

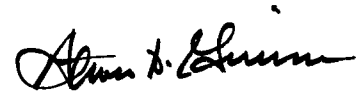
1 **CERTIFICATE OF SERVICE**

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

4 CRAIG MUELLER, ESQ.  
5 cmueller@muellerhinds.com

6  
7 BY /s/ HOWARD CONRAD  
8 Secretary for the District Attorney's Office  
9 Special Victims Unit

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CLERK OF THE COURT

**JOIN**

KRISTINA WILDEVELD, ESQ.  
Nevada Bar No. 005825  
CAITLYN MCAMIS, ESQ.  
Nevada Bar No. 012616  
THE LAW OFFICES OF KRISTINA WILDEVELD  
615 S. 6th St.  
Las Vegas, NV 89101  
Phone (702) 222-0007  
Fax (702) 222-0001  
Attorneys for Defendant, JANET SOLANDER

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\*\*\*\*\*

THE STATE OF NEVADA,

Plaintiff,

vs.

JANET SOLANDER, ID # 06005501

Defendant.

CASE NO.: C-14-299737-3  
DEPT. NO.: XXI

Hearing Date: October 21, 2014  
Hearing Time: 9:30 A.M.

**JOINDER TO DEFENDANT DWIGHT SOLANDER'S PETITION FOR  
WRIT OF HABEAS CORPUS**

COMES NOW Defendant, JANET SOLANDER, by and through her attorneys  
KRISTINA WILDEVELD, ESQ. and CAITLYN MCAMIS, ESQ., of The Law Offices of  
Kristina Wildeveld, and hereby joins in the Writ of Habeas Corpus filed on September 30, 2014,  
by co-Defendant, DWIGHT SOLANDER, and set for hearing October 21, 2014, at 9:30 A.M.

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This Joinder is based upon the same Points and Authorities as set forth in the Writ of Habeas Corpus filed by Defendant, Dwight Solander, and this joining Defendant incorporates said Motion by reference, the same as if filed by Defendant, JANET SOLANDER.

Dated this 16th day of October, 2014.

Respectfully Submitted by:

/s/: Kristina Wildeveld

KRISTINA WILDEVELD, ESQ.

Nevada Bar No. 005825

CAITLYN MCAMIS, ESQ.

Nevada Bar No. 012616

615 S. 6th St.

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Attorneys for Defendant, JANET SOLANDER

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, hereby certify that on October 16, 2014, a true copy of **JOINDER TO**  
3 **DEFENDANT DWIGHT SOLANDER'S PETITION FOR WRIT OF HABEAS CORPUS**  
4 was served upon interested parties by way of facsimile transmission as follows.

5  
6 ELISSA LUZAICH, ESQ.  
7 Chief Deputy District Attorney  
8 Nevada Bar No. 005056  
9 **FAX: 702-477-2946**

JEFFREY RUE, ESQ.  
Deputy Public Defender  
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*Attorney for Co-Defendant, Danielle Hinton*

10 JACQUELINE BLUTH, ESQ.  
11 Chief Deputy District Attorney  
12 Nevada Bar No. 010625  
13 **FAX: 702-868-2406**

CRAIG A. MUELLER, ESQ.  
Nevada Bar No. 004703  
**FAX: 702-940-1235**

*Attorneys for Plaintiff*

*Attorney for Co-Defendant, Dwight Solander*

14 I further certify that a copy of the same will be served upon opposing counsel via  
15 electronic mail (e-mail) through the Court's electronic filing system, Odyssey File & Serve, to  
16 counsel's corresponding e-mail address as follows:

17  
18 JACQUELINE BLUTH, ESQ.  
19 **E-mail: *Jacqueline.bluth@clarkcountyda.com***

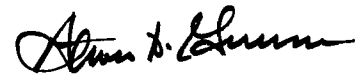
20 ELISSA LUZAICH, ESQ.  
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24 CRAIG A. MUELLER, ESQ.  
25 **E-mail: *Cmueller@muellerhinds.com***

26 /s/: Miguel L. Flores  
27 An Employee of The Law Offices of  
28 Kristina Wildeveld, Esq.





CLERK OF THE COURT

MUELLER, HINDS & ASSOCIATES, CHTD.  
CRAIG A. MUELLER, ESQ.  
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600 South Eighth Street  
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(702) 382-1234  
Attorney for Defendant  
DWIGHT SOLANDER

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,  
  
vs.

DWIGHT SOLANDER,  
DANIELLE HINTON, AND  
JANET SOLANDER

Defendants.

Case No. C-14-299737-1

Dept No. XXI

DEFENDANT DWIGHT SOLANDER'S  
RESPONSE TO STATE'S  
MEMORANDUM.

COMES NOW, Defendant DWIGHT SOLANDER, by and through his attorney, CRAIG A. MUELLER, ESQ. of the law firm MUELLER, HINDS & ASSOCIATES, CHTD., and hereby submits to this Honorable Court **DEFENDANT'S RESPONSE TO STATE'S MEMORANDUM.**

The State's Memorandum largely avoids answering the Court's concerns regarding the sexual assault charges involving the use of a catheter: Namely, does the use of catheter, as intended and as a meter of law, constitute sexual assault. Instead, the State presented arguments using cases that involve the use of a perpetrator's tongue and finger for sexual gratification. These cases are in no way analogous to the case at bar.

1  
2 **I. The use of a urinary catheter, as intended, by parents, is more analogous to the use of**  
3 **catheters and cavity searches by law enforcement and prisons which have never been**  
4 **held to constitute sexual assault in Nevada.**

5 A more analogous example than those presented by the State would be catheter urine  
6 draws and anal and vaginal cavity searches by police, jail and prison personnel without a  
7 warrant. Defendant is unaware of any prosecutions of public servants for catheters or cavity  
8 searches anywhere in Nevada, which under the State's interpretation of the statute would surely  
9 constitute sexual assault.

10 Defendant is unaware of what, if any, written procedures exist for the Las Vegas  
11 Detention Center or any municipal jails in Clark County, but the Nevada Department of  
12 Corrections' Administrative Regulation 422 (AR 422) details the procedures for intrusive body  
13 cavity searches utilized in Nevada prisons:

14 Intrusive body cavity searches will be conducted upon approval by the designated Deputy  
15 Director, or the warden/facility manager.

16 (1) Intrusive body cavity searches will be conducted in private and only be per-  
17 formed by a licensed medical professional acting within the scope of his or her  
18 license, or one of the following health services personnel: physician, dentist, phy-  
19 sician's assistant, registered nurse, or licensed practical nurse. Dentists may only  
20 perform intrusive searches of the oral cavity.

21 (2) The search will be recorded in the inmate's health record, and the findings will  
22 also be documented by the health services employee who performed the search  
23 utilizing a facility incident report that will be submitted to the facility head.

24 (3) Inmate cooperation will be sought, but uncooperative inmates may have body  
25 cavity searches performed with a use of reasonable force if necessary, and only if  
26 the search can be conducted in a medically safe manner after approval by the fa-  
27 cility head and after consultation with the performing health services employee.

1 AR 422 p. 5,(2012); *See also*, .Inmate Body Cavity Searches for Contraband, AR  
2 492 (2014).

3 If the State contends that a parent using a catheter to drain a bladder of urine is sexual assault,  
4 then the unwelcome and forced procedure detailed above is surely sexual assault, yet the State  
5 has never prosecuted any jail or state prison personnel for following these procedures. While  
6 regulations require asking an inmate to sign an Inmate Consent for Body Cavity Search, Form  
7 DOC-2566, if the inmate refuses, the staff can conduct a "non-consensual, forcible body search"  
8 if he/she refuses. AR 492, p. 3.

10 While the State has not prosecuted any public official for the use of a catheter to draw  
11 urine for evidence or for forcible body cavity search, the United States District Court for the  
12 District of Nevada has heard at least one civil rights case involving digital cavity searches. Hill v  
13 Koon, 732 F.Supp. 1076 (1990). The inmate plaintiffs' claimed that the digital cavity searches  
14 constituted cruel and unusual punishment, the court ruled that if "such digital body cavity search  
15 is conducted in a reasonable manner, it will not constitute cruel and unusual punishment." Id.  
16 732 F.Supp. at 1081; *citing* Vaughan v. Ricketts, 859 F.2d 736, 741 (9th. Cir. 1988). Hill  
17 involved one cavity search of one inmate and two cavity searches of another. A digital body  
18 cavity search search must "meet the test of legitimate penological need." Id. at 1080. Of the three  
19 searches conducted by the state, the court found that only one of them "was not done for a  
20 legitimate penological reason or on a basis of reasonable cause." Id. at 1083. The Hill court  
21 awarded the plaintiff only \$1,000 in general damages and \$3,000 in punitive damages for the  
22 unwarranted cavity search, and only the acting warden, who ordered the search was found liable,  
23 while the physician's assistants who actually conducted the searches were not. Id. at 1083-83.

1 Another inmate civil rights case from Indiana involved the forcible use of a catheter on  
2 on a prisoner who honestly claimed that he had no urine to submit for a drug test. The inmate  
3 was forcibly catheterized, and the trial court found that the prison's conduct was egregious and  
4 awarded the plaintiff \$5,000, however the United States Court of Appeals for the Seventh Circuit  
5 reversed finding that the prison staff had qualified immunity, not that different from the parental  
6 privilege. *See, Sparks v. Stutler*, 71 F.3d 259 (7th Cir. 1995); *see also Levine v. Roebuck*, No. 07-  
7 3388 (8th Cir. 2008).

9  
10 **II. Catheters are available without a prescription and are regularly used by nonprof-**  
11 **sionals.**

12 The State makes the specious arguments that if defendants had a legitimate purpose for  
13 using catheters, then they should have obtained a prescription, when no prescription is required  
14 to buy catheters, and defendants should have taken the children to a hospital to have a medical  
15 professional draw the urine when the State is fully aware that catheters are used in homes and  
16 care facilities by non-medical professionals thousands of times per day in the State of Nevada.  
17 Another argument put forward by the State is that when catheters are used in hospitals, the  
18 patient or a representative signs a waiver. The first point that the State conveniently avoids is that  
19 the person signing such a waiver for these minors would be the parents who the State is now  
20 prosecuting. The second point that works against the State is that there are numerous reports of  
21 hospitals and nursing homes using catheters without permission for the convenience of the  
22 nurses and other caregivers. It is likely that the District Attorney's office has received complaints  
23 from patients who have been involuntarily catheterized, but the State found no violation of any  
24 law therefrom.  
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1 **III. The object rape statute that the State cites requires an intent to arouse or gratify,**  
2 **which is not present in this case.**

3 If this case occurred in the neighboring case of Utah, where they have a specific object  
4 rape statute, the case would be dismissed. The State very helpfully cited U.C.A. 1953 §76-5-  
5 402.5 which requires "intent to cause substantial emotional or bodily pain to a child or with the  
6 intent to arouse or gratify the sexual desire of any person." It is exactly that lack of sexual intent,  
7 arousal or gratification that is lacking in the instant case and the reason that the Court should  
8 dismiss the sexual assault charges involving a catheter.  
9

10 Another case that the State points to, People v. Quintana, involves defendant inserting his  
11 finger into the vaginal opening to the point that he touched the victims hymen. 89 Cal.App.4th  
12 1362 (2001). Such an action, absent a medical examination, clearly is for the purpose of sexual  
13 arousal or gratification.  
14

15 There are clearly times when charges of object rape may be appropriate, such as the  
16 infamous 1997 case in New York City where police officers beat and sodomized an arrestee  
17 named Abner Louima using a broken broom handle, but this clearly not one of those cases.  
18 Because this Defendant, DWIGHT SOLANDER, is not charged in the sexual assault charge  
19 involving a paint stick, he makes no argument, express or implied, whatsoever regarding that  
20 charge.  
21

22 **IV. The question before the Court is a matter of law to be decided by the Court and not a**  
23 **question of fact to be decided by a jury.**

24 The essence of Defendant's argument is that the State has failed to state a claim upon  
25 which relief can be granted. Such an issue is a "question of law to be decided by the court, not to  
26 be submitted to a jury." Shannon v. State, 105 Nev. 782, 791 (1989). This question is not unlike  
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1 the question of whether scissors are properly considered a deadly weapon for purposes of  
2 enhancing a sentence. In Hutchens v. State, a case cited by the State in its Memorandum, the  
3 state argued, as here, that the question of whether a pair of scissors could be considered a deadly  
4 weapon for enhancement purposes and the court agreed with the state, leaving the question to the  
5 jury. 110 Nev. 103, 111 (1994). The Nevada Supreme court held that it was error to allow a jury  
6 to decide the question of whether scissors, which it considered more analogous to knitting  
7 needles than to a knife, constitute a deadly weapon under the "inherently dangerous weapon"  
8 test. Id. It is error for a court to submit a question of law to a jury. Id.

9  
10 Every first year law student learns that juries decide facts in evidence, and courts decided  
11 questions of law. Trieloff v. Robb, 54 Nev. 120, 124 (1932). Here the facts in evidence are not in  
12 conflict, because Defendant's argument here is that even if the State were to prove all it alleges,  
13 that Defendant JANET SOLANDER inserted a urinary catheter into to urethral opening in order  
14 to drain urine from the bladder, that conduct would still not constitute sexual assault, and  
15 accordingly it is a question of law to be decided by the Court. Accord, Covington v. Second  
16 Judicial Dist., 56 Nev. 313, 316-317 (1935).

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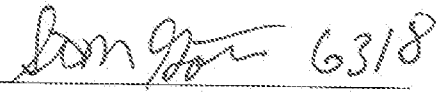
Conclusion

For the reasons set forth *supra*, the Court should dismiss the counts involving sexual assault using a catheter.

Respectfully Submitted,

DATED this 5 day of November, 2014

MUELLER, HINDS & ASSOCIATES,  
CHTD.

By  6318  
Craig A. Mueller, Esq.  
Nevada Bar No. 4703  
600 South Eight Street  
Las Vegas, Nevada 89101  
(702) 382-1234

1 ROC  
2 MUELLER & ASSOCIATES  
3 CRAIG A. MUELLER, ESQ.  
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5 808 S. Seventh Street  
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7 (702) 382-1200  
8 Attorney for Defendant  
9 DWIGHT SOLANDER

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 Vs.

15 DWIGHT SOLANDER,

16 Defendant.

Case No. C-14-299737-1

Dept. No. XXI

RECEIPT OF COPY

17 RECEIPT OF A COPY of the foregoing DEFENDANT DWIGHT SOLANDER'S  
18 RESPONSE TO STATE'S MEMORANDUM is hereby acknowledged this \_\_\_\_\_ day of  
19 \_\_\_\_\_ 2014.

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22 BY: \_\_\_\_\_  
23 DISTRICT ATTORNEY'S OFFICE  
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CLERK OF THE COURT

**PETN**  
KRISTINA WILDEVELD, ESQ.  
Nevada Bar No. 005825  
CAITLYN MCAMIS, ESQ.  
Nevada Bar No. 012616  
THE LAW OFFICES OF KRISTINA WILDEVELD  
615 S. 6th St.  
Las Vegas, NV 89101  
Phone (702) 222-0007  
Fax (702) 222-0001  
Attorneys for Petitioner, JANET SOLANDER

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\*\*\*\*\*

JANET SOLANDER,	)	CASE NO. C-14-299737-3
	)	DEPT. NO. XXI
Petitioner,	)	
	)	
vs.	)	
	)	Date of Hearing: November 20, 2014
DOUG GILLESPIE, Sheriff,	)	Time of Hearing: 9:30 A.M.
	)	
Defendant.	)	

**PETITION FOR WRIT OF HABEAS CORPUS**

TO: THE HONORABLE EIGHTH JUDICIAL DISTRICT COURT, Clark County, Nevada;  
TO: DOUG GILLESPIE, Clark County Sheriff, Respondent; and  
TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Respondent;

The Petition of JANET SOLANDER, by and through her counsel of record, KRISTINA WILDEVELD, ESQ. and CAITLYN MCAMIS, ESQ., of The Law Offices of Kristina Wildeveld, respectfully shows:

1. Counsel for Petitioner are duly qualified, practicing and licensed attorneys appointed to represent the Petitioner/Defendant, JANET SOLANDER.

2. That Counsel for Petitioner makes application herein on behalf of Petitioner for a Writ of Habeas Corpus, that the place where Petitioner is restrained of her liberty is the Clark County Detention Center, that the officer by whom she is constructively restrained is the Clark County Sheriff, Doug Gillespie.

1           3.       That the imprisonment and restraint of said above-captioned Petitioner is unlawful  
2 in that insufficient evidence was presented during Petitioner's preliminary hearing of May 22,  
3 2014, May 23, 2014, June 9, 2014, June 10, 2014, June 12, 2014, and June 19, 2014, (only one  
4 (1) of which transcript has been filed to date) to support prosecution of forty-six (46) charges of  
5 sexual assault, battery with intent to commit sexual assault, child abuse, neglect and  
6 endangerment resulting in substantial bodily harm.

7           4.       That Counsel for Petitioner waives the sixty (60) day limitation for bringing said  
8 Petitioner to trial.

9           5.       That Petitioner was arraigned in District Court on September 4, 2014. To date,  
10 only one (1) day's preliminary hearing transcript was filed on August 5, 2014.

11           6.       That the undersigned was appointed and received the file from previous counsel  
12 that did not include the grand jury transcripts.

13           7.       On or about October 21, 2014, this office learned that Mr. Mueller's file had all of  
14 the unfiled transcripts and we received the same from him on or about October 22, 2014. This  
15 Petition follows.

16           8.       That Counsel for Petitioner consents that if the Petition is not decided within  
17 fifteen (15) days before the date set for trial, the Court may, without notice or hearing, continue  
18 the trial indefinitely to a date designated by the Court.

19           9.       That Counsel for Petitioner consents that if any party appeals the Court's ruling  
20 and the appeal is not determined before the date set for trial, the trial date is automatically  
21 vacated and the trial postponed unless the Court otherwise orders.

22           10.      That Petitioner personally authorized counsel to commence this action.

23           11.      That no other Petition for Writ of Habeas Corpus has heretofore been filed on  
24 behalf of Petitioner on this particular issue.

25 ///

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1 WHEREFORE, Petitioner prays that this Honorable Court issue an order denying all  
2 charges against JANET SOLANDER, as the testimony presented at preliminary hearing was  
3 insufficient to bind her over on all forty-six (46) counts.

4 DATED this 5th day of November, 2014.

5 Respectfully Submitted by:

6 /s/: Kristina Wildeveld

7 KRISTINA WILDEVELD, ESQ.

8 Nevada Bar No. 005825

9 CAITLYN MCAMIS, ESQ.

10 Nevada Bar No. 012616

11 615 S. 6th St.

12 Las Vegas, Nevada 89101

13 Attorneys for Petitioner, JANET SOLANDER  
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DATED this 5th day of November, 2014.

/s/: Kristina Wildeveld  
KRISTINA WILDEVELD, ESQ.  
Nevada Bar No. 005825  
CAITLYN MCAMIS, ESQ.  
Nevada Bar No. 012616  
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Attorneys for Petitioner, JANET SOLANDER

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1 scar tissue on Middle Daughter's elbow was located in an area where accidental injuries, such as  
2 falling while riding a bicycle, occur. (Id. at pp. 24-25.) Youngest Daughter, who was allegedly  
3 burned with hot water by Ms. Solander, did have skin discoloration on her ear, but the extent of  
4 that "scarring" had been distorted by the State; it was difficult to ascertain the source of the  
5 nature of the injury because at the time of their examinations, the girls were receiving topical  
6 cream treatments for a fungus in their hair. (Id. at 36.) As a side effect, the topical cream caused  
7 redness and chafing in the skin, particularly at the hairline and behind the ear on Youngest  
8 Daughter. (Id.)

9 Dr. Cetl confirmed that the stomach pains and history of bowel problems that the girls  
10 complained of (documented in their medical histories that Dr. Cetl reviewed) were symptoms of  
11 "functional constipation," a condition caused by purposely holding stool, which has a ripple  
12 effect of more constipation. (RT IV, 6/10/14, p. 23.) Further, she acknowledged that foster  
13 children can act out against caregivers to express their frustration by using their stool (e.g.,  
14 withholding it, only defecating at certain times, smearing it on walls). (Id. at pp. 56-57.)

15 Although Dr. Cetl was not an expert in the specialty medical field of endocrinology or  
16 related gastrointestinal diagnoses, she reviewed the incomplete medical records available to her  
17 and disputed Eldest Daughter's diagnosis of Chron's Disease. (RT IV, 6/10/14, pp. 22; 41-42;  
18 47.) While the girls were in the Solanders' care, the girls were evaluated by a specialist,  
19 Endocrinologist Dr. Dewan, who diagnosed Eldest Daughter as having hypothyroidism, which  
20 causes a decreased growth rate. (Id. at 62.) Chron's Disease is an inflammatory autoimmune  
21 disease that causes the body to attack itself, makes processing food difficult, decreases one's  
22 growth rate, and causes intestinal pain. (Id. at pp. 22; 48-49.) Specifically, Chron's Disease was  
23 suspected for Middle Daughter and also Eldest Daughter, and GI doctors evaluated them for this  
24 condition over the course of a year. (Id. at pp. 48-49.) These doctors recommended that the girls  
25 be placed on a restrictive diet as the constipation issues and possible Chron's Disease were  
26 monitored. (Id. at p. 51.)

27 On approximately two (2) occasions, Middle Daughter was taken for emergency medical  
28 care for seizures. (RT IV, 6/10/14, pp. 29; 31.) Also worth noting, Eldest Daughter and Middle

1 Daughter were previously prescribed medicine for these multiple medical issues. (RT IV,  
2 6/10/14, pp. 19-21.) While the State attempted to attribute the girls' decreased growth rates to  
3 malnutrition and abuse in the Solander home, medical records documented other non-abuse  
4 reasons for their conditions. Negative environmental factors, such as unstable living conditions  
5 for these foster children who lived in at least five (5) different homes in five (5) years before  
6 coming to live with the Solanders, also account for a decreased growth rate. (Id. at p. 64.)  
7 Noticeably absent from Dr. Cetl's testimony was any documentation to corroborate the  
8 allegation of trauma or injury to any of the children's vaginas, whose prior claims of abuse  
9 included repeated stabbing with a needle, whipping with a belt, and insertion of catheters.

10 The alleged victims in this case readily admitted that they did not want to be adopted by  
11 the Solanders. They confirmed the same to staff at the behavioral school they attended in  
12 Florida, admitting they were desperate to find a way out of living with the Solanders so they  
13 could return to their biological parents. (RT III, 6/9/14, pp. 67; 77-78.) One of the daughters,  
14 Middle Daughter, admitted that she faked a seizure in protest to living with her adopted family.  
15 (RT III, 6/9/14, pp. 69-70.) By telling these stories to the Florida staff at the Marvelous Grace  
16 Girls Academy, they succeeded in leaving the Solanders house. (RT III, 6/9/14, p. 42; 67.)

17 The Solanders were foster parents to their daughters, as well as several other foster  
18 children, during the relevant time period. There were no allegations of abuse with any of the  
19 other children. Knowing the girls' histories, including prior claims of abuse by their biological  
20 parents, documented behavioral issues, and documented incontinence, the Solanders adopted the  
21 girls in January 2011. (See, e.g., RT III, 6/9/14, p. 11.) The Solanders demonstrated love and  
22 affection for these girls, acknowledged by Middle Daughter; after Middle Daughter suffered her  
23 first seizure in December 2012, the Solanders and her sisters greeted her in the hospital when she  
24 woke up and were "happy" to see her. (RT III, 6/9/14, p. 49.) The Solanders attempted to work  
25 with the girls' behavioral issues with a system of positive and negative reinforcements. (RT III,  
26 6/9/14, p. 51.) This included taking the girls on their vacations, like to Disney World. (RT III,  
27 6/9/14, pp. 49-50.) It was only after one (1) or more of the daughters misbehaved where fun  
28 activities were taken away. (Id.)

1 Initially, after the girls were adopted, the girls admitted they didn't have that many  
2 restrictions because, as one (1) daughter put it, "Miss Janet could trust us then." (RT III, 6/9/14,  
3 p. 13.) The rules grew gradually. These rules included structured periods to complete school  
4 assignments, timed bathroom breaks throughout the home-schooled day, and measured toilet  
5 paper because the girls would use too much. (RT III, 6/9/14, pp. 13-16.) The complained nature  
6 of child abuse stems from these rules, including the daughters' admitted violations of these rules.

7 Ms. Solander homeschooled the girls five (5) days per week after they were removed  
8 from traditional public school because they were caught stealing, in addition to other behavioral  
9 issues. (RT III, 6/9/14, p. 20; 173.) At timed intervals, the girls were asked if they needed to  
10 break for the restroom. (RT III, 6/9/14, p. 59.) Many times, the girls declined going to the  
11 bathroom and would instead soil themselves, sometimes out of spite. (RT III, 6/9/14, p. 59.)  
12 "She told us that she doesn't have a problem with us saying we have to go, but to make sure –  
13 she said that what makes her upset that when we don't say anything and go on ourself." (RT III,  
14 6/9/14, p. 14.) As this pattern continued, a demerit ("points") system was implemented. (RT III,  
15 6/9/14, p. 51.) After a certain number of negative points were earned, a form of discipline would  
16 follow. (RT III, 6/9/14, p. 52.) This included spanking with a paint stick. (RT III, 6/9/14, p.  
17 16.) To instill structure to the homeschooling, the girls were instructed to "hold it" if the girls  
18 declined to use the bathroom during the normal breaks and instead wanted to disrupt their  
19 lessons. (RT III, 6/9/14, p. 14.) All three (3) girls were treated equally, no one was favored, and  
20 punishments were consistent between each of the sisters for the same misbehaviors. (RT III,  
21 6/9/14, p. 83.)

22 The Solander girls alleged numerous instances of sexual assault and physical abuse.  
23 Generally categorized, they included withholding of food, withholding of bathroom privileges,  
24 spanking, kicking, and insertion of catheters and a paint stick in their vaginas. None of the other  
25 children they fostered had issues. After being evaluated by doctors, the girls were placed on a  
26 diet of blended foods and were fed quinoa, oatmeal, vegetables, rice, and beans to ease  
27 constipation. (RT III, 6/9/14, p. 117.) Middle Daughter claimed to have been fed dead mice and  
28 "cow privates." (RT III, 6/9/14, pp. 57-58.)



1        Additionally, the State elicited testimony at preliminary hearing that the girls lived in  
2 their own filth or were stripped down to their underwear and forced to sleep on boards with fans  
3 blowing on them all night long. (See, e.g., RT IV, 6/10/14, p. 99-104.) When put in context,  
4 after the girls continuously urinated and defecated on themselves, their pajamas were removed  
5 and washed, and the girls had to be bathed. They stood in front of fans as they dried while the  
6 next sister was bathed. Ms. Solander washed their pajamas – that they wore daily – on  
7 Saturdays. (RT III, 6/9/14, p. 85-86.) They slept in their underwear only when there were no  
8 clean pajamas to wear after the girls soiled themselves, sometimes on purpose. (RT III, 6/9/14,  
9 p. 86.) Fans, however, were not used all the time. (RT III, 6/9/14, p. 149.) At night, the  
10 children admitted they slept in the loft of the house, which was adjacent to a bathroom with an  
11 angel nightlight accessible at night. (RT IV, 6/10/14, p. 99.) Nevertheless, the girls would  
12 urinate or defecate in their beds. (RT III, 6/9/14, p. 112.)

