DON'T REMEMBER.  
17 Q OKAY. IF IT BLED, YOU'D PROBABLY PUT A -- HAD TO  
18 PUT A BAND-AID ON IT --  
19 A YES.  
20 Q -- OR SOMETHING LIKE THAT, RIGHT?  
21 A YES.  
22 Q UM -- WAS REBECCA THERE AT THAT TIME?  
23 A YEAH, SHE WAS IN -- UM -- HER ROOM.  
24 Q OKAY. UM -- WERE THERE ANY PICTURES TAKEN OF THE  
25 INJURY BY REBECCA?

1           **A**     NO.  WELL -- UM -- MISS -- WE DID TELL LIKE A LITTLE  
2 BIT TO REBECCA, BUT REBECCA -- I MEAN, BUT SHE DIDN'T TAKE  
3 PICTURES OF IT.  SHE WAS ABOUT TO, BUT SHE -- SHE DIDN'T  
4 DECIDE TO.

5           **Q**     AND THEN THAT CAUSED -- UM -- A SCAR --

6           **A**     YES.

7           **Q**     -- ON YOUR LEFT WRIST?

8           **A**     YES.

9           **Q**     AND THAT WAS IN JANUARY OF 2013?

10          **A**     YES.

11          **Q**     UM -- BETWEEN JANUARY OF 2013 AND -- UM -- THE TIME  
12 THAT YOU WENT TO MARVELOUS GRACE GIRLS ACADEMY, HOW MANY  
13 PEOPLE DID YOU TELL ABOUT THAT?

14          **A**     UM -- I TOLD THE BLANKENSHIPS.

15          **Q**     OKAY.

16          **A**     WELL, NOT MISS TANYA (PHONETIC), THE WIFE, BECAUSE  
17 SHE WAS ALWAYS BUSY, BUT THE -- UM -- THE HUSBAND, I TOLD HIM.

18          **Q**     BROTHER BLANKENSHIP?

19          **A**     YEAH, BROTHER BLANKENSHIP, AND I TOLD MISS NANCY,  
20 ONE OF THE STAFF AND -- WELL, MISS NANCY BASICALLY THEY  
21 WOULD -- THEY WOULD HAVE A CHAT, THE STAFF WOULD HAVE A CHAT,  
22 AND THEY WOULD TALK TO IT -- WOULD TALK TO EACH OTHER, BUT I  
23 DIDN'T REALLY TELL ANYONE ELSE --

24          **Q**     OKAY.

25          **A**     -- ONLY THE BLANKENSHIPS -- BROTHER BLANKENSHIP AND

1 MISS NANCY.

2 Q NOW, BETWEEN JANUARY 13TH -- OR JANUARY OF 2013 AND  
3 TO THE TIME THAT YOU WENT TO FLORIDA -- UM -- YOU'D SEEN SOME  
4 CPS WORKERS?

5 A YES.

6 Q AND YOU'D SEEN SOME DOCTORS?

7 A LIKE DOCTORS FOR THE SCARS OR LIKE --

8 Q NO, DOCTORS -- JUST DOCTORS FOR --

9 A YEAH.

10 Q -- CHECKUPS OR --

11 A YEAH.

12 Q -- ANYTHING ELSE?

13 YOU DIDN'T TELL ANY OF THEM ABOUT THIS?

14 A NO.

15 Q WHY?

16 A I DIDN'T REALLY TALK TO THEM, AND I -- AND THEY WERE  
17 IN THERE WHEN -- THEY WERE IN THERE WHEN -- UM -- WHAT'S --  
18 WHEN THE DOCTORS, WHEN THEY WERE -- DOCTORS WERE CHECKING ME  
19 UP, BECAUSE THE -- I TALKED TO PEOPLE IN PRIVACY, AND IT'S  
20 JUST ONE ON ONE TOGETHER AND WE -- I TALKED TO THEM.

21 Q OKAY. WELL, WHEN YOU WERE WITH THE DOCTORS, DID YOU  
22 HAVE -- YOU DIDN'T TALK TO THEM AND YOU DIDN'T TELL THEM ABOUT  
23 THIS?

24 A NO.

25 Q OKAY. UM -- AND TO BE CLEAR, THE MARK ON YOUR WRIST

1 IS FROM ONE HIT?

2       A       YES.

3       Q       OKAY. SO ONE TIME WITH THE PAINT STICK --

4       A       YES.

5       Q       -- ON THE LEFT WRIST?

6       A       YES.

7       Q       YOU SAID, NOT TOO LONG AGO, THAT YOU THOUGHT THAT

8 AMAYA WOULD PURPOSELY FALL DOWN?

9       A       YES.

10      Q       OKAY. DOWN -- IT SOUNDS LIKE SHE FELL A LOT.

11      A       YEAH.

12      Q       SHE DID?

13      A       YES.

14      Q       OKAY. UM -- FALL DOWN STAIRS?

15      A       YES.

16      Q       FALL OFF BIKES?

17      A       YEAH.

18      Q       DID SHE RIDE THE BIKE VERY WELL?

19      A       NO.

20      Q       OKAY. UM -- AND SHE'D GET SCRAPES EVERYWHERE

21 PROBABLY.

22      A       YEAH.

23      Q       ON HER ELBOWS?

24      A       I DON'T REMEMBER ON HER ELBOWS, BUT I KNOW ONE ON

25 HER LEG AND HER KNEE, LIKE EVERYWHERE.



1 Q EVERYWHERE?

2 A ON THE LEGS.

3 Q UH-HUH. OKAY.

4 MR. RUE: COURT'S INDULGENCE?

5 THE COURT: SURE.

6 (DISCUSSION BETWEEN MR. RUE AND DEFENDANT HINTON.)

7 BY MR. RUE:

8 Q HOW LONG WAS REBECCA WITH YOU, IF YOU KNOW?

9 A I WOULD SAY LIKE TWO OR THREE WEEKS. A COUPLE OF

10 WEEKS.

11 MR. RUE: OKAY. THANK YOU, ANASTASIA. NOTHING FURTHER.

12 THE COURT: REDIRECT?

13 MS. BLUTH: THANK YOU, JUDGE.

14

15 REDIRECT EXAMINATION

16 BY MS. BLUTH:

17 Q I'VE GOT A FEW QUESTIONS FOR YOU, OKAY, ANASTASIA?

18 A FINE.

19 Q OKAY. UM -- WHEN YOU WERE BEING ASKED QUESTIONS

20 EARLIER -- UM -- ABOUT THE CATHETERS --

21 A UM-HUM.

22 Q -- YOU SAID THAT MISS JANET WOULD HOLD YOU DOWN?

23 A YES.

24 Q NOW, WOULD SHE HOLD YOU DOWN EVERY TIME SHE USED THE

25 CATHETERS?

1           **A**     NOT EVERY TIME.  IF I -- IF I SQUIRMED AROUND.  
2           **Q**     OKAY.  
3           **A**     IF I DON'T, SHE DOESN'T HAVE TO HOLD ME DOWN.  BUT  
4 IF I DO, SHE'LL HOLD DOWN.  
5           **Q**     OKAY.  SO -- UM -- THE TIME IN THE BATHROOM, DID SHE  
6 HOLD YOU DOWN?  
7           **A**     NO, THAT TIME WHEN I -- WHEN I JUST SAID.  
8           **Q**     OKAY.  SO SHE HELD YOU DOWN ONE TIME IN THE  
9 BATHROOM?  
10          **A**     YEAH.  
11          **Q**     IN THE -- UM -- IN THE BATHROOM?  
12          **A**     YES.  
13          **Q**     AND THEN -- NOW, DID THE CATHETERS GO IN YOUR -- NOW  
14 YOU USED THE TERM FRONT PART FOR YOUR PRIVATE, RIGHT?  
15          **A**     YES.  
16          **Q**     OKAY.  SO I'M GOING TO USE THAT TERM, IF THAT'S OKAY  
17 WITH YOU?  
18          **A**     OKAY.  
19          **Q**     OKAY.  NOW, DID MISS JANET PUT THE CATHETER IN YOUR  
20 VAGINA -- OR SORRY, I JUST SAID WHAT I WASN'T GOING TO SAY.  
21 DID -- IT'S BEEN LONG DAY.  
22                 DID MISS JANET PUT THE CATHETER IN YOUR FRONT PART  
23 ONE TIME IN THE BATHROOM OR MORE THAN ONE TIME IN THE  
24 BATHROOM?  
25          **A**     MORE THAN ONE TIME.  BUT THE TIME THAT YOU ASKED

1 ME -- UM -- WHERE WAS -- WHERE WOULD SHE PUT THE CATHETERS IN  
2 ME --  
3 Q UM-HUM.  
4 A -- THE -- THAT I'M SAYING THE BEDROOM, THE LOFT AND  
5 THE BATHROOM.  
6 Q OKAY. UM -- SO, NOW, WHEN YOU WERE IN THE BEDROOM,  
7 WOULD SHE HOLD YOU DOWN IN THE BEDROOM?  
8 A UM -- UM -- I DON'T BELIEVE SO.  
9 Q OKAY.  
10 A BUT SHE ONLY DID IT ONCE OR TWICE IN THE BEDROOM.  
11 Q OKAY.  
12 A BECAUSE OTHER -- THE OTHER FOSTER KIDS WERE SLEEPING  
13 IN THERE, TOO.  
14 Q OKAY. AND THEN WHAT ABOUT THE LOFT, DID SHE HOLD  
15 YOU DOWN IN THE LOFT?  
16 A ONLY ONCE.  
17 Q SHE HELD YOU DOWN ONCE IN THE LOFT?  
18 A YES.  
19 Q WELL, HOW -- HOW MANY TIMES DID SHE STICK THE  
20 CATHETER IN YOUR VAGINA IN THE LOFT?  
21 A HMM, I WOULD SAY ABOUT FOUR TIMES.  
22 Q OKAY. SO SHE WOULD MOSTLY DO IT EITHER IN THE  
23 BATHROOM OR IN THE LOFT?  
24 A YEAH.  
25 Q OKAY. NOW, ANY OF THE TIMES IN THE LOFT DID SHE

1 HOLD YOU DOWN?  
2 A UM -- ONCE.  
3 Q AND SO ALL OF THESE TIMES THAT WE'RE TALKING ABOUT,  
4 IS THIS AFTER YOU WERE ADOPTED?  
5 A YES, AFTER WE WERE ADOPTED.  
6 Q OKAY. THE -- WHEN MISS JANET STUCK THE STICK INSIDE  
7 OF YOUR FRONT PART, WAS SHE HOLDING YOU DOWN THAT TIME?  
8 A NO -- UM -- I WASN'T SQUIRMING --  
9 Q YOU DIDN'T --  
10 A -- MUCH. NO.  
11 Q YOU DIDN'T SQUIRM ON THAT TIME?  
12 A NO, I DID NOT SQUIRM AT THAT TIME.  
13 Q OKAY. UM -- AND THEN -- SO DID YOU EVER SIT ON THE  
14 BUCKET?  
15 A NO.  
16 Q SO CAN YOU EXPLAIN TO ME WHAT IT WAS THAT YOU SAT  
17 ON, JUST SO I UNDERSTAND?  
18 A IT WAS PINK AND IT WAS BASICALLY A TRAINING TOILET.  
19 Q A TRAINING TOILET?  
20 A YEAH.  
21 Q AND SO WHEN YOU WERE SITTING ON AND DOING YOUR  
22 HOMEWORK IN THE KITCHEN, WHAT DID YOU SIT ON?  
23 A AT FIRST THE -- WE HAD BLACK CHAIRS.  
24 Q OKAY.  
25 A AND THEN AFTER THAT WE HAD -- I HAD THE -- UM --

1 TRAINING POTTY.

2 Q OKAY. AND SO WHEN YOU WERE SITTING ON THE TRAINING  
3 POTTY, WERE YOU ALLOWED TO HAVE YOUR CLOTHES ON?

4 A UM -- MY SHIRT AND -- BUT I HAD TO PULL MY PANTS  
5 DOWN. BUT SOMETIMES IT -- SOME -- VERY OFTEN I JUST WORE --  
6 UM -- MY SHIRT, OR SOMETIMES JUST -- UM -- MY PANTS OR  
7 SOMETIMES NOTHING.

8 Q OKAY. AND THEN YOU WOULD -- AND HOW LONG WOULD YOU  
9 SIT ON THE POTTY TOILET FOR?

10 A UM -- ALL DAY, UNLESS I HAD TO GO TO THE BATHROOM  
11 AND DO IT UPSTAIRS, OR WE HAD TO GO TO BED.

12 Q OKAY. AND -- UM -- WHO WOULD HAVE YOU SIT ON THE  
13 POTTY TOILET?

14 A MISS JANET?

15 Q WHAT IF MR. DWIGHT WAS TAKING CARE OF YOU?

16 A UM -- WE STILL HAD TO SIT ON IT.

17 Q OKAY. AND DID YOU STILL HAVE TO SIT ON THEM ALL  
18 DAY?

19 A YES.

20 Q NOW, YOU TALKED ABOUT STANDING IN A TRASH BAG WITH  
21 POOP, AND I DIDN'T QUITE UNDERSTAND. CAN YOU EXPLAIN THAT TO  
22 ME?

23 A YEAH. IT WAS -- IT WAS A CLEAR WHITE BAG AND --  
24 UM -- IT'S ABOUT AS CLEAR AS THE GERM-X RIGHT THERE, AND --  
25 UM -- OVER THERE.

1 Q OKAY. THE BOTTLE OF THE GERM-X?  
2 A YEAH.  
3 Q OKAY.  
4 A AND -- UM -- IT WAS A TRASH CAN AND THEN -- UM -- I  
5 WAS STANDING INSIDE OF IT, AND I USED THE BATHROOM IN IT, SO  
6 IT GOT ON ME BECAUSE IT WAS FILLED UP.  
7 Q OKAY. SO, WHY WERE YOU STANDING IN A -- IN A TRASH  
8 BAG?  
9 A BECAUSE I HAD AN ACCIDENT.  
10 Q UM -- AND WHO MADE YOU STAND IN IT?  
11 A MISS JANET.  
12 Q SO -- UM -- DID YOU HAVE ANY CLOTHES ON INSIDE THE  
13 BAG?  
14 A NO. ONLY MY -- UM -- UNDERWEAR.  
15 Q OKAY. SO YOU -- AND WHERE WAS IT YOU WERE STANDING?  
16 A IN THE UPSTAIRS BATHROOM.  
17 Q AND SO HOW LONG DID YOU HAVE TO STAND IN THE BAG  
18 FOR?  
19 A WELL, I WOULD SAY -- WHEN I FIRST GOT IN THERE, I  
20 WOULD SAY LIKE 11 O'CLOCK.  
21 Q IN THE MORNING?  
22 A YEAH, IN THE MORNING.  
23 Q OKAY.  
24 A AND -- AND I WOULD SAY 8 O'CLOCK WHEN I GOT OUT OF  
25 IT.

1           Q       SO YOU KIND OF -- PRETTY MUCH ALL DAY FROM 11 ON?  
2           A       YEAH.  
3           Q       AND WERE YOU ALLOWED TO -- LIKE IF YOU HAD TO GO TO  
4 THE BATHROOM, COULD YOU TAKE THE A BAG OFF AND GO TO THE  
5 TOILET?  
6           A       NO. I WAS GOING TO THE BATHROOM IN THE BAG.  
7           Q       OKAY. SO ALL DAY YOU PEED AND WENT NO. 2, IF YOU  
8 HAD TO, IN THE BAG?  
9           A       YES.  
10          Q       AND IT WOULD JUST GO ON YOURSELF?  
11          A       YES.  
12          Q       DID YOU HAVE TO DO THAT ONE TIME OR MORE THAN ONE  
13 TIME?  
14          A       UM -- UH -- JUST TWICE.  
15          Q       TWICE?  
16          A       YES.  
17          Q       OKAY. AND THE SECOND TIME YOU HAD TO DO THAT --  
18 UM -- WAS IT THE SAME TYPE OF BAG, A CLEAR BAG?  
19          A       YEAH. AND IT WAS AT NIGHTTIME, THOUGH, ONLY FOR  
20 LIKE -- FOR THE REST OF THE TIME UNTIL WE WENT TO BED, WHICH  
21 WAS ONLY LIKE, I WOULD SAY, 15 MINUTES.  
22          Q       BUT WAS THAT THE SAME DAY OR WAS THAT A DIFFERENT  
23 DAY?  
24          A       DIFFERENT DAY.  
25          Q       OKAY.

1           A       THE TWO DAY -- I BELIEVE -- I -- I WOULD BE LIKE  
2 FOUR OR FIVE DAYS BEFORE WE WENT TO MARVELOUS GRACE.

3           Q       OKAY. AND SO YOU JUST STOOD IN THE BAG JUST LIKE  
4 THE TIME BEFORE?

5           A       YEAH, EXCEPT FOR ONLY SHORTER, LIKE 15 MINUTES OR  
6 SO.

7           Q       AND DID YOU GO TO YOUR -- THE BATHROOM ON YOURSELF  
8 THAT TIME?

9           A       NO. UM -- I JUST WENT TO THE BATHROOM, AND THEN I  
10 DIDN'T HAVE TO GO ANYMORE, SO ...

11          Q       AND -- UM -- THAT DAY, THE SECOND DAY, WHO MADE YOU  
12 STAND IN THE BAG? THE SECOND TIME, SORRY, AT NIGHT --

13          A       OH.

14          Q       -- WHEN YOU HAD TO WEAR THE BAG, WHO WAS IT WHO --

15          A       MISS JANET.

16          Q       AND WHERE WAS MR. DWIGHT ON THOSE DAYS?

17          A       UM -- IT WAS ME -- HE WAS -- MOST OF THIS STUFF WAS  
18 HE WAS MAINLY AT WORK.

19          Q       OKAY. AND WAS MISS DANIELLE THERE EITHER OF THOSE  
20 TIMES?

21          A       UM -- I CAN'T REMEMBER.

22          Q       OKAY. NOW, DID YOU EVER SEE ANY OF YOUR SISTERS GET  
23 THE CATHETERS IN THEM?

24          A       NO, I DID NOT.

25          Q       UM -- AND WHEN YOU SAID THAT ONE TIME MR. DWIGHT WAS



1 OUTSIDE THE DOORWAY WHEN YOU WERE IN THE BATHROOM?

2 A YEAH.

3 Q WAS THAT DOOR OPEN OR CLOSED?

4 A IT WAS OPEN.

5 Q AND MR. DWIGHT WAS JUST STANDING AT THE DOOR?

6 A UH --

7 MR. MUELLER: OBJECTION.

8 MS. BLUTH: OR OUTSIDE THE DOORWAY?

9 MR. MUELLER: OBJECTION, LEADING.

10 THE WITNESS: SOME --

11 THE COURT: HOLD ON. HOLD ON.

12 MR. MUELLER: IT'S --

13 THE COURT: OBJECTION?

14 MR. MUELLER: -- TWICE BEEN NOW THAT SHE WAS OUTSIDE THE

15 DOOR, SHE WOULDN'T BE ABLE TO SEE HIM, SO THAT'S LEADING.

16 MS. BLUTH: THE FACT IS SHE -- HE DID NOT SAY -- SAID SHE

17 WASN'T -- HE WASN'T LOOKING AT HER.

18 THE WITNESS: YEAH.

19 THE COURT: WELL, WHY DON'T YOU -- WHY DON'T YOU ALL ASK

20 IT IN AN OPEN-ENDED FASHION, SO YOU'RE NOT LEADING HER.

21 MS. BLUTH: SURE.

22 Q CAN YOU EXPLAIN TO ME WHERE IT WAS THAT MR. DWIGHT

23 WAS STANDING SO I UNDERSTAND?

24 A UM -- HE -- THIS IS LIKE -- UM -- IT WAS -- THE DOOR

25 WAS OPEN, SO LIKE IF THIS WAS THE BATHROOM, AND HERE'S A DOOR,

1 THIS IS LIKE WHEN YOU FIRST COME IN.

2 Q OKAY.

3 A LIKE HE'S NOT INSIDE.

4 Q OKAY.

5 A BUT HE'S OUTSIDE OF THE DOORWAY.

6 Q OKAY. SO HOW ABOUT WE DO THIS? IF -- IF THIS IS

7 THE DOOR TO -- IF THIS IS THE ENTRYWAY TO THE BATHROOM --

8 A UM-HUM.

9 Q -- AND YOU AND MISS JANET ARE INSIDE?

10 A YEAH.

11 Q AND HERE'S WHERE -- SO IF I STEPPED RIGHT IN HERE

12 I'D BE IN THE BATHROOM, SO THIS IS RIGHT OUTSIDE, RIGHT?

13 A YEAH.

14 Q OKAY. SO IS MR. DWIGHT FACING YOU OR IS HE FACING

15 THE OTHER WAY?

16 A HE'S FACING THIS WAY LIKE --

17 Q SIDEWAYS?

18 A YEAH, SIDEWAYS.

19 Q OKAY. AND IS HE -- HOW FAR IS HE FROM THE ENTRY OF

20 THE ROOM?

21 A UM -- ABOUT AN INCH.

22 Q OKAY. SO LIKE THIS MUCH?

23 A UM -- YEAH.

24 Q OKAY. SO HE'S --

25 A HE WASN'T LOOKING, BUT HE WAS JUST STANDING THERE

1 WAITING FOR MISS JANET.

2 Q OKAY. AND DID YOU EVER HEAR THEM THAT DAY HAVE A  
3 CONVERSATION ABOUT WHAT MISS JANET WAS DOING?

4 A NO, IT WAS AT NIGHTTIME. WAIT. SAY THAT AGAIN.

5 Q WHEN MR. DWIGHT WAS STANDING OUTSIDE THE BATHROOM,  
6 AND MISS JANET WAS INSIDE PUTTING THE CATHETER IN YOU --

7 A UH-HUM.

8 Q -- WERE THE TWO OF THEM TALKING ABOUT WHAT WAS GOING  
9 ON?

10 A UM -- I DON'T THINK SO.

11 Q OKAY. DID THEY HAVE ANY CONVERSATIONS -- DID YOU  
12 HEAR THEM HAVE ANY CONVERSATIONS BEFORE MISS JANET -- UM --  
13 PUT THE CATHETER IN YOU, OR LIKE BEFORE THEY CAME INTO THE  
14 BATHROOM?

15 A I CAN'T REMEMBER.

16 Q OKAY. ALL RIGHT.

17 NOW, WERE THERE TIMES THAT MR. DWIGHT WAS TAKING  
18 CARE OF YOU -- UM -- AND MISS JANET GAVE INSTRUCTIONS TO MR.  
19 DWIGHT?

20 A YES.

21 MR. MUELLER: OBJECTION, FOUNDATION.  
22 UNLESS SHE WAS PRESENT FOR THE CONVERSATION.

23 THE COURT: SUSTAINED.

24 MS. BLUTH: OKAY.

25 Q WERE YOU -- DID YOU HEAR THE CONVERSATION WHERE

1 MISS JANET WOULD TELL MR. DWIGHT THE RULES, OR WHATEVER IT  
2 WAS?

3       **A**     LIKE SHE WOULD -- HE WOULD -- SHE WOULD TELL HIM  
4 LIKE WHEN WE -- LIKE IF SHE HAD TO GO TO AN APPOINTMENT IN THE  
5 MORNING -- UM -- AND WE'RE STILL IN BED, SHE'LL TELL HIM TO DO  
6 THIS AND HOW TO DO THAT AND HOW TO DO THIS AND --

7       **MR. MUELLER:**  OBJECTION, FOUNDATION.  WAS THE LITTLE GIRL  
8 PRESENT.

9       **THE COURT:**  WELL, JUST --

10       **MS. BLUTH:**  I MEAN HE GET INTO THIS ON CROSS.

11       **THE COURT:**  JUST ASK HER IF SHE HEARD.

12 **BY MS. BLUTH:**

13       **Q**     DID YOU -- WERE THERE EVER TIMES WHERE YOU HEARD  
14 MISS JANET TELL MR. DWIGHT THE RULES FOR THAT DAY OR WHATEVER?

15       **A**     UM -- ONLY FOR SOMETHING THAT -- LIKE IMPORTANT,  
16 LIKE IF WE NEEDED HOW TO FIX IT, BUT NO.

17       **Q**     OKAY.  SO -- UM -- MAINLY THEY WERE MISS JANET'S  
18 RULES ABOUT, YOU KNOW, NOT BEING ABLE TO GO TO THE BATHROOM  
19 AND THAT TYPE OF STUFF?

20       **A**     YEAH.

21       **Q**     BUT WHEN MR. DWIGHT WAS TAKING CARE OF YOU, DID HE  
22 FOLLOW MISS JANET'S RULES?

23       **A**     HMM -- UM - I WOULD SAY VERY -- YES, BUT HE -- HE  
24 WOULD DO STUFF, LIKE HE -- SOMETIMES HE WOULDN'T FOLLOW IT,  
25 HE'LL JUST LET US GO INSTEAD OF LIKE LETTING US WAIT.

1 Q DO YOU THINK MR. DWIGHT WAS SCARED OF MISS JANET?  
2 MR. MUELLER: OBJECTION.  
3 MS. BLUTH: WHY?  
4 THE COURT: WHAT'S THE BASIS OF THE OBJECTION?  
5 MR. MUELLER: WE'RE CALLING ABOUT A -- A NINE-YEAR-OLD  
6 CHILD IS BEING CALLED TO SPECULATE ON SOMEONE ELSE'S EMOTIONAL  
7 STATE.  
8 MS. BLUTH: SHE LIVED WITH THEM. SHE CAME --  
9 THE COURT: WELL, THERE'S BEEN A LOT OF, FRANKLY,  
10 QUESTIONS THAT THERE COULD HAVE BEEN OBJECTIONS TO  
11 SPECULATION. WE'VE BEEN ASKED HER -- ASKING HER TO OPINE ON  
12 VARIOUS THINGS.  
13 I'M GOING TO OVERRULE IT AND GIVE IT THE WEIGHT IT'S  
14 WORTH.  
15 BY MS. BLUTH:  
16 Q DO YOU UNDERSTAND MY QUESTION OR WOULD YOU LIKE ME  
17 TO SAY IT OVER?  
18 A UM -- I UNDERSTAND IT.  
19 Q OKAY.  
20 A WELL, IT WAS KIND OF LIKE IF I WAS -- IF I WAS  
21 LIKE -- IF I WAS LIKE, HOW ABOUT LIKE 20, AND SOMEONE ELSE  
22 LIVED IN THERE AND THEY'RE 30, AND THEY'RE OLDER THAN ME, AND  
23 THEN THEY THINK -- THE 20-YEAR-OLD THINKS THAT THEY'RE ALL BIG  
24 AND TOUGH, AND THEIR -- THEY TELL EVERYONE WHAT TO DO, AND  
25 THEY BULLY OLDER KIDS AND BULLY LITTLE KIDS.

1 I MEAN, MR. DWIGHT, HE -- I MEAN SOMETIMES HE DIDN'T  
2 REALLY AGREE ON WHAT HE -- SHE DID. BUT AT THE SAME TIME, HE  
3 SHOULD HAVE BEEN THE ONE TO STEP UP AND SAY -- UM -- YOU KNOW  
4 WHAT, YOU NEED TO STOP DOING THAT, THAT'S NOT RIGHT, AND  
5 YOU'RE ABUSING THE -- THE -- YOU'RE ABUSING -- YOU'RE ABUSING  
6 THEM, AND SHOULD HAVE STEPPED UP AND CALLED THE COPS.

7 BUT THE THING IS, I -- HE -- HE WAS PRETTY GENTLE.  
8 HE DIDN'T REALLY -- HE DIDN'T REALLY DO ANYTHING TO US, LIKE  
9 ABUSE US, BUT AT THE SAME TIME, HE SHOULD BE -- HE WAS THERE  
10 AND HE KNEW WHAT -- HE -- HE -- HE KNEW A LOT OF SOME STUFF  
11 THAT WAS HAPPENING, AND HE SHOULD HAVE DONE SOMETHING ABOUT  
12 IT.

13 Q OKAY. UM -- SO I GUESS I'M ASKING YOU, DID HE  
14 FOLLOW MISS JANET'S RULES?

15 MR. MUELLER: OBJECTION, ASKED AND ANSWERED, THE ANSWER  
16 WAS NO.

17 MS. BLUTH: NO, THAT WAS NOT THE ANSWER. SHE SAID YES,  
18 AND SOMETIMES HE WOULDN'T.

19 THE COURT: SHE SAID SOMETIMES HE WOULD AND SOMETIMES HE  
20 WOULDN'T, BASICALLY, IN A LONG-WINDED ANSWER.

21 BY MS. BLUTH:

22 Q SO IN REGARDS TO THE POTTY, YOU SAT ON THE POTTY?

23 A YES.

24 Q AND SOMETIMES YOU WOULD GO -- SOMETIMES YOU'D GO  
25 WITHOUT FOOD WHEN MR. DWIGHT WAS THERE?

1       **MR. MUELLER:**  OBJECTION, LEADING.

2       **MS. BLUTH:**  IT'S BEYOND THE SCOPE OF DIRECT, BUT IT'S MY  
3 DIRECT.

4       **THE COURT:**  UM -- IT PROBABLY IS BEYOND THE SCOPE OF  
5 CROSS.  I DON'T KNOW, CROSS --

6       **MS. BLUTH:**  HE WENT IN --

7       **THE COURT:**  -- WAS LONG, BUT --

8       **MS. BLUTH:**  HE WENT INTO IT, THOUGH.

9       **THE COURT:**  PARDON ME?

10       **MS. BLUTH:**  HE ASKED CERT -- MISTER -- THERE'S THREE OF  
11 THEM SO I --

12       **MR. MUELLER:**  MUELLER.

13       **MS. BLUTH:**  MR. MUELLER.

14       **THE COURT:**  OKAY.  LET ME LOOK.  I THINK IT'S BEYOND THE  
15 SCOPE OF MR. MUELLER'S CROSS.

16       **MS. BLUTH:**  OKAY.

17       **THE COURT:**  WE HAVE RULES THEY HAVE TO FOLLOW, TOO, SO  
18 THAT'S HOW I'M TRYING TO DETERMINE.

19 **BY MS. BLUTH:**

20       **Q**       UM -- NOW, MR. RUE ASKED YOU ABOUT -- UM -- THE  
21 SCARS ON YOUR WRIST, DO YOU REMEMBER THOSE QUESTIONS?

22       **A**       WHO'S MR. RUE?

23       **THE COURT:**  THAT'S A GOOD QUESTION.

24       **MR. RUE:**  ME.

25

1 **BY MS. BLUTH:**

2       **Q**     I KNOW IT'S HARD TO GET EVERYBODY STRAIGHT.

3               NOW, DID -- UM -- DID DANIELLE EVER HIT YOU ANYWHERE

4 ELSE, OTHER THAN YOUR WRIST?

5       **A**     OTHER THAN MY WRIST AND MY BOTTOM.

6       **Q**     SHE WOULD HIT ON --

7       **A**     THE WRIST --

8       **Q**     -- ON YOUR BOTTOM, TOO?

9       **A**     YEAH.

10       **Q**     OKAY. DID YOU -- ON THE DAY THAT YOU -- THAT

11 MR. RUE ASKED YOU QUESTIONS ABOUT STEALING FOOD FROM

12 REBECCA -- UM -- AND YOU SAID THAT YOU AND AMAYA GOT IN

13 TROUBLE.

14       **A**     YES.

15       **Q**     DID YOU SEE IF MISS DANIELLE HIT AMAYA ANYWHERE?

16       **A**     WELL, I COULDN'T REALLY SEE BECAUSE I WAS CRYING, MY

17 EYES WERE WATERING, SO IT WAS BLURRY. SO, ALL I SAW WAS

18 SOMEONE HAD GRABBING A RULER, AND -- I DON'T KNOW, BECAUSE SHE

19 DID HAVE -- I THINK IT WAS ON HER ELBOW OR ARM.

20       **THE COURT:** WELL, JUST TELL US WHAT YOU SAW. IF YOU

21 DIDN'T SEE IT --

22       **THE WITNESS:** NO. NO.

23 **BY MS. BLUTH:**

24       **Q**     WELL DID YOU -- WELL, DID YOU SEE SOMETHING ON HER

25 ARM?



1           A       WELL, YEAH, I DID.

2           Q       OKAY.  WHAT?

3           A       YEAH.  I DIDN'T SEE DANIELLE DO IT.

4           Q       OKAY.  BUT YOU SAW SOMEBODY GRAB A RULER?

5           A       YEAH.

6           Q       UM -- AT FIRST WHEN MR. BLANKENSHIP ASKED YOU

7       QUESTIONS -- OR WHEN THEY -- WHEN MR. RUE WAS ASKING YOU

8       QUESTIONS ABOUT TALKING TO MR. BLANKENSHIP, AND YOU SAID,

9       "WELL AT FIRST I DIDN'T WANT TO TELL HIM."

10          A       UM-HUM.

11          Q       WHY DIDN'T YOU WANT TO TELL HIM?

12          A       WELL, I WASN'T -- I WASN'T REALLY THAT OPEN TO

13       PEOPLE, BECAUSE I DIDN'T KNOW PEOPLE THAT WELL.  I DIDN'T

14       REALLY -- I -- I HAVE TO TRUST THEM.  WHEN I TRUST THEM AND

15       THEY DO SOMETHING THAT MAKES ME LOSE THEIR TRUST --

16          Q       UM-HUM.

17          A       -- I DON'T KNOW IF I CAN TRUST THEM OR IF I CAN'T

18       TRUST THEM, SO I -- I DIDN'T KNOW.  I -- I WASN'T -- I WASN'T

19       REALLY TRUSTING HIM.

20                   BUT WHEN HE SAID, "I WON'T HURT YOU OR ANYTHING.  I

21       WON'T TELL YOUR PARENTS," I -- THEN I WAS LIKE WAY MORE OPEN

22       BECAUSE IF -- BECAUSE HE TALKED TO OUR -- THE PARENTS.

23          Q       UM-HUM.

24          A       AND I WAS SCARED IF I TOLD HIM THAT -- UM -- HE'LL

25       TELL MISS JANET AND I WOULD GET IN TROUBLE FOR TELLING ON

1 THEM.

2 SO WHEN HE SAID THAT, "I'M NOT GOING TO TELL YOUR  
3 PARENTS," THEN I WAS -- I WAS ABLE TO TALK TO HIM, BECAUSE I  
4 KNEW THAT HE -- HE -- WHEN HE MAKES A PROMISE, HE DOESN'T  
5 BREAK IT. SO THAT'S WHY I -- UM -- I -- I WAS ABLE TO TELL  
6 HIM. BUT AT FIRST, I DIDN'T TRUST HIM.

7 Q OKAY. THANK YOU.

8 NOW, YOU SAID THAT MR. DWIGHT DIDN'T ABUSE YOU?

9 A NO.

10 Q DID MR. DWIGHT EVER HIT YOU WITH A PAINT STICK?

11 A YES, HE SPANKS ME, BUT THERE WAS -- YEAH, HE DID  
12 SPANK ME WITH A PAINT STICK, BUT NOT -- HE DIDN'T DO ANYTHING  
13 ELSE.

14 Q OKAY.

15 A BECAUSE -- UM -- IT -- WELL, IT'S NOT AGAINST THE  
16 LAW TO SPANK KIDS. BUT IF YOU SPANK THEM IN -- IN A BAD WAY,  
17 LIKE TOOK -- TOOK SOMETHING THAT -- NOT LIKE A PAINT STICK,  
18 LIKE FIVE PAINT STICKS AND USE THEM AND BREAK -- AND KEEP  
19 BREAKING THEM WHILE YOU'RE SPANKING THEM, THEN WHEN YOU GET  
20 UP, ALL YOU SEE IS BLOOD.

21 THE COURT: OKAY, ANASTASIA, THE QUESTION WAS, DID HE --  
22 DID HE SPANK YOU WITH THE PAINT STICK?

23 THE WITNESS: YES.

24 THE COURT: OKAY.

25 MS. BLUTH: OKAY. THANK YOU. NOTHING FURTHER.

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

2

3

**RECROSS-EXAMINATION**

4   **BY MR. MANN:**

5           **Q**       ANASTASIA, THE TIME THAT YOU HAD TO STAND IN THE  
6 BAG -- UM -- THAT WAS BECAUSE YOU HAD POOPED YOURSELF, RIGHT?

7           **A**       YES.

8           **Q**       OKAY. AND YOU WERE STANDING IN THE BAG IN ORDER SO  
9 YOU DIDN'T GET ANYTHING ON THE FLOOR, CORRECT?

10          **A**       YES, THAT'S CORRECT.

11          **Q**       OKAY. AND THEN YOU WERE GETTING UNDRESSED, THROWING  
12 THE THINGS THAT YOU WERE WEARING INTO THE BAG TO BE THROWN  
13 AWAY, RIGHT?

14          **A**       YES.

15          **Q**       AND THEN YOU WERE GOING TO GET IN THE SHOWER TO TAKE  
16 A SHOWER TO CLEAN OFF ALL THE POOP, RIGHT?

17          **A**       YES.

18          **Q**       OKAY. AND THAT'S WHEN YOU HAD TO STAND IN THE BAG,  
19 RIGHT?

20          **A**       WELL, YEAH.

21          **Q**       OKAY. AND -- UM -- WHEN YOU WOULD SIT ON THE  
22 TRAINING TOILET, YOU DID NOT HAVE TO SIT ON A BUCKET, CORRECT?

23          **A**       YEAH, THAT'S CORRECT.

24          **Q**       OKAY. AND THAT YOU SAT ON THE TRAINING TOILET --  
25 UM -- AT SOME POINTS DURING THE DAY, BUT NOT DURING THE ENTIRE

1 DAY, CORRECT?

2       **A**     YES, UNLESS I HAD TO GO TO BED, OR HAD TO GO  
3 SOMEWHERE, LIKE TO THE DOCTOR, OR I HAD TO GO TO THE BATHROOM  
4 ON THE TOILET UPSTAIRS.

5       **Q**     OKAY. AND -- UM -- WOULD YOU DO YOUR HOMEWORK FROM  
6 THE TRAINING TOILET?

7       **A**     YES.

8       **Q**     OKAY. AND WHERE WOULD YOU DO YOUR HOMEWORK?

9       **A**     IN THE KITCHEN.

10      **Q**     OKAY. WOULD IT BE -- UM -- WHERE IN THE KITCHEN?

11      **A**     UM -- THE KITCHEN HAS AN ISLAND, AND WE SIT BY THE  
12 ISLAND, AND WE WOULD -- I HAD A BOOK AND -- SO I CAN WRITE,  
13 AND THAT IS HOW I WROTE.

14      **Q**     OKAY. WOULD YOU USE THE ISLAND ITSELF OR JUST SIT  
15 NEXT TO THE ISLAND?

16      **A**     I WOULD SIT NEXT TO THE ISLAND.

17      **Q**     ALL RIGHT. NOW, THE -- UM -- THE DEALS WITH THE  
18 CATHETER, YOU SAID THAT OTHER FOSTER KIDS WERE SLEEPING IN  
19 THAT SAME ROOM; IS THAT RIGHT?

20      **A**     YES.

21      **Q**     OKAY. AND SO THEY WERE IN THAT ROOM WHEN SHE WAS  
22 PUTTING A CATHETER IN?

23      **A**     NO. BUT SHE WASN'T -- OTHER -- LIKE THE FIRST AND  
24 SECOND TIME I WAS IN THERE, WE DIDN'T HAVE FOSTER KIDS THAT  
25 TIME. BUT -- UM -- AFTER THAT SHE -- SHE DIDN'T WANT ME TO GO

1 IN THEIR ROOM -- IN THEIR -- UM -- THE FOSTER KIDS' ROOM,  
2 SO...

3 Q OKAY. SO -- BUT THE FOSTER KIDS WERE THERE WHEN SHE  
4 WOULD PUT THE CATHETERS IN, RIGHT?

5 A YEAH, NOT INSIDE THE ROOM --

6 Q OKAY.

7 A -- BUT OUTSIDE.

8 Q ALL RIGHT. AND -- UM -- MS. BLUTH, OR AS YOU CALLED  
9 HER, MISS JACQUELINE -- UM -- ASKED YOU ABOUT BROTHER  
10 BLANKENSHIP.

11 A UM-HUM.

12 Q OKAY. WHEN YOU WERE AT THE SCHOOL IN FLORIDA, YOU  
13 WERE ACTUALLY IN TROUBLE A LOT THERE, RIGHT?

14 A YEAH.

15 Q YOU WERE ON RESTRICTION ALMOST THE ENTIRE TIME,  
16 RIGHT?

17 A YES.

18 Q UM -- BECAUSE YOU WERE NOT BEHAVING APPROPRIATELY?

19 A YES.

20 Q AND LYING?

21 A YES.

22 Q AND BROTHER BLANKENSHIP AND HIS STAFF HAD TO PUT YOU  
23 ON RESTRICTION FOR ALL THOSE TIMES YOU WERE MISBEHAVING,  
24 RIGHT?

25 A YEAH.

1 Q OKAY. AND SO -- UM -- THAT'S -- UM -- WHEN YOU WERE  
2 WITH BROTHER BLANKENSHIP, YOU WERE STILL GETTING IN TROUBLE?

3 A YEAH.

4 Q OKAY.

5 MR. MANN: I HAVE NO FURTHER QUESTIONS.

6 THE COURT: RECROSS BY MR. MUELLER.

7

8

**RECROSS-EXAMINATION**

9 BY MR. MUELLER:

10 Q WHEN MR. DWIGHT SPANKED YOU WITH A STICK, ANASTASIA,  
11 WHAT HAD YOU DONE WRONG?

12 A UM -- I HAD -- DID -- I HAD EITHER BEEN  
13 DISRESPECTFUL OR I HAD HAD AN ACCIDENT. THAT'S MAINLY THE TWO  
14 REASONS, BUT ...

15 Q AND DID HE SPANK YOU JUST WHENEVER YOU DID SOMETHING  
16 WRONG?

17 A YES. SOMETIMES THEY WILL -- THEY -- THEY'LL GIVE ME  
18 A CHANCE, BUT -- UM -- SOMETIMES WHEN I -- SOMETIMES WHEN --  
19 UH -- I KNOW BETTER AND THEY ALREADY -- THEY ALREADY TOLD ME  
20 THAT -- THEY ALREADY GAVE ME A CHANCE ABOUT IT --

21 Q UM-HUM.

22 A -- THEN THEY -- THEN THEY GET MORE UPSET, BUT ...

23 Q OKAY. AND DID MR. DWIGHT EVER MAKE YOU BLEED?

24 A NO, HE DIDN'T.

25 MR. MUELLER: OKAY. NOTHING FURTHER.

1       **THE COURT:** MR. RUE?  
2       **MR. RUE:** NO QUESTIONS, JUDGE.  
3       **THE COURT:** OKAY. BUT I DID ASK.  
4       THANK YOU, ANASTASIA, YOU'RE DONE. LOOK IT AND I SAID  
5 3:30. YOU ARE SO ON TIME.  
6       **THE WITNESS:** OH.  
7       **THE COURT:** THANK YOU. YOU KNOW WHAT, I HAVE SOMETHING  
8 FOR YOU SINCE YOU'RE DONE. I GAVE YOUR SISTER ONE, SO I HAVE  
9 TO REMEMBER TO GIVE YOU ONE. I FORGOT TO GIVE AVA ONE. BUT  
10 YOU HAVE TO ASK MISS DEBBIE IF YOU CAN HAVE THAT, BECAUSE I  
11 DON'T KNOW WHAT YOU CAN HAVE AND WHAT YOU CAN'T, OKAY?  
12       **MS. VECCHIO:** SHE CAN HAVE IT. DO YOU WANT SOME WATER?  
13 GRAB THE BLANKET.  
14       **THE COURT:** OKAY. SO THAT CONCLUDES TODAY.  
15 DID YOU ALL TALK ABOUT WHEN WE'RE GOING TO CALL THE NEXT  
16 WITNESS?  
17       **MS. BLUTH:** MR. MUELLER, I THINK YOU WERE THE ONE WE  
18 DIDN'T SPEAK WITH, WHAT WAS YOUR THURSDAY?  
19       **MR. MUELLER:** I'LL MAKE -- I'LL MOVE WHAT I NEED TO MOVE  
20 FOR THURSDAY. I'M OVER SCHEDULED TOMORROW AS IT IS, AND I  
21 CAN'T DO ANYTHING TOMORROW.  
22       **THE COURT:** YEAH, THE SCHED -- YEAH, NEITHER CAN THE  
23 COURT, THE COURT IS WAY BACKED UP TOMORROW.  
24       **MS. BLUTH:** ARE YOU SPOKE --  
25       **THE COURT:** BUT I'M LOOKING RIGHT NOW, I'M TRYING TO PULL

1 UP, I ALREADY LOGGED EVERYTHING OFF, SO THAT'S MY BAD, BUT  
2 THURSDAY THE 2ND. I KNOW -- I DON'T THINK I HAVE ANY IN  
3 CUSTODIES, AND I WANT TO SAY I HAVE SEVEN OUT OF CUSTODIES,  
4 BUT -- THURSDAY. THURSDAY. YEAH, I HAVE SEVEN OUT OF  
5 CUSTODIES AT 9:30 AND NO IN CUSTODIES. THOSE SEVEN OUT OF  
6 CUSTODIES RANGE FROM -- I MEAN THEY ARE WHAT THEY ARE, I  
7 CAN'T -- I CAN'T TELL YOU.

8 **MS. BLUTH:** RIGHT. WE'LL TALK TO THE DEPUTY ABOUT IT.  
9 SO WOULD TEN BE OKAY? THAT WAY YOU CAN GET THROUGH YOUR  
10 9:30 CALENDAR, BECAUSE WE'RE JUST CALLING --

11 **THE COURT:** YEAH, BUT I CAN'T -- YEAH, BUT I CAN'T  
12 PROMISE YOU -- I DON'T KNOW IF ANY OF THESE HAVE BEEN  
13 CONTINUED FROM ANOTHER DAY, BECAUSE I KNOW I HAD TO KICK A FEW  
14 THINGS --

15 **MS. BLUTH:** RIGHT.

16 **THE COURT:** -- THAT WOULD TAKE PRIORITY BUT -- UM -- I  
17 MEAN, I WOULD NOT SAY 9:30, YEAH.

18 **MS. BLUTH:** OKAY.

19 **THE COURT:** I WOULD SAY MORE LIKE TEN.  
20 DO I HAVE -- I DON'T HAVE ANYTHING AT THE LUNCH HOUR,  
21 RIGHT? PARDON ME?

22 **THE CLERK:** I DON'T THINK SO.

23 **THE COURT:** NO.

24 **MR. MUELLER:** CAN I GET -- DO WE HAVE ANY IDEA WHO YOU  
25 GUYS ARE GOING TO BE CALLING ON THURSDAY?



1           **MS. BLUTH:**   JUST THE -- WE -- JUST THE DETECTIVE,  
2 DETECTIVE EMERY.  
3           **THE COURT:**   AND I THINK THAT'S --  
4           **MR. MUELLER:**   ALL RIGHT.  
5           **THE COURT:**   -- MY 8 O'CLOCK DAY, TOO.   YEAH.   REALLY LIKE  
6 8 O'CLOCK TIME, TOO, BECAUSE I WAS -- UM -- I WAS -- HAD -- I  
7 WAS SUPPOSED TO HANDLE ANOTHER MATTER THAT GOT MOVED, SO,  
8 YEAH, I WOULD SAY TEN.  
9           **MS. BLUTH:**   OKAY.  
10          **THE COURT:**   OKAY?  
11          **MS. BLUTH:**   GOOD DEAL.  
12          **THE COURT:**   TEN.  
13          **THE CLERK:**   TEN?  
14          **THE COURT:**   LET'S SAY TEN.  
15          **THE CLERK:**   AND DO I HAVE ALL THE EXHIBITS?  
16          **MR. MANN:**   YOUR HONOR, JUST TO -- SO WE'RE CLEAR ON  
17 SCHEDULING, ON THURSDAY I WON'T BE ABLE TO GO PAST 12:30.  
18          **THE COURT:**   WONDERFUL.  
19          **MR. MANN:**   OKAY.  
20          **THE COURT:**   OKAY?  
21          **MR. MANN:**   AND I WON'T BE AVAILABLE THE REST OF THE  
22 AFTERNOON.  
23          **THE COURT:**   BUT YOU MIGHT ONLY HAVE THIS DETECTIVE.  
24          **MS. BLUTH:**   YES.  
25          **THE COURT:**   AND WE DON'T KNOW IF WE'RE GOING TO GET

1 THROUGH THIS DETECTIVE OR NOT. PROBABLY NOT.

2 MR. MANN: OH, BOY.

3 MS. BLUTH: YOU KNOW WHAT --

4 THE COURT: BUT WE'LL SCHEDULE 10:00 TO 12:30.

5 MR. MANN: OKAY.

6 THE COURT: THAT'S -- THAT'S FINE. THAT WAY EVERYBODY

7 KNOWS NOW THAT THEIR AFTERNOON WILL BE FREE.

8 MR. MANN: OKAY. THANK YOU.

9 THE COURT: OKAY. THANK YOU. HAVE A GREAT NIGHT.

10

11 (AT 3:29 P.M. THE PROCEEDINGS WERE RECESSED.)

12

13

\* \* \* \*

14

15 ATTEST: FULL, TRUE AND CERTIFIED TRANSCRIPT.

16

17

/S/KIT MACDONALD  
KIT MACDONALD, C.S.R.  
COURT REPORTER  
C.S.R. 65

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CASE NO. C299737

DEPT. NO. 12

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP  
COUNTY OF CLARK, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

Case No. 14F04585A/B/C

DWIGHT SOLANDER, DANIELLE HINTON,  
JANET SOLANDER,

Defendants.

REPORTER'S TRANSCRIPT  
OF  
CONTINUATION OF PRELIMINARY HEARING

BEFORE THE HONORABLE DIANA L. SULLIVAN  
JUSTICE OF THE PEACE

TAKEN ON THURSDAY, JUNE 12, 2014  
AT 10:00 A.M.

## APPEARANCES:

For the State: LISA LUZAICH and  
JACQUELINE BLUTH  
Deputy District Attorneys

For Defendant D. Solander: CRAIG A. MUELLER  
For Defendant Hinton: JEFFREY T. RUE  
Deputy Public Defender  
For Defendant J. Solander: JOEL M. MANN

Reported by: Gerri De Lucca, C.C.R. #82  
Official Court Reporter

MS. JONES: Your Honor, before we  
maybe the last witness, there was just one issue I  
wanted to bring to the Court's attention, my  
objection to it.

It's my understanding that they're  
calling Detective Emery and that they will be asking  
Detective Emery about Miss Hinton's statements, which  
is co-defendant, Miss Solander, is objecting to that  
being used in preliminary hearing for Bruton issues,  
hearsay issues, confrontation issues, all the above,  
because I believe that they are being brought in for  
the truth of the matter asserted and that that would  
be a disadvantage to Miss Solander as she would not  
be able to cross-examine her statement through the  
detective, obviously. And, if I'm wrong, then I'm  
wrong, but I wanted to bring that up before we got  
into the middle of it.

MR. MUELLER: On behalf of Mr. Solander,  
I join in the objection.

MS. LUZAICH: I mean he's correct about  
the fact that we are bringing in Danielle Hinton's  
statements, that it is going to be offered against

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all three defendants. He is wrong, however, about  
Bruton and confrontation. Those are all trial rights  
and issues. They are not preliminary hearing rights  
or issues.