13        During the day, and somehow in addition to hours of homeschooling, all three (3) girls  
14 alleged they sat in their underwear and shirts on buckets with toilet lids and that the youngest sat  
15 on a training potty for long hours. (RT III, 6/9/14, p. 62.) Even though the prescribed medicine  
16 made Amay's stomach feel better, she continued to purposely urinate and defecate in her pants  
17 when she was mad at the Solanders or tried to escape her homework. (RT III, 6/9/14, pp. 109-  
18 111.) The alleged victims testified that they had medical issues that caused them to suddenly  
19 have to void their bowels or bladders and they did not always have enough time to make it to a  
20 bathroom. Middle Daughter explained, "I remember there was this one time...the doctor  
21 had...gave me medicine to take over the weekend, and I really had to go, and it helps your  
22 stomach...[Ms. Solander] gave me the medicine, and I didn't make it to the bathroom  
23 because...it was coming down fast...and she said, I understand because you're taking the  
24 medicine, but she was okay with that because she understood." (RT III, 6/9/14, p. 148.)

25        The girls complained of various forms of corporal punishment. However, "Miss Janet  
26 popped us real light, she didn't like ever slap us hard..." (RT III, 6/9/14, p. 142.) They testified  
27 that they were spanked with paint sticks and that these spankings left marks. These spankings  
28 were recognized as discipline, after the girls were caught stealing food that was not on their

1 restricted diet or after they had been caught lying to their parents. (RT III, 6/9/14, pp. 51; 156.)  
2 Being caught in a lie would earn them each one (1) point on the demerits system. (RT III,  
3 6/9/14, p. 51.) One (1) daughter alleged that Ms. Solander kicked her up and down the stairs and  
4 slammed her head into a counter, giving her a black eye. (RT III, 6/9/14, p. 43.) No medical  
5 records discussed at the preliminary hearing corroborated this allegation.

6 Finally, the girls complained of having catheters inserted by Ms. Solander in their  
7 vaginas because she did not want them urinating on themselves when she had to leave the house  
8 and left the girls with babysitters. (RT III, 6/9/14, p. 94.) There was also testimony that one (1)  
9 of the daughters, Middle Daughter, had a rash on her vagina and that when Ms. Solander applied  
10 a prescription cream to her skin, she also inserted a catheter. (RT III, 6/9/14, p. 106; 161.) The  
11 private area is a recurring theme among the girls' allegations; they ate cow privates, they were  
12 beaten with belts on their privates, and they had catheters inserted, despite evidence of the same.

13 Despite the horrendous nature of these allegations, all of the other specialists who  
14 examined children while they lived with the Solanders, including endocrinologist who conducted  
15 not one (1), but two (2) colonoscopies, did not report the Solanders for child abuse or record any  
16 such suspicions in the medical records that were reviewed by Dr. Cetl. (RT IV, 6/10/14, p. 73.)  
17 Again, as foster parents, the Solander home was subject to unannounced home inspections by  
18 employees of the Department of Family Services. In 2011, Middle Daughter admitted that when  
19 she spoke to Child Protective Services investigators who came out to the home, she lied that Mr.  
20 and Mrs. Solander had beaten her with a belt in her privates. (RT III, 6/9/14, pp. 162-163.) She  
21 also admitted to fabricating a story that Ms. Solander had left bruises on her during that same  
22 time period in 2011. (RT III, 6/9/14, p. 161.)

23 If one (1) fact is undisputed in this case, it is this: these children are victims of the foster  
24 care system. Their victimizer and what abuse was suffered, however, is vehemently contested.  
25 One (1) of the daughters had behavior problems that escalated after the adoption. She was  
26 institutionalized at Montevista Psychiatric Hospital, where she was treated for anger issues and  
27 chronic lying. (RT III, 6/9/14, pp. 68-69.) During that hospitalization, she told a lie that a five  
28 (5) year old boy tried to kill her over a ripped bowling ball pin toy because she "just can't stand

1 certain people,” demonstrating the extensive disturbed thoughts this young girl suffered. (RT III,  
2 6/9/14, p. 69.) After returning home and continuing to have behavioral issues, these problems  
3 continued when she attended the Marvelous Grace Girls Academy in Florida. (RT III, 6/9/14, p.  
4 65.)

5 At the conclusion of the preliminary hearing, and after noting the inconsistencies in the  
6 witnesses’ testimonies, Ms. Solander was bound up on a total of forty-six (46) counts of sexual  
7 assault, battery with intent to commit sexual assault, and child abuse, neglect, and endangerment.

### 8 III. ARGUMENT

9 A writ of habeas corpus is the fundamental instrument for safeguarding individual  
10 freedom against arbitrary and lawless action. Its preeminent role is recognized in that, “The  
11 Privilege of the Writ of Habeas Corpus shall not be suspended.” Harris v. Nelson, 394 U.S. 286,  
12 290-91, 89 S.Ct 1082 (1969). Since 1912, the Nevada Supreme Court has recognized that the  
13 Writ of Habeas Corpus is the plain, speedy and adequate remedy by which to determine the legal  
14 sufficiency of the evidence supporting a grand jury indictment or preliminary hearing bind over.  
15 See, e.g., Eureka County Bank Habeas Corpus Cases, 35 Nev. 80, 126 P. 655 (1912); Ex parte  
16 Stearns, 68 Nev. 155, 227 P.2d 971 (1951); Ex Parte Colton, 72 Nev. 83, 295 P.2d 383 (1956).  
17 The Nevada Supreme Court has held, “It is fundamentally unfair to require one to stand trial  
18 unless he is committed upon a criminal charge with reasonable or probable cause. No one would  
19 suggest that an accused person should be tried for a public offense if there exists no reasonable  
20 or probable cause for trial.” Shelby v. Sixth Judicial Dist. Court In and For Pershing County, 82  
21 Nev. 204, 207-208, 414 P.2d 942, 943-944 (1966). The writ has been most commonly used to  
22 test probable cause following a preliminary examination resulting in an order that the accused be  
23 held to answer in the district court. See, e.g., State v. Plas, 80 Nev. 251, 391 P.2d 867 (1964);  
24 Beasley v. Lamb, 79 Nev. 78, 378 P.2d 524 (1963).

25 During preliminary hearing proceedings, the State must elicit sufficient evidence  
26 demonstrating probable cause that a crime was committed and that the accused was likely the  
27 perpetrator. Sheriff v. Miley, 99 Nev. 377, 379; 663 P.2d 343, 344 (1983). If the magistrate  
28 determines that the evidence establishes probable cause that the defendant committed an offense,

1 the magistrate binds the defendant over to the district court and may admit the defendant to bail.  
2 NRS 171.206. On the other hand, if the evidence does not establish probable cause, the  
3 magistrate must discharge the defendant. Id. At the preliminary hearing stage, probable cause to  
4 bind a defendant over for trial “may be based on ‘slight,’ even ‘marginal’ evidence because it  
5 does not involve a determination of guilt or innocence of an accused.” Sheriff v. Hodes, 96 Nev.  
6 184, 186, 606 P.2d 178, 180 (1980). The State is required to present sufficient evidence “to  
7 support a reasonable inference that the accused committed the offense.” Sheriff v. Milton, 109  
8 Nev. 412, 414, 851 P.2d 417, 418 (1993), quoting Kinsey v. Sheriff, 87 Nev. 361, 363, 487 P.2d  
9 340, 341 (1971).

10 It is appropriate for a District Court to grant a petition for a writ of habeas corpus when  
11 the prosecution acts in “a willful or consciously indifferent manner with regard to a defendant’s  
12 procedural rights, or where the defendant is bound over on criminal charges without probable  
13 cause.” See, e.g., Dettloff v. State, 120 Nev. 588, 595; 97 P. 3d 586, 590 (2004) (quoting Sheriff  
14 v. Roylance, 110 Nev. 334, 337, 871 P.2d 359, 361 (1994). In reviewing a district court’s order  
15 granting a pretrial petition for writ of habeas corpus for lack of probable cause, the Nevada  
16 Supreme Court determines “whether all of the evidence received establishes probable cause to  
17 believe that an offense has been committed and that the defendant committed it.” Sheriff v.  
18 Hodes, 96 Nev. 184, 186, 606 P. 2d 178, 180 (1980). The trial court is the most appropriate  
19 forum in which to determine factually whether or not probable cause exists. Sheriff v. Provenza,  
20 97 Nev. 346, 347, 630 P. 2d 265 (1981). Absent a showing of substantial error on the part of the  
21 district court in reaching such determinations, the Nevada Supreme Court will not overturn the  
22 granting of pretrial habeas petitions for lack of probable cause. Id.

23 **A. TIMELINESS OF THE INSTANT WRIT.**

24 The undersigned was not appointed until well after the multiple-day preliminary hearing  
25 had concluded and, thus, did not have the benefit of having been present to participate in the  
26 justice court proceedings below. At the time of confirmation of counsel, defense counsel  
27 specifically reserved the right to file a Petition for Writ of Habeas Corpus within twenty-one (21)  
28 days of the filing of the preliminary hearing transcripts in this matter. Although we received

1 discovery from previous counsel, it did not include the grand jury transcripts. Despite a diligent  
2 and continuous Odyssey search, to date, only one (1) of the multiple volumes of transcripts has  
3 been filed. Defense counsel did not have the entirety of the draft copies of the preliminary  
4 hearing transcripts until approximately the last ten (10) days, when counsel obtained the same  
5 from counsel for one (1) of the co-defendants, all of whom have inherently antagonistic defenses.

6 For these reasons, Petitioner submits that the instant Petition is timely.

7  
8 **B. THE STATE OF NEVADA FAILED TO ESTABLISH PROBABLE CAUSE**  
9 **TO BELIEVE THAT MS. SOLANDER COMMITTED ANY SEXUAL**  
10 **ASSAULT OF MINORS UNDER FOURTEEN YEARS OF AGE.**

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

17 At preliminary hearing, the State improperly succeeded in arguing what amounts to a  
18 “per se” penetration standard, completely ignoring the statutory sexual component to these  
19 offenses charged. At the conclusion of testimony, Judge Sullivan made the finding that, “there  
20 was no evidence at all of any sexual motivation.” (RT Argument, 7/23/14, p. 64.) As this Court  
21 knows, statutory construction should always avoid an absurd result. State v. White, 330 P.3d  
22 482 (2014). Moreover,

23 [w]hen interpreting a statute, legislative intent is the controlling  
24 factor. To determine legislative intent of a statute, [a] court will  
25 first look at its plain language. But when the statutory language  
26 lends itself to two or more reasonable interpretations, the statute is  
27 ambiguous, and [a court] may then look beyond the statute in  
28 determining legislative intent. When interpreting an ambiguous  
statute, the Court should look to the legislative history and  
construe the statute in a manner that is consistent with reason and  
public policy.

1           State v. White, 330 P.3d at 482 (internal quotations and citations  
2           omitted).

3           Assuming any truth to the allegations of penetration of any of the daughters' vaginas by  
4           way of a catheter, and after weighing the inconsistencies and admitted motivations to lie, the  
5           sexual assaults charged must be dismissed because the language in the statute cannot be read to  
6           be so overbroad that **any** penetration of the vagina would be a sexual assault. There was no  
7           evidence of sexual gratification, nor any even implied. Indeed, the justice of the peace found no  
8           evidence that the alleged contact had a sexual motivation. The State's literal reading of a statute  
9           would criminalize even legitimate medical examinations of children, such as SANE  
10          examinations by medical professionals. While no statutory exception exists to "sexual  
11          penetration," there would seem to be obvious exceptions to this statute, such as contact by  
12          medical professionals or in instances of accidental contact. In the preliminary hearing testimony,  
13          there was an available potential alternative for alleged catheter insertions, namely the  
14          documented incontinence of the Solander daughters.

15          Additionally, Petitioner submits that the rule of lenity, "requires courts to limit the reach  
16          of criminal statutes to the clear import of their text and construe any ambiguity against the  
17          government." United States v. Millis, 621 F.3d 914, 916-17 (9th Cir. 2010), citing United States  
18          v. Romm, 455 F.3d 990, 1001 (9th Cir. 2006); see also United States v. Miranda-Lopez, 532  
19          F.3d 1034, 1040 (9th Cir. 2008). The rule of lenity applies "only where 'after seizing every  
20          thing from which aid can be derived, the Court is left with an ambiguous statute.' " United States  
21          v. Nader, 542 F.3d 713, 721 (9th Cir. 2008) (quoting Smith v. United States, 508 U.S. 223, 239,  
22          113 S.Ct. 2050, 124 L.Ed.2d 138 (1993)). In such a case, fundamental principles of due process  
23          mandate that "no individual be forced to speculate, at peril of indictment, whether his conduct is  
24          prohibited." Nader, 542 F.3d at 721 (citation and internal quotation marks omitted).

25          In this case, the rule of lenity applies. Such a rule favors a statutory interpretation of  
26          sexual assault against a "per se penetration" interpretation, and favors an interpretation that does  
27          not make the potential insertion of catheters for medical purposes unlawful. To hold otherwise  
28          would criminalize every doctor, nurse, or parent who must, for example, insert a finger inside a  
        child's rectum to dislodge a stoppage caused by constipation or to clean areas soiled by dirty

1   diapers or insertion of a suppository. There was no probable cause to believe that any of the  
2   sexual assaults were committed against the Solanders' adopted daughters based on a theory of  
3   per se penetration, absent sexual motivation, and in light of a potential legitimate medical  
4   purpose for the catheters. The legislative intent behind this statute could not be inferred to  
5   support a per se penetration standard, and the bind over would seem to support an interpretation  
6   of this statute to a legal absurdity. The law of statutory construction does not support such a  
7   result, and neither does the law of lenity because Ms. Solander would not have been even aware  
8   or could foresee that this type of conduct would be prohibited by law.

9       Therefore, the State of Nevada failed to prove by slight or marginal legally admissible  
10   evidence that Ms. Solander committed any offense of sexual assault of a minor under fourteen  
11   (14). Thus, those counts must be dismissed against her and, similarly, the counts involving  
12   Battery with Intent to Commit Sexual Assault must likewise be dismissed as the predicate of  
13   sexual assault was not met.

14  
15       **C.   THE STATE OF NEVADA FAILED TO ESTABLISH PROBABLE CAUSE**  
16       **TO BELIEVE THAT MS. SOLANDER COMMITTED CHILD ABUSE,**  
17       **NEGLECT, OR ENDANGMENT RESULTING IN SUBSTANTIAL**  
18       **BODILY HARM.**

19       NRS 200.508 criminalizes conduct constituting child abuse, neglect, or endangerment  
20   that results in substantial bodily harm. "Substantial bodily harm" is bodily injury which creates a  
21   substantial risk of death or which causes serious, permanent disfigurement or protracted loss or  
22   impairment of the function of any bodily member or organ, or prolonged physical pain. NRS  
23   0.060.

24       At preliminary hearing, the State failed to prove by slight or marginal evidence that the  
25   marks on the girls' buttocks and backs were caused by conduct attributable to Ms. Solander.  
26   There was an insufficient nexus of events of discipline, to wit: spanking with a paint stick, to be  
27   the source of undated scars on the bodies of previously abused and neglected foster children.  
28   There was evidence of abuse and neglect of the children occurring prior to the time that the  
  children were in the Solander home. Additionally, the State's expert conceded that she had made  
  an incomplete review of the medical records available to her. She was aware that the Solander

1 daughters had been taken numerous times between January 2011 and approximately November  
2 2013 where they were seen and evaluated by medical professionals. This included some rather  
3 invasive examinations of the children's bodies for legitimate medical purposes, including two (2)  
4 colonoscopies. In those records, no notations of suspicion for child abuse were made.

5 Therefore, as no slight or marginal evidence exists to support a finding that child abuse  
6 occurred by Ms. Solander that resulted in permanent disfigurement (scarring), the charges of  
7 child abuse resulting in substantial bodily harm must be dismissed.

#### 8 IV. CONCLUSION

9 As set forth above, the State failed to demonstrate probable cause by slight or marginal  
10 evidence that the Petitioner committed the enumerated crimes. In order for the District Court to  
11 proceed in this case, probable cause must be present as to establish: (1) that a crime was  
12 committed and (2) that the defendant committed it. As set forth above, the State failed to  
13 demonstrate to the Justice of the Peace that slight or marginal evidence existed that Petitioner  
14 committed any of the charged offenses.

15 WHEREFORE, Petitioner, JANET SOLANDER, respectfully requests that this  
16 Honorable Court grant her Petition for Writ of Habeas Corpus and dismiss the Information  
17 against her with prejudice.

18 DATED this 5th day of November, 2014.

19 Respectfully Submitted by:

20 /s/: Kristina Wildeveld

21 KRISTINA WILDEVELD, ESQ.

22 Nevada Bar No. 005825

23 CAITLYN MCAMIS, ESQ.

24 Nevada Bar No. 012616

25 615 S. 6th St.

26 Las Vegas, Nevada 89101

27 Attorneys for Petitioner, JANET SOLANDER



[illegible]

CAITLYN MCAMIS, ESQ., being first duly sworn, deposes and states as follows:

2. That JANET SOLANDER (hereinafter “Ms. Solander” or “Petitioner”) has authorized and directed Counsel to file the foregoing Petition for Writ of Habeas Corpus.

4. That Ms. Solander has no adequate remedy at law available to her as to the current matter and that the only means to address this problem is through this Writ.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

/s/: Caitlyn McAmis  
CAITLYN MCAMIS, ESQ.

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1. SERVED BY UNITED STATES MAIL: On November 5, 2014, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Postal Service, First-Class, prepaid postage affixed thereto, and addressed as follows:

SHERIFF DOUG GILLESPIE  
Clark County Detention Center  
330 S. Casino Center Blvd.  
Las Vegas, NV 89101

JACQUELINE BLUTH, ESQ.  
E-mail: *Jacqueline.bluth@clarkcountydac.com*

ELISSA LUZAICH, ESQ.  
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CRAIG A. MUELLER, ESQ.  
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JEFFREY RUE, ESQ.  
E-mail: [Ruejt@clarkcountynv.gov](mailto:Ruejt@clarkcountynv.gov)

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1 declaration that personal delivery on, or overnight mail to, the judge will be completed no later  
2 than 24 hours after the document is filed.

3 ELISSA LUZAICH, ESQ.  
4 Chief Deputy District Attorney  
5 Nevada Bar No. 005056  
6 **FAX: (702) 477-2946**

CRAIG A. MUELLER, ESQ.  
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*Attorney for Co-Defendant, Dwight Solander*

7 JACQUELINE BLUTH, ESQ.  
8 Chief Deputy District Attorney  
9 Nevada Bar No. 010625  
10 **FAX: (702) 868-2406**  
11 *Attorneys for Plaintiff*

JEFFREY RUE, ESQ.  
Deputy Public Defender  
Nevada Bar No. 008243  
**FAX: (702) 455-5112**  
*Attorney for Co-Defendant, Danielle Hinton*

12 DISTRICT COURT JUDGE

13 Honorable Valerie Adair  
14 District Court Judge, Dept. 21  
15 Regional Justice Center  
16 200 Lewis Avenue, 11th Floor  
17 Las Vegas, NV 89155

18 /s/: Miguel L. Flores  
19 An Employee of The Law Offices of  
20 Kristina Wildeveld, Esq.  
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CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

DWIGHT SOLANDER, DANIELLE  
HIINTON, JANET SOLANDER,

Defendants.

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

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE  
THURSDAY, NOVEMBER 6, 2014  
TRANSCRIPT OF PROCEEDINGS RE:  
MOTIONS

APPEARANCES:

FOR THE STATE:

ELISSA LUZAICH, ESQ.  
JACQUELINE M. BLUTH, ESQ.  
Chief Deputy District Attorneys

FOR DEFENDANT D. SOLANDER:  
FOR DEFENDANT D HINTON:

CRAIG A. MUELLER, ESQ.  
JEFFREY T. RUE, ESQ.  
Deputy Public Defender

FOR DEFENDANT J. SOLANDER:

KRISTINA WILDEVELD, ESQ.  
CAITLYN L. MC AMIS, ESQ.

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

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

2  
3 THE COURT: State versus Dwight Solander, Danielle Hinton and Janet  
4 Solander. Is she still in custody?

5 MS. BLUTH: No, Your Honor.

6 MR. MUELLER: Good morning, Your Honor. Craig Mueller on behalf of Mr.  
7 Solander.

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

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

13 THE COURT: That's fine.

14 MR. RUE: Judge, Jeff Rue on behalf of Ms. Danielle Hinton. She's not  
15 present.

16 THE COURT: All right. Are you asking us to waive her presence for today?

17 MR. RUE: I am.

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

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

22 MR. MUELLER: Certainly.

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

25 The motion for property seized during the search warrant, I think we've

1 already covered that last time we were here, correct?

2 MR. MUELLER: Yes, Judge.

3 MS. LUZAICH: Yes.

4 THE COURT: Okay. So that we don't need to talk about. Let's just move  
5 into Mr. Solander's habeas petition, and we did get the supplement from the  
6 defense. So the Court has reviewed everything.

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

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

12 THE COURT: Well, you don't need to reiterate what's already --

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

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

22 THE COURT: Ms. Bluth, anything to -- are you arguing this?

23 MS. BLUTH: I am, Your Honor. Just the fact that sexual assault is not a  
24 specific intent crime, and Mr. Mueller keeps wanting to make it that, but per statute  
25 it's not. So I'd just leave it at that.

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

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

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

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

21 MR. MUELLER: Equal protection.

22 THE COURT: So -- right, I don't think it would fit within the statute there, and,  
23 you know, when you're inserting a medical device that doesn't need to be there, you  
24 know, clearly it could be child abuse. Like if you were, I mean, the parallel would be  
25 inserting a feeding tube which wouldn't be a sexual assault either but would be a

1 violation and intrusive, and I think arguably more horrible physically than having a  
2 catheter inserted. To me this may be more similar to that, and this may be an issue  
3 of even though technically it fits, going beyond that looking to what the legislative  
4 intent was for the statute, and it's really a question of is this something that should  
5 go to the jury, or is this something that is clearly beyond the idea of what the statute  
6 is designed for. Unfortunately there's no guidance really on this issue anywhere  
7 else.

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

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

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

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

22 So to me that's much more of a jury question where ordinary lay people  
23 can say, you know, no, making a child sit on a bucket is not within the ambit of what  
24 we as a society consider to be reasonable discipline. That to me doesn't really call  
25 for an interpretation of the law or legislative intent or anything like that. That to me,



1 again, goes to what we as a society consider to be, you know, reasonable and  
2 normal, and reasonableness, that's a community standard. So I'm much more  
3 comfortable with those charges.

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

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

8 MR. MUELLER: No, there was -- none of the children said he was present.  
9 There was one who said she thought he was outside in the hallway.

10 MS. BLUTH: That's incorrect. The youngest child said that one time he was  
11 present in the doorway. She couldn't say whether or not he was looking at her, and  
12 I actually had to stand and say, was he this close to the doorway, was he this close  
13 to the doorway --

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

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

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

25 MR. MUELLER: There's another --

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

5 MR. MUELLER: The other issue, Judge, is the conspiracy aspect. There's  
6 no allegation that Mr. Solander actually ever touched or used the catheter. Despite  
7 the fact that the law requires only one count for conspiracy, they have actually filed  
8 13 or 12 or 13 for every time the catheter was documented to have been used.

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

13 THE COURT: Ms. Bluth.

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

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

23 Is that what you're saying?

24 MR. MUELLER: That's correct, Judge. There has to be knowledge and  
25 intent. Now, if he -- Mr. Solander believing his wife to be a nurse says, hey, can you

1 get on the web site and order me some catheters, I mean --

2 THE COURT: But doesn't that again go to the defense of the case in terms of  
3 he thought it was an innocent thing and, you know, it wasn't. I mean, doesn't -- isn't  
4 that just really the defense as opposed to what the State has to present for slight or  
5 marginal evidence?

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

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

12 MR. MUELLER: That's not the way I recollect the law on that point.

13 THE COURT: That's how I believe a conspiracy -- yeah, I mean, if you  
14 conspire to do something and you commit multiple crimes but it's a single  
15 agreement, it's multiple crimes, and that to me is more a question of fact again.

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

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

22 The question is is there enough evidence that the conspiracy would  
23 have been that broad; that's really a question, but legally as I said, you can have,  
24 you know, you don't have to have, okay, we have a new agreement here. Now  
25 we're going to do a new act. We have a new, I mean, it can be one agreement and

1 multiple subsequent acts, and that's the State's theory.

2 MR. MUELLER: Yes, Judge.

3 THE COURT: And maybe even a continuing agreement, like we're going to  
4 continue with this discipline. We're going to continue, you know, doing these things.

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

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

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

15 MR. MUELLER: Okay. I respectfully disagree.

16 THE COURT: As a matter of fact, that's a different question.

17 Mr. Solander's motion to sever.

18 MR. MUELLER: Thank you, Your Honor. We cited the Chartier case. I was  
19 trial counsel for Chartier. That was a murder trial in front of Stu. He refused to  
20 sever. I had one team of lawyers had the theory that Chartier was the knife man  
21 and the other one that he put the co-defendant up to it. No matter what I did  
22 someone stood up and had a mutually antagonistic defense. It was being in a  
23 foxhole, being shot at from both sides.

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

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

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

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

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

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

23 MR. MUELLER: That's true --

24 THE COURT: As long as -- and to me that seems to be what they're saying.  
25 They'd rather try this case one time and maybe forego some of the evidence, which

1 it's up to them again. It's not evidence you would be entitled to present.

2 MR. MUELLER: And what if I want to call Ms. Solander to testify that she -- or  
3 that the --

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

6 MR. MUELLER: Yes.

7 THE COURT: -- so that's not going to help you either.

8 MR. MUELLER: But there's also spousal privilege between the two of them,  
9 Judge.

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

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

14 MR. MUELLER: That's true.

15 THE COURT: -- if they haven't been tried yet.

16 MR. MUELLER: Well, my next motion was going to be that Ms. Solander get  
17 tried first, but that was --

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

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

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

25 MR. MUELLER: That's what Stu said, Judge, and respectfully, I've had this

1 discussion. I turned around and I said, look, there's a practical problem with  
2 antagonistic defenses. No, there's not. Go ahead and do a trial, and it went back  
3 up and it came back down, and it came back down. Now, there's mutually  
4 antagonistic defenses.

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

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

21 So again, you know, I just --

22 MR. MUELLER: I think we've done a very good job laying out the reasoning  
23 for a severance, Judge --

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

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

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

8 THE COURT: Well, what I meant, Mr. Mueller, not that you would do this, but,  
9 you know, the next -- you lose the coin toss, and the next thing Mr. Solander's foot  
10 gets run over, and then Mrs. Solander's going first, and then she trips over the hose  
11 as she's walking out, and then your trial's going first.

12 I'm not saying anybody would do that, but how many times have we  
13 seen, oh, this one doesn't get discovery, and this person went to the hospital, and  
14 you just keep going back and forth on that. So it's not a given, in other words.

15 MR. MUELLER: I understand, Judge. You've heard my piece, Judge.  
16 Thanks for the hearing. I respectfully think they should be severed.

17 THE COURT: It's denied, denied without prejudice. There's new issues that  
18 come up; we can always revisit this including up to the time of trial. I mean, we can  
19 always sever it at that time and have one trial trail the other trial and just drag them  
20 in after that. So, you know, again, if there's new evidence, another issue, it's without  
21 prejudice.

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

24 MR. RUE: Well, yeah, Your Honor, we've been -- Danielle's been charged  
25 with two counts, charge 14, count 24. I know you've -- I'm sure you've read



1 everything, the Court received my reply as well?

2 THE COURT: Uh-hum.

3 MR. RUE: The concern is there is testimony of evidence, testimony of  
4 something that is attributable to my client regarding the hitting of an elbow and a  
5 wrist. Those are really pretty much all that there is for my client. The State may  
6 take issue with maybe a swat on the butt or on the buttocks, but those are the one  
7 instances, and the way it's pled and charged confuses me, and I think it could  
8 confuse a jury as well. And so I don't think there was even slight or marginal  
9 evidence of abuse.

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

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

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

1 I'll submit, Your Honor, with that.

2 THE COURT: All right. Ms. Bluth.

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

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

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

23 THE COURT: I would just comment on prolonged, you know, pain. It doesn't  
24 have to be forever pain. I mean, you know, that's kind of again maybe a jury  
25 question. What is prolonged pain, you know. The fact that it's resolved that doesn't

1 mean that it, you know, if it's enough to leave a scar.