So in District Court, I agree, we  
could not use Danielle Hinton's statement against  
Dwight Solander or Janet Solander, but in preliminary  
hearings we can.

MR. MUELLER: Your Honor, I don't know  
where this idea has come from, but it seems to have  
evolved here in the last few years, that there's two  
rules of evidence, one for Justice Court and one for  
District Court. There is not. There's one set of  
rules. They're the same rules over and over again.

Now, Bruton, there's no such thing  
as a Bruton like or different rights. Rights are  
rights and the law is this same in Justice Court and  
in District Court.

Now, I've got a right to confront  
and cross-examine the maker of the statement or it's  
hearsay and it's inadmissible under Bruton. Now,  
it's not admissible, period. There's no like rules.

MS. LUZAICH: I don't know what he's  
talking about, like rules.

THE COURT: Let Mr. Mann go first.

MR. MANN: Thank you.

MS. LUZAICH: Sorry.

MR. MANN: Your Honor, in addition to what Mr. Mueller said, let's put aside Bruton for a second. We still have hearsay issues. And it's still hearsay. You can't just -- the reason why we have preliminary hearings is because the rules of evidence apply and hearsay is still an issue.

This was not a co-conspirator in the furtherance of the conspiracy, so that's, obviously, not an exception to the hearsay rule. And the fact that the State joined it together with everyone here as a co-defendant made them responsible for making it a party admission.

And so that being a party admission is the State's responsibility, the State's fault, and for us, as the defense, to be hamstrung because of that so they can get around the hearsay rules is ridiculous.

They did this in quest for testimony when they were questioning Miss Hinton in their investigation after they had arrested her. So, clearly, this was in anticipation of using it at a trial proceeding, and so because of that, hearsay absolutely applies, Bruton applies. There's no way

not a -- anything else. It's a trial right issue.

MR. MANN: First of all, Witzenberg, the case that they cite, was actually one of the line of cases that I had pointed out to your Honor regarding the fact of credibility being an issue in preliminary hearing, and that your Honor could absolutely consider credibility and those items.

So it's kind of humorous that that case is coming up now after they said that we couldn't get into any credibility issues of any of these witnesses as we had no rights to be able to do that, but that being said, Bruton does not specifically State that it is only a trial right.

Bruton talks about the fact that this was used at trial, but it does not specifically state that it's only a trial right, and it's quite interesting that the Constitution, the right to confront, only applies sometimes, which is not the case.

This is a criminal proceeding. We are here. They are required to show slight or marginal evidence, probable cause, and in all due process proceedings we have a right to confront.

THE COURT: All right. Want me to take a look at the cases?

that they can say it doesn't apply.

MS. LUZAICH: The anticipation -- the statements made in anticipation of trial and hearsay, those are Crawford issues, and Crawford is also a trial issue and is not a preliminary hearing issue.

Witzenberg and in the Nevada Supreme Court and other United States Supreme Court case are very clear, they do not have a constitutional right to cross-examine at preliminary hearing. They do not have Bruton rights at preliminary hearing. All of those are trial issues, not preliminary hearing issues.

THE COURT: I know I have cases on them. I admit that I don't remember the names of them.

MS. LUZAICH: W-i-t-z-e-n-b-e-r-g.

THE COURT: That's a Crawford issue.

MS. LUZAICH: Yes.

THE COURT: That's a case that goes directly to Crawford, confrontation of witnesses.

MS. LUZAICH: Directly to Crawford, confrontation.

THE COURT: What's the other one?

That's a Nevada case.

MS. LUZAICH: Yes, that is a Nevada case. And then Bruton itself says that it's a trial issue,

MS. LUZAICH: Sure. I'm trying to get in here to find the citation.

MR. RUE: Judge, on the issue of credibility, I have a copy of Witzenberg, if the Court would like to review it.

THE COURT: I'll take it and look at it. I know I have a whole other research file on confrontation and Crawford issues.

MR. RUE: The site is 122 Nv. 1056.

THE COURT: We'll be in recess for about five minutes.

(After a recess the following proceedings were had.)

We're back on the record on the Solander case and Hinton case.

Just to refresh my memory about Witzenberg, because I couldn't remember the case, but the Bruton case, it specifically addresses the Sixth Amendment and the confrontation clause. At trial, I will say, it was at trial, but the gravamen of the legal theory was a violation of the confrontation clause.

In Witzenberg, which is a Nevada

9  
1 Supreme Court case from 2006, albeit there was a  
2 dissent, the majority specifically says that the  
3 Sixth Amendment confrontation clause, and, therefore,  
4 Crawford, which is obviously the prevailing case in  
5 that arena, is not applicable to preliminary  
6 hearings.

7 There was a dissent that I believe  
8 the defense has verbatim, almost verbatim argued  
9 today, and maybe it remains to be seen whether the  
10 Supreme Court will change its mind, but I see those  
11 as being the issue at hand today.

12 MR. MANN: Your Honor, I appreciate that,  
13 and I respect your ruling. I just wanted to add,  
14 while you were out I was doing some research as well,  
15 and bring, your Honor, to the Court's attention  
16 Coleman v. Alabama, 399 U.S. 1, a United States  
17 Supreme Court case from 1970, where it specifically  
18 says the preliminary hearing -- sorry:

19 Determination whether the hearing  
20 is a critical stage requirement provision  
21 of counsel depends upon analysis whether  
22 potential substantial prejudice to  
23 defendant's rights adheres in the  
24 confrontation and the ability of counsel  
25 to help avoid that prejudice.

10  
1 Plainly, the guiding hand of  
2 counsel at the preliminary hearing is  
3 essential to protect indigent accused  
4 against the erroneous or improper  
5 prosecution.

6 And it goes specifically to state  
7 that a preliminary hearing is a critical stage, and,  
8 therefore, Sixth Amendment does apply, which talks  
9 about the confrontation clause as well.

10 THE COURT: But that case is specific to  
11 right of counsel Sixth Amendment; is that correct?

12 MR. MANN: Right of counsel, which is  
13 included with the right to confrontation.

14 MS. LUZAICH: But that case is specific  
15 to the right of counsel. The confrontation right, it  
16 may be within the Sixth Amendment, but it's a  
17 different right, and Coleman v. Alabama specifically  
18 talks about the right to counsel.

19 And I absolutely agree, it's a  
20 critical stage and they're entitled to counsel, which  
21 is why everybody's got counsel, but the courts have  
22 since said that there is no constitutional right to  
23 confrontation at a preliminary hearing.

24 MR. MUELLER: This is a 2006 case my  
25 colleague refers you to. Federal Supreme Court

11  
1 subsequently came out with Melendez Diaz. Does a  
2 document prepared for prosecution have a  
3 confrontational right.

4 THE COURT: That what?

5 MR. MUELLER: Massachusetts v. Melendez  
6 Diaz came out about three years ago, said, and the  
7 language here says, absent further ruling from the  
8 United States Supreme Court --

9 THE COURT: This is a Nevada Supreme  
10 Court or U.S. Supreme Court?

11 MR. MUELLER: U.S. Supreme Court.  
12 Massachusetts v. Melendez Diaz. Affidavits from  
13 chemist and that sort of document also attached to  
14 confrontation clause here.

15 Secondly, the Nevada Supreme  
16 Court ruled about two months ago, less than a month  
17 ago, City of Howard -- or City of Reno v. Howard,  
18 they found the exact language included in the statute  
19 in Witzenberg unconstitutional.

20 A, there's a substantial and bona  
21 fide dispute as the facts in the affidavit. Not a  
22 month and a half ago they wrote that that language  
23 was unconstitutional under Crawford and Melendez  
24 Diaz. That was language they used to uphold  
25 Witzenberg case.

12  
1 Now, the other fact, we read this  
2 Witzenberg opinion, it says his rights were violated.  
3 We just found at preliminary hearing it was harmless  
4 error. There was nobody even in the majority wrote  
5 that this wasn't a confrontation clause violation.

6 Now, this is --

7 THE COURT: I'm sorry, nobody in the  
8 ruling said what?

9 MR. MUELLER: Here.

10 MS. BLUTH: Could we have the cite,  
11 please, Mr. Mueller.

12 MR. MUELLER: I'm reading right from the  
13 case. I'm reading from Witzenberg.

14 THE COURT: He's reading from Witzenberg.  
15 I want to make sure we're all talking about the same  
16 case.

17 MR. MUELLER: I'm reading from Witzenberg  
18 right here.

19 Based on historical treatment of  
20 the issue --

21 THE COURT: Can you give us a pinpoint  
22 cite?

23 MR. MUELLER: Page 1062, I believe.

24 THE COURT: This is talking about the  
25 statutory exception, if you will.

MR. MUELLER: It was they could find -- they found generally no Sixth Amendment right under the Constitution at preliminary hearing, but then pointed out that there's a Nevada statute right on point that says it, and this statute is the exception.

And so it was -- we're talking literally about an exception to the exception to the rule, which is confrontation. Now, I do not see that this supports the proposition that Miss Luzaich is arguing that there is right to confront and cross-examine.

THE COURT: The conclusion of Witzenberg, and, again, I just looked up Witzenberg and Bruton. If you want me to look up those others cases that you're saying were more recent, I will for this same issue, but I'm just looking at the conclusion of Witzenberg, which is, as far as I know, good law still. I don't know that the Nevada Supreme Court or the United States Supreme Court has reversed it, but maybe you do. I don't know. It says:

We conclude that the Sixth Amendment confrontation clause and Crawford do not apply to a preliminary hearing. We further conclude --

document, the statement.

The reasoning is does not get away from Nevada's statutory right to confront and cross-examine, which is here and still in effect. The exception here that they used in this Witzenberg case was a narrow issue for a very limited purpose, and even then identical language has been subsequently overturned about a month and a half ago.

So, now, the confrontational right is here, or the statutorily, the State has through its machinations joined these defendants together to deprive two of the three defendants a right to confront and cross-examine this witness in violation of the Nevada statute.

THE COURT: Well, I would agree that these cases are very narrowly -- I mean the facts in the cases are very fact specific. I would agree that in Witzenberg it was for an affidavit for value of property, ownership of property or something like that for out of state witnesses. That's pretty narrow.

It's not as disputed as maybe what we're talking about here, which is some sort of what sounds like some statements that are going to incriminate other defendants, kind of like a Bruton

Then it talks about the statutory right to cross-examination under 171 is a qualified right subject to exception that we just talked about, the exception.

Now, I know there has been some recent cases kind of involving like the DUI affidavits, et cetera. I don't, to be honest with you, keep up with them too much if they're specific to DUI, nurse affidavits, because those aren't the cases I'm handling right now, but if you're saying there is recent case law that basically overrules Witzenberg --

MR. MUELLER: Month and a half ago, it didn't explicitly overrule it, but it overruled the reasoning. And it said specifically that a month and a half ago it says the affidavit violated the confrontation clause in Nevada statute that says when the defendant establishes a substantial bona fide dispute, it's unconstitutional. That shows reasoning.

Here's what my colleague is arguing, and here's where it's wrong. She is saying that because Witzenberg said there was no constitutional right, we can do pretty much whatever we want, or words to that effect. We can use this

issue. So I agree with you that Witzenberg is somewhat fact specific.

The problem I'm having -- I shouldn't say the problem. The way I'm reading Witzenberg though is the conclusion is as broad as it comes. It doesn't say here is how we're determining it in this specific fact under these specific affidavits with these specific out of state witnesses, only intending to prove X, Y, and Z.

It's saying Sixth Amendment confrontational clause does not apply to the preliminary hearing examination because the preliminary hearing examination is the statutory creation anyway.

MR. MUELLER: True, but I still stand on the statute that gives us the right to confront witnesses against him, and that's exactly what they did in Witzenberg. There's no constitutional right, but we have a statutory right, so let's throw away the constitutional discussion. Let's put it aside.

I'm invoking on behalf of Mr. Solander the statutory -- the Nevada statutory constitutional right to confront witnesses against him. They're going to come in and use a hearsay statement from a co-defendant, which deprives me of

17  
1 the right to confront and cross-examine that witness.

2 MS. LUZAICH: He is specifically leaving  
3 out the most important part of the statute that he's  
4 basing his argument on.

5 In Witzenberg and in Melendez  
6 Diaz, the DUI case, there is a specific statute here  
7 in Nevada, 171.197, that talks about the using an  
8 affidavit in court. In subsection 4, specifically --  
9 or at a preliminary hearing. It specifically gives  
10 the State the right to use an affidavit at  
11 preliminary hearing, but under subsection 4 of that  
12 statute it gives the defense the right to object.

13 So that statute specifically gives  
14 the defense the right to object. There is nothing in  
15 Witzenberg that gives the defense the right to object  
16 to everything else. The only reason Melendez Diaz  
17 and those cases pseudo overruled that portion of  
18 Witzenberg is because of the statute that gives them  
19 that ability.

20 There is no statute that gives  
21 them that ability for the information that we are  
22 bringing in. They don't have a statute that says,  
23 you can object, and, therefore, the State has to  
24 bring in the person, where they do have that right  
25 based on that statute for that limited affidavit

19  
1 objection; hearsay, when they say what else did she  
2 say.

3 MR. MUELLER: Counsel, you did it  
4 yesterday.

5 MS. LUZAICH: Because that was their  
6 client yesterday. It's a different issue.

7 THE COURT: I appreciate everybody's  
8 arguments. I think they're all reasonable. I think  
9 they're all reasonably legally based, frankly.  
10 Unfortunately, I probably used that bad term,  
11 unfortunately, we have a situation in Nevada where we  
12 have the statutory function of a preliminary hearing.  
13 That function gets looser and looser and looser.

14 And it's up to the Nevada Supreme  
15 Court and the United States Supreme Court to  
16 determine what is and is not allowed and  
17 constitutional under the preliminary examination  
18 statutory function.

19 I am, as I am directed to do,  
20 looking at what I believe to be good Nevada case law.  
21 Witzenberg. I do not believe Melendez Diaz overrules  
22 Witzenberg. And it is so broad in that the  
23 conclusion, the very first sentence of the conclusion  
24 is, we conclude that the Sixth Amendment  
25 confrontation clause does not apply at a preliminary

18  
1 purpose.

2 THE COURT: Well, I understand your  
3 argument. Which statutory right do you believe is  
4 cross-examination, because, frankly, the  
5 cross-examination statute that I'm looking at is  
6 171.196, section 5, that says the defendant may  
7 cross-examine witnesses against him or her and may  
8 introduce evidence in his or her behalf. It doesn't  
9 say shall have the right to cross-examine witnesses  
10 against him.

11 MR. MUELLER: It shall have the right to  
12 cross-examine the witnesses against him. She's not  
13 going to take the stand.

14 MS. LUZAICH: It says may.

15 THE COURT: I'm saying it says may.

16 MR. MUELLER: So I may. If you're going  
17 to put this on, here's what going to happen. The  
18 witness is going to get up there and say, she said  
19 this. Then I'm going to say, what else did she say,  
20 and my colleague's going to pop up and say hearsay.

21 Now, that's not may  
22 cross-examination. That's going to be depriving  
23 Mr. Solander of his right to -- statutory right to  
24 cross-examine.

25 MS. LUZAICH: I'm not going to say,

20  
1 examination.

2 It doesn't matter if I agree or  
3 disagree with that. I have to apply it. I think I  
4 have to apply it, unless something tells me not to  
5 apply it. And I'm going to apply it, and so I'm  
6 going to, I guess, decline Mr. Mann's, I don't know,  
7 request to, whatever you want to call it, exclude  
8 what sounds to be like a statement from Miss Hinton  
9 and let the chips fall where they may in a higher  
10 court.

11 MR. MANN: Thank you, your Honor.

12 THE COURT: Now, of course, that's if  
13 they introduce that evidence. Obviously, the  
14 discussion is all theoretical in nature if they don't  
15 even seek to introduce that evidence, but it sounded  
16 like at the beginning of this argument that they will  
17 be seeking to introduce some sort of statements by  
18 Miss Hinton.

19 MS. LUZAICH: Yes, we are.

20 THE COURT: All right. You can call your  
21 next witness.

22 MS. LUZAICH: Thank you. The State calls  
23 Detective Emery.

24 THE CLERK: Please be seated.

25 State your first and last name and

21

1 spell both for the record.

2 THE WITNESS: Frances Emery,

3 F-r-a-n-c-e-s, E-m-e-r-y.

4 THE COURT: Thank you.

5 You can proceed.

6 MS. LUZAICH: Thank you.

7

8

9 F R A N C E S E M E R Y, having been first duly

10 sworn to testify to the truth, the whole truth, and

11 nothing but the truth, testified as follows:

12

13 DIRECT EXAMINATION

14 BY MS. LUZAICH:

15 Q. Ma'am, are you a police officer with the

16 Las Vegas Metropolitan Police Department currently

17 assigned to the Crime's Against Youth and Family

18 Bureau?

19 A. Yes.

20 Q. How long have you been with Metro?

21 A. I've been a police officer for 10 and a

22 half years.

23 Q. How long have you been with Crimes

24 Against Youth and Family?

25 A. 15 months.

22

1 Q. Specifically, what is it that you do in

2 the Crimes Against Youth and Family?

3 A. In abuse/neglect we investigate child

4 abuse, elder abuse, and elder exploitation and

5 everything that encompasses that.

6 Q. I'm going to direct your attention to

7 March of 2014.

8 Did you become involved in an

9 investigation into individuals known to you as Janet

10 Solander, Dwight Solander, and Danielle Hinton?

11 A. Yes.

12 Q. And pursuant to your investigation on

13 March 20 of 2014, did you have an interview with

14 Danielle Hinton?

15 A. Yes.

16 Q. Do you see Danielle Hinton here in court

17 today?

18 A. Yes.

19 Q. Can you describe where she's sitting and

20 point to her?

21 A. She's sitting at the end of the

22 defendant's table. She has her hair in a -- pulled

23 up. She's wearing the blue.

24 MS. LUZAICH: The record reflect the

25 identification of the defendant Danielle Hinton.

23

1 THE COURT: Yes.

2 MS. LUZAICH: Thank you.

3 BY MS. LUZAICH:

4 Q. Where did you have this conversation with

5 Miss Hinton?

6 A. Police headquarters.

7 Q. And what time of day was it?

8 A. The interview started at 8:11, 2011

9 hours.

10 Q. In the evening?

11 A. Yes.

12 Q. At the time that you conducted this

13 interview was it tape recorded?

14 A. Yes.

15 Q. Had you had some conversation with

16 Miss Hinton earlier in the day?

17 A. Yes.

18 Q. And at that time had you read her some

19 rights?

20 A. I did.

21 Q. What rights did you read to her?

22 A. Her Miranda rights.

23 Q. Did you read them from a card or from

24 memory?

25 A. From a card.

24

1 Q. Was that a department issued card?

2 A. Yes.

3 Q. Did she indicate to you that she did want

4 to talk to you?

5 A. Yes.

6 Q. And then at 8 or so that evening did she

7 in fact speak to you?

8 A. Yes.

9 Q. Did you ask her questions about things

10 that went on with children known to you as Ava

11 Solander, Amaya Solander, and Anastasia Solander?

12 A. Yes.

13 Q. And did Miss Hinton talk to you about the

14 fact that she did not live with the Solanders the

15 whole time that -- the adult Solanders the whole time

16 that the children were there?

17 A. Yes.

18 Q. Where did Miss Hinton indicate that she

19 had been?

20 A. She stated she left for college in 2011,

21 was there for her freshman year, and returned after

22 her freshman year was over.

23 Q. Did she indicate to you that the children

24 had come to the Solander household before she left

25 for college?

25

1 A. Yes.

2 Q. So she did live with them to some degree

3 before school?

4 A. Correct.

5 Q. And did she indicate that the Solanders

6 lived in the same home before Danielle went to

7 college as when she returned?

8 A. Say that again.

9 Q. Did she indicate that the Solander

10 household resided in the same physical home before

11 she went to college as after or were there two

12 different homes?

13 A. There were two different homes.

14 Q. And when she returned from college was it

15 a house on Wakashan?

16 A. Yes.

17 Q. And when she returned from college was it

18 just the three; Amaya, Ava, and Anastasia, or were

19 there other children as well for at least a period of

20 time?

21 A. There were other kids there for a period

22 of time.

23 Q. And did she indicate that when she had

24 come back from college Amaya, Ava, and Anastasia had

25 been adopted by Dwight and Janet Solander?

26

1 A. They had been adopted before she left for

2 college.

3 Q. Oh, okay.

4 Did you talk to Danielle Hinton

5 after you had spoken to her or at least seen

6 interviews conducted with Ava, Amaya, and Anastasia?

7 A. Yes.

8 Q. So you knew what allegations had been

9 made?

10 A. Yes.

11 Q. And did you ask Danielle questions about

12 those allegations that had been made?

13 A. Yes.

14 Q. In the beginning of your interview did

15 Danielle indicate that anything inappropriate had

16 been going on?

17 A. No.

18 Q. Did something happen during the course of

19 your interview that she then became what you

20 perceived to be as more forthcoming?

21 A. I showed her a picture.

22 Q. What picture did you show her?

23 A. I showed her a picture of a bucket with a

24 toilet seat on top.

25 Q. How did she react when you showed her the

27

1 picture of the bucket with the toilet?

2 That came out wrong. The bucket

3 with the toilet seat on top, sorry.

4 A. Well, my perception of how she acted was

5 she didn't really know what it was, and so I ended up

6 questioning her further on it, and she ended up

7 becoming truthful after that.

8 Q. When you say she appeared to not know

9 what it was, why did you think that that wasn't

10 accurate?

11 A. I think it was how her body language.

12 She started saying -- she told me it was -- it looked

13 like a bucket with a toilet seat, but the way she

14 said it, she didn't appear to know what it was.

15 MR. MUELLER: Objection.

16 Never mind. Withdrawn.

17 BY MS. LUZAICH:

18 Q. Did you ask her more about it?

19 A. Yes.

20 Q. And then what did she say?

21 A. She said that that bucket with the toilet

22 seat, the kids, all three of the girls sat on it and

23 would use that for the bathroom, the toilet.

24 Q. Did she indicate for how long a period of

25 time they would sit on it?

28

1 A. She wasn't completely clear on that.

2 MR. MUELLER: Objection; foundation.

3 If I understood the testimony so

4 far, young Miss Hinton is out of the house. When did

5 this happen, when did this occur. We've got a

6 general discussion about what the officer thinks she

7 knows. It's not evidence. It's just speculation.

8 THE COURT: Well, it's only whatever

9 she's told, I suspect, so you can rephrase your

10 question, but I don't know that there's going to be

11 much more detail or foundation. There may be.

12 MS. LUZAICH: Not yet.

13 THE COURT: I don't know.

14 BY MS. LUZAICH:

15 Q. Let me rewind just a little bit.

16 You said that Miss Danielle Hinton

17 had gone to college. Did she indicate to you when

18 she came back?

19 A. Well, she came back after her freshman

20 year, the summer of 2012.

21 Q. Summer of 2012.

22 And you are conducting this

23 interview in March of 2014?

24 A. Correct.

25 Q. And did you talk with her about the --



1 and did she indicate to you that she lived in the  
2 home with Dwight and Janet Solander and Ava, Amaya,  
3 and Anastasia Solander in those two years between  
4 when she came home in the summer of 2012 until March  
5 2013 -- 2014, when you're talking to her?

6 A. Yes.

7 Q. Were you clear with her that you were  
8 wanting to talk about at this point the time period  
9 between when she came home in the summer of 2012 and  
10 March of 2014 while you were conversing?

11 A. Yes.

12 Q. And did she indicate for how long periods  
13 of time the girls would have to sit on those buckets  
14 with toilet seats on them?

15 A. She said they sat throughout the day, but  
16 they would stand up, sit down, stand up, sit down.  
17 They weren't constantly sitting on it. They would  
18 stand up at times.

19 Q. Did she talk about why they were sitting  
20 on the buckets, like was there a problem, they were  
21 having an issue?

22 A. Yes, because they couldn't hold their  
23 urine.

24 Q. Did you talk to her quite a bit about the  
25 ability or inability to hold urine and/or bowels?

1 THE COURT: Well, she didn't say Danielle  
2 did. She said Dwight and --

3 MS. LUZAICH: I know. I was getting  
4 there.

5 THE COURT: Oh, okay. Then go ahead and  
6 get there.

7 BY MS. LUZAICH:

8 Q. Did she also indicate that she had  
9 spanked the girls with paint sticks?

10 A. No.

11 Q. She didn't ever indicate to you that she  
12 had spanked the girls with paint sticks?

13 A. No. I specifically asked her later on in  
14 the interview and she said no.

15 Q. Did she talk about the girls having been  
16 spanked with paint sticks?

17 A. Yes.

18 Q. Did she indicate that there were any  
19 injuries that occurred from the being spanked with  
20 paint sticks?

21 A. Yes.

22 Q. What were the injuries?

23 A. She stated she observed Anastasia to  
24 have -- well, first of all, she said that she saw  
25 their skin and it was chapped, their bottoms, and she

1 A. Yes.

2 Q. What did she have to say about that?

3 A. She stated that the problems that she  
4 noticed with holding their -- or having their  
5 toileting accidents, meaning urinating or defecating  
6 on themselves started when Dwight and Janet put them  
7 on a bathroom break, which occurred every hour. She  
8 said once that started, once that plan was put into  
9 place, she noticed that their toileting issues became  
10 worse.

11 Q. Did she describe what would happen when  
12 or if they had accidents?

13 A. Yeah. They would get spanked.

14 Q. Did she say what they would get spanked  
15 with?

16 A. A paint stick.

17 Q. Did she say who would spank them?

18 A. Dwight and Janet.

19 MR. MUELLER: Objection; hearsay.

20 THE COURT: Miss Luzaich.

21 MS. LUZAICH: Statements against interest  
22 for one, and I mean if the Court is uncomfortable  
23 with it, the Court can consider those statements as  
24 they pertain to Danielle and not as they pertain to  
25 Janet and Dwight.

1 also saw blood seeping through Anastasia's panties  
2 after being spanked with the paint stick on one  
3 occasion.

4 Q. Were they spanked on bare butt?

5 A. Yes. They were spanked standing up or  
6 they were --

7 MR. MUELLER: Objection; hearsay. This  
8 is a hearsay statement related out of court for the  
9 truth of the matter asserted.

10 THE COURT: Doesn't my previous rule  
11 apply though or is this some other objection?

12 I mean you can have a standing  
13 objection.

14 MR. MUELLER: I need to have a standing  
15 objection, Judge. This witness is putting words in  
16 his mouth and I'm not going to be able to  
17 cross-examine or do anything about it.

18 THE COURT: Okay. Standing objection.  
19 Standing objection for Mr. Mann, not for Mr. Rue.  
20 BY MS. LUZAICH:

21 Q. Did Miss Hinton -- did you ask if  
22 anything would happen if the girls peed or pooped in  
23 the buckets?

24 A. They would get spanked.

25 Q. With what?

1 A. I would have to look at my statement. I  
2 don't know if I specifically asked her at that point  
3 exactly what they would be spanked with. I would  
4 have to look.

5 Q. Did you get a -- you said it was tape  
6 recorded?

7 A. Yes.

8 Q. Was it then transcribed?

9 A. Yes.

10 Q. Do you have a copy of your statement with  
11 you?

12 A. I do.

13 Q. Would it refresh your recollection to  
14 review your statement?

15 A. Yes.

16 Q. I would invite your attention to page 71.

17 MR. MANN: Your Honor, Just to be clear,  
18 is it her statement or Miss Hinton's statement?

19 THE COURT: I think that's a fair  
20 question.

21 You keep saying her statement. Is  
22 this officer's statement 71 pages?

23 MS. LUZAICH: Oh, no. Miss Hinton's. I  
24 apologize. When I say her statement I meant  
25 Miss Hinton's.

1 A. They were put in the shower, and if they  
2 peed on themselves, they would be -- they would have  
3 to take a cold shower. They were also, if they had  
4 an accident and they were in the shower, they would  
5 get a pitcher of ice dumped on them either before or  
6 after.

7 Q. How -- when they were done with the  
8 shower, how would they get to dry off?

9 A. They would either air dry, once in a  
10 while they would have a towel, or they had a fan,  
11 standing fan that was either placed in the bathroom  
12 or right outside the bathroom door, and they would be  
13 made to dry off with that. And they also had five  
14 minutes to dry off.

15 Q. Did you talk to her about feeding the  
16 girls as well?

17 A. Yes.

18 Q. What did she say about feeding the girls?

19 A. She said that they had blended food.  
20 Janet would blend up the food. And they were served  
21 blended food three meals a day.

22 Q. Did she say what kind?

23 A. She said quinoa and oatmeal for  
24 breakfast, and there was also blended up vegetables,  
25 beans, and rice.

1 THE WITNESS: Page 71?

2 MS. LUZAICH: Page 71. 70 and 71.

3 THE WITNESS: They would get spanked with  
4 a paint stick.

5 BY MS. LUZAICH:

6 Q. Did she indicate that that was the normal  
7 discipline?

8 A. Yes.

9 Q. Did you talk to her about whether or not  
10 there was a timer for the bathroom?

11 A. Yes.

12 Q. What did she tell you about a timer?

13 A. She said that they were timed as far as  
14 how long they could urinate and defecate while they  
15 were in the bathroom.

16 Q. Just so we're clear, you had mentioned  
17 that there were other children in the residence.

18 Did these rules only apply to  
19 Amaya, Anastasia, and Ava?

20 A. Yes.

21 Q. Did you talk to her about how they might  
22 clean up from or get cleaned up from having  
23 accidents?

24 A. Yes.

25 Q. What were you told?

1 Q. Did you talk with her about sleeping  
2 arrangements?

3 A. Yes.

4 Q. And what were the sleeping arrangements?

5 A. Well, I showed her a picture of a board,  
6 and I asked her what that was, and she stated these  
7 are the boards that the three girls slept on, meaning  
8 Ava, Amaya, and Anastasia. And I asked her why they  
9 slept on the boards and she said because they would  
10 pee themselves during the night and they didn't want  
11 to wash the sheets so they made them sleep on the  
12 boards.

13 Q. And when they would have to sleep on the  
14 boards, how might they be dressed?

15 A. Underwear only.

16 Q. Did they have sheets or blankets?

17 A. No.

18 Q. Did she say anything about fans?

19 A. Yes. If they had an accident that day,  
20 they would get the fan on them as well. She said the  
21 rules would change up a little bit. If they were  
22 able to not have an accident for a couple days, then  
23 they might get a blanket or sheet or maybe be able to  
24 wear pajamas.

25 Q. Did you ever see the fan that you're

37  
1 talking about?

2 A. Yes.

3 Q. Can you describe it for us?

4 MR. MUELLER: Objection.

5 THE COURT: Hold on. There's an  
6 objection.

7 MR. MUELLER: How are they going to  
8 establish what fan was used let alone if it's the  
9 same fan.

10 THE COURT: Well, rephrase.

11 BY MS. LUZAICH:

12 Q. Did you show her a picture of the fan?

13 A. Yes.

14 Q. Did she point out the particular fan?

15 A. Well, she said something to the effect  
16 that it was like the fan in the picture.

17 Q. Describe the fan that you saw -- did you  
18 see the fan in the house?

19 A. I can't recall. I was only there for  
20 about 15 minutes.

21 Q. Describe the fan in the picture.

22 A. The fan in the picture is a big white  
23 floor fan. It's a square box floor fan.

24 Q. When you say big and white, you were  
25 using your hands out, so guesstimate how high, how

39  
1 A. Yes. Sometime they were made to put  
2 their underwear, their soiled underwear on their head  
3 and crawl around saying, goo goo gaga, I'm a baby.  
4 Also Danielle observed at least one time where they  
5 had to put the underwear in their mouth and crawl  
6 around.

7 Q. What was that conduct utilized for?

8 A. Humiliation or because they had an  
9 accident.

10 Q. Did you ask Danielle anything about  
11 catheters?

12 A. Yes.

13 Q. What about catheters?

14 A. I asked her if they had any catheters in  
15 their home, and she said, we used to. I said, how  
16 did you know that, and she said, well, that's what  
17 they threatened when -- she said they a lot. She's  
18 referring to Janet and Dwight.

19 MR. MUELLER: Objection. Not only am I  
20 not allowed to cross-examine and not only is this  
21 hearsay, but now I'm getting informed speculation  
22 about what the witness meant when she didn't mention  
23 anybody by name. Now, cross-examination, they, oh,  
24 it means my client too. How do we know that.

25 THE COURT: I'll allow you on

38  
1 wide. Six inches by six inches?

2 A. No, probably two to three feet high by  
3 two to three feet wide.

4 Q. You said a square that sits on the floor?

5 A. Mm-hmm.

6 THE COURT: Is that a yes?

7 THE WITNESS: Yes.

8 BY MS. LUZAICH:

9 Q. Was there also a gate?

10 A. Yes.

11 Q. What about that gate?

12 A. She stated that there was an iron gate  
13 that was used to keep the kids in the loft when --  
14 and when I say kids, I'm talking about the three  
15 adopted girls. They were made to stay in there while  
16 they left where nobody was home. So they could not  
17 get out. There was no phone. If there was an  
18 emergency, they would not be able to call for help.

19 Q. Did she say anything about the underwear,  
20 seeing anything happening with the underwear?

21 A. Yes. She stated that Dwight and Janet  
22 would look at their underwear with a black light and  
23 look for stains.

24 Q. Did the girls have to do anything with  
25 the underwear?

40  
1 cross-examination to see if it's speculation or not.  
2 Overruled for now.

3 MS. LUZAICH: Thank you.

4 Go ahead.

5 THE WITNESS: Okay. Where was I?

6 THE COURT: Something about catheters.

7 THE WITNESS: She said that they would  
8 threaten the girls with catheters for holding their  
9 urine. And I said, but yet they were made to hold  
10 their urine. And she said, yeah, it was very  
11 contradictory. And she said she actually saw a  
12 catheter sitting on the counter. That Dwight and  
13 Janet would take the girls into the bathroom. She  
14 actually never saw them insert the catheter into  
15 their vaginas.

16 BY MS. LUZAICH:

17 Q. Did you say that she saw Dwight and Janet  
18 in the bathroom with the girls?

19 A. She said to her knowledge Dwight went in  
20 as well.

21 THE COURT: If you don't object, I can't  
22 rule on it.

23 MR. MUELLER: Objection, Judge.

24 THE COURT: I mean you kind of say  
25 objection and you throw your stuff down.

41

1 MR. MUELLER: It's the same continuing  
2 objection. I'll go through this on statement if we  
3 have to read every 71 pages, we'll do it. It's just  
4 not in here, but okay.

5 THE COURT: I thought that objection was  
6 going to be something other than hearsay or something  
7 other than your standing foundation, which is why I  
8 can't read your mind. That's okay. There hasn't  
9 been an objection raised other than the standing  
10 objection of hearsay and the ruling that I made  
11 earlier, so you can proceed, Miss Luzaich.

12 MS. LUZAICH: Thank you.

13 BY MS. LUZAICH:

14 Q. Did Danielle at some point kind of  
15 characterize how the girls appeared to act or react?

16 A. She said they appeared very scared,  
17 traumatized, and were the definition of abused kids.

18 Q. Did Danielle say how the catheters got to  
19 the house?

20 A. She stated Dwight bought them.

21 MR. MUELLER: Objection. Lack of  
22 foundation and lack of knowledge. Not only -- she  
23 testified she's out of town. She's asking her about  
24 something that she didn't see. And now she's  
25 testifying about what this woman speculated to and is

42

1 being used against my client.

2 THE COURT: It might be speculation.  
3 Can you lay some foundation?

4 MS. LUZAICH: Well --

5 THE COURT: I don't know if it's  
6 speculation.

7 MS. LUZAICH: He said she testified she's  
8 out of town.

9 BY MS. LUZAICH:

10 Q. I mean very clearly I asked you earlier,  
11 the statements that you are getting from Miss Hinton  
12 at this point are things that she observed after she  
13 came back from school; is that correct?

14 A. Correct.

15 Q. And when she indicated that Dwight bought  
16 the catheters, did she indicate how she knew that?

17 A. No.

18 Q. Did there come a time that you had  
19 communication with Dwight Solander's employer?

20 A. I did.

21 Q. And did that pertain to Dwight Solander's  
22 email account through his employment?

23 A. Yes.

24 Q. Was that after he had been arrested?

25 A. Yes.

43

1 Q. And was in jail?

2 A. Yes.

3 Q. And did you get a search warrant for  
4 Dwight Solander's email account and provide it to the  
5 employer?

6 A. Yes.

7 Q. And did the employer give you the --  
8 whatever was in the email account on disk and drive?

9 A. Yes.

10 Q. And did you then have the opportunity to  
11 view Dwight Solander's email account that was  
12 provided to you by his employer?

13 A. Yes.

14 Q. And did you see photographs from that  
15 email account?

16 A. Yes.

17 Q. What did you specifically see photographs  
18 of that pertain to the kids?

19 A. Soiled underwear. I saw photos of the  
20 girls in soiled underwear, diarrhea streaming down  
21 their legs. I also saw receipts of catheters  
22 purchased by Dwight Solander.

23 Q. Did you also see emails between Dwight --

24 MR. MUELLER: Objection; hearsay. What's  
25 the best evidence rules are the documents.

44

1 THE COURT: Okay. I'm kind of confused  
2 because I don't know the discovery. Are these photos  
3 that are like attached to an email from Mr. Solander?

4 MS. LUZAICH: I will be happy to ask that  
5 question.

6 THE COURT: Can you kind of lay some  
7 foundation at least where the photos came from,  
8 et cetera, et cetera.

9 BY MS. LUZAICH:

10 Q. The photos you saw of the girls with  
11 soiled underwear or diarrhea running down their legs,  
12 how were they in the email account; I mean were they  
13 attached to emails going from Janet to Dwight or --

14 MR. MANN: Objection, your Honor. First  
15 of all, it was never said it was going to and from  
16 Janet. That is something that Miss Luzaich put in  
17 there. Second of all, we don't know who the account  
18 was from.

19 All we know right now is that this  
20 disk came from Dwight's employer. That there's no  
21 chain of custody. There's no issue. So to say that  
22 it came from Janet at this point would be extreme --

23 THE COURT: She didn't say that. She  
24 asked it.

25 MR. MANN: But she said these emails

45

1 coming from Janet and Dwight.

2 THE COURT: No, she didn't. She said,

3 were they emails between Dwight and Janet or, and

4 there was an objection.

5 MR. MANN: That's not how I heard it.

6 THE COURT: I'm trying to pay attention.

7 MS. LUZAICH: I'll ask it again.

8 THE COURT: Ask it again.

9 MR. MANN: Your Honor, the same objection

10 comes into play --

11 THE COURT: Well, I can't rule on an

12 objection if I can't hear the whole question, so can

13 you let her finish the questions, please, because

14 Miss Gerri -- hi, Miss Gerri.

15

16 (Discussion off the record.)

17

18 BY MS. LUZAICH:

19 Q. The photos that you just described, were

20 these photos that were attached to emails?

21 A. Yes.

22 Q. Who were the emails from?

23 A. They were --

24 MR. MUELLER: Objection; speculation.

25 MR. MANN: Foundation.

46

1 THE COURT: I understand. Overruled.

2 MS. LUZAICH: The defense has them. I

3 mean we can print them all out and she can look at

4 them.

5 MS. BLUTH: If you want to take a recess,

6 I will print out every single one if this objection

7 is going to continue going.

8 THE COURT: I guess she can probably

9 testify who they appear to be from.

10 BY MS. LUZAICH:

11 Q. Who did they appear to be from?

12 A. There were emails back and forth from

13 Janet and Dwight and --

14 THE COURT: She specifically -- let's try

15 to be specific. The specific question right now, are

16 the photos that you said were attached to an email,

17 were those emails from Dwight or appeared to be from

18 Dwight?

19 THE WITNESS: There were both. There

20 were both. There was quite a few.

21 BY MS. LUZAICH:

22 Q. Which was my next question. Was there

23 one photo, were there multiple photos?

24 A. Multiple.

25 Q. And were there, therefore, one email or

47

1 multiple emails?

2 A. Multiple.

3 Q. And who were they from and to?

4 MR. MANN: Objection.

5 BY MS. LUZAICH:

6 Q. Who did it appear that they were to and

7 from?

8 A. There were some to Janet from Dwight, and

9 there were some from Dwight to Janet.

10 Q. And --

11 THE COURT: I'm confused. So these are

12 emails that predate -- you mentioned, because I think

13 Miss Luzaich asked you about after they were arrested

14 you subpoenaed the employer, so I just want to make

15 sure for the record and I'm clear, these emails

16 predated arrest; is that correct?

17 THE WITNESS: That's correct.

18 THE COURT: The date on them. You just

19 received them after arrest?

20 THE DEFENDANT: Correct.

21 THE COURT: Okay. All right.

22 MS. LUZAICH: And it was search warrant,

23 not subpoena, so the record's clear.

24 THE COURT: Excuse me, you're right.

25 MR. MANN: Your Honor, just so I

48

1 understand it as well, this detective testified that

2 she was given a disk from the employer. It wasn't as

3 if the police came in with a forensic unit and

4 examined the computers and retrieved these items.

5 These are items that were given to

6 this detective from the employer, who had done its

7 own analysis and given that. So I think there's a

8 chain of custody issue and a foundational issue as to

9 these emails, which was going back to what my

10 original objection was.

11 MS. LUZAICH: It goes to the weight, not

12 the admissibility at this point.

13 THE COURT: I agree. Overruled.

14 BY MS. LUZAICH:

15 Q. You said there were numerous photos and

16 it appeared to you that they were attached to emails

17 that went back and forth between Dwight and Janet

18 Solander?

19 A. Correct.

20 THE COURT: So you were asking -- you got

21 to soiled underwear, diarrhea, and receipts purchased

22 by the wife. Then there was an objection.

23 BY MS. LUZAICH:

24 Q. You said you found actual receipts in the

25 emails for purchases of what?

49

1 A. Catheters.

2 Q. And were there multiple receipts for

3 purchases of catheters by Dwight?

4 A. Yes.

5 Q. And in the course of your investigation

6 did you hear from somebody that Janet Solander may be

7 a nurse?

8 MR. MANN: Objection; hearsay.

9 THE COURT: Sustained.

10 MS. LUZAICH: I mean that's foundational.

11 BY MS. LUZAICH:

12 Q. Did Janet Solander say that she was a

13 nurse to somebody?

14 A. Yes.

15 MR. MANN: Objection; hearsay.

16 THE COURT: Hold on.

17 Sustained.

18 MR. MANN: Thank you.

19 MS. LUZAICH: Party opponent.

20 THE COURT: Lack of foundation. I don't

21 even know who it's coming from.

22 MR. MANN: You don't even know who she

23 said it to.

24

25 (Overlapping speakers)

51

1 Q. Okay. Did you talk to her then or why

2 would you Mirandize her then and not interview her?

3 A. Because we were -- they were sitting on a

4 curb outside, and when we conduct our interviews we

5 do them individually, and I had planned to bring her

6 back to headquarters to do the interview.

7 Q. When you Mirandized her was she under

8 arrest at that point?

9 A. Yes.

10 Q. So you brought her back to police

11 headquarters and you put her in a room, handcuffed

12 her to the table?

13 A. Correct.

14 Q. And it was you and is it Specialist

15 Barker?

16 A. Abuse/Neglect Specialist Candace Barker.

17 Q. What was the first name?

18 A. Candace.

19 Q. Candace.

20 And you got to interview her at,

21 as you said, 8:11 that night?

22 A. Correct.

23 Q. And the interview went on until 10:45?

24 A. Yes.

25 Q. I don't want to trick you, if you want to

50

1 BY MS. LUZAICH:

2 Q. Well, did you do an investigation to see

3 if Janet Solander was a nurse?

4 A. I did.

5 Q. And is she?

6 A. No.

7 MS. LUZAICH: Thank you. I have nothing

8 further.

9 MR. MANN: We're going to let Mr. Rue go

10 first.

11

12 CROSS-EXAMINATION

13 BY MR. RUE:

14 Q. Detective, I want to ask you, you said

15 that you spoke with Danielle.

16 Was that -- the first time you

17 spoke with Danielle was at the house?

18 A. Yes.

19 Q. At the Wakashan house?

20 A. Correct.

21 Q. And that was during the execution of the

22 search warrant.

23 A. Correct.

24 Q. And that's when you Mirandized her?

25 A. Yes.

52

1 check it.

2 A. I'm pretty sure that's correct. If you

3 don't mind me checking.

4 Q. Sure.

5 A. 10:54, yeah.

6 Q. 10:54.

7 So a little over two and a half

8 hour interview?

9 A. Yeah.

10 Q. And sort of the -- I think you talked

11 about it, sort of there was like a moment.

12 Before that Miss Hinton had been a

13 little vague, a little evasive with you; is that

14 right?

15 A. Correct.

16 Q. And then there was a moment that you

17 showed her the picture and that was sort of

18 confrontation moment?

19 A. Right.

20 Q. I'll call it a confrontation moment, but

21 you showed her the picture, and you're like, you know

22 what, you're not really being honest with us, true?

23 A. That's true.

24 Q. And she changed?

25 A. Yes.

53

1 Q. Her demeanor changed?

2 A. Yes.

3 Q. She cried?

4 A. Yes.

5 Q. And then you got down to what was going

6 on in the case?

7 A. Yes.

8 Q. That's when we heard all about what you

9 were talking about with the buckets and catheters and

10 all that stuff?

11 A. Yes.

12 Q. During this time that she was being

13 honest with you and trying to be as specific as

14 possible; is that true?

15 A. Yes.

16 Q. You wouldn't say she was being evasive at

17 all?

18 A. You want my opinion?

19 Q. I want to know, was she being specific

20 about the things that you were asking her about?

21 MS. LUZAICH: Well, objection. Those are

22 two different things.

23 MR. RUE: Okay. Well, that's my

24 question.

25 THE COURT: Which one, specific? Was she

55

1 A. The interviews with the three girls were

2 held at the Children's Advocacy Center. I was not

3 the one who personally interviewed them; however, I

4 was in a room where we can observe.

5 Q. Observing?

6 A. Yes.

7 Q. That was what I was meaning to ask.

8 A. Yes.

9 Q. So you were armed with information, there

10 were a lot of interviews with other children as well

11 in this case; is that true?

12 A. Yes.

13 Q. Were you observing those -- did you

14 observe any of those interviews as well?

15 A. Yes.

16 Q. Like, for instance, Ivy was interviewed?

17 A. Right.

18 Q. Little girl that was there at the time

19 when some of this was going on?

20 A. Correct.

21 Q. Areahia Diaz, was that one as well?

22 A. Yes.

23 Q. So you knew that information going into

24 the interview with Danielle as well?

25 A. Yes.

54

1 being specific about the question?

2 MR. RUE: Right.

3 THE COURT: Or in her answers.

4 THE WITNESS: Yeah. I would say for the

5 most part she was.

6 BY MR. RUE:

7 Q. And you asked her more than once about

8 her using paint sticks on the kids, true?

9 A. True.

10 Q. And this was during the time when she was

11 telling you about the catheters, about the buckets,

12 about the boards on the beds; that was during that

13 time, correct?

14 A. Yes.

15 Q. And more than once she told you, no, she

16 never used the paint stick on the children?

17 A. Correct.

18 Q. Prior to interviewing her, I think I

19 heard you agree with Miss Luzaich that you had

20 reviewed the interviews from Ava, Amaya, and

21 Anastasia?

22 A. Yes.

23 Q. Now, were you present when those

24 interviews took place or how were you made aware of

25 those?

56

1 Q. You also had a report from Florida CPS?

2 A. Yes.

3 Q. That was the initial report or the first

4 official interview of the children for the

5 investigation; is that true?

6 A. Yes.

7 Q. You had the report. Had you talked to

8 the person that did the interview?

9 A. No.

10 Q. So all you really had was the report?

11 A. Yes.

12 Q. It's true that the Florida report doesn't

13 mention Danielle at all; is that true?

14 MS. LUZAICH: Objection; hearsay.

15 BY MR. RUE:

16 Q. Well, based on your investigation going

17 into the interview, you -- this was relevant toward

18 your investigation in asking Miss Hinton questions;

19 am I right?

20 A. That was part of it.

21 Q. Part of it.

22 MR. RUE: So what's the objection?

23 THE COURT: Hearsay.

24 MS. LUZAICH: Hearsay. It's an out of

25 court statement.

THE COURT: You're offering it for the truth of the matter.

MR. MUELLER: Just like she promised she wouldn't do. Sorry.

THE COURT: No, that's totally different. He's asking about a Florida CPS report.

MS. LUZAICH: A piece of paper.

THE COURT: So not Miss Hinton's statement. So the objection is, because you're asking her about what was contained or not contained in a CPS report, and the objection is hearsay.

My question is, would you like to respond to that?

MR. RUE: Court's indulgence.

THE COURT: Sure.

MR. RUE: Judge, the kids testified that they all talked to the Florida people and that they all said that we talked about Danielle. This is impeaching of that in that the report itself that I'm asking her about that's relevant does not mention Danielle one time.

MS. LUZAICH: Well, then he needs to bring in the person who wrote the report and ask him the question. That is hearsay.

MR. RUE: It's impeachment of the

guessing. I'd have to look at my paperwork, my case file, which is huge.

Q. When you first received this case -- I take it you were assigned this case?

A. I was.

Q. Through CPS?

A. Yes.

Q. And was your investigation of Danielle before or after the Florida report when she became a suspect?

MS. LUZAICH: Objection; vague.

THE COURT: If it's vague to her, I'm sure she's eloquent enough to tell him she doesn't understand his question.

THE WITNESS: I just don't want to give you wrong information.

MR. RUE: I don't want wrong information.

THE WITNESS: I mean it was probably when the girls were interviewed, forensically interviewed.

THE COURT: In Las Vegas?

THE WITNESS: Yes, in Las Vegas.

BY MR. RUE:

Q. When you talked about your case file you said it was thick?

A. Yes.

statements made by the children.

MS. LUZAICH: But you've got to impeach with legal evidence, and that's not legal evidence.

THE COURT: If you're offering it for the truth of the matter asserted in it or lack thereof, if you will, I believe it is hearsay, and I don't believe there's an exception that you've raised. Sustained.

BY MR. RUE:

Q. During the course of an investigation, is it important to get all the fact out as early as possible?

A. Yes.

Q. And to find out, talk about all the suspects that are involved in the case?

A. Yes.

Q. When did Danielle's name first get mentioned as a suspect in this case?

MS. LUZAICH: Objection; hearsay.

THE COURT: Well, mentioned. I mean -- BY MR. RUE:

Q. When did you first start investigating Miss Hinton on this case? I mean if you know, if you can recall.

A. I would be -- I would probably be

Q. More than one folder?

A. Yes.

Q. And contained in that I suspect are a bunch of CPS reports?

A. Yes.

Q. Including -- well, let me ask you this.

During your investigation have you come across information where CPS had investigated the use of paint sticks in that home?

A. Yes.

Q. Have you come across information where CPS investigated the use of paint sticks and found it unsubstantiated for abuse?

THE COURT: Hold on. Are you talking about --

MS. LUZAICH: Objection; hearsay.

THE COURT: -- prior to or are you talking about this incident?

MR. RUE: Prior to this incident.

THE COURT: So at some other investigation at some other timeframe is your questioning?

MR. RUE: Correct.

MS. LUZAICH: Objection; hearsay.

THE COURT: Hold on. Hold on. I just



1 want to get the timeframe down.

2 So you're talking about some sort  
3 of prior investigation.

4 MR. RUE: Right.

5 THE COURT: All right. And  
6 Miss Luzaich's objection.

7 MS. LUZAICH: Objection; hearsay, because  
8 he's asking what did the CPS documents say. That  
9 would be hearsay.

10 MR. RUE: I'm asking her had she come  
11 across anything like that in her investigation.

12 THE COURT: She answered yes.

13 MS. LUZAICH: It's hearsay. Move to  
14 strike.

15 THE COURT: Well, your question did imply  
16 a statement. She reviewed prior CPS records. That  
17 answer's yes. The contents of which is probably --  
18 are probably hearsay.

19 MS. LUZAICH: It's definitely hearsay.

20 MR. RUE: By the way, these are records  
21 that I believe the State has and we do not.

22 MS. LUZAICH: We most certainly do not.

23 MR. RUE: I think we had a full hearing  
24 on this, Judge, that you ruled that their CPS records  
25 are not allowed to be -- are not discoverable at this

1 just this incident. I mean I think it's vague. I  
2 guess back to whether she knows what you're asking.

3 BY MR. RUE:

4 Q. Detective Emery, are the CPS records of  
5 these kids of their time with CPS, are they relevant  
6 to your investigation?

7 A. Not -- well, they were brought into  
8 foster care a long time before this case came to my  
9 attention. And not just with the Solanders. So do I  
10 have every single piece of paper from CPS on their --  
11 when they first came to foster care? I'm not sure.

12 Q. Okay. Do you have the CPS records from  
13 when they started -- I'm sorry, when Ava, Amaya, and  
14 Anastasia, when they first were referred to and sent  
15 to the Solanders from today or whenever the  
16 investigation is closed and you file, do you have the  
17 CPS records, if you know, from the time that they  
18 were first given to the Solanders until now?

19 A. I believe I do.

20 Q. And all of that is relevant because the  
21 Solanders are suspects in this child abuse case --

22 A. I understand.

23 Q. -- right?

24 A. Yes.

25 Q. I mean that's right?

1 point.

2 THE COURT: Well, I reviewed CPS records.  
3 The records that I reviewed in camera, and yes, I did  
4 rule that way, were records involving this incident.  
5 I did not review in camera that I recollect, so don't  
6 quote me, something from, you know, 2010 or 2011, a  
7 whole set of investigative records, and I made clear  
8 what I was reviewing, records that I was reviewing,  
9 which I believe started, if I don't -- if my  
10 recollection serves me correctly, sometime in like  
11 March of 2014.

12 MS. LUZAICH: Right. And we do not have  
13 a complete set.

14 BY MR. RUE:

15 Q. Is it your belief, Detective, that you do  
16 have a complete set of records of CPS?

17 MS. LUZAICH: I'm sorry, I'm going to  
18 object; speculation, because nobody knows what a  
19 complete set is, unless they're working for CPS and  
20 have them in their hands.

21 MR. RUE: Yes, but --

22 THE COURT: Complete set in what --

23 MS. LUZAICH: It's not relevant.

24 THE COURT: -- pertaining to these kids  
25 from the time they're babies through all these or

1 MR. RUE: If I can have the Court's  
2 indulgence one moment.

3 THE COURT: Sure.

4 MR. RUE: Detective Emery, I don't have  
5 any further questions.

6 THE COURT: We're just going to take less  
7 than a three minute recess. Anybody need to text or  
8 use the room. And I think our witness needs some  
9 water, which our marshal's getting.

10  
11 (After a recess the following  
12 proceedings were had.)

13 CROSS-EXAMINATION

14 BY MR. MANN:

15 Q. Detective Emery, you did an investigation  
16 in this case, correct?

17 A. Yes.

18 Q. Part of that investigation included  
19 looking at the history of these girls and the various  
20 foster homes that they've been in, correct?

21 A. Yeah. CPS did more of that part of the  
22 investigation.

23 Q. And you were privy to CPS's  
24 investigation?  
25

65

1 A. Yes.

2 Q. And as part of that you reviewed various

3 allegations that may or may not have been

4 substantiated regarding the girls, correct?

5 A. Yes.

6 Q. And in reviewing those various

7 allegations -- let me back up a second.

8 Did you have an opportunity to

9 observe the pictures that were taken from the medical

10 examinations of each of these girls?

11 A. Yes.

12 Q. And did you become aware of the various

13 injuries of the pictures -- various injuries --

14 various pictures that depicted supposed injuries of

15 these girls?

16 A. Yes.

17 Q. And in your investigation did you do any

18 sort of comparison of the alleged injuries and

19 previous complaints of abuse?

20 A. I personally did not. I believe CPS -- I

21 worked hand in hand with CPS, and they were in charge

22 of that part.

23 Q. But you were privy to their

24 investigation?

25 A. Yes.

66

1 Q. And that means you reviewed their

2 investigation?

3 A. Yes, but it's been awhile since I looked

4 at that stuff.

5 Q. And you became aware of the details in

6 that investigation?

7 A. Yes.

8 Q. And you said that it was an investigator

9 by the last name of Barr; is that right?

10 Who was the CPS investigator?

11 A. Yvette Gonzales.

12 Q. Gonzales, okay.

13 And so Miss Gonzales was the one

14 that was doing the investigation alongside with you?

15 A. Yes, as far as CPS.

16 Q. As far as CPS?

17 A. Right.

18 Q. And there's also another component of

19 Department of Family Services as well, correct,

20 separate from CPS?

21 The point I'm making is CPS

22 investigates allegations of abuse where Department of

23 Family Services deals with placement and issues

24 involving children being removed from their homes,

25 correct?

67

1 If you don't know, you don't know.

2 A. I don't know. I don't know that

3 specific.

4 Q. All right. Now, you didn't do any sort

5 of investigation to rule out various pictures of

6 scars or injuries that you observed being taken from

7 the medical exam compared to previous allegations of

8 abuse?

9 A. It was never come to my attention that

10 there were any photos taken prior to that were

11 abusive.

12 Q. So the answer would be no, then you

13 didn't do any comparison?

14 A. Correct.

15 Q. Did you do any comparison of the

16 statements of allegations compared to the photos of

17 abuse that were taken in this case?

18 A. I don't think there were any.

19 Q. Were any what, statements of allegations

20 or photos of abuse?

21 A. Photo of abuse or -- okay, go ahead and

22 ask your question.

23 Q. I may have phrased that wrong, so let me

24 try again.

25 In this case there were pictures

68

1 taken of each of the girls, correct?

2 A. Yes.

3 Q. And those pictures depicted what was

4 alleged or is alleged to have been abuse, correct?

5 A. Yes.

6 Q. Various marks, scars, what have you of

7 the girls?

8 A. Yes.

9 Q. There is no indication where those marks,

10 scars, or marks or scars on the girls' bodies came

11 from, correct, no physical evidence where those came

12 from?

13 A. Correct.

14 Q. Did you ever take previous statements of

15 abuse from CPS and compare what previously had been

16 said to have happened and what was alleged to have

17 occurred this time?

18 A. I honestly can't remember if I have. I

19 would probably say no because I honestly can't

20 remember. I wasn't prepared to be asked these

21 questions about the CPS reports today.

22 Q. Detective, when you do an investigation

23 you take notes?

24 A. Yes.

25 Q. And those notes help you walk through

1 your course of investigation, correct?

2 A. Yes.

3 Q. And you keep those notes?

4 A. Yes.

5 MR. MANN: I have no further questions.

6 THE COURT: Cross-examination by  
7 Mr. Mueller.

8  
9 CROSS-EXAMINATION

10 BY MR. MUELLER:

11 Q. Detective, you said that you had a  
12 receipt showing that Mr. Solander purchased the  
13 catheters, and you saw it. Do you remember that  
14 testimony?

15 A. I didn't say I had it.

16 Q. You said you saw the documents?

17 MS. LUZAICH: Objection; argumentative.  
18 He's yelling. He's getting in her face.

19  
20 (Overlapping speakers)

21 MR. MUELLER: I would like to see the  
22 document. Where is this receipt? I've read the  
23 emails, I read the statement. This is wholly  
24 manufactured.  
25

1 testified to.

2 I agree, she probably doesn't have  
3 them in her position right now, but if you have them,  
4 then -- do you have them with you?

5 MS. BLUTH: I have them at my desk. I  
6 gave them to each of the defense attorneys and  
7 Mr. Mueller's runner. I spoke to Miss -- I spoke to  
8 Terry, of his office, and they picked it up on  
9 Thursday.

10 THE COURT: Because I was going to say,  
11 if you had the disk, we could print something off in  
12 my office.

13 MR. MUELLER: I'm showing you the  
14 printout content of the disk. This is everything  
15 that was on this disk. We printed it out.

16 THE COURT: You're talking about the disk  
17 you just got on Thursday?

18 MS. LUZAICH: Is he sworn to tell the  
19 truth?

20 MR. MUELLER: I don't know. I was in  
21 court with you all day yesterday.

22 THE COURT: We have a chain of custody  
23 issue.

24 MR. MUELLER: Show me the receipts.  
25 That's all I'm asking for.

1 MS. LUZAICH: Objection. Move to strike.  
2 And he's got the disk.

3 MR. MUELLER: Show it to me.

4 THE COURT: Do we have it?

5 MS. LUZAICH: Sure.

6 MS. BLUTH: Sure. I need to print out  
7 the receipts of Mr. Solander buying catheters. It's  
8 going to take a second, but I can.

9 THE COURT: Okay. By all means do I not  
10 want to belabor -- everybody's talking over each,  
11 specifically me.

12 MS. BLUTH: I'm sorry.

13 THE COURT: Actually, not everybody, just  
14 Miss Bluth.

15 In all fairness, I mean she has  
16 been able -- I've let her testify to emails and  
17 photos that are attached to emails. It was never  
18 really clear to me whether these receipts were like  
19 part of a photo attachment or whether they were like  
20 included in an email, not really clear to me.

21 Everybody kept saying the defense  
22 has it. Mr. Mueller's saying he doesn't have it.  
23 So, with all due respect, I think he has a right to  
24 cross-examine on whatever emails and photos of  
25 receipts or receipts, whatever they are, that she

1 MS. BLUTH: It will take me a second.

2 THE COURT: Bring the disk that you're  
3 talking about.

4 MS. BLUTH: I'll bring everything.

5 THE COURT: Mr. Mann?

6 MR. MANN: I have a half hour.

7 MS. BLUTH: He can still keep going.

8 THE COURT: That's good. That will work.  
9 He'll keep on going with cross-examination other than  
10 the receipts.

11 BY MR. MUELLER:

12 Q. Ma'am, you testified on direct  
13 examination that Miss Hinton said that Mr. Solander  
14 purchased catheters?

15 A. Yes.

16 Q. Here's her statement.

17 A. I have it.

18 Q. Will you show me where you interpret that  
19 statement?

20 A. It's going to take me a minute to find.

21 THE COURT: That's okay. We have time,  
22 some time.

23 THE WITNESS: Do you want to start where  
24 I ask her about the catheters?

25 MR. MUELLER: Yes, please.

73  
BY MR. MUELLER:

Q. What page are you referring to?

A. Page 108.

The second question I ask her is,  
do you guys have catheters in your home?

Q. I see that.

A. Do you want to read it first?

Q. Drawing your attention to the middle of  
page 109.

A. Okay.

Q.

QUESTION: You never actually saw  
them use a catheter on them?

Can you read her answer?

Were you present for the  
statement?

A. I told you that she said that.

Q. And then can you read the answer, middle  
of page 109?

A. That starts with I never?

Q. Yes, ma'am.

A. Okay. She said:

I never, because I chose not to.

I mean I, uh, it was disgusting, and, you  
know, my mom knows. I've never seen her.

75  
The question before that I asked

her was:

You never saw them actually use  
the catheter on them?

And she said:

I never, because I chose not to.

I mean I, uh, it was -- it was  
disgusting. And, you know, my mom knows  
I've never seen her. I've never -- and I  
can't say if it was inserted, inserted or  
not. I'm sure it was, but I've never  
seen it because I -- and -- and they got  
the cath. I don't know where they bought  
it. I think Dwight had bought it, so I  
don't know where he had bought it from,  
but he was the one who ended up buying  
it.

THE COURT: That's fine.

BY MR. MUELLER:

Q. Now, ma'am, you went through a voluminous  
stack of emails, did you not?

A. No.

Q. When you went over and served the  
subpoena on his employer, you got a voluminous stack  
of emails and attachments, correct?

74  
I've never -- and I can't say if it was  
inserted, inserted or not. I'm sure it  
was, but I've never seen it because I --  
and they got the cath. I don't know  
where they bought it. I think Dwight had  
bought it, so I don't know where he had  
bought it from, but he was the one who  
ended up buying it.

Q. I think, I don't know?

A. I told you that when she directed.

Q. So it wasn't a definitive statement, she  
doesn't know?

A. You asked me if -- how she knew, and I  
said I didn't know.

Q. She also said that she never actually saw  
them being used, correct?

A. Yes.

THE COURT: Can you read that whole  
answer again?

THE WITNESS: Sure.

THE COURT: You were going kind of fast  
and I was trying to take notes. Just exactly what  
you just read. Go ahead.

THE WITNESS:

I never, because I chose not to.

76  
MS. LUZAICH: Objection. It was not a  
subpoena. It was a search warrant.

MR. MUELLER: Search warrant.

BY MR. MUELLER:

Q. You got a whole bunch of emails, did you  
not?

A. Well, let me clarify this, because when  
I -- when they -- Source Refrigeration sent me the  
disk and the flash drive that I requested in the  
search warrant. I was not able to open that in my  
computer. I then sent -- I hand-delivered that stuff  
to our forensic computer lab, and they are the ones  
who got in there and was able to put it onto a disk  
that I could read.

Q. Did you look at everything that was given  
to you from your forensics computer lab?

A. Yes.

Q. Did you read absolutely every bit of it?

There's a lot of it. Did you get  
a chance to read it all or just skim it?

A. Well, they put the stuff that related to  
this case, they put into -- onto a disk. So the  
stuff that was given to me that relates to this case,  
yes, I looked at it and read it.

Q. There was a whole bunch of other material

77

1 in there, was there not?

2 A. That did not apply to this. Like work

3 emails and stuff like that I have not looked at.

4 Q. So there was a bunch of other stuff in

5 here that you haven't looked at and didn't examine,

6 you edited for, you believe, relevance?

7 A. I didn't do it. You need to talk to the

8 person who did that, who is Zack Johnson, from our

9 computer forensic lab.

10 Q. Before we get past the catheters here,

11 you actually did an arrest report, correct?

12 A. Yes.

13 MR. MUELLER: May I have this marked

14 as -- counsel, this is from page 15 to 41 of your

15 discovery.

16 BY MR. MUELLER:

17 Q. You've done several reports here,

18 correct?

19 A. Yes.

20 Q. And in that you put together a summary of

21 Danielle's statement and included it in an arrest

22 report, correct?

23 A. Yes.

24 Q. Can you read this paragraph starting

25 here? It's only a three line paragraph. Ignore the

79

1 A. I asked her, I said:

2 Okay. Were they used on the

3 girls?

4 Danielle replies that:

5 I never seen that it happened.

6 That one -- they were -- it was -- I know

7 it had to do something with the peeing

8 type of like the peeing, but, to be

9 honest, it was probably it was just for

10 probably punishment pretty much because

11 there was like no really like legit

12 excuse, but probably, and then I know it

13 was just a lot of because they held their

14 pee, so that was an issue to them, but

15 yet they were made to hold their pee.

16 And she says:

17 Right, it was a very contradicting

18 situation.

19 Q. Where does that say that Danielle or

20 Dwight purchased catheters to use as punishment on

21 the girls?

22 That's not in here. This was a

23 young woman speculating about something that she

24 didn't know about, correct?

25 A. No, she saw the catheters. She said they

78

1 handwritten notes and just read that out loud,

2 please.

3 A.

4 Danielle also stated Dwight and

5 Janet purchased catheters to use as

6 punishment on the girls for holding their

7 urine.

8 Q. But she didn't actually say that, did

9 she?

10 A. Yeah, she does.

11 Q. Well, just a few minutes ago and --

12 A. Well, the statement goes on to page 110.

13 Q. Now, where is it that she said that?

14 A. I believe she says it in another part of

15 the statement. I'd have to find it.

16 Q. Please take your time and find it for me.

17 A. Page 108 at the bottom.

18 Q. Read that out loud.

19 Are you referring to the last

20 three lines at the bottom of page 108?

21 A. Yeah. I asked her right before that, I

22 said, why were they used on the girls, and I'm

23 referring to the catheters.

24 Q. Read your question and answer out loud,

25 bottom 108 and finish it at the top of 109.

80

1 were -- that the girls would go into the bathroom

2 with Janet and Dwight with the catheter. Whether --

3 she said she didn't see it inserted or not.

4 Q. Detective, take your time. You've got

5 the entire statement up there.

6 Show me where it says Dwight

7 bought the catheters and Dwight went in the bathroom

8 and inserted them.

9 A. She said Dwight bought the catheters. I

10 didn't ask her how she knew he bought the catheters,

11 but she said in her statement he bought the

12 catheters.

13 Q. The statement was, I think Dwight had

14 bought it?

15 MS. LUZAICH: Objection. The statement

16 speaks for itself. It's argumentative.

17 THE WITNESS: No, at the end of that it

18 says, but he was the one who ended up buying it.

19 THE COURT: Correct. That's why I asked

20 her to repeat it when I asked her to repeat it. It

21 says two kind of different things.

22 BY MR. MUELLER:

23 Q. Now, Detective, you also found -- did you

24 print out in your emails, a copy of a formal

25 complaint that Dwight had actually written about the

81

1 CPS caseworker?

2 A. I have not printed out the emails that I

3 received, but I have read some of them.

4 Q. Showing you what's been marked as Defense

5 A or B for identification, A for identification.

6 Do you see that document?

7 A. Yes.

8 Q. Did you read that document?

9 A. Yes, I have. Can I reread it?

10 Q. Take your time.

11 MS. LUZAICH: I'm going to object to

12 anything about the document as relevance and hearsay.

13 It's Dwight writing something about something that

14 has no relevance to Amaya, Ava, or Anastasia. It

15 pertains to the other girls.

16 THE COURT: I was going to say what's the

17 proffer?

18 MR. MUELLER: I'm going to proffer,

19 Judge, that this was an impartial, incomplete

20 investigation, and this detective is taking little

21 bits of information from a huge sea to assemble a

22 case, when, in fact, right in front of her is a huge

23 complaint about the CPS worker right before CPS got

24 back at the Solanders by filing a complaint against

25 them. Now here it is.

82

1 MS. LUZAICH: That's a trial issue. It's

2 not a prelim issue. It's not relevant. It doesn't

3 pertain to Amaya, Ava, or Anastasia, and it's

4 hearsay. It's defendant Dwight Solander's statement.

5 MR. MUELLER: Once again, as I explained

6 when she called this witness to testify what this

7 witness said against this person, that the minute I

8 got up in cross-examination her objection was going

9 to be hearsay, which is exactly what it is.

10 This is why this was wrong. Now,

11 this witness should never have been called for this

12 statement, and now I'm trying to cross-examine it and

13 every time I stand up with a valid point, she jumps

14 up and says hearsay.

15 THE COURT: Wait, stop. That's not what

16 the colloquy was earlier. The colloquy was earlier

17 as to Danielle, the way I understood it, when you

18 said, she's going to stand up and object to hearsay,

19 we were solely talking about Danielle Hinton's

20 statement.

21 Craig, Mr. Mueller, let me finish.

22 MR. MUELLER: I didn't say a word, Judge.

23 THE COURT: No, but you're getting ready

24 to because your mouth was open literally.

25 MR. MUELLER: Okay.

83

1 THE COURT: We were talking, as far as I

2 knew, we were talking about whether or not

3 Mrs. Hinton's statement comes in, what is going to be

4 contained in Mrs. Hinton's statement, whether it's

5 hearsay, whether it's not hearsay.

6 That is completely different from

7 I believe what you're showing her, which I've never

8 even seen, by the way, which is something that has

9 nothing to do with Miss Hinton's statement. It's an

10 email. Am I right about that?

11 MR. MUELLER: Yes.

12 THE COURT: So it's not fair to accuse

13 Miss Luzaich of now objecting to hearsay when she

14 said she wasn't going to because she's objecting to

15 hearsay to a totally different document or piece of

16 evidence than what that discussion was earlier first

17 and foremost.

18 Now, let's get to the objection.

19 What are you looking at? Let me see.

20 Okay. So this document, without

21 even reading it, I just wanted to see what it looked

22 like. So this document is a -- I don't know. It

23 looks like a Word document that somebody's printed.

24 This document purports to be from

25 Mr. Solander; is that correct?

84

1 MR. MUELLER: This is in the package of

2 discovery that I was given, that purports to be the

3 product of the search warrant that the detective

4 served.

5

6 (Overlapping speakers)

7

8 THE COURT: I don't know that that's the

9 product of the search warrant.

10 MS. LUZAICH: It was generated by

11 defendant Dwight Solander.

12 THE COURT: That was my question. Is

13 this purportedly generated, drafted, authored by

14 Mr. Solander?

15 MR. MUELLER: Yes, Judge. It was in the

16 package that the State handed me.

17 MS. LUZAICH: It's still hearsay.

18 THE COURT: Then how is it not hearsay?

19 MR. MUELLER: I was going to make a

20 point, other than the document itself, and, if I

21 could --

22 THE COURT: So -- well, then the response

23 is, to the objection, is that you're not offering it

24 for the truth of the matter; is that correct?

25 MR. MUELLER: That's correct, Judge.

THE COURT: Okay. So the response is he's not offering it for the truth of the matter.

What are you offering it for?

MR. MUELLER: I'm going to ask the detective why she didn't spend any time with this document, but instead documented the fact that there was pictures of the kids having pooped themselves.

THE COURT: Miss Luzaich, he's not going to offer the contents of this document for the truth of the matter asserted in it.

MS. LUZAICH: It's not relevant. It does not pertain to Ava, Amaya, or Anastasia.

THE COURT: And this pertains to other -- what does this pertain to? What's your proffer?

MS. LUZAICH: Ivy and Autumn, other children, who there are no allegations that they were abused.

THE COURT: How is it relevant?

MR. MUELLER: If I could get two questions, Judge, we can move on. I want to set the stage with that document and move on.

THE COURT: I'm going to rule on the objection first.

MR. MUELLER: I understand, Judge.

THE COURT: How is it relevant?

Detective Emery testified about a certain aspect of what was in the email, because that's all I asked her. I didn't ask her to describe every single document that was located in the emails. Clearly, the State has certain elements to meet, so I asked her about the things that would meet my elements.

The other things are just not relevant for preliminary hearing purposes. It's still hearsay. There's no foundation whatsoever to that document except for it was printed off of his emails. We don't know what happened to it, if anything. He's testifying and telling you things that he wants you to believe happened, but there's no evidence whatsoever that that happened.

MR. MUELLER: Then how are the emails that the detective recollects seeing any different. I'm confused.

THE COURT: Well, without reading it, if it doesn't pertain to the girls, I don't think it's relevant.

MS. LUZAICH: I agree.

THE COURT: The objection is sustained.

BY MR. MUELLER:

Q. Detective, do you have the emails that

MR. MUELLER: The detective apparently has about two and a half inch stack of emails and other documents that the State is very selectively using her testimony to bolster their case. I'm trying to put those documents in some context.

Now, there supposedly are A, pictures of the girls having pooped on themselves. All right. I'm going to ask the detective is there any pictures of that and was there an accompanying email about it and what the context of this document was. These emails include technical specifications for work, all sorts of other stuff that have absolutely nothing to do with this case.

THE COURT: That Miss Luzaich's argument is this has nothing to do with the allegations.

MR. MUELLER: No, it doesn't have anything to do with the allegations other than it is documenting the fact that the Solanders are frustrated with their case worker, filed a complaint and received no response other than to be charged with a crime.

MS. LUZAICH: There's no evidence whatsoever that that document was ever printed, filed, provided to anybody. That's a trial issue. It is not a prelim issue.

were attached with the photographs of the kids having pooped themselves?

A. Not with me.

Q. All right. Do you remember the emails that accompanied the photographs?

A. I would prefer to answer that question if I had -- if I was looking at them.

Q. Were they, I can't believe the kid made a mess again?

A. Similar to that.

Q. Okay. Exasperation and frustration emails?

A. Yes.

Q. Can't believe I'm stuck at the house, here's what I got to clean up, click, or what kind of emails were they?

A. They were similar to that. They were regarding the three girls and their toileting accidents.

Q. All right. Now, in these emails did you find any reference or any efforts the Solanders were making to try to solve the problems?

A. I can't recall.

Q. Do you remember the ordering or the Bedwetting Store, the Solanders trying to get -- find

1 products that were going to help the kids at all; do  
2 you remember any of that?

3 A. Are you referring to the alarm?

4 Q. Yes, ma'am, there's a whole thing on the  
5 website called the Bedwetting Store, which I never  
6 heard of before.

7 A. Yes, there was an alarm.

8 Q. Okay.

9 A. There was a photo of an alarm or  
10 something. Then there's actually made mention of the  
11 alarm in Danielle's statement.

12 Q. That was purchased from something called  
13 the Bedwetting Store or --

14 A. We didn't talk about that.

15 Q. Did you look at that when you got this  
16 from the search warrant?

17 A. I looked at the alarm, yes.

18 Q. You looked at the alarm?

19 A. Yes.

20 Q. Did you try to put it in any context; was  
21 it a recommended treatment from the Bedwetting Store,  
22 some other expert trying to get them help?

23 A. No. I didn't check into that.

24 Q. You didn't check into that?

25 A. No.

1 the question.

2 THE WITNESS: When you say official, who  
3 are you referring to?

4 BY MR. MUELLER:

5 Q. Well, ma'am, these people by some  
6 mechanism legally these children were taken away from  
7 their natural parents, correct?

8 A. Correct.

9 Q. Now, I think all of us in this room would  
10 agree that that's a fairly dramatic remedy, not  
11 something that anybody considers lightly, correct?

12 A. Correct.

13 Q. Now, such a dramatic action by the State  
14 certainly would have had to have had a reason for it  
15 to have happened, correct?

16 A. For them to be taken away?

17 MS. LUZAICH: Objection; relevance. The  
18 reason the kids were taken away from their parents  
19 are not relevant to whether or not these three  
20 individuals abused them from this timeframe.

21 MR. MUELLER: The problem is the State's  
22 own expert witness said she cannot date these scars.  
23 That's what her expert said.

24 THE COURT: I understand that.

25 Sustained. I think you're trying

1 Q. Now, Detective, these were troubled young  
2 girls, correct, that were having a variety of  
3 problems?

4 MS. LUZAICH: Well, objection;  
5 foundation, speculation.

6 MR. MUELLER: Actually --

7 THE COURT: Sustained.

8 BY MR. MUELLER:

9 Q. The girls' conditions before they went to  
10 the Solanders house, is there any documentation by  
11 any official as to what problems they were having  
12 before they got to the Solanders?

13 MS. LUZAICH: Objection; hearsay.

14 BY MR. MUELLER:

15 Q. If you know, Detective?

16 MS. LUZAICH: Well, he's asking for  
17 documentation. Anything in documentation is hearsay.

18 THE COURT: Are you offering it for the  
19 truth of the matter?

20 MR. MUELLER: No. I'm just trying to  
21 find out what the baseline, if any official cared  
22 enough to develop a baseline of these girls or now  
23 that they're troubled and they're at the Solanders'  
24 house, it's the Solanders' problem.

25 THE COURT: I'm going to let her answer

1 to put on a trial.

2 MR. MUELLER: I'm trying to understand  
3 what she did. Rephrase.

4 BY MR. MUELLER:

5 Q. Ma'am, when you reviewed the emails did  
6 you see anything from Child Protective Services'  
7 emails to Mr. Solander regarding advice on how to  
8 handle difficult children?

9 MS. LUZAICH: Objection; hearsay.

10 MR. MUELLER: It's a statement of  
11 question.

12 BY MR. MUELLER:

13 Q. Did you find those documents?

14 MS. LUZAICH: Objection; hearsay.

15 THE COURT: Well, because your question  
16 alludes to the truth of the matter asserted in a  
17 possible statement. If you want to break down your  
18 question, that's fine.

19 MR. MUELLER: Certainly.

20 BY MR. MUELLER:

21 Q. Did you find any document like that?

22 MS. LUZAICH: Objection.

23 THE COURT: Sustained.

24 MR. MUELLER: I'm tired, Judge. Can we  
25 concede I'm tired right now.



BY MR. MUELLER:

Q. Ma'am, you went through thousands of emails, hundreds, if not thousands of emails that were brought as a result of this search warrant, correct?

A. No.

Q. How many do you remember there being there?

A. Not hundreds of thousands.

Q. Hundreds if not thousands?

A. No. Honestly, I don't know how many there were. There was quite a few.

Q. Quite a few.

Now, did you go through all of them in detail?

A. Yeah, but I haven't looked at it in a while.

Q. Understand.

A. I haven't viewed them in, I don't know, a week or so. I can't remember every single document and CPS report or email that was sent to them.

Q. Okay. Do you remember, was there emails between Mr. Solander and anybody at all from CPS?

A. Yes.

Q. Did CPS -- did you receive any responses

Mr. Mueller and Miss Bluth and I did a child abuse and neglect prelim nextdoor, and Detective Emery was the investigator.

THE COURT: Listen, I'm not going to pass judgment on what she testified to. If you can lay some foundation that she has some expertise in whether abused children or foster children act out by whatever, bladder issues, then lay the foundation.

BY MR. MUELLER:

Q. Detective, have you had any advanced training?

A. In children with peeing?

Q. Yes.

A. No.

Q. Not with peeing. Children who are emotionally disturbed, have you had any advanced training regarding how children act out when they're emotionally disturbed?

A. No.

Q. Have you had any advanced training or even just a manual on -- to read before you started your assignment on how to investigate these types of crimes?

A. Emotionally disturbed children?

Q. Yes, ma'am.

from CPS?

A. There probably was, but I can't recall. I can't think off the top of my head who he was writing to specifically. And I can't remember everything that was in the emails that were sent.

Q. Now, is there a source of advice that you're aware of, and you're an expert, this is your area, abuse and neglect, correct?

A. Yes.

Q. Now, it would appear that emotionally troubled children routinely act out by having difficulty with potty training?

MS. LUZAICH: Objection; foundation. She is a police officer, an investigator. She is not a psychologist.

MR. MUELLER: Well, in the last 48 hours, last 24 hours, actually, she's testified in two different cases about kids acting out of bowels or bladders. I'm just asking if that's a common phenomenon in her practice.

MS. LUZAICH: She has testified in two different cases about statements taken by defendants.

THE COURT: Are you guys talking about this case?

MS. LUZAICH: Coincidentally yesterday

A. No, I would say no.

Q. Now, how many cases, as you sit here today, have you assembled?

MS. LUZAICH: Objection; vague.

THE COURT: I don't know what that --

(Overlapping speakers)

Do you know what that means, assembled?

THE WITNESS: I assume, I think he's saying put together.

BY MR. MUELLER:

Q. Yes. You've done it for 15 months now.

How many have you assembled and submitted for prosecution?

A. I don't know. 15, 20. I don't know.

Q. Now, in those 15 or 20 has it been your experience that children who are abused or emotionally disturbed have bladder and bowel problems?

MS. LUZAICH: Objection; relevance. It doesn't matter whether this detective has dealt with other kids who have bladder problems. The issue here is just did these three people do the things that are

97  
1 alleged in the Complaint. He's getting so far afield  
2 for a preliminary hearing.

3 MR. MUELLER: There's an unspoken  
4 statement in this entire case that there was  
5 something else that could have been done with  
6 children, who by their own admissions, were soiling  
7 themselves for an extended period of time. Buckets,  
8 eventually parents tiring of washing sheets. Two of  
9 the three girls have admitted this was intentional  
10 behavior.

11 THE COURT: I don't think your questions  
12 pertain to probable cause of whether these particular  
13 crimes as alleged in the Criminal Complaint were  
14 committed or not.

15 MR. MUELLER: I'm going to ask the  
16 detective two more questions. I know Mr. Mann's got  
17 to get going.

18 BY MR. MUELLER:

19 Q. Detective, other than documenting what  
20 happened, have you ever been involved in any  
21 proactive part of this case or any case?

22 MS. LUZAICH: Objection. That question  
23 makes no sense.

24 THE COURT: Sustained.  
25

99  
1 THE COURT: And compound. Sustained.

2 BY MR. MUELLER:

3 Q. All right. What, if anything, did you  
4 look at?

5 THE COURT: Other than what she's already  
6 testified to?

7 MR. MUELLER: Yes.

8 THE COURT: Hasn't she already answered  
9 the question?

10 MR. MUELLER: Not that I'm aware of.

11 THE COURT: I think I'm aware she's  
12 answered that. She's testified to what she looked  
13 at. You all asked her about previous -- somebody  
14 asked her about previous, I don't know, accusations  
15 or records prior to this whole incident, and she  
16 answered the question that -- pardon me?

17 MS. LUZAICH: She said no.

18 THE COURT: I thought -- well, okay. I  
19 thought she said something else.

20 So, Mr. Mueller, ask her a  
21 specific question, timeframe, and she can answer,  
22 because I don't think that was the answer.

23 MS. LUZAICH: I apologize. I take it  
24 back.  
25

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1 BY MR. MUELLER:

2 Q. Detective, your duties are to investigate  
3 the cases that have been assigned to you?

4 A. Yes.

5 Q. Do you look at cases and say, you know,  
6 I'm sorry, this is just a difficult kid, we're not  
7 going to prosecute this?

8 A. No.

9 Q. So every case that you have been handed  
10 you file charges on?

11 A. No.

12 Q. By what mechanism do you decide which  
13 cases are to be charged?

14 MS. LUZAICH: Objection; relevance.

15 THE COURT: She can answer the question.

16 THE WITNESS: It depends on the case. It  
17 depends on all the circumstances.

18 BY MR. MUELLER:

19 Q. Now, did you look at or did anybody from  
20 CPS have any reports regarding these little girls'  
21 conditions before they went to the Solanders?

22 THE COURT: That question is compound.  
23 Did she look at, and then you said or did CPS have.

24 MS. LUZAICH: Objection; asked and  
25 answered, hearsay. We've been here.

100  
1 BY MR. MUELLER:

2 Q. Detective, did you see any CPS records on  
3 any of the three girls in and around the time period  
4 of the middle of 2010; specifically, around June?

5 A. I can't recall. I'm sure I have, but I  
6 have not looked at those in a while, so I can't  
7 honestly say that -- you're asking me for one  
8 specific CPS case. My CPS case file on these kids is  
9 very big, so to ask me right now, when I wasn't  
10 prepared to talk about the CPS reports, I don't have  
11 those with me.

12 MR. MUELLER: Your Honor, it's 12:30. I  
13 know we promised Mr. Mann. He has other obligations.

14 THE COURT: Yes. So are you -- you're  
15 not done with cross-examination?

16 MR. MUELLER: No.

17 THE COURT: I just want to make a record.  
18 When we resume, Mr. Mueller will  
19 finish before Mr. Mann goes.

20 MS. LUZAICH: Mr. Mann already went.

21 THE COURT: Oh, Mr. Mann already went,  
22 sorry.

23 MR. MANN: Mr. Mueller has the last  
24 cross.

25 THE COURT: You'll have redirect.

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1 MS. LUZAICH: Yes.

2 THE COURT: Maybe you can compare notes

3 in the meantime; the emails, the pictures, so we

4 don't have to go through that again to see if you got

5 them, if you didn't give them to them, et cetera,

6 et cetera. When can we come back?

7 MS. LUZAICH: I know the detective is

8 leaving town.

9 THE WITNESS: Sunday.

10 THE COURT: For how long?

11 THE WITNESS: I won't be back till

12 June 29; however, I won't be back to work until

13 July 8.

14 THE COURT: Tomorrow at 2?

15 MS. LUZAICH: I'm not here tomorrow.

16 MS. BLUTH: I'm teaching a seminar from 1

17 to 5.

18 MS. LUZAICH: I'm not here tomorrow.

19 MS. BLUTH: I can come in the morning.

20 MR. MANN: I can be back at 3 today.

21 THE COURT: I can be back. I don't know

22 about the witness. At this point, I mean she's

23 leaving for umpteen many days. 3:00 today?

24 MR. MANN: Is the witness okay with that?

25 THE WITNESS: That's fine.

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1 MS. BLUTH: I have a doctor's appointment

2 at 4. If we're going to argue bindover today after

3 this witness.

4 MS. LUZAICH: I would ask to argue

5 bindover another day.

6 THE COURT: We've got a lot of counts to

7 argue bindover on. Four attorneys, so I didn't

8 anticipate that. I would like to get this witness

9 done though before she leaves town because she's the

10 last witness, right?

11 MS. LUZAICH: Yes.

12 THE COURT: So that way I make a decision

13 on bindover before she leaves. So I just want to get

14 her done. I'm not making a decision on bindover.

15 I'm sorry. Finish her.

16 MR. MUELLER: Can I get about two seconds

17 with Mr. Solander? I may rest.

18

19 (Discussion off the record.)

20

21 No, I can't rest, Judge. I'm not

22 done yet.

23 THE COURT: 3:00? All right. Thank you.

24 MS. BLUTH: Judge, we're going to ask for

25 a copy of the transcripts before we argue bindover in

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1 this case. We are on day five. I think all sides

2 have taken notes, but there's been multiple times

3 during the preliminary hearing when I said the victim

4 said one thing and Mr. Mann said that the victim said

5 one thing, and in order to accurately make these

6 decisions, I'm going to ask for a transcript in order

7 to make my bindover argument.

8 MR. MUELLER: I would join in asking for

9 a copy of the transcript.

10 THE COURT: Okay, good. Miss Kit,

11 obviously, has been our main court reporter. We'll

12 have to talk to Miss Kit about what her schedule is.

13 I mean I really don't know.

14

15 (Discussion off the record.)

16

17 Thank you. Today at 3.

18

19 (After a recess the following

20 proceedings were had.)

21

22 We're back on the record, and

23 we're going to continue the cross-examination of

24 Detective Emery. Come on back up.

25 MS. BLUTH: Judge, just for the record, I

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1 do have to leave early, at 3:30.

2 THE COURT: Thanks for the heads up.

3 You realize you're still under

4 oath?

5 THE WITNESS: Yes.

6 THE COURT: Great. You can have a seat,

7 and I think Mr. Mueller was cross-examining before

8 our recess. Thank you.

9

10 CROSS-EXAMINATION

11 (Continued)

12 BY MR. MUELLER:

13 Q. Thank you, Detective.

14 I want to hop back and go to the

15 very beginning of this investigation.

16 Do you remember who, if anybody,

17 contacted you from the Department of Child Services

18 to investigate this?

19 A. Actually, I was given a written report

20 first.

21 Q. You were given a what?

22 A. A written report from CPS.

23 Q. So CPS gave you a report?

24 A. Yeah.

25 Q. And then what happened?

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1                   What did you do in your  
2 investigation with that report?

3       A.       I contacted Yvette Gonzales. We had a  
4 meeting.

5       Q.       And Yvette Gonzales is who?

6       A.       Child Protective Services specialist.

7       Q.       Is she in charge of it or what is her  
8 duties and functions, if you know?

9       A.       Her role is CPS, which is the protection  
10 of the kids. Our role is criminal.

11       Q.       Okay. Her role is protection of the  
12 kids.

13                   Have you worked before with  
14 Miss Gonzales?

15       A.       No.

16       Q.       Now, is she one of 15 agents or is she  
17 the head of the agency? Who exactly is  
18 Miss Gonzales?

19       A.       She's an investigator.

20       Q.       She's a CPS investigator?

21       A.       Yes.

22       Q.       All right. Had she done any  
23 investigation or did she hand any materials over to  
24 you before you started?

25       A.       Yeah, they had given me a few things.

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1       Q.       To the best of your recollection, what  
2 were those things?

3       A.       The report from Miss Henry from  
4 interviewing the girls in Florida.

5       Q.       And anything else?

6       A.       I can't remember.

7       Q.       Now, at that time did CPS turn over the  
8 girls' files to you? What did you get?

9       A.       No.

10       Q.       What was your first action as the  
11 investigator?

12       A.       I went down to the CAC, Children's  
13 Advocacy Center, where we conducted interviews with  
14 the girls --

15       Q.       And --

16       A.       -- or I observed.

17       Q.       Was somebody else actually there?

18       A.       The interviewer.

19       Q.       Who was the interviewer?

20       A.       There was a couple. Liza Ebram  
21 (phonetic) was the forensic interviewer, and Yvette  
22 Gonzales was viewing along with me.

23       Q.       And at this point they had already been  
24 interviewed in Florida and now you guys are  
25 conducting the exact same interviews again?

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1       A.       I don't know if they were the exact same.  
2 I wasn't there in Florida.

3       Q.       So what was the purpose of these  
4 particular interviews if they had already been  
5 interviewed once?

6       A.       So that we could get firsthand knowledge  
7 of what happened in their words.

8       Q.       And how long did these interviews take?

9       A.       I don't have that information with me.

10       Q.       Were you present for all of these  
11 interviews?

12       A.       Yes.

13       Q.       Now, after you interviewed or all three  
14 of the interviews were completed, what did you do  
15 next in your investigation?

16       A.       We continued interviewing people that  
17 were involved.

18       Q.       And we, is it you or somebody else and  
19 you?

20       A.       It's me and Yvette Gonzales.

21       Q.       You and Miss Gonzales together --

22       A.       Yes.

23       Q.       -- that's the we?

24                   Okay. You and Miss Gonzales  
25 continue to interview people.

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1                   What people did you interview?

2       A.       You want every single name?

3       Q.       Yes, ma'am.

4                   MS. LUZAICH: I'm sorry. I don't mean to  
5 be difficult. Objection. My objection is relevance  
6 in that he's putting on a trial here. The burden of  
7 proof here is slight or marginal evidence, and for  
8 that purpose I don't think we need to go through her  
9 entire investigation and everybody that she  
10 interviewed. It's not relevant for purposes of this  
11 hearing.

12                   THE COURT: Mr. Mueller.

13                   MR. MUELLER: It is relevant. It is  
14 investigatory, and as we spent already a lot of time  
15 on, I have a right to confront and cross-examine the  
16 witnesses statutorily on behalf of Mr. Solander. I  
17 want to see what was done. And, with deference to my  
18 colleague, she is in fact trying to be difficult.

19                   THE COURT: Okay. Well.

20                   MS. LUZAICH: He has a pseudo right to  
21 confront and cross-examine. The statute, as the  
22 Court appointed out, says may, not shall  
23 cross-examine, and he doesn't have the right to  
24 belabor everything.

25                   This is a probable cause hearing.

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1 It is not a trial where proof beyond a reasonable  
2 doubt is an issue.

3 THE COURT: You're both right. I'm going  
4 to overrule the objection, but it is not a trial,  
5 and, Mr. Mueller, I'm starting to feel like it's a  
6 trial. So don't respond, please. Let's move along.  
7 And she's not going to be on the stand for days like  
8 some of witnesses have been. Some of this is way  
9 beyond probable cause.

10 MR. MUELLER: I'll move on, Judge.

11 BY MR. MUELLER:

12 Q. To the best of your recollection, without  
13 great detail, can you tell me who you interviewed?

14 A. I sat in, I observed the interview with  
15 Areahia Diaz, which was one of their foster kids. I  
16 interviewed Jan Finnegan, Andrea Letchworth  
17 (phonetic), Laurie Wells, Christina Day, Danielle,  
18 Dwight. I can't remember. I think that's as good as  
19 I can give you right now.

20 Q. Fair enough.

21 Now, were each of these interviews  
22 thorough taped interviews?

23 A. Yes.

24 Q. So there will be taped transcripts of all  
25 these interviews?

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1 A. Yes.

2 Q. Now, in the course and scope of your  
3 investigation, did you find any evidence that any of  
4 the other foster care children had been mistreated?

5 MS. LUZAICH: Objection; relevance.

6 THE COURT: What's the relevance?

7 MR. MUELLER: As I pointed out  
8 previously, it is only the three girls, two of whom  
9 have admitted intentionally soiling their pants for  
10 retribution that are the subject of this case. None  
11 of the other foster kids reported this problem, as  
12 far as I know.

13 THE COURT: What does that have to do  
14 with any of the foster kids. Maybe they weren't  
15 mistreated.

16 MR. MUELLER: It would highlight the fact  
17 that this is not an ongoing scheme of child abuse.  
18 It would to be very frustrated parents trying to deal  
19 with very petulant children.

20 THE COURT: Well, that's a jury's  
21 decision. I'm sustaining the objection.

22 MR. MUELLER: All right. I have no  
23 further questions then, Judge.

24 THE COURT: Mr. Mann.

25 MR. MANN: I've already asked, Judge.

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1 THE COURT: I'm sorry. It's redirect.

2 MS. LUZAICH: Thank you. Just very  
3 briefly, may I approach?

4 THE COURT: With?

5 MS. LUZAICH: The emails and invoices  
6 that Mr. Mueller requested.

7 THE COURT: You're approaching me or the  
8 witness.

9 MS. LUZAICH: The witness. I'm sorry,  
10 I'm sorry.

11 And one of my exhibits doesn't  
12 have a number.

13 THE COURT: Did you share those with  
14 counsel?

15 MS. LUZAICH: Of course I did.

16 THE COURT: These are some of the things  
17 that you were printing earlier, Miss Bluth?

18 MS. BLUTH: Yes, but they are all on the  
19 disk previously given to Mr. Mueller last week, just  
20 to be clear.

21 MS. LUZAICH: Mr. Mueller and Mr. Mann  
22 and Mr. Rue were all given copies of their own.

23

24

25

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1 REDIRECT EXAMINATION

2 BY MS. LUZAICH:

3 Q. I'm going to show you what's been marked  
4 as State's Proposed Exhibits 31, 32, 33, 34, and 35,  
5 which, for the record, were shared with counsel prior  
6 to the Court coming on the bench.

7 And can you tell me, do you  
8 recognize these exhibits?

9 A. Yes.

10 Q. And Exhibits 31 through 36, are they  
11 things that were printed off the disk that you gave  
12 to the State that you received from the defendant  
13 Dwight's employer?

14 A. Yes.

15 MS. LUZAICH: Move into evidence.

16 MR. MANN: Objection; foundation.

17 THE COURT: There's an objection;  
18 foundation.

19 MS. LUZAICH: It goes to weight, not  
20 admissibility.

21 MR. MANN: Then it shouldn't be admitted.

22 THE COURT: Well, is that -- anybody else  
23 have an objection?

24 MR. RUE: Judge, for Miss Hinton, I don't  
25 know that it's relevant, and it is hearsay as regards

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1 Miss Hinton.

2 THE COURT: It might not be relevant to

3 Miss Hinton.

4 You know, this is the issue,

5 frankly, I mean she was taken to task on

6 cross-examination that these documents did not exist,

7 and that I believe the term was used fabricated or --

8 I don't even know what the term was.

9 MS. LUZAICH: Fabricated was the term.

10 And I'm offering them against the defendant Dwight.

11 They're not really offered toward Miss Hinton or

12 Miss Janet Solander.

13 MR. MANN: Your Honor, I understand. My

14 objection is to them being admitted. Obviously,

15 Miss Luzaich could question the witness regarding

16 these exhibits, things like that, but actually

17 admitting them takes it one step further.

18 My objection includes that there's

19 no foundation as to their authenticity. There's no

20 foundation as to its chain of custody. There's no

21 foundation to what the hearsay statements upon there,

22 that they actually are the truth of the matter

23 asserted on the documents. So there's a litany of

24 objections to them actually being admitted.

25 THE COURT: Mr. Mueller, do you have an

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1 objection?

2 MR. MUELLER: (Mumbling).

3 THE COURT: Pardon me?

4 MR. MUELLER: I'll submit it.

5 THE COURT: I'm going to allow 31 through

6 35.

7 MS. LUZAICH: Aren't there 36?

8 THE COURT: Oh, 36, sorry.

9 MS. LUZAICH: I think.

10 The Court was right, 35, sorry.

11 BY MS. LUZAICH:

12 Q. Can you tell us what is State's

13 Exhibit 31 for the record?

14 THE COURT: And these are documents you

15 received in the search warrant, correct?

16 THE WITNESS: Yes.

17 THE COURT: Let me ask another question.

18 Are these the documents -- I think

19 when Mr. Mueller was asking you questions you

20 referenced somebody in the forensic department of

21 Metro that -- did you get these documents -- that

22 person, I guess, was able to open up all of the

23 attachments and emails?

24 THE WITNESS: Correct. He put it into a

25 file that I could open up on my computer. He went

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1 through -- they have, you know, stuff that they can

2 do over there that I'm not able to do. And so they

3 put it -- he found everything, and put it onto a disk

4 that I could read for my computer.

5 MR. MANN: Continuing my objection based

6 on the fact that she's not the one that obtained

7 these documents. She's not the one that forensically

8 found them. I mean she may have seen them, but,

9 again, her testimony then would be about hearsay

10 statements of her observation of them.

11 So I don't want them admitted

12 against my client. I don't think they're relevant

13 against my client.

14 THE COURT: I don't think they're offered

15 against your client.

16 MR. MANN: Well, but they're offered, and

17 the trier of facts, you, determining probable cause,

18 is going to be seeing them, which would be

19 prejudicial against my client.

20 MS. LUZAICH: I think --

21 THE COURT: My guess is that they are

22 what they were purported to be, which were, very

23 nebulously speaking, because I haven't seen them,

24 receipts purchasing catheters in the name of Dwight

25 Solander. That they are being offered solely against

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1 Dwight Solander.

2 MR. MANN: However, there are additional

3 documents on there that purport to be emails from my

4 client to Mr. Solander.

5 THE COURT: That's right, because there

6 were some pictures involved.

7 MR. MANN: Exactly. That's one of them.

8 If it was just the invoices, then

9 my objection would obviously be much more limited.

10 THE COURT: I don't know what they are.

11

12 (Overlapping speakers)

13

14 MS. LUZAICH: That's what I'm trying to

15 go through them.

16 THE COURT: Well, you moved to admit

17 them.

18 MS. LUZAICH: And the Court admitted

19 them, so I'm going through them so the record can

20 reflect what they are.

21 MR. MANN: I'm sorry, just a second.

22 Did the Court admit them?

23 THE COURT: No, the Court hasn't admitted

24 them.

25 MS. LUZAICH: Oh, I'm sorry, I thought

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1 you said you did.

2 THE COURT: I did, but I want to know

3 what they are.

4 Let's go through -- I'm going to

5 withhold admission until I find out exactly what they

6 are, because, for the record, I haven't even seen

7 them.

8 Okay. 31 is?

9 BY MS. LUZAICH:

10 Q. Detective Emery, State's Proposed

11 Exhibits 31 and 35, what are they?

12 A. They are receipts from a company called

13 Eten Neurological Supply. E-t-e-n, Neurological

14 Supply.

15 Q. It's the letter E, and then T-e-n-n, and

16 then Urological.

17 A. And they're receipts where six catheters

18 had been purchased.

19 Q. Specifically, on State's Exhibit 31, is

20 it a bill, a receipt billed to and shipped to Dwight

21 Solander?

22 A. Yes.

23 Q. At 9500 Wakashan?

24 A. Yes.

25 Q. Is that the home that you served a search

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1 warrant at in Las Vegas, Clark County, Nevada?

2 A. Yes.

3 Q. And State's Proposed Exhibit 31, that is

4 for what?