2 MR. RUE: But there was no testimony --

3 THE COURT: Testimony like this, hurt me for months or whatever.

4 MR. RUE: It was no testimony of bleeding. It was testimony of one strike that  
5 caused these marks, that's it. And the State is hitting on what I'm concerned with.  
6 I'm concerned with Ms. Hinton being convicted of abuse based on something --

7 THE COURT: Based on the allegations against the Solanders.

8 MR. RUE: Right, again something that she didn't do because there --

9 THE COURT: But that's not the issue then. I mean, the issue on a writ is  
10 whether or not there is enough evidence presented at the preliminary hearing. Now,  
11 whether she -- that's an issue for severance, whether or not it's unfair that she kind  
12 of get brought in with everybody else, but that's not the issue before the Court right  
13 now.

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

19 THE COURT: Urinal --

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

25 THE COURT: Again, because what's before the Court right now was there

1 slight or marginal evidence that what Ms. Hinton did caused substantial bodily harm  
2 which can be permanent scarring or prolonged pain or disfigurement. I mean, it  
3 doesn't have to be everything so --

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

6 THE COURT: Right, which --

7 MR. RUE: If we were starting I wouldn't have filed the issues.

8 THE COURT: Right, which could be dis -- I mean, the issue is is a scar  
9 disfigurement, that's --

10 MS. BLUTH: I mean, I've had a jury come back saying it is.

11 THE COURT: -- that's the issue, and, you know, the finder of fact, the JP said  
12 yes. So is there enough in the record to support that; that's really what it is.

13 Okay. Moving on. I'm going to take that one under submission as well.

14 Moving on to your motion for discovery. Can we just go through what  
15 the issues are?

16 MR. RUE: Sure.

17 THE COURT: Do you want me to run through everything, or do you want to  
18 highlight what you're still concerned about or --

19 MR. RUE: Well, I put in my reply with regard to the CPS and DFS records,  
20 from early on the State I believe has been willing to provide to the Court the  
21 investigation of this incident. I honestly think that that's too limited in scope based  
22 on everything that we heard at the preliminary hearing. So I was asking the Court  
23 for an in-camera review of the entire files of all three children. It's my belief, and I'm  
24 sure Mr. Mueller and co-counsel also agree that there's going to be instances of  
25 false accusations, of lies, of investigations of unsubstantiated claims of abuse by

1 these children that would be all relevant to this case.

2 THE COURT: From other --

3 MR. RUE: From other instances --

4 THE COURT: -- from foster parents or --

5 MR. RUE: And from here.

6 THE COURT: Right. Well, just because it's unsubstantiated doesn't mean it's  
7 false, number one. I think we all know that, but, I mean, does the State --

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

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

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

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

11 MS. BLUTH: So --

12 THE COURT: -- if similar allegations were made against other families.

13 MS. BLUTH: Okay. So just so I have it clear, there is a system within  
14 keeping track of their health, I believe it's called, like, the health passport system  
15 which keeps track like all the medical scans that they've had done --

16 THE COURT: I don't care about that stuff.

17 MS. BLUTH: I'm saying that would -- that talks about the documented injuries  
18 from each family. So you definitely want those.

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

23 MS. BLUTH: Obviously all in camera?

24 THE COURT: Right, obviously all in camera and any kind of medical  
25 treatment like ER treatment or something like that relating to injuries I would say

1 could potentially be relevant. I mean, if the kid fell on the park off the playground  
2 and broke her leg, I would say, no, that's not relevant to this, and I wouldn't turn that  
3 over. But if there was an allegation of something that could leave the same sort of  
4 scarring or there was a notation of that, then, yes, I would be turning that over. So I  
5 suspect there's probably nothing in there, but I think there could potentially be, and  
6 we just need to eliminate that.

7 MS. BLUTH: Sure. Do you want a PDF or do you want it printed out?

8 THE COURT: I'd say printed out because I'll wind up printing it out otherwise.

9 How much -- do you have any idea, State, what we're talking about?

10 MS. BLUTH: Boxes and boxes.

11 THE COURT: Really?

12 MS. BLUTH: Yeah, just from my case I have two boxes.

13 THE COURT: Okay. Why don't we do this then. Is there any way CPS can  
14 do a -- I mean, I'm assuming if somebody reports with an injury that could be the  
15 result of abuse, that's turned over. So can they just do a search if there's an injury  
16 that was investigated as potential abuse because I don't want any conceivable  
17 illness or injury or anything like that.

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

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

1 MR. MUELLER: Your Honor, respectfully --

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

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

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

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

24 So basically what I would like is for CPS to look for the records, if you  
25 can do it in that way, and then if there's something, you know, that looks like it might



1 be relevant, then maybe we can get like the complete file on that particular  
2 investigation or whatever.

3 MS. BLUTH: I'll have them run it.

4 THE COURT: Because I don't really have a great sense of what kind of a  
5 framework we're really looking at with these kinds.

6 MS. BLUTH: I understand. I'll talk to them today.

7 THE COURT: So, no.

8 MR. MUELLER: All right. For the record, I object.

9 THE COURT: All right. Mr. Rue, back to you -- and this by the way was Mr.  
10 Rue's motion.

11 MR. MUELLER: We joined.

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

14 THE COURT: Right.

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

17 THE COURT: All right. We've gone through the CPS record issue.

18 MR. RUE: I guess that deals with 1 and 2. With No. 3 --

19 THE COURT: Right, 3 are mental health workers who have had contact with  
20 the girls.

21 MR. RUE: Your Honor, I know there was testimony at the preliminary hearing  
22 about the middle child spending some time at Monte Vista. I would also note that  
23 during the testimony of Dr. Settle she gave the impression that she had reviewed all  
24 of the medical files, which I believe would have included the mental health files of all  
25 three in coming to her opinions that abuse had occurred. In fact, she was quick to

1 criticize specialists of their diagnosis of some of the kids. That's sort of the drive  
2 behind the request for mental health records. I actually have read the book that's at  
3 issue as well where there's references to psychological records that may have been  
4 done for some of the kids and diagnoses that were done, and that's sort of the drive  
5 of that in quotes.

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

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

19 THE COURT: Right, whether there was really an incontinence issue or not --

20 MS. BLUTH: Correct.

21 THE COURT: -- an incontinence issue.

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

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

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

12 MR. RUE: Could I just briefly address sort of what you talked about earlier --

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

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

22 THE COURT: Attributable to these defendants.

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

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

3 MS. BLUTH: Bodily or mental harm.

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

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

8 THE COURT: That's what I'm saying, the statute reads that.

9 MS. BLUTH: But we're not making a charge for substantial mental harm.

10 THE COURT: So, I mean, that would be the only way in my view that that  
11 would be relevant.

12 MR. MUELLER: The Complaint very clearly says mental harm, Judge.

13 THE COURT: What's that?

14 MS. LUZAICH: No it doesn't.

15 THE COURT: The statute says that. They plead it out, but what they've pled  
16 is -- it says --

17 MS. BLUTH: Bodily harm and or mental harm.

18 MS. LUZAICH: Yeah, but it's child abuse substantial bodily harm is the  
19 charge.

20 MR. MUELLER: Or mental health.

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

25 MR. MUELLER: Well, then strike that from the Complaint then if it's read to

1 the jury.

2 THE COURT: Well, in any event -- here's what I'm going to say on the  
3 records for now. I would ask that the State obtain for the Court's in-camera review  
4 any counseling or psychiatric records relating to the time that -- from when they  
5 began living with these defendants.

6 MS. BLUTH: Yes, Judge.

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

10 MS. BLUTH: Yes, Judge.

11 THE COURT: Records and notes of physical exams, that's overly broad.

12 MR. RUE: Well, okay, but, Your Honor, we have a doctor that came in and  
13 testified at the preliminary hearing saying, yes, this is abuse, no, I can't age it. No, I  
14 can't tell you how it happened or when it happened, but it happened. Yes, I will  
15 concede that the -- a lot of doctors that have seen these kids, and I know they're all  
16 mandatory reporters, but I don't know. But in my opinion it's abuse.

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

21 MS. BLUTH: Mr. Rue, not to interrupt you but the health passport will have  
22 those exams. Sorry. I didn't want you to have to go any further because the CPS  
23 health passport records will have the prior scans and exams of any body injuries.

24 MR. RUE: That's what I was getting at, Your Honor.

25 MS. BLUTH: They have to do that.

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

7 MR. RUE: Okay.

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

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

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

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

21 MS. BLUTH: Yes, Judge.

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

24 THE COURT: No. No. It goes directly to the counselors.

25 MS. LUZAICH: Just so the record is clear.

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

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

5 MS. BLUTH: Yes, Judge.

6 THE COURT: And there's been no other assistance, correct, to the family?

7 MS. BLUTH: The only thing I don't know if they got the witness fees, you  
8 know, when they come in to testify at preliminary hearing, but nothing other than  
9 that.

10 THE COURT: Okay. Notes of interviews with the material witnesses.

11 MR. RUE: Your Honor, it was testified at the preliminary hearing that  
12 Detective Emory had taken notes of the interviews that she had done. I think that's  
13 the only thing --

14 MR. MUELLER: There's also --

15 MR. RUE: Mr. Mann questioned the detective at the time.

16 MR. MUELLER: There's also the notes from the detective down in Florida.

17 MR. RUE: Right.

18 THE COURT: Ms. Bluth.

19 MS. BLUTH: In regards to Detective Emory who's the child abuse and  
20 neglect specialist within Metro, I believe she memorializes her notes in reports. She  
21 memorializes her notes and then puts them in the reports and then destroys them.

22 THE COURT: Okay.

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

1 MR. MUELLER: How about the notes from Florida?

2 MS. BLUTH: I don't know what you're referring to.

3 MR. MUELLER: They in direct violation of the statute CPS sent its worker  
4 down to talk with the kids from Florida without the Solanders' permission. They  
5 made a report back, and Nevada decided rather than the expense of (untillegible)  
6 they should all fly back here. Now, all of that was done without law. We'll get to it  
7 later, but I do know --

8 THE COURT: Well, the issue is the Florida detective's notes?

9 MR. MUELLER: Well, the detective clearly spoke with the girls and  
10 summoned the Nevada authorizes; so there's going to be some notes. There's got  
11 to be.

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

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

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

21 THE COURT: All right.

22 MR. RUE: You know, No. 7 is sort of --

23 THE COURT: Basically what I --

24 MR. RUE: I don't know that the -- we're talking about CPS workers.

25 THE COURT: On No. 7, is the criminal history. They don't turn over NCIC.



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

4 MS. BLUTH: Yes, Judge.

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

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

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

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

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

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

24 THE COURT: Wait. Say that again.

25 MR. MUELLER: Sorry, I'm getting a little tired, Judge. The 9-1-1 call, they

1 came in to do a welfare check on a couple of the foster kids. The foster kids were  
2 doing fine. The three girls, the Solanders sent to a private school in Florida to try to  
3 get them some help. The CPS worker says, where are your other kids? None of  
4 your business. So the CPS worker then decides to file a 9-1-1 call or a missing  
5 person report.

6 THE COURT: Okay. So you want a copy of the missing person's report?

7 MR. MUELLER: Yes, and anything that went with that.

8 MS. BLUTH: If there's a --

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

13 MS. BLUTH: Yes, Judge.

14 THE COURT: So I just ask the State to turn that over, and I think that's  
15 everything on the discovery, correct?

16 MR. MUELLER: Yes.

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

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

21 THE COURT: Whose addresses are you missing?

22 MR. RUE: The three children; they put care of the DA's office.

23 MS. BLUTH: We don't usually give -- we don't --

24 MR. RUE: And I understand that, and that's fine. If you give me, I'm not  
25 disclosing it to Danielle at any point. The alternative is that is they want to maintain

1 that, the statute talks about how the State has to provide us with an opportunity to  
2 interview these witnesses.

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

5 MR. RUE: Sure.

6 MS. BLUTH: For the purpose of?

7 THE COURT: He wants to send his investigator out.

8 MR. RUE: The alternative --

9 THE COURT: Yeah, I feel more comfortable, frankly, with the alternative.

10 MS. BLUTH: Which is?

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

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

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

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

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

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

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

6 MR. RUE: I don't believe so.

7 MS. BLUTH: She was present at the preliminary hearing.

8 THE COURT: Okay. If you would give them that. Like I said, to me that's  
9 what the foster mother is probably going to do anyway is going to say to the  
10 caseworker what do I do with this.

11 MS. BLUTH: I'll facilitate that, Judge.

12 THE COURT: Okay, thank you.

13 The next is the joinder to the motion, Solander's joinder, we've covered  
14 everything. So that's granted or denied to the extent already set forth.

15 In the Hinton motion, the joinder to the petition, again, that will be the  
16 same ruling. The joinder to the motion for Mr. Solander is the same as what I've  
17 already stated.

18 I think that was everything.

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

22 THE COURT: Right. Thank you for bringing that up because there's an issue  
23 on the timing. So the Court, meaning actually the JEA and the law clerk, did its own  
24 research on this question about the timeliness and the transcript and all of that, and  
25 apparently what happened was normally in Odyssey, the transcript will be filed

1 separately so that you can find it right away. It was attached to the bind over on  
2 Hinton and Mr. Solander, but it was never filed separately in Mrs. Solander's case.  
3 And so that's the state of the, basically, the record. So it was available meaning it  
4 was filed in the other two cases although it wasn't filed under a separate heading  
5 like it normally is.

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

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

12 MR. RUE: So it's in our -- it's in Ms. Hinton's bind over is what you're --

13 THE COURT: That's what I understand that that, you know, like I said,  
14 normally they file that separately. It's in Odyssey; it just wasn't filed separately like it  
15 normally is. But obviously you knew about it. I just wanted to put that on the record  
16 so that's clear how that went.

17 All right. So your writ is coming up for another date.

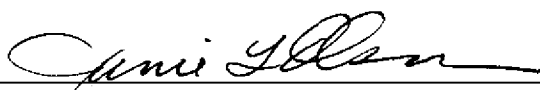
18 MS. MC AMIS: November 20<sup>th</sup>, Your Honor.

19 THE COURT: All right. Thank you. I think that's all on this matter for today.

20 MR. MUELLER: Thank you, Your Honor.

21 -oOo-

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

24 

25 JANIE L. OLSEN  
Recorder/Transcriber

  
CLERK OF THE COURT

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**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

-vs-

JANET SOLANDER,  
#6005501

Defendant.

CASE NO: **C-14-299737-3**

DEPT NO: **XXI**

**STATE'S OPPOSITION AND MOTION TO DISMISS DEFENDANT'S**  
**PETITION FOR WRIT OF HABEAS CORPUS**

DATE OF HEARING: NOVEMBER 20, 2014  
TIME OF HEARING: 9:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through LISA LUZAICH, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus.

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

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF FACTS**

3 Following a preliminary hearing that was held over the course of numerous days, Janet  
4 Solander, the defendant herein, was ordered to stand trial on multiple counts of child abuse,  
5 neglect or endangerment with substantial bodily harm, child abuse, neglect or endangerment,  
6 sexual assault with a minor under fourteen years of age, assault with use of a deadly weapon  
7 and battery with intent to commit sexual assault. Because the preliminary hearing testimony  
8 took five (5) days (May 22, 2014, May 23, 2014, June 10, 2014 and June 12, 2014) and was  
9 so extensive, the parties and the Court wanted to have transcripts of the testimony to argue the  
10 bindover.

11 The Justice Court specifically ordered that transcripts of the proceedings be prepared  
12 and distributed to all parties **prior to** arguing the bindover in this matter. The order was filed  
13 with the Court on June 30, 2014. Volumes I through IV of the preliminary hearing transcripts  
14 were filed with the Court on July 8, 2014, well in advance of the bindover argument date of  
15 July 23, 2014. The fifth and final volume of testimony<sup>1</sup> was filed on August 5, 2014 in District  
16 Court.

17 On September 4, 2014, Defendant was arraigned and pled not guilty. She was  
18 represented by current counsel. On November 5, 2014, Defendant filed a petition for writ of  
19 habeas corpus, sixty-two (62) days after being arraigned. For reasons described below, this  
20 petition is untimely and cannot be considered.

21 **ARGUMENT**

22 **I. DEFENDANT'S PETITION IS UNTIMELY AND CANNOT BE CONSIDERED**

23 Pursuant to NRS 34.700:

24 1. Except as provided in subsection 3, a pretrial petition for a writ  
25 of habeas corpus based on alleged lack of probable cause or  
26 otherwise challenging the court's right or jurisdiction to proceed  
to the trial of a criminal charge may not be considered unless:

27 (a) The petition and all supporting documents are filed  
28 within 21 days after the first appearance of the accused in  
the district court.

<sup>1</sup> The only witness who testified on June 12, 2014 was Det. Embry.

1 The instant Petition does not comply with the statute as the the statutory time limit for  
2 filing a pretrial habeas petition has long since passed.

3 The 21-day limit is jurisdictional. If such a petition is not filed within the statutory  
4 period, the District Court is without jurisdiction to even rule upon the petition. Sheriff v.  
5 Jensen, 95 Nev. 595, .600 P.2d 222 (1979).

6 Defendant asserts in her “Timeliness” section of the petition that counsel “specifically  
7 reserved the right to file a Petition for Writ of Habeas Corpus within twenty-one days of the  
8 filing of the preliminary hearing transcripts in this matter.” It appears Defendant is attempting  
9 to rely on NRS 34.700(3), without actually citing it. However, NRS 34.700(3) does not  
10 support Defendant’s position.

11 NRS 34.700(3) provides, in pertinent part, “The court may extend, for good cause, the  
12 time to file a petition. Good cause shall be deemed to exist **if the transcript of the**  
13 **preliminary hearing or of the proceedings before the grand jury is not available within**  
14 **14 days after the accused's initial appearance.**” As seen above, the transcripts of the  
15 preliminary hearing were generated and provided to counsel prior to the arguments regarding  
16 the bindover in Justice Court.

17 Defendant claims that current counsel did not receive the transcripts until recently.  
18 Defendant actually states in her petition, “Although we received discovery from previous  
19 counsel, it did not include the grand jury transcripts.” See Petition at pp. 12-13. The State is  
20 confident the discovery provided by prior counsel’s office would not include grand jury  
21 transcripts as there was no grand jury presentment. However, the State is just as confident that  
22 current defense counsel did receive the preliminary hearing transcripts as it received a  
23 document from prior counsel, who represented Defendant through the preliminary hearing,  
24 delineating what discovery was provided to current counsel. Attached hereto is an  
25 Acknowledgment, signed by a representative of attorney Kristina Wildeveld, wherein it  
26 specifically states “Reporter’s trasnscripts: preliminary hearing(s) for : May 22, May 23, June  
27 10, June 12, 2014” were among the items provided to current counsel. (See Exhibit “1”).

28 //



1 Furthermore, Defendant was aware that both co-defendants filed their petitions on  
2 September 16, 2014. As it cannot be done without a preliminary hearing transcript, clearly  
3 transcripts were "available." NRS 34.700.

4 Defendant's petition is unequivocally untimely. This Court has no jurisdiction to hear  
5 it. Thus, it must be dismissed.

6 **CONCLUSION**

7 For the foregoing reasons, the State urges this Court to grant its Motion to Dismiss  
8 Defendant's untimely Petition for Writ of Habeas Corpus.

9 DATED this 19th day of November, 2014.

10 Respectfully submitted,

11 STEVEN B. WOLFSON  
12 Clark County District Attorney  
13 Nevada Bar #001565

14 BY /s/ LISA LUZAICH  
15 LISA LUZAICH  
16 Chief Deputy District Attorney  
17 Nevada Bar #005056  
18

19 **CERTIFICATE OF SERVICE**

20 I hereby certify that service of the above and foregoing was made this 19th day of  
21 NOVEMBER 2014, to:

22 CAITLYN MCAMIS, ESQ.  
23 caitlyn@veldlaw.com

24 BY /s/ HOWARD CONRAD  
25 Secretary for the District Attorney's Office  
26 Special Victims Unit  
27

28 hjc/SVU

## **EXHIBIT “1”**

AA 000933

**ACKNOWLEDGMENT**

**STATE V. SOLANDER, JANET**

**C-14-299737-3**

I acknowledge on this 10<sup>th</sup> day of September, 2014 receipt of JANET SOLANDER'S entire original file, provided by the Law Office Joel M. Mann consisting of the following:

- Complaint, amended complaint
- All pleading, motions, oppositions, replies
- Reporter's transcripts:
  - Preliminary Hearing(s) for : May 22, May23, June 9, June 10, and June 12, 2014
- Medical color photos
- Voluntary statements
- Color photos of home/ children
- Client's personal notes to JM
- 15 discovery disk
- Copy of Janet's book

This includes the **ENTIRE** file in our office, which was picked up by a representative of attorney, Kristina Wilderveld's.

Allison Noot

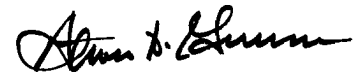
PRINT NAME

Allison Noot

SIGNATURE

1 **RET**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **LISA LUZAICH**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #5056**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **State of Nevada**

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CLERK OF THE COURT

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 In the Matter of Application,

10 of

11 **JANET SOLANDER,**  
12 **#6005501**

13 for a Writ of Habeas Corpus.

CASE NO: C-14-299737-3

DEPT NO: XXI

14 **STATE'S RETURN TO WRIT OF HABEAS CORPUS**

15 **DATE OF HEARING: December 18, 2014**

16 **TIME OF HEARING: 9:30A.M.**

17 COMES NOW, DOUGLAS C. GILLESPIE, Sheriff of Clark County, Nevada,  
18 Respondent, through his counsel, STEVEN B. WOLFSON, Clark County District Attorney,  
19 through LISA LUZAICH, Chief Deputy District Attorney, in obedience to a writ of habeas  
20 corpus issued out of and under the seal of the above-entitled Court on the 20th day of  
21 November, 2014, and made returnable on the 18th day of December, 2014, at the hour of 9:30  
22 o'clock A.M., before the above-entitled Court, and states as follows:

23 1. Respondent admits the allegations of Paragraph(s) 1 and 2 of the  
24 Petitioner's Petition for Writ of Habeas Corpus.

25 2. Respondent denies the allegations of Paragraph(s) 3, 5 and 6 of the  
26 Petitioner's Petition for Writ of Habeas Corpus.

27 3. Respondent objects to Paragraph 9.  
28

1           4. Paragraphs 4, 7, 8 and 10 do not require admission or denial.

2           5. The Petitioner is in the constructive custody of DOUG  
3 GILLESPIE, Clark County Sheriff, Respondent herein, pursuant to a Criminal  
4 Information on file with this Court.

5           Wherefore, Respondent prays that the Writ of Habeas Corpus be discharged and the  
6 Petition be dismissed.

7           DATED this 17th day of December, 2014.

8                               Respectfully submitted,

9                               STEVEN B. WOLFSON  
10                              Clark County District Attorney  
                              Nevada Bar # 001565

11                           BY /s/ LISA LUZAICH  
12                              LISA LUZAICH  
13                              Chief Deputy District Attorney  
                              Nevada Bar #5056

14  
15   **POINTS AND AUTHORITIES**

16   **STATEMENT OF FACTS**

17           Janet Solander, the defendant herein, is charged in an Information with multiple counts  
18 of child abuse, neglect, or endangerment with substantial bodily harm; child abuse, neglect, or  
19 endangerment and sexual assault with a minor under fourteen years of age. The victims are  
20 A.S. (whose date of birth is 10/21/01), A.S. (whose date of birth is 1/23/03) and A.S. (whose  
21 date of birth is 7/25/04). Initially, the children were foster children of Defendant and co-  
22 defendant Dwight Solander, then the Solanders adopted them. The crimes were committed on  
23 or between January 19, 2011, and November 11, 2013, after the children were adopted.

24           On November 5, 2014, Defendant filed a Petition for Writ of Habeas Corpus. The  
25 State's Return follows.

26           A.S. (10/21/01) is twelve years old. She is the oldest of the Solander sisters. A.S.  
27 (10/21/01) knows the DEFENDANTS in this case because she and her siblings were originally  
28 foster children within the Solander home. In January of 2011, the three siblings were formally

1 adopted by DEFENDANTS Janet and Dwight Solander. (VOL 1 - PHT pp. 14-15).

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

6 On January 19, 2011, DEFENDANTS Janet and Dwight Solander formally adopted  
7 A.S. (10/21/01) and her two sisters. Once they were adopted, certain rules were put in place  
8 regarding the bathroom. First, the children would have to ask one of the named  
9 DEFENDANTS to use the bathroom and the children were not allowed to use the restroom  
10 whenever they needed to. (VOL 1 - PHT p. 19). The DEFENDANTS then began using timers  
11 to time when the children were allowed to go to the bathroom. (Id. At 19, 28). The children  
12 were forced to hold their pee and poop until the timer went off. (VOL 1 - PHT p. 28). Then,  
13 when A.S. (10/21/01) was given a chance to go to the bathroom, she was too scared to take  
14 the opportunity, because if she stated she had to go then she would get in trouble for not  
15 opening her mouth and telling them she had to go previously. (VOL 1 - PHT pp. 112-113).  
16 Thus, there was no way to escape getting into trouble over toileting.

17 There were also rules regarding use of the bathroom at nighttime. At first, the children  
18 were allowed to knock on DEFENDANTS Janet and Dwight's door and ask to go to the  
19 bathroom, however, they would get in trouble with DEFENDANT Janet Solander for asking.  
20 Then the DEFENDANTS put gates and alarms on the door so the children could not get access  
21 to the bathroom. (VOL 1 - PHT p. 20)

22 A.S. (10/21/01) became too scared to ask so she started holding "it," then after a while  
23 she started having accidents in her pants and that is when she would get beaten. (VOL 1 -  
24 PHT p. 21).

25 When A.S. (10/21/01) was beaten, she was hit by DEFENDANTS Janet or Dwight  
26 Solander. They would spank her bare bottom with a wooden Home Depot stick/ruler.  
27 DEFENDANT Dwight Solander wrote "Board of Education" on the stick. (VOL 1 - PHT p.  
28 22). Before the beating, she would be told to take her clothes off and "get in the position" which

1 meant get in a position like one was about to do a pushup. Then either DEFENDANT Janet or  
2 Dwight would hit her with the stick. (VOL 1 - PHT p. 24). When the stick hit her bottom, it  
3 would break her skin and she would bleed. On certain occasions, she would be hit and the stick  
4 would actually break; yet, the beatings would still continue. (VOL 1 - PHT p. 25). A.S.  
5 (10/21/01) still has scars on her bottom to this day.

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

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

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

24 After the children had accidents, they would either be taken outside and sprayed down  
25 with a hose, or they would be given a cold shower. (VOL 1 - PHT p. 36). Along with being  
26 placed in the cold shower, DEFENDANT Janet Solander would also pour buckets of ice on the  
27 children while they were showering. (VOL 1 - PHT p. 37). After the children were done  
28

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<sup>1</sup> Later in the preliminary hearing A.S. (10/21/01) testified that DEFENDANT Dwight Solander did not withhold food and water from her or her siblings.

1 showering DEFENDANT Janet or DEFENDANT Dwight would then take a special light to the  
2 shower. If it showed that they had urinated in the shower they would get hit with the stick.  
3 (VOL 1 - PHT pp. 37, 38). DEFENDANTS Janet and Dwight would also force them to dry off  
4 by placing a fan on them, or they were told to shake the water off, they would not be given  
5 towels. (VOL 1 - PHT p. 38).

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

10 At a certain point the DEFENDANTS made the decision to home school the children.  
11 When the children would get answers to their homework wrong, DEFENDANT Janet would  
12 either hit them with the stick or punish them in other ways. On one particular occasion A.S.  
13 (10/21/01) had gotten an answer wrong so DEFENDANT Janet Solander took A.S.'s  
14 (10/21/01) head and slammed her face repeatedly into the counter. Her eye became purple and  
15 swelled shut. (VOL 1 - PHT pp. 43-44).