5 A. Six catheters.

6 Q. Then State's Proposed Exhibit 35, is that

7 a receipt from the same company?

8 A. Yes.

9 Q. Is it billed to and shipped to Dwight

10 Solander?

11 A. Yes.

12 Q. At the same address, 9500 Wakashan?

13 A. Yes.

14 Q. And what is it for?

15 A. Cure Medical system catheters with

16 supplies, six of them.

17 Q. And State's Exhibit 31, what is the date

18 on that?

19 A. 12-6 of 2012.

20 Q. And State's Exhibit 35, what is the date

21 on that?

22 A. 12-1 of 2012.

23 MS. LUZAICH: Move those into evidence.

24 THE COURT: Now I have a question before

25 you object.

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1 These receipts were where,

2 attached to emails?

3 MS. LUZAICH: Can I ask some more

4 questions?

5 THE COURT: Okay.

6 BY MS. LUZAICH:

7 Q. On the top of the receipt, the piece of

8 paper, is there an email address?

9 A. Yes.

10 Q. Is it in the name of Dwight Solander?

11 A. Yes.

12 Q. And is it also on the date and is it from

13 customer service at the urological place?

14 A. Yes.

15 Q. To Dwight Solander?

16 A. Yes.

17 THE COURT: So is it fair to say that

18 they appear to be email receipts; in other words,

19 receipts that were emailed by the vendor to Dwight

20 Solander?

21 THE WITNESS: Yes.

22 THE COURT: I didn't know if they were

23 like an attachment.

24 All right. Mr. Mann.

25 MR. MANN: Your Honor, my objection would

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1 be hearsay. These documents are clearly hearsay. To

2 say that these are receipts, that they came to and

3 from, there's no foundation for it. They're hearsay

4 documents. So on that I'm submitting my objection.

5 MS. LUZAICH: They're offered against

6 Dwight Solander, so I don't know that he's got

7 standing to object; however, they speak for

8 themselves. It's a probable cause hearing. At trial

9 there would be more witnesses, but for what it's

10 offered for the Court for, there is sufficient

11 information for the Court to find it reliable and

12 take it into consideration.

13 THE COURT: I'm going to overrule the

14 objection, allow 31 and 35.

15 MR. MANN: Your Honor, I just want to

16 make one last point, I'm sorry.

17 THE COURT: They will be admitted, 31 and

18 35.

19

20 (State's Exhibits 31 and 35

21 admitted into evidence.)

22

23 MR. MANN: And, your Honor, just so I

24 have an understanding, is your Honor finding that

25 this is not hearsay documents?

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1 THE COURT: I'm finding that I think they  
2 are rebuttal information on taking the officer or the  
3 detective to task that she was making it all up, so  
4 take it what's it worth. That's my ruling.  
5 MR. MANN: Okay.  
6 BY MS. LUZAICH:  
7 Q. And, Detective Emery, State's Exhibit 32  
8 and 33, do these appear to be emails or printed out  
9 emails that indicate that came from a Janet Hinton's  
10 email address to a Dwight Solander email address?  
11 A. Yes.  
12 Q. And is the Dwight Solander email address  
13 the same as the one where the receipts from the  
14 urological company are?  
15 A. Yes.  
16 Q. And do they pertain to the girls?  
17 A. Yes.  
18 Q. Are there photos attached to them?  
19 A. Yes.  
20 Q. What photo is attached to State's  
21 Proposed Exhibit 32?  
22 A. Photo is of the back of a child with  
23 underwear and diarrhea running down her legs.  
24 Q. Like you testified to on direct  
25 examination?

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1 A. Yes.  
2 Q. Then is there a -- in the subject field  
3 what does it indicate?  
4 A. It says Anastasia, again, with  
5 exclamation.  
6 THE COURT: Hold on.  
7 MR. MANN: My objection is to hearsay as  
8 to reading what's on the documents now. My objection  
9 to the documents being admitted is hearsay,  
10 foundational, that chain of custody.  
11 THE COURT: Are they statements by --  
12 MS. LUZAICH: The defendant.  
13  
14 (Overlapping speakers)  
15  
16 MR. MANN: We don't know. We have no  
17 basis to know. I mean --  
18 THE COURT: I don't have any reason to  
19 question them, so I'm going to allow them.  
20  
21 (State's Exhibit 32  
22 admitted into evidence.)  
23  
24 BY MS. LUZAICH:  
25 Q. And then State's Proposed Exhibit 33, is

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1 that also attached to a photograph?  
2 A. Yes.  
3 Q. What is the photograph?  
4 A. It's a pair of underwear with a stain in  
5 it.  
6 Q. What kind of stain does it appear to be?  
7 A. Looks like poop.  
8 Q. Some type of soil?  
9 A. Yes, soil.  
10 Q. As opposed to magic marker or something  
11 like that?  
12 A. Yes.  
13 Q. What is that subject?  
14 A. Amaya's panties with --  
15 MR. MANN: Objection; hearsay.  
16 MR. MUELLER: Speculation.  
17 THE COURT: Speculation.  
18 How does she know they're Amaya's  
19 panties?  
20 MS. LUZAICH: I just said what does it  
21 say here.  
22 THE COURT: Oh, okay.  
23 MS. LUZAICH: I'm not asking what she  
24 thinks it was.  
25

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1 BY MS. LUZAICH:  
2 Q. Is that what it says on the email?  
3 A. Yes.  
4 Q. Is that from what appears to be a Janet  
5 Hinton email to what appears to be a Dwight Solander  
6 email?  
7 A. Yes.  
8 Q. And is the Dwight Solander email the same  
9 as the other ones we've already discussed?  
10 A. Yes.  
11 MS. LUZAICH: Move them into evidence.  
12 MR. MANN: Your Honor, can I take the  
13 witness on voir dire?  
14 THE COURT: Sure.  
15  
16 VOIR DIRE EXAMINATION  
17 BY MR. MANN:  
18 Q. Detective, did you do any sort of  
19 investigating as to Miss Solander's email?  
20 A. No.  
21 Q. So you have no basis to know that the  
22 email address on there is Miss Solander's email  
23 whatsoever, correct?  
24 A. Other than it's her name.  
25 Q. And do you have any computer knowledge?



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1 A. Not very much honestly.

2 Q. Do you use Outlook on your computer?

3 A. No.

4 Q. Do you know what system Mr. Solander's

5 computer used at work?

6 A. No.

7 Q. Do you know how names are assigned to

8 various emails on different computers?

9 A. No.

10 Q. And you know that computers can name

11 certain emails with nicknames or different names,

12 whatever anyone puts in there, right?

13 A. Right.

14 Q. So the fact that it says Janet Hinton,

15 you have no idea if that in fact is from Janet Hinton

16 or not, correct?

17 Correct?

18 A. I guess.

19 Q. You have no personal knowledge that these

20 emails are actually from Janet Hinton, correct?

21 A. Just because her name's on them and

22 they're married.

23 Q. So you only have that information based

24 on the piece of paper itself that says Janet Hinton,

25 and so based on that you believe that it may be Janet

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1 Hinton?

2 A. Yes.

3 Q. Okay. And you have no knowledge who

4 actually Janet Hinton is, do you?

5 A. I know that Janet's maiden name was

6 Hinton before she became Solander.

7 Q. So you're now assuming then because

8 they're married that they would email each other and

9 also that she would use her maiden name not her

10 married name?

11 A. Most reasonable people would think that,

12 yes.

13 Q. That she would use her maiden name?

14 A. No, that they would email each other back

15 and forth.

16 Q. So that's your only basis to say that

17 this was an email from Miss Solander to Mr. Solander

18 whatsoever is just that the name says Janet and why

19 wouldn't it be Janet that would email him, right?

20 A. Yeah.

21 Q. So you have no foundational understanding

22 as to where the email actually came from, do you?

23 A. I guess not.

24 THE COURT: Is this 33 that we're talking

25 about?

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1 MR. MANN: If I may approach?

2 THE COURT: Sure.

3 MR. MANN: Your Honor, 34.

4 THE COURT: I've already admitted 32 and

5 34.

6 MR. MANN: No, you admitted 35 and 31.

7 33, 32, that's what I'm referring

8 to.

9 THE COURT: Can I see that?

10 Okay, go ahead. Are you done?

11 MR. MANN: Yes.

12 THE COURT: So do you still have an

13 objection?

14 MR. MANN: I do, your Honor.

15 THE COURT: And based on?

16 MR. MANN: My objection is that she has

17 no foundation, no basis -- that it's hearsay. That

18 she has no basis to say that she actually knows where

19 those emails actually came from and to state on the

20 record that they came from Janet or were emails back

21 and forth from Janet to Dwight when she has no

22 understanding of Miss Solander's email address

23 whatsoever, the fact of how it came into her

24 possession, third party. There's a litany of

25 objections, your Honor.

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1 THE COURT: Miss Luzaich. We're talking

2 about 33, 34.

3 MS. LUZAICH: For purposes of this

4 hearing the Court can take into consideration the

5 context in which the emails are sent about the girls

6 and their panties and the pictures, and the hearsay

7 statute for general reliability, who else on the

8 plant other than Janet Hinton or somebody, Janet

9 Solander or somebody in that house would send Dwight

10 Solander an email with pictures about the girls

11 pooping in their pants and complaining about it.

12 So I think that for purposes of

13 this hearing the context demonstrates its reliability

14 as well as its accuracy.

15 MR. MANN: Your Honor, if I may respond.

16 First of all, I know we've had a

17 lot of discussions about what happens at preliminary

18 hearing. The one thing I'm sure we're all in

19 agreement about is that the rules of evidence still

20 apply at preliminary hearing. There's no way around

21 that, okay, otherwise there would be no preliminary

22 hearing.

23 You would have the Grand Jury,

24 where different rules apply, but the rules of

25 evidence definitely apply at preliminary hearing, and

1 if this document would not be admitted the way that  
2 they were trying to at trial, then it definitely  
3 should not be admitted at preliminary hearing, one.

4 Two, the fact of the matter is  
5 just because they want to stand up and say, Judge,  
6 you know, we are doing it for the purposes of  
7 probable cause doesn't mean that you have to lower  
8 your standards for evidence.

9 Yes, this is probable cause  
10 hearing, but the rules of evidence still apply, and  
11 that's why we have these hearings, because the rules  
12 of evidence still apply. And if we need to be able  
13 to demonstrate -- or, I'm sorry, the State needs to  
14 be able to demonstrate that they have probable cause  
15 using the rules of evidence; otherwise, if they just  
16 had a whole bunch of hearsay documents and came in  
17 and say, well, we have enough probable cause based on  
18 hearsay documents, your Honor wouldn't let -- you  
19 shouldn't let any of that in, because that wouldn't  
20 be a basis, but just because they stand up here and  
21 say that's probable cause, that's not enough for you  
22 to make that determination.

23 And then these documents, just  
24 because they're saying, well, you need to just assume  
25 that because who else in the world would possibly

1 to be able to establish a rule around or an exception  
2 to the hearsay rule. They haven't. They failed to  
3 do that.

4 In addition, they failed to  
5 establish any other basis for the evidence to come  
6 in, such as a proper foundation as to its  
7 authenticity, its ability, how she even came about  
8 it, the chain of custody. All those things come into  
9 play. So because of that your Honor should sustain  
10 my objection and not admit them.

11 THE COURT: Okay. Has everybody made  
12 their record? Because once I make my ruling we're  
13 not going to argue about it anymore. So everybody  
14 made their record?

15 MR. MANN: Yes, your Honor.

16 THE COURT: Miss Luzaich, have you made  
17 your record?

18 MS. LUZAICH: I just want to be more  
19 clear on the foundation.

20 THE COURT: The objection's hearsay.

21 MS. LUZAICH: Right, right, but -- well,  
22 there's two different. There's foundation and  
23 hearsay. As far as foundation, the detective  
24 testified that she personally spoke to Dwight  
25 Solander's employer, who Dwight Solander's employer

1 send these emails, I think that's a ridiculous  
2 argument, because your Honor's supposed to look at  
3 the nature of the emails and the contents of the  
4 emails before you decide that the emails are  
5 admissible and make that decision that they are  
6 admissible based on looking at them. It's a circular  
7 argument that doesn't apply.

8 And, finally, the fact that  
9 these -- there are a lot of reasons why these emails  
10 could be changed, doctored, fixed, whatever. It may  
11 be because it went through multiple hands. The chain  
12 of custody was not applied. This officer is not able  
13 to even testify as to the normal course of extracting  
14 that information from a computer, and that  
15 information, it should not be brought in. And just  
16 because it's supposedly brought in against  
17 Mr. Solander doesn't mean that it doesn't affect  
18 Mrs. Solander and my client.

19 THE COURT: Well, I don't think that's  
20 the argument for 32, 33, 34. That was the argument  
21 for 31 and 35.

22 MR. MANN: So the rules of evidence still  
23 apply. It's hearsay documents. Just like if someone  
24 brought in a receipt and said, well, I have a  
25 receipt. That's still a hearsay document. They need

1 downloaded his entire email account from work and put  
2 it on a disk and gave it to --

3 MR. MANN: Which is all hearsay, your  
4 Honor.

5 MS. LUZAICH: But that testimony has come  
6 in. I mean he's complaining about it being hearsay  
7 now, but it's come in already. The Court already has  
8 heard that.

9 She brought that disk back here.  
10 She tried to open it and couldn't, so the computer  
11 expert people at Metro just opened it for her. As  
12 far as it being reliable and for foundation, that was  
13 my argument, that where else would it have come from.  
14 You can take the context of what was said to  
15 demonstrate how reliable it is.

16 As far as hearsay and as far as  
17 foundation, anything short of a perfect foundation  
18 doesn't make it inadmissible, but it means you can  
19 attribute less weight to it, Judge, if you choose to.

20 As far as the hearsay, they are  
21 statements of the defendants, Janet and Dwight. In  
22 addition, the general reliability statute or hearsay  
23 exception would apply, because there's no evidence  
24 whatsoever that it's been doctored in any way except  
25 for something that the defense is hoping the Court

1 will buy into.

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2 They have no reason to say that  
3 it's been doctored. They can't point to anything to  
4 show that it's been doctored. And when you look at  
5 the email and the photos, the context demonstrates  
6 that it has not been doctored.

7 MR. MANN: Your Honor, I was done  
8 speaking until Miss Luzaich stood up, and I have  
9 further comments on that, if your Honor would allow.

10 THE COURT: I've heard enough. Thank  
11 you.

12 If I were to consider them a  
13 statement that is offered against a party and is the  
14 party's own statement in either the party's  
15 individual representative capacity, then I don't even  
16 believe they're hearsay under 51.035, so they'll be  
17 admitted.

18  
19 (State's Exhibit 33 and 34  
20 admitted into evidence.)

21  
22 You were redirecting. Are you  
23 redirecting on these?

24 MS. LUZAICH: No, no. I just moved them  
25 into evidence, and I only asked questions about them

1 THE COURT: I don't want you to rest  
2 until you make your proposed amendments.

3 MS. LUZAICH: Otherwise, we have no more  
4 evidence or testimony.

5 THE COURT: I'm just trying to get a  
6 handle on how much more time you have on the case.

7 So, basically, you've rested but  
8 for you need transcript to give some proposed  
9 amendments.

10 MS. LUZAICH: Correct.

11 THE COURT: As for the defense's case in  
12 chief, does anybody have evidence to present, and, if  
13 so, give me a proffer on what your evidence is so I  
14 know timing-wise.

15 MR. MANN: I have no evidence to present.

16 THE COURT: You have no evidence to  
17 present, Mr. Mueller?

18 MR. MUELLER: No, your Honor, we don't  
19 have any evidence to present.

20 THE COURT: Mr. Rue.

21 MR. RUE: No.

22 THE COURT: Okay. Have you all advised  
23 your clients -- well, I guess we can do that in the  
24 case in chief. I was just trying to get a handle on  
25 how much more time we were going to have.

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1 so the record would reflect what they were, and then  
2 I have no more questions.

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3 THE COURT: You have no more?

4 MS. LUZAICH: No.

5 THE COURT: Mr. Mann.

6 MR. MANN: It's Mr. Rue.

7 THE COURT: I'm sorry. Mr. Rue.

8 MR. RUE: I have no questions, your  
9 Honor.

10 THE COURT: Mr. Mueller.

11 MR. MUELLER: Nothing further, your  
12 Honor.

13 MR. MANN: No questions, your Honor.

14 THE COURT: All right. I think we're  
15 done with Detective Emery.

16 Thank you, Detective Emery.

17  
18 (Witness excused)

19  
20 So what else does the State have  
21 by way of evidence?

22 MS. LUZAICH: As far as evidence we have  
23 no more. Once we get a copy of the transcript,  
24 Judge, we will move to amend the Criminal Complaint,  
25 and, generally, I don't rest until I've --

1 So have you advised your client of  
2 her right to testify?

3 MR. MANN: Not yet, your Honor, but I  
4 just wanted to get one procedural issue so I have an  
5 understanding.

6 Since Miss Luzaich and Miss Bluth  
7 are going to be amending, I don't know if they're  
8 going to create a new --

9 MS. LUZAICH: Yes, we're going to  
10 generate an Amended Complaint and give it to everyone  
11 in advance so that they can review it and the Court  
12 can review it before we argue bindover.

13 THE COURT: So can we call it a Proposed  
14 Amended Complaint?

15 MS. LUZAICH: Absolutely.

16 THE COURT: Call it the Proposed Second  
17 Amended Criminal Complaint.

18 MS. LUZAICH: Yes.

19 THE COURT: So you're going to prepare  
20 that after the transcripts are prepared, you're going  
21 to give it to everybody. We're not going to file it,  
22 it's just a proposed document, but you will make --  
23 your proposed amendment will basically be in writing,  
24 but then you'll rest, once you give it to everybody  
25 and say, here are the proposals, Judge, let me spoon

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1 feed you, here are the changes, now we rest.

2 MS. LUZAICH: Yes.

3 THE COURT: Then I will go through  
4 everybody's canvass to make sure you don't want to  
5 put any evidence on after they do that, especially  
6 because there might be proposed amendments.

7 MR. MANN: Obviously, Miss Luzaich can  
8 conditionally close today based on that proposed --  
9 or rest today based on that proposed document.

10 I have discussed my client's  
11 ability to testify. She wishes to waive that right  
12 at this time.

13 THE COURT: What about Miss Hinton?

14 MR. RUE: Yes, Judge, I've advised her.  
15 She's willing to accept my advice at this point and  
16 not testify, of course, pending any amendment.

17 THE COURT: Sure.

18 What about Mr. Solander?

19 MR. MUELLER: He's been advised of his  
20 right to testify or remain silent. At the moment he  
21 elects to remain silent, depending on how creative my  
22 colleague is with her amendments.

23 THE COURT: So everybody reserves their  
24 right to have a defense case or evidence, if you want  
25 to. So the burning question is, because Miss Kit is

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1 District Court employee, after he's claiming whatever  
2 he can, but really it's not much of anything, the  
3 hours that were spent in Judge Lippis' department,  
4 which may have been three hours in testimony,  
5 apparently did not come out except for 45 seconds,  
6 and I don't know what 45 seconds those were.

7 So I was reminded today by  
8 Miss Stephanie, who was reminded by the JAVS person  
9 from District Court, you have to act like you don't  
10 have JAVS, because your JAVS isn't maintained, it's  
11 not updated, it's not -- you have no one to repair  
12 it.

13 District Court uses JAVS, but you,  
14 Justice Court, do not have the ability to maintain a  
15 good JAVS system or to reclaim video that was  
16 purportedly recorded, because it wasn't, or it's like  
17 in a half situation.

18 So I just wanted everybody to know  
19 that. I don't know what it's going to come out to  
20 be. Two hours maybe. I really don't know. Anybody  
21 is entitled to it or wants it, and I don't know if we  
22 are --

23 THE CLERK: I'm going to get whatever is  
24 there.

25 THE COURT: The JAVS guy that's helping

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1 not here today, and, apparently, won't be back till  
2 Monday, I mean I can ask on Monday and Miss Stephanie  
3 can email everybody when Miss Kit thinks she can get  
4 the transcripts done, but, obviously, she has other  
5 work other than just this case, so it was hours and  
6 hours and hours of testimony. So we'll just email  
7 everybody once she is able to give us that.

8 Gerri said she can do hers, which  
9 was today, was which limited, quickly. That's not  
10 the big hours. The big hours were up front.

11 And the other thing is were you  
12 able to talk to Miss Bluth about the JAVS?

13 So you advised Miss Bluth, I don't  
14 know, we probably need to tell everybody, and, I  
15 don't know, maybe she told you all that, I don't  
16 know, but I don't even know at what point Miss Bluth  
17 asked us to JAVS one of the early witnesses.

18 We had that first day where I hit  
19 JAVS and Miss Risa hit JAVS, and come to find out  
20 like three hours was not JAVSed. And then we had to  
21 move to another courtroom. And we moved to another  
22 courtroom that we thought had JAVS.

23 The bottom line is Miss Stephanie  
24 came to me, was it this morning, and after dealing  
25 with the only person that helps with JAVS, who is a

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1 us out is going to put it all on disk, which doesn't  
2 sound like it's that much. We'll give that to  
3 Miss Bluth. And for anybody that wants a copy, I'm  
4 sure Miss Bluth will give it to you or we can get it  
5 to you or what have you, but the sum and substance of  
6 this dissertation is that it's not much after all  
7 that, and I just wanted everybody to know that.

8 So Miss Stephanie will email  
9 everybody when we think the transcripts will be done,  
10 and then we'll go from there on bindup.

11 I say we do --

12 MS. LUZAICH: How about maybe a status  
13 check in a week so that Kit can tell the Court how  
14 long, because she can at least look at how much is  
15 there and give you an indication of how long it's  
16 going to be, and on that date we can set a -- kind of  
17 like a schedule for we should have our amended to the  
18 Court and counsel by such and such a date and then  
19 argue the bindover on such other date.

20 MR. MUELLER: I would ask for a sooner  
21 date than that. Miss Luzaich's suggestion is not  
22 mindful of the fact that Mr. Solander is sitting in  
23 custody.

24 THE COURT: That's why, Mr. Mueller, to  
25 be honest with you, I asked earlier, because they

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1 were asking for the transcript before we do bindup,  
2 and you concurred with that, so I was like, well, if  
3 everybody wants to wait for the transcript, that's  
4 fine, but, to be honest with you, you know, the 20  
5 hour prelim, however many hours it's been for a  
6 reporter, I can't make it an emergency on my  
7 reporter's behalf. I mean just because this was long  
8 doesn't make this case any more or less important  
9 than any of my other cases.

10 MR. MUELLER: I don't disagree with you  
11 at all, and in a perfect world we'd have the  
12 transcript sooner. The problem is there's 20 hours  
13 of transcript and immediately this is going to  
14 degenerate into my notes say, and she's going to say,  
15 well, my notes say, and then you're going to say,  
16 well, my notes are.

17 There's very little sense in doing  
18 that if we got the transcript. I can come in and  
19 highlight and say page 34 she said this, page 56 she  
20 said that. I'm a practical man, and that's the  
21 reason I conceded the transcript is going to be  
22 necessary to keep this from degenerating.

23 THE COURT: I don't disagree with you,  
24 but we only have one court reporter that did most of  
25 this, and she has a full caseload to handle, so if

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1 covering for her and she was in her office working  
2 that day.

3 So she will get it done. I know  
4 she will get it done as quickly as she can, but by  
5 all means I can't promise how long that will be, but  
6 I think Miss Luzaich's suggestion of making a status  
7 check, Miss Kit comes back on the 16th, so why don't  
8 we have a status check on the 19th, which is a week  
9 from today. Obviously, we're going to let Miss Kit  
10 know as soon as she gets back to start working on it,  
11 and she'll be able to tell us on the 19th how close  
12 she is to getting done.

13 MR. MANN: Your Honor, I just want to  
14 make the Court aware of some scheduling issues that I  
15 may have.

16 THE COURT: Thank you.

17 MR. MANN: On June 23 I expect to be in a  
18 jury trial, a sex assault jury trial. That will  
19 probably go to about July 2. And then hopefully if  
20 all goes well on July 2, I'm able to leave town and I  
21 won't be back till the 10th.

22 MR. MUELLER: I've already rescheduled.  
23 This was supposed to be my vacation week. I'll going  
24 to be out of town the 23rd for two weeks starting the  
25 23rd.

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1 you all want -- and I'm not saying the request is  
2 unreasonable by anybody if you want the -- if  
3 everybody's in agreement to have the transcript for  
4 bindover.

5 Obviously, if we go by notes, then  
6 my notes prevail, sorry to say, but if everybody  
7 wants the transcript, that would be helpful to the  
8 Court as much as it would be helpful to everybody  
9 else, but I can't say, you know, Miss Kit, it's all  
10 got to be done by Tuesday or Wednesday. That's just  
11 not feasible.

12 This is something typically we  
13 don't do is get transcripts for bindup. I understand  
14 why it is requested to be done, and it seems like  
15 everybody's in agreement. I'd have a bigger problem  
16 on my hands if they wanted it done and you don't want  
17 it done.

18 MR. MUELLER: I talked to Mr. Solander,  
19 Judge. If we can get the transcript, we'll wait an  
20 extra day or two.

21 THE COURT: Okay. I don't know if it  
22 will be a day or two. Miss Kit is as diligent as she  
23 comes. I mean she sometimes has, not today,  
24 apparently, she's on vacation, but I think it was  
25 yesterday or the day before she actually had somebody

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1 THE COURT: So does it sound like bindup  
2 argument, argument for prelim, and bindup and  
3 dismissal, et cetera, et cetera will be after 7-10?

4 MR. MUELLER: We do need to do it before.  
5 I think Mr. Mann was hoping. Certainly, I was.

6 THE COURT: The problem is I'm gone -- I  
7 guess -- how are we going to do that before?

8 So you're saying before, on or  
9 before the 20th, which is a Friday?

10 MR. MUELLER: Yes.

11 MR. MANN: Yes, a week.

12 MS. LUZAICH: A week from tomorrow?

13 THE COURT: That's a week from tomorrow.

14 MS. LUZAICH: We're not going to have  
15 transcripts by then.

16 THE COURT: I can't say yea or nay.

17 MS. LUZAICH: There's no way.

18 THE COURT: It sounds unreasonable to me.

19 I wonder if we can meet halfway.  
20 I don't know how we do that, but if we can prioritize  
21 her transcripts and still have a bindup argument on  
22 the 20th, but maybe not request her to do all the  
23 transcript. I don't know if there are any witnesses  
24 that you feel you absolutely need, and we can do the  
25 bindup on the 20th, but I can't commit that she's

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1 going to finish it.

2 MR. MUELLER: In that case, I'd propose

3 that we do the bindup argument the 20th come what may

4 for whatever we've got to work with and that we ask

5 her to prioritize getting the transcript of the first

6 day, which was further back in time.

7 THE COURT: So the first witness.

8 MR. MUELLER: First witness.

9 THE COURT: Which is a two-day witness,

10 if I recall.

11 MS. LUZAICH: Basically, direct of the

12 first witness. That was it the first day, wasn't it?

13 MR. MANN: No no no. We did -- we did

14 cross, and then -- it was redirect and recross the

15 second day.

16 THE COURT: Correct.

17 So can we all agree you all

18 want -- let's prioritize the witnesses. You want Ava

19 done first?

20 MR. MUELLER: I would. That's the one I

21 have the hardest time remembering.

22 THE COURT: That's probably true. And

23 then Amaya.

24 MR. MANN: And then Anastasia.

25 THE COURT: And then, obviously, the

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1 detective, and there was another --

2 MR. MANN: Dr. Cetl.

3 THE COURT: Yeah, the doctor. Those are,

4 obviously, not as important.

5 Let's put on my calendar and

6 everybody else's calendar a bindup argument date for

7 June 20. How about 10:30?

8 MR. MUELLER: Sounds good. Thank you,

9 Judge.

10 THE COURT: Right now I only have seven

11 out of custodies that day. I have no in custodies,

12 nor will I have in custodies because they've

13 already -- it's less than two weeks.

14 Mr. Rue, you're being, as you

15 always are, quiet.

16 MR. RUE: Is the State going to have a

17 proposed amendment before then or on that day?

18 MS. LUZAICH: Doubtful. I don't know

19 that we'll be able to get it done by then. We'll

20 try. I just don't know that we will.

21 MR. RUE: If you can get it done by that

22 morning before we argue just so we have a picture,

23 that would be appreciated.

24 THE COURT: The other thing I'm just

25 thinking, if you can try to do a proposed amendment

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1 on what you think the evidence is. I mean

2 everybody's taken notes. I mean on what you think

3 the evidence is. And, obviously, everybody's going

4 to argue the evidence anyway, and whether those

5 proposed amendments, regardless of what they are, are

6 going to conform to the evidence.

7 So I mean you could get them a

8 Proposed Amended Complaint by the 18th on what you

9 think the evidence is, and the transcripts will show

10 what they show and everybody can argue what the

11 evidence was.

12 MR. MANN: Quite frankly, sans the

13 transcripts, that's what they would be doing anyway.

14 THE COURT: Right. Using your notes.

15 Everybody I know needs a little help here.

16 So why don't we say Proposed

17 Amended Criminal Complaint by the 18th at 5:00.

18 That's Wednesday at 5:00, with or without the

19 transcript.

20 MS. LUZAICH: I don't know. I know you

21 might find this hard to believe. This isn't our only

22 case. We both have other prelims and things that we

23 are doing, and if I'm in a prelim, I can't be

24 generating a Complaint. I mean I can sit here and

25 argue, but to sit down and actually generate a

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1 Complaint isn't as easy as it sounds.

2 MR. MANN: Can you predict how many

3 amendments? It's not like you're creating a document

4 out of thin air.

5 MS. LUZAICH: Right. And I'm not saying

6 we can't do it. I just don't know. And Jaque's

7 gone, so I can't ask her right now.

8 MR. RUE: I guess, Judge, it would be a

9 more efficient argument on both sides if we knew

10 going in what to argue as opposed to trying to do it

11 on the fly. So if the State can get it to me the

12 morning of, that's all I'm asking for is the morning

13 of.

14 MS. LUZAICH: I will try in advance a day

15 before, two days, if possible. I will try. I just

16 can't promise it.

17 MR. RUE: Sure.

18 THE COURT: The other thing I would like

19 is amendments, the proposed amendments, because the

20 Amended Criminal Complaint that we're talking about

21 right now is so lengthy that I would like you to -- I

22 don't care what you want to call it, I call it red

23 line, but you can do whatever you want, put it in

24 bold, put it in italics, put it in pink, put it in

25 red, green, whatsoever, show us what the proposed

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1 amendments are, so none of us are having to compare  
2 in detail exactly what your changes are.

3 I want you to screen what your  
4 changes are. So if it's a brand new count, if it's a  
5 tweak of language of an existing count, if it's  
6 adding a defendant, I want you to red line it or  
7 highlight it or however you use to delineate the  
8 amendments, the proposed amendments, I want you to do  
9 that, okay? That will further make it easier.

10 MS. LUZAICH: It will make it much  
11 easier. I agree.

12 THE COURT: Okay. And you can do that  
13 with Word or whatever.

14 So you're going to promise to get  
15 it as soon as you can before the hearing, and we're  
16 going to go June 20 at 10:30. And then what we'll do  
17 is set a status check on when the transcripts are  
18 due. We'll talk to Kit privately, separately the  
19 first thing Monday morning, get a good idea of when  
20 she can at least get Ava done, what she thinks she  
21 can have.

22 The thing is you wanted it in  
23 advance to prepare. That takes time from her in  
24 preparation. Might she be able to get you something  
25 by Wednesday afternoon, maybe, but it might only be

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1 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP  
2 COUNTY OF CLARK, STATE OF NEVADA

3  
4 STATE OF NEVADA,  
5 Plaintiff,  
6 vs. Case No. 14F04585A/B/C  
7 DWIGHT SOLANDER, DANIELLE HINTON, ATTEST RE: NRS 239B.030  
8 JANET SOLANDER,  
9 Defendants.

10  
11 STATE OF NEVADA }  
12 COUNTY OF CLARK } SS  
13

14 I, Gerri De Lucca, a Certified Shorthand  
15 Reporter within and for the County of Clark and the  
16 State of Nevada, do hereby certify:  
17 That REPORTER'S TRANSCRIPT OF PROCEEDINGS  
18 was reported in open court pursuant to NRS 3.360  
19 regarding the above proceedings in Las Vegas Justice  
20 Court, 200 Lewis Avenue, Las Vegas, Nevada.  
21 That said TRANSCRIPT:  
22 X Does not contain the Social Security  
23 number of any person.  
24 \_\_\_\_\_ Contains the Social Security number  
25 of a person.

150

1 Ava. Maybe she can send you this witness at a time,  
2 this witness, as she does it. Anything will help, I  
3 suppose.

4 MS. LUZAICH: Absolutely.

5 THE COURT: Okay. We'll be in recess  
6 until June 20 at 10:30.

7  
8 (Preliminary hearing continued to  
9 Friday, June 20, 2014 at 10:30 a.m.)

10  
11 ---o0o---

12 ATTEST: Full, true and accurate transcript of  
13 proceedings.

14 /s/GERRI DE LUCCA  
15 GERRI DE LUCCA, C.C.R. NO. 82  
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1 ---o0o---

2 ATTEST: I further certify that I am not interested  
3 in the events of this action.

4 /s/GERRI DE LUCCA  
5 GERRI DE LUCCA, C.C.R. NO. 82  
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<b>has</b> [36] 4/10 9/8 13/20 14/5 15/7 15/10 17/23 22/22 46/2 61/21 70/15 70/22 70/23 81/14 83/8 86/2 86/15 87/5 94/21 95/6 96/18 96/23 100/13 100/23 103/11 108/20 127/16 127/18 127/21 131/11 132/5 132/7 133/6 138/4 141/25 142/23		<b>house</b> [10] 25/15 28/4 37/18 41/19 50/17 50/19 88/14 90/10 90/24 128/9
<b>hasn't</b> [3] 41/8 99/8 116/23		<b>household</b> [2] 24/24 25/10
<b>have</b> [185]		<b>how</b> [57] 16/6 21/20 21/23 26/25 27/4 27/11 27/24 29/12 34/14 34/21 35/7 35/8 36/14 37/7 37/25 37/25 39/15 39/24 41/15 41/18 42/16 44/12 45/5 54/24 74/13 80/10 84/18 85/18 85/25 87/16 92/7 93/7 93/11 95/17 95/22 96/2 96/15 101/10 107/8 123/18 125/7 127/23 131/7 132/15 135/6 135/25 137/21 140/12 140/13 140/14 140/15 143/5 143/11 144/7 144/20 146/7 148/2
<b>haven't</b> [6] 77/5 93/16 93/19 115/23 117/6 131/2		<b>Howard</b> [2] 11/17 11/17
<b>having</b> [13] 16/3 21/9 29/21 30/4 31/15 34/22 85/7 86/7 88/1 90/2 90/11 94/11 149/1		<b>however</b> [7] 4/1 55/3 101/12 116/2 120/7 141/5 149/7
<b>he</b> [27] 3/15 4/1 17/2 42/7 42/24 57/22 70/22 70/23 71/18 72/7 74/6 74/7 75/15 75/16 80/10 80/11 80/18 87/14 94/3 100/13 108/20 108/23 114/24 114/25 115/3 137/20 139/2		<b>huge</b> [3] 59/2 81/21 81/22
<b>He'll</b> [1] 72/9		<b>Humiliation</b> [1] 39/8
<b>he's</b> [20] 3/23 4/23 12/14 17/3 57/6 61/8 69/18 69/18 70/2 85/2 85/8 87/13 90/16 96/11 97/1 108/6 120/6 132/6 137/19 139/1		<b>humorous</b> [1] 7/8
<b>head</b> [3] 39/2 94/3 105/17		<b>hundreds</b> [3] 93/3 93/9 93/10
<b>headquarters</b> [3] 23/6 51/6 51/11		
<b>heads</b> [1] 104/2		
<b>hear</b> [2] 45/12 49/6		
<b>heard</b> [6] 45/5 53/8 54/19 89/6 132/8 133/10		
<b>hearing</b> [38] 1/14 3/12 4/3 6/5 6/10 6/11 6/12 7/6 9/18 9/19 10/2 10/7 10/23 12/3 13/3 13/25 16/12 16/13 17/9 17/11 19/12 61/23 87/9 97/2 103/3 108/11 108/25 120/8 128/4 128/13		



**IN THE SUPREME COURT OF THE STATE OF NEVADA**

STATE OF NEVADA,

Appellant,

v.

JANET SOLANDER,

Respondent.

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)

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**APPELLANT'S APPENDIX  
Volume III**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar # 001565  
Regional Justice Center  
200 Lewis Avenue  
Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
State of Nevada

KRISTINA WILDEVELD, ESQ.  
Law Offices of Kristina Wildeveld  
Nevada Bar #005825  
615 South 6<sup>th</sup> Street  
Las Vegas, Nevada 89101  
(702) 222-0007

ADAM PAUL LAXALT  
Nevada Attorney General  
Nevada Bar #012426  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(775) 684-1265

Counsel for Appellant

Counsel for Respondent

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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

KRISTINA WILDEVELD, ESQ.  
Counsel for Appellant

CHRIS BURTON  
Chief Deputy District Attorney

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

CB//ed

1           Q     AND WERE YOU ASKED TO EXAMINE THREE CHILDREN KNOWN  
2 TO YOU AS AVA SOLANDER, AMAYA SOLANDER, AND ANASTASIA  
3 SOLANDER?  
4           A     YES, I DID.  
5           Q     WHAT WAS THE NATURE OF WHAT BROUGHT THEM TO YOU?  
6           A     UM -- THE REPORT THAT I RECEIVED, OR THAT I WAS  
7 TOLD, THERE WERE CONCERNS OF PHYSICAL ABUSE, NEGLECT, AND  
8 POSSIBLY SOME KIND OF INAPPROPRIATE SEXUAL CONTACT, AND,  
9 THEREFORE, WE WERE EVALUATING THEM FOR KIND OF ALL THREE.  
10          Q     AND WHAT WAS YOUR UNDERSTANDING OF THE INAPPROPRIATE  
11 SEXUAL CONTACT?  
12          A     MY UNDERSTANDING WAS THAT THERE MAY HAVE BEEN --  
13 UM -- CONTACT BY THEIR CAREGIVERS -- UM -- WITH A PAINT STICK  
14 OR SOME KIND OF HOUSEHOLD OBJECT, AS WELL AS INSERTION OF  
15 URINE CATHETERS.  
16          Q     OKAY. AND DID YOU SEE ALL THREE CHILDREN?  
17          A     YES.  
18          Q     DID YOU GIVE ALL THREE CHILDREN A HEAD-TO-TOE  
19 INVESTIGATE -- EXAMINATION?  
20          A     YES. AN EXAM, YES.  
21          Q     ULTIMATELY, WERE THERE PHOTOGRAPHS TAKEN AT THE CAC  
22 OF ALL THREE CHILDREN?  
23          A     YES.  
24          Q     AND AS YOU SAW THE THREE CHILDREN, DID YOU ALSO SEE  
25 SOME INJURIES THAT CAUSED PHOTOGRAPHS TO BE TAKEN?

1           **A**     YES.

2           **Q**     UM -- FIRST, LET ME -- OH, AND WHEN YOU SEE THESE

3 KIDS, IS A HISTORY TAKEN?

4           **A**     YES, A MEDICAL HISTORY IS TAKEN.  UM -- SO, AND THAT

5 INCLUDES -- UM -- ANY PAST MEDICAL HISTORY -- UM -- FAMILY

6 HISTORY, SOCIAL HISTORY, SO AS WE WOULD DO AT ANY CLINIC OR

7 HOSPITAL OR ANY SETTING, MEDICAL SETTING, TRYING TO UNDERSTAND

8 THEIR BACKGROUND AS MUCH AS POSSIBLE -- UM -- TO HELP GUIDE US

9 WITH THE MEDICAL MANAGEMENT OR INTERVENTION.

10          **Q**     WHO BROUGHT THE KIDS TO YOU?

11          **A**     UM -- A CPS INVESTIGATOR, YVETTE GONZALES.

12          **Q**     AND I'M GOING TO DIRECT YOUR ATTENTION FIRST

13 SPECIFICALLY TO AVA SOLANDER.  UM -- WHEN YOU EXAMINED AVA,

14 YOU SAID YOU EXAMINED HER FROM HEAD TO TOE?

15          **A**     CORRECT.

16          **Q**     AND YOU ALSO DID BLOOD WORK?

17          **A**     YES.

18          **Q**     DID YOU NOTICE ANYTHING ON HER BODY THAT CAUSED YOU

19 CONCERN?

20          **A**     UM -- SHE HAD MULTIPLE -- UM -- HEALED SCARS ON HER

21 BODY -- UM -- THAT WERE OF CONCERN TO ME, YES.

22          **Q**     AND DID YOU ACTUALLY HAVE PHOTOS TAKEN OF THEM?

23          **A**     YES.

24          **Q**     CAN YOU DESCRIBE WHERE ON HER BODY THE SCARS THAT

25 CAUSED YOU CONCERN WERE LOCATED?

1           **A**       UM -- THE -- SHE HAD THEM KIND OF ON A LOT OF PLACES  
2 ON THE BODY.  ONES THAT WERE MOST CONCERNING WITH ON HER  
3 BUTTOCKS -- UM -- AS WELL AS ON HER BACK.

4           **Q**       AND WHY WOULD THEY BE CONCERNING BEING ON HER  
5 BUTTOCKS AND HER BACK?

6           **A**       THOSE ARE AREAS THAT ARE VERY PROTECTED.  SO NOT  
7 JUST PROTECTED BY CLOTHING, BUT PROTECTED FROM, LET'S SAY,  
8 FALLING TYPES OF MECHANISMS.  UM -- THE WAY OUR BODIES REACT  
9 AND -- UM -- JUST, YOU KNOW, REFLEXES -- UM -- WE TEND TO  
10 PROTECT THOSE AREAS.

11                   ADDITIONALLY, THEY ARE PROTECTED ON THE BODY ITSELF  
12 JUST BY THE WAY OUR PHYSIOLOGY IS, AND SO IT'S -- UM -- KIND  
13 OF A VERY UNUSUAL PLACE TO HAVE ANY KIND OF ACCIDENTAL SCARING  
14 OR INJURY.

15           **Q**       OKAY.  YOU KNOW, KIDS ARE CARELESS AND FALL DOWN A  
16 LOT, WOULD YOU AGREE WITH THAT?

17           **A**       ABSOLUTELY.

18           **Q**       ARE THERE CERTAIN AREAS ON THE BODY THAT IF YOU SEE  
19 INJURIES, YOU WOULD NOT BE CONCERNED?

20           **A**       ANYTHING THAT STICKS OUT.  SO YOUR KNEES, YOUR  
21 SHINS, ANYTHING ON THE BONE.  SO BONES LIKE ON THE FOREARM,  
22 FOREHEAD -- UM -- EVEN, YOU KNOW, CHIN OR CHEEBONES, NOSE,  
23 THINGS LIKE THAT.  UM -- THOSE ARE PLACES THAT KIDS TYPICALLY  
24 INJURE FROM WHEN THEY BEGIN TO WALK TILL -- TILL FOREVER.

25           **Q**       OKAY.  SO INJURIES THERE WOULD BE LESS CONCERNING?



1           **A**       YES.

2           **MS. LUZAICH:**  UM -- MAY I APPROACH THE WITNESS?

3           **THE COURT:**  YES.

4 **BY MS. LUZAICH:**

5           **Q**       DR. CETL, I'M GOING TO SHOW YOU WHAT'S BEEN MARKED

6 AS STATE'S PROPOSED EXHIBITS 7, 8, 9, 10 AND 11, FOR THE

7 RECORD, HAVE BEEN SHOWN TO COUNSEL EARLIER.

8           **THE COURT:**  WHAT DID YOU START WITH?

9           **MS. LUZAICH:**  SEVEN --

10          **THE COURT:**  SEVEN.  THANK YOU.

11 **BY MS. LUZAICH:**

12          **Q**       EIGHT, NINE, TEN AND ELEVEN.

13                   CAN YOU TELL ME, ARE THESE ALL -- UM -- PHOTOGRAPHS

14 OF AVA SOLANDER THAT WERE TAKEN ON MARCH 13TH OF 2014?

15          **A**       YES.

16          **Q**       UM -- AND DO THESE PHOTOGRAPHS FAIRLY AND ACCURATELY

17 DEPICT THINGS ON AVA'S BODY THAT YOU NOTICED ON THAT DATE?

18          **A**       YES, THEY DO.

19          **MS. LUZAICH:**  MOVE THEM INTO EVIDENCE.

20          **THE COURT:**  ANY.

21          **MR. MANN:**  NO.

22          **THE COURT:**  -- OBJECTION?

23          **MR. MANN:**  NO OBJECTION.

24          **THE COURT:**  MR. RUE?

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

1           **THE COURT:** MR. MUELLER? NO.

2           OKAY. SEVEN, EIGHT, NINE, TEN, AND ELEVEN WILL BE

3 ADMITTED. THANK YOU.

4           (WHEREUPON STATE'S EXHIBIT NOS. 7 THROUGH 11 WERE

5 ADMITTED INTO EVIDENCE.)

6 **BY MS. LUZAICH:**

7           **Q** DR. CETL, STATE'S EXHIBIT 7, IS THAT A PHOTOGRAPH OF

8 AVA'S FACE?

9           **A** YES.

10          **Q** SO THAT WE KNOW THAT THE REST OF THE PICTURES ARE OF

11 AVA?

12          **A** YES.

13          **Q** STATE'S EXHIBIT 8, CAN YOU DESCRIBE FOR ME WHAT

14 YOU'RE SEEING THERE?

15          **A** WELL, AVA IS LAYING ON HER -- ON HER BELLY, KIND OF

16 ON HER -- ON HER FRONT SIDE -- UM -- ON THE EXAM TABLE, AND --

17 UM -- A PHOTOGRAPH IS -- IS BEING TAKEN OF HER BUTTOCKS AND

18 LOWER LEG AREA.

19          **Q** AND WHAT SPECIFICALLY ARE WE SEEING THAT IS OF NOTE

20 IN THE PHOTO?

21          **A** UM -- SHE HAS HEALED SCARS -- UM -- SPECIFICALLY ON

22 THE RIGHT BUTTOCK ARE MOST PROMINENT.

23          **Q** AND WHEN YOU SAY HEALED SCARS, HOW CAN YOU TELL THAT

24 THEY'RE HEALED SCARS?

25          **A** UM -- SKIN CHANGES THAT OCCUR WITH SCARRING WILL BE

1 SOME RAISED, ALSO DISCOLORATION -- UM -- AND KIND OF JUST  
2 THE -- THE QUALITY OF THE SKIN IN THAT AREA THERE, SCAR TISSUE  
3 HAS FORMED.

4 Q OKAY. SHOWING YOU STATE'S EXHIBIT 9, WHAT IS THAT?  
5 A THAT IS A CLOSE-UP OF HER BUTTOCKS -- UM --  
6 INCLUDING THE SCARS THAT WE WERE SEEING. MOST SPECIFICALLY ON  
7 KIND OF THE RIGHT-HAND SIDE -- UM -- OF THREE MORE PROMINENT  
8 AREAS OF HEALED SCAR.

9 Q YOU SAID MOST SPECIFICALLY THE RIGHT-HAND SIDE. IS  
10 THERE ALSO -- UM -- SOME HEALED SCARING ON THE LEFT SIDE OF  
11 THE BUTTOCK?

12 A THERE ARE, BUT A LITTLE BIT MORE FAINT FROM THIS  
13 PHOTO.

14 Q OKAY. BUT PRESENT?  
15 A YES. YES.

16 Q STATE'S EXHIBIT 10, WHAT ARE WE SEEING?  
17 A SO AN EVEN MORE CLOSE-UP PHOTO OF THE RIGHT BUTTOCK.  
18 Q AND STATE'S EXHIBIT 11?  
19 A UM -- I BELIEVE THIS IS ON HER -- UM -- KIND OF HER  
20 BACK, BACKSIDE. UM -- ANOTHER SCAR MORE LINEAR IN NATURE.

21 Q OKAY. HIGHER UP ON HER BUTTOCKS, BUT --  
22 A CORRECT.

23 Q -- KIND OF IN THE CREASE OF THE BACK TO THE BUTTOCK?  
24 A CORRECT.

25 Q SO IT'S A SEPARATE SCAR FROM EIGHT, NINE, AND TEN?

1           **A**       YES.

2           **Q**       UM -- NOW, IN EIGHT, NINE, AND TEN, THE SCARS THAT

3 YOU DESCRIBED, IS THERE ANYTHING SIGNIFICANCE TO THE FACT THAT

4 IT'S ON BOTH THE RIGHT AND THE LEFT BUTTOCK?

5           **A**       UM -- AGAIN, IT'S A VERY PROTECTED AREA.  UM -- IT'S

6 SOMEWHERE THAT DOESN'T INJURE MUCH AT ALL WITH ANY KIND OF

7 ACCIDENTAL MECHANISMS OR FALLS, AND SO -- AND ADDITIONALLY,

8 IT'S PRETTY EXTENSIVE SCARRING.

9                   AND I THINK THIS ONE'S ACTUALLY ON THE THIGH, AND I

10 APOLOGIZE, IT'S NOT ON THE HIGHER END, IT'S ON THE LOWER END.

11          **Q**       OH, SORRY.

12          **THE COURT:**  WHICH ONE?

13          **MS. LUZAICH:**  ELEVEN.

14          **THE WITNESS:**  ELEVEN.  YEAH, NO. 11.

15          **THE COURT:**  THANK YOU.

16 **BY MS. LUZAICH:**

17          **Q**       NOW, BY LOOKING AT THESE SCARS WHEN YOU SAW THEM IN

18 PERSON, WOULD YOU AGREE THAT THEY'RE -- WHILE THE PHOTOGRAPHS

19 SHOW YOU A LOT, THEY'RE NOT QUITE AS DESCRIPTIVE AS SEEING

20 THEM IN PERSON?

21          **A**       CORRECT.

22          **Q**       UM -- WHEN YOU LOOK AT THESE SCARS IN PERSON, IS

23 THERE ANY WAY TO TELL HOW OLD THEY ARE?

24          **A**       NO.

25          **Q**       CAN YOU SAY MORE THAN, YOU KNOW, THIS, LESS THAN

1 THAT?

2       **A**     UH -- YOU KNOW, TYPICALLY SCAR FORMATION OCCURS WITH  
3 MORE THAN A COUPLE OF WEEKS OF HEALING. BUT IN TERMS OF LESS  
4 THAN, I WOULDN'T BE ABLE TO ACCURATELY PINPOINT THAT AGE.

5       **Q**     OKAY. YOU SAY MORE THAN A COUPLE OF WEEKS. WOULD  
6 YOU SAY MORE THAN MONTHS?

7       **A**     MORE THAN LIKELY.

8       **Q**     AND COULD IT BE AS MUCH AS A YEAR OLD?

9       **A**     OH, YES.

10      **Q**     UM -- COULD IT BE AS MUCH AS -- WELL, BUT YOU CAN'T  
11 SAY SPECIFICALLY ANYTHING OTHER THAN OLDER?

12      **A**     CORRECT.

13      **Q**     UM -- WAS IT YOUR UNDERSTANDING THAT WHEN AVA CAME  
14 TO YOU SHE WAS TAKING ANY MEDICATIONS?

15      **A**     UH -- YES, I BELIEVE SHE WAS.