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

25 If A.S. (10/21/01) ever fought DEFENDANT Janet while she was trying to put the  
26 catheter in her, DEFENDANT Janet would threaten her with a razor blade. The razor blade  
27 was gray, silverish, and small. (VOL 1 - PHT p. 49). This scared A.S. (10/21/01).

28 ///



1 A.S. (1/23/03) is eleven years old and she is the middle child of the three sisters.<sup>2</sup> She  
2 too noticed the rules started changing after the sisters were adopted by the DEFENDANTS.  
3 The children were put on timers and could not go to the bathroom unless the timer was up; this  
4 tactic was used by both DEFENDANTS Janet and Dwight. (PHT. VOL III, P. 14). There  
5 came a point in time when A.S. (1/23/03) and her siblings were not allowed to use the  
6 bathroom during the night. The DEFENDANTS Janet and Dwight placed an alarm on the  
7 bathroom door and a gate prevented them from going near the bathroom. (PHT. VOL III, P.  
8 15).

9 Sometimes, A.S. (1/23/03) could not "hold it" anymore and she would have an accident  
10 in her pants. When that occurred, either DEFENDANT Janet or DEFENDANT Dwight would  
11 spank A.S. (1/23/03) with the paint stick. It was long and brown and it said Home Depot on it.  
12 (PHT. VOL III, P. 16, 17). Either DEFENDANT Janet would hit the children or she would  
13 threaten them by saying, "You're going to get it when Dad comes home." Then when  
14 DEFENDANT Dwight would come home, he would spank them. Usually they were spanked  
15 on the bottom; however, if they kept moving- he would hit them on their backs, arms, or ankles.  
16 (PHT. VOL III, P. 16, 17). When the stick would break, the DEFENDANTS would just go  
17 get another stick because there were several in the garage. A.S. (1/23/03) still has marks today  
18 from the stick whippings on her bottom and her arm. (PHT. VOL III, P. 18).

19 A.S. (1/23/03) and her siblings were originally enrolled in public school. "One morning  
20 the children were so hungry that they stole a cinnamon roll from the school. The school notified  
21 DEFENDANT Janet Solander, and from that point forward, they were home schooled. (PHT.  
22 VOL III, P. 20). Once the girls became home schooled, they had to sit at the counter in the  
23 kitchen on buckets. The buckets were orange in color and said Home Depot on them. Id. The  
24 buckets were purchased by DEFENDANT Dwight Solander, he placed toilet seats on the  
25 buckets as well. (PHT. VOL III, P. 21). Somebody wrote names on the buckets in an attempt  
26 to make fun of them. Id. When they would sit on the buckets, they would have to sit there with  
27 their underwear off but they could keep their shirt on. The children sat on the buckets all day

28  

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<sup>2</sup> Much of the testimony of all three siblings is similar. Unfortunately to show all counts were bound over correctly, the State must reiterate and repeat the information each victim gave.

1 until they went to bed. (PHT. VOL III, P. 22).

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

11 When A.S. (1/23/03) had accidents, DEFENDANT Janet would force her to put her  
12 soiled underwear in her mouth. She also saw DEFENDANT Janet make her sisters do this as  
13 well. (PHT. VOL III, P. 28). Additionally, DEFENDANT Janet and DEFENDANT Dwight  
14 would make girls act like babies in front of the other foster children. They would make the  
15 Solander sisters stand in front of the foster kids with pacifiers in their mouth. In other times,  
16 they would have the Solander girls crawl on the floor saying "goo goo" and "gaa gaa." The  
17 DEFENDANTS and the other foster children would laugh and make fun of them. If any saliva  
18 came out of their mouths, they would get slapped. (PHT. VOL III, P. 28, 29).

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

26 After the children were done showering, one of the DEFENDANTS would get a purple  
27 light and check the shower to see if there was any pee. If DEFENDANT Janet saw any pee she  
28 would scream, "What's this? Did you pee in the tub? I'm not stupid I can see the spots." They

would also check their underwear with the light. If the DEFENDANTS found anything, the children would get spanked with the sticks, the DEFENDANTS' hands, or DEFENDANT Janet's slipper. (PHT. VOL III, P. 33).

A.S. (1/23/03) and her sisters would sleep on boards. (PHT. VOL III, P. 33) She believes that they slept in their underwear but maybe sometimes they were allowed their pajamas. Then while they were sleeping, DEFENDANT Janet would put fans on high and let them blow on them. If DEFENDANT Janet was out of town and DEFENDANT Dwight was taking care of them he would have to call DEFENDANT Janet and do whatever she told him in regards to how the children slept. There were no sheets on the bed but sometimes they would get a blanket. (PHT. VOL III, pp. 34-35).

DEFENDANT Janet would ask them if they had to go to the bathroom before the DEFENDANT left the house. Even though the children would tell her no, she would still check them with a catheter. If pee came out of the bag, she would spank them. (PHT. VOL III, P. 38). She would check them by taking them into the bathroom and telling them to lay a towel on the floor, then they would lay down and she would put the catheter in their "front part." (PHT. VOL III, P. 39). If pee came out, she was in trouble. If A.S. (1/23/03) fought DEFENDANT Janet then she would get spanked. DEFENDANT Janet would also threaten them with a razor blade. (PHT. VOL III, P. 40). When DEFENDANT Janet threatened A.S. (1/23/03) with the razor blade, it made her feel afraid. (PHT. VOL III, P. 41). A.S. (1/23/03) isn't sure, but she believes she heard DEFENDANT Dwight Solander ordering the catheters on the phone. (PHT. VOL III, P. 45).

A.S. (1/23/03) remembers one day when they were doing their homework, she noticed that A.S. (10/21/01) was shaking. She asked her if she had to go to the bathroom and A.S. (10/21/01) said yes. A.S. (1/23/03) told her sister that she needed to say something, but her sister told her that she was too scared. So, A.S. (1/23/03) told her sister that she would be in more trouble if she didn't say anything but her sister said that she was too afraid. Her sister then urinated on herself. When DEFENDANT Janet saw that A.S. (10/21/01) had urinated, she kicked her up and down the stairs. Then she took her head and slammed it into the counter

1 leaving her with a blackish purple eye. (PHT. VOL III, P. 43):

2 A.S. (1/23/03) also remembers a time when their youngest sibling had pooped in her  
3 pants. DEFENDANT Janet then kicked the youngest sibling up the stairs. Once the child  
4 reached the bathroom, Janet emptied the child's poop into the toilet and forced the child to stick  
5 her head into the toilet with the poop in it. (PHT. VOL III, P. 44).

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

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

21 If DEFENDANT Dwight was watching them, sometimes he would let them go, but he  
22 had to follow the rules. If DEFENDANT Janet told DEFENDANT Dwight that they had to  
23 wait - then they had to wait. (PHT. VOL III, P. 192).

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

27 When they were working on their school work they would sit at an island in the kitchen  
28 and they would sit on buckets. They were from Home Depot and they had a toilet seat on them.

1 (PHT. VOL III, P. 195). DEFENDANT Dwight placed the toilet seat on them. They had to  
2 sit on the buckets all day until they went to bed.

3 A.S. (7/25/04) and her siblings were not allowed to eat whatever they wanted. Initially  
4 they were given vegetables, red beans, and rice. In the morning they were given either oatmeal  
5 or cereal; however, DEFENDANT Janet started blending their food. DEFENDANT Janet told  
6 them that she was blending mice up and feeding it to them, but she didn't really believe her.  
7 (PHT. VOL III, P. 196). Initially they were allowed to eat three times a day, then sometimes  
8 only once. If they had an accident, they could go as long as two days without any food or water.  
9 (PHT. VOL III, P. 197).

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

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

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

25 One day A.S. (7/25/04) was cleaning up the "dogs' bathroom" in the yard. When she  
26 came inside, DEFENDANT Janet told her to wash her hands. When she went to do so, the  
27 water was really hot so she jerked her hands out. This angered DEFENDANT Janet and so she  
28 forced her hands back in. DEFENDANT Janet then took the top of a candle lid, filled it with

1 water, and splashed it in her face. When she continued to cry, DEFENDANT Janet picked her  
2 up and tried to put her whole body in the sink. A.S. (7/25/04) still has scars on her back and  
3 ear. (PHT. VOL III, P. 205).

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

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

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

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

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

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

below:

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

Lastly, Detective Emery is in the Child Abuse and Neglect Division of the Las Vegas Metropolitan Police Department. Detective Emery is in charge of the investigation of this case. During her investigation she conducted a search warrant on the work computer of DEFENDANT Dwight Solander. Pursuant to that search she found several purchases for catheters. Also on the computer, were emails regarding alarms to put on doors, one specifically was called "the bedwetter." Additionally, there were several emails going back and forth

1 between DEFENDANT Janet and DEFENDANT Dwight discussing the children having  
2 accidents, pictures were attached, and comments stating the children were going to get  
3 punished. (VOL V – PHT p. 49).

## 4 ARGUMENT

### 5 I

#### 6 DEFENDANT'S PETITION IS UNTIMELY

7 The State recognizes that the Court has ruled on this issue. The State merely  
8 incorporates its timeliness argument by reference for appellate purposes.

### 9 II

#### 10 STANDARD OF PROOF AT PRELIMINARY HEARING

11 As this Court is well aware, “[t]he finding of probable cause may be based on slight,  
12 even ‘marginal,’ evidence because it does not involve a determination of the guilt or innocence  
13 of an accused.” Sheriff v. Hodes, 96 Nev. 184, 186, 606 P.2d 178 (1980); *see also* Sheriff v.  
14 Shade, 109 Nev. 826, 828, 858 P.2d 840 (1993); Sheriff v. Simpson, 109 Nev. 430, 435, 851  
15 P.2d 428 (1993); Sheriff v. Crockett, 102 Nev. 359, 361, 724 P.2d 203 (1986). Thus, “the  
16 evidence need not be sufficient to support a conviction.” Sheriff v. Kinsey, 87 Nev. 361, 363,  
17 487 P.2d 340 (1971). “To commit an accused for trial, the State is not required to negate all  
18 inferences which might explain his conduct, but only to present enough evidence to support a  
19 reasonable inference that the accused committed the offense” Id. at 363; *see also* Shade, 109  
20 Nev. at 828; Crockett, 102 Nev. at 361.

21 Furthermore, convictions based on circumstantial evidence have been upheld in Nevada.  
22 *See* Gibson v. State, 96 Nev. 48, 50 (1980); Merryman v. State, 95 Nev. 648, 649 (1979); Dutton  
23 v. State, 94 Nev. 567, 568 (1978); Edwards v. State, 90 Nev. 255, 258 (1974); Goldsmith v.  
24 Sheriff, 85 Nev. 295, 304 (1969). Therefore, as initially asserted, circumstantial evidence is  
25 sufficient to support a finding of probable cause. Howard v. Sheriff, 93 Nev. 30 (1977).

26 The United States Supreme Court has stated the following regarding circumstantial  
27 evidence:

28 ///



1 Circumstantial evidence in this request is intrinsically  
2 no different from testimonial evidence. Admittedly,  
3 circumstantial evidence may in some cases point to a  
4 wholly incorrect result. Yet this is equally true of  
5 testimonial evidence. In both instances, the jury is  
6 asked to weigh the chances that the evidence correctly  
7 points to guilt against the possibility of inaccuracy or  
8 ambiguous inference. In both, the jury must use its  
9 experience with people and events in weighing the  
10 possibilities. If the jury is convinced beyond a  
11 reasonable doubt, we can require no more.

12 Holland v. United States, 348 U.S. 121, 75 S. Ct. 127, 137-38 (1954); also see United States v.  
13 Hooks, 780 F.2d 1526, 1530 (10<sup>th</sup> Cir. 1986).

### 14 III

#### 15 THE STATE PRESENTED SUFFICIENT EVIDENCE 16 FOR THE CRIMES OF SEXUAL ASSAULT

17 Per NRS 200.366:

18 A person who subjects another person to sexual  
19 penetration, or who forces another person to make a  
20 sexual penetration on himself or herself or another, or  
21 on a beast, against the will of the victim or under  
22 conditions in which the perpetrator knows or should  
23 know that the victim is mentally or physically incapable  
24 of resisting or understanding the nature of his or her  
25 conduct, is guilty of sexual assault.

26 NRS 200.364 defines penetration as:

27 “Sexual penetration” means cunnilingus, fellatio, or any  
28 intrusion, however slight, of any part of a person’s  
body or any object manipulated or inserted by a  
person into the genital or anal openings of the body  
of another, including sexual intercourse in its ordinary  
meaning. (emphasis added).

29 Defendant incorrectly argues that there must be a sexual component to this charge above  
30 and beyond the body parts involved. However, a plain look at the statute says otherwise.  
31 “Sexual penetration” is defined as, among other things, “any object manipulated or inserted ...  
32 into the genital opening ... of another.” Id. (emphasis added). It does not say any dildo or  
33 vibrator or even any sexual object. The statute says merely “any object.” The statute further  
34 does not state any object inserted “for sexual pleasure” or “for sexual purpose” or anything  
35 sexual in nature. The statute merely states any object inserted into the genital opening of  
36 another.

1 Furthermore, sexual assault is a general intent crime. Honeycutt v. State, 118 Nev. 660,  
2 669 (2002), *overruled on other grounds* Carter v. State, 121 Nev. 759 (2005); Winnerford Frank  
3 H. v. State, 112 Nev. 520, 526 (1996). It is not a specific intent crime like lewdness with a  
4 child under the age of 14. State v. Catanio, 120 Nev. 1030 (2004). To be convicted of lewdness  
5 with a child under the age of 14, the State must prove a person had the specific intent of  
6 arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of  
7 that child. NRS 201.230.

8 Defendant attempts to justify her position arguing legislative intent. However, the fact  
9 that the legislature included the sexual intent language in the lewdness statute demonstrates that  
10 if they wanted there to be the same “sexual component” to the sexual assault statute, it would  
11 have been included it there as well. And while the sexual assault and lewdness statutes have  
12 been the subject of legislation in almost every legislature in the past decade, that language  
13 remains glaringly absent from the sexual assault statute.

14 The crime of sexual assault encompassing penetration by an object is something that has  
15 been prosecuted for hundreds of years. The State takes issue with the Defendant  
16 characterization of these charges as “absurd.” What are absurd are the Defendants’ actions in  
17 this case.

18 Defense has repeatedly tried, to no avail, to make this case look like the Defendants were  
19 acting out of “medical necessity” and thus, these children needed catheters stuck up their  
20 vaginas. Yet, they did not. The truth is these defendants created this horrific atmosphere where  
21 the children were so scared to go to the bathroom that they held it and then urinated and  
22 defecated on themselves. The children were punished if they did ask and punished if they didn’t  
23 ask, so they could not win. This created a vicious cycle that mentally and emotionally destroyed  
24 them. There was absolutely no need and no medical reason for Defendant Dwight Solander to  
25 purchase the catheters, nor was there any reason for Defendant Janet Solander to use them on  
26 the girls. The only “need” the Defendants had to use the catheters was so they could find yet  
27 another way to punish the girls. Commonly, the Defendants would ask the children if they had  
28 to use the restroom before the Defendants left the home. When the children said no, the

1 Defendants refused to believe them, so they had them go upstairs and get the catheter inserted.  
2 When urine came out, they would be beaten.

3 This is a far cry from the example in the Defendant's petition, such as an actual  
4 physician. Defendant forgets the sexual assault statute includes the element that penetration be  
5 "against the victim's will." A physician would not be charged while inserting a catheter as,  
6 under their scenario, catheter insertion by a physician is not generally against the will, takes  
7 place in a medical facility and is medically necessary.

8 The State would point out that a physician was once charged, tried and convicted of  
9 sexual assault due to penetration during a medical exam. McNair v. State, 108 Nev. 53 (1992).  
10 The defendant was a gynecologist who inserted his finger and/or penis in patients' vagina  
11 and/or butt during medical examinations. The Supreme Court found stated, "The language of  
12 our statute is sufficiently broad and explicit to encompass conduct involving an act of sexual  
13 penetration occurring as a result of fraud and deceit in the course of a medical examination and  
14 without the consent of the patient."

15 It's disingenuous for Defense to claim that this was a scenario like the one Defendant  
16 describes. These children had catheters repeatedly stuck up their vaginas FOR NO VALID  
17 REASON at all. In fact when the siblings fought it, they were threatened with a razor blade.  
18 Had this been "medically necessary" or for the children's own good, the Defendants in this case  
19 would not be charged with 46 counts. These behaviors and actions are criminal, and it should  
20 be up to the jury to find whether or not the crimes charged constitute sexual assault under the  
21 statute.

22 Finally, the rule of lenity has no application here. Defendant's scenarios are completely  
23 non analogous to grown adults wanting to terrorize children by scaring them into "holding"  
24 their urine, asking them if they have to go pee, and when they refuse - forcing a catheter, or in  
25 one situation, a stick, up their vagina. Following the Defense's logic, Defendants could always  
26 stick some sort of object into a child's vagina and then make up some "medical reason" for why  
27 they needed to do it. In this case, there is no valid reason as to why these children would need  
28 catheters forced into their vagina. If there was an issue, why weren't they taken to the hospital?

1 Why weren't they given prescriptions for the catheters? Why were they used as a form of  
2 punishment? These answers are for a jury to decide. The State cannot imagine a more  
3 perfect scenario to fit the statutory definition of sexual assault by insertion of an object.

4 **IV**

5 **THE STATE PRESENTED SUFFICIENT EVIDENCE TO HOLD**  
6 **THE DEFENDANT TO ANSWER TO CHILD ABUSE RESULTING**  
7 **IN SUBSTANTIAL BODILY HARM**

8 Defendant claims the State did not present evidence that the marks on the girls' buttocks  
9 were caused by conduct attributable to the Defendant as there was evidence presented of prior  
10 abuse. Keeping in mind this is a preliminary hearing and not a trial, there was certainly  
11 sufficient evidence presented.

12 All three children discussed the fact that they were beaten repeatedly by the Defendant  
13 throughout the entire time they lived with the Defendant. When the Defendant would beat them  
14 she would use the paint stick, sometimes to the point that it would break, and the children would  
15 often bleed. There was also testimony that co-defendants Dwight Solander and Danielle Hinton  
16 beat the children. Dr. Cetl discussed the multiple scars on the children in different locations.  
17 It would be physically impossible to prove which Defendant caused which scar when the  
18 children were beaten so often. It will be up to a jury to decide if this Defendant's use of the  
19 stick caused substantial bodily harm. The evidence as it stands now was more than enough to  
20 prove the substantial bodily harm aspect.

21 **CONCLUSION**

22 For the foregoing reasons, Defendant's Petition for Writ of Habeas Corpus must be  
23 DENIED.

24 ///

25 ///

26 ///

27 ///

28 ///

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of State's Return to Writ of Habeas Corpus, was made this  
17th day of December, 2014, by facsimile transmission to:

KRISTINA WILDEVELD, ESQ.  
FAX #222-0001

BY: /s/ J. MOTL  
Employee of the District Attorney's Office

LL/jm/SVU

  
CLERK OF THE COURT

1 **INFM**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **JACQUELINE BLUTH**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #010625**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

7 **I.A. 07/31/32014**  
8 **9:30 A.M.**  
9 **MUELLER**  
10 **PUBLIC DEFENDER**  
11 **MANN**

12 **THE STATE OF NEVADA,**  
13  
14 **Plaintiff,**

**CASE NO: C-14-299737-3**

15 **-vs-**

**DEPT NO: XXI**

16 **DWIGHT CONRAD SOLANDER,**  
17 **#3074262**  
18 **DANIELLE HINTON,**  
19 **#6005500**  
20 **JANET SOLANDER,**  
21 **#6005501**

**INFORMATION**

22 **Defendant.**

23 **STATE OF NEVADA** }  
24 **COUNTY OF CLARK** } ss.

25 **STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State**  
26 **of Nevada, in the name and by the authority of the State of Nevada, informs the Court:**

27 **That DWIGHT CONRAD SOLANDER, DANIELLE HINTON and JANET**  
28 **SOLANDER the Defendants above named, having committed the crimes of CHILD ABUSE,**  
**NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM**  
**(Category B Felony - NRS 200.508(1) - NOC 55222), CHILD ABUSE, NEGLECT OR**  
**ENDANGERMENT (Category B Felony - NRS 200.508(1) - NOC 55226), SEXUAL**  
**ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A**  
**Felony - NRS 200.364, 200.366 - NOC 50105), ASSAULT WITH USE OF A DEADLY**

1 **WEAPON (Category B Felony - NRS 200.471 - NOC 50201) and BATTERY WITH**  
2 **INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony - NRS 200.400.4 -**  
3 **NOC 50157) in the manner following, to-wit: That the said Defendants, on or between the**  
4 **19<sup>th</sup> day of January, 2011, and the 11<sup>th</sup> day of November, 2013, at and within the County of**  
5 **Clark, State of Nevada, State of Nevada, contrary to the form, force and effect of statutes in**  
6 **such cases made and provided, and against the peace and dignity of the State of Nevada,**

7 **COUNT 1 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL**  
8 **BODILY HARM**

9 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
10 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
11 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or  
12 neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered  
13 unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly  
14 striking the said A.S. about the buttocks, and/or body with a stick, resulting in substantial  
15 bodily harm and/or mental harm to the said A.S.

16 **COUNT 2 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL**  
17 **BODILY HARM**

18 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
19 under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
20 or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a  
21 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
22 result of abuse or neglect, by repeatedly striking and/or slamming the said A.S.'s head and/or  
23 eye into the counter, resulting in substantial bodily harm and/or mental harm to the said A.S..

24 **COUNT 3 - CHILD ABUSE, NEGLECT OR ENDANGERMENT**

25 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did  
26 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S.  
27 (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse  
28 or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered

1 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
2 negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a bucket for  
3 extended periods of time.

4 COUNT 4 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

5 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did  
6 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S.  
7 (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse  
8 or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered  
9 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
10 negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or  
11 bowel movements for an extended period of time.

12 COUNT 5 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

13 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
14 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
15 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or  
16 neglect, and/or cause the said A.S to be placed in a situation where she might have suffered  
17 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
18 negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards and/or  
19 towels with no sheets or blankets with a fan blowing on her.

20 COUNT 6 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

21 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did  
22 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S.  
23 (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse  
24 or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered  
25 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
26 negligent treatment or maltreatment, by withholding food and water from the said A.S. for  
27 extended periods of time.

28 //



1 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
2 AGE

3 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
4 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 10/21/01),  
5 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
6 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
7 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
8 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
9 Defendants being responsible under one or more of the following principles of criminal  
10 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
11 together to commit the offense of sexual assault with a minor under fourteen years of age;  
12 and/or (3) by defendants aiding and abetting each other in the commission of the crime by  
13 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
14 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
15 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
16 words and acting in concert throughout.

17 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
18 AGE

19 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
20 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 10/21/01),  
21 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
22 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
23 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
24 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
25 Defendants being responsible under one or more of the following principles of criminal  
26 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
27 together to commit the offense of sexual assault with a minor under fourteen years of age;  
28 and/or (3) by defendants aiding and abetting each other in the commission of the crime by

1 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
2 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
3 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
4 words and acting in concert throughout.

5 COUNT 9 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

6 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
7 under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
8 or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
9 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
10 result of abuse or neglect defined as negligent treatment or maltreatment, by pushing the said  
11 A.S. down the stairs.

12 COUNT 10 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

13 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
14 under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
15 or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
16 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
17 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
18 A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering.

19 COUNT 11 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

20 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a  
21 child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical  
22 pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed  
23 in a situation where she might have suffered unjustifiable physical pain or mental suffering as  
24 a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
25 A.S. to lick her own urine off the floor.

26 //

27 //

28 //

1 COUNT 12 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

2 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a  
3 child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical  
4 pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed  
5 in a situation where she might have suffered unjustifiable physical pain or mental suffering as  
6 a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
7 A.S. to place soiled underwear in her mouth.

8 COUNT 13 - ASSAULT WITH USE OF A DEADLY WEAPON

9 Defendant JANET SOLANDER did willfully, unlawfully, feloniously and intentionally  
10 place another person in reasonable apprehension of immediate bodily harm and/or did willfully  
11 and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB:  
12 10/21/01), with use of a deadly weapon to wit: a razor blade by displaying a razor blade and  
13 threatening the said A.S.

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

16 Defendants DWIGHT CONRAD SOLANDER, DANIELLE HINTON, and JANET  
17 SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years,  
18 to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result  
19 of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have  
20 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by  
21 repeatedly striking the said A.S. about the buttocks, arm, and/or body with a stick, resulting in  
22 substantial bodily harm and/or mental harm to the said A.S.

23 COUNT 15 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

24 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
25 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
26 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect,  
27 and/or cause the said A.S to be placed in a situation where she might have suffered  
28 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as

1 negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a bucket for  
2 extended periods of time.

3 COUNT 16 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

4 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
5 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
6 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect,  
7 and/or cause the said A.S to be placed in a situation where she might have suffered  
8 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
9 negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or  
10 bowel movements for an extended period of time.

11 COUNT 17 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

12 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
13 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
14 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect,  
15 and/or cause the said A.S to be placed in a situation where she might have suffered  
16 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
17 negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards and/or  
18 towels with no sheets or blankets with a fan blowing on her.

19 COUNT 18 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

20 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did  
21 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S.  
22 (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse  
23 or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered  
24 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
25 negligent treatment or maltreatment, by withholding food and water from the said A.S. for  
26 extended periods of time.

27 //

28 //

1 COUNT 19 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
2 AGE

3 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
4 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 1/23/03),  
5 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
6 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
7 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
8 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
9 Defendants being responsible under one or more of the following principles of criminal  
10 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
11 together to commit the offense of sexual assault with a minor under fourteen years of age;  
12 and/or (3) by defendants aiding and abetting each other in the commission of the crime by  
13 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
14 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
15 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
16 words and acting in concert throughout.

17 COUNT 20 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

18 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
19 under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or  
20 mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
21 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
22 result of abuse or neglect defined as negligent treatment or maltreatment, by pushing and/or  
23 kicking the said A.S. down and/or on the stairs.

24 COUNT 21 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

25 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a  
26 child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical  
27 pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed  
28 in a situation where she might have suffered unjustifiable physical pain or mental suffering as

1 a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
2 A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering.

3 COUNT 22 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

4 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a  
5 child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical  
6 pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed  
7 in a situation where she might have suffered unjustifiable physical pain or mental suffering as  
8 a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
9 A.S. to place soiled underwear in her mouth.

10 COUNT 23 - ASSAULT WITH USE OF A DEADLY WEAPON

11 Defendant JANET SOLANDER did willfully, unlawfully, feloniously and intentionally  
12 place another person in reasonable apprehension of immediate bodily harm and/or did willfully  
13 and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB:  
14 1/23/03), with use of a deadly weapon to wit: a razor blade, by displaying a razor blade and  
15 threatening the said A.S.

16 COUNT 24 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH  
17 SUBSTANTIAL BODILY HARM

18 Defendants DWIGHT CONRAD SOLANDER, DANIELLE HINTON, and JANET  
19 SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years,  
20 to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result  
21 of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have  
22 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by  
23 repeatedly striking the said A.S. about the buttocks, and/or wrist, and/or body with a stick,  
24 resulting in substantial bodily harm and/or mental harm to the said A.S.

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28 //

1 COUNT 25 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH

2 SUBSTANTIAL BODILY HARM

3 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
4 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
5 mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a  
6 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
7 result of abuse or neglect, by holding the said A.S.'s head and/or body under hot water and/or  
8 pouring hot water on the said A.S.'s head and/or body resulting in burns to the said A.S.'s ears  
9 and/or shoulder and/or back, resulting in substantial bodily harm and/or mental harm to the  
10 said A.S.

11 COUNT 26 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

12 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did  
13 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S.  
14 (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse  
15 or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered  
16 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
17 negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a "training potty"  
18 and/or bucket for extended periods of time.