16      **Q**     WHAT MEDICATIONS WAS SHE TAKING WHEN SHE CAME TO  
17 YOU?

18      **A**     UM -- AVA, I BELIEVE, WAS ON -- UM -- MEDICATIONS  
19 FOR SEIZURES. UM -- I KNOW -- YOU KNOW, AVA AND AMAYA ARE  
20 BOTH ON DIFFERENT MEDICATIONS.

21            WOULD I BE ABLE TO REVIEW JUST MY LIST, JUST TO  
22 DOUBLE-CHECK IT?

23      **Q**     WHEN YOU EXAMINE THE KIDS, DO YOU DO -- UM -- WHAT'S  
24 CALLED A SCAN EXAM?

25      **A**     YES.

1           **Q**     AND DO YOU GENERATE A REPORT AT OR NEAR THE TIME  
2 THAT YOU DO THESE EXAMINATIONS?  
3           **A**     YES.  
4           **Q**     AND WOULD REFRESHING YOUR -- OR WOULD REVIEWING YOUR  
5 REPORT REFRESH YOUR RECOLLECTION?  
6           **A**     YES, IT WOULD.  
7           **Q**     GO RIGHT AHEAD.  
8           **A**     OH, MAY I TAKE --  
9           **Q**     YEAH.  
10                   AND JUST FOR THE RECORD, WHAT'S A SCAN EXAM?  
11           **A**     SO SCAN STANDS FOR SUSPECTED CHILD ABUSE AND  
12 NEGLECT, AND THE EXAM SIMPLY MEANS THAT DUE TO THOSE CONCERNS  
13 AN EXAMINATION WAS DONE. AND IT'S JUST THE STANDARDIZED  
14 PAPERWORK THAT'S USED TO FILL OUT AND DESCRIBE THAT  
15 EXAMINATION.  
16           **Q**     OKAY.  
17           **A**     SO LET ME JUST DOUBLE-CHECK.  
18           **MR. MANN:** YOUR HONOR, COULD WE JUST GET, FOR THE RECORD,  
19 THE REPORT THAT'S SHE REVIEWING, HOW MANY PAGES IT IS AND --  
20           **THE COURT:** YEAH. BUT I ASSUME YOU PROB -- YOU PROBABLY  
21 HAVE IT.  
22           **MR. MANN:** I WOULD HOPE SO, AND I BELIEVE SO, BUT I'M  
23 JUST MAKING SURE.  
24           **THE COURT:** SO CAN YOU LIKE REFER TO SAY A DATE OF A  
25 REPORT, AND MAYBE HOW LONG IT IS, SO WE CAN BE ASSURED THAT

1 THE DEFENSE HAS THE REPORT THAT YOU'RE LOOKING AT?

2       **THE WITNESS:** ABSOLUTELY. SO THIS IS FROM MARCH 13TH,  
3 2014. UM -- THERE ARE --

4       **THE COURT:** DID YOU SAY MARCH 14TH?

5       **THE WITNESS:** THIRTEENTH.

6       **THE COURT:** THIRTEENTH, THANK YOU.

7       **THE WITNESS:** SO THERE ARE -- UM -- THERE'S NURSING NOTES  
8 TITLED, THE BEGINNING -- THE FIRST PAGE IS *SOUTHERN NEVADA*  
9 *CHILDREN'S ASSESSMENT CENTER CLINIC ASSESSMENT*. IT CONTINUES  
10 TO -- UM -- THAT'S ABOUT THREE PAGES. AND THEN MY -- UH -- MY  
11 SPECIFIC ENTRANCE IN THE REPORT IS THE CHILD, SLASH,  
12 ADOLESCENT SEXUAL ABUSE, SLASH, ASSAULT FORENSIC MEDICAL  
13 EXAMINATION. THE NEXT FIVE PAGES IS THE SCAN PHYSICAL ABUSE  
14 AND NEGLECT FORM, IT STARTS WITH A NARRATIVE.

15       AND SO I'M LOOKING DOWN HERE -- UM -- JUST FOR HER  
16 MEDICAL HISTORY TO UNDERSTAND WHICH MEDICATIONS SHE WAS ON.

17       I'M JUST GOING BACK TO THE NURSING AREA HERE. UM -- SO  
18 SHE WAS NOT ON ANY MEDICATIONS WHEN I HAD SEEN HER, AT THE  
19 TIME THAT I HAD SEEN HER.

20 **BY MS. LUZAICH:**

21       **Q** OKAY. WAS IT YOUR UNDERSTANDING THAT THEY HAD  
22 DISCONTINUED ALL MEDICATIONS?

23       **A** YES.

24       **Q** UM -- AND WHEN YOU SAW AVA, WAS SHE IN A MEDICALLY  
25 HEALTHY CONDITION?

1           **A**     YES.

2           **Q**     WHILE NOT TAKING ANY MEDICATIONS?

3           **A**     YES, SHE APPEARED TO BE.

4           **Q**     WAS SOME OF THE HISTORY PROVIDED TO YOU THE FACT

5 THAT SOMEONE HAD INDICATED THAT AVA HAD CROHN'S?

6           **A**     YES.

7           **Q**     WHAT IS CROHN'S DISEASE?

8           **A**     CROHN'S DISEASE IS A FORM OF -- UM -- INFLAMMATORY

9 DISEASE OR I.B.D., ESSENTIALLY AN AUTOIMMUNE DISEASE, SO IT'S

10 WHERE YOUR BODY IS ATTACKING ITSELF. UM -- AND SPECIFICALLY

11 IN THE INTESTINES -- UM -- SO THAT IT MAKES IT VERY DIFFICULT

12 TO PROCESS FOODS THAT ARE COMING IN, PROTEINS, CARBOHYDRATES,

13 AND WILL CAUSE DAMAGE WITHIN THE INTESTINAL SYSTEM -- UM --

14 CREATING A -- SEVERAL DIFFERENT TYPES OF CONDITIONS.

15           **Q**     ARE THERE TESTS THAT CAN BE DONE TO KIND OF CONFIRM

16 OR CONTRADICT WHETHER SOMEONE'S GOT CROHN'S?

17           **A**     YES.

18           **Q**     AND DID YOU REVIEW TESTS THAT AVA HAD HAD DONE?

19           **A**     YES.

20           **Q**     AND DID AVA HAVE CROHN'S?

21           **A**     NO, SHE DID NOT.

22           **Q**     AND, IN FACT, WAS THERE A TEST DONE THAT

23 SPECIFICALLY INDICATED SHE DID NOT HAVE CROHN'S?

24           **A**     YES.

25           **Q**     UM -- YOU SAID THAT PART OF HER HISTORY WAS THAT SHE



1 HAD SOME BOWEL PROBLEMS. WHAT WERE THE BOWEL PROBLEMS THAT  
2 SHE ACTUALLY HAD?

3       **A**     THE BOWEL PROBLEMS THAT WERE DOCUMENTED THROUGHOUT  
4 HER VISITS INCLUDED -- UM -- ABDOMINAL PAIN THAT WAS  
5 RECURRING, AS WELL AS CONSTIPATION.

6       **Q**     DID YOU -- IN REVIEWING MEDICAL RECORDS AND AVA'S  
7 ACTUAL EXAMINATION AND LAB WORK THAT YOU DID -- UM -- COULD  
8 YOU TELL WAS THERE ANYTHING MEDICALLY WRONG WITH AVA THAT  
9 WOULD CAUSE CONSTIPATION?

10       **A**     THERE DID NOT APPEAR TO BE, NO.

11       **Q**     ARE THERE OTHER THINGS, OTHER THAN MEDICALLY --  
12 SOMETHING MEDICALLY WRONG INSIDE OF YOU, ARE THERE OTHER  
13 THINGS THAT MIGHT CAUSE CHILDREN TO HAVE CONSTIPATION?

14       **A**     YES.

15       **Q**     FOR EXAMPLE?

16       **A**     DIET. THAT'S A MAJOR REASON WHY CHILDREN DEVELOP  
17 CONSTIPATION.

18               UM -- ALSO ANOTHER MAJOR REASON IS CALLED FUNCTIONAL  
19 CONSTIPATION, SO HOLDING STOOL, NOT GOING TO THE BATHROOM --  
20 UM -- CAUSES THE STOOL TO BE HARDER, AND THEN WHEN -- UM -- A  
21 CHILD DOES HAVE A BOWEL MOVEMENT, IT MAY BE PAINFUL OR  
22 UNCOMFORTABLE OR THEY MAY NOT BE ABLE TO GET RID OF ALL THE  
23 POOP AND THE STOOL IN THERE, AND SO THEN IT'S KIND OF A  
24 DOWNWARD SPIRAL KIND OF EFFECT WHERE THEY HOLD LONGER AND THEN  
25 THAT CONTINUES TO CAUSE MORE CONSTIPATION.

1           Q       OKAY.  DID YOU ALSO EXAMINE AMAYA SOLANDER?  
2           A       YES.  
3           Q       AND WHEN YOU EXAMINED AMAYA FROM HEAD TO TOE AS  
4 WELL?  
5           A       YES.  
6           Q       DID LABS ON AMAYA AS WELL?  
7           A       YES.  
8           Q       AND DID YOU NOTICE ANYTHING -- UM -- PHYSICALLY ON  
9 AMAYA THAT CAUSED YOU CONCERN?  
10          A       SHE, ADDITIONALLY, HAD MANY AREAS OF SCAR TISSUE.  
11          Q       UH -- CAN YOU DESCRIBE WHERE THE AREAS OF SCAR  
12 TISSUE WERE THAT CAUSED YOU CONCERN ON AMAYA?  
13          A       ON HER AS WELL ON HER BUTTOCKS AND -- AND BACK AREA.  
14          Q       OKAY.  AND DID YOU CAUSE THOSE TO BE PHOTO -- WELL,  
15 WERE THEY PHOTOGRAPHED --  
16          A       THEY WERE.  
17          Q       -- WHILE THEY WERE OUT THERE THAT DAY?  
18                   MAY I APPROACH?  
19          **THE COURT:**  YES.  
20          **BY MS. LUZAICH:**  
21          Q       DOCTOR, I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS  
22 STATE'S PROPOSED EXHIBIT 12, 13, 14, 15, 16 AND 17, WHICH FOR  
23 THE RECORD HAVE BEEN SHOWN TO DEFENSE COUNSEL BEFORE THE  
24 HEARING.  
25          A       OKAY.

1           **Q**     ARE THOSE PHOTOGRAPHS FAMILIAR TO YOU?  
2                   ACTUALLY, ARE THEY PHOTOGRAPHS OF AMAYA SOLANDER  
3 THAT WERE TAKEN ON MARCH 13TH OF 2014, MORE SPECIFICALLY?  
4           **A**     YES, THEY WERE.  
5           **Q**     AND DO THESE PHOTOGRAPHS FAIRLY AND ACCURATELY  
6 DEPICT AMAYA AND SOME SCAR TISSUE THAT YOU HAD OBSERVED?  
7           **A**     YES.  
8           **MS. LUZAICH:**   MOVE THEM INTO EVIDENCE.  
9           **THE COURT:**   ANY OBJECTION?  
10          **MR. MANN:**   NO.  
11          **MR. RUE:**    NO, YOUR HONOR.  
12          **MR. MUELLER:**  NONE.  
13          **THE COURT:**   ALL RIGHT.  TWELVE THROUGH SEVENTEEN WILL BE  
14 ADMITTED.  
15          (WHEREUPON STATE'S EXHIBIT NOS. 12 THROUGH 17 WERE  
16          ADMITTED INTO EVIDENCE.)  
17          **MS. LUZAICH:**   THANK YOU.  
18          **Q**     AND FOR THE RECORD, STATE'S EXHIBIT 12, IS THAT A  
19 PHOTOGRAPH OF AMAYA'S FACE, SO THAT WE KNOW THAT THE REST OF  
20 THE PHOTOGRAPHS ARE OF AMAYA?  
21          **A**     YES.  
22          **Q**     EXHIBIT 13, WHAT DO WE SEE THERE?  
23          **A**     UM -- IT APPEARS TO BE TWO AREAS OF SCAR TISSUE ON  
24 HER ELBOW.  
25          **Q**     STATE'S EXHIBIT 14, WHAT DO WE SEE THERE?

1           **A**     A LINEAR KIND OF HEALING -- UM -- SCAR AREA ON  
2 HER -- UM -- I BELIEVE IT WAS HER UPPER ARM.  
3           **THE COURT:**   ON HER WHAT?  
4           **THE WITNESS:**   UPPER ARM.  
5           **THE COURT:**   THANK YOU.  
6 **BY MS. LUZAICH:**  
7           **Q**     STATE'S EXHIBIT 15, WHAT DO WE SEE THERE?  
8           **A**     UM -- SCAR TISSUE ON HER LEFT AND RIGHT BUTTOCK.  
9           **Q**     STATE'S EXHIBIT 16, WHAT DO WE SEE THERE?  
10          **A**     UM -- THIS IS A PHOTOGRAPH OF THE RIGHT BUTTOCK --  
11 UM -- WHERE YOU CAN VISUALIZE SCAR TISSUE, AS WELL AS THE  
12 UPPER PART OF HER -- THE BACK OF HER THIGH -- UM -- THERE  
13 APPEARS TO BE A LINEAR HEALED AREA AS WELL OF SCAR TISSUE.  
14          **Q**     AND THAT'S ON THE UPPER BACK PART OF HER RIGHT  
15 THIGH?  
16          **A**     CORRECT.  
17          **Q**     STATE'S EXHIBIT 17?  
18          **A**     THIS I BELIEVE IS FROM HER BACK -- UM -- SO KIND OF  
19 THE UPPER -- UH -- UPPER -- OR LOWER BACK AREA.  AGAIN,  
20 ANOTHER -- A LITTLE SCAR, A LINEAR SCAR.  
21          **Q**     OKAY.  AND WHY DO THESE AREAS CAUSE YOU CONCERN?  
22          **A**     FOR SIMILAR REASONS.  THE BACK AND BUTTOCKS ARE  
23 PROTECTED AREAS THAT ARE DIFFICULT -- UM -- TO INJURE, AND  
24 THEN ADDITIONALLY TO CAUSE -- UM -- YOU KNOW, EXTENSIVE SCAR  
25 TISSUE.

1           **Q**       NOW, STATE'S EXHIBIT 13 YOU DESCRIBED AS HER ELBOW.  
2 EARLIER YOU SAID THAT THE ELBOW IS A PLACE THAT KIDS, YOU  
3 KNOW, OFTEN FALL DOWN. BY ITSELF, WOULD THAT INJURY CAUSE YOU  
4 CONCERN?

5           **A**       NO.

6           **Q**       WHEN CONSIDERED WITH THE REST OF THE INJURIES THAT  
7 YOU OBSERVED -- UM -- DOES THAT CAUSE YOU MORE CONCERN?

8           **A**       UM -- THE MULTITUDE OF INJURIES, AS WELL AS THE  
9 HISTORY OF -- GIVEN BY THE CHILD -- UM -- MADE ME MORE  
10 CONCERNED ABOUT IT.

11          **Q**       OKAY. AND, AGAIN, WITH AMAYA, THE INJURIES THAT YOU  
12 SAW, THE SCARS THAT YOU SAW IN PERSON, DO THE PHOTOS KIND OF  
13 NOT DO IT JUSTICE?

14          **A**       NOT QUITE, NO.

15          **Q**       OKAY. AND JUST FOR THE RECORD, THESE ARE NOT GLOSSY  
16 PHOTOS OR ANYTHING, IT'S REGULAR PAPER, CORRECT?

17          **A**       CORRECT.

18          **Q**       IN ADDITION TO THE INJURIES THAT YOU'VE JUST  
19 DESCRIBED ON AMAYA, DID YOU NOTICE ANYTHING ELSE ABOUT AMAYA  
20 THAT WAS CONCERNING?

21          **A**       UM -- HER HEIGHT -- UM -- WAS CONCERNING TO ME.  
22 UM -- AFTER REVIEWING -- UM -- MEDICAL RECORDS FROM PRIMARY  
23 MEDICAL VISITS EARLIER ON IN HER LIFE -- UM -- NOTING THAT SHE  
24 HAD LOST -- UH -- HEIGHT VELOCITY, SO THE RATE IN WHICH SHE  
25 WAS GROWING WAS -- UM -- DRAMATICALLY DECREASED FROM THOSE

1 PRIOR VISITS.

2 Q CAN YOU DESCRIBE FOR US WHY THAT IS CONCERNING TO  
3 YOU?

4 A SO ANY -- EVERY CHILD GETS PLOTTED ON A GRAPH, AND  
5 THAT'S A GROWTH CURVE. GROWTH CURVES HELP US SEE THAT  
6 CHILDREN ARE GROWING APPROPRIATELY AS WE WOULD EXPECT. SO  
7 SOME KIDS ARE SMALLER, SOME KIDS ARE BIGGER, SOME ARE RIGHT IN  
8 THE MIDDLE, AND SO WHAT WE DO AS PEDIATRICIANS IS YOU PLOT  
9 THEM ON THAT CURVE, AND THE ANTICIPATED RESULT IS THAT THEY  
10 FOLLOW THE CURVE WHICH THEY STARTED. SO IF YOU START OUT  
11 SMALL, YOU KIND OF CONTINUE SMALL, ET CETERA, ET CETERA.

12 UM -- AND WHEN THERE ARE DRAMATIC CHANGES IN THAT  
13 VELOCITY, SO THAT ABILITY TO GROW WEIGHT AND HEIGHT -- UM --  
14 THERE IS KIND OF AN EVALUATION TO UNDERSTAND WHAT'S GOING ON  
15 THERE THAT'S CAUSING THAT -- UH -- CHANGE.

16 UM -- IN TERMS OF HEIGHT VELOCITY, WHAT IS  
17 CONCERNING ABOUT THAT IS THAT WHEN CHILDREN, FOR WHATEVER  
18 REASON, ARE NOT GROWING, THE FIRST THING TO BE AFFECTED IS  
19 THEIR WEIGHT. THE SECOND THING, AFTER QUITE SOMETIME WILL BE  
20 THEIR HEIGHT, AND THIRD WILL BE THEIR HEAD CIRCUMFERENCE, SO  
21 THAT'S THE MOST PROTECTED OF OUR BODY.

22 AND FOR HER, ALTHOUGH HER WEIGHT APPEARED CONSISTENT  
23 FROM THE TIME THAT I HAD -- UM -- HAD MEDICAL RECORDS, AND  
24 THEN THERE WAS A JUMP TO THE TIME THAT SHE HAD BEEN SEEN AT  
25 OUR CLINIC -- UM -- HER HEIGHT VELOCITY KIND OF PLATEAUED, AND

1 SHE HAD CROSSED SEVERAL STANDARD DEVIATIONS, SO LINES THAT  
2 WHEN SHE STARTED OFF AT 50TH PERCENTILE, NOW SHE WAS AT THE  
3 5TH, AND SO THAT WAS VERY CONCERNING OF WHY A CHILD WOULD DO  
4 THAT.

5 Q WHY MIGHT A CHILD DO THAT?

6 A SO THERE CAN BE -- UM -- ANY REASONS WHY SOMEONE IS  
7 NOT GETTING ENOUGH NUTRITION WOULD BE THE KIND OF NO. 1 REASON  
8 FOR IT -- UM -- WHETHER IT WAS ENVIRONMENTAL OR MEDICAL.

9 Q UM -- WAS IT -- WELL, WAS AMAYA ON MEDICATIONS WHEN  
10 SHE CAME TO YOU?

11 A SHE WAS NOT AT THE TIME SHE -- THAT SHE CAME TO ME.

12 Q OKAY. AND WHEN SHE CAME TO YOU, DID SHE APPEAR TO  
13 BE IN GOOD HEALTH OTHERWISE?

14 A YES.

15 Q AND THIS IS IN MARCH OF 2014?

16 A CORRECT.

17 Q WAS IT YOUR UNDERSTANDING THAT SHE HAD BEEN ON  
18 MEDICATIONS AND EVERYTHING HAD BEEN STOPPED?

19 A YES.

20 Q SO SHE WAS FINE WHILE NOT ON THE MEDICATIONS?

21 A SHE APPEARED TO BE, YES.

22 Q UM -- SO WAS IT ALSO YOUR UNDERSTANDING THAT THERE  
23 HAD BEEN A TIME THAT AMAYA HAD SUFFERED SOME SEIZURES?

24 A YES.

25 Q WERE YOU ABLE TO REVIEW SOME MEDICAL RECORDS FROM

1 SUMMERLIN HOSPITAL OF SEIZURE ISSUES THAT AMAYA HAD SUFFERED?

2       **A**     YES.

3       **Q**     WHEN WAS THAT?

4       **A**     DECEMBER --

5       **Q**     THE HOSPITAL STAY, NOT THE REVIEW OF THE MEDICAL

6 RECORDS, SORRY.

7       **A**     DECEMBER OF 2012, I BELIEVE.

8       **Q**     DECEMBER 23RD MAYBE, RIGHT BEFORE CHRISTMAS?

9       **A**     CORRECT.

10       **Q**    UH -- AND IN THE MEDICAL RECORDS, DID IT INDICATE

11 THAT SHE HAD SUFFERED A SEIZURE AND, THEREFORE, WENT TO THE

12 HOSPITAL?

13       **A**     YES.

14       **Q**     UM -- WAS IT ACTUALLY DOCUMENTED THAT SHE SUFFERED A

15 SEIZURE CAUSING HER TO GO THERE, OR WAS IT SOMETHING SLIGHTLY

16 DIFFERENT?

17       **A**     UM -- THE CHIEF COMPLAINT, OR WHAT YOU TELL THE

18 TRIAGE WINDOW WHEN YOU COME IN, IS -- UM -- PASSING OUT, THAT

19 SHE HAD LOST CONSCIOUSNESS.

20       **Q**     UM -- AND DID IT INDICATE THAT SOMEBODY HAD TOLD HER

21 THAT SHE HAD SUFFERED A SEIZURE?

22       **A**     UM -- IT -- I THINK IT WAS IN THE DIAGNOSES, BUT I'M

23 NOT -- I'M NOT SURE HOW -- IT WASN'T DOCUMENTED HOW THAT CAME

24 ABOUT.

25       **Q**     OH, OKAY. WHAT WAS IN THE DIAGNOSES?



1           **A**       THAT IT WAS A POSSIBLE SEIZURE DISORDER OR EPILEPSY  
2   THAT WAS GOING TO BE EVALUATED.

3           **Q**       OKAY.  WAS THERE ACTUALLY A SEIZURE SUFFERED BY HER  
4   THAT WAS OBSERVED BY SUMMERLIN HOSPITAL PERSONNEL AFTER SHE  
5   WAS THERE?

6           **A**       IT APPEARED THE MEDICAL STAFF HAD OBSERVED ONE  
7   SEIZURE EPISODE.

8           **Q**       WHAT MIGHT CAUSE SEIZURES IN A CHILD THAT AGE?

9           **A**       UM -- SEIZURES ARE FAIRLY COMPLEX WHEN IT COMES TO  
10   HOW THEY COME ABOUT.  SOMETIMES, YOU KNOW, THE ANSWER IS THAT  
11   WE DON'T KNOW.  UM -- SOMETIMES IT COULD BE BRAIN DAMAGE OR  
12   SOMETHING IRRITATING THE BRAIN.  IT COULD BE -- UM -- TOXIC  
13   EXPOSURE.  IT COULD BE SOMETHING ELSE METABOLIC GOING ON IN  
14   THE BODY, INFECTIONS, THERE IS A MYRIAD OF DIFFERENT CAUSES  
15   FOR IT, AND USUALLY IT'S THAT WE DON'T KNOW.

16          **Q**       OKAY.  CAN, FOR EXAMPLE, DEHYDRATION, MALU --  
17   MALNUTRITION, AND EXHAUSTION COMBINE AND CAUSE A SEIZURE IN AN  
18   EIGHT-YEAR-OLD CHILD?

19          **A**       IT'S POSSIBLE.

20          **Q**       UM -- WAS THERE AN ISSUE WITH HER BEING HYPOTHERMIC  
21   ON ADMISSION --

22          **A**       YES.

23          **Q**       -- ON DECEMBER 23RD OF 2012?

24          **A**       YES, IT WAS DOCUMENTED THAT HER TEMPERATURE WAS VERY  
25   LOW.

1           Q       WHAT DOES THAT MEAN?

2           A       UM -- OUR TEMPERATURE IS REGULATED BY OUR BRAIN --

3   UM -- AND ALSO BY JUST KIND OF NORMAL ACTIVITIES IN THE BODY.

4   ONCE WE'RE OUT OF INFANCY -- UM -- OUR BODIES CAN KIND OF

5   CONTROL THE TEMPERATURE, AND YOU SHOULD STAY AROUND, YOU KNOW,

6   98.6 IS KIND OF THE AVERAGE.  AND SO HER BEING LOWER THAN THAT

7   WOULD MAKE A CONCERN FOR -- UM -- SOMETHING GOING ON IN HER

8   BODY THAT -- UH -- NEEDS TO BE EVALUATED.

9           Q       WHAT MIGHT CAUSE THAT TO HAPPEN?

10          A       IT CAN BE ENVIRONMENTAL, SUN EXPOSURE.  IT CAN BE

11   NUTRITIONAL DEFICITS, IT CAN BE INFECTION, IT CAN BE MANY

12   DIFFERENT THINGS.

13          Q       WAS IT YOUR UNDERSTANDING THAT MOST OF THOSE THINGS

14   WERE RULED OUT, EXCEPT FOR POTENTIALLY MALNUTRITION?

15          A       UM -- SHE HAD, IT LOOKED LIKE, AN INFECTION IN HER

16   LUNGS POSSIBLY -- UM -- AND THEN -- UH -- OTHER THAN THAT,

17   EVERYTHING ELSE SEEMED TO COME UP NEGATIVE.

18          Q       AND THEN FINALLY DID YOU ALSO EXAMINE ANASTASIA

19   SOLANDER?

20          A       YES.

21          Q       WHEN YOU EXAMINED ANASTASIA, ALSO HEAD TO TOE?

22          A       YES.

23          Q       BLOOD RESULTS ALSO --

24          A       YES.

25          Q       -- DONE OR BLOOD -- SORRY, LABS ALSO DONE?

1           **A**       YES.

2           **Q**       WAS THERE ANYTHING THAT YOU NOTICED ON ANASTASIA'S

3 EXAMINATION THAT CAUSED YOU NOTE?

4           **A**       SHE ADDITIONALLY HAD SCAR TISSUE TO HER BUTTOCKS --

5 UM -- AS WELL AS OTHER PARTS OF HER BODY.

6           **Q**       WHERE IN ADDITION TO HER BUTTOCKS?

7           **A**       UM -- SHE, I BELIEVE, ALSO HAD KIND OF ON THE BACK

8 SHOULDER AREA -- UM -- AND -- UM -- KIND OF AN AREA ON HER --

9 HER NECK -- UM -- THAT WERE OF CONCERN.

10          **Q**       IN ADDITION TO THE -- WELL, CAN YOU DESCRIBE THE

11 BACK SHOULDER/NECK AREA SCARS FOR ME? LIKE WERE THEY

12 DIFFERENT THAN THE ONES ON THE BUTTOCKS?

13          **A**       THE SCAR TISSUE ITSELF WAS A LITTLE BIT DIFFERENT,

14 IT WAS A LITTLE BIT MORE PRONOUNCED -- UM -- AND IT WAS

15 IRREGULAR IN SHAPE, BUT APPEARED TO KIND OF HAVE THE SAME --

16 UM -- KIND OF START POINT FROM -- FROM THE NECK TO THE

17 SHOULDER, DOWN TOWARDS THE KIND OF ARMPIT AREA.

18          **Q**       DID THE SCARS ON THE NECK/SHOULDER AREA HAVE A

19 DIFFERENT MECHANISM OF INJURY THAN THE ONES ON THE BUTTOCKS?

20          **A**       THEY APPEARED TO BE CONSISTENT WITH BURN INJURIES.

21          **MS. LUZAICH:** WAS THERE ALSO A -- UM -- I'M SORRY, I LOST

22 MY TRAIN OF THOUGHT.

23               MAY I APPROACH?

24          **THE COURT:** YES.

25

1 **BY MS. LUZAICH:**

2           **Q**       SHOWING YOU WHAT'S BEEN MARKED AS STATE'S PROPOSED  
3 EXHIBITS 18, 19, 20, 21 -- ACTUALLY, 18 ALL THE WAY THROUGH  
4 30, TO MAKE LIFE EASIER -- UM -- WHICH, FOR THE RECORD, HAVE  
5 ALSO BEEN SHOWN TO COUNSEL PRIOR TO THE HEARING.

6           CAN YOU TELL ME ARE THESE ALL PHOTOGRAPHS OF  
7 ANASTASIA THAT WERE TAKEN ON MARCH 13TH, 2014, AT THE  
8 ASSESSMENT CENTER?

9           **A**       SO FAR, YES. YEP.

10          **Q**       I'M SORRY, I ASKED THAT QUESTION TOO QUICKLY.  
11               NOW THAT YOU HAVE LOOKED AT ALL OF THOSE PHOTOS, ARE  
12 THOSE PHOTOS TAKEN OF ANASTASIA ON THAT DAY?

13          **A**       YES.

14          **Q**       AND DO THOSE PHOTOS FAIRLY AND ACCURATELY REFLECT  
15 THE INJURIES THAT YOU HAVE DESCRIBED FOR US?

16          **A**       YES.

17          **MS. LUZAICH:** MOVE THEM INTO EVIDENCE.

18          **THE COURT:** ANY OBJECTION?

19          **MR. MANN:** NO, OBJECTION.

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

21          **MR. MUELLER:** NO.

22          **THE COURT:** OKAY. EIGHTEEN THROUGH 30 WILL BE ADMITTED.  
23 THANK YOU.

24               (WHEREUPON STATE'S EXHIBIT NOS. 18 THROUGH 30 WERE  
25 ADMITTED INTO EVIDENCE.)

1           **MS. LUZAICH:**   THANK YOU.

2           **Q**       STATE'S EXHIBIT 18, DOCTOR, IS THAT A PHOTOGRAPH OF  
3 ANASTASIA'S FACE?

4           **A**       YES.

5           **Q**       SO THAT WE KNOW THAT THE PHOTOS, THE REST ARE HER.  
6                   STATE'S EXHIBIT 19, WHAT ARE WE LOOKING AT?

7           **A**       WE'RE LOOKING AT A PHOTOGRAPH OF HER BACK.   UM --  
8 THERE IS SCAR TISSUE PRESENT ON THE -- UM -- KIND OF THE MID  
9 SHOULDER AREA -- UM -- AS WELL AS ON THE -- KIND OF BACK OF  
10 THE SHOULDER BLADE EXTENDING DOWN TO THE AXILLA OR THE ARMPIT  
11 AREA.

12          **Q**       STATE'S EXHIBIT 20, IS THAT A CLOSE-UP OF STATE'S  
13 EXHIBIT 19?

14          **A**       YES.   OF THE BACK OF THE SHOULDER, YES.

15          **Q**       AND THESE ARE THE PHOTOS THAT ARE CONSIS -- OR THE  
16 SCARS THAT ARE CONSISTENT WITH BURNS?

17          **A**       YES.

18          **Q**       CAN YOU TELL WHEN YOU LOOK AT THE SCARS HOW OLD THE  
19 BURNS WERE?

20          **A**       NO, I CAN'T.

21          **Q**       CAN YOU SAY THEY WERE MORE THAN?

22          **A**       THEY WERE MORE THAN -- UM -- WEEKS TO MONTHS.

23          **Q**       STATE'S EXHIBIT 21?

24          **A**       THIS IS THE RIGHT SIDE OF HER BACK -- UM -- KIND OF  
25 THE MIDDLE RIGHT SIDE OF THE BACK, AND IT'S A LINEAR SCAR --

1 UM -- ACCOMPANIED BY TWO KIND OF SMALLER LINEAR SCARS COMING  
2 OFF OF THEM PERPENDICULAR -- UM -- ON -- ON HER BACKSIDE AREA.  
3 Q BACKSIDE AS OPPOSED TO BUTTOCKS SIDE?  
4 A CORRECT. SORRY.  
5 Q EXHIBIT 22, IS THAT A CLOSE-UP OF WHAT YOU JUST  
6 DESCRIBED?  
7 A YES.  
8 Q WHAT IS EXHIBIT 23?  
9 A SO THAT IS ANOTHER FAIRLY LINEAR SCAR ON THE RIGHT  
10 FLANK, SO THAT IS THE RIGHT -- UH -- SIDE OF THE BACK, BUT  
11 LOWER DOWN.  
12 Q STATE'S EXHIBIT 24?  
13 A THIS IS THE -- A PHOTOGRAPH OF THE BACK OF HER EAR.  
14 UM -- SHE HAS IN THE -- KIND OF THE CREASE OF THE BACK OF THE  
15 EAR THAT'S CLOSEST TO THE SCALP AREA SOME FLAKING AND REDNESS  
16 OF SKIN -- UM -- AND THEN A LITTLE BIT OF DISCOLORATION, BUT  
17 I'M NOT SURE OF WHAT ON THE KIND OF OUTER EARLOBE.  
18 Q UM -- IS THERE ALSO A SCAR ON THE EAR? IS THAT --  
19 A IT WAS VERY DIFFICULT TO TELL. SHE -- UM -- SHE AND  
20 ALL THE GIRLS HAD BEEN UNDERGOING TREATMENT WITH SOME TYPE OF  
21 TOPICAL, SO LIKE A CREAM FOR THE HAIR, BECAUSE THEY HAD SOME  
22 TYPE OF FUNGUS -- UM -- IN THE -- IN THE HAIR AREA. AND SO  
23 DUE TO THAT, THEY HAD A LOT OF KIND OF REDNESS AND CHAFING OF  
24 SKIN, KIND OF -- ESPECIALLY RIGHT AT THE HAIRLINE BEHIND  
25 THERE, AND SO IT WAS A BIT OF A -- A DISTRACTER. WE TRIED

1 CLEANING SOME OF IT OFF, BUT WE WERE UNABLE TO KIND OF  
2 SUCCESSFULLY GET EVERYTHING OFF.

3 Q OKAY. CAN YOU SEE ANY BURN MARKS IN 24?  
4 A NOT THAT I'M COMFORTABLE --  
5 Q YOU CAN'T, OKAY.  
6 A UM-UM.  
7 Q TWENTY-FIVE, WHAT IS THAT?  
8 A THAT IS THE TOP OF HER RIGHT SHOULDER -- UM -- WITH,  
9 AGAIN, SCAR TISSUE -- UM -- THAT APPEARS TO BE SECONDARY TO A  
10 BURN -- UM -- KIND OF IN THE MIDDLE AREA OF THE TOP OF A  
11 SHOULDER.

12 Q WHEN YOU SAY SCAR TISSUE THAT APPEARS TO BE  
13 SECONDARY TO A BURN, WHAT DOES THAT MEAN IN PEOPLE TERMS?  
14 A IT JUST MEANS THAT THE WAY IT LOOKS -- UM -- AND HOW  
15 IT'S HEALED -- UM -- THE MECHANISM IS MORE CONSISTENT WITH  
16 SOME KIND OF BURN RATHER THAN SOME KIND OF HIT OR FALL OR  
17 ABRASION.

18 Q OKAY. STATE'S EXHIBIT 26?  
19 A THAT IS HER -- THE OUTSIDE OF HER RIGHT EAR.  
20 Q AND WHAT DO WE SEE?  
21 A UM -- I SEE SOME LIGHTENING OF THE SKIN, KIND OF  
22 TOWARDS THE OUTER END OF THE EARLOBE, AND THEN A LITTLE BIT OF  
23 REDNESS ALL THE WAY AROUND.

24 Q STATE'S EXHIBIT 27?  
25 A THAT IS HER BUTTOCKS -- UM -- AGAIN WITH SCAR TISSUE

1 TOWARDS THE KIND OF BOTTOM, ALMOST TOWARDS THE CREASE OF THE  
2 BUTTOCK AREA.

3 Q STATE'S EXHIBIT 28?

4 A SIMILARLY -- UM -- THE BUTTOCKS, BOTH BEING ABLE TO  
5 SEE THE RIGHT AND THE LEFT BUTTOCKS WITH SCAR TISSUE ON -- ON  
6 BOTH BUTTOCK.

7 Q EXHIBIT 29?

8 A THIS IS THE LEFT BUTTOCKS, A LITTLE BIT HIGHER --  
9 UM -- MID AREA WITH A LINEAR -- UM -- SCAR.

10 Q AND THAT WOULD BE THE CLOSE-UP OF THE BUTTOCKS,  
11 CORRECT?

12 A THE CLOSE-UP OF THE --

13 Q LEFT SIDE.

14 A -- TOP -- TOP END OF THE LEFT SIDE.

15 Q AND THEN STATE'S 30?

16 A IS THE CLOSE-UP OF THE RIGHT -- UM -- BOTTOM OF THE  
17 BUTTOCK -- UM -- SHOWING THE SCAR TISSUE.

18 Q DID I BRING A PAPER CLIP? NO?

19 UM -- IN ADDITION TO THE -- UM -- SCARS THAT WE'VE  
20 JUST DISCUSSED, DID YOU NOTICE ANYTHING ELSE ABOUT -- UH --  
21 ANASTASIA'S EXAM THAT CAUSED YOU CONCERN?

22 A SHE ALSO WAS ON A LOWER END OF HEIGHT -- UM -- FOR  
23 HER GROWTH CURVE, GIVEN HER AGE. UM -- AND THEN LOOKING BACK  
24 ON HER -- WE GOT A MEDICAL PASSPORT OF HER KIND OF EARLIER  
25 YEARS OF -- OF PRIMARY MEDICAL CARE, APPEARED THAT SHE HAD --



1 UM -- INITIALLY BEEN ABOUT 50TH OR SO PERCENTILE AND HAD  
2 CROSSED THOSE LINES OF 25TH AND 10TH AND WAS NOW CLOSER TO THE  
3 5TH PERCENTILE WITH HER HEIGHT, SO LOSING VELOCITY, SO THE  
4 SPEED OF WHICH SHE'S GROWING, WHICH WAS OF -- OF VERY MUCH  
5 CONCERN.

6 Q AND CONCERN WHY?

7 A UM -- AGAIN, ANY TIME THAT THERE IS SOMETHING  
8 AFFECTING A CHILD'S GROWTH, THE FIRST THING THAT IS AFFECTED  
9 IS WEIGHT, AND THEN NOT ONLY TILL THEY'VE PASSED KIND OF THAT  
10 POINT WHERE THERE'S NOTHING LEFT TO TAKE FROM THEIR WEIGHT, DO  
11 THEY GO TO THEIR HEIGHT. SO LOSING HEIGHT -- UM -- IS  
12 INDICATIVE OF A FAIRLY CONCERNING CONDITION.

13 Q UM -- WHEN YOU SAW THE SCARS ON THE THREE CHILDREN,  
14 DID THAT CAUSE YOU MORE CONCERN THAN IF YOU HAD SEEN ONE CHILD  
15 BY THEMSELF?

16 A EACH CHILD VISUALLY WAS VERY CONCERNING WHERE THEY  
17 HAD THEIR SCARS AND THE EXTENT OF IT. BUT THEN SEEING THAT  
18 ALL THREE HAD PRETTY MUCH THE SAME SCAR TISSUE ON BOTH  
19 BUTTOCKS IN ALMOST THE IDENTICAL AREA -- UM -- WAS VERY  
20 DEFINITIVE FOR NON-ACCIDENTAL TYPE OF TRAUMA.

21 Q OKAY. INITIALLY YOU SAID THAT SEEING JUST EACH  
22 CHILD BY THEMSELVES WAS CONCERNING.

23 A YES.

24 Q WHY WAS IT CONCERNING JUST ONE CHILD BY THEMSELF?

25 A AGAIN, THIS IS A HIGHLY PROTECTED AREA, IT'S A PLACE

1 THAT DOESN'T SCAR VERY READILY, THAT IS NOT -- UM -- INJURED  
2 TYPICALLY FROM ACCIDENTAL MECHANISMS, FALLS, ET CETERA. UM --  
3 AND THE FACT THAT THREE OF THEM HAD THE EXACT SAME SET OF SCAR  
4 TISSUE -- UM -- INDICATED EVEN MORE VEHEMENTLY THAT THIS WAS  
5 NOT SOMETHING THAT WAS ACCIDENTAL.

6 Q NOW, THE ACTUAL INJURIES, THE SCARS THEMSELVES --  
7 UM -- WAS THERE SOME KIND OF PATTERN TO THEM?

8 A UM -- SOME OF THEM HAD A COUPLE OF LINES, AND THERE  
9 MIGHT HAVE BEEN A LITTLE BIT OF CURVATURE TO IT, BUT OVERALL  
10 I'D DESCRIBE THEM AS IRREGULAR SHAPES, BECAUSE THEY DIDN'T  
11 HAVE ANY SOLID PATTERNING TO THEM, NO.

12 Q OKAY. BUT THE FACT THAT THEY WERE THE SAME AS THE  
13 OTHER GIRLS WAS WHAT WAS CONCERNING TO YOU?

14 A YES.

15 Q UM -- WOULD THESE -- UH -- THESE -- WELL, SO YOUR  
16 CONCERN WAS OF NON-ACCIDENTAL INJURY.

17 A YES.

18 Q WHAT ABOUT THEIR CONDITIONS AS A WHOLE? WHAT KIND  
19 OF CONDITION WERE THE GIRLS IN AS A WHOLE?

20 A AS A WHOLE, I WAS CONCERNED ABOUT THE HEIGHT  
21 VELOCITY, THE GROWTH PARAMETERS THEY WERE NOT FOLLOWING.  
22 UM -- CONCERN ABOUT THEIR OVERALL SCAR TISSUE THAT WAS SEEN.  
23 UM -- AND THEN KIND OF AS A REVIEW OF RECORDS, KIND OF THE  
24 MEDICATIONS AND SOME OF THE -- UM -- EVALUATIONS THAT THEY  
25 WERE UNDERGOING WITHOUT -- UH -- KIND OF MEDICAL CONCERNS THAT

1 CAME FROM IT, SO ALL BEING NEGATIVE.

2 Q AND BASED ON YOUR TRAINING AND EXPERIENCE, DO YOU  
3 HAVE AN OPINION WHETHER OR NOT THESE CHILDREN HAD SUFFERED  
4 ABUSE?

5 A MY OPINION THAT THE SCAR TISSUE REPRESENTED  
6 DEFINITIVE FOR ABUSE.

7 MS. LUZAICH: THANK YOU. I PASS THE WITNESS.

8 THE COURT: MR. MANN, CROSS-EXAMINATION?

9

10 CROSS-EXAMINATION

11 BY MR. MANN:

12 Q DR. CETL -- UM -- DO YOU KNOW THE HISTORY OF THESE  
13 CHILDREN?

14 A UM -- MY -- TO SOME EXTENT. I UNDERSTAND THAT THEY  
15 WERE IN, I GUESS, D.F.S. CUSTODY, AND THEN WERE IN FOSTER  
16 CARE, AND THEN ADOPTED. UM -- SO I KNOW, IN GENERAL, THEIR --  
17 KIND OF THEIR HISTORY.

18 Q SO YOU WERE AWARE THAT THEY WERE REMOVED FROM THEIR  
19 BIOLOGICAL HOME?

20 A YES.

21 Q FOR SOME SORT OF NEGLECT OR ABUSE PURPOSES?

22 A THAT'S MY UNDERSTANDING.

23 Q OKAY. UM -- AND YOU ALSO INDICATED THAT YOU WERE  
24 MISSING SIGNIFICANT PORTIONS OF THEIR MEDICAL HISTORY,  
25 CORRECT?

1           **A**     AT THE TIME OF THEIR INITIAL EVALUATION, YES.

2           **Q**     OKAY. LET'S TALK ABOUT THE GROWTH CHART LINE FOR A

3 SECOND.

4           **A**     YEP.

5           **Q**     OKAY. NOW, THE GROWTH CHART LINES -- UM --

6 PEDIATRICIANS ACROSS THE UNITED STATES USE THIS, CORRECT?

7           **A**     CORRECT.

8           **Q**     IS IT SOMETHING -- SOMETHING OUT OF -- OUTSIDE THE

9 UNITED STATES OR JUST THE MAIN UNITED STATES?

10          **A**     I BELIEVE THE UNITED STATES AS WELL. OR I MEAN

11 OUTSIDE THE UNITED STATES AS WELL.

12          **Q**     OKAY. UH -- AND SO IT IS A NORMAL PRACTICE TO

13 CHART, RIGHT?

14          **A**     CORRECT.

15          **Q**     NOW, IN ORDER TO CHART CORRECTLY, YOU'RE DEPENDENT

16 ON WHOEVER MEASURES, WEIGHS THEM, AND THINGS LIKE THAT,

17 CORRECT?

18          **A**     THAT IS CORRECT.

19          **Q**     OKAY. NOW, IT'S NOT UNUSUAL FOR SOMEONE TO DEVIATE

20 FROM A DIFFERENT LINE ON A -- ON A REGULAR BASIS MOVE DOWN A

21 LINE, UP A LINE, UP TWO LINES, DOWN TWO LINES, CORRECT?

22          **A**     HMM, I THINK IT WOULD BE UNUSUAL TO DEVIATE MORE

23 THAN ONE OR TWO LINES, THAT WOULD BE VERY UNUSUAL. BUT SOME

24 DEVIATION I WOULD EXPECT JUST FROM, YOU KNOW, DIFFERENT

25 SCALES, DIFFERENT PEOPLE MEASUREMENTS.

1 Q OKAY. AND SO YOU WOULD SEE -- IT'S POSSIBLE YOU CAN  
2 SEE A NORMAL CURVE AND SOMEONE KIND OF BOUNCING ON A CURVE  
3 BELOW OR ABOVE IT, CORRECT?

4 A YES.

5 Q OKAY. AND IN ORDER TO GET AN ACCURATE PICTURE, YOU  
6 WOULD NEED TO BE ABLE TO SEE EVERY TIME THAT THEY WERE SEEN BY  
7 A DOCTOR IN ORDER TO UNDERSTAND IF THEY HAD BOUNCED ONE DOWN,  
8 TWO DOWN, AND WAS MAKING A SLOWER PROGRESSION ON THAT CURVE  
9 LINE, VERSUS AN IMMEDIATE FALL TO WHICH YOU OBSERVED, CORRECT?

10 A UM -- YOU WOULD NEED MULTIPLE POINTS. NOT  
11 NECESSARILY ALL OF THEM, BUT YES, MULTIPLE.

12 Q OKAY. AND IT'S FAIR TO SAY THAT THE MEDICAL RECORDS  
13 THAT YOU LOOKED AT ENDED WELL WITHIN THEIR EARLY PARTS OF  
14 THEIR LIFE, OF THE CHILD'S LIFE, CORRECT?

15 A YES.

16 Q AND -- UH -- THEY WERE -- WHEN YOU SAW THEM -- UM --  
17 NINE, ELEVEN AND TWELVE?

18 A CORRECT.

19 Q OKAY. AND SO I BELIEVE THE LAST RECORD YOU SAW WAS  
20 FOR WHAT, FOUR OR FIVE?

21 A UM -- AT THE TIME OF THE CAC WITH THE FIRST CURVE I  
22 THINK THEY WERE ABOUT -- I THINK IT WAS 2010, SO IT MUST HAVE  
23 BEEN, YEAH, ABOUT FOUR YEARS.

24 Q OKAY. AND SO -- UH -- THERE WAS, IN A CHILD'S LIFE,  
25 THESE CHILDREN, ABOUT AT LEAST 25 TO 30 PERCENT OF THEIR LIFE,

1 OF A GAP THAT YOU DIDN'T HAVE INFORMATION FOR, CORRECT?

2       **A**     AT THE TIME, THAT'S CORRECT.

3       **Q**     OKAY. NOW, YOU SAY AT THE TIME. HAVE YOU SINCE

4 REVIEWED MORE MEDICAL RECORDS?

5       **A**     RECENTLY I'VE RECEIVED MORE MEDICAL RECORDS.

6       **Q**     OKAY. AND WHERE DID YOU RECEIVE THOSE MEDICAL

7 RECORDS FROM?

8       **A**     UM -- FROM I BELIEVE IT WAS CPS AND FAMILY COURT.

9       **Q**     OKAY. AND WHAT DO THOSE MEDICAL RECORDS INCLUDE?

10       **A**     UH -- THEY WERE RECORDS FROM SUMMERLIN HOSPITAL --

11 UM -- I'M TRYING TO THINK. I BELIEVE ALSO AN ENDOCRINOLOGIST,

12 DR. DEWAN -- UM -- AND SOME OTHER APPOINTMENTS. I DON'T

13 RECALL ALL. THEY HAD SEVERAL SUBSPECIALISTS. THERE WAS

14 GASTROENTEROLOGY AND HEMATOLOGY AND SEVERAL OTHER ONES.

15       **MR. MANN:** ALL RIGHT, YOUR HONOR. AND JUST FOR THE

16 RECORD -- UM -- THE DEFENSE HAS NOT RECEIVED ANY OF THOSE

17 RECORDS.

18       **MS. LUZAICH:** NEITHER HAS THE STATE.

19       **MR. MANN:** UM -- T THE STATE WAS ASKING HER SPECIFICALLY

20 ABOUT THOSE RECORDS AND ABOUT THOSE INCIDENTS. UM -- SO --

21 UM -- I JUST WANTED TO MAKE SURE THAT YOUR HONOR WAS AWARE

22 THAT WE HAD ASKED FOR THAT AND HAD NOT RECEIVED IT, AND THE

23 STATE HAD ASKED QUESTIONS BASED ON THAT.

24       **Q**     UH -- SO -- NOW, A PERSON THAT DEVIATES FROM

25 DIFFERENT GROWTH CHARTS, YOU WOULD INDICATE ALL THAT IS, IS

1 MAYBE A WARNING LIGHT THAT WOULD GO OFF TO INDICATE THERE  
2 MIGHT BE A PROBLEM, CORRECT?

3       **A**       UM --

4       **Q**       OR ARE YOU SAYING THAT IT'S ABSOLUTELY A PICTURE OF  
5 THERE IS A PROBLEM?

6       **A**       UM -- I THINK THERE WERE ENOUGH POINTS IN THE EARLY  
7 LIFE TO SEE WHERE THEY WERE GOING, AND THAT ALL THREE OF THEM  
8 KIND OF WERE FOLLOWING A CERTAIN CURVE AND THEN WERE  
9 SIGNIFICANTLY LOWER, SO I FELT THAT THAT WAS MORE THAN JUST A  
10 WARNING LIGHT.

11       **Q**       OKAY. BUT I'M SAYING THAT THAT GROWTH CHART USED IS  
12 MAINLY A WARNING LIGHT TO ANY PEDIATRICIAN THAT, HEY, WE NEED  
13 TO LOOK FURTHER INTO IT. IT'S NOT, IN AND OF ITSELF,  
14 FUNDAMENTAL THAT THERE IS A PROBLEM?

15       **A**       CORRECT.

16       **Q**       OKAY. AND SO YOU COULD HAVE SOMEONE THAT ACTUALLY  
17 JUST KIND OF SLOWS DOWN IN THEIR GROWTH PATTERN AND THAT'S  
18 JUST IN THEIR GENETICS?

19       **A**       THAT'S ACTUALLY BUILT INTO GROWTH CURVES, SO ALL  
20 CHILDREN, THEY KIND OF HAVE A REALLY STEEP SLOPE AND THEN THEY  
21 KIND OF CURVE OFF, AND THEN THEY ARE -- OR PLATEAU OFF AND  
22 THEN GO BACK UP. UM -- AND SO THAT KIND OF SLOWING IS  
23 ACTUALLY BUILT IN FOR IT.

24               AND ALSO GENETICS -- UM -- GENETIC ISSUES, SO JUST  
25 FAMILY SHORT STATURE, THINGS LIKE THAT, IS SOMETHING THAT

1 DOESN'T CHANGE THROUGHOUT THE LIFETIME.

2 Q OKAY. NOW, YOU SAID THAT YOU REVIEWED OTHER  
3 RECORDS -- UM -- SINCE THIS SCAN EXAM, CORRECT?

4 A CORRECT.

5 Q AND SOME OF THOSE OTHER RECORDS YOU SAID IN -- IN --  
6 INCLUDED A DR. DEWAN, WHO'S AN ENDOCRINOLOGIST, CORRECT?

7 A CORRECT.

8 Q OKAY. AND THE CHIEF COMPLAINT TO DR. DEWAN WAS THE  
9 FACT THAT SHE WASN'T -- AND THAT WAS FOR ANASTASIA, CORRECT?

10 A I BELIEVE SO. I JUST RECENTLY RECEIVED THOSE, SO I  
11 HAVEN'T GOTTEN TO LOOK AT THEM VERY CLOSE --

12 Q I HAVEN'T SEEN THEM AT ALL, SO WE'RE PLAYING BLIND  
13 TOGETHER.

14 AND -- UM -- THE CHIEF COMPLAINT TO THE  
15 ENDOCRINOLOGIST WAS THE FACT THAT SHE WASN'T GROWING PROPERLY,  
16 CORRECT?

17 A I BELIEVE SO.

18 Q OKAY.

19 A I CAN'T SAY THAT FOR CERTAIN.

20 Q AND THE ENDOCRINOLOGIST, IN YOUR REVIEW OF THE  
21 ENDOCRINOLOGIST RECORDS, DID THEY MAKE A DETERMINATION AS TO  
22 WHY?

23 A IT WAS NOTED AS HYPOTHYROIDISM.

24 Q OKAY. SO THAT THERE WAS A MEDICAL ISSUE AS TO WHY  
25 THEY WERE NOT GROWING CORRECTLY?



1           **A**       THAT IS WHAT WAS -- UM -- DIAGNOSED BY THAT  
2 ENDOCRINOLOGIST.

3           **Q**       OKAY.  AND YOU'RE SAYING -- ARE YOU SAYING THAT  
4 DR. DEWAN, WHO DIAGNOSED THAT, IS CORRECT OR INCORRECT?

5           **A**       BASED ON THE LABORATORIES THAT I SAW FROM  
6 DR. DEWAN'S OFFICE, THERE WASN'T ANY SIGNIFICANT ABNORMALITY  
7 IN HER THYROID STUDIES, AND SO I WAS CONCERNED THAT -- UM --  
8 THERE WERE -- THERE WAS OTHER THINGS THAT WERE AT PLAY HERE.

9           **Q**       OKAY.  AND -- UM -- NOW, ARE YOU AN ENDOCRINOLOGIST?

10          **A**       NO, SIR.

11          **Q**       ARE YOU SPECIALIZED IN ENDOCRINOLOGY?

12          **A**       NO.

13          **Q**       AND WOULD YOU THEN SAY THAT YOU ARE BETTER TO  
14 EVALUATE ANASTASIA'S CONDITION THAN DR. DEWAN?

15          **A**       AS A WHOLE, I THINK, JUST LOOKING AT THE TOTALITY OF  
16 HER MEDICAL RECORDS.  HOWEVER, IN TERMS OF THE  
17 HYPOTHYROIDISM -- UM -- THAT'S SOMETHING THAT HE, YOU KNOW, IS  
18 SUFFICIENT TO EVALUATE.  I JUST DIDN'T SEE ANY FURTHER  
19 EVALUATIONS BEYOND THAT POINT.

20          **Q**       OKAY.  AND YOU ALSO TALKED ABOUT HOW -- UM -- AMAYA  
21 HAD BEEN -- UM -- DIAGNOSED WITH CROHN'S DISEASE, CORRECT?

22          **A**       THAT SHE WAS NOT DIAGNOSED WITH CROHN'S DISEASE.

23          **Q**       WELL, THAT SHE AT ONE POINT WAS -- UM -- DID YOU  
24 REVIEW MEDICAL RECORDS FROM DR. -- UM -- BERNSTEIN?

25          **A**       YES.

1 Q WHO'S A HEMATOLOGIST?  
2 A YES.  
3 Q AND DR. BERNSTEIN LOOKS AT BLOOD, CORRECT?  
4 A CORRECT.  
5 Q AND MAKES A DETERMINATION BASED ON WHAT YOU SAY LAB  
6 REPORTS, RIGHT?  
7 A CORRECT.  
8 Q AND DOCTOR -- DID YOU SEE THAT DR. BERNSTEIN HAD  
9 REFERRED -- UM -- AMAYA TO DR. DEZENBERG (PHONETIC) -- UH --  
10 FOR GASTROINTESTINAL ISSUES?  
11 A YES.  
12 Q BASED ON THOSE LAB REPORTS?  
13 A CORRECT.  
14 Q OKAY. AND GASTROINTESTINAL ISSUES WOULD BE -- UM --  
15 IN LINE WITH CROHN'S DISEASE, CORRECT?  
16 A YES.  
17 Q OKAY. THAT CROHN'S DISEASE IS PART OF A G.I. TYPE  
18 ISSUE, CORRECT?  
19 A YES.  
20 Q NOW, CROHN'S DISEASE -- UH -- PREVENTS THE BODY FROM  
21 BEING ABLE TO ABSORB THE NUTRIENTS -- OR LET ME REPHRASE --  
22 THE COLON TO BE ABLE TO ABSORB THE NUTRIENTS INTO THE BODY,  
23 CORRECT?  
24 A CORRECT.  
25 Q ALL RIGHT. AND SO IF SOMEONE HAD CROHN'S DISEASE,

1 IT'S NOT SURPRISING TO SEE SOMEONE'S GROWTH CHART CHANGE  
2 BECAUSE OF THOSE ISSUES?

3       **A**     IF SOMEONE HAD IT, YES.

4       **Q**     OKAY. NOW, YOU -- UH -- ARE YOU A GASTRO IN --  
5 INTERNIST?

6       **A**     NO.

7       **Q**     OKAY. DO YOU HAVE THE SPECIALTY THAT DR. DEZENBERG  
8 HAS?

9       **A**     NO.

10       **Q**    OKAY. AND YET YOU'RE SAYING DR. DEZENBERG IS WRONG  
11 IN HIS DETERMINATION THAT HE HAD -- THAT SHE HAD CROHN'S  
12 DISEASE?

13       **A**    HE HADN'T DIAGNOSED HER WITH CROHN'S DISEASE. THERE  
14 WAS SOME LABORATORIES THAT WAS SUGGESTIVE OF IT, SO  
15 APPROPRIATELY WENT TO SEE DEZENBERG, DR. RHEE -- UM -- AND  
16 THEY, THROUGH THE DEFINITIVE TESTING, FOUND THAT IT WAS NOT  
17 CONSISTENT WITH CROHN'S DISEASE.

18       **Q**    OKAY. AND THAT WAS OVER A SIGNIFICANT PERIOD OF  
19 TIME THAT THEY WENT THROUGH THAT?

20       **A**    CORRECT.

21       **Q**    OKAY. IT WASN'T IMMEDIATE, WHERE THEY TOOK THE  
22 BLOOD IMMEDIATELY KNEW SHE DIDN'T HAVE CROHN'S DISEASE?

23       **A**    THAT'S CORRECT.

24       **Q**    THEY ACTUALLY SUSPECTED IT FOR A YEAR, RIGHT --

25       **A**    YES.

1           Q       -- THAT SHE HAD CROHN'S DISEASE?

2           A       THEY WERE EVALUATING FOR IT, YES.

3           Q       OKAY.  AND SO OVER THAT YEAR'S TIME, THAT'S WHAT

4 THEY WERE FOLLOWING.  AND IN A NORMAL COURSE AND PRACTICE, A

5 GOOD DOCTOR WOULD ASSUME THAT SHE DOES HAVE CROHN'S DISEASE

6 AND START DIRECTING THE PATIENT TO FOLLOW AS IF SHE DID,

7 CORRECT?

8           A       UM -- THEY WOULD, BUT THEY DIDN'T -- NOT THE TYPE OF

9 TREATMENT THAT SHE WOULD NEED FOR CROHN'S DISEASE.  SHE DID

10 NOT RECEIVE ANYTHING --

11          Q       WELL, ADJUSTING DIET?

12          A       SHE WAS ADJUSTING, AND MEDICATION FOR CONSTIPATION,

13 BUT ALL THE OTHER CHANGES WERE NOT FOR CROHN'S DISEASE.  THE

14 CHANGES THAT WERE RECOMMENDED WERE ACTUALLY FOR -- UM --

15 CONSTIPATION CONCERNS.

16          Q       OKAY.  BUT THERE WAS NO DIRECTIVE FROM DR. DEZENBERG

17 TO ADJUST FOR DIET?

18          A       UM -- NOT THAT I NOTED IN TERMS OF CROHN'S DISEASE

19 CARE.

20          Q       OKAY.  AND -- UM -- BUT, AGAIN, YOU SAW

21 DR. DEZENBERG'S FILE, CORRECT, ON AMAYA?

22          A       YES.

23          Q       AND IN THAT FILE YOU'RE SAYING THAT THERE WAS NO

24 EVIDENCE OR INDICATION THAT DR. DEZENBERG GAVE ANY SORT OF

25 INDICATION TO AMAYA OR HER FAMILY TO CHANGE DIET OR THE WAY

1 SHE EATS?

2       **A**     UM -- I DID NOT SEE ANYTHING IN TERMS OF CROHN'S. I  
3 THINK THAT THERE WERE INSTRUCTIONS AND EDUCATION IN TERMS OF  
4 DIET IN GENERAL ADDRESSING THE CONSTIPATION.

5       **Q**     OKAY. SO YOU'RE SAYING THAT EVEN THOUGH CROHN'S WAS  
6 SUSPECTED, THEY -- WHATEVER RECOMMENDATIONS WERE MADE WAS NOT  
7 ON THE BASIS OF CROHN'S, BUT BASED ON SOME OTHER ISSUE, IN  
8 THIS CASE YOU'RE SAYING CONSTIPATION?

9       **A**     THAT'S WHAT IT APPEARED TO BE.

10       **Q**     OKAY. BUT YOU DON'T -- YOU'RE NOT DR. DEZENBERG,  
11 CORRECT?

12       **A**     THAT'S CORRECT.

13       **Q**     AND YOU DON'T KNOW WHAT HE OR SHE WAS ACTUALLY  
14 THINKING?

15       **A**     CORRECT.

16       **Q**     OKAY. AND SO YOU'RE MAKING ASSUMPTIONS BASED ON THE  
17 REPORTS THAT YOU RECEIVED FROM -- I'M SORRY, IS IT A MALE OR  
18 FEMALE DOCTOR?

19       **A**     HE'S A MALE.

20       **Q**     MALE, OKAY. FROM-FROM HIS OFFICE?

21       **A**     YES, FROM HIS DOCUMENTATION.

22       **Q**     OKAY. NOW, THE -- UM -- THE SCARS THAT YOU TALK  
23 ABOUT ON -- UM -- EACH OF THE CHILDREN. UM -- YOU HAVE NO  
24 IDEA WHEN THEY WERE CAUSED, CORRECT?

25       **A**     CORRECT.

1 Q THEY COULD HAVE BEEN CAUSED -- UM -- BACK IN 2007?  
2 A IT'S POSSIBLE.  
3 Q OKAY. THEY COULD HAVE BEEN CAUSED IN 2008?  
4 A CORRECT.  
5 Q 2009?  
6 A CORRECT.  
7 Q SO ANY -- THESE SCARS ARE NOT -- UH -- INDICATIVE OF  
8 WHO CAUSED THEM, WHATSOEVER?  
9 A NO.  
10 Q OKAY. NOW -- UM -- THE SCARS THAT YOU OBSERVED --  
11 UM -- YOU SAID THAT THEY WERE IRREGULAR IN SHAPE.  
12 A UM -- SOME OF THEM WERE, YES, IRREGULAR IN SHAPE.  
13 Q OKAY. AND THAT -- UM -- YOU COULD NOT SEE AT --  
14 WHEN MISS LUZAICH HAD ASKED YOU IF THERE WAS A PATTERN, YOU  
15 COULD NOT IDENTIFY A PATTERN OF THESE SCARS?  
16 A CORRECT.  
17 Q OKAY. NOW -- UM -- THE ONLY REASON WHY YOU'RE  
18 HYPOTHESIZING THAT IT'S ACTUALLY ABUSE IS BECAUSE IT'S IN THE  
19 BUTT OR LOWER BACK REGION, CORRECT?  
20 A THE LOCATION, YES.  
21 Q OKAY. AND, OBVIOUSLY, YOU'RE SAYING THAT -- UH --  
22 THESE CHILDREN CAN'T CAUSE THESE INJURIES TO THEMSELVES  
23 BECAUSE, ONE, PEOPLE NORMALLY DON'T FALL ON THEIR BUTT OR  
24 LOWER BACK, RIGHT?  
25 A UH -- NOT THAT THEY DON'T FALL ON THEIR BUTT OR

1 LOWER BACK, BUT THEY ARE PROTECTED AREAS THAT DON'T OFTEN  
2 SUSTAIN ANY TYPE OF INJURIES THIS WAY, ESPECIALLY BEING THAT  
3 THEY ARE CLOTHED INDIVIDUALS -- UM -- AND THAT THEY ALL HAVE  
4 THE SAME SCARRING PATTERN.

5 Q OKAY. SO YOU'RE ASSUMING THAT IF THESE INJURIES  
6 OCCURRED BY THESE CHILDREN ON THEMSELVES, THAT THEY WERE  
7 CLOTHED WHEN THEY HAPPENED, AND THAT SOMEHOW OR ANOTHER THESE  
8 CHILDREN WOULD PROTECT THEMSELVES FROM INJURING THEIR BUTT?

9 A MORE THAN LIKELY, YES.

10 Q OKAY. AND -- UM -- IT'S QUITE POSSIBLE THAT THESE  
11 INJURIES THAT YOU SAW ALSO COULD HAVE OCCURRED IN THE  
12 BEGINNING OF 2014, CORRECT?

13 A UH -- YES.

14 Q AND SO THERE REALLY IS NO TIMEFRAME THAT YOU ARE  
15 PUTTING TO THESE INJURIES, WHATSOEVER?

16 A THAT'S CORRECT.

17 Q OKAY. UM -- NOW -- UM -- CONSTIPATION -- UM -- A  
18 CHILD THAT HAS CONSTIPATION -- UM -- IS THAT A MEDICAL REASON,  
19 OR IS THERE SOME OTHER REASON?

20 A I DON'T -- I DON'T UNDERSTAND YOUR QUESTION.

21 Q SURE. MAYBE I DON'T UNDERSTAND MY QUESTION, EITHER.

22 UM -- THERE WAS TESTIMONY THAT ONE OF THE CHILDREN  
23 PURPOSELY HELD THEIR PEE OR POOP -- UM -- FOR SIGNIFICANT  
24 PERIODS OF TIME IN A WAY TO GET BACK AT THEIR CAREGIVERS.

25 A UM-HUM.

1           **Q**     AND DOING THAT COULD CAUSE DAMAGE TO THEMSELVES,  
2 CORRECT?

3           **A**     UM -- YES, HOLDING STOOL COULD.

4           **Q**     OKAY. AND -- UM -- THAT'S ACTUALLY A COMMON TRAIT  
5 FOR KIDS THAT ARE -- UH -- GOING THROUGH THE FOSTER CARE  
6 SYSTEM OR BEING REMOVED FROM THEIR HOME TO ACT OUT IN SOME  
7 WAY, CORRECT?

8           **A**     IN SOME WAY.

9           **MS. LUZAICH:** WELL, OBJECTION. I DON'T THINK SHE CAN  
10 TESTIFY TO ANY KIND OF ISSUE WITH THE FOSTER CARE SYSTEM.

11          **THE COURT:** I THINK YOU NEED TO LAY SOME FOUNDATION FOR  
12 THAT QUESTION.

13          **MR. MANN:** SURE. SURE.

14          **Q**     UM -- THE STATE ASKED YOU AD NAUSEAM THAT YOU ARE --

15          **MS. LUZAICH:** WELL, OBJECTION, TO THE --

16          **MR. MANN:** -- PLACED IN PART IN THE -- IN THE CHILD ABUSE  
17 PROCESS OF EVALUATION, AND YOU ARE IN CLOSE CONNECTION WITH  
18 THOSE PARTIES THAT EVALUATE CHILD ABUSE, AND THAT YOU HAD A  
19 APPRENTICESHIP WITH SOMEONE THAT DEALT WITH CHILD ABUSE CASES,  
20 CORRECT?

21          **THE WITNESS:** CORRECT.

22          **THE COURT:** OKAY. IS THERE AN OBJECTION?

23          **MS. LUZAICH:** WELL, MY OBJECTION --

24          **THE COURT:** I MEAN I WAS JUST --

25          **MS. LUZAICH:** -- WAS TO THE "AD NAUSEAM."



1           **THE COURT:** OH, OKAY.

2           **MR. MANN:** CAN I KEEP GOING?

3           **THE COURT:** WELL, THEY TRIED TO LAY HER EXPERTISE. THEY  
4 LAY HER EXPERTISE, IN WHICH SHE HAS AN EXPERTISE IN. SO --  
5 UM -- YOU CAN CONTINUE TO TRY TO LAY A FOUNDATION FOR YOUR  
6 ORIGINAL QUESTION.

7           **MS. LUZAICH:** AND MY EXPERTISE FOUNDATION HAD NOTHING TO  
8 DO WITH FOSTER CARE, JUST CHILD ABUSE. PEOPLE WHO ABUSE  
9 CHILDREN AREN'T ONLY IN -- OR CHILD ABUSE VICTIMS ARE NOT ONLY  
10 FROM FOSTER CARE, SO THERE IS NO FOUNDATION HERE FOR THAT.

11          **THE COURT:** YES, I'VE SUSTAINED YOUR -- I'VE SAID HE  
12 NEEDS TO LAY A FOUNDATION FOR HIS ORIGINAL QUESTION.

13          **MR. MANN:** RIGHT.

14          **Q**     UM -- AND SO YOU'VE DEALT WITH A LOT OF KIDS THAT  
15 HAVE MADE -- UM -- OR HAVE HAD ALLEGATIONS OF BEING ABUSED,  
16 CORRECT?

17          **A**     YES.

18          **Q**     OKAY. AND THOSE KIDS -- UM -- ARE BOTH IN FOSTER  
19 CARE AND NOT IN FOSTER CARE, CORRECT?

20          **A**     CORRECT.

21          **Q**     OKAY. AND SO WOULD YOU SAY THAT YOU'VE SEEN A  
22 SIGNIFICANT NUMBER OF CHILDREN IN FOSTER CARE?

23          **A**     UM -- I'M NOT SURE HOW TO DEFINE SIGNIFICANT  
24 NECESSARILY. THE MAJORITY ARE NOT IN FOSTER CARE, BUT THERE  
25 DO COME OCCASION THAT WE DO SEE FOSTER CARE CHILDREN.

1           Q     OKAY.  NOW, YOU HAVE STUDIED -- UM -- THE PROCESS OF  
2 CHILD ABUSE, CORRECT?

3           A     YES.

4           Q     UM -- KIDS THAT -- THE PSYCHOLOGICAL EFFECTS OF  
5 CHILD ABUSE?

6           A     YES.

7           Q     THE EFFECTS OF -- UM -- THE PHYSICAL EFFECTS OF  
8 CHILD ABUSE?

9           A     CORRECT.

10          Q     OKAY.  NOW, IN THOSE STUDIES -- UM -- YOU HAVE BEEN  
11 ABLE TO -- UM -- GRASP THE CONCEPT THAT CHILDREN THAT ARE IN  
12 ABUSIVE HOMES -- UM -- FIND WAYS TO ACT OUT?

13          A     THEY CAN, YES.

14          Q     OKAY.  AND SO A CHILD THAT'S IN AN ABUSIVE HOME,  
15 THAT'S ACTUALLY REMOVED FROM THAT HOME -- UM -- MAY -- MAY ACT  
16 OUT EVEN IN THE NEW HOME, CORRECT?

17          A     THEY MAY, YEAH.

18          Q     OKAY.  AND SO IS IT A NORMAL COURSE FOR A CHILD TO  
19 PURPOSELY WITHHOLD THEIR PEE OR POOP, EVEN WHEN IT INJURES  
20 THEMSELVES?

21          A     NOT REALLY AS A NORMAL COURSE.  UM -- TYPICALLY WITH  
22 FECES -- UM -- IT TENDS TO BE THE OPPOSITE.  THERE'S A LOT OF  
23 SMEARING IT ON WALLS, THINGS LIKE THAT, TEND TO BE KIND OF A  
24 RED FLAG OR SOMETHING THAT WE -- WE WILL SEE.  UM -- HOLDING  
25 STOOL -- UM -- YOU KNOW, IS SEEN, BUT I DON'T KNOW THAT IT

1 WOULD NECESSARILY BE COMMON OR -- OR NORMAL.

2 Q OKAY.

3 A NO.

4 Q AND SO THESE SAME CHILDREN THAT -- UH -- MAY NOT

5 WITHHOLD THEIR STOOL, MAY TRY AND USE IT AT CERTAIN TIMES, TO

6 DEFECATE AT CERTAIN TIMES, CORRECT?

7 A THEY CAN, YES.

8 Q IN ORDER TO CAUSE HAVOC TO THEIR CAREGIVERS?

9 A AS A WAY OF ACTING OUT, YES.

10 Q OKAY. UM -- AND SO A CHILD THAT IS ATTEMPTING TO DO

11 THAT COULD CAUSE INJURY TO THEIR STOMACHS AND THEIR

12 GASTROINTESTINAL PROCESS, CORRECT?

13 A UM -- TO THE MECHANISM OF HAVING BOWEL MOVEMENTS,

14 YES. NOT DIRECT DAMAGE TO THE TISSUE, BUT, YEAH, THERE COULD

15 BE PROBLEMS.

16 Q WHICH WOULD SEEM ACCURATE WITH A CHILD WHO HAS A

17 CHIEF COMPLAINT OF CONSTIPATION?

18 A YES.

19 Q AND THAT WOULD SEEM DIRECTLY IN LINE WITH -- UH -- A

20 CHILD HAVING SOME STOMACH ISSUES?

21 A UM --

22 Q COMPLAINING OF ABDOM --

23 A YES.

24 Q -- ABDOMAL (PHONETIC) --

25 A YES.

1           Q       SORRY.  YOU SAY FROM --  
2           A       ABDOMINAL.  
3           Q       ABDOMINAL ISSUES AND CAUSING THEM TO GO TO VARIOUS  
4 SPECIALISTS TO DEAL WITH THESE ISSUES?  
5           A       YES.  
6           Q       OKAY.  UH -- WHEN THOSE ISSUES MAY NOT BE MEDICAL IN  
7 NATURE BUT PSYCHOLOGICAL IN NATURE?  
8           A       THAT'S POSSIBLE, YES.  
9           Q       OKAY.  NOW, IN -- UM -- EVALUATING AMAYA'S RECORDS,  
10 YOU SAID THAT -- UM -- YOU WERE CONCERNED ON THE GROWTH CHART  
11 BECAUSE SHE WAS NOT GETTING ENOUGH NUTRITION.  UM -- AND,  
12 AGAIN, THAT GOES BACK TO THE DR. DEZENBERG QUESTION.  
13 DR. DEZENBERG IN HIS FILE, HE ACTUALLY PERFORMED TWO  
14 COLONOSCOPIES ON AMAYA, RIGHT?  
15          A       YES.  
16          Q       SO OBVIOUSLY HE SUSPECTED THAT THERE WAS SOMETHING  
17 SIGNIFICANT GOING ON, CORRECT?  
18          A       UM -- THAT'S WHAT IT SEEMS, YES.  
19          Q       AND ISN'T IT TRUE THAT EVEN ON CROHN'S DISEASE, THAT  
20 BLOOD WORK THAT COMES BACK DOESN'T NECESSARILY INDICATE THAT  
21 THEY HAVE CROHN'S.  BUT IT'S WHEN THEY DO A COLONOSCOPY THAT  
22 THEY SEE THE INFLAMMATION OF THE COLON THAT THEY ACTUALLY ARE  
23 ABLE TO INDICATE WHETHER IT'S CROHN'S DISEASE OR NOT?  
24          A       IT'S FROM THE BIOPSY, SECONDARY TO THE COLONOSCOPY.  
25          Q       OKAY.

1           **A**     SO GOING IN THERE, SOMETIMES YOU SEE INFLAMMATION,  
2 BUT IT'S TAKING A PIECE OF THAT TISSUE AND TESTING IT, AND  
3 THAT'S WHAT GIVES YOU THE DEFINITIVE.

4           **Q**     RIGHT.

5           **A**     YES.

6           **Q**     AND SO BLOOD WORK, JUST PLAIN OLD LAB WORK, IS NOT  
7 DEFINITIVE OF CROHN'S DISEASE --

8           **A**     NO.

9           **Q**     -- BUT YOU ACTUALLY HAVE TO DO A BIOPSY OF THE  
10 COLON?

11          **A**     SOME BLOOD WORK. SO THERE'S CERTAIN NONSPECIFIC  
12 BLOOD WORK THAT KIND OF TESTS AUTOIMMUNE FUNCTIONS IN  
13 GENERAL -- UM -- AND SO CAN POINT TOWARDS CROHN'S. THERE IS  
14 SOME BLOOD WORK, IT'S A -- IT'S A PRETTY EXTENSIVE PANEL --  
15 UM -- THAT CAN PROVIDE MORE DEFINITIVE DIAGNOSIS FOR IT, IN  
16 CONJUNCTION WITH ALL THE OTHER STUDIES?

17          **Q**     OKAY.

18                   NOW, THE -- UM -- THE -- WHAT YOU DEFINED AS BURN  
19 MARKS ON ANASTASIA, YOU DON'T KNOW WHEN THOSE BURN MARKS  
20 OCCURRED?

21          **A**     NO, SIR.

22          **Q**     YOU DON'T KNOW WHAT CAUSED THOSE BURN MARKS?

23          **A**     IT DIDN'T APPEAR TO BE -- UM -- THE APPLICATION OF A  
24 HOT IMPLEMENT OR SURFACE. APPEARED MORE TO BE SOMETHING FROM  
25 A LIQUID TYPE OF BURN, NOT NECESSARILY A RADIATION BURN OR

1 CHEMICAL -- UM -- BUT FROM THAT -- BUT SPECIFICALLY THE -- THE  
2 ACTUAL MEDIUM, I DON'T KNOW.

3 Q OKAY. AND SO THE ONLY REASON WHY YOU'RE ABLE TO SAY  
4 THAT YOU BELIEVE IT WAS SOME SORT OF LIQUID SOURCE IS BECAUSE  
5 OF THE SHAPE AND THE WAY IT FELL ON THE BODY?

6 A CORRECT.

7 Q OKAY. IF IT WAS FROM LIKE AN IRON, YOU'D SEE A  
8 PATTERN OF AN IRON?

9 A MORE THAN LIKELY.

10 Q OKAY. AND -- UM -- YOU DON'T HAVE ANY INDICATION AS  
11 TO TIME, CORRECT?

12 A ONLY THAT IT'S NOT RECENT OR ACUTE, BUT YEAH, TIME  
13 IN GENERAL I DON'T -- I DON'T HAVE.

14 Q OKAY. SO IT COULD BE FROM THE EARLY PART OF 2014,  
15 IT COULD BE FROM 2008, AS FAR AS YOU KNOW?

16 A CORRECT.

17 Q OKAY. NOW, THOSE -- UM -- THOSE MARKS ON  
18 ANASTASIA'S BODY, IS THERE ANYTHING ELSE OTHER THAN A BURN  
19 THAT THEY COULD BE?

20 A UM -- THERE -- IT'S A POSSIBILITY THAT -- UM --  
21 ACTING AS A BURN, YOU CAN LIKE MACERATE OR RUB OFF THE SKIN  
22 ENOUGH SO IT WOULD BE A -- SOME KIND OF FAIRLY SIGNIFICANT  
23 ABRASIVE THAT COULD SOMETIMES CAUSE THOSE TYPES, BUT -- UM --  
24 WOULDN'T BE THE LOCATION ON THE BODY THAT WE -- THAT WE WOULD  
25 SEE SOMETHING LIKE THAT, AND SPECIFICALLY -- UM -- HOW THEY

1 ARE IN CONJUNCTION WITH EACH OTHER -- UM -- THAT WOULD BE  
2 VERY, VERY LOW ON THE LIST.

3 Q OKAY.

4 (DISCUSSION BETWEEN MR. MANN AND DEFENDANT J. SOLANDER.)

5 MR. MANN: I HAVE NO FURTHER QUESTIONS AT THIS TIME.

6 THE COURT: MR. MUELLER?

7

8 CROSS-EXAMINATION

9 BY MR. MUELLER:

10 Q DOCTOR, I'M A LITTLE CONFUSED HERE. YOU DISREGARDED  
11 THE OPINIONS OF NOT ONE BUT TWO SPECIALISTS IN YOUR TESTIMONY  
12 TODAY.

13 A NO, I DON'T BELIEVE SO.

14 Q WELL, YOU DISAGREE WITH THE DIAGNOSIS OF  
15 HYPOTHYROIDISM?

16 A NO. I LEFT THAT FOR DR. DEWAN. I SAID FOR THAT  
17 BEING THE ONLY CAUSE OF FAILURE TO THRIVE, THAT'S WHAT I WAS  
18 CONCERNED THAT THERE WASN'T A FURTHER EVALUATION DONE.

19 Q WELL, I WAS A LITTLE CONFUSED, MAYBE I DIDN'T HEAR  
20 YOU CORRECTLY.

21 YOU DO OR DON'T AGREE WITH THE DIAGNOSIS OF  
22 HYPOTHYROIDISM?

23 A THE LABS WEREN'T VERY SIGNIFICANTLY ABNORMAL, BUT I  
24 WOULD TRUST HIS OPINION ON THAT.

25 Q ALL RIGHT. AND HE DIAGNOSED HYPOTHYROIDISM.

1           **A**       CORRECT.

2           **Q**       OKAY.  AND WHAT WOULD THAT BE -- WHAT WOULD BE THE  
3 MEDICAL EFFECTS OF HYPOTHYROIDISM?

4           **A**       UM -- HYPOTHYROIDISM, BECAUSE IT'S A THYROID  
5 METABOLISM -- UM -- YOU CAN HAVE GROWTH PROBLEMS, BUT  
6 OFTENTIMES IT'S USUALLY --

7           **Q**       SUCH AS WHAT WE HAVE SEEN HERE?

8           **MS. LUZAICH:**  WELL, OBJECTION.  LET HER FINISH THE  
9 ANSWER.

10          **THE COURT:**  OKAY.  YEAH, SHE WASN'T DONE.

11          **BY MR. MUELLER:**

12          **Q**       GROWTH PROBLEMS?

13          **A**       YOU CAN HAVE THAT, BUT MORE OFTEN -- UM -- IT WOULD  
14 BE OVERWEIGHT, NOT METABOLIZING FAST ENOUGH.  KIDS WHO HAVE  
15 TEMPERATURE FLUCTUATIONS THAT ARE ABNORMAL.  SOMETIMES YOU CAN  
16 ALSO SEE CHANGES IN THE SKIN.  CONSTIPATION CAN BE A PART OF  
17 IT AS WELL.

18          **Q**       OKAY.  AND YOU ALSO DISAGREE WITH THE CROHN'S  
19 DISEASE DIAGNOSIS?

20          **A**       I DON'T BELIEVE SHE WAS EVER DIAGNOSED WITH CROHN'S  
21 DISEASE.

22          **Q**       JUST SUSPECTED?

23          **A**       INITIAL -- ON INITIAL EVALUATION SUSPECTED, AND THEN  
24 RULED OUT BY THE GASTROENTEROLOGIST.

25          **Q**       ALL RIGHT.  NOW, HUMAN BEINGS ARE COMPLICATED



1 CREATURES, ARE THEY NOT?

2 A YES.

3 Q ALL RIGHT. AND THE BODY AND MIND ARE, IN FACT,

4 TIGHTLY INTERTWINED?

5 A YES.

6 Q ALL RIGHT. SO FREQUENTLY WHAT HAPPENS TO A PERSON

7 PSYCHOLOGICALLY AND EMOTIONALLY CAN HAVE A CHRONIC EFFECT ON

8 THE BODY?

9 A IT CAN, YES.

10 Q NOW, YOU DIAGNOSED, AT MY COLLEAGUE'S BEHEST, A

11 CONDITION OF ABUSE?

12 A YES.

13 Q ALL RIGHT. YOU DON'T KNOW WHEN THAT ABUSE OCCURRED,

14 CORRECT?

15 A CORRECT.

16 Q NOW, IF YOU'RE GOING TO COME IN AND OPINE THAT THERE

17 HAD BEEN ABUSE, HAVE YOU GONE BACK AND DONE ANY SOCIAL HISTORY

18 OF THESE CHILDREN?

19 A UM -- THE SOCIAL HISTORY THAT WAS PROVIDED BY

20 D.F.S., YES.

21 Q ALL RIGHT. AND WHAT HISTORY -- AND DID YOU RELY ON

22 THAT, AT LEAST IN PART, IN FORMING AN OPINION?

23 A IN PART -- OH, NOT IN FORMING THE OPINION, NO, THAT

24 WAS BASED ON THE MEDICAL EVALUATION.

25 Q WELL, LET ME ASK YOU THE QUESTION. MOVING AROUND A

1 LOT, HAVING CHANGES OF ENVIRONMENT, IS THAT GOOD FOR CHILDREN,  
2 YOUNG CHILDREN?

3       **A**     IT CAN AFFECT THEM POORLY.

4       **Q**     IT CAN AFFECT THEM POORLY.

5               AND AS YOU SIT HERE NOW, DOCTOR, HOW MANY DIFFERENT  
6 HOUSEHOLDS HAVE THESE THREE GIRLS LIVED IN, IN THE LAST FIVE  
7 YEARS?

8       **A**     MULTIPLE.

9       **Q**     HOW MANY MULTIPLE?

10       **A**    I BELIEVE ONE, TWO, AT LEAST FOUR, THAT'S MY  
11 UNDERSTANDING. PROBABLY FIVE, ONCE THEY -- UH -- GOT RE --  
12 REHOUSED, SO I BELIEVE AT LEAST FIVE.

13       **Q**     AND THAT INCLUDED THE GIRLS SCHOOL IN FLORIDA, DID  
14 YOU INCLUDE THAT ONE?

15       **A**     UM -- YES.

16       **Q**     OKAY. NOW, FIVE TIMES BEING CHANGED FROM FAMILIES  
17 IN CIRCUMSTANCES, WHAT EXPECT -- WHAT WOULD YOU EXPECT TO SEE  
18 IN KIDS IN THAT LEVEL OF TURMOIL?

19       **A**     UH -- YOU KNOW, KIDS THEY -- THEY DO HAVE A -- QUITE  
20 A VARIETY. IT'S KIND OF ON A CONTINUUM, THEIR REACTIONS TO  
21 THOSE ENVIRONMENTS. UM -- BUT WE DO OFTEN SEE BEHAVIORAL  
22 ISSUES, WE CAN SEE, YOU KNOW, DEPRESSION. UM -- YOU KNOW,  
23 THERE ARE DIFFERENT TYPES OF SYMPTOMS THAT CAN ARISE FROM IT.

24       **Q**     ANGER ISSUES?

25       **A**     THERE CAN BE, YES.

1 Q ACTING OUT?

2 A YES.

3 Q WOULD YOU HAVE OR WERE YOU TAKING A SOCIAL HISTORY

4 FROM ANYBODY OTHER THAN THE DEPARTMENT OF SOCIAL SERVICES?

5 A UM -- I LOOKED AT ALL THE SOCIAL HISTORIES THAT WERE

6 GIVEN -- UM -- OF --

7 Q JUST THAT WERE GIVEN. DID YOU DO ANY INDEPENDENT

8 RESEARCH?

9 A THROUGH THE -- UM -- MEDICAL RECORDS -- UM -- AS

10 WELL, SO NOT JUST FROM D.F.S., BUT WHAT WAS -- UM -- PLACED IN

11 ALL THOSE MEDICAL RECORDS AS PER THE CAREGIVER.

12 Q NOW, WHEN YOU WERE GIVEN MEDICAL RECORDS AND

13 HISTORIES, THERE ARE OCCASIONS WHERE PEOPLE NOT NECESSARILY

14 WANT TO GIVE YOU A COMPLETE STORY, CORRECT?

15 A CORRECT.

16 Q ALL RIGHT. AND PART OF YOUR JOB AND YOUR SPECIALTY

17 IS TO KIND OF FILL IN THE BLANKS.

18 A UM -- NOT TO FILL IN THE BLANKS, JUST TO TAKE THAT

19 ALL AS A WHOLE AS PART OF THE GENERAL EVALUATION.

20 Q ALL RIGHT. NOW, DID YOU DO ANY IN-DEPTH

21 PSYCHOLOGICAL REVIEW ON THESE CHILDREN?

22 A THAT IS THE OUT OF SCOPE -- OUT OF THE SCOPE OF MY

23 PRACTICE.

24 Q IT IS OUT OF THE SCOPE?

25 A (NO AUDIBLE RESPONSE.)

1           Q     DO YOU KNOW IF ANY OF THEM WERE HAVING EMOTIONAL OR  
2 HAD EMOTIONAL OR MENTAL HEALTH ISSUES?

3           A     UM -- I BELIEVE THAT AMAYA HAD AN INPATIENT -- UM --  
4 ADMISSION TO -- UM -- YEAH, AN INPATIENT PSYCHOLOGICAL  
5 FACILITY HERE.

6           Q     ALL RIGHT. NOW, WOULD CHANGING THEIR ENVIRONMENT  
7 FOUR OR FIVE TIMES IN OVER A FEW YEARS, WOULD THAT BE THE SORT  
8 OF SIDE EFFECT THAT YOU WOULD EXPECT TO SEE?

9           A     IT COULD BE.

10          Q     ALL RIGHT. AND USING YOUR BOWEL MOVEMENTS AND YOUR  
11 URINARY MOVEMENTS AS A WEAPON FOR LASHING OUT, HAVE YOU SEEN  
12 THAT, AND THAT'S A COMMON PHENOMENON?

13          A     I'VE SEEN IT, I WOULDN'T CALL IT A COMMON  
14 PHENOMENON.

15          Q     WELL, WERE YOU FAMILIAR WITH OR DID YOU READ ANY  
16 PART OR ANY DISCLOSURE ABOUT ANASTASIA SMEARING FECES ON THE  
17 WALL?

18          A     I DON'T RECALL.

19          Q     YOU DO NOT RECALL THAT.

20                 DID YOU INTERVIEW ANY OF THE CAREGIVERS PERSONALLY?

21          A     NO.

22          Q     SO YOU GOT HANDED WHATEVER THE GOVERNMENT WANTED YOU  
23 TO HAVE?

24          A     UM -- I LOOKED AT ALL THE MEDICAL RECORDS THAT WERE  
25 PROVIDED TO ME.

1           **Q**     NOW, HAVE YOU EVER RENTED A CAR, DOCTOR?

2           **A**     YES.

3           **Q**     ALL RIGHT. HAVE YOU EVER GONE IN AND CHECKED THE

4 BODY DAMAGE SO THAT YOU DIDN'T GET BLAMED FOR IT LATER?

5           **A**     YES.

6           **Q**     OKAY. SO YOU KNOW WHAT I'M TALKING ABOUT?

7           **A**     YES.

8           **Q**     NOW, WHEN A KID COMES INTO THE D.P.S. [SIC]

9 SERVICES, DOES ANYBODY PROACTIVELY DOCUMENT THE CONDITION OF

10 THE KID BEFORE THEY ARE ASSIGNED FOSTER CARE?

11           **MS. LUZAICH:** WELL, OBJECTION, FOUNDATION. THIS IS NOT

12 WITHIN THE SCOPE OF WHAT SHE DOES. SHE IS A DOCTOR, SHE

13 EXAMINES KIDS.

14           **THE COURT:** OKAY. LACK OF FOUNDATION IS THE OBJECTION,

15 IT'S SUSTAINED.

16           **MR. MUELLER:** ALL RIGHT, LET ME REPHRASE.

17           **Q**     HAVE YOU EVER BEEN ASKED TO DOCUMENT THE KID'S --

18 THE CONDITION OF A CHILD COMING INTO THE FOSTER CARE SYSTEM?

19           **A**     I DON'T, NO.

20           **Q**     NO?

21           **A**     AS THEY COME INTO FOSTER CARE, THAT'S ANOTHER

22 FACILITY, THAT'S NOT SOMETHING THAT I -- I PARTICIPATE IN.

23           **Q**     WHAT FACILITY WOULD THAT BE?

24           **MS. LUZAICH:** WELL, OBJECTION.

25           **MR. MUELLER:** IF SHE --

1       **MS. LUZAICH:**   THIS IS NOT FOR HER.

2       **THE COURT:**   WELL, SHE MAY OR MAY NOT KNOW, I DON'T KNOW.

3       **MR. MUELLER:**   WELL --

4       **THE COURT:**   THAT'S A -- THAT'S A FAIR QUESTION.   I DON'T

5   KNOW IF SHE KNOWS, BUT...

6   **BY MR. MUELLER:**

7       **Q**       WELL, DOCTOR, YOU'VE DIAGNOSED AND BELIEVE THAT THE

8   KIDS WERE SUBJECT TO SOME ABUSE?

9       **A**       CORRECT.

10      **Q**       ALL RIGHT.   WELL, WE KNOW AS A FACT THAT THEY WERE

11   TAKEN AWAY FROM THEIR BIOLOGICAL PARENTS, CORRECT?

12      **A**       YES.

13      **Q**       AND THEY'VE BEEN BOUNCED THROUGH AT LEAST FOUR OR

14   FIVE OTHER LOCATIONS IN THE LAST FEW YEARS, CORRECT?

15      **A**       YES.

16      **Q**       SO I'M SIMPLY ASKING, VERY SIMPLY, DO YOU KNOW ARE

17   THERE ANY MEDICAL RECORDS OUT THERE AT ANY FACILITY THAT WOULD

18   DIAGNOSE THOSE KIDS' CONDITIONS WHEN THEY CAME INTO THE FOSTER

19   CARE, AND WHEN THEY WERE TRANSFERRED FROM HOUSE TO HOUSE?

20      **A**       SO MY UNDERSTANDING OF HOW IT WORKS, IS THAT --

21   UM -- THERE'S A CASEWORKER OR INVESTIGATOR, WHOEVER'S ASSIGNED

22   FROM CPS OR D.F.S., DOES A BODY CHECK, AND THEN -- UM -- UPON

23   ARRIVAL TO CHILD HAVEN -- UM -- WHICH IS THE TEMPORARY FOSTER

24   CARE SYSTEM HERE, MY UNDERSTANDING IS THERE'S ALSO A MEDICAL

25   STAFF THAT DOES A HEAD-TO-TOE BODY CHECK ON EACH CHILD THAT

1 COMES IN.

2 Q AND DID YOU, IN FACT, LOOK AT ANY OF THOSE RECORDS,  
3 IF THEY EXIST, ON BEHALF OF THESE THREE GIRLS?

4 A UM -- THROUGH THEIR MEDICAL PASSPORT, I BELIEVE THAT  
5 THEIR -- ALL THEIR CHECK-INS TO -- I BELIEVE IT WAS CHILD  
6 HAVEN WHEN THEY WERE EVALUATED.

7 Q AND YOU DID LOOK AT THOSE?

8 A I BELIEVE THAT I DID, BUT I WOULD HAVE TO REVIEW  
9 THAT AGAIN.

10 THE COURT: REVIEW WHAT, YOUR REPORT TO SEE IF THAT'S  
11 WHAT YOU REVIEWED?

12 THE WITNESS: NOT MY REPORT --

13 THE COURT: OH.

14 THE WITNESS: -- BUT I KNOW THAT I REVIEWED ENTRANCE  
15 INTO -- UM -- THE FOSTER CARE SYSTEM AND THEIR MEDICAL  
16 PASSPORTS FOR THEIR PRIMARY MEDICAL CARE DURING FOSTER CARE.  
17 BUT THEIR EXACT DATES AND WHAT WAS CONTAINED IN THERE, I WOULD  
18 HAVE TO SEE THAT AGAIN, JUST SO THAT I CAN REFRESH MY MEMORY  
19 ON --

20 MR. MUELLER: RIGHT.

21 THE WITNESS: -- EXACTLY WHAT WAS THERE.

22 MR. MUELLER: COULD I GET THE COURT'S INDULGENCE FOR JUST  
23 A MOMENT?

24 THE COURT: SURE.

25 (DISCUSSION BETWEEN MR. MUELLER AND DEFT. D. SOLANDER.)

1 BY MR. MUELLER:

2 Q NOW, IF I UNDERSTOOD RIGHT, YOU HAD YOUR MEDICAL  
3 TRAINING -- UH -- BASIC MEDICAL TRAINING AT THE UNIVERSITY OF  
4 VERMONT?

5 A YES.

6 Q AND THEN YOU CAME BACK HERE AND HAD ADVANCE TRAINING  
7 IN -- AT UNLV?

8 A THE UNIVERSITY OF NEVADA HAS A LAS VEGAS RESIDENCY  
9 FOR PEDIATRICS, BECAUSE THEY CAN'T SUSTAIN THE RESIDENCY UP  
10 NORTH, SO THAT WAS THE SPECIALTY TRAINING THROUGH U.N.R. IN  
11 THE LAS VEGAS PROGRAM.

12 Q OKAY. SO YOU DID YOUR -- ALL RIGHT. SO YOU DID  
13 YOUR PEDIATRIC TRAINING UNDER U.N.R.'S AUSPICES IN THE VALLEY?

14 A CORRECT.

15 Q JUST -- I THINK WE ALL KNOW THE MAJORITY OF PEOPLE  
16 IN NEVADA LIVE IN THIS VALLEY.

17 A CORRECT.

18 Q AND HOW LONG WAS THAT TRAINING?

19 A UM -- SO THE PEDIATRIC RESIDENCY, IS THAT WHAT  
20 YOU'RE ASKING ME ABOUT?

21 Q YES, MA'AM.

22 A THAT'S THREE YEARS.

23 Q ALL RIGHT. AND AFTER YOUR PEDIATRIC RESIDENCY, WHAT  
24 TRAINING DID YOU HAVE?

25 A UM -- I CONTINUED ON WITH A CHILD ABUSE PEDIATRICIAN



1 AND UNDERWENT ABOUT A SIX-MONTH APPRENTICESHIP WITH HER, AND  
2 THEN A CONTINUED A PEER REVIEW FOR ABOUT TWO, TWO-AND-A-HALF  
3 YEARS CONTINUING TO WORK WITH THAT PHYSICIAN.

4 Q NOW, DOES -- IS THAT A BOARD CERTIFIED SPECIALTY, A  
5 BOARD RECOGNIZED SPECIALTY, BEING A CHILD ABUSE PEDIATRICIAN?

6 A IT IS.

7 Q OKAY. THAT'S ACTUALLY A BOARD?

8 A IT -- IT -- RECENTLY, YES.

9 Q OKAY. UNFORTUNATELY EVERYTHING GETS MORE  
10 COMPLICATED.

11 HAVE YOU TAKEN THAT -- SAT FOR THAT BOARD YET?

12 A I HAVEN'T. I'M APPLYING TO GRANDFATHER INTO THAT.

13 Q NOW, SEVERE PSYCHOLOGICAL PROBLEMS IN CHILDREN --

14 A UH-HUM.

15 Q -- WHO HAVE GONE THROUGH THE UPHEAVAL THAT THESE  
16 KIDS HAVE GONE THROUGH -- UM -- WOULD THAT EFFECT GROWTH?

17 A IT CAN.

18 Q OKAY. BODY AND MIND ARE TIED TOGETHER, CORRECT?

19 A CORRECT.

20 Q ALL RIGHT. HAVE YOU SEEN ANY STUDIES ON THAT POINT  
21 OR DO YOU KNOW?

22 A I HAVE.

23 Q ALL RIGHT. AND DO YOU RECALL THE NATURE OF THE  
24 STUDY?

25 A UM -- I'VE HAD ONE PATIENT, AND THAT'S HOW I WAS

1 CONNECTED, THAT -- UM -- UNDERWENT DIAGNOSIS OF PSYCHOSOCIAL  
2 DWARFISM -- UM -- AN EXTREMELY RARE PROCESS -- UM -- BUT THAT  
3 INCLUDED ALSO WITHHOLDING THE ENVIRONMENT OF FOOD AND  
4 NUTRITION -- UM -- OF THE ENVIRONMENT ITSELF -- UM -- BEING  
5 KIND OF LOCKED AWAY -- UM -- AND SO -- UH -- IT WAS A FAIRLY  
6 SEVERE CASE.

7 Q ALL RIGHT. IT IS A PHENOMENON?

8 A UM-HUM.

9 Q OKAY. NOW, OVER THE COURSE OF THE LAST TWO OR THREE  
10 YEARS, THESE KIDS HAVE SEEN DOCTORS, NUTRITION SPECIALISTS?

11 A UMM, I'M NOT SURE ABOUT A NUTRITION SPECIALIST.

12 Q OKAY. WELL THEY --

13 A I DON'T RECALL SEEING ANYTHING.

14 Q ALL RIGHT, I APOLOGIZE.

15 GASTROENTEROLOGIST?

16 A YES.

17 Q OKAY. SO THEY'VE BEEN TAKEN TO A  
18 GASTROENTEROLOGIST. WHAT OTHER DOCTORS HAVE THEY SEEN?

19 A WELL, TWO OF THEM, THE GASTROENTEROLOGY. I THINK  
20 THERE WAS A NEUROLOGIST, AN ENDOCRINOLOGIST. AGAIN, NOT FOR  
21 ALL THREE, IT WAS KIND OF VARIED FOR ...

22 UM -- THEY HAD A PEDIATRICIAN. ONE OF THEM HAD A  
23 HEMATOLOGIST/ONCOLOGIST. UH -- THEY WERE -- I THINK THAT  
24 THAT'S ABOUT ALL THE SUBSPECIALTIES THAT -- MY UNDERSTANDING.

25 Q WELL THAT'S A LOT OF SUBSPECIALTIES?

1           **A**       CORRECT.

2           **Q**       OKAY.  NOW, DID ANY OF THOSE SPECIALISTS OR

3       SUBSPECIALISTS NOTES INDICATE OR HAVE EVEN A WHISPER OR A

4       SUSPICION OF CHILD ABUSE?

5           **A**       UM -- NOT DIRECTLY WRITTEN AS SUCH.

6           **Q**       NOT ANYTHING THAT THEY WOULD -- I OR ANYBODY ELSE

7       COULD READ THROUGH THERE AND SAY, WOW?  I MEAN, THE MARKS ON

8       THE BUTTOCKS WERE THERE TO BE SEEN?

9           **A**       UM-HUM.

10          **Q**       PRESUMABLY WOULD HAVE BEEN THERE TO BE SEEN,

11       CORRECT?

12          **A**       CORRECT.  NOBODY DOCUMENTED THAT.