19 COUNT 27 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

20 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
21 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
22 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect,  
23 and/or cause the said A.S. to be placed in a situation where she might have suffered  
24 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
25 negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or  
26 bowel movements for an extended period of time.

27 //

28 //

1 COUNT 28 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

2 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
3 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
4 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect,  
5 and/or cause the said A.S. to be placed in a situation where she might have suffered  
6 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
7 negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards and/or  
8 towels with no sheets or blankets with a fan blowing on her.

9 COUNT 29 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

10 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
11 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
12 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect,  
13 and/or cause the said A.S. to be placed in a situation where she might have suffered  
14 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
15 negligent treatment or maltreatment, by withholding food and water from the said A.S. for  
16 extended periods of time.

17 COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
18 AGE (BEDROOM 1)

19 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
20 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04),  
21 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
22 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
23 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
24 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
25 Defendants being responsible under one or more of the following principles of criminal  
26 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
27 together to commit the offense of sexual assault with a minor under fourteen years of age;  
28 and/or (3) by defendants aiding and abetting each other in the commission of the crime by



1 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
2 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
3 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
4 words and acting in concert throughout.

5 COUNT 31 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
6 AGE (BATHROOM 1)

7 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
8 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04),  
9 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
10 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
11 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
12 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
13 Defendants being responsible under one or more of the following principles of criminal  
14 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
15 together to commit the offense of sexual assault with a minor under fourteen years of age;  
16 and/or (3) by defendants aiding and abetting each other in the commission of the crime by  
17 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
18 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
19 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
20 words and acting in concert throughout.

21 COUNT 32 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
22 AGE (BATHROOM 2)

23 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
24 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04),  
25 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
26 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
27 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
28 or physically incapable of resisting or understanding the nature of Defendants' conduct;

1 Defendants being responsible under one or more of the following principles of criminal  
2 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
3 together to commit the offense of sexual assault with a minor under fourteen years of age;  
4 and/or (3) by defendants aiding and abetting each other in the commission of the crime by  
5 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
6 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
7 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
8 words and acting in concert throughout.

9 COUNT 33 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
10 AGE (LOFT 1)

11 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
12 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04),  
13 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
14 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
15 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
16 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
17 Defendants being responsible under one or more of the following principles of criminal  
18 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
19 together to commit the offense of sexual assault with a minor under fourteen years of age;  
20 and/or (3) by defendants aiding and abetting each other in the commission of the crime by  
21 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
22 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
23 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
24 words and acting in concert throughout.

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1 COUNT 34 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
2 AGE (LOFT 2)

3 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
4 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04),  
5 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
6 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
7 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
8 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
9 Defendants being responsible under one or more of the following principles of criminal  
10 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
11 together to commit the offense of sexual assault with a minor under fourteen years of age;  
12 and/or (3) by defendants aiding and abetting each other in the commission of the crime by  
13 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
14 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
15 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
16 words and acting in concert throughout.

17 COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
18 AGE (LOFT 3)

19 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
20 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04),  
21 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
22 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
23 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
24 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
25 Defendants being responsible under one or more of the following principles of criminal  
26 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
27 together to commit the offense of sexual assault with a minor under fourteen years of age;  
28 and/or (3) by defendants aiding and abetting each other in the commission of the crime by

1 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
2 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
3 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
4 words and acting in concert throughout.

5 COUNT 36 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
6 AGE (LOFT 4)

7 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
8 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04),  
9 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
10 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
11 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
12 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
13 Defendants being responsible under one or more of the following principles of criminal  
14 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
15 together to commit the offense of sexual assault with a minor under fourteen years of age;  
16 and/or (3) by defendants aiding and abetting each other in the commission of the crime by  
17 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
18 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
19 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
20 words and acting in concert throughout.

21 COUNT 37 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
22 AGE

23 Defendant JANET SOLANDER did then and there willfully, unlawfully, and  
24 feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen  
25 years of age, to sexual penetration, to-wit: by inserting a stick into the said A.S.'s genital  
26 opening, against her will, or under conditions in which Defendants knew, or should have  
27 known, that the said A.S. was mentally or physically incapable of resisting or understanding  
28 the nature of Defendant's conduct.

1 COUNT 38 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

2 Defendant JANET SOLANDER did then and there willfully, unlawfully, and  
3 feloniously use force or violence upon the person of another, to-wit: A.S. (DOB: 7/25/04),  
4 with intent to commit sexual assault by holding the said A.S. down in an effort to insert the  
5 catheter into A.S.'s vagina.

6 COUNT 39 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

7 Defendant JANET SOLANDER did then and there willfully, unlawfully, and  
8 feloniously use force or violence upon the person of another, to-wit: A.S. (DOB: 7/25/04),  
9 with intent to commit sexual assault by holding the said A.S. down in an effort to insert the  
10 catheter into A.S.'s vagina.

11 COUNT 40 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

12 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
13 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
14 mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
15 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
16 result of abuse or neglect defined as negligent treatment or maltreatment, by pushing and/or  
17 kicking the said A.S. down and/or on the stairs.

18 COUNT 41 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

19 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a  
20 child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical  
21 pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed  
22 in a situation where she might have suffered unjustifiable physical pain or mental suffering as  
23 a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
24 A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering.

25 COUNT 42 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

26 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a  
27 child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical  
28 pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed

1 in a situation where she might have suffered unjustifiable physical pain or mental suffering as  
2 a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
3 A.S. to place soiled underwear in her mouth.

4 COUNT 43 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

5 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
6 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
7 mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a  
8 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
9 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
10 A.S.'s head into the toilet.

11 COUNT 44 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

12 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
13 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
14 mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a  
15 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
16 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
17 A.S.'s to stand in a garbage bag while she urinated and defecated on herself.

18 COUNT 45 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

19 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
20 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
21 mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a  
22 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
23 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
24 A.S. to stand in a garbage bag while she urinated and defecated on herself.

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1 COUNT 46 - ASSAULT WITH USE OF A DEADLY WEAPON

2 Defendant JANET SOLANDER did willfully, unlawfully, feloniously and intentionally  
3 place another person in reasonable apprehension of immediate bodily harm and/or did willfully  
4 and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB:  
5 7/25/04), with use of a deadly weapon to wit: a razor blade, by displaying a razor blade and  
6 threatening the said A.S.

7 STEVEN B. WOLFSON  
8 Clark County District Attorney  
9 Nevada Bar #001565

10 BY /s/ JACQUELINE BLUTH  
11 JACQUELINE BLUTH  
12 Chief Deputy District Attorney  
13 Nevada Bar #010625  
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Names of witnesses known to the District Attorney's Office at the time of filing this  
Information are as follows:

ABRAHIM, FAIZA; CPS/DFS

BARKER; LVMPD#08052

BERNAT, KRISTINA; CPS/DFS

BITSKO; LVMPD#06928

CETL, DR. SANDRA; SUNRISE HOSPITAL/SNCAC

DIAZ, AREHIA; 8025 SECRET AVENUE, LVN 89131

EMERY; LVMPD#02782

GONZALES, YVETTE; CPS/DFS

HENRY, JACKIE; 3643 N STEWART STREET, MILTON, FL 32570

HINTON, DANIELLE; 9500 WAKASHAN AVENUE, LVN 89149

MCCLAIN, DEBORAH; 7771 SPINDRIFT COVE STREET, LVN 89139

MCGHEE; LVMPD#05158

SOLANDER, AMAYA; c/o CPS/DFS

SOLANDER, ANASTASIA; c/o CPS/DFS

SOLANDER, AVA; c/o CPS/DFS

SOLANDER, JANET; 9500 WAKASHAN AVENUE, LVN 89149

STARK, AUTUMN; 3629 TUSCANY RIDGE, NLV 89032

WELLS, LORI; UNK

DA#14F04585ABC/hjc/SVU  
LVMPD EV#1403041293  
(TK12)



## REGISTER OF ACTIONS

### [CASE NO. C-14-299737-1](#)

State of Nevada vs Dwight Solander

§  
§  
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§  
§  
§  
§  
§  
§  
§

Case Type: **Felony/Gross Misdemeanor**  
Date Filed: **07/28/2014**  
Location: **Department 21**  
Cross-Reference Case Number: **C299737**  
Defendant's Scope ID #: **3074262**  
Lower Court Case # Root: **14F04585**  
Lower Court Case Number: **14F04585A**  
Supreme Court No.: **67710**

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#### RELATED CASE INFORMATION

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##### Related Cases

C-14-299737-2 (Multi-Defendant Case)  
C-14-299737-3 (Multi-Defendant Case)

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#### PARTY INFORMATION

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**Defendant**                      **Solander, Dwight Conrad**

**Lead Attorneys**  
**Craig A Mueller**  
*Retained*  
702-382-1200(W)

**Plaintiff**                      **State of Nevada**

**Steven B Wolfson**  
702-671-2700(W)

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#### CHARGE INFORMATION

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##### Charges: Solander, Dwight Conrad

	Statute	Level	Date
1. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM	200.508.1a2	Felony	01/19/2011
3. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
4. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
5. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
6. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
7. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c	Felony	01/19/2011
8. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c	Felony	01/19/2011
14. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM	200.508.1a2	Felony	01/19/2011
15. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
16. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
17. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
18. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011

AA 000972

19. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c Felony01/19/2011
24. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM	200.508.1a2 Felony01/19/2011
26. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1 Felony01/19/2011
27. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1 Felony01/19/2011
28. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1 Felony01/19/2011
29. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1 Felony01/19/2011
30. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BEDROOM 1)	200.366.3c Felony01/19/2011
31. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BATHROOM 1)	200.366.3c Felony01/19/2011
32. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BATHROOM 2)	200.366.3c Felony01/19/2011
33. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 1)	200.366.3c Felony01/19/2011
34. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 2)	200.366.3c Felony01/19/2011
35. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 3)	200.366.3c Felony01/19/2011
36. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 4)	200.366.3c Felony01/19/2011

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**EVENTS & ORDERS OF THE COURT**

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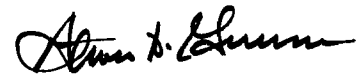
12/01/2014 | [Decision](#) (3:00 AM) (Judicial Officer Adair, Valerie)  
*Decision Re: Dwight Solander's Petition for Writ of Habeas Corpus*

**Minutes**

12/01/2014 3:00 AM

- COURT ORDERED, petition is GRANTED as to the sexual assault with the catheter and DENIED as to remaining issues. CUSTODY CLERK'S  
 NOTE: Above minute order modified per Court on 1/28/14. dh

[Return to Register of Actions](#)



CLERK OF THE COURT

1 NOASC  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 CHRIS BURTON  
6 Deputy District Attorney  
7 Nevada Bar #12940  
8 200 Lewis Street  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,  
11 v.  
12 DWIGHT CONRAD SOLANDER,  
13 #3074262  
14 JANET SOLANDER,  
15 #6005501  
16 Defendant.

Case No. 14C299737-1  
14C299737-3  
Dept. No. XXI

NOTICE OF APPEAL

15 TO: DWIGHT CONRAD SOLANDER, Defendant; and  
16 TO: CRAIG MUELLER, ESQ. Attorney for Defendant and  
17 TO: VALERIE ADAIR, District Judge, Eighth Judicial District Court,  
18 Dept. No. XXI

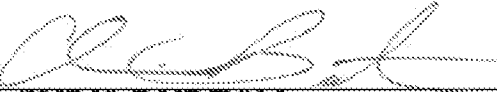
19 NOTICE IS HEREBY GIVEN that the State of Nevada, plaintiff in the  
20 above-entitled matter, appeals to the Supreme Court of the State of Nevada from the  
21 granting in part of Defendants' Petition for Writ of Habeas Corpus relating to Counts  
22 7, 8, 19, and 30-36 of the Information charging Sexual Assault with a Minor Under  
23 Fourteen Years of Age as indicated by the Court's issuance of a Minute Order on  
24 12/19/14.<sup>1</sup>

25  
26  
27 <sup>1</sup> The State notes that the District Court's Minute Order dated 12/19/14 is the only "Decision" the Court has issued on  
28 Defendants' Petition for Writ of Habeas Corpus. No "Written Notice of Entry of the Order" has been filed to date. As  
such, the State is filing an appeal pursuant to NRS 34.575 and NRAP 4(b)(2)

1 Dated this 30<sup>th</sup> day of March, 2015.

2  
3 STEVE WOLFSON  
4 Clark County District Attorney

5  
6 BY



7 CHRIS BURTON  
8 Deputy District Attorney  
9 Nevada Bar #012940


10 Attorney for Plaintiff  
11  
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1 CERTIFICATE OF MAILING

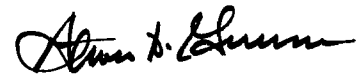
2 I hereby certify that service of the above and foregoing NOTICE OF APPEAL was  
3 made March 30<sup>th</sup>, 2015 by depositing a copy in the U.S. Mail, postage pre-paid,  
4 addressed to:

5  
6 CRAIG MUELLER, ESQ.  
Mueller, Hinds & Associates, CHTD.  
7 600 South Eighth Street  
Las Vegas, Nevada 89101

8  
9 JUDGE VALERIE ADAIR  
Eighth Judicial District Court, Dept. XXI  
10 Regional Justice Center  
200 Lewis Avenue  
11 Las Vegas, Nevada 89101

12  
13  
14 BY   
15 Employee, District Attorney's Office  
16  
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22

23 CB/ed  
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28



CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

DWIGHT CONRAD SOLANDER

Defendant.

CASE NO. C-14-299737-1

DEPT. NO. XXI

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

This matter having come on for hearing on November 6, 2014 and December 18, 2014, and after considering all of the pleadings submitted, the transcripts of the preliminary hearing, and oral arguments, the Court ORDERS that Defendant Dwight Conrad Solander's Petition for Writ of Habeas Corpus is GRANTED IN PART as to the criminal counts alleging Sexual Assault with a catheter, and DENIED IN PART as to the remaining counts for the following reasons:

1 FINDINGS OF FACT

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

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

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

25 The Solander girls alleged numerous instances of sexual assault and physical abuse.  
26 Generally categorized, they included withholding of food, withholding of bathroom  
27 privileges, spanking, kicking, forcing the girls to sit on make-shift bucket toilets, forcing the  
28

1 girl(s) to hold urine and/or bowel movements for an extended period of time, insertion of  
2 catheters, and the insertion of a paint stick into the vagina.

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

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

### 19 CONCLUSIONS OF LAW

20 A writ of habeas corpus is the fundamental instrument for safeguarding individual  
21 freedom against arbitrary and lawless action. Its preeminent role is recognized in that, "The  
22 Privilege of the Writ of Habeas Corpus shall not be suspended." Harris v. Nelson, 394 U.S.  
23 286, 290-91, 89 S.Ct 1082 (1969). Since 1912, the Nevada Supreme Court has recognized  
24 that the Writ of Habeas Corpus is the plain, speedy and adequate remedy by which to  
25 determine the legal sufficiency of the evidence supporting a grand jury indictment or  
26 preliminary hearing bind over. See, e.g., Eureka County Bank Habeas Corpus Cases, 35



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

11 During preliminary hearing proceedings, the State must elicit sufficient evidence  
12 demonstrating probable cause that a crime was committed and that the accused was likely the  
13 perpetrator. Sheriff v. Miley, 99 Nev. 377, 379; 663 P.2d 343, 344 (1983). If the magistrate  
14 determines that the evidence establishes probable cause that the defendant committed an  
15 offense, the magistrate binds the defendant over to the district court and may admit the  
16 defendant to bail. NRS 171.206. On the other hand, if the evidence does not establish  
17 probable cause, the magistrate must discharge the defendant. Id. At the preliminary hearing  
18 stage, probable cause to bind a defendant over for trial "may be based on 'slight,' even  
19 'marginal' evidence because it does not involve a determination of guilt or innocence of an  
20 accused." Sheriff v. Hodes, 96 Nev. 184, 186, 606 P.2d 178, 180 (1980). The State is  
21 required to present sufficient evidence "to support a reasonable inference that the accused  
22 committed the offense." Sheriff v. Milton, 109 Nev. 412, 414, 851 P.2d 417, 418 (1993),  
23 quoting Kinsey v. Sheriff, 87 Nev. 361, 363, 487 P.2d 340, 341 (1971).

24 It is appropriate for a District Court to grant a petition for a writ of habeas corpus  
25 when the prosecution acts in "a willful or consciously indifferent manner with regard to a  
26 defendant's procedural rights, or where the defendant is bound over on criminal charges  
27  
28

1 without probable cause.” See, e.g., Dettloff v. State, 120 Nev. 588, 595; 97 P. 3d 586, 590  
2 (2004) (quoting Sheriff v. Roylance, 110 Nev. 334, 337, 871 P.2d 359, 361 (1994).

3 For a conviction of sexual assault to be lawful, a defendant must have: (1) knowingly,  
4 willfully, and unlawfully, (2) without consent, subjected another person, (3) to sexual  
5 penetration. Hardaway v. State, 112 Nev. 1208, 1210, 926 P.2d 288, 289 (1996); NRS  
6 200.366. “Sexual penetration” means cunnilingus, fellatio, or any intrusion, however slight,  
7 of any part of a person's body or any object manipulated or inserted by a person into the  
8 genital or anal openings of the body of another, including sexual intercourse in its ordinary  
9 meaning. NRS 200.364(5).

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

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

21 ORDER

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

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


DATED this 16 day of June, 2015.

Valerie Adair  
HONORABLE VALERIE ADAIR  
Eighth Judicial District Court Judge

## Certificate of Service

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

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

  
Sharry Frascafelli  
Judicial Executive Assistant

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

STATE OF NEVADA,

Appellant,

v.

JANET SOLANDER,

Respondent.

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Electronically Filed  
Sep 25 2015 08:57 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court  
Case No. 67710

**APPELLANT'S APPENDIX  
Volume IV**

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## **INDEX**

<b><u>Document &amp; Volume</u></b>	<b><u>Page No.</u></b>
Court Minutes 8/19/14 Vol. 4	808-809
Court Minutes 12/1/14 and 1/28/15 Vol. 4	972-973
Criminal Complaint Vol. 1, 3/25/14	1-8
Defendant Dwight Solander's Petition for Writ Of Habeas Corpus Vol. 4, 9/16/14	810-829
Defendant Dwight Solander's Response to State's Memorandum Vol. 4, 11/5/14	868-875
Findings of Fact, Conclusions of Law, and Order Vol. 4, 6/17/15	977-982
Information Vol. 4, 7/28/14	780-798
Joinder to Defendant Dwight Solander's Petition For Writ of Habeas Corpus (Janet Solander) Vol. 4, 10/16/14	865-867
Motion to Extend Time to File Petition for Writ of Habeas Corpus (Dwight Solander) Vol. 4, 8/8/14	799-803
Notice of Appeal Vol. 4, 3/30/15	974-976

Petition for Writ of Habeas Corpus (Janet Solander) Vol. 4, 11/5/14	876-894
Reporter's Transcript of Preliminary Hearing Vol. 1, 5/22/14	9-179
Reporter's Transcript of Preliminary Hearing Vol. 1, 5/23/14	180-237
Reporter's Transcript of Preliminary Hearing Vol. 1, 6/09/14	238-250
Reporter's Transcript of Preliminary Hearing Vol. 2, 6/09/14	251-489
Reporter's Transcript of Preliminary Hearing Vol. 2, 6/10/14	490-500
Reporter's Transcript of Preliminary Hearing Vol. 3, 6/10/14	501-703
Reporter's Transcript of Preliminary Hearing Vol. 3, 6/12/14	704-750
Reporter's Transcript of Preliminary Hearing Vol. 4, 6/12/14	751-762
Return to Writ of Habeas Corpus (Dwight Solander) Vol. 4	830-851
Second Amended Criminal Complaint Vol. 4, 7/22/14	763-779
State's Bench Memorandum Pursuant to Court's Request Regarding Issue in Pretrial Writs of Habeas Corpus Vol. 4, 10/15/14	857-864

State's Opposition and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus (Janet Solander) Vol. 4, 11/19/14	929-934
State's Opposition to Defendant's Motion To Extend Time to File Petition for Writ of Habeas Corpus (Dwight Solander) Vol. 4, 8/13/14	804-807
State's Return to Writ of Habeas Corpus (Janet Solander) Vol. 4, 12/17/14	935-971
Transcript of Proceedings RE: Motions 9/30/14 Vol. 4	852-856
Transcript of Proceedings RE: Motions 11/6/14 Vol. 4,	895-928

## **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:

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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



<b>I</b>	<p>indulgence [2] 57/14 64/2</p> <p>information [14] 17/21 55/9 55/23 59/16 59/17 60/8 60/11 81/21 107/9 120/11 121/2 125/23 130/14 130/15</p> <p>informed [1] 39/21</p> <p>initial [1] 56/3</p> <p>injuries [7] 31/19 31/22 65/13 65/13 65/14 65/18 67/6</p> <p>insert [1] 40/14</p> <p>inserted [6] 74/2 74/2 75/10 75/10 80/3 80/8</p> <p>instance [1] 55/16</p> <p>instead [1] 85/6</p> <p>intending [1] 16/9</p> <p>intentional [1] 97/9</p> <p>intentionally [1] 110/9</p> <p>interest [1] 30/21</p> <p>interested [1] 152/2</p> <p>interesting [1] 7/17</p> <p>interpret [1] 72/18</p> <p>interview [19] 22/13 23/8 23/13 26/14 26/19 28/23 31/14 51/2 51/6 51/20 51/23 52/8 55/24 56/4 56/8 56/17 107/25 108/1 109/14</p> <p>interviewed [10] 55/3 55/16 59/19 59/19 106/24 107/5 107/13 108/10 109/13 109/16</p> <p>interviewer [3] 106/18 106/19 106/21</p> <p>interviewing [3] 54/18 106/4 107/16</p> <p>interviews [16] 26/6 51/4 54/20 54/24 55/1 55/10 55/14 106/13 106/25 107/4 107/8 107/11 107/14 109/21 109/22 109/25</p> <p>introduce [4] 18/8 20/13 20/15 20/17</p> <p>investigate [4] 22/3 95/22 98/2 104/18</p> <p>investigated [2] 60/8 60/12</p> <p>investigates [1] 66/22</p> <p>investigating [2] 58/22 124/19</p> <p>investigation [35] 5/22 22/9 22/12 49/5 50/2 56/5 56/16 56/18 58/10 59/8 60/7 60/21 61/3 61/11 63/6 63/16 64/16 64/19 64/23 64/25 65/17 65/24 66/2 66/6 66/14 67/5 68/22 69/1 81/20 104/15 105/2 105/23 107/15 108/9 110/3</p> <p>investigative [1] 62/7</p> <p>investigator [7] 66/8 66/10 94/14 95/3 105/19 105/20 106/11</p> <p>investigatory [1] 108/14</p> <p>invite [1] 33/16</p> <p>invoices [2] 111/5 116/8</p> <p>invoking [1] 16/21</p> <p>involved [5] 22/8 58/15 97/20 107/17 116/6</p> <p>involving [3] 14/6 62/4 66/24</p> <p>iron [1] 38/12</p> <p>is [267]</p> <p>isn't [3] 139/10 147/21 148/1</p> <p>issue [29] 3/5 5/8 6/5 6/5 6/16 6/25 7/1 7/5 8/3 9/11 12/20 13/17 15/6 16/1 19/6 29/21 44/21 48/8 48/8 71/23 79/14 82/1 82/2 86/24 86/25 96/24 109/2 113/4 136/4</p> <p>issued [1] 24/1</p>	<p>issues [15] 3/12 3/13 3/13 4/3 4/4 5/5 6/4 6/11 6/12 7/10 8/8 30/9 66/23 95/8 143/14</p> <p>it [340]</p> <p>it's [92] 3/8 4/20 4/21 4/22 5/5 6/25 7/1 7/8 7/16 7/16 10/16 10/19 14/19 14/22 15/22 16/10 19/6 19/14 28/7 28/7 28/8 37/8 37/23 40/1 41/1 41/3 42/5 49/21 56/12 56/24 57/25 59/12 61/13 61/19 62/23 63/1 66/3 70/7 72/20 77/25 80/16 81/13 82/1 82/2 82/3 82/4 83/4 83/5 83/9 83/12 84/17 85/11 87/9 87/20 90/24 92/10 100/12 107/20 108/10 109/5 111/1 112/25 117/15 120/8 120/9 123/4 124/24 127/17 130/6 130/16 130/23 132/7 132/24 133/3 133/4 134/6 136/22 139/2 139/10 139/11 139/16 139/19 140/2 140/6 140/15 141/5 142/9 146/13 148/3 149/4 149/4 149/5</p> <p>It's argumentative [1] 80/16</p> <p>italics [1] 148/24</p> <p>items [3] 7/7 48/4 48/5</p> <p>its [8] 9/10 15/11 48/6 113/20 128/13 128/14 131/6 131/7</p> <p>itself [5] 6/25 57/19 80/16 84/20 125/24</p> <p>Ivy [2] 55/16 85/15</p>
<b>J</b>	<p>JACQUELINE [1] 1/20</p> <p>jail [1] 43/1</p> <p>Jan [1] 109/16</p> <p>JANET [44] 1/10 4/7 22/9 25/25 29/2 30/6 30/18 30/25 35/20 38/21 39/18 40/13 40/17 44/13 44/16 44/22 45/1 45/3 46/13 47/8 47/9 48/17 49/6 49/12 50/3 78/5 80/2 113/12 121/9 124/4 125/14 125/15 125/20 125/24 125/25 126/4 126/18 126/19 127/20 127/21 128/8 128/8 132/21 151/7</p> <p>Janet's [1] 126/5</p> <p>Jaque's [1] 148/6</p> <p>JAVS [12] 138/12 138/17 138/19 138/19 138/22 138/25 139/8 139/10 139/10 139/13 139/15 139/25</p> <p>JAVSed [1] 138/20</p> <p>JEFFREY [1] 1/22</p> <p>JOEL [1] 1/23</p> <p>Johnson [1] 77/8</p> <p>join [2] 3/22 103/8</p> <p>joined [2] 5/12 15/11</p> <p>Judge [28] 8/3 32/15 40/23 57/16 61/24 81/19 82/22 84/15 84/25 85/20 85/24 92/24 102/21 102/24 103/25 109/10 110/23 110/25 112/24 129/5 132/19 134/24 136/25 137/14 139/3 142/19 146/9 148/8</p> <p>Judge Lippis' [1] 139/3</p> <p>judgment [1] 95/5</p> <p>July [3] 101/13 143/19 143/20</p> <p>July 2 [1] 143/19</p> <p>July 8 [1] 101/13</p> <p>jumps [1] 82/13</p> <p>JUNE [9] 1/17 3/1 100/4 101/12</p>	