13          **Q**       NOBODY DOCUMENTED.  THE BURN TO THE SHOULDER WOULD

14       HAVE BEEN THERE TO BE SEEN?

15          **A**       CORRECT.

16          **Q**       AND NOBODY DOCUMENTED THAT?

17          **A**       NOT THAT I SAW, NO.

18          **MR. MUELLER:**  OKAY.  COULD I GET THE COURT'S INDULGENCE

19       FOR JUST A MOMENT?

20          **THE COURT:**  SURE.

21       **BY MR. MUELLER:**

22          **Q**       NOW, DO THESE GIRLS HAVE A PRIMARY CARE PHYSICIAN?

23          **A**       YES, THEY DID.

24          **Q**       AND WHO WAS THAT?

25          **A**       I DON'T RECALL HIS NAME, IT'S A NIEVO (PHONETIC) OR

1 NAVARRO, I DON'T RECALL HIS NAME. IT STARTED WITH AN N, BUT  
2 THEY HAD A PRIMARY PHYSICIAN FOR QUITE SOMETIME.

3 Q ALL RIGHT. AND THAT WOULD HAVE BEEN A DOCTOR WHO --  
4 FOR THE SNIFFLES AND FOR THE SHOTS AND FOR THE TRAUMAS OF  
5 ORDINARY LIFE, CORRECT?

6 A YES.

7 Q NOW, DID THAT -- THE PRIMARY CARE PHYSICIAN, THE ONE  
8 WHO SAW THEM THE MOST, DID HE HAVE ANY INDICATION IN HIS  
9 RECORD THAT HE SUSPECTED ABUSE?

10 A IT DIDN'T APPEAR SO.

11 Q HUH.

12 DID HE DO A PHYSICAL ON THE GIRLS?

13 A UM -- I BELIEVE, YEAH, THERE WAS PHYSICALS DONE ON  
14 THEIR VISITS.

15 Q OKAY. AND PHYSICALS HAVEN'T CHANGED, BASICALLY GET  
16 IN A ROBE AND THEY GO OVER HEAD TO TOE AND GO OVER EVERYTHING,  
17 CORRECT?

18 A UNFORTUNATELY A LOT OF PHYSICIANS DON'T PUT PEOPLE  
19 IN ROBES AND DO HEAD TO TOES, BUT I WOULD HOPE THAT THAT'S  
20 WHAT WAS DONE.

21 Q OKAY. SO ARE YOU QUESTIONING THE -- IMPLYING OR AT  
22 LEAST IN MY EAR, YOU'VE IMPUGNED THE QUESTION OF THE PHYSICALS  
23 THAT THE PRIMARY CARE PHYSICIAN WAS GIVING?

24 A UM -- MAYBE THE HEAD TO TOE CONTAINED, LIKE THE SKIN  
25 EXAM, I DON'T KNOW TO WHAT EXTENT. IT DIDN'T DOCUMENT --

1 UH -- THINGS THAT THEY'D SEEN THAT WERE NORMAL, IN ADDITION TO  
2 ABNORMAL, AND SO I DON'T -- I DON'T KNOW. I COULDN'T SPEAK  
3 FOR WHAT THE PHYSICIAN DID IN THEIR OFFICE.

4 Q NOW, THE DOCTOR WHO -- UH -- WHO WAS THE REFERRING  
5 PHYSICIAN THAT SENT THE GIRLS OUT TO ALL THESE SPECIALISTS, DO  
6 YOU RECALL?

7 A UM -- I BELIEVE THAT -- UM -- AMAYA HAD A REFERRAL  
8 OUT OF SUMMERLIN HOSPITAL INITIALLY.

9 Q UM-HUM.

10 A I THINK IT WAS DR. KESAVULU (PHONETIC) OR POSSIBLY  
11 DR. SEVAZIAN (PHONETIC).

12 AND THEN AVA -- GOSH, I'M NOT SURE ABOUT HER. I  
13 KNOW THAT -- UM -- SOME OF THE REFERRALS CAME FROM OTHER  
14 SUBSPECIALISTS THAT THINGS WERE GETTING LOOKED AT. I THINK  
15 DR. BERNSTEIN HAD -- HAD SENT THE GIRLS TO GASTROENTEROLOGY,  
16 SO IT WAS KIND OF DIFFERENT, DEPENDING ON THE SITUATION.

17 Q AND ALL THOSE DOCTORS AND ALL THOSE RECOMMENDA --  
18 ALL THOSE RECORDS, NOT ANYBODY OTHER THAN YOU SAW ABUSE?

19 A NOBODY DOCUMENTED THAT THEY THOUGHT IT WAS ABUSIVE.

20 MR. MUELLER: OKAY. I HAVE NOTHING FURTHER.

21 THE COURT: REDIRECT?

22 MS. LUZAICH: I THINK MR. RUE GETS --

23 THE COURT: OH, I'M SORRY, MR. RUE. I ALWAYS --

24 MR. RUE: I KNOW, YOUR HONOR.

25 THE COURT: -- FORGET ABOUT YOU, BECAUSE I TRY TO PASS

1 LIKE THIS, BUT YOU GUYS ALWAYS DO -- LET MR. MUELLER GO  
2 SECOND, SO ...

3

4

**CROSS-EXAMINATION**

5 BY MR. RUE:

6 Q UM -- DR. CETL, JUST SORT OF PIGGYBACKING ON THAT,  
7 WHAT IS A MANDATORY REPORTER?

8 A UM -- A MANDATORY REPORTER IS THE STATE -- UM --  
9 BASED ON THE STATE LAW -- BLESS YOU.

10 Q BLESS YOU.

11 A UM -- THAT IF A PERSON WHO WORKS WITH CHILDREN, SO  
12 THAT CAN BE THROUGH MEDICAL CARE, SCHOOLING, ANYTHING LIKE  
13 THAT -- UM -- IF THEY SUSPECT CHILD ABUSE AND/OR NEGLECT, THAT  
14 THEY ARE REQUIRED TO CALL AN AGENCY SUCH AS CHILD PROTECTIVE  
15 SERVICES AND/OR LAW ENFORCEMENT IN ORDER TO REPORT THEIR --  
16 UH -- CONCERNS.

17 Q AND DOCTORS ARE MANDATORY REPORTERS?

18 A YES.

19 Q NURSES ARE MANDATORY REPORTERS?

20 A YES.

21 Q CNA'S ARE MANDATORY REPORTERS?

22 A YES.

23 Q UM -- ANYONE DEALING, AS YOU SAID, WITH KIDS IN A  
24 MEDICAL FACILITY ARE PROBABLY MANDATORY REPORTERS?

25 A EVERY SINGLE PERSON IN THE MEDICAL FACILITIES GROUP

1 SHOULD BE.

2 Q AND TO BE CLEAR, IT'S NOT -- IT'S SUSPICION ALONE,  
3 CORRECT?

4 A YES.

5 Q THAT -- THAT THEY'RE REQUIRED TO REPORT?

6 A YES.

7 Q SO -- UM -- IF THE PATIENT TELLS THEM SOMETHING,  
8 THAT'S PROBABLY ENOUGH TO REPORT?

9 A IT IS, YES.

10 Q AND IF THE PATIENT DOESN'T TELL THEM ANYTHING, BUT  
11 SEES WHAT LOOKS TO BE A SUSPICIOUS INJURY, THEY GOT TO REPORT  
12 IT?

13 A THEY ARE SUPPOSED TO, YES.

14 Q OKAY. OKAY.

15 DOCTOR, INDULGE ME, I DON'T HAVE YOUR CV OR  
16 ANYTHING, SO I JUST WANT TO ASK YOU A QUESTION. I HEARD  
17 YOU -- THE STATE ASKED -- UM -- IF YOU'VE TESTIFIED IN THE  
18 EIGHTH JUDICIAL DISTRICT. YOU'VE DONE THAT, CORRECT?

19 A YES.

20 Q BOTH IN -- IN FAMILY COURT AND IN HERE?

21 A YES.

22 Q OKAY. UM -- HOW MANY TIMES HAVE YOU TESTIFIED FOR  
23 THE DEFENSE?

24 A I'VE BEEN REQUESTED -- I HAVE GOTTEN SUBPOENAED BY  
25 THE DEFENSE ON SEVERAL OCCASIONS -- UM -- HOWEVER, FOR

1 WHATEVER REASON, THEY DIDN'T GO TO TESTIMONY. UM -- AND SO --  
2 BUT THE MAJORITY IS FOR THE PROSECUTION.

3 Q COULD YOU GIVE ME A PERCENTAGE OF -- UM --  
4 PROSECUTION VERSUS DEFENSE?

5 A UM -- PROBABLY 80 PERCENT.

6 Q OKAY. UM -- WHEN YOU WERE CALLED UPON TO EXAMINE  
7 THESE THREE GIRLS --

8 A UM-HUM.

9 Q -- WHAT INFORMATION DID YOU REVIEW PRIOR TO THE  
10 EXAMINATION?

11 A PRIOR TO THE EXAM, ITSELF, I REVIEWED REFERRAL NOTES  
12 THAT INDICATED THERE WERE CONCERNS OF PHYSICAL ABUSE -- UM --  
13 AND POSSIBLY SEXUAL CONTACT.

14 UM -- WHAT WAS HER NAME? I BELIEVE THAT I SPOKE TO  
15 THE CPS INVESTIGATOR JUST PRIOR TO THE EXAM, ITSELF, ABOUT  
16 WHAT WERE SOME OF THE CONCERNS FOR THE GIRLS, BUT, OTHERWISE,  
17 ALL THE REST OF THE RECORDS AND EVERYTHING CAME AFTERWARDS.

18 Q OKAY. ANY REPORT -- ANY STATEMENTS, LIKE RECORDED  
19 STATEMENTS OR ANYTHING LIKE THAT FROM INTERVIEWS, DID YOU  
20 REVIEW ANY OF THOSE PRIOR TO?

21 A NO.

22 Q OKAY. HAVE YOU REVIEWED THOSE SINCE?

23 A UM -- NO RECORDINGS OR STATEMENTS, NO.

24 Q OKAY. DID YOU REVIEW ANY REPORTS FROM CPS IN  
25 FLORIDA?



1           **A**     NO, I DON'T BELIEVE SO, NO.

2           **Q**     OKAY.  AND I HAVE THREE SOUTHERN NEVADA CHILD  
3 ASSESSMENT CENTER CLINIC ASSESSMENTS.

4           **A**     YES.

5           **Q**     UM -- ARE THOSE YOUR ONLY REPORTS, THE THREE FOR THE  
6 THREE CHILDREN?

7           **A**     YES.

8           **Q**     OKAY.  THERE'S NOT LIKE A SYNOPSIS REPORT OF  
9 CONCLUSIONS AND FINDINGS OR ANYTHING LIKE THAT?

10          **A**     NO, SIR.

11          **Q**     OKAY.  UM -- AND AS I UNDERSTAND IT, YOU -- YOU WERE  
12 DOING THESE EXAMS BECAUSE THE PATIENT WAS BROUGHT IN FOR A  
13 MEDICAL EXAM BECAUSE THERE WAS CONCERNS ABOUT THE PARENTS, THE  
14 ADOPTIVE PARENTS; IS THAT CORRECT?

15          **A**     UH, YES.

16          **Q**     OKAY.  THE ADOPTIVE PARENTS, DWIGHT AND JANET?

17          **A**     CORRECT.

18          **MR. RUE:**  UM -- JUDGE, CAN I APPROACH, I'D LIKE TO SEE --

19          **THE COURT:**  YEAH.

20          **MR. RUE:**  -- EXHIBIT 13.

21          **THE COURT:**  WHICH ONE?

22          **MR. RUE:**  NUMBER 13.  THANK YOU, JUDGE.

23          JUDGE, IF I COULD APPROACH?

24          **THE COURT:**  YES.

25

1 BY MR. RUE:  
2 Q ASK HER ABOUT NO. 13.  
3 A YES.  
4 Q YOU RECALL THAT PICTURE?  
5 A YES.  
6 Q NOW, WHEN YOU'RE DOING THE EXAM -- UM -- DO YOU TALK  
7 TO THE CHILDREN?  
8 A UM -- MOSTLY JUST KIND OF COMFORT OR INSTRUCTIONS ON  
9 WHAT TO DO, BUT NOT --  
10 Q BUT NOT LIKE, HOW DID THAT HAPPEN, OR ANYTHING LIKE  
11 THAT?  
12 A NO, NOT NECESSARILY.  
13 Q OKAY.  
14 A NO.  
15 Q UM -- CAN YOU -- THAT IS A PICTURE OF AMAYA'S ELBOW?  
16 A CORRECT.  
17 Q WHICH -- CAN YOU TELL WHICH ELBOW IT IS?  
18 A I BELIEVE IT'S THE RIGHT ONE, BASED ON WHERE HER  
19 GOWN IS, AND IT'S THE BACK --  
20 Q OKAY.  
21 A -- SO THAT WOULD BE HER RIGHT ELBOW.  
22 Q OKAY. UM -- IN THIS -- YOU SAID TWO MARKS. IS IT  
23 TWO OR THREE MARKS THAT YOU SEE THERE?  
24 A UM -- I BELIEVE IT WAS TWO ON -- LOOKS -- LOOKS  
25 DEPICTED ON HERE.

1           Q       OKAY.  UM -- AND I SEE THAT IN YOUR SCAN ABUSE AND  
2  NEGLECT FORM, YOU CHARACTERIZE IT AS A POST-INFLAMMATORY  
3  HYPOPIGMENTED SCAR.

4           A       YES.  IT JUST MEANS SCAR.  UM -- IT -- SO ANYTHING  
5  THAT CAUSES CHANGES IN THE SKIN --

6           Q       OKAY.

7           A       -- LEAD FROM INFLAMMATION.  SO AFTER INFLAMMATION IS  
8  POST-INFLAMMATION.

9           Q       OKAY.

10          A       THE SKIN WILL EITHER CHANGE TO BE LIGHTER OR DARKER.  
11  LIGHTER, HYPOPIGMENT, SO LESS PIGMENT.  HYPER, MORE PIGMENT,  
12  AND THAT'S JUST THE WAY TO DESCRIBE SCARS.  IT JUST MEANS THAT  
13  DUE TO SOME INSULT THERE WAS CHANGES IN THE SKIN COLOR AND  
14  THIS IS -- UH -- YOU KNOW, THE TYPE OF CHANGE, AS WELL AS IT'S  
15  SCAR TISSUE.

16          Q       OKAY.  UM -- I THINK MISS LUZAICH ASKED YOU, YOU  
17  CAN'T REALLY AGE THAT ONE?

18          A       NO.

19          Q       DOES THAT LOOK TO BE -- CAN YOU TELL ME WHETHER  
20  THAT -- THOSE SCARS, TWO SCARS IN YOUR OPINION, ARE FROM ONE  
21  INCIDENT OR MULTIPLE INCIDENTS, CAN YOU TELL THAT?

22          A       NO.

23          Q       OKAY.  WHY DO YOU SAY POST-INFLAMMATORY?

24          A       UM -- JUST ANY BREAK IN THE SKIN, FOR WHATEVER  
25  REASON, IS INFLAMMATION.  SCAR TISSUE IS SECONDARY TO THE

1 CASCADE OF INFLAMMATION, AND SO THAT'S THE ONLY REASON THAT --  
2 IT'S JUST THE WAY I'VE LEARNED TO DOCUMENT SKIN FINDINGS.

3 Q OKAY. UM -- WHEN YOU SAY BREAK OF THE SKIN, WHAT DO  
4 YOU MEAN BY BREAK OF THE SKIN?

5 A UM -- THAT THE INTEGRITY OF THE SKIN BEING SOLID --

6 Q UH-HUH.

7 A -- HAS SOMEHOW BEEN DISRUPTED.

8 Q AND WOULD THAT, IN YOUR OPINION, NORMALLY CAUSE  
9 BLEEDING?

10 A UM -- USUALLY.

11 Q OKAY. UM -- WOULD YOU -- I MEAN USUALLY, IN YOUR  
12 OPINION, WOULD THERE HAVE BEEN BLEEDING CAUSED BY THAT INJURY,  
13 OR THOSE INJURIES?

14 A MORE THAN LIKELY TO SOME EXTENT, YES.

15 Q OKAY. AND IF MY CHILD CAME TO YOU AND YOU SAW THAT  
16 INJURY ON AN ELBOW -- BY THE WAY, THE ELBOW IS ONE OF THOSE  
17 AREAS THAT'S NOT A SOFT TISSUE AREA THAT YOU WOULD EXPECT TO  
18 HAVE INJURIES ON?

19 A YES.

20 Q IF MY CHILD CAME IN -- UM -- AND YOU SAW THOSE  
21 INJURIES, AND AS A PARENT I EXPLAINED TO YOU THAT IT WAS  
22 CAUSED BY A RULER SLAPPING HER ONE TIME ON THAT ELBOW, WOULD  
23 THAT -- WOULD YOU EXPECT AN INJURY LIKE THAT?

24 A UM -- I GUESS SLAPPING WITH THE -- I WOULD HAVE TO  
25 UNDERSTAND MORE THAN THAT MECHANISM.

1           **Q**     OKAY.  SUPPOSE I EXPLAINED TO YOU THAT SHE GOT THOSE  
2 INJURIES BY ME TAKING -- MAY I HAVE A PICTURE?  
3           **MS. LUZAICH:**  YEAH, IT'S RIGHT THERE.  
4           **MR. RUE:**  JUDGE, I'M SHOWING -- COULD I APPROACH?  
5           **THE COURT:**  UM-HUM.  
6           **MR. RUE:**  STATE'S EXHIBIT 2.  
7           **THE WITNESS:**  OKAY.  
8 **BY MR. RUE:**  
9           **Q**     IF I EXPLAINED TO YOU THAT MY CHILD, MY DAUGHTER GOT  
10 THAT INJURY FROM ME TAKING THAT PAINT STICK AND SLAPPING HER  
11 ONE TIME, ONE TIME ON THAT ELBOW, WOULD -- DOES THAT SOUND  
12 PLAUSIBLE?  
13           **A**     UH -- NOT WITH A REASONABLE AMOUNT OF FORCE.  
14           **Q**     NOT WITH A REASONABLE AMOUNT OF FORCE.  
15                   HOW MUCH FORCE WOULD IT TAKE -- IF I EXPLAINED TO  
16 YOU IT WAS LESS FORCE THAT DID NOT EVEN CAUSE THE PAINT STICK  
17 TO BREAK?  
18           **A**     UM -- I GUESS I DON'T -- I DON'T KNOW HOW MUCH FORCE  
19 IT WOULD CAUSE FOR A PAINT STICK TO BREAK.  MY CONCERN WOULD  
20 BE THAT -- UM -- THAT IT'S LEFT SIGNIFICANT MARKS THAT THAT  
21 WOULD BE SOMETHING THAT IS -- UM -- MORE FORCE THAN A CORPORAL  
22 PUNISHMENT, THAT'S SOMETHING THAT, YOU KNOW, WE WOULD NOT  
23 EXPECT TO SEE ANY MARKS FROM.  
24           **Q**     CAN YOU EXPLAIN TO ME HOW ONE STRIKE OF A PAINT  
25 STICK WOULD CAUSE TWO OR THREE MARKS?

1           **A**       UM-HUM.   SO THE ELBOW -- UM -- IT HAS MULTI -- YOU  
2   KNOW DIFFERENT SURFACES AND ANGLES.   BUT THIS LOOKS LIKE IT'S  
3   ALONG THE LINE OF SIMILAR.   SO DEPENDING ON HOW IT WAS BENT,  
4   IT COULD HIT CERTAIN SPOTS AND THEN INJURE THOSE AREAS  
5   INDEPENDENTLY.

6                   ONE CAN HAVE AN INJURY THAT COMES ACROSS AND BY --  
7   THROUGH HEALING AND ALL THE INFLAMMATION AND EVERYTHING THAT'S  
8   HAPPENED -- UM -- THE TWO THAT WERE EITHER THE MOST SEVERE,  
9   DEEPEST OR HAD MAYBE GOTTEN RUBBED OFF OR SOMETHING LIKE THAT,  
10  AFFECTED LATER ON IN THE HEALING PROCESS, MAY HAVE LEFT JUST  
11  THESE TWO ISLANDS OF, YOU KNOW, THE SCAR TISSUE.

12                  UM -- THERE ARE A FEW DIFFERENT REASONS WHY YOU CAN  
13  HAVE KIND OF TWO AREAS WITH ONE HIT -- UM -- BASED ON IT'S  
14  HEALING, HOW THE HIT HAPPENED, WHAT WAS THE ANGLE, WHAT WAS  
15  HAPPENING --

16           **Q**       OKAY.   AND --

17           **A**       -- UH -- SO ...

18           **Q**       AND IF I TELL YOU THAT THERE WAS NO BLEEDING WHEN I  
19  HIT HER --

20           **A**       UM-HUM.

21           **Q**       -- WOULD THAT CAUSE THOSE INJURIES?

22           **A**       UM -- I MEAN IF IT WAS AN ABRASION THAT JUST WAS  
23  OOZING AND NO DIRECT BLEEDING -- UM -- IT COULD, BUT I WOULD  
24  HAVE TO UNDERSTAND MORE ABOUT YOUR DEFINITION OF BLEEDING AND  
25  WHAT YOU MEAN BY THAT.

1           **Q**     OKAY.  ARE THOSE INJURIES,  IN YOUR MIND,  CONSISTENT  
2  WITH ABUSE OR ACCIDENT?

3           **A**     UM -- NEITHER.  THEY'RE NOT SPECIFIC FOR EITHER ONE.

4           **Q**     OKAY.

5           **A**     I COULD --

6           **Q**     THEY COULD BE CAUSED BY FALLING DOWN OFF A BIKE?

7           **A**     YES.

8           **Q**     THEY COULD BE CAUSED BY -- UM -- FALLING DOWN THE  
9  STAIRS?

10          **A**     YES.

11          **MR. RUE:**  UM -- I DID HAVE ONE MORE -- THANK YOU -- AREA  
12  THAT I WANTED TO ASK YOU ABOUT -- UM -- AND THAT'S WITH  
13  ANASTASIA.

14          JUDGE,  I'M GOING TO NEED SOME PICTURES MARKED.  JUDGE,  
15  COULD I APPROACH AND HAVE THESE MARKED?

16          **THE COURT:**  SURE.  ARE YOU MARKING THOSE?

17          **MR. RUE:**  YES,  DEFENSE B THROUGH D,  MAYBE?

18          (DISCUSSION BETWEEN MR. RUE AND THE CLERK.)

19          (WHEREUPON DEFENSE PROPOSED EXHIBITS B,  C AND D WERE  
20          MARKED FOR IDENTIFICATION.)

21          **THE COURT:**  SO B THROUGH D.

22          **MR. RUE:**  YOUR HONOR,  AND I BELIEVE THE STATE'S GRACIOUS  
23  ENOUGH TO STIPULATE TO THE ADMISSION OF THESE.

24          **THE COURT:**  OKAY.  IS THAT CORRECT?

25          **MS. LUZAICH:**  (NO AUDIBLE RESPONSE.)

1       **THE COURT:** B THROUGH D WILL BE ADMITTED.  
2       (WHEREUPON DEFENSE EXHIBITS B, C AND D WERE ADMITTED  
3       INTO EVIDENCE.)  
4       **MR. RUE:** COULD I APPROACH?  
5       **THE COURT:** YES.  
6 **BY MR. RUE:**  
7       **Q** DOCTOR, I'M SHOWING YOU -- UM -- DEFENDANT'S B, C,  
8 AND D -- UM -- ANASTASIA, CORRECT?  
9       **A** YES.  
10      **Q** IN B.  
11           AND C AND D ARE PICTURES OF WHAT I BELIEVE IS AN  
12 INJURY; IS THAT RIGHT?  
13      **A** YES.  
14      **Q** UM -- WHERE IS THE INJURY?  
15      **A** UH -- IT APPEARS TO BE ON HER RIGHT, KIND OF BELOW  
16 THE WRIST, THE WRIST AREA.  
17      **Q** OF WHICH WRIST?  
18      **A** I BELIEVE HER RIGHT.  
19      **Q** OKAY. SO AN INJURY ABOVE HER RIGHT WRIST.  
20           UM -- I'M GOING TO NEED YOUR HELP, DOCTOR. I'M  
21 LOOKING AT YOUR SCAN --  
22      **A** UM-HUM.  
23      **Q** -- PHYSICAL ABUSE AND NEGLECT FORM.  
24      **A** THIS IS AMAYA?  
25      **Q** NO, THIS IS ANASTASIA.



1       **A**     OH, MY APOLOGIES.  UM, LET'S SEE.

2       **MR. RUE:**  JUDGE, COULD I APPROACH AND I'LL SHOW HER MINE?

3       **THE WITNESS:**  YEAH, MAY I JUST LOOK AT YOURS?  SORRY,

4 IT'S TOO MANY PAGES.

5 **BY MR. RUE:**

6       **Q**     UM -- YOU CHARACTERIZE THAT INJURY AS A SUPERFICIAL

7 LINEAL --

8       **A**     SCRATCH.

9       **Q**     -- SCRATCH?

10      **A**     YES, LINEAR SCRATCH.  I KNOW.  I KNOW.  WE'RE

11 GETTING AN E.M.R. SOON.

12      **Q**     OKAY.

13      **A**     SORRY ABOUT THE HANDWRITING.

14      **Q**     SO IT'S A SUPERFICIAL LINEAL SCRATCH, IT'S NOT A

15 SCAR?

16      **A**     NO.

17      **Q**     OKAY.  YOU, IN FACT, CROSSED OUT SCAR HERE --

18      **A**     CORRECT.

19      **Q**     -- CORRECT?

20             UM -- THAT LOOKS PRETTY FRESH.

21      **A**     UM-HUM.

22      **Q**     I MEAN, IT LOOKS FRESHER THAN ANY SCAR?

23      **A**     YES.

24      **Q**     IS THERE ANY WAY THAT YOU CAN AGE THAT AT ALL?

25      **A**     YEAH.  I MEAN SCRATCHES -- UM -- SO, AGAIN, IT'S

1 ACUTE SO IT'S MORE RECENT. IT WOULD HAVE BEEN -- THEY USUALLY  
2 START SCAR FORMATION, YOU KNOW, WITHIN A WEEK OR A LITTLE BIT  
3 LONGER. SO I THOUGHT THAT SHE SUSTAINED A LITTLE SCRATCH --  
4 UM -- THAT WAS A LINE IN NATURE.

5 Q SURE.

6 A UM -- AND SUPERFICIAL, SO NOT DEEP -- UH -- WITHIN  
7 THE LAST FEW DAYS TO WEEKS OR SO.

8 Q LAST FEW DAYS TO WEEKS.

9 UM -- DID YOU NOTE ANY OTHER SCARRING ON THE WRIST  
10 OF ANY SORT -- UM -- ON ANASTASIA?

11 A I DON'T BELIEVE SO.

12 Q OKAY. YOU WOULD HAVE NOTED IT HAD YOU -- HAD YOU --  
13 UM -- SEEN IT?

14 A YES.

15 Q CORRECT?

16 UM -- AND TO BE FAIR, YOU DIDN'T NOTE IT?

17 A NO.

18 Q OKAY. EITHER TO HER LEFT WRIST OR HER RIGHT WRIST?

19 A CORRECT.

20 Q OKAY. UM -- NOW, YOU INDICATED THAT YOU HAD --  
21 UM -- SEEN SOME REPORTS SINCE THEN, SINCE THE EXAMINATION.

22 A UH -- SOME MEDICAL RECORDS, YES.

23 Q UM -- DID -- DO YOU PROVIDE THOSE TO THE STATE, OR  
24 HOW DOES THAT WORK?

25 A UM -- NO, I -- UM -- WELL, I GUESS I GOT THEM FROM

1 CPS AND FAMILY COURT -- UH -- IN PREPARATION FOR -- UM --  
2 THEIR TRIAL COMING UP, AND SO WHETHER -- I MEAN, I DON'T OFTEN  
3 PROVIDE MEDICAL RECORDS, THAT'S SOMETHING THAT I RECEIVE.  
4 Q OKAY. YOU RECEIVE BUT YOU DON'T GIVE OUT?  
5 A UM -- NOT -- NOT ONLY THE ONES THAT ARE FROM MY  
6 CLINIC, THOSE GET SUBPOENAED AND THEN TAKEN. BUT, AGAIN,  
7 THEY'RE REQUESTED, YEAH.  
8 Q OKAY. AND JUST TO CONCLUDE, YOU -- YOU DIDN'T GIVE  
9 ANY OF THOSE ITEMS TO THE STATE, TRUE?  
10 A NO.  
11 Q UM -- YOU WERE AWARE THAT THESE THREE CHILDREN  
12 RECEIVED A PHYSICAL EXAM RIGHT BEFORE THEY WENT TO MARVELOUS  
13 GRACE GIRLS ACADEMY. WERE YOU AWARE OF THAT?  
14 A I -- UM -- I DON'T BELIEVE I REVIEWED ANY MEDICAL  
15 RECORDS TO THAT. UM -- BUT I BELIEVE THAT I WAS -- YEAH, I  
16 BELIEVE IT WAS REPORTED THAT THEY HAD, BUT I DID NOT SEE A  
17 MEDICAL RECORD.  
18 MR. RUE: OKAY. COURT'S INDULGENCE?  
19 THE COURT: SURE.  
20 (DISCUSSION BETWEEN MR. RUE AND DEFENDANT HINTON.)  
21 MR. RUE: THANK YOU, DR. CETL, NOTHING MORE.  
22 THE WITNESS: THANK YOU.  
23 THE COURT: REDIRECT?  
24 MS. LUZAICH: JUST VERY BRIEFLY.  
25

**REDIRECT EXAMINATION**

1

2 **BY MS. LUZAICH:**

3       **Q**     DOCTOR, GIVEN THAT ALL OF THE PHOTOS THAT WE LOOKED  
4 AT TODAY AND YOUR EXAMINATION WAS IN MARCH OF 2014 -- UM --  
5 MAY I APPROACH?

6       **THE COURT:**   YES.

7 **BY MS. LUZAICH:**

8       **Q**     I'M GOING TO SHOW YOU STATE'S EXHIBIT 2 -- UM --  
9 IT'S BEEN CALLED A PAINT STICK, DOES THAT SOUND RIGHT TO YOU?

10      **A**     THAT'S WHAT IT LOOKS LIKE.

11      **Q**     ALL OF THE INJURIES TO THE GIRLS' BUTTOCKS, COULD  
12 THEY BE CONSISTENT WITH -- UM -- BEING HIT WITH A PAINT STICK  
13 THAT LOOKED LIKE OR SIMILAR TO THAT IN 2011, '12 OR '13?

14      **A**     YES.

15      **Q**     THE BURNS TO -- UM -- ANASTASIA'S NECK, SHOULDER,  
16 EAR, GOING DOWN HER BACK, COULD THEY BE CONSISTENT WITH HAVING  
17 BEEN HELD UNDER HOT WATER IN 2012?

18      **A**     UM -- THEY COULD BE, YES.

19      **MS. LUZAICH:**   NOTHING FURTHER.

20      **THE COURT:**    ANY RECROSS?

21      **MR. MANN:**    JUST BRIEFLY.

22

**RECROSS-EXAMINATION**

23

24 **BY MR. MANN:**

25      **Q**     ON THAT SAME PAINT STICK ANALYSIS, IT DOESN'T HAVE

1 TO BE THAT PAINT STICK, CORRECT?

2       **A**       CORRECT.

3       **Q**       IT COULD BE ANYTHING?

4       **A**       UM -- SOME KIND OF IMPLEMENT, YEAH.

5       **Q**       IT COULD BE ANY -- ANY SCOPE OF TIME?

6       **A**       YES.

7       **MR. MANN:** NO FURTHER QUESTIONS.

8       **THE COURT:** ANY REDIRECT -- I MEAN RECROSS, EXCUSE ME.

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

10       **THE COURT:** RECROSS, MR. RUE?

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

12       **THE COURT:** ALL RIGHT. THANK YOU VERY MUCH, DOCTOR.

13       **THE WITNESS:** THANK YOU.

14       **THE COURT:** APPRECIATE YOUR TIME TODAY.

15       **THE WITNESS:** OKAY.

16       **THE COURT:** SO WE'RE JUST A LITTLE LATE BREAKING FOR

17 LUNCH, SO WE'LL RESUME AT LIKE 1:30, BECAUSE I HAVE TO DO MY

18 BAD CHECK AT 1:15.

19       **MS. BLUTH:** AND WE STAY IN HERE?

20       **THE COURT:** YES, WE STAY IN HERE.

21       **MR. MANN:** CAN I LEAVE MY BOOKS AND STUFF HERE?

22       **THE COURT:** YES.

23       **MR. MANN:** GREAT.

24       **THE COURT:** UM -- THERE -- THERE WILL BE A P.D. SITTING

25 THERE, BUT JUST BRIEFLY, SO ...

1       **MR. MANN:** NO, I'LL CLEAN UP.

2       **MR. RUE:** DON'T WORRY ABOUT IT.

3       **THE COURT:** DON'T LEAVE ANY NASTY NOTES ABOUT ANYBODY.

4       **MR. RUE:** NO, JUST LEAVE IT.

5       **THE COURT:** AND I -- SO I KNOW YOU NEED LUNCH, TOO, SO --

6 UM -- YOU CAN OPEN THE DOORS LATE IF YOU WANT. I FIGURE

7 WE'LL -- I E-MAILED SAM BATEMAN AND SAID WE'LL START AT 1:15.

8       **THE MARSHAL:** THAT WAS GOING TO BE LEFT?

9       **THE COURT:** YES, BUT --

10       **MS. LUZAICH:** I -- I HAVE A SCHEDULING ISSUE. CAN WE

11 APPROACH TO TALK ABOUT IT?

12       **THE COURT:** SURE.

13       **MS. LUZAICH:** AND IT'S NOT GOING TO EFFECT --

14       **THE COURT:** OKAY.

15       **MS. LUZAICH:** -- ANASTASIA.

16       **THE COURT:** BECAUSE WE'RE GOING TO GO -- ON THIS CASE,

17 WE'RE GONNA' GO FROM LIKE 1:30 --

18       **MR. MANN:** DO WE NEED TO APPROACH?

19       **THE COURT:** -- TO 3:30.

20       **MS. BLUTH:** YES.

21       **MR. MANN:** OH, WE DO, OKAY.

22       **MS. BLUTH:** YEAH. I KNOW IT'S WEIRD.

23       **MS. LUZAICH:** ONE-THIRTY TO THREE-THIRTY. WE HAVE TO

24 FINISH AT 3:30, RIGHT?

25       **THE COURT:** YES, THAT'S WHAT I SAID YESTERDAY.

1       **MS. LUZAICH:** OH, THEN WE MIGHT NOT HAVE A SCHEDULING  
2 ISSUE.  
3       (WHEREUPON ALL COUNSEL APPROACHED THE BENCH.)  
4       **THE COURT:** THANK YOU. WE'LL SEE YOU BACK IN AN HOUR.  
5       (WHEREUPON THE LUNCH RECESS WAS TAKEN.)  
6       **THE COURT:** OKAY -- UM -- YOU CAN CALL -- ARE WE  
7 CONTINUING ANASTASIA?  
8       **MS. BLUTH:** YES. OKAY. AND THIS MORNING -- OR THIS  
9 AFTERNOON JENNIFER VECCHIO WILL BE SITTING WITH HER, WHO'S ONE  
10 OF THE THERAPISTS.  
11       **THE COURT:** OH, WITH -- WHO'S ONE OF -- A CASA.?  
12       **MS. BLUTH:** UM -- NO, SHE'S ONE OF HER THERAPISTS, LIKE  
13 HER PSYCHIATRIST.  
14       **THE COURT:** OH, OKAY.  
15       **MS. BLUTH:** YEAH.  
16       **THE COURT:** OKAY. SO I THOUGHT YOU MIGHT LIKE TO BRING  
17 TIGGER TODAY, SWITCH IT UP A LITTLE.  
18       **MISS ANASTASIA:** (NO AUDIBLE RESPONSE.)  
19       **THE COURT:** NO? OKAY.  
20 HELLO, ANASTASIA, HOW ARE YOU THIS MORNING?  
21       **MISS ANASTASIA:** GOOD.  
22       **THE COURT:** YOU KNOW WHAT, IT'S A NEW DAY, NEW AFTERNOON,  
23 SO IF YOU WOULD PLEASE STAND UP AND RAISE YOUR RIGHT HAND,  
24 MISS STEPHANIE IS GOING TO SWEAR YOU IN AGAIN, JUST SO WE  
25 REMEMBER HOW IMPORTANT IT IS TO TELL THE TRUTH, OKAY?

1       **MISS ANASTASIA:**   OKAY.

2       **THE COURT:**    THANK YOU.

3

4                           **ANASTASIA SOLANDER,**

5 CALLED AS A WITNESS BY THE STATE, AND HAVING BEEN FIRST DULY  
6 SWORN TO TESTIFY TO THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT  
7 THE TRUTH, TESTIFIED AS FOLLOWS:

8

9       **THE WITNESS:**   YES.

10      **THE CLERK:**    THANK YOU.

11           AND JUST ONE MORE TIME I WANT YOU TO STATE YOUR FIRST AND  
12 YOUR LAST NAME FOR THE RECORD.

13      **THE WITNESS:**   ANASTASIA, A-N-A-S-T-S-I-A.   SOLANDER,  
14 S-O-L-A-N-D-E-R.

15      **THE COURT:**    THANK YOU.   YOU CAN HAVE A SEAT THERE WITH  
16 POOH.

17           YOU CAN CONTINUE WITH -- OH, IT'S CROSS-EXAMINATION.   SO  
18 NOW, MR. MANN'S GOING TO ASK YOU SOME QUESTIONS, OKAY, AND  
19 THEN THEY -- MR. MUELLER WILL ASK YOU QUESTIONS, AND THEN  
20 MR. RUE WILL ASK YOU QUESTIONS.

21      **THE WITNESS:**   OKAY.

22      **THE COURT:**    REMEMBER WHEN I TOLD EVERYBODY GETS TWO TURNS  
23 PRETTY MUCH?

24      **THE WITNESS:**   UM-HUM.

25      **THE COURT:**    ALL RIGHT.   THANK YOU.



CROSS-EXAMINATION

1

2 BY MR. MANN:

3 Q GOOD AFTERNOON, ANASTASIA.

4 A GOOD AFTERNOON.

5 Q WHAT GRADE ARE YOU IN, ANASTASIA?

6 A FOURTH.

7 Q AND -- UM -- IS THAT YOU JUST FINISHED YOUR FOURTH  
8 GRADE OR YOU'RE MOVING INTO FOURTH GRADE?

9 A UM -- I JUST FINISHED IT.

10 Q SO YOU'RE MOVING INTO FIFTH GRADE?

11 A YES.

12 Q ALL RIGHT. AND YOU HAD TALKED ABOUT -- UM -- THERE  
13 BEING RULES IN THE HOUSE ABOUT GOING TO THE BATHROOM, WHEN YOU  
14 WERE LIVING AT THE SOLANDERS; DO YOU REMEMBER THAT?

15 A YES, SIR.

16 Q OKAY. AND ONE OF THE RULES THAT YOU TALKED ABOUT  
17 WAS THAT YOU HAD TO ASK TO GO TO THE BATHROOM; IS THAT  
18 CORRECT?

19 A YES, SIR.

20 Q OKAY. AND SO IN ORDER TO GO TO THE BATHROOM, YOU  
21 JUST NEEDED TO ASK AND THEN YOU COULD GO TO THE BATHROOM,  
22 CORRECT?

23 A YES.

24 Q OKAY. AND -- UM -- THEN -- UM -- THERE WERE TIMES,  
25 THOUGH, THAT YOU WOULDN'T ASK TO GO TO THE BATHROOM, RIGHT?

1           **A**     YES.

2           **Q**     AND YOU ENDED UP -- UM -- PEEING OR POOPING

3 YOURSELF, CORRECT?

4           **A**     YES.

5           **Q**     UM -- NOW, WHEN YOU WOULD PEE AND POOP YOURSELF, YOU

6 WOULD DO THAT ON PURPOSE, CORRECT?

7           **A**     NO.

8           **Q**     YOU WOULDN'T DO THAT ON PURPOSE?

9           **A**     NO.

10          **Q**     OKAY. UM -- BUT YOU WOULD -- THERE WERE TIMES

11 THAT -- UM -- YOU WERE TOLD YOU CAN GO TO THE BATHROOM AND YOU

12 DIDN'T GO TO THE BATHROOM, CORRECT?

13          **A**     NO.

14          **Q**     OKAY. LET ME BACK UP.

15                 WERE THERE TIMES THAT THERE WERE TIMERS ABOUT WHEN

16 YOU COULD AND COULDN'T GO TO THE BATHROOM?

17          **A**     YES.

18          **Q**     OKAY. AND THOSE TIMERS WERE SET, AND YOU WERE

19 OFFERED AN OPPORTUNITY OR A CHANCE TO GO TO THE BATHROOM,

20 CORRECT?

21          **A**     NO. WE HAD TO ASK.

22          **Q**     OKAY. SO EVEN THOUGH THERE ARE TIMERS THERE AND YOU

23 HAD TO ASK, AND IF YOU ASKED, YOU COULD THEN GO TO THE

24 BATHROOM?

25          **A**     WE COULD GO TO THE BATHROOM IF WE ASKED, BUT IF WE

1 DON'T ASK, WE CAN'T GO BECAUSE SHE DOESN'T KNOW.

2 Q OKAY. AND SO IF YOU DON'T ASK, HOW WOULD SHE KNOW,  
3 RIGHT?

4 A YEAH.

5 Q OKAY. AND SO WHEN YOU WOULD PEE AND POOP YOURSELF,  
6 THAT WAS BECAUSE YOU DIDN'T ASK, CORRECT?

7 A IT WAS BECAUSE I ASKED, AND THEN SHE -- SHE -- AT  
8 FIRST I ASKED AND SHE DIDN'T ANSWER, SO THEN I ASKED AGAIN,  
9 AND SHE DIDN'T ANSWER. SO THEN I ASKED AGAIN, AND THEN I  
10 SAID, "I HAVE TO GO TO THE BATHROOM REALLY BAD," SO THEN I  
11 WENT. AND THEN SHE -- I WAS HOLDING IT, SO I DON'T KNOW.

12 Q OKAY. SO WHEN YOU SAID THAT YOU WENT, YOU MEAN YOU  
13 WENT AND YOU WALKED TO THE BATHROOM WHERE THE TOILET WAS; IS  
14 THAT CORRECT?

15 A YES.

16 Q OKAY. AND SO THEN YOU WALKED INTO THE BATHROOM  
17 WHERE THE TOILET WAS, AND YOU DID WHAT YOU NEEDED TO DO INSIDE  
18 THAT BATHROOM?

19 A YES.

20 Q OKAY. UM -- SO -- BUT THE TIMES -- WERE THERE TIMES  
21 THAT YOU WOULD PEE AND POOP YOURSELF?

22 A YES.

23 Q OKAY. AND THOSE TIMES THAT YOU WOULD PEE AND POOP  
24 YOURSELF, YOU DIDN'T ASK FOR PERMISSION TO GO TO THE BATHROOM,  
25 CORRECT?

1           **A**     YES, BECAUSE I WAS SCARED, BECAUSE SHE WOULD YELL AT  
2 ME.  
3           **Q**     OKAY. BUT YOU -- YOU WERE ALSO, THOUGH, GIVEN TIMES  
4 THAT -- UM -- IF YOU DID ASK, YOU COULD GO AND GO TO THE  
5 BATHROOM?  
6           **A**     SAY THAT AGAIN.  
7           **Q**     SURE.  
8                   BUT THERE WERE NUMEROUS TIMES THAT YOU WERE ABLE TO  
9 GO AND ASK IF YOU COULD GO TO THE BATHROOM, AND THEN  
10 EVENTUALLY YOU WOULD GO TO THE BATHROOM?  
11          **A**     YES.  
12          **Q**     OKAY. NOW, YOU ALSO TALKED ABOUT -- UM -- WHEN --  
13 UH -- THERE WAS AN ACCIDENT -- UH -- THAT SHE WOULD KICK YOU  
14 UP THE STAIRS; IS THAT RIGHT?  
15          **A**     YES, SIR.  
16          **Q**     OKAY. AND SO SHE WOULD -- UM -- YOU WOULD BE  
17 WALKING UP THE STAIRS AND SHE WOULD KICK YOUR BOTTOM?  
18          **A**     YES.  
19          **Q**     OKAY. AND YOU WOULD THEN CONTINUE TO MOVE UP THE  
20 STAIRS, CORRECT?  
21          **A**     YES, BUT I'D BE FALLING, TOO.  
22          **Q**     YOU WOULD FALL DOWN?  
23          **A**     YEAH, BECAUSE -- UH -- SHE'LL KICK ME, SO THEN I'LL  
24 FALL AND I'LL GET BACK UP.  
25          **Q**     OKAY. WHAT PART OF YOUR BODY DID YOU FALL ON?

1       **A**     MY KNEES.

2       **Q**     OKAY.

3       **A**     I -- I FALL -- I FELL, AND THEN I LANDED ON MY

4 KNEES.

5       **Q**     OKAY. SO THAT WAS IT, JUST YOUR KNEES THAT YOU

6 LANDED ON?

7       **A**     YES.

8       **Q**     OKAY. AND -- UM -- AND THAT WAS ONLY KICKING YOU UP

9 THE STAIRS, CORRECT?

10      **A**     YES.

11      **Q**     OKAY. NOW -- UM -- THE NIGHTTIME BATHROOM, YOU

12 WOULD SLEEP IN THE LOFT; IS THAT RIGHT?

13      **A**     YES.

14      **Q**     OKAY. AND NEXT TO THE LOFT WAS A BATHROOM, CORRECT?

15      **A**     YES.

16      **Q**     AND IN THAT BATHROOM, THERE WAS A ANGEL NIGHTLIGHT,

17 CORRECT?

18      **A**     YES.

19      **Q**     AND YOU COULD SEE AT NIGHT WITH THAT ANGEL

20 NIGHTLIGHT ON?

21      **A**     YES.

22      **Q**     OKAY. AND SO IF YOU NEEDED TO GO TO THE BATHROOM,

23 YOU JUST WALK INTO THAT BATHROOM WITH THE ANGEL NIGHTLIGHT,

24 AND YOU WOULD BE ABLE TO DO WHAT YOU NEEDED TO DO?

25      **A**     YES.

1           Q       OKAY.  UM -- AND -- UM -- THAT -- UM -- YOU ALSO  
2 TALKED ABOUT THE FOOD THAT YOU WERE GIVEN; DO YOU REMEMBER  
3 THAT?  
4           A       YES.  
5           Q       OKAY.  AND YOU TALKED ABOUT THE FACT THAT YOU WERE  
6 GIVEN REGULAR FOOD, YOU WERE GIVEN QUINOA AND OATMEAL IN THE  
7 MORNING?  
8           A       YES.  
9           Q       OKAY.  AND THE QUINOA WAS COOKED?  
10          A       YES.  
11          Q       THE OATMEAL WAS COOKED?  
12          A       YES.  
13          Q       OKAY.  AND THAT IN THE AFTERNOON OR DINNERTIME, YOU  
14 WERE GIVEN CORNBREAD AND BEANS AND RICE?  
15          A       WHEN I WAS EATING REGULAR FOOD, YES.  
16          Q       OKAY.  BUT THERE WAS A TIME THAT YOU STOPPED EATING  
17 REGULAR FOOD?  
18          A       YES.  
19          Q       AND THAT'S WHEN YOU WERE GIVEN SOME BLENDED FOOD; IS  
20 THAT RIGHT?  
21          A       YES.  
22          Q       OKAY.  AND THAT BLENDED FOOD YOU WOULD STILL EAT,  
23 BUT YOU WERE JUST GIVEN THAT BLENDED FOOD, CORRECT?  
24          A       YES.  
25          Q       OKAY.  AND YOU WOULD EAT THAT BLENDED FOOD WITH A

1 SPOON; IS THAT RIGHT?

2       **A**     UM -- WE WOULD DRINK IT AT FIRST.

3       **Q**     UH-HUM.

4       **A**     AND THEN WHEN WE GET TO THE BOTTOM WHEN IT'S ALL

5 THICK, THEN WE START TO USE A SPOON.

6       **Q**     OKAY. AND DID YOU HELP MAKE THE BLENDED FOOD?

7       **A**     NO.

8       **Q**     OKAY. DID YOU SEE WHO MADE THE BLENDED FOOD?

9       **A**     NO.

10       **Q**    YOU DIDN'T SEE WHO MADE IT?

11       **A**    I KNOW MISS JANET WAS -- UM -- WAS THE MAIN ONE WHO

12 COOKED IT, BUT SOMETIMES SOMEONE ELSE WOULD COOK IT IF SHE'S

13 NOT THERE.

14       **Q**    WHEN YOU SAY COOKED IT, YOU MEAN WOULD THEY COOK IT

15 IN A POT AND THEN BLEND IT UP?

16       **A**    YES.

17       **Q**    OKAY. SO THERE WAS SOME SORT OF -- DO YOU KNOW WHAT

18 WAS IN THE BLENDED FOOD?

19       **A**    I ONLY KNOW THE -- UM -- IN THE MORNING, THEY

20 WOULD -- SHE WOULD -- SHE WOULD PUT OATMEAL, AND I KNOW SHE'LL

21 PUT OATMEAL, BUT IN THE -- AT DINNER, I DON'T KNOW. I THINK

22 SHE PUT -- UM -- BEANS AND RICE AND VEGETABLES.

23       **Q**    AND THAT'S WHAT WAS BLENDED IN THE DRINK?

24       **A**    YES.

25       **Q**    OR IN THE --

1           **A**     YES.  AND -- UH -- SHE SAID SHE PUT SOMETHING ELSE  
2  IN IT LIKE MICE.

3           **Q**     OKAY.  AND DID YOU SEE --

4           **A**     NO.

5           **Q**     OKAY.  YOU DIDN'T SEE HER DANGLING A MICE AND  
6  PUTTING IT IN THE BLENDED FOOD?

7           **A**     NO.  SHE -- SHE SAID SHE BOUGHT THE MICE FROM A CAN  
8  AND SHE PUT IT IN THE -- IN THE BLENDER.

9           **Q**     OKAY.  DID YOU SEE A CAN THAT HAD A PICTURE OF A  
10 MICE ON IT OR ANYTHING, A MOUSE ON IT?

11          **A**     I NEVER SAW ANY CANS.

12          **Q**     OKAY.

13          **A**     I DON'T GO IN THE CABINETS.

14          **Q**     OKAY.  ALL RIGHT.

15                 NOW, THE SHOWERS THAT YOU WOULD TAKE -- UM -- EACH  
16 OF YOU, AVA, AMAYA, AND YOU, HAD YOUR OWN TOWELS THAT WAS EACH  
17 A DIFFERENT COLOR, RIGHT?

18          **A**     YES.

19          **Q**     OKAY.  AND THAT YOU WERE GIVEN THIS TOWEL TO THEN DO  
20 WHATEVER YOU NEEDED TO DO DURING THE DAY, INCLUDING DRY OFF  
21 FROM A SHOWER, RIGHT?     .

22          **A**     YES, VERY OFTEN.

23          **Q**     OKAY.  SO YOU WOULD USE THESE TOWELS TO ACTUALLY DRY  
24 OFF FROM SHOWERS MOSTLY, RIGHT?

25          **A**     NO --



1       Q     YOU SAID VERY OFTEN.  
2       A     -- NOT MOSTLY.  
3       Q     YOU SAID VERY OFTEN?  
4       A     YES. SOMETIMES. IT DEPENDS.  
5       Q     OKAY. WHAT DID --  
6       A     WHEN SHE --  
7       Q     -- IT DEPEND ON?  
8       A     WHEN SHE WANTS TO. OR IF SHE DOESN'T WANT TO, WE  
9 HAD TO DRY OFF, AIR DRY WITH THE FAN.  
10      Q     OKAY. AND HOW WOULD SHE DECIDE TO AIR DRY?  
11      A     WITH A FAN.  
12      Q     WHAT WOULD SHE -- WHAT WOULD MAKE HER DECIDE THAT?  
13      A     BECAUSE IF WE DIDN'T FINISH OUR SCHOOLWORK OR IF WE  
14 HAD AN ACCIDENT ON OURSELF.  
15      Q     OKAY. AND -- UM -- NOW, THE SLEEPING ARRANGEMENTS,  
16 YOU SAID THAT -- UM -- YOU WOULD SLEEP ON A BED IN THE LOFT,  
17 RIGHT?  
18      A     YES.  
19      Q     AND THEN THERE WERE SOMETIMES, THOUGH, THAT YOU SAID  
20 THAT YOU WOULD SLEEP ON BOARDS IN THE LOFT; IS THAT RIGHT?  
21      A     WELL -- UM -- YES, WE DID SLEEP ON BOARDS ON THE  
22 LOFT, BUT WE SLEPT ON IT IN THE BEGINNING WHEN SHE GOT THE  
23 BOARDS, WE SLEPT ON THAT. AND -- AND THEN WHEN SHE THEN WENT  
24 ON VACATION TO OHIO, WE SLEPT ON THESE -- UM -- POP-UP BEDS,  
25 AND THEN WHEN SHE CAME BACK, WE STARTED TO SLEEP BACK ON THE

1 BOARDS.

2 Q OKAY. YOU SAID THE BOARDS WERE BLUE BOARDS?

3 A YES.

4 Q OKAY. AND SO -- UM -- WERE THE BLUE BOARDS MADE OF

5 WOOD?

6 A YES.

7 Q OKAY. AND YOU SAID THAT YOUR NAMES WERE WRITTEN ON

8 EACH OF THESE BLUE BOARDS?

9 A YES.

10 Q OKAY. UM -- BUT -- UH -- YOU ALSO GOT TO SLEEP ON A

11 PULL-OUT COUCH?

12 A HMM, NO, IT WAS A POP-UP BED THAT SHE ORDERED.

13 Q A POP-UP BED.

14 A YES.

15 Q OKAY, I'M SORRY.

16 AND THIS POP-UP BED, WAS IT LIKE A -- A MATTRESS?

17 A IT HAD A MATTRESS, YES.

18 Q OKAY. AND ON THE BOARDS, WERE THERE A MATTRESS ON

19 THE BOARDS?

20 A NO.

21 Q NEVER A MATTRESS ON THE BOARDS?

22 A NO, THERE WAS NO MATTRESS, BUT SOMETIMES SHE WOULD

23 GIVE US TOWELS OR --

24 Q OKAY.

25 A -- OR A PILLOW.

1           Q       OKAY.  BUT YOU'RE SAYING,  THOUGH,  THAT THERE WAS  
2  NEVER A MATTRESS ON THOSE BOARDS?

3           A       NO.

4           Q       OKAY.  AND SO IT WASN'T LIKE THERE WAS A MATTRESS ON  
5  THERE,  AND ONE OF YOU HAD AN ACCIDENT,  AND THEN THAT MATTRESS  
6  HAD TO BE REMOVED TO BE AIRED OUT?

7           A       NO.

8           Q       OKAY.

9           A       THERE WAS NO MATTRESS ON THERE.

10          Q       GOT IT.

11                 UH -- AND -- UH -- LET'S TALK ABOUT THE INJURY ON  
12  YOUR SHOULDER -- UM -- THE MARK ON YOUR SHOULDER.  DO YOU KNOW  
13  HOW THAT WAS CAUSED?

14          A       YES.

15          Q       HOW WAS THAT CAUSED?

16          A       BECAUSE WHEN I -- AFTER I WAS DONE CLEANING THE DOG  
17  BATHROOM,  I WASHED MY HANDS AND IT WAS REALLY HOT,  AND THEN I  
18  DRAGGED MY HANDS OUT OF IT.  SO THEN I STARTED TO CRY,  AND I  
19  SAID,  "IT'S HOT,"  AND THEN SHE PUT -- SHE SQUEEZED MY HANDS  
20  AND THEN SHE PUT MY HANDS IN IT,  AND THEN I KEPT SAYING,  "IT'S  
21  HOT."

22                 AND THEN SHE -- WE HAD A CANDLE IN THERE,  SO THEN  
23  SHE TOOK THE LID OFF OF IT,  AND THEN SHE FILLED IT UP WITH THE  
24  HOT WATER,  AND THEN SHE PUT -- SPLASHED IT ON MY FACE,  AND  
25  THEN I STARTED TO CRY EVEN MORE,  AND THEN SHE SAID,  "STOP

1 CRYING, " AND I COULDN'T STOP CRYING BECAUSE IT WAS REALLY HOT.  
2 SO THEN -- UM -- SHE WOULD PICK ME UP, AND THEN SHE  
3 TRIED TO PUT MY WHOLE BODY IN IT, AND THEN I WAS LIKE  
4 SQUIRMING AROUND, SO THEN IT LANDED ON MY SHOULDER AND MY EAR.  
5 Q SHE TRIED TO PUT YOUR WHOLE BODY IN WHAT?  
6 A THE SINK.  
7 Q IN THE SINK? OKAY.  
8 SO IT'S A NORMAL SINK WITH A FAUCET, RIGHT?  
9 A YES.  
10 Q OKAY. AND IS THIS A BATHROOM SINK, A KITCHEN SINK,  
11 WHERE IS IT?  
12 A BATHROOM SINK.  
13 Q BATHROOM SINK, OKAY.  
14 AND IN THAT BATHROOM, IS THERE ONE OR TWO SINKS?  
15 A ONE.  
16 Q OKAY. AND -- UM -- THE WATER TEMPERATURE, YOU SAID  
17 IT WAS REALLY HOT?  
18 A YES.  
19 Q AND THAT YOU PULLED YOUR HANDS OUT, RIGHT?  
20 A YES.  
21 Q OKAY. AND THAT SHE TOOK THAT SAME WATER AND  
22 SPLASHED IT ON YOUR FACE?  
23 A YES.  
24 Q AND THEN SHE ENDED UP TRYING TO PUT YOUR BODY IN,  
25 AND PUTTING YOUR SHOULDER INTO THE WATER, AND THAT'S HOW IT

1 GOT BURNED?

2       **A**     YES.

3       **Q**     OKAY. WHY IS IT, THEN, THAT YOUR FACE DIDN'T GET

4 BURNED?

5       **A**     BECAUSE I WAS LANDING ON SIDEWAYS.

6       **Q**     OKAY. WHY ISN'T IT THAT YOUR HANDS GOT BURNED WHEN

7 YOUR HANDS WERE IN THE WATER?

8       **A**     IT -- I HAVE LITTLE SPLINTERS WHERE IT GOT BURNED,

9 THEN IT HEALED.

10       **Q**     OKAY. SO YOUR SHOULDER DIDN'T HEAL, BUT YOUR HANDS

11 DID HEAL, AND THEN YOU --

12       **A**     BECAUSE MY HANDS, I ONLY PUT IT IN THERE FOR ONE

13 SECOND. LIKE I PUT MY HANDS IN THERE, AND THEN I JERKED IT

14 BACK OUT AS SOON AS I PUT MY HANDS IN THERE.

15       **Q**     OKAY. BUT SHE THEN PUT YOUR HANDS IN AGAIN YOU

16 SAID?

17       **A**     YEAH, BECAUSE SHE MADE ME.

18       **Q**     OKAY. SO YOU PUT YOUR HANDS IN THERE TWICE?

19       **A**     YES.

20       **Q**     OKAY. UM -- HOW LONG WAS YOUR SHOULDER IN THE --

21 UH -- IN THE SINK?

22       **A**     I DON'T KNOW, IT WAS FOR LONG BECAUSE SHE -- SHE WAS

23 MAD.

24       **Q**     OKAY. AN HOUR?

25       **A**     NO, NOT AN -- AN HOUR.

1           Q       HOW LONG?

2           A       ABOUT A MINUTE.

3           Q       OKAY. SO YOUR SHOULDER WAS IN THERE FOR A MINUTE?

4           A       YES.

5           Q       AND WHAT WERE YOU DOING WHEN YOUR SHOULDER WAS IN

6 THERE?

7           A       I WAS SQUIRMING AROUND BECAUSE SHE TRIED TO PUT MY

8 WHOLE BODY IN THERE.

9           Q       AND HOW WERE YOU SQUIRMING AROUND?

10          A       I WAS -- I WAS SQUIRMING AROUND. LIKE SHE PUT --

11 SHE WAS ABLE TO PICK ME UP, PUT ME ON THE -- UM -- COUNTER,

12 AND THEN I WAS -- SO THIS, THIS PART AND MY EAR WERE ON THIS

13 SIDE, SO -- SO THAT WAY THE WATER WAS ON IT.

14          Q       OKAY. SO YOU'RE SAYING THAT -- UM -- IS IT YOUR

15 RIGHT OR LEFT SHOULDER?

16          A       RIGHT.

17          Q       OKAY. YOUR RIGHT SHOULDER.

18                 IS IT YOUR RIGHT OR LEFT EAR?

19          A       UH -- I BELIEVE RIGHT.

20          Q       OKAY. AND SO SHE PUT YOUR RIGHT SHOULDER INTO THE

21 RUNNING WATER?

22          A       YES.

23          Q       OKAY. AND SO WAS WATER COMING DIRECTLY OUT OF THE

24 FAUCET?

25          A       YES.

1           Q       OKAY.  WAS THERE WATER POOLED INSIDE THE SINK OR WAS  
2 IT GOING DIRECTLY DOWN THE DRAIN?  
3           A       DIRECTLY -- DIRECTLY DOWN THE SINK.  
4           Q       OKAY.  SO THE STOPPER WASN'T STOPPED UP SO WATER  
5 WOULD COLLECT?  
6           A       NO.  
7           Q       OKAY.  AND SO SHE HELD YOU UNDER THAT FAUCET FOR A  
8 MINUTE?  
9           A       YES.  
10          Q       AND THEN THAT WAS YOUR SHOULDER.  WHEN SHE WAS  
11 HOLDING YOU UNDER THE FAUCET, WAS IT YOUR SHOULDER AND EAR?  
12          A       YES.  
13          Q       OKAY.  AND SO SHE WAS ABLE TO GET YOUR SHOULDER AND  
14 EAR INSIDE THAT SINK AREA WHERE THE FAUCET WAS COMING DOWN?  
15          A       YES.  
16          Q       OKAY.  AND THAT'S HOW YOU GOT BURNED ON YOUR --  
17 BEHIND YOUR EAR --  
18          A       YES.  
19          Q       -- RIGHT?  AND ON YOUR SHOULDER?  
20          A       YES.  
21          Q       BUT NOT ON YOUR NECK?  
22          A       NO.  
23          Q       NOT ON THE UPPER PART OF YOUR SHOULDER, RIGHT?  
24          A       YES.  
25          Q       NOT ON YOUR ARM?

1       **A**     YES.

2       **Q**     SO ONLY ON THAT SPOT ON YOUR SHOULDER, RIGHT?

3       **A**     YES.

4       **Q**     OKAY.   AND THAT'S WHERE YOU GOT BURNED FROM?

5       **A**     YES.

6       **Q**     OKAY.   AND IT WASN'T A SHOWER THAT YOU GOT BURNED

7 FROM, WAS IT?

8       **A**     NO.

9       **Q**     IT WAS THE SINK?

10      **A**     YES.

11      **Q**     OKAY.   AND -- UM -- DO YOU KNOW ABOUT WHEN THIS

12 HAPPENED?

13      **A**     I DON'T KNOW.

14      **Q**     DO YOU KNOW WHAT YEAR?

15      **A**     UM -- I THINK IN 2012 OR '13.

16      **Q**     OKAY.   UM -- AND DO YOU KNOW WAS IT WARM OR COLD

17 OUTSIDE?   YOU HAD JUST GOTTEN BACK IN FROM CLEANING UP FROM

18 THE DOG, RIGHT?

19      **A**     YEAH.

20      **Q**     SO WAS IT WARM OR COLD OUTSIDE?

21      **A**     IT WAS ABOUT LIKE -- IT WAS A LITTLE WARM, BUT A

22 LITTLE COLD BREEZE AT THE SAME TIME.

23      **Q**     OKAY.   AND DO YOU KNOW WHAT TIME OF YEAR IT WAS?

24      **A**     NO.

25      **Q**     A SEASON?



1           **A**       NO.

2           **Q**       OKAY.   SO FALL, WINTER?

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

4           **Q**       OKAY.   UM -- IS THERE A REASON YOU CAN'T REMEMBER

5 WHEN IT HAPPENED?

6           **MS. BLUTH:**   OBJECTION.

7           **MR. MANN:**   WHAT'S THE OBJECTION?

8           **MS. BLUTH:**   IS THERE A REASON YOU CAN'T REMEMBER?   I MEAN

9 IT'S VAGUE.   HOW -- IF YOU DON'T REMEMBER SOMETHING, HOW DO

10 YOU HAVE A REASON YOU DON'T REMEMBER SOMETHING.

11          **MR. MANN:**   WELL --

12          **THE COURT:**   WELL, THAT'S TRUE, BUT --

13          **MR. MANN:**   IT OBVIOUSLY WAS A VERY SPECIFIC EVENT.   I'M

14 JUST CURIOUS IF SHE CAN'T REMEMBER THE TIME, WHY SHE CAN'T

15 REMEMBER THE TIME.

16          **THE COURT:**   DO YOU KNOW WHY YOU CAN'T REMEMBER?

17          **THE WITNESS:**   IT WAS IN THE MORNING, AND IT WAS -- I

18 DON'T KNOW.   IT WAS ON WEDNESDAY, BECAUSE I HAD TO CLEAN --

19 BECAUSE IT WAS IN THE MORNING BECAUSE THE TRASHMAN COMES ON

20 WEDNESDAY AND, I BELIEVE, FRIDAY.

21          **THE COURT:**   OKAY.

22 **BY MR. MANN:**

23          **Q**       SO IT WAS ON A WEDNESDAY BECAUSE THE TRASHMAN COMES

24 ON WEDNESDAY --

25          **A**       YES.

1 Q -- AND FRIDAY?

2 A YES.

3 Q OKAY. AND IS THERE A REASON THAT YOU RELATE THE

4 SINK STORY TO THE TRASHMAN?

5 A I REMEMBER THAT BECAUSE SHE SAID GET UP BECAUSE I

6 HAVE TO CLEAN THE DOG BATHROOM. AND IT WAS ON A WEDNESDAY

7 MORNING BECAUSE SHE SAID THAT BEFORE THE TRASHMAN COME.

8 Q OKAY. AND THE TRASHMAN --

9 A THAT'S HOW I REMEMBER.

10 Q AND THE TRASHMAN COMES ON WEDNESDAY?

11 A YES.

12 Q AND THAT'S WHY YOU HAD TO CLEAN UP THE DOG STUFF?

13 A YES.

14 Q ALL RIGHT. NOW -- UM -- DID YOU EVER SEE A -- A

15 DOCTOR ABOUT YOUR SHOULDER OR EAR?

16 A NO.

17 Q NO, YOU NEVER?

18 A NO.

19 Q DID YOU EVER POINT IT OUT TO ANYBODY?

20 A POINT WHAT OUT?

21 Q THAT -- YOUR INJURY?

22 A YES.

23 Q WHO DID YOU POINT IT OUT TO?

24 A YOU GUYS.

25 Q OKAY. ANYONE ELSE BESIDES US?

1           **A**     NO.

2           **Q**     OKAY.  UM -- AND DID YOU GO TO THE DOCTOR AFTER THIS

3 FOR ANY REASON?

4           **A**     NO.

5           **Q**     OKAY.  SO AFTER CLEANING UP THE DOG STUFF ON A

6 WEDNESDAY IN EITHER 2012 OR 2013, YOU DID NOT GO TO THE DOCTOR

7 AFTER THAT?

8           **A**     NO, SHE PUT STUFF ON IT.

9           **Q**     OKAY.  WHAT DID SHE PUT ON IT?

10          **A**     I DON'T KNOW.

11          **Q**     AND WHY DOES PUTTING STUFF ON IT MEAN SOMETHING?

12 WHAT DID SHE -- WHAT WAS IT SUPPOSED TO DO?

13          **A**     IT -- IT -- IT MAINLY HEALED MY EAR, BECAUSE IT'S

14 NOT LIKE I'M GOING TO GO OUT WITH MY SHIRT OFF AND GO INTO THE

15 STORE OUTSIDE, SO -- AND SHE DIDN'T HEAL -- IT -- YOU -- IT

16 HEALED MORE ON MY EAR, BECAUSE IF I WALKED OUT OUTSIDE, PEOPLE

17 COULD TELL.

18          **Q**     SO ARE YOU SAYING THAT SHE ONLY PUT THE STUFF ON

19 YOUR EAR AND NOT ON YOUR SHOULDER?

20          **A**     IT DIDN'T REAL HEAL -- REALLY HEAL ON MY SHOULDER,

21 BUT IT REALLY HEALED ON MY EAR.

22          **Q**     WELL, DID SHE PUT IT ON BOTH EAR AND SHOULDER?

23          **A**     NOT BOTH EAR, BUT I -- SHE DID PUT IT ON MY EAR, THE

24 RIGHT SIDE OF MY EAR WHERE IT GOT BURNED, AND THE SIDE -- THE

25 RIGHT SIDE OF MY BACK WHERE I GOT BURNED.

1 Q OKAY. THANK YOU FOR MAKING THAT CLEAR.  
2 UM -- AND -- UH -- HOW OFTEN WOULD SHE PUT THIS  
3 STUFF ON?  
4 A ABOUT LIKE EVERY DAY IN THE MORNING AFTER I TAKE MY  
5 SHOWER.  
6 Q OKAY. AND DO YOU KNOW HOW LONG SHE WOULD DO THAT  
7 FOR?  
8 A I DON'T KNOW.  
9 Q HOW MANY DAYS?  
10 A HMM, PROBABLY ABOUT FIVE DAYS.  
11 Q FIVE DAYS?  
12 AND WHAT WAS IT, WAS IT A WHITE CREAM -- UH --  
13 CLEAR, WHAT DID IT LOOK LIKE?  
14 A I CAN'T REMEMBER, BUT I KNOW -- UM -- SHE PUT SOME  
15 BANDAGE ON -- I MEAN BANDAGE, AND SHE WRAPPED IT UP.  
16 Q OKAY. AND THAT'S ON YOUR EAR SHE DID THAT AS WELL?  
17 A YES. AND THEN SHE TOOK A PIECE -- SHE RIPPED A PART  
18 OF THE BANDAGE OFF, AND SHE PUT IT ON MY -- UM -- BACK.  
19 Q OKAY. AND SO YOU WOULD -- DURING THOSE FIVE DAYS,  
20 YOU WOULD HAVE A BANDAGE ON YOUR EAR?  
21 A YES.  
22 Q OKAY. AND THAT BANDAGE, WAS IT A WHITE BANDAGE, OR  
23 WAS IT JUST A BAND-AID, WHAT WAS IT?  
24 A I BELIEVE A WHITE BAN -- BANDAGE.  
25 Q OKAY. SO IT WAS A WHITE BANDAGE THAT WAS ON YOUR

1 EAR, AND YOU HAD IT FOR FIVE DAYS WHEN THIS WAS GOING ON?

2 A YES.

3 Q OKAY. AND DURING THAT TIME WERE YOUR SISTERS HOME?

4 A YES.

5 Q OKAY. AND SO DID YOUR SISTERS SEE YOUR BANDAGE?

6 A I DON'T KNOW, BECAUSE IT'S -- I DON'T KNOW IF THEY

7 LOOKED AT ME, I DON'T KNOW WHAT THEY --

8 Q OKAY.

9 A -- WHAT THEY'RE DOING.

10 Q SO YOU DON'T KNOW.

11 UM -- DO YOU KNOW IF ANYONE ELSE SAW YOUR BANDAGE?

12 A PROBABLY MR. DWIGHT.

13 Q OKAY. ALL RIGHT.

14 DID YOU GO OUTSIDE DURING THIS TIME?

15 A I DON'T BELIEVE SO.

16 Q OKAY. SO FOR THE FIVE DAYS YOU DIDN'T GO OUTSIDE?

17 A NO, BECAUSE SHE -- WE -- WE DIDN'T REALLY GO

18 OUTSIDE.

19 Q OKAY. EXCEPT FOR TO CLEAN UP THE DOG STUFF?

20 A YEAH.

21 Q ALL RIGHT. AND -- UM -- NOW -- UM -- YOU'VE

22 EXPERIENCED TIMES WHERE -- UH -- AMAYA HAS LIED, RIGHT?

23 A YEAH.

24 Q UM -- AMAYA HAS LIED ABOUT HER HAVING A SEIZURE?

25 A SHE HAD A SEIZURE ONCE.

1 Q OKAY. WAS THERE A TIME THAT SHE TOLD MR. DWIGHT  
2 THAT SHE WAS HAVING A SEIZURE, AND MR. DWIGHT CALLED 9-1-1?  
3 A YES.  
4 Q OKAY. AND THAT WASN'T TRUE, THOUGH?  
5 A I DON'T KNOW.  
6 Q YOU DON'T KNOW IF IT WAS TRUE OR NOT?  
7 A I DON'T REALLY PAY ATTENTION TO HER. ALL I KNOW I  
8 CAN -- WHEN WE -- WHEN SHE LEAVES US IN THE BATHROOM AND SHE'S  
9 GOING OUT SOMEWHERE, SHE -- WE TALK TO EACH OTHER, BUT I CAN'T  
10 DEFINE -- I CAN'T SAY, OH, SHE WAS LYING OR OH, SHE WAS  
11 TELLING THE TRUTH.  
12 Q OKAY. AND SO -- UM -- WHEN YOU SAY "SHE," YOU'RE  
13 TALKING ABOUT AMAYA?  
14 A YES.  
15 Q OKAY. AND SO THIS TIME WHERE THEY CALLED 9-1-1  
16 BECAUSE THEY THOUGHT THAT SHE WAS HAVING A SEIZURE, YOU DON'T  
17 KNOW IF SHE WAS ACTUALLY HAVING A SEIZURE OR NOT?  
18 A NO.  
19 Q YOU NEVER TOLD --  
20 A BECAUSE I DON'T --  
21 Q YOU NEVER --  
22 A I DON'T KNOW SYMPTOMS OF A SEIZURE.  
23 Q OKAY. YOU --  
24 A I DON'T KNOW HOW A SEIZURE LOOKS LIKE.  
25 Q AND YOU NEVER TOLD MR. DWIGHT, ONCE HE WAS CALLING

1 9-1-1 THAT, NO, SHE'S -- SHE'S NOT REALLY HAVING A SEIZURE?  
2       **A**     NO, BECAUSE I DON'T KNOW IF SHE WAS REALLY HAVING A  
3 SEIZURE OR NOT.  
4       **Q**     OKAY. AND -- UM -- YOU GUYS -- UM -- DO YOU KNOW  
5 WHY -- UM -- AMAYA WAS PRETENDING TO HAVE A SEIZURE?  
6       **A**     I DON'T KNOW. BUT ALL I KNOW THAT WE -- SHE DIDN'T  
7 LIKE IT THERE.  
8       **Q**     OKAY. AND SO SHE DIDN'T LIKE IT THERE, SO THAT'S  
9 WHY SHE WAS PRETENDING TO HAVE A SEIZURE?  
10       **A**     I DON'T KNOW WHY SHE WAS PRETENDING TO HAVE -- HAVE  
11 A SEIZURE.  
12       **Q**     OKAY.  
13       **MS. BLUTH:** ONE SECOND, OKAY?  
14       MY OBJECTION IS TO ASKED AND ANSWERED.  
15       **THE COURT:** SUSTAINED.  
16       **MS. BLUTH:** THANK YOU.  
17 **BY MR. MANN:**  
18       **Q**     ALL RIGHT. AND SO -- UM -- THERE WERE OTHER TIMES  
19 THAT YOU EXPERIENCED AMAYA LYING, RIGHT?  
20       **A**     YES.  
21       **Q**     OKAY. AND THAT THERE WERE TIMES THAT YOU'VE LIED AS  
22 WELL, RIGHT?  
23       **A**     YES.  
24       **Q**     UM -- IN FACT, THERE WAS A -- A SHEET ON -- ON THE  
25 REFRIGERATOR THAT MARKED DIFFERENT GOOD POINTS AND BAD POINTS

1 THAT EACH OF YOU WERE HAVING, RIGHT?

2 A YES.

3 Q OKAY. AND THERE WAS A TIME WHERE -- UM -- YOU WERE

4 ACTUALLY DOING BETTER THAN AVA, RIGHT?

5 A YES.

6 Q AND AVA GOT MAD AT YOU, RIGHT?

7 A YEAH, I CAN SAY SO.

8 Q OKAY.

9 A JEALOUS.

10 Q AND THEN AVA DID SOMETHING TO YOU, RIGHT?

11 A YES.

12 Q OKAY. AND THAT THEN AVA WAS PUNISHED FOR THAT,

13 RIGHT?

14 A YES.

15 Q OKAY. AND DID YOU GET BACK AT AVA AS WELL?

16 A I CAN'T REMEMBER. ALL I -- ALL I REMEMBER IS THAT

17 SHE -- MISS JANET SAID THAT SHE WAS TAKING STARS OFF, AND SHE

18 WAS -- SHE -- UM -- SHE WAS SAYING SOMETHING THAT AVA WAS

19 TRYING TO ACT BETTER AND TELLING EVERYTHING THAT I DID IN THE

20 PAST.

21 Q OKAY. AND WHAT KIND OF THINGS WAS AVA SAYING ABOUT

22 YOU DOING IN THE PAST?

23 A I DON'T KNOW. I CAN'T REMEMBER.

24 Q OKAY.

25 A THAT WAS LIKE YEARS AGO.



1       Q     OKAY.  HOW MANY YEARS AGO DO YOU THINK THAT WAS?  
2       A     WHEN WE -- WHEN SHE FIRST GOT US.  
3       Q     OKAY.  SO BEFORE YOU WERE ADOPTED?  
4       A     YES.  
5       Q     OKAY.  SO WHEN YOU WERE STILL FOSTERING AT THE  
6 SOLANDERS?  
7       A     YES.  
8       Q     OKAY.  AND -- UM -- YOU -- LET'S TALK ABOUT THE  
9 CATHETER, OKAY?  
10      A     YES.  
11      Q     YOU SAID THAT -- UH -- THAT MISS JANET PUT A  
12 CATHETER IN YOU THREE DIFFERENT TIMES?  
13      A     YES.  
14      Q     OKAY.  YOU SAID ONE TIME IN THE -- YOUR/AMAYA'S, AN  
15 OLD BEDROOM?  
16      A     YES.  
17      Q     ONE TIME IN THE BATHROOM?  
18      A     YES.  
19      Q     AND ONE TIME IN THE LOFT?  
20      A     YES.  
21      Q     AND THAT YOU FOUGHT MISS JANET EVERY TIME THAT  
22 HAPPENED?  
23      A     YES, BECAUSE IT HURT.  
24      Q     OKAY.  NOW, HOW WOULD YOU FIGHT MISS JANET?  
25      A     I WOULD KEEP MOVING.

1 Q OKAY. FLAILING YOUR ARMS?  
2 A NO.  
3 Q SO YOU WOULDN'T BE MOVING YOUR ARMS?  
4 A NO.  
5 Q WHAT ABOUT YOUR LEGS? MOVING YOUR LEGS?  
6 A YES, I WAS MOVING MY LEGS.  
7 Q OKAY. WERE YOU KICKING MISS JANET?  
8 A NO.  
9 Q OKAY. SO YOU WERE JUST MOVING YOUR LEGS AND NOT  
10 KICKING HER?  
11 A I WAS SQUIRMING MY LEGS AROUND, NOT CLICKING --  
12 KICKING HER.  
13 Q OKAY. AND SO MISS JANET HAD THE -- THE CATHETER IN  
14 HER HAND, RIGHT?  
15 A YES.  
16 Q OKAY. DID SHE HOLD YOU DOWN AT ALL?  
17 A YES, SHE DID.  
18 Q HOW DID SHE HOLD YOU DOWN?  
19 A SHE -- SHE KEPT MY LEGS DOWN, AND THEN WITH ONE HAND  
20 IN THE -- AND WHILE SHE'S -- WHILE SHE'S DOING WITH THE OTHER  
21 HAND WITH -- WITH A NEEDLE.  
22 Q OKAY. YOU SAY A NEEDLE. WHAT -- WHAT DID THAT  
23 NEEDLE LOOK LIKE?  
24 A A NORMAL NEEDLE. I DON'T KNOW.  
25 Q CAN YOU DRAW IT FOR ME?

1           **A**     I DON'T KNOW HOW IT LOOKS LIKE.  ALL I KNOW IS IT  
2 WAS A NEEDLE.

3           **Q**     SO YOU DREW THE RAZOR BLADE, RIGHT?

4           **A**     YEAH, THAT WAS A RAZOR BLADE.

5           **Q**     OKAY.  CAN YOU DRAW THE NEEDLE FOR ME?

6           **A**     I DON'T KNOW HOW THE NEEDLE LOOKS LIKE.

7           **Q**     OKAY.  SO --

8           **THE COURT:**  SO IS THAT A NO, YOU CAN'T DRAW IT?

9           **THE WITNESS:**  NO.

10          **THE COURT:**  OKAY.

11          **MR. MANN:**  OKAY.

12          **Q**     SO DO YOU REMEMBER WHAT IT LOOKS LIKE, AND YOU JUST  
13 CAN'T DRAW IT?

14          **A**     I KNOW THERE WAS A LITTLE TUBE AND A BAG, BUT I'M  
15 SUGGESTING IT WAS A NEEDLE BECAUSE IT FELT LIKE ONE --

16          **Q**     OKAY.

17          **A**     -- GOING UP ME.

18          **Q**     SO YOU DIDN'T SEE A NEEDLE NOW, YOU'RE SAYING THAT  
19 YOU JUST --

20          **A**     YES.

21          **Q**     -- FELT LIKE A NEEDLE?

22          **A**     YES.

23          **Q**     OKAY.  ALL RIGHT.  AND WHEN -- UH -- SHE WAS HOLDING  
24 YOUR LEGS DOWN, HOW WOULD SHE HOLD YOUR LEGS DOWN?

25          **A**     WITH ONE HAND, SHE'LL PUT -- SHE'LL HOLD MY FEET

1 DOWN, AND WITH THE OTHER SHE'S PUTTING THE NEEDLE IN.

2 Q OKAY. SO SHE WOULD BE HOLDING BOTH FEET DOWN WITH

3 ONE LEG -- WITH ONE HAND?

4 A NO. WITH ONE HAND, AND THE OTHER -- WITH ONE HAND

5 THAT IS ON, WHATEVER HAND SHE CAN GET TO, THAT CAN -- WHATEVER

6 HAND THAT SHE CAN -- IS AVAILABLE TO TOUCH WITH MY LEG, SHE

7 DID IT.

8 Q OKAY. SO WOULD THERE BE ONE LEG FREE?

9 A YES. AND I KEPT STILL BECAUSE SHE FINALLY PUT IT

10 IN.

11 Q OKAY. SO YOU HAD -- SHE HAD ONE HAND ON ONE LEG AND

12 DIDN'T HAVE A HAND ON THE OTHER LEG, AND THEN SHE PUT THE

13 CATHETER IN YOU?

14 A YES.

15 Q OKAY. AND WHAT PART OF YOUR BODY DID SHE PUT THE

16 CATHETER IN YOU?

17 A IN MY PRIVATE.

18 Q OKAY. AND WHAT'S THAT PART OF YOUR BODY CALLED?

19 A MY PRIVATE PART.

20 Q OKAY. DO YOU HAVE -- IS THERE A MORE SPECIFIC NAME

21 FOR THAT PART OF YOUR BODY?

22 A YES, BUT I DON'T REALLY LIKE TO SAY IT.

23 Q OKAY. CAN YOU SAY IT FOR ME TODAY, PLEASE?

24 A COOKIE.

25 Q COOKIE?

1           **A**     YES.

2           **Q**     OKAY.   AND -- UM -- THAT'S WHAT SHE STUCK THE

3 CATHETER IN?

4           **A**     YES.

5           **Q**     OKAY.   AND -- UM -- LET'S TALK ABOUT THIS -- WELL,

6 SO THAT FIRST TIME THAT SHE STUCK THE CATHETER IN, WHERE WAS

7 THAT?

8           **THE COURT:**   WHERE WAS THAT?   WHAT DO YOU MEAN WHERE WAS

9 THAT?

10          **MR. MANN:**   I'M SORRY, WHAT ROOM WAS THAT IN.

11          I APOLOGIZE, JUDGE.

12          **THE WITNESS:**  I BELIEVE IN THE -- IN ME AND AMAYA'S OLD

13 ROOM.

14 **BY MR. MANN:**

15          **Q**     OKAY.   DO YOU KNOW WHEN THIS OCCURRED?

16          **A**     WHAT DO YOU MEAN?

17          **Q**     WHAT TIME OF YEAR?   WHAT TIME OF DAY?

18          **A**     NO --

19          **Q**     ANYTHING?

20          **A**     -- I DO NOT.

21          **Q**     OKAY.   AND -- UM -- WHY DO YOU SAY YOURS AND AMAYA'S

22 OLD BEDROOM?

23          **A**     BECAUSE ME AND AMAYA SHARED THE BEDROOM.

24          **Q**     OKAY.   WHERE WAS THIS ROOM?   WAS THIS THE HOUSE THAT

25 HAD TWO STORIES OR A HOUSE --

1           A       YES.

2           Q       -- WITH ONE STORY?

3           A       TWO STORY.

4           Q       OKAY.  AND SO WAS YOU -- YOUR BEDROOM -- UM -- WITH

5 AMAYA, WAS THAT UPSTAIRS OR DOWNSTAIRS?

6           A       UPSTAIRS.

7           Q       OKAY.  AND WAS THIS THE ROOM THAT YOU SLEPT IN A LOT

8 OR JUST AT ONE POINT?

9           A       LIKE WHEN WE FIRST CAME, WHEN SHE -- WHEN WE FIRST

10 CAME IN, WE SLEPT IN IT, BUT, YES, AT ONE POINT.

11          Q       OKAY.

12          A       WE DIDN'T SLEEP IN IT A LOT -- A LOT.

13          Q       OKAY.  AND THEN YOU WERE MOVED?

14          A       YES.

15          Q       AND WHERE WERE YOU MOVED TO?

16          A       UM -- TO THE LOFT.

17          Q       OKAY.  AND IS THAT WHERE YOU SLEPT WITH AMAYA AND A

18 AVA?

19          A       YES.

20          Q       OKAY.  AND SO WHEN IT WAS IN YOUR BEDROOM, HOW

21 WOULD -- HOW WOULD THAT WHOLE INCIDENT START?  HOW WOULD SHE

22 BRING YOU UP TO THAT ROOM?

23          A       SHE -- WHEN WE FIRST MOVED IN IT WAS -- SHE PUT THE

24 BEDS IN AND SHE PUT AVA'S BUNK BEDS IN, TOO.

25          Q       OKAY.  SORRY, LET ME BE A LITTLE MORE CLEAR,

1 ANASTASIA.

2 WHEN SHE PUT THE CATHETER IN YOU IN THAT ROOM, HOW

3 DID THAT INCIDENT START? HOW DID THAT HAPPEN?

4 A LIKE THE REASON?

5 Q DID SHE BRING YOU UP INTO THAT ROOM?

6 A YES.

7 Q OR WERE YOU ALREADY UPSTAIRS?

8 A SHE BRUNG ME UP THERE.

9 Q OKAY. AND WHY DID SHE BRING YOU UPSTAIRS?

10 A BECAUSE SHE WAS ABOUT TO -- SHE WAS ABOUT TO GIVE ME

11 THE CATHETER.

12 Q DO YOU KNOW WHY SHE WAS GIVING YOU THE CATHETER?

13 A I CAN'T REMEMBER.

14 Q OKAY. SO WAS THERE A REASON THAT SHE WOULD GIVE YOU

15 A CATHETER NORMALLY?

16 A EITHER WHEN I HAD AN ACCIDENT OR WHEN WE HADN'T --

17 WHEN WE HADN'T HAD -- WHEN WE DIDN'T GO TO THE BATHROOM LIKE

18 PRACTICALLY THE WHOLE DAY.

19 Q OKAY. SO IF YOU HADN'T GONE TO THE BATHROOM THE

20 WHOLE DAY, SHE WOULD THEN PUT THE CATHETER IN YOU?

21 A YEAH, BECAUSE SHE SAYS THAT SHE'S -- SHE'S PLAYING

22 GAMES AND SHE'S -- SHE'S TRYING TO PEE ON HERSELF ON PURPOSE,

23 AND I'M NOT, AND I DIDN'T EVEN HAVE TO GO.

24 Q OKAY. AND SO WHEN SHE PUT THE CATHETER IN YOU, DID

25 ANYTHING COME OUT?

1           A       NO, NOT REALLY.

2           Q       NOT REALLY?

3           A       ONLY LIKE -- ONLY LIKE A LITTLE BIT WHEN -- WHEN --

4   AND WHEN WE HAD ACCIDENTS, SHE'LL PUT IT IN, AND THEN I'LL

5   FINISH DOING WHAT I HAD TO DO.

6           Q       OKAY.   SO YOU'D HAVE AN ACCIDENT, AND THEN SHE'D PUT

7   THE CATHETER IN, AND THEN YOU'D KEEP GOING --

8           A       YES.

9           Q       -- INSIDE THE CATHETER?

10          A       YES.   I'LL -- I'LL HAVE -- I'LL BEGIN TO BE PEEING

11   ON MYSELF, AND THEN SHE'LL -- I'LL TRY TO HOLD IT IN WHILE I'M

12   WALKING UPSTAIRS, SHE WILL PUT ME DOWN, AND I'LL LET IT --

13   I'LL DO THE REST IN THE BAG.

14          Q       OKAY.   AND WHY WOULD YOU PEE ON YOURSELF IF YOU

15   COULD JUST GO TO THE BATHROOM?

16          A       BECAUSE WHENEVER -- SOMETIMES WHEN I ASKED TO GO TO

17   THE BATHROOM SHE'LL GET MAD BECAUSE IF WE -- IF WE HAD TO GO

18   TO THE BATHROOM A LOT, WE HAD TO GO TO THE BATHROOM A LOT.

19          Q       OKAY.

20          A       IT'S NOT MY FAULT I HAVE TO GO TO THE BATHROOM A

21   LOT.

22          Q       OKAY.   SO IT'S AT THAT TIME THAT YOU WOULD THEN HAVE

23   AN ACCIDENT BECAUSE YOU HAD TO GO TO THE BATHROOM A LOT?

24          A       YES.   AND SHE'LL -- LIKE SHE'LL SAY, "NO, YOU DON'T.

25   YOU'RE TRYING TO JUST WASTE MY TIME."   AND SHE'LL SAY, "YOU'RE



1 PLAYING GAMES WITH ME."

2 Q OKAY. BUT YOU WEREN'T PLAYING GAMES?

3 A NO.

4 Q YOU WERE BEING SERIOUS?

5 A YES. BECAUSE IF I HAVE TO GO, I HAVE TO GO. IT'S

6 NOT WHAT I'M NOT SUPPOSED TO DO.

7 Q RIGHT. AND SO YOU KNEW TO ASK IF YOU HAD TO GO,

8 RIGHT?

9 A YES, AND I ASKED.

10 Q OKAY. AND -- UM -- THAT'S THE SAME FOR THE TIME

11 THAT THE CATHETER WAS PUT IN YOU IN THE BATHROOM?

12 A THERE'S MANY TIMES WHEN SHE PUT IT IN THE BATHROOM.

13 Q OKAY. NOW, YOU -- YOU HAD SAID THAT THE CATHETER

14 ONLY WENT IN YOU THREE TIMES, ON DIRECT EXAMINATION WHEN MISS

15 BLUTH -- OR I'M SORRY -- YEAH, MISS BLUTH WAS ASKING YOU

16 QUESTIONS.

17 MS. BLUTH: YOUR HONOR, OBJECTION. THAT MISSTATES HER

18 TESTIMONY. I ASKED IN HOW MANY ROOMS IT HAPPENED, I DIDN'T

19 ASK TIMES.

20 MR. MANN: ACTUALLY, SHE SPECIFICALLY ASKED HOW MANY

21 TIMES.

22 THE COURT: WELL, I -- SHE MAY HAVE ASKED HOW MANY TIMES.

23 I THINK IT MISSTATES THE TESTIMONY IN THAT YOU USED THE TERM

24 "ONLY." I DON'T THINK THAT WAS THE TESTIMONY.

25 MR. MANN: OKAY.

1           **THE COURT:** SHE REMEMBERED THREE TIMES. SHE -- UM -- SHE  
2 TALKED ABOUT THREE TIMES. I DON'T KNOW THAT SHE EVER USED THE  
3 TERM ONLY. IF SHE DID, THEN I GUESS THE RECORD WILL SPEAK FOR  
4 ITSELF, BUT FOR NOW THE OBJECTION IS SUSTAINED.

5           **MR. MANN:** OKAY.

6           **Q**     AND -- UH -- WHEN YOU WERE IN THE BATHROOM, HOW  
7 WOULD THAT HAPPEN? WHAT WOULD HAPPEN WHEN YOU WERE IN THE  
8 BATHROOM WITH THE CATHETER?

9           **A**     SHE'LL PUT THE CATHETER IN ME.

10          **Q**     OKAY. AND HOW WOULD SHE DO IT?

11          **A**     SHE'LL STICK IT IN ME LIKE NORMAL.

12          **Q**     OKAY. CAN YOU DESCRIBE WHAT NORMAL IS AGAIN?

13          **A**     SHE'LL WIPE IT, AND THEN SHE'LL WIPE IT, AND THEN  
14 SHE'LL PUT THE NEEDLE IN.

15          **Q**     OKAY. WIPE IT WITH WHAT?

16          **A**     I DON'T KNOW.

17          **Q**     OKAY. SOMETHING?

18          **A**     YEAH, SOMETHING.

19          **Q**     OKAY. UM -- AND THEN WOULD YOU SEE HER PUT THE  
20 NEEDLE IN OR NO?

21          **A**     SHE -- SHE CLEANS OFF THE NEEDLE, PUTS IT IN, AND  
22 IT'S DONE. AND THEN SHE TAKES IT OUT WHEN I'M DONE.

23          **Q**     OKAY. WOULD YOU SEE THE NEEDLE WAS MY QUESTION.

24          **A**     NO.

25          **Q**     OKAY. NOW, YOU ALSO TALKED ABOUT THERE WAS A TIME

1 THAT -- UM -- YOU SAID THAT SHE PUT A PAINT STICK UP YOUR  
2 VAGINA?

3 A YES.

4 Q OKAY. UM -- IS THAT THE PART OF THE BODY THAT YOU  
5 DESCRIBED, A VAGINA?

6 A YES.

7 Q OKAY. IS -- DO YOU HAVE ANOTHER WORD FOR VAGINA?

8 A WELL, WHEN WE FIRST CAME IN SHE -- WE LEARNED HOW TO  
9 SAY COOKIE INSTEAD OF US, WHATEVER, BECAUSE I CAN'T REMEMBER  
10 WHAT I FIRST SAID. WE LEARNED HOW TO SAY COOKIE WHEN IN -- IN  
11 HER HOUSE.

12 Q OKAY. AND COOKIE MEANS?

13 A MY FRONT PART.

14 Q OKAY. NOW, TELL ME ABOUT WHAT HAPPENED WITH THE  
15 PAINT STICK AND YOUR VAGINA?

16 A SHE -- SHE TOOK THE PAINT STICK, AND THEN SHE TRIED  
17 TO SHOVE IT IN MY VAGINA.

18 Q WHEN DID SHE DO THIS?

19 A WHAT YEAR?

20 Q YEAH, ANYTHING. ANY TIMEFRAME.

21 A I KNOW IT WAS AT NIGHT, BUT --

22 Q OKAY.

23 A -- I DON'T KNOW WHAT -- MOST OF IT HAPPENED IN 2012  
24 AND 2013.

25 Q OKAY. WHY DID SHE TAKE THIS PAINT STICK AND TRY TO

1 DO THIS?

2       A     I CAN'T REMEMBER.

3       Q     OKAY. SO YOU DON'T KNOW WHY SHE TOOK THIS PAINT

4 STICK?

5       A     NO.

6       Q     OKAY.

7       A     ALL I REMEMBER WAS SHE TOOK THE PAINT STICK AND

8 SHOVED -- AND TRIED TO SHOVE IT UP MY VAGINA.

9       Q     OKAY. WHAT ROOM WERE YOU IN?

10      A     AVA'S OLD BEDROOM.

11      Q     AVA'S OLD BEDROOM?

12      A     YES, SHE SLEPT BY HERSELF.

13      Q     ALL RIGHT. AND -- UM -- WAS AVA'S STUFF IN THAT

14 BEDROOM?

15      A     YES.

16      Q     OKAY. SO WHEN THIS HAPPENED AND SHE TRIED TO DO

17 THAT, AVA'S STUFF WAS IN THAT BEDROOM, RIGHT?

18      A     YEAH, WE SHARED A CLOSET.

19      Q     OKAY. AND SO THE CLOSET AREA WAS SHARED WITH AVA

20 AND YOU?

21      A     YES.

22      Q     OKAY. AND WHERE IN THAT ROOM DID IT OCCUR?

23      A     BY -- THE BED WAS RIGHT HERE, THE CLOSET RIGHT HERE,

24 AND THEN THE SHELF RIGHT THERE, HER BOOKSHELF. AND THEN THE

25 BED, THE BED RIGHT HERE, AND IN BETWEEN THE CLOSET AND THE

1 BED, I WAS RIGHT IN BETWEEN -- IN BETWEEN THEM.

2 Q OKAY. WERE YOU STANDING UP, LYING DOWN, SITTING?

3 A LYING DOWN.

4 Q LYING DOWN. WERE YOU LYING ON ANYTHING?

5 (DISCUSSION BETWEEN MR. MANN AND MS. BLUTH.)

6 MR. MANN: JUST FOR THE RECORD, YOUR HONOR, SHE WAS

7 SAYING THAT THE BED WAS -- IT LOOKED LIKE ACROSS THE ROOM FROM

8 THE CLOSET, AND THAT SHE HAD INDICATED THAT SHE WAS ON THE

9 GROUND -- UM -- IN BETWEEN THE BED AND THE CLOSET; IS THAT

10 FAIR?

11 MS. BLUTH: I ACTUALLY DON'T KNOW, BUT ASK HER.

12 BY MR. MANN:

13 Q DOES THAT SOUND RIGHT, ANASTASIA?

14 A YES.

15 Q OKAY. UM -- AND SO YOU DON'T REMEMBER WHY SHE

16 BROUGHT YOU INTO AVA'S OLD BEDROOM TO STICK A PAINT STICK UP

17 YOUR VAGINA?

18 A NO, I DON'T REMEMBER.

19 Q BUT SHE BROUGHT YOU IN THAT ROOM. YOU SAID THAT SHE

20 PUT YOU ON THE GROUND?

21 A YES.

22 Q OKAY. WHERE DID SHE GET THE PAINT STICK FROM?

23 A I DON'T KNOW. THEY HAD PLENTY OF PAINT STICKS

24 EVERYWHERE.

25 Q OKAY. AND SO SHE GRABBED THAT PAINT STICK, AND THEN

1 DID SHE ACTUALLY MAKE THE PAINT STICK GO UP YOUR VAGINA?  
2       **A**     SHE DIDN'T MAKE IT, SHE TRIED TO SHOVE IT.  
3       **Q**     OKAY.   SHOVE IT.  
4       UM -- AND SO DID IT ACTUALLY GO UP YOUR VAGINA?  
5       **A**     A LITTLE, BECAUSE IT COULDN'T GO ANY FURTHER.  
6       **Q**     OKAY.   SO IT WENT FAR ENOUGH THAT IT STOPPED AGAINST  
7 SOMETHING?  
8       **A**     YEAH.  
9       **Q**     OKAY.   AND -- UM -- WAS THERE ANY BLOOD?  
10      **A**     I DON'T BELIEVE SO.  
11      **Q**     OKAY.   AND -- UM -- DID -- HOW LONG WAS THAT PAINT  
12 STICK INSIDE OF YOU?  
13      **A**     I WOULD SAY ABOUT 20 SECONDS.  
14      **Q**     OKAY.   SO SHE SHOVED IT UP THERE, AS YOU SAID, AND  
15 THEN IT REMAINED THERE FOR 20 SECONDS?  
16      **A**     I WOULD SAY SO, YES, SIR.  
17      **Q**     AND WHAT WERE YOU DOING FOR THOSE 20 SECONDS WHILE  
18 IT WAS INSIDE OF YOU?  
19      **A**     CRYING.  
20      **Q**     OKAY.   WERE YOU SQUIRMING?  
21      **A**     NO, I WAS NOT SQUIRMING, BUT I WAS DIGGING MY NOSE  
22 INTO THE CARPET.  
23      **Q**     OKAY.   AND SO WERE YOU LYING ON THE BACK -- ON YOUR  
24 BACK ON THE CARPET?  
25      **A**     YES, YES.

1           Q     OKAY.  AND -- UM -- AND SO YOUR FACE WAS FACING THE  
2 CEILING?  
3           A     YES.  
4           Q     ALL RIGHT.  
5                    UM -- AND -- UM -- AND YOU SAID THAT YOU -- UM --  
6 TRIED TO -- UH -- TO FIGHT MISS JANET FROM DOING THIS?  
7           A     WHAT DO YOU MEAN FIGHT?  
8           Q     DID YOU FIGHT AGAINST MISS JANET STICKING THINGS  
9 INSIDE OF YOU?  
10          A     UM --  
11          Q     DID YOU KICK HER?  
12          A     WELL, WHEN SHE WAS TRYING TO GET ME INTO AVA'S ROOM,  
13 I WAS TRYING TO FIGHT.  BUT THEN WHEN I -- WHEN I LIED DOWN, I  
14 TRIED NOT TO SQUIRM AROUND, BECAUSE IF I WOULD SQUIRM AROUND,  
15 I -- WHY WOULD I SQUIRM AROUND BECAUSE IT WOULD -- SHE WOULD  
16 DO IT MORE.  
17          Q     OKAY.  SHE WOULD --  
18          A     SO I TRIED NOT TO SQUIRM AROUND SO I WON'T HAVE TO  
19 GET IT MORE LONGER.  
20          Q     OKAY.  WHAT WOULD SHE DO MORE?  
21          A     SHOVING IT UP THE -- SHOVING THE PAINT STICK UP MY  
22 VAGINA LONGER.  
23          Q     OKAY.  AND -- UM -- THE PAINT STICK THAT WAS SHOVED  
24 UP YOUR VAGINA, IS THAT THE SAME PAINT STICK THAT YOU WOULD  
25 GET SPANKED WITH?