<b>J</b>	knowledge [6] 40/19 41/22 107/6 124/25 125/19 126/3 known [2] 22/9 24/10 knows [6] 28/7 62/18 63/2 73/25 75/8 127/18	lived [2] 25/6 29/1 Liza [1] 106/20 located [1] 87/4 loft [1] 38/13 long [12] 21/20 21/23 27/24 29/12 34/14 63/8 101/10 107/8 140/14 140/15 141/7 143/5 look [18] 7/25 8/6 13/15 33/1 33/4 38/22 38/23 46/3 59/1 76/15 89/15 98/5 98/19 98/23 99/4 130/2 133/4 140/14 looked [12] 13/14 27/12 66/3 76/24 77/3 77/5 83/21 89/17 89/18 93/16 99/12 100/6 looking [7] 13/17 18/5 19/20 64/20 83/19 88/7 130/6 looks [2] 83/23 123/7 looser [3] 19/13 19/13 19/13 lot [8] 39/17 55/10 76/19 79/13 102/6 108/14 128/17 130/9 loud [3] 78/1 78/18 78/24 lower [1] 129/7 Lucca [6] 1/24 150/14 150/15 151/14 152/4 152/5 LUZAICH [20] 1/20 2/5 2/9 13/10 21/14 30/20 41/11 44/16 47/13 54/19 83/13 85/8 112/2 113/15 114/11 128/1 131/16 133/8 136/6 137/7 Luzaich's [4] 61/6 86/14 140/21 143/6
JUNE... [5] 143/17 146/7 149/16 150/6 150/9 June 20 [3] 146/7 149/16 150/6 June 23 [1] 143/17 June 29 [1] 101/12 jury [3] 128/23 143/18 143/18 jury's [1] 110/20 just [78] 3/5 5/6 8/18 9/13 12/3 13/14 13/17 14/3 25/18 28/7 28/15 33/17 34/16 41/3 45/19 47/14 47/18 47/25 57/3 59/15 60/25 63/1 63/9 64/6 70/13 71/17 74/22 74/23 76/20 78/1 78/11 79/9 79/13 83/21 87/8 90/20 94/19 95/21 96/25 98/6 100/17 102/13 103/25 111/2 111/19 116/8 116/21 120/15 120/23 123/20 125/21 126/18 129/5 129/15 129/20 129/23 129/24 130/15 130/23 131/18 132/11 133/24 135/5 135/24 136/4 136/22 138/5 138/6 139/18 140/7 141/7 142/10 143/13 146/20 146/22 146/24 148/6 148/15 JUSTICE [7] 1/4 1/16 4/12 4/17 139/14 151/1 151/19	<b>L</b> lab [3] 76/12 76/16 77/9 lack [4] 41/21 41/22 49/20 58/5 language [7] 11/7 11/18 11/22 11/24 15/7 27/11 149/5 LAS [9] 1/4 3/1 21/16 59/20 59/21 118/1 151/1 151/19 151/20 Las Vegas [3] 21/16 59/20 59/21 last [11] 3/5 4/11 20/25 66/9 78/19 94/16 94/17 100/23 102/10 111/19 120/16 later [1] 31/13 Laurie [1] 109/17 law [4] 4/17 13/18 14/11 19/20 lay [4] 42/3 44/6 95/5 95/8 least [6] 25/19 26/5 39/4 44/7 140/14 149/20 leave [2] 104/1 143/20 leaves [2] 102/9 102/13 leaving [3] 17/2 101/8 101/23 left [4] 24/20 24/24 26/1 38/16 legal [3] 8/23 58/3 58/3 legally [2] 19/9 91/6 legit [1] 79/11 legs [3] 43/21 44/11 121/23 lengthy [1] 148/21 less [5] 11/16 64/6 132/19 141/8 146/13 let [19] 4/25 20/9 28/15 37/8 45/13 50/9 60/6 65/7 67/23 70/16 76/7 82/21 83/19 90/25 114/17 129/18 129/19 136/25 143/9 let's [9] 5/4 16/19 16/20 46/14 83/18 109/6 117/4 145/18 146/5 Letchworth [1] 109/16 letter [1] 117/15 Lewis [1] 151/20 light [1] 38/22 lightly [1] 91/11 like [52] 4/16 4/22 4/24 8/5 14/6 15/19 15/24 15/25 20/8 20/16 27/13 29/20 37/16 44/3 52/11 52/21 55/16 57/3 57/12 61/11 62/10 69/22 70/18 70/19 77/2 77/3 79/8 79/11 79/11 83/22 83/23 92/21 102/8 109/5 109/7 113/16 119/23 121/24 123/7 123/11 130/23 138/20 139/9 139/16 140/2 140/17 141/2 142/14 144/1 148/3 148/18 148/21 limited [4] 15/6 17/25 116/9 138/9 line [5] 7/3 77/25 138/23 148/23 149/6 lines [1] 78/20 Lippis' [1] 139/3 LISA [1] 1/20 Listen [1] 95/4 litany [2] 113/23 127/24 literally [2] 13/8 82/24 little [10] 28/15 36/21 52/7 52/13 52/13 55/18 81/20 98/20 141/17 147/15 live [2] 24/14 25/2	<b>M</b> ma'am [10] 21/15 72/12 73/21 75/20 89/4 91/5 92/5 93/2 95/25 108/3 machinations [1] 15/11 made [19] 5/13 6/3 26/9 26/12 35/13 36/11 38/15 39/1 40/9 41/10 54/24 58/1 62/7 79/15 88/8 89/10 131/11 131/14 131/16 magic [1] 123/10 maiden [3] 126/5 126/9 126/13 main [1] 103/11 maintain [1] 139/14 maintained [1] 139/10 majority [2] 9/2 12/4 make [20] 12/15 47/14 84/19 100/17 102/12 103/5 103/7 120/16 129/22 130/5 131/12 132/18 135/2 136/22 137/4 141/6 141/8 143/14 149/9 149/10 maker [1] 4/20 makes [1] 97/23 making [6] 5/14 66/21 88/22 102/14 121/3 143/6 man [1] 141/20 MANN [18] 1/23 2/7 2/10 4/25 32/19 64/15 72/5 100/13 100/19 100/20 100/21 103/4 110/24 111/21 119/24 124/17 134/5 144/5 Mann's [2] 20/6 97/16 manual [1] 95/21 manufactured [1] 69/25 many [7] 93/7 93/11 96/2 96/15 101/23 141/5 148/2 March [6] 22/7 22/13 28/23 29/4 29/10 62/11 March 20 [1] 22/13 marginal [2] 7/22 108/7 marked [3] 77/13 81/4 112/3
<b>K</b> keep [7] 14/8 33/21 38/13 69/3 72/7 72/9 141/22 kept [1] 70/21 kid [2] 88/8 98/6 kids [22] 25/21 27/22 38/13 38/14 41/17 43/18 54/8 57/16 62/24 63/5 85/7 88/1 89/1 91/18 94/18 96/24 100/8 105/10 105/12 109/15 110/11 110/14 kind [13] 7/8 14/6 15/25 35/22 40/24 41/14 44/1 44/6 74/21 80/21 88/15 123/6 140/16 Kit [10] 103/10 103/12 137/25 138/3 140/13 142/9 142/22 143/7 143/9 149/18 knew [7] 26/8 42/16 55/23 74/13 80/10 83/2 148/9 know [109] 4/9 4/23 6/13 8/7 13/18 13/19 13/21 14/5 20/6 27/5 27/8 27/14 28/10 28/13 31/3 33/2 39/16 39/24 42/5 44/2 44/17 44/19 49/21 49/22 52/21 53/19 58/23 62/6 63/17 67/1 67/1 67/2 67/2 71/20 73/25 74/4 74/6 74/9 74/12 74/14 75/8 75/13 75/15 79/6 79/12 79/24 83/22 84/8 87/12 90/15 93/11 93/19 96/5 96/9 96/17 96/17 97/16 98/5 99/14 100/13 101/7 101/21 103/13 105/8 107/1 110/12 112/25 113/4 113/8 115/1 116/10 117/2 119/22 120/6 122/16 122/17 123/18 124/21 125/4 125/7 125/10 126/5 128/16 129/6 135/14 136/7 138/14 138/15 138/16 138/16 139/6 139/18 139/19 139/20 139/21 140/7 141/4 142/9 142/21 143/3 143/10 144/20 144/23 146/18 146/20 147/15 147/20 147/20 148/6		

<b>M</b>	<b>Mirandized [2]</b> 50/24 51/7 <b>Miss [82]</b> 3/10 3/11 3/16 5/21 13/10 20/8 20/18 23/5 23/16 24/13 24/18 28/4 28/16 30/20 32/21 33/18 33/23 33/25 41/11 42/11 44/16 45/14 45/14 47/13 52/12 54/19 56/18 57/8 58/23 61/6 66/13 70/14 71/7 72/13 83/9 83/13 85/8 86/14 95/1 103/10 103/12 105/14 105/18 106/3 107/21 107/24 111/17 112/24 113/1 113/3 113/11 113/12 113/15 124/19 124/22 126/17 127/22 128/1 131/16 133/8 136/6 136/6 137/7 137/13 137/25 138/2 138/3 138/12 138/13 138/16 138/19 138/23 139/8 140/3 140/4 140/8 140/21 142/9 142/22 143/6 143/7 143/9 <b>Miss Bluth [8]</b> 70/14 95/1 111/17 136/6 138/12 138/13 138/16 140/3 <b>Miss Gerri [1]</b> 45/14 <b>Miss Gonzales [2]</b> 105/14 105/18 <b>Miss Hinton [10]</b> 23/16 24/13 28/4 32/21 42/11 52/12 56/18 72/13 112/24 113/3 <b>Miss Hinton's [4]</b> 33/18 33/23 33/25 57/8 <b>Miss Janet [1]</b> 113/12 <b>Miss Luzaich [11]</b> 41/11 44/16 47/13 54/19 83/13 85/8 113/15 128/1 133/8 136/6 137/7 <b>Miss Luzaich's [3]</b> 61/6 140/21 143/6 <b>Miss Risa [1]</b> 138/19 <b>Miss Solander [1]</b> 3/16 <b>Miss Stephanie [4]</b> 138/2 138/23 139/8 140/8 <b>mistreated [2]</b> 110/4 110/15 <b>Mm [1]</b> 38/5 <b>Mm-hmm [1]</b> 38/5 <b>mom [2]</b> 73/25 75/8 <b>moment [6]</b> 52/11 52/16 52/18 52/20 64/2 137/20 <b>Monday [3]</b> 138/2 138/2 149/19 <b>month [5]</b> 11/16 11/22 14/13 14/15 15/8 <b>months [3]</b> 11/16 21/25 96/14 <b>more [21]</b> 13/16 26/20 27/18 28/11 54/7 54/15 60/1 64/22 97/16 116/9 119/3 120/9 131/18 134/2 134/3 134/23 135/3 135/6 135/25 141/8 148/9 <b>morning [6]</b> 101/19 138/24 146/22 148/12 148/12 149/19 <b>most [5]</b> 17/3 54/5 61/22 126/11 141/24 <b>mouth [3]</b> 32/16 39/5 82/24 <b>move [11]</b> 61/13 70/1 85/20 85/21 109/6 109/10 112/15 118/23 124/11 134/24 138/21 <b>moved [3]</b> 116/16 133/24 138/21 <b>Mr [17]</b> 2/6 2/7 2/8 2/10 3/21 32/19 50/13 64/15 69/10 70/22 100/20 100/21 102/17 104/12 124/17 134/7 140/22 <b>Mr. [55]</b> 4/25 5/4 12/11 16/22 18/23 20/6 32/19 44/3 50/9 69/7 69/12 70/7 71/7 72/5 72/13 82/21 83/25 84/14 92/7 93/23 95/1 97/16 99/20 100/13 100/18 100/19 100/23 103/4 104/7 108/12 108/16 109/5 110/24 111/6 111/19 111/21 111/21 111/22 113/25 114/19 116/4 119/24 125/4 126/17 130/17 134/5 134/6 134/10 135/17 135/20 137/18 140/24 142/18 144/5 146/14 <b>Mr. Mann [10]</b> 4/25 72/5 100/13 100/19 103/4 110/24 111/21 119/24 134/5 144/5 <b>Mr. Mann's [2]</b> 20/6 97/16 <b>Mr. Mueller [19]</b> 5/4 12/11 69/7 82/21 95/1 99/20 100/18 100/23 104/7 108/12 109/5 111/6 111/19 111/21 113/25 114/19 134/10 135/17 140/24 <b>Mr. Mueller's [1]</b> 71/7 <b>Mr. Rue [6]</b> 32/19 50/9 111/22 134/6 135/20 146/14 <b>Mr. Solander [16]</b> 16/22 18/23 44/3 69/12 70/7 72/13 83/25 84/14 92/7 93/23 108/16 116/4 126/17 130/17 137/18 142/18 <b>Mr. Solander's [1]</b> 125/4 <b>Mrs [1]</b> 83/4 <b>Mrs. [2]</b> 83/3 130/18 <b>Mrs. Hinton's [1]</b> 83/3 <b>Mrs. Solander [1]</b> 130/18 <b>Ms [5]</b> 2/5 2/9 21/14 112/2 114/11 <b>much [14]</b> 14/8 14/24 28/11 79/10 116/9 125/1 135/6 135/25 139/2 140/2 140/6 140/14 142/8 149/10 <b>MUELLER [23]</b> 1/22 2/8 5/4 12/11 69/7 69/10 82/21 95/1 99/20 100/18 100/23 104/7 104/12 108/12 109/5 111/6 111/19 111/21 113/25 114/19 134/10 135/17 140/24 <b>Mueller's [2]</b> 70/22 71/7 <b>multiple [7]</b> 46/23 46/24 47/1 47/2 49/2 103/2 130/11 <b>Mumbling [1]</b> 114/2 <b>my [67]</b> 3/6 3/8 8/18 10/24 14/21 18/20 27/4 32/10 33/1 39/24 42/1 46/22 48/9 53/18 53/23 57/12 59/1 59/1 62/9 63/8 67/9 71/5 71/12 73/25 75/8 76/10 84/12 87/6 94/3 100/8 103/7 108/5 108/17 111/11 113/13 113/18 114/25 115/4 115/5 115/12 115/13 115/19 115/21 116/3 116/9 119/25 120/4 121/4 122/7 122/8 127/16 130/18 131/10 131/12 132/13 137/10 137/15 137/21 141/6 141/9 141/14 141/15 141/16 142/6 142/16 143/23 146/5
<b>N</b>	<b>name [15]</b> 20/25 39/23 51/17 58/17 66/9 108/2 115/24 119/10 124/24 125/10 126/5 126/9 126/10 126/13 126/18 <b>name's [1]</b> 125/21 <b>names [3]</b> 6/14 125/7 125/11 <b>narrow [2]</b> 15/6 15/21 <b>narrowly [1]</b> 15/16 <b>natural [1]</b> 91/7 <b>nature [2]</b> 20/14 130/3

<p><b>N</b></p> <p><b>nay</b> [1] 144/16</p> <p><b>nebulously</b> [1] 115/23</p> <p><b>necessary</b> [1] 141/22</p> <p><b>need</b> [12] 32/14 64/7 70/6 77/7 108/8 129/12 129/24 130/25 135/8 138/14 144/4 144/24</p> <p><b>needs</b> [4] 57/22 64/8 129/13 147/15</p> <p><b>neglect</b> [4] 22/3 51/16 94/8 95/2</p> <p><b>Neurological</b> [2] 117/13 117/13</p> <p><b>NEVADA</b> [24] 1/5 1/7 3/1 6/6 6/23 6/24 8/25 11/9 11/15 13/4 13/19 14/17 15/14 16/22 17/7 19/11 19/14 19/20 118/1 151/2 151/4 151/11 151/16 151/20</p> <p><b>Nevada's</b> [1] 15/3</p> <p><b>never</b> [23] 27/16 40/14 44/15 54/16 67/9 70/17 73/12 73/20 73/23 73/25 74/1 74/3 74/15 74/25 75/3 75/6 75/9 75/9 75/11 79/5 82/11 83/7 89/5</p> <p><b>new</b> [2] 136/8 149/4</p> <p><b>next</b> [3] 20/21 46/22 107/15</p> <p><b>nextdoor</b> [1] 95/2</p> <p><b>nicknames</b> [1] 125/11</p> <p><b>night</b> [2] 36/10 51/21</p> <p><b>no</b> [110] 1/1 1/2 1/9 4/15 4/22 5/25 7/11 10/22 13/2 14/23 16/18 17/20 26/17 31/10 31/13 31/14 33/23 36/17 38/2 38/17 42/17 44/20 44/21 45/2 50/6 54/15 56/9 57/5 67/12 68/9 68/11 68/19 69/5 75/22 79/11 79/25 80/17 81/14 82/23 85/16 86/16 86/20 86/22 87/10 87/14 89/23 89/25 90/20 93/6 93/11 95/14 95/19 96/1 96/1 97/23 98/8 98/11 99/17 100/16 102/21 105/15 106/9 110/22 113/19 113/19 113/20 116/23 120/3 122/16 124/20 124/21 125/3 125/6 125/9 125/15 125/19 126/3 126/14 126/21 127/6 127/17 127/17 127/18 127/21 128/20 128/21 132/23 133/2 133/24 133/24 134/2 134/3 134/4 134/8 134/13 134/23 135/3 135/15 135/16 135/18 135/21 139/11 144/17 145/13 145/13 145/13 146/11 150/15 151/5 152/5</p> <p><b>nobody</b> [4] 12/4 12/7 38/16 62/18</p> <p><b>none</b> [2] 110/10 149/1</p> <p><b>normal</b> [2] 34/6 130/13</p> <p><b>not</b> [170]</p> <p><b>notes</b> [14] 68/23 68/25 69/3 74/22 78/1 101/2 103/2 141/14 141/15 141/16 142/5 142/6 147/2 147/14</p> <p><b>nothing</b> [7] 17/14 21/11 50/7 83/9 86/13 86/15 134/11</p> <p><b>noticed</b> [2] 30/4 30/9</p> <p><b>now</b> [60] 4/15 4/19 4/21 7/9 12/1 12/6 13/9 14/5 14/10 15/9 18/21 20/12 39/21 39/23 40/2 41/24 44/19 46/15 54/23 63/18 67/4 71/3 75/20 78/13 80/23 81/25 82/10 82/12 83/13 83/18 86/6 88/20 90/1 90/22 91/9</p>	<p>91/13 92/25 93/14 94/6 94/10 96/2 96/14 96/18 98/19 100/9 105/16 106/7 106/24 107/13 109/19 109/21 110/2 118/24 122/8 126/7 132/7 137/1 146/10 148/7 148/21</p> <p><b>NRS</b> [2] 151/6 151/18</p> <p><b>number</b> [3] 111/12 151/23 151/24</p> <p><b>numerous</b> [1] 48/15</p> <p><b>nurse</b> [4] 14/9 49/7 49/13 50/3</p> <p><b>Nv</b> [1] 8/9</p> <p><b>O</b></p> <p><b>o</b>o [2] 150/11 152/1</p> <p><b>oath</b> [1] 104/4</p> <p><b>oatmeal</b> [1] 35/23</p> <p><b>object</b> [10] 17/12 17/14 17/15 17/23 40/21 62/18 81/11 82/18 118/25 120/7</p> <p><b>objecting</b> [3] 3/11 83/13 83/14</p> <p><b>objection</b> [88] 3/7 3/22 19/1 27/15 28/2 30/19 32/7 32/11 32/13 32/15 32/18 32/19 37/4 37/6 39/19 40/23 40/25 41/2 41/5 41/9 41/10 41/21 43/24 44/14 45/4 45/9 45/12 45/24 46/6 47/4 48/10 48/22 49/8 49/15 53/21 56/14 56/22 57/9 57/11 58/19 59/11 60/16 60/24 61/6 61/7 69/17 70/1 76/1 80/15 82/8 83/18 84/23 85/23 87/23 90/4 90/13 91/17 92/9 92/14 92/22 94/13 96/4 96/22 97/22 98/14 98/24 108/5 108/5 109/4 110/5 110/21 112/16 112/17 112/23 113/14 113/18 114/1 115/5 116/9 119/25 120/4 120/14 122/7 122/8 123/15 127/13 127/16 131/10</p> <p><b>objection's</b> [1] 131/20</p> <p><b>objections</b> [2] 113/24 127/25</p> <p><b>obligations</b> [1] 100/13</p> <p><b>observation</b> [1] 115/10</p> <p><b>observe</b> [3] 55/4 55/14 65/9</p> <p><b>observed</b> [6] 31/23 39/4 42/12 67/6 106/16 109/14</p> <p><b>observing</b> [2] 55/5 55/13</p> <p><b>obtained</b> [1] 115/6</p> <p><b>obviously</b> [14] 3/18 5/11 9/4 20/13 103/11 113/14 116/9 137/7 138/4 142/5 143/9 145/25 146/4 147/3</p> <p><b>occasion</b> [1] 32/3</p> <p><b>occur</b> [1] 28/5</p> <p><b>occurred</b> [3] 30/7 31/19 68/17</p> <p><b>off</b> [10] 35/8 35/13 35/14 45/16 71/11 87/11 94/3 102/19 103/15 112/11</p> <p><b>offer</b> [1] 85/9</p> <p><b>offered</b> [8] 3/25 113/11 115/14 115/16 115/25 120/5 120/10 133/13</p> <p><b>offering</b> [7] 57/1 58/4 84/23 85/2 85/3 90/18 113/10</p> <p><b>office</b> [3] 71/8 71/12 143/1</p> <p><b>officer</b> [6] 21/15 21/21 28/6 94/14 121/2 130/12</p> <p><b>officer's</b> [1] 33/22</p> <p><b>official</b> [5] 1/25 56/4 90/11 90/21 91/2</p> <p><b>oh</b> [8] 26/3 31/5 33/23 39/23 100/21 114/8 116/25 123/22</p>	<p><b>okay</b> [43] 26/3 31/5 32/18 40/5 41/4 41/8 44/1 47/21 51/1 53/23 63/12 66/12 67/21 70/9 72/21 73/10 73/22 79/2 82/25 83/20 85/1 88/11 89/8 93/22 99/18 101/24 103/10 105/11 107/24 108/19 117/8 119/5 121/5 123/22 126/3 127/10 128/21 131/11 135/22 142/21 149/9 149/12 150/5</p> <p><b>once</b> [11] 30/8 30/8 35/9 54/7 54/15 82/5 107/5 131/12 134/23 136/24 138/7</p> <p><b>one</b> [42] 3/5 4/12 4/12 4/13 6/22 7/3 30/22 32/2 39/4 46/6 46/23 46/25 53/25 55/3 55/21 57/21 60/1 64/2 66/13 74/7 75/16 79/6 80/18 100/7 103/4 103/5 105/16 109/15 111/11 113/17 115/6 115/7 116/7 120/16 121/13 128/18 129/3 136/4 138/17 139/11 141/24 145/20</p> <p><b>ones</b> [2] 76/12 124/9</p> <p><b>ongoing</b> [1] 110/17</p> <p><b>only</b> [22] 7/13 7/16 7/18 16/9 17/16 28/8 34/18 36/15 37/19 39/19 39/20 41/22 77/25 110/8 125/23 126/16 133/25 138/25 141/24 146/10 147/21 149/25</p> <p><b>open</b> [6] 76/10 82/24 114/22 114/25 132/10 151/18</p> <p><b>opened</b> [1] 132/11</p> <p><b>opinion</b> [2] 12/2 53/18</p> <p><b>opponent</b> [1] 49/19</p> <p><b>opportunity</b> [2] 43/10 65/8</p> <p><b>opposed</b> [2] 123/10 148/10</p> <p><b>order</b> [2] 103/5 103/6</p> <p><b>ordering</b> [1] 88/24</p> <p><b>original</b> [1] 48/10</p> <p><b>other</b> [49] 6/7 6/22 8/7 12/1 15/25 25/19 25/21 32/11 34/17 41/6 41/7 41/9 55/10 60/20 60/21 72/9 76/25 77/4 81/15 84/20 85/13 85/15 86/3 86/12 86/17 86/20 87/8 89/22 96/24 97/19 99/5 100/13 110/4 110/11 119/18 124/9 124/24 126/8 126/14 128/8 131/5 138/4 138/5 138/11 140/19 141/9 146/24 147/22 148/18</p> <p><b>others</b> [1] 13/15</p> <p><b>otherwise</b> [3] 128/21 129/15 135/3</p> <p><b>our</b> [10] 51/4 64/8 64/9 76/12 77/8 103/11 104/8 105/10 140/17 147/21</p> <p><b>out</b> [45] 7/4 9/14 11/1 11/6 13/4 15/20 16/8 17/3 27/2 28/4 32/8 37/14 37/25 38/17 41/23 42/8 46/3 46/6 56/24 58/11 58/14 67/5 70/6 71/15 78/1 78/18 78/24 80/24 81/2 90/21 94/11 94/18 95/7 95/17 108/22 110/7 117/5 121/8 138/19 139/5 139/19 140/1 143/24 146/11 148/4</p> <p><b>Outlook</b> [1] 125/2</p> <p><b>outside</b> [2] 35/12 51/4</p> <p><b>over</b> [9] 4/14 4/14 24/22 52/7 70/10 75/23 105/23 106/7 115/2</p> <p><b>Overlapping</b> [6] 49/25 69/20 84/6 96/7 116/12 122/14</p>
--	---	---

<b>O</b>	phonetic [2] 106/21 109/17 photo [6] 46/23 67/21 70/19 89/9 121/20 121/22 photograph [2] 123/1 123/3 photographs [4] 43/14 43/17 88/1 88/5 photos [16] 43/19 44/2 44/7 44/10 45/19 45/20 46/16 46/23 48/15 67/10 67/16 67/20 70/17 70/24 121/18 133/5	prelims [1] 147/22 preparation [1] 149/24 prepare [2] 136/19 149/23 prepared [4] 11/2 68/20 100/10 136/20 present [7] 54/23 73/15 107/10 135/12 135/15 135/17 135/19 pretty [4] 14/24 15/20 52/2 79/10 prevail [1] 142/6 prevailing [1] 9/4 previous [6] 32/10 65/19 67/7 68/14 99/13 99/14 previously [3] 68/15 110/8 111/19 print [5] 46/3 46/6 70/6 71/11 80/24 printed [7] 71/15 81/2 83/23 86/23 87/11 112/11 121/8 printing [1] 111/17 printout [1] 71/14 prior [8] 54/18 60/17 60/19 61/3 61/16 67/10 99/15 112/5 prioritize [3] 144/20 145/5 145/18 privately [1] 149/18 privy [2] 64/24 65/23 proactive [1] 97/21 probable [11] 7/22 97/12 108/25 109/9 115/17 120/8 129/7 129/9 129/14 129/17 129/21 probably [16] 19/10 38/2 46/8 58/25 59/18 61/17 61/18 68/19 71/2 79/9 79/10 79/12 94/2 138/14 143/19 145/22 problem [9] 16/3 16/4 29/20 90/24 91/21 110/11 141/12 142/15 144/6 problems [6] 30/3 88/22 90/3 90/11 96/21 96/24 procedural [1] 136/4 proceed [2] 21/5 41/11 proceeding [2] 5/24 7/20 proceedings [7] 7/23 8/14 64/12 103/20 150/13 151/17 151/19 process [1] 7/23 product [2] 84/3 84/9 products [1] 89/1 proffer [4] 81/17 81/18 85/14 135/13 promise [3] 143/5 148/16 149/14 promised [2] 57/3 100/13 proof [2] 108/7 109/1 proper [1] 131/6 property [2] 15/19 15/19 proposals [1] 136/25 propose [1] 145/2 proposed [23] 112/4 117/10 118/3 118/6 121/21 122/25 135/2 135/8 136/13 136/16 136/22 136/23 137/6 137/8 137/9 146/17 146/25 147/5 147/8 147/16 148/19 148/25 149/8 proposition [1] 13/10 prosecute [1] 98/7 prosecution [3] 10/5 11/2 96/16 protect [1] 10/3 protection [2] 105/9 105/11 Protective [2] 92/6 105/6 prove [1] 16/9 provide [1] 43/4 provided [2] 43/12 86/24
<b>P</b>	package [2] 84/1 84/16 page [15] 2/2 12/23 33/16 34/1 34/2 73/2 73/3 73/9 73/19 77/14 78/12 78/17 78/20 141/19 141/19 pages [2] 33/22 41/3 paint [11] 30/16 31/9 31/12 31/16 31/20 32/2 34/4 54/8 54/16 60/9 60/12 pair [1] 123/4 pajamas [1] 36/24 panties [4] 32/1 123/14 123/19 128/6 pants [2] 110/9 128/11 paper [4] 57/7 63/10 119/8 125/24 paperwork [1] 59/1 paragraph [2] 77/24 77/25 pardon [2] 99/16 114/3 parents [4] 91/7 91/18 97/8 110/18 part [11] 17/3 54/5 56/20 56/21 64/19 64/22 65/2 65/22 70/19 78/14 97/21 particular [3] 37/14 97/12 107/4 party [5] 5/14 5/15 49/19 127/24 133/13 party's [2] 133/14 133/14 pass [1] 95/4 past [1] 77/10 pay [1] 45/6 PEACE [1] 1/16 pee [3] 36/10 79/14 79/15 peed [2] 32/22 35/2 peeing [4] 79/7 79/8 95/12 95/15 pending [1] 137/16 people [8] 57/17 91/5 96/25 107/16 107/25 108/1 126/11 132/11 perceived [1] 26/20 perception [1] 27/4 perfect [2] 132/17 141/11 period [7] 4/22 25/19 25/21 27/24 29/8 97/7 100/3 periods [1] 29/12 person [10] 17/24 56/8 57/23 77/8 82/7 114/22 138/25 139/8 151/23 151/25 personal [1] 125/19 personally [3] 55/3 65/20 131/24 pertain [9] 30/24 30/24 42/21 43/18 82/3 85/14 87/20 97/12 121/16 pertaining [2] 62/24 85/12 pertains [2] 81/15 85/13 petulant [1] 110/19 phenomenon [1] 94/20 phone [1] 38/17	phrased [1] 67/23 physical [2] 25/10 68/11 picked [1] 71/8 picture [12] 26/21 26/22 26/23 27/1 36/5 37/12 37/16 37/21 37/22 52/17 52/21 146/22 pictures [13] 65/9 65/13 65/14 67/5 67/25 68/3 85/7 86/7 86/9 101/3 116/6 128/6 128/10 piece [5] 57/7 63/10 83/15 119/7 125/24 pink [1] 148/24 pinpoint [1] 12/21 pitcher [1] 35/5 place [3] 30/9 54/24 119/13 placed [1] 35/11 placement [1] 66/23 Plainly [1] 10/1 Plaintiff [2] 1/8 151/5 plan [1] 30/8 planned [1] 51/5 plant [1] 128/8 play [2] 45/10 131/9 please [7] 12/11 20/24 45/13 72/25 78/2 78/16 109/6 point [20] 13/5 22/20 29/8 33/2 37/14 41/14 42/12 44/22 48/12 51/8 62/1 66/21 82/13 84/20 101/22 106/23 120/16 133/3 137/15 138/16 pointed [3] 7/4 13/4 110/7 police [7] 21/15 21/16 21/21 23/6 48/3 51/10 94/14 poop [1] 123/7 pooped [4] 32/22 85/7 86/7 88/2 pooping [1] 128/11 pop [1] 18/20 portion [1] 17/17 position [1] 71/3 possession [1] 127/24 possible [4] 53/14 58/12 92/17 148/15 possibly [1] 129/25 potential [1] 9/22 potty [1] 94/12 practical [1] 141/20 practice [1] 94/20 predate [1] 47/12 predated [1] 47/16 predict [1] 148/2 prefer [1] 88/6 prejudice [2] 9/22 9/25 prejudicial [1] 115/19 prelim [6] 82/2 86/25 95/2 141/5 144/2 147/23 preliminary [34] 1/14 3/12 4/3 4/7 5/7 6/5 6/9 6/11 6/12 7/5 9/5 9/18 10/2 10/7 10/23 12/3 13/3 13/24 16/12 16/13 17/9 17/11 19/12 19/17 19/25 87/9 97/2 103/3 128/17 128/20 128/21 128/25 129/3 150/8

<b>P</b>	126/11 reasonably [1] 19/9 reasoning [3] 14/15 14/20 15/2 reasons [1] 130/9 rebuttal [1] 121/2 recall [6] 37/19 58/24 88/23 94/2 100/5 145/10 receipt [7] 69/12 69/23 117/20 118/7 119/7 130/24 130/25 receipts [18] 43/21 48/21 48/24 49/2 70/7 70/18 70/25 70/25 71/24 72/10 115/24 117/12 117/17 119/1 119/18 119/19 120/2 121/13 receive [1] 93/25 received [6] 47/19 59/3 81/3 86/20 112/12 114/15 recent [3] 13/16 14/6 14/11 recess [8] 8/10 8/13 46/5 64/7 64/11 103/19 104/8 150/5 reclaim [1] 139/15 recognize [1] 112/8 recollect [1] 62/5 recollection [4] 33/13 62/10 106/1 109/12 recollects [1] 87/17 recommended [1] 89/21 record [19] 8/16 21/1 22/24 45/16 47/15 100/17 102/19 103/15 103/22 103/25 112/5 114/13 116/19 117/6 127/20 131/12 131/14 131/17 134/1 record's [1] 47/23 recorded [3] 23/13 33/6 139/16 records [14] 61/16 61/20 61/24 62/2 62/3 62/4 62/7 62/8 62/16 63/4 63/12 63/17 99/15 100/2 recross [1] 145/14 red [3] 148/22 148/25 149/6 redirect [5] 2/9 100/25 111/1 112/1 145/14 redirecting [2] 133/22 133/23 reference [1] 88/21 referenced [1] 114/20 referred [1] 63/14 referring [7] 39/18 73/2 78/19 78/23 89/3 91/3 127/7 refers [1] 10/25 reflect [3] 22/24 116/20 134/1 refresh [2] 8/18 33/13 Refrigeration [1] 76/8 regarding [8] 7/4 65/4 88/18 92/7 95/17 98/20 113/15 151/19 regardless [1] 147/5 regards [1] 112/25 related [2] 32/8 76/21 relates [1] 76/23 relevance [9] 77/6 81/12 81/14 91/17 96/22 98/14 108/5 110/5 110/6 relevant [17] 56/17 57/20 62/23 63/5 63/20 82/2 85/11 85/18 85/25 87/9 87/21 91/19 108/10 108/13 112/25 113/2 115/12 reliability [3] 128/7 128/13 132/22 reliable [3] 120/11 132/12 132/15 remain [2] 137/20 137/21 remains [1] 9/9 remedy [1] 91/10 remember [15] 6/14 8/19 68/18	68/20 69/13 88/4 88/24 89/2 93/7 93/20 93/22 94/4 104/16 106/6 109/18 remembering [1] 145/21 reminded [2] 139/7 139/8 removed [1] 66/24 Reno [1] 11/17 repair [1] 139/11 repeat [2] 80/20 80/20 rephrase [3] 28/9 37/10 92/3 replies [1] 79/4 report [18] 56/1 56/3 56/7 56/10 56/12 57/6 57/11 57/19 57/23 59/9 77/11 77/22 93/21 104/19 104/22 104/23 105/2 106/3 reported [3] 1/24 110/11 151/18 reporter [5] 1/25 103/11 141/6 141/24 151/15 reporter's [3] 1/13 141/7 151/17 reports [5] 60/4 68/21 77/17 98/20 100/10 representative [1] 133/15 request [3] 20/7 142/1 144/22 requested [3] 76/9 111/6 142/14 required [1] 7/21 requirement [1] 9/20 reread [1] 81/9 rescheduled [1] 143/22 research [2] 8/7 9/14 reserves [1] 137/23 resided [1] 25/10 residence [1] 34/17 respect [2] 9/13 70/23 respond [3] 57/13 109/6 128/15 response [3] 84/22 85/1 86/20 responses [1] 93/25 responsibility [1] 5/16 responsible [1] 5/13 rest [7] 102/17 102/21 134/25 135/1 136/24 137/1 137/9 rested [1] 135/7 result [1] 93/4 resume [1] 100/18 retribution [1] 110/10 retrieved [1] 48/4 returned [4] 24/21 25/7 25/14 25/17 reversed [1] 13/20 review [5] 8/5 33/14 62/5 136/11 136/12 reviewed [7] 54/20 61/16 62/2 62/3 65/2 66/1 92/5 reviewing [3] 62/8 62/8 65/6 rewind [1] 28/15 rice [1] 35/25 ridiculous [2] 5/19 130/1 right [103] 4/19 6/9 7/1 7/13 7/16 7/17 7/23 7/24 10/11 10/12 10/13 10/15 10/15 10/17 10/18 10/22 11/3 12/12 12/18 13/2 13/4 13/11 14/2 14/3 14/10 14/24 15/3 15/9 15/12 16/16 16/18 16/19 16/23 17/1 17/10 17/12 17/14 17/15 17/24 18/3 18/9 18/11 18/23 18/23 20/20 35/12 44/19 46/15 47/21 47/24 52/14 52/19 54/2 55/17 56/19 61/4 61/5 62/12 63/23 63/25 66/9 66/17 67/4 70/23 71/3 78/21 79/17 81/22 81/23 83/10
<b>Q</b>	qualified [1] 14/2 quest [1] 5/20 question [34] 28/10 33/20 44/5 45/12 46/15 46/22 53/24 54/1 57/12 57/24 59/14 61/15 67/22 73/4 73/12 75/1 78/24 84/12 88/6 91/1 92/11 92/15 92/18 97/22 98/15 98/22 99/9 99/16 99/21 113/15 114/17 118/24 122/19 137/25 questioning [3] 5/21 27/6 60/22 questions [17] 24/9 26/11 45/13 56/18 64/5 68/21 69/5 85/20 97/11 97/16 110/23 114/19 119/4 133/25 134/2 134/8 134/13 quickly [2] 138/9 143/4 quiet [1] 146/15 quinoa [1] 35/23 quite [6] 7/16 29/24 46/20 93/12 93/13 147/12 quote [1] 62/6	
<b>R</b>	raised [2] 41/9 58/7 RE [1] 151/6 react [2] 26/25 41/15 read [25] 12/1 23/18 23/21 23/23 41/3 41/8 69/23 69/24 73/7 73/14 73/18 74/18 74/23 76/14 76/18 76/20 76/24 77/24 78/1 78/18 78/24 81/3 81/8 95/21 115/4 reading [8] 12/12 12/13 12/14 12/17 16/4 83/21 87/19 122/8 ready [1] 82/23 realize [1] 104/3 really [10] 27/5 52/22 56/10 70/18 70/20 79/11 103/13 113/11 139/2 139/20 reason [7] 5/6 17/16 91/14 91/18 122/18 133/2 141/21 reasonable [3] 19/8 109/1	

<b>R</b>	96/1 98/5 100/7 119/17 120/2 123/21 126/16 127/18 129/5 129/17 129/21 133/2 136/25 140/11 141/14 141/14 141/15 141/15 141/19 142/6 142/9 144/16 147/16 <b>saying</b> [15] 13/16 14/10 14/22 16/10 18/15 27/12 33/21 39/3 70/21 70/22 96/12 129/24 142/1 144/8 148/5 <b>says</b> [25] 6/25 9/2 9/18 11/7 12/2 13/5 13/21 14/16 14/17 17/22 18/6 18/14 18/15 78/14 79/16 80/6 80/18 80/21 82/14 108/22 122/4 124/2 125/14 125/24 126/18 <b>scared</b> [1] 41/16 <b>scars</b> [5] 67/6 68/6 68/10 68/10 91/22 <b>schedule</b> [2] 103/12 140/17 <b>scheduling</b> [1] 143/14 <b>scheme</b> [1] 110/17 <b>school</b> [2] 25/3 42/13 <b>scope</b> [1] 110/2 <b>screen</b> [1] 149/3 <b>sea</b> [1] 81/21 <b>search</b> [12] 43/3 47/22 50/22 76/2 76/3 76/10 84/3 84/9 89/16 93/4 114/15 117/25 <b>seat</b> [5] 26/24 27/3 27/13 27/22 104/6 <b>seated</b> [1] 20/24 <b>seats</b> [1] 29/14 <b>second</b> [9] 5/5 44/17 65/7 70/8 72/1 73/4 116/21 136/16 145/15 <b>Secondarily</b> [1] 11/15 <b>seconds</b> [3] 102/16 139/5 139/6 <b>section</b> [1] 18/6 <b>Security</b> [2] 151/22 151/24 <b>see</b> [22] 9/10 13/9 22/16 36/25 37/18 40/1 41/24 43/14 43/17 43/23 50/2 69/22 73/6 80/3 81/6 83/19 83/21 92/6 100/2 101/4 108/17 127/9 <b>seeing</b> [3] 38/20 87/17 115/18 <b>seek</b> [1] 20/15 <b>seeking</b> [1] 20/17 <b>seems</b> [2] 4/10 142/14 <b>seen</b> [11] 9/9 26/5 73/25 74/3 75/9 75/12 79/5 83/8 115/8 115/23 117/6 <b>sleeping</b> [1] 32/1 <b>selectively</b> [1] 86/3 <b>seminar</b> [1] 101/16 <b>send</b> [3] 128/9 130/1 150/1 <b>sense</b> [2] 97/23 141/17 <b>sent</b> [6] 63/14 76/8 76/11 93/21 94/5 128/5 <b>sentence</b> [1] 19/23 <b>separate</b> [1] 66/20 <b>separately</b> [1] 149/18 <b>served</b> [4] 35/20 75/23 84/4 117/25 <b>serves</b> [1] 62/10 <b>service</b> [1] 119/13 <b>Services</b> [4] 66/19 66/23 104/17 105/6 <b>Services'</b> [1] 92/6 <b>set</b> [9] 4/13 62/7 62/13 62/16 62/19 62/22 85/20 140/16 149/17 <b>seven</b> [1] 146/10 <b>several</b> [1] 77/17	<b>sex</b> [1] 143/18 <b>shall</b> [3] 18/9 18/11 108/22 <b>share</b> [1] 111/13 <b>shared</b> [1] 112/5 <b>she</b> [235] <b>she'll</b> [1] 143/11 <b>she's</b> [28] 18/12 22/19 22/21 22/23 28/9 39/17 41/23 41/23 41/24 42/7 59/13 82/18 83/14 94/17 99/5 99/11 99/12 101/22 102/9 105/19 105/20 109/7 115/6 115/7 137/15 141/14 142/24 144/25 <b>sheet</b> [1] 36/23 <b>sheets</b> [3] 36/11 36/16 97/8 <b>shipped</b> [2] 117/20 118/9 <b>short</b> [1] 132/17 <b>Shorthand</b> [1] 151/14 <b>should</b> [5] 82/11 129/3 130/15 131/9 140/17 <b>shouldn't</b> [3] 16/4 112/21 129/19 <b>show</b> [12] 7/21 26/22 37/12 70/3 71/24 72/18 80/6 112/3 133/4 147/9 147/10 148/25 <b>showed</b> [6] 26/21 26/23 26/25 36/5 52/17 52/21 <b>shower</b> [4] 35/1 35/3 35/4 35/8 <b>showing</b> [4] 69/12 71/13 81/4 83/7 <b>shows</b> [1] 14/19 <b>sides</b> [2] 103/1 148/9 <b>silent</b> [2] 137/20 137/21 <b>similar</b> [2] 88/10 88/17 <b>since</b> [3] 10/22 66/3 136/6 <b>single</b> [5] 46/6 63/10 87/4 93/20 108/2 <b>sit</b> [7] 27/25 29/13 29/16 29/16 96/2 147/24 147/25 <b>site</b> [1] 8/9 <b>sits</b> [1] 38/4 <b>sitting</b> [7] 22/19 22/21 29/17 29/19 40/12 51/3 140/22 <b>situation</b> [3] 19/11 79/18 139/17 <b>six</b> [5] 38/1 38/1 117/17 118/5 118/16 <b>Six inches</b> [1] 38/1 <b>Sixth</b> [9] 8/20 9/3 10/8 10/11 10/16 13/2 13/22 16/10 19/24 <b>skim</b> [1] 76/20 <b>skin</b> [1] 31/25 <b>sleep</b> [2] 36/11 36/13 <b>sleeping</b> [2] 36/1 36/4 <b>slept</b> [2] 36/7 36/9 <b>slight</b> [2] 7/21 108/7 <b>so</b> [139] 4/5 5/10 5/15 5/18 5/22 5/24 7/8 13/7 15/9 16/1 16/19 17/13 18/16 19/22 20/5 24/6 25/2 26/8 27/5 28/3 28/9 34/16 36/11 37/25 38/16 41/11 44/21 45/12 47/11 47/14 47/23 47/25 48/7 48/20 51/10 52/7 55/9 55/23 56/10 56/22 57/8 57/9 60/20 61/2 62/5 63/9 66/13 67/12 67/23 70/23 74/6 74/11 75/14 76/22 77/4 79/14 83/12 83/20 83/22 84/22 85/1 87/5 93/20 97/1 98/9 99/20 100/6 100/9 100/14 101/3 102/7 102/12 102/13 104/23 107/3 107/6 109/6 109/24 113/23 115/2 115/11
<b>right...</b> [33] 86/8 88/4 88/20 92/25 99/3 100/9 102/10 102/23 105/22 108/15 108/20 108/23 109/3 109/19 110/22 114/10 116/5 119/24 125/12 125/13 126/19 131/21 131/21 134/14 136/2 137/11 137/20 137/24 146/10 147/14 148/5 148/7 148/21 <b>rights</b> [12] 4/2 4/3 4/16 4/16 4/17 6/10 7/11 9/23 12/2 23/19 23/21 23/22 <b>Risa</b> [1] 138/19 <b>role</b> [3] 105/9 105/10 105/11 <b>room</b> [4] 51/11 55/4 64/8 91/9 <b>routinely</b> [1] 94/11 <b>RUE</b> [10] 1/22 2/6 32/19 50/9 50/13 111/22 134/6 134/7 135/20 146/14 <b>rule</b> [10] 5/11 13/9 32/10 40/22 45/11 62/4 67/5 85/22 131/1 131/2 <b>ruled</b> [2] 11/16 61/24 <b>rules</b> [17] 4/12 4/14 4/14 4/22 4/24 5/7 5/19 34/18 36/21 43/25 128/19 128/24 128/24 129/10 129/11 129/15 130/22 <b>ruling</b> [6] 9/13 11/7 12/8 41/10 121/4 131/12 <b>runner</b> [1] 71/7 <b>running</b> [2] 44/11 121/23	<b>S</b> <b>said</b> [84] 5/4 7/9 7/12 10/22 11/6 12/8 14/15 14/23 18/18 27/14 27/21 28/16 29/15 30/8 31/2 31/14 31/24 33/5 34/13 35/19 35/23 36/9 36/20 37/15 38/4 39/15 39/15 39/16 39/17 40/7 40/9 40/10 40/11 40/19 41/16 42/7 44/15 44/25 45/2 46/16 48/15 48/24 49/23 50/14 51/21 57/18 59/24 66/8 68/16 69/11 69/16 72/13 73/17 73/22 74/14 74/15 75/5 78/13 78/22 79/1 79/25 80/3 80/9 80/11 82/7 82/18 83/14 91/22 91/23 98/23 99/17 99/19 103/3 103/4 103/4 103/4 117/1 123/20 130/24 132/14 138/8 141/19 141/20 151/21 <b>same</b> [15] 4/14 4/17 12/15 13/16 25/6 25/10 37/9 41/1 45/9 106/25 107/1 118/7 118/12 121/13 124/8 <b>sans</b> [1] 147/12 <b>sat</b> [3] 27/22 29/15 109/14 <b>saw</b> [15] 31/24 32/1 37/17 40/11 40/14 40/17 43/19 43/21 44/10 69/13 69/16 73/12 74/15 75/3 79/25 <b>say</b> [68] 6/1 8/22 16/4 16/6 18/9 18/18 18/19 18/19 18/20 18/25 19/1 19/2 25/8 27/8 27/20 30/2 30/14 30/17 31/1 33/24 35/18 35/22 36/18 37/24 38/14 38/19 40/17 40/24 41/18 44/21 44/23 49/12 53/16 54/4 61/8 68/19 69/15 71/10 74/1 75/10 78/8 79/19 81/16 82/22 91/2	

<b>S</b>	116/25 120/16 129/13 134/7 142/6	118/17 118/20 120/20 121/7 121/20 122/21 122/25 133/19
<b>so...</b> [58] 116/19 116/19 119/17 120/4 120/6 120/23 121/3 122/19 124/21 125/14 125/23 125/25 126/7 126/16 126/21 127/12 128/12 130/22 131/9 131/13 132/10 133/16 134/1 134/20 135/7 135/13 135/13 136/1 136/4 136/11 136/13 136/19 137/23 137/25 138/5 138/6 138/13 139/7 139/18 140/8 140/13 141/2 141/25 143/3 143/7 144/1 144/8 145/7 145/17 146/22 147/7 147/16 148/7 148/11 148/21 149/1 149/4 149/14	<b>sort</b> [10] 11/13 15/23 20/17 52/10 52/11 52/17 61/2 65/18 67/4 124/18 <b>sorts</b> [1] 86/12 <b>sound</b> [2] 140/2 144/1 <b>sounded</b> [1] 20/15 <b>sounds</b> [5] 15/24 20/8 144/18 146/8 148/1 <b>source</b> [2] 76/8 94/6 <b>spank</b> [1] 30/17 <b>spanked</b> [12] 30/13 30/14 31/9 31/12 31/16 31/19 32/2 32/4 32/5 32/24 33/3 34/3 <b>speak</b> [2] 24/7 120/7 <b>speakers</b> [6] 49/25 69/20 84/6 96/7 116/12 122/14 <b>speaking</b> [2] 115/23 133/8 <b>speaks</b> [1] 80/16 <b>specialist</b> [3] 51/14 51/16 105/6 <b>specific</b> [18] 10/10 10/14 14/8 15/17 16/2 16/7 16/7 16/8 17/6 46/15 46/15 53/13 53/19 53/25 54/1 67/3 99/21 100/8 <b>specifically</b> [21] 7/13 7/15 8/20 9/2 9/17 10/6 10/17 14/15 17/2 17/8 17/9 17/13 22/1 31/13 33/2 43/17 46/14 70/11 94/4 100/4 117/19 <b>specifications</b> [1] 86/11 <b>speculated</b> [1] 41/25 <b>speculating</b> [1] 79/23 <b>speculation</b> [10] 28/7 39/21 40/1 42/2 42/6 45/24 62/18 90/5 123/16 123/17 <b>spell</b> [1] 21/1 <b>spend</b> [1] 85/5 <b>spent</b> [2] 108/14 139/3 <b>spoke</b> [5] 50/15 50/17 71/7 71/7 131/24 <b>spoken</b> [1] 26/5 <b>spoon</b> [1] 136/25 <b>square</b> [2] 37/23 38/4 <b>ss</b> [1] 151/11 <b>stack</b> [3] 75/21 75/24 86/2 <b>stage</b> [4] 9/20 10/7 10/20 85/21 <b>stain</b> [2] 123/4 123/6 <b>stains</b> [1] 38/23 <b>stand</b> [10] 16/15 18/13 29/16 29/16 29/18 82/13 82/18 109/7 129/5 129/20 <b>standards</b> [1] 129/8 <b>standing</b> [9] 32/5 32/12 32/14 32/18 32/19 35/11 41/7 41/9 120/7 <b>start</b> [3] 58/22 72/23 143/10 <b>started</b> [8] 23/8 27/12 30/6 30/8 62/9 63/13 95/21 105/24 <b>starting</b> [3] 77/24 109/5 143/24 <b>starts</b> [1] 73/20 <b>state</b> [30] 1/5 1/7 1/20 2/2 5/12 7/13 7/16 10/6 15/10 15/20 16/8 17/10 17/23 20/22 20/25 61/21 84/16 86/3 87/5 91/13 112/12 127/19 129/13 134/20 146/16 148/11 151/2 151/4 151/11 151/16 <b>State's</b> [20] 2/20 2/21 2/22 5/16 5/16 91/21 112/4 114/12 117/10 117/19 118/3 118/6	<b>stated</b> [8] 24/20 30/3 31/23 36/6 38/12 38/21 41/20 78/4 <b>statement</b> [43] 3/17 4/6 4/20 15/1 16/25 20/8 32/8 33/1 33/10 33/14 33/18 33/18 33/21 33/22 33/24 41/2 56/25 57/9 61/16 69/24 72/16 72/19 73/16 74/11 77/21 78/12 78/15 80/5 80/11 80/13 80/15 82/4 82/12 82/20 83/3 83/4 83/9 89/11 92/10 92/17 97/4 133/13 133/14 <b>statements</b> [17] 3/10 3/25 6/3 15/24 20/17 30/21 30/23 42/11 58/1 67/16 67/19 68/14 94/22 113/21 115/10 122/11 132/21 <b>States</b> [5] 6/7 9/16 11/8 13/20 19/15 <b>status</b> [4] 140/12 143/6 143/8 149/17 <b>statute</b> [18] 11/18 13/4 13/5 14/17 15/14 16/16 17/3 17/6 17/12 17/13 17/18 17/20 17/22 17/25 18/5 108/21 128/7 132/22 <b>statutorily</b> [2] 15/10 108/16 <b>statutory</b> [11] 12/25 14/1 15/3 16/13 16/19 16/22 16/22 18/3 18/23 19/12 19/18 <b>stay</b> [1] 38/15 <b>step</b> [1] 113/17 <b>Stephanie</b> [4] 138/2 138/23 139/8 140/8 <b>stick</b> [4] 30/16 32/2 34/4 54/16 <b>sticks</b> [7] 31/9 31/12 31/16 31/20 54/8 60/9 60/12 <b>still</b> [17] 5/5 5/6 5/8 13/19 15/4 16/15 72/7 84/17 87/10 104/3 127/12 128/19 129/10 129/12 130/22 130/25 144/21 <b>stood</b> [1] 133/8 <b>stop</b> [1] 82/15 <b>Store</b> [4] 88/25 89/5 89/13 89/21 <b>streaming</b> [1] 43/20 <b>strike</b> [2] 61/14 70/1 <b>stuck</b> [1] 88/14 <b>stuff</b> [10] 40/25 53/10 66/4 76/11 76/21 76/23 77/3 77/4 86/12 115/1 <b>subject</b> [4] 14/3 110/10 122/2 123/13 <b>submit</b> [1] 114/4 <b>submitted</b> [1] 96/16 <b>submitting</b> [1] 120/4 <b>subpoena</b> [3] 47/23 75/24 76/2 <b>subpoenaed</b> [1] 47/14 <b>subsection</b> [2] 17/8 17/11 <b>subsequently</b> [2] 11/1 15/8 <b>substance</b> [1] 140/5 <b>substantial</b> [3] 9/22 11/20 14/18 <b>substantiated</b> [1] 65/4 <b>such</b> [6] 4/15 91/13 131/6 140/18 140/18 140/19 <b>sufficient</b> [1] 120/10 <b>suggestion</b> [2] 140/21 143/6 <b>SULLIVAN</b> [1] 1/16 <b>sum</b> [1] 140/5 <b>summary</b> [1] 77/20 <b>summer</b> [4] 28/20 28/21 29/4 29/9



<b>S</b>	94/17 94/21 95/5 99/6 99/12 121/24 131/24	98/23 104/25 110/23 112/21 115/9 116/8 117/15 117/16 118/6 122/2 122/25 126/7 129/2 129/23 133/15 134/1 136/24 137/3 138/20 140/10 140/18 141/15 142/5 143/19 144/15 145/14 145/23 145/24 145/25 146/17 146/19 149/16
<b>Sunday</b> [1] 101/9	<b>testify</b> [9] 21/10 46/9 70/16 82/6 130/13 136/2 137/11 137/16 137/20	<b>theoretical</b> [1] 20/14
<b>supplies</b> [1] 118/16	<b>testifying</b> [2] 41/25 87/13	<b>theory</b> [1] 8/23
<b>Supply</b> [2] 117/13 117/14	<b>testimony</b> [9] 5/21 28/3 69/14 86/4 115/9 132/5 135/4 138/6 139/4	<b>there</b> [107] 3/5 4/13 9/1 9/7 10/22 12/4 13/11 14/5 14/11 14/23 17/6 17/14 17/20 18/18 24/16 24/21 25/11 25/13 25/19 25/21 25/21 28/11 29/20 31/4 31/6 31/18 34/10 34/17 35/24 37/19 38/9 38/12 38/15 38/17 38/17 41/8 42/18 44/17 45/4 46/12 46/19 46/19 46/20 46/22 46/23 46/25 47/8 47/9 48/15 48/22 49/2 52/11 52/16 55/9 55/18 67/10 67/18 67/25 68/9 76/13 76/25 77/1 77/1 77/4 79/11 80/5 85/6 85/16 86/6 86/8 86/9 89/7 89/9 90/10 93/7 93/8 93/12 93/12 93/22 94/2 94/6 97/4 106/17 106/20 107/2 109/24 113/21 114/7 115/2 116/2 116/3 116/5 119/8 120/9 120/10 121/18 122/2 124/22 125/12 128/21 130/9 137/6 139/24 140/10 140/15 144/23 146/1
<b>supply</b> [1] 13/10	<b>text</b> [1] 64/7	<b>there's</b> [37] 4/11 4/13 4/15 4/22 5/25 11/20 13/4 16/18 28/10 37/5 44/20 44/21 48/7 58/7 66/18 76/19 86/22 87/10 87/14 89/4 89/10 97/3 103/2 112/17 113/18 113/19 113/20 113/23 120/3 127/24 128/20 131/22 131/22 132/23 141/12 141/17 144/17
<b>suppose</b> [1] 150/3	<b>than</b> [21] 11/16 41/6 41/7 41/9 54/7 54/15 60/1 64/7 72/9 83/16 84/20 86/17 86/20 97/19 99/5 124/24 128/8 138/5 140/21 141/9 146/13	<b>therefore</b> [4] 9/3 10/8 17/23 46/25
<b>supposed</b> [3] 65/14 130/2 143/23	<b>Thank</b> [19] 5/1 20/11 20/22 21/4 21/6 23/2 40/3 41/12 49/18 50/7 102/23 103/17 104/8 104/13 111/2 133/10 134/16 143/16 146/8	<b>thereof</b> [1] 58/5
<b>supposedly</b> [2] 86/6 130/16	<b>Thanks</b> [1] 104/2	<b>these</b> [62] 7/11 15/11 15/16 16/7 16/8 34/18 36/6 44/2 44/25 45/20 47/11 47/15 48/4 48/5 48/9 61/20 62/24 62/25 63/5 64/20 65/10 65/15 68/20 70/18 86/11 88/20 90/1 90/22 91/5 91/6 91/19 91/22 95/22 96/25 97/12 98/20 100/8 103/5 107/3 107/8 107/10 109/21 109/25 111/16 112/8 113/6 113/16 114/14 114/18 114/21 115/7 119/1 120/1 120/2 121/8 125/19 129/11 129/23 130/1 130/9 130/9 133/23
<b>Supreme</b> [15] 6/7 6/7 9/1 9/10 9/17 10/25 11/8 11/9 11/10 11/11 11/15 13/19 13/20 19/14 19/15	<b>that</b> [580]	<b>they</b> [192]
<b>sure</b> [22] 8/1 12/15 47/15 52/2 52/4 57/15 59/13 63/11 64/3 70/5 70/6 74/2 74/20 75/11 100/5 124/14 127/2 128/18 137/4 137/17 140/4 148/17	<b>that's</b> [68] 5/10 6/16 6/18 6/23 15/20 16/17 18/21 18/22 20/12 33/19 39/16 41/8 45/5 47/17 49/10 50/24 52/2 52/23 53/8 53/23 57/5 57/20 58/3 63/25 71/25 72/8 72/21 75/18 79/22 80/19 82/1 82/15 84/8 84/25 86/24 87/3 91/10 91/23 92/18 94/19 101/25 107/23 109/18 110/20 116/5 116/7 116/14 121/4 126/16 127/7 129/11 129/21 129/21 130/1 130/19 130/25 138/9 139/25 140/24 141/3 141/20 142/10 144/13 145/20 145/22 147/13 147/18 148/12	<b>they'll</b> [1] 133/16
<b>suspect</b> [4] 28/9 58/18 59/10 60/3	<b>their</b> [45] 5/22 19/5 29/22 30/4 30/4 30/9 31/25 31/25 38/22 39/2 39/2 39/2 39/5 39/15 40/8 40/10 40/15 43/21 44/11 61/24 62/20 63/5 63/10 65/23 66/1 66/24 78/6 79/13 79/15 86/4 86/19 88/18 91/7 91/18 97/6 107/7 109/15 110/9 111/22 113/19 128/6 128/11 131/12 131/14 137/23	<b>they're</b> [25] 3/8 4/14 10/20 14/8 16/24 19/8 19/9 62/19 62/25 90/23 90/23 95/17 113/11 115/12 115/14 115/16 117/17 120/3 120/5 123/18 125/22 126/8 129/24 133/16 136/7
<b>suspects</b> [2] 58/15 63/21	<b>them</b> [78] 5/13 6/13 6/14 14/8 17/18 17/21 23/23 25/2 29/14 30/6 30/17 35/5 36/11 36/20 40/14 41/20 46/2 46/3 46/4 47/18 47/19 51/5 55/3 62/20 71/3 71/3 71/4 71/5 71/6 73/13 73/13 74/16 75/3 75/4 79/14 80/8 81/3 81/25 88/7 89/22 91/16 91/20 93/15 93/19 93/21 101/5 101/5 101/5 113/10 113/14 113/17 113/24 115/8 115/8 115/10 115/11 115/18 115/23 116/7 116/15 116/17 116/19 116/19 116/22 116/24 117/7 118/16 121/18 122/19 122/19 124/11 125/21 130/6 131/10 133/12 133/24 133/25 147/7	<b>they've</b> [2] 64/21 146/12
<b>sustain</b> [1] 131/9	<b>themselves</b> [8] 30/6 35/2 36/10 85/7 86/7 88/2 97/7 120/8	<b>thick</b> [1] 59/24
<b>sustained</b> [9] 49/9 49/17 58/8 87/23 90/7 91/25 92/23 97/24 99/1	<b>then</b> [61] 3/18 6/25 13/3 14/1 15/7 18/19 24/6 26/19 27/20 31/5 33/8 36/22 43/10 48/22 51/1 51/2 52/16 53/5 57/22 67/12 71/4 73/18 76/11 79/12 84/18 84/22 87/16 89/10 95/8	<b>thin</b> [1] 148/4
<b>sustaining</b> [1] 110/21		<b>thing</b> [10] 4/15 89/4 103/4 103/5 128/18 138/11 146/24 148/18 149/19 149/22
<b>sworn</b> [2] 21/10 71/18		
<b>system</b> [3] 118/15 125/4 139/15		
<b>T</b>		
<b>T-e-n-n</b> [1] 117/15		
<b>table</b> [2] 22/22 51/12		
<b>take</b> [24] 7/24 8/6 18/13 35/3 40/13 46/5 59/4 64/6 68/14 68/23 70/8 72/1 72/20 74/22 78/16 80/4 81/10 99/23 107/8 120/12 121/4 124/12 128/4 132/14		
<b>taken</b> [13] 1/17 65/9 67/6 67/10 67/17 68/1 91/6 91/16 91/18 94/22 103/2 113/5 147/2		
<b>takes</b> [2] 113/17 149/23		
<b>taking</b> [2] 81/20 121/2		
<b>talk</b> [20] 24/4 24/13 26/4 28/25 29/8 29/19 29/24 31/15 34/9 34/21 35/15 36/1 51/1 58/14 77/7 89/14 100/10 103/12 138/12 149/18		
<b>talked</b> [7] 14/3 52/10 56/7 57/17 57/18 59/23 142/18		
<b>talking</b> [22] 4/24 12/15 12/24 13/7 15/23 29/5 37/1 38/14 53/9 60/14 60/18 61/2 70/10 71/16 72/3 82/19 83/1 83/2 94/23 126/24 128/1 148/20		
<b>talks</b> [5] 7/14 10/8 10/18 14/1 17/7		
<b>tape</b> [2] 23/13 33/5		
<b>taped</b> [2] 109/22 109/24		
<b>task</b> [2] 113/5 121/3		
<b>teaching</b> [1] 101/16		
<b>technical</b> [1] 86/11		
<b>tell</b> [9] 34/12 59/13 71/18 109/13 112/7 114/12 138/14 140/13 143/11		
<b>telling</b> [2] 54/11 87/13		
<b>tells</b> [1] 20/4		
<b>term</b> [4] 19/10 113/7 113/8 113/9		
<b>Terry</b> [1] 71/8		
<b>testified</b> [15] 21/11 41/23 42/7 48/1 57/16 71/1 72/12 87/1		

<b>T</b>	107/13 110/8 138/20 139/4 <b>three feet</b> [2] 38/2 38/3 <b>through</b> [21] 3/17 15/10 32/1 41/2 42/22 59/6 62/25 68/25 75/20 93/2 93/14 101/4 108/8 112/10 114/5 115/1 116/15 116/19 117/4 130/11 137/3 <b>throughout</b> [1] 29/15 <b>throw</b> [2] 16/19 40/25 <b>THURSDAY</b> [4] 1/17 3/1 71/9 71/17 <b>till</b> [3] 101/11 138/1 143/21 <b>time</b> [41] 23/7 23/12 23/18 24/15 24/15 25/20 25/22 27/25 29/8 29/13 39/4 42/18 50/16 53/12 54/10 54/13 55/18 57/21 62/25 63/5 63/8 63/17 68/17 72/21 72/22 78/16 80/4 81/10 82/13 85/5 97/7 100/3 106/7 108/14 135/6 135/25 137/12 145/6 145/21 149/23 150/1 <b>timed</b> [1] 34/13 <b>timeframe</b> [4] 60/21 61/1 91/20 99/21 <b>timer</b> [2] 34/10 34/12 <b>times</b> [2] 29/18 103/2 <b>timing</b> [1] 135/14 <b>timing-wise</b> [1] 135/14 <b>tired</b> [2] 92/24 92/25 <b>tiring</b> [1] 97/8 <b>today</b> [17] 9/9 9/11 22/17 63/15 68/21 96/3 101/20 101/23 102/2 103/17 137/8 137/9 138/1 138/9 139/7 142/23 143/9 <b>together</b> [5] 5/12 15/11 77/20 96/12 107/21 <b>toilet</b> [7] 26/24 27/1 27/3 27/13 27/21 27/23 29/14 <b>toileting</b> [3] 30/5 30/9 88/18 <b>told</b> [7] 27/12 28/9 34/25 54/15 73/17 74/10 138/15 <b>tomorrow</b> [5] 101/14 101/15 101/18 144/12 144/13 <b>too</b> [2] 14/8 39/24 <b>took</b> [1] 54/24 <b>top</b> [5] 26/24 27/3 78/25 94/3 119/7 <b>totally</b> [2] 57/5 83/15 <b>toward</b> [2] 56/17 113/11 <b>towel</b> [1] 35/10 <b>town</b> [6] 41/23 42/8 101/8 102/9 143/20 143/24 <b>TOWNSHIP</b> [2] 1/4 151/1 <b>training</b> [4] 94/12 95/11 95/17 95/20 <b>transcribed</b> [1] 33/8 <b>transcript</b> [20] 1/13 103/6 103/9 134/23 135/8 141/1 141/3 141/12 141/13 141/18 141/21 142/3 142/7 142/19 144/23 145/5 147/19 150/12 151/17 151/21 <b>transcripts</b> [11] 102/25 109/24 136/20 138/4 140/9 142/13 144/15 144/21 147/9 147/13 149/17 <b>traumatized</b> [1] 41/17 <b>treatment</b> [2] 12/19 89/21 <b>trial</b> [23] 4/2 5/24 6/3 6/5 6/11 6/25 7/1 7/13 7/15 7/16 8/21 8/22 82/1 86/24 92/1 108/6 109/1 109/4 109/6 120/8 129/2 143/18 143/18	<b>trick</b> [1] 51/25 <b>tried</b> [1] 132/10 <b>trier</b> [1] 115/17 <b>troubled</b> [3] 90/1 90/23 94/11 <b>true</b> [12] 16/15 52/22 52/23 53/14 54/8 54/9 55/11 56/5 56/12 56/13 145/22 150/12 <b>truth</b> [14] 3/15 21/10 21/10 21/11 32/9 57/2 58/5 71/19 84/24 85/2 85/9 90/19 92/16 113/22 <b>truthful</b> [1] 27/7 <b>try</b> [8] 46/14 67/24 88/22 89/20 146/20 146/25 148/14 148/15 <b>trying</b> [18] 8/1 45/6 53/13 74/22 82/12 86/5 88/25 89/22 90/20 91/25 92/2 108/18 110/18 116/14 129/2 135/5 135/24 148/10 <b>Tuesday</b> [1] 142/10 <b>turn</b> [1] 106/7 <b>tweak</b> [1] 149/5 <b>two</b> [28] 4/11 11/16 15/12 25/11 25/13 29/3 38/2 38/3 52/7 53/22 80/21 85/19 86/2 94/17 94/21 97/8 97/16 102/16 110/8 129/4 131/22 139/20 142/20 142/22 143/24 145/9 146/13 148/15 <b>two-day</b> [1] 145/9 <b>type</b> [2] 79/8 123/8 <b>types</b> [1] 95/22 <b>typically</b> [1] 142/12
	<b>U</b> <b>U.S</b> [3] 9/16 11/10 11/11 <b>uh</b> [2] 73/24 75/7 <b>umpteen</b> [1] 101/23 <b>uncomfortable</b> [1] 30/22 <b>unconstitutional</b> [3] 11/19 11/23 14/19 <b>under</b> [10] 4/21 11/23 13/2 14/2 16/7 17/11 19/17 51/7 104/3 133/16 <b>understand</b> [11] 18/2 46/1 48/1 59/14 63/22 85/24 91/24 92/2 93/18 113/13 142/13 <b>understanding</b> [5] 3/8 120/24 126/21 127/22 136/5 <b>understood</b> [2] 28/3 82/17 <b>underwear</b> [14] 36/15 38/19 38/20 38/22 38/25 39/2 39/2 39/5 43/19 43/20 44/11 48/21 121/23 123/4 <b>unfortunately</b> [2] 19/10 19/11 <b>unit</b> [1] 48/3 <b>United</b> [5] 6/7 9/16 11/8 13/20 19/15 <b>unless</b> [2] 20/4 62/19 <b>unreasonable</b> [2] 142/2 144/18 <b>unspoken</b> [1] 97/3 <b>unsubstantiated</b> [1] 60/13 <b>until</b> [9] 29/4 51/23 63/18 101/12 117/5 133/8 134/25 135/2 150/6 <b>up</b> [40] 3/19 7/9 13/14 13/15 14/8 18/18 18/20 19/14 22/23 27/5 27/6 29/16 29/16 29/18 32/5 34/22 34/22 35/20 35/24 36/21 65/7 71/8 74/8 75/16 80/5 80/18 82/8 82/13 82/14 82/18 88/15 103/24 104/2 114/22 114/25 121/3 129/5 129/20 133/8	

<b>U</b>	142/2 142/16 143/13 145/18 145/18 148/22 148/23 149/3 149/6 149/8 <b>wanted</b> [9] 3/6 3/19 9/13 83/21 136/4 139/18 140/7 142/16 149/22 <b>wanting</b> [1] 29/8 <b>wants</b> [5] 87/14 139/21 140/3 141/3 142/7 <b>warrant</b> [12] 43/3 47/22 50/22 76/2 76/3 76/10 84/3 84/9 89/16 93/4 114/15 118/1 <b>was</b> [238] <b>wash</b> [1] 36/11 <b>washing</b> [1] 97/8 <b>wasn't</b> [11] 12/5 27/9 28/1 48/2 68/20 74/11 83/14 100/9 107/2 139/16 145/12 <b>water</b> [1] 64/9 <b>way</b> [14] 5/25 16/4 27/13 61/20 62/4 82/17 83/8 102/12 109/8 128/20 129/1 132/24 134/21 144/17 <b>we</b> [123] 3/4 3/19 3/24 4/5 4/8 5/5 5/6 7/9 7/11 7/20 7/23 12/1 12/3 12/10 13/22 13/25 14/3 14/24 14/25 14/25 16/19 17/21 19/11 19/11 19/24 20/19 22/3 39/15 39/24 41/2 44/17 44/19 46/3 51/3 51/4 51/4 53/8 55/4 57/18 61/21 61/22 61/23 62/12 70/4 71/11 71/15 71/22 72/21 77/10 82/19 83/1 83/2 85/20 87/12 89/14 92/24 100/13 100/18 101/3 101/6 102/25 103/1 105/3 106/13 107/6 107/16 107/18 107/23 108/8 108/14 122/16 122/16 129/6 129/11 129/12 129/17 134/22 134/23 134/24 135/3 135/18 135/23 135/25 136/12 136/13 137/1 138/14 138/18 138/20 138/21 138/22 139/21 140/4 140/9 140/11 140/16 140/17 141/1 141/18 141/24 142/5 142/12 142/19 143/8 144/4 144/7 144/19 144/20 144/20 144/24 145/3 145/4 145/13 145/13 145/17 146/20 146/22 146/22 147/16 147/22 147/22 148/6 148/9 <b>we'd</b> [1] 141/11 <b>we'll</b> [12] 8/10 41/3 103/11 138/6 140/2 140/10 142/19 146/19 146/19 149/16 149/18 150/5 <b>we're</b> [24] 8/16 12/15 13/7 15/23 16/6 34/16 50/9 64/6 98/6 102/2 102/24 103/22 103/23 126/24 128/1 128/18 131/12 134/14 136/9 136/21 143/9 144/14 148/20 149/15 <b>we've</b> [6] 28/5 98/25 102/6 124/9 128/16 145/4 <b>wear</b> [1] 36/24 <b>wearing</b> [1] 22/23 <b>website</b> [1] 89/5 <b>Wednesday</b> [3] 142/10 147/18 149/25 <b>week</b> [8] 93/20 111/19 140/13 143/8 143/23 144/11 144/12 144/13 <b>weeks</b> [2] 143/24 146/13	<b>weight</b> [3] 48/11 112/19 132/19 <b>well</b> [63] 9/14 10/9 15/15 18/2 25/19 27/4 28/8 28/19 31/1 31/24 35/16 36/5 36/20 37/10 37/15 39/16 40/20 42/4 45/11 48/1 50/2 53/21 53/23 55/10 55/14 55/21 55/24 56/16 57/22 58/20 60/6 61/15 62/2 63/7 66/19 76/7 76/21 78/11 78/12 84/22 87/19 90/4 90/16 91/5 92/15 94/16 99/18 108/19 110/20 112/22 115/16 116/16 128/14 129/17 129/24 130/19 130/24 131/21 135/23 141/2 141/15 141/16 143/20 <b>Wells</b> [1] 109/17 <b>went</b> [17] 24/10 25/6 25/11 40/19 48/17 51/23 75/20 75/23 80/7 90/9 93/2 98/21 100/20 100/21 106/12 114/25 130/11 <b>were</b> [146] 5/21 8/14 9/14 12/2 13/16 24/16 25/11 25/13 25/18 25/21 29/7 29/7 29/10 29/19 29/20 31/18 31/22 32/4 32/5 32/6 34/13 34/15 34/17 34/25 35/1 35/3 35/4 35/7 35/20 36/4 36/21 37/24 38/15 39/1 40/9 41/17 44/12 44/12 45/3 45/19 45/20 45/22 45/23 46/12 46/16 46/17 46/19 46/20 46/23 46/25 47/3 47/6 47/8 47/9 47/13 48/5 48/15 48/16 48/20 49/2 51/3 51/3 53/9 53/20 54/23 54/24 55/1 55/9 55/10 55/13 59/4 59/19 62/4 63/7 63/14 63/18 64/12 64/24 65/9 65/21 65/23 67/10 67/10 67/17 67/18 67/19 67/25 70/18 70/19 73/15 74/21 78/22 79/2 79/6 79/15 80/1 82/19 83/1 83/2 85/16 88/1 88/8 88/16 88/17 88/17 88/21 89/1 90/1 90/2 90/11 91/6 91/18 93/4 93/12 94/5 97/6 97/13 103/20 104/21 106/2 107/1 107/10 107/14 107/17 109/21 111/17 111/22 112/5 112/11 115/22 115/22 116/6 119/1 119/19 119/22 127/20 129/2 133/12 133/22 134/1 135/25 138/10 138/11 139/3 139/6 141/1 <b>weren't</b> [2] 29/17 110/14 <b>what</b> [159] <b>what's</b> [10] 6/22 43/24 56/22 81/4 81/16 85/14 110/6 112/3 121/4 122/8 <b>whatever</b> [14] 14/24 20/7 28/8 43/8 70/24 70/25 95/8 125/12 130/10 139/1 139/23 145/4 148/23 149/13 <b>whatsoever</b> [8] 86/23 87/10 87/15 124/23 126/18 127/23 132/24 148/25 <b>when</b> [68] 5/21 14/17 19/1 25/7 25/14 25/17 25/23 26/25 27/8 28/4 28/5 28/17 29/4 29/5 29/9 30/6 30/11 33/24 35/7 36/13 37/24 38/13 38/14 39/17 39/22 42/15 50/24 51/4 51/7 53/8 54/10 54/23 55/19 58/17 58/22 59/3 59/9 59/18 59/23 63/11 63/13 63/13 63/14 68/22 74/10 75/23 76/7 76/8 80/20 81/22
<b>V</b>	<b>vacation</b> [2] 142/24 143/23 <b>vaginas</b> [1] 40/15 <b>vague</b> [5] 52/13 59/11 59/12 63/1 96/4 <b>valid</b> [1] 82/13 <b>value</b> [1] 15/18 <b>variety</b> [1] 90/2 <b>various</b> [9] 64/20 65/2 65/6 65/12 65/13 65/14 67/5 68/6 125/8 <b>VEGAS</b> [9] 1/4 3/1 21/16 59/20 59/21 118/1 151/1 151/19 151/20 <b>vegetables</b> [1] 35/24 <b>vendor</b> [1] 119/19 <b>verbatim</b> [2] 9/8 9/8 <b>very</b> [18] 6/8 15/6 15/16 15/17 19/23 40/10 41/16 42/10 79/17 86/3 100/9 104/15 110/18 110/19 111/2 115/22 125/1 141/17 <b>victim</b> [2] 103/3 103/4 <b>video</b> [1] 139/15 <b>view</b> [1] 43/11 <b>viewed</b> [1] 93/19 <b>viewing</b> [1] 106/22 <b>violated</b> [2] 12/2 14/16 <b>violation</b> [3] 8/23 12/5 15/13 <b>voir</b> [3] 2/10 124/13 124/16 <b>voluminous</b> [2] 75/20 75/24	
<b>W</b>	<b>W-i-t-z-e-n-b-e</b> [1] 6/15 <b>wait</b> [3] 82/15 141/3 142/19 <b>waive</b> [1] 137/11 <b>Wakashan</b> [4] 25/15 50/19 117/23 118/12 <b>walk</b> [1] 68/25 <b>want</b> [46] 7/24 12/15 13/15 14/25 20/7 24/3 36/10 46/5 47/14 50/14 51/25 51/25 53/18 53/19 59/15 59/17 61/1 70/10 72/23 73/7 85/20 92/17 100/17 102/13 104/14 108/2 108/17 115/11 117/2 120/15 129/5 131/18 135/1 137/4 137/24 142/1	

<p><b>W</b></p> <p><b>when...</b> [18] 82/6 82/17 83/13 89/15 91/2 92/5 95/17 100/9 100/18 101/6 103/3 114/19 127/21 133/4 138/3 140/9 149/17 149/19</p> <p><b>whenever</b> [1] 63/15</p> <p><b>where</b> [39] 4/10 9/17 14/22 17/24 19/11 20/9 22/19 23/4 24/18 38/16 39/4 40/5 44/7 55/4 60/8 60/11 66/22 68/9 68/11 69/23 72/18 72/23 74/5 74/6 75/13 75/15 78/13 79/19 80/6 106/13 109/1 117/17 119/1 121/13 126/22 127/18 128/24 132/13 138/18</p> <p><b>whether</b> [16] 9/9 9/19 9/21 34/9 63/2 70/18 70/19 80/2 83/2 83/4 83/5 91/19 95/7 96/23 97/12 147/4</p> <p><b>which</b> [42] 3/10 7/18 8/25 9/4 10/8 10/12 10/20 13/9 13/18 15/4 15/23 16/25 18/3 30/7 41/7 46/22 48/9 53/25 59/2 61/17 62/9 64/9 82/9 83/7 83/8 89/5 98/12 105/9 109/15 112/5 115/18 115/22 128/5 132/3 138/8 138/9 139/4 140/1 143/8 144/9 145/6 145/9</p> <p><b>while</b> [7] 9/14 29/10 34/14 35/10 38/15 93/17 100/6</p> <p><b>white</b> [2] 37/22 37/24</p> <p><b>who</b> [37] 30/17 44/17 45/22 46/9 46/11 47/3 47/6 48/6 49/21 49/22 55/3 57/23 66/10 74/7 75/16 76/13 77/8 77/8 80/18 85/16 91/2 94/3 95/15 96/19 96/24 97/6 104/16 105/5 105/17 106/19 109/13 126/3 128/7 129/25 131/25 138/25 139/8</p> <p><b>whole</b> [12] 8/7 21/10 24/15 24/15 45/12 62/7 74/18 76/5 76/25 89/4 99/15 129/16</p> <p><b>wholly</b> [1] 69/24</p> <p><b>whom</b> [1] 110/8</p> <p><b>why</b> [18] 5/6 10/21 27/9 29/19 36/8 41/7 51/1 78/22 80/19 82/10 85/5 126/18 129/11 130/9 140/24 142/14 143/7 147/16</p> <p><b>wide</b> [2] 38/1 38/3</p> <p><b>wife</b> [1] 48/22</p> <p><b>will</b> [37] 3/9 8/22 9/10 12/25 13/16 20/16 44/4 46/6 58/6 72/1 72/8 72/18 100/18 109/24 120/17 133/1 134/24 136/22 136/23 137/3 140/4 140/8 140/9 142/22 143/3 143/4 143/5 143/18 144/3 146/12 146/20 147/9 148/14 148/15 149/9 149/10 150/2</p> <p><b>willing</b> [1] 137/15</p> <p><b>wise</b> [1] 135/14</p> <p><b>wishes</b> [1] 137/11</p> <p><b>Withdrawn</b> [1] 27/16</p> <p><b>withhold</b> [1] 117/5</p> <p><b>within</b> [2] 10/16 151/15</p> <p><b>without</b> [4] 83/20 87/19 109/12 147/18</p> <p><b>witness</b> [28] 3/5 15/13 17/1 18/18 20/21 32/15 39/22 64/8 82/6 82/7 82/11 91/22 101/22 101/24 102/3 102/8 102/10 111/8</p>	<p>111/9 113/15 124/13 134/18 145/7 145/8 145/9 145/12 150/1 150/2</p> <p><b>witnesses</b> [16] 2/2 6/19 7/11 15/20 16/9 16/17 16/23 18/7 18/9 18/12 108/16 109/8 120/9 138/17 144/23 145/18</p> <p><b>Witzenberg</b> [26] 6/6 7/2 8/4 8/19 8/25 11/19 11/25 12/2 12/13 12/14 12/17 13/13 13/14 13/18 14/12 14/23 15/5 15/18 16/1 16/5 16/18 17/5 17/15 17/18 19/21 19/22</p> <p><b>woman</b> [2] 41/25 79/23</p> <p><b>won't</b> [4] 101/11 101/12 138/1 143/21</p> <p><b>wonder</b> [1] 144/19</p> <p><b>word</b> [3] 82/22 83/23 149/13</p> <p><b>words</b> [4] 14/25 32/15 107/7 119/18</p> <p><b>work</b> [8] 72/8 77/2 86/12 101/12 125/5 132/1 138/5 145/4</p> <p><b>worked</b> [2] 65/21 105/13</p> <p><b>worker</b> [2] 81/23 86/19</p> <p><b>working</b> [3] 62/19 143/1 143/10</p> <p><b>world</b> [2] 129/25 141/11</p> <p><b>worse</b> [1] 30/10</p> <p><b>worth</b> [1] 121/4</p> <p><b>would</b> [89] 3/15 3/16 8/5 15/15 15/17 27/23 27/25 29/13 29/16 29/17 30/11 30/13 30/14 30/17 32/22 32/24 33/1 33/3 33/3 33/13 33/16 34/3 35/2 35/2 35/4 35/8 35/9 35/10 35/12 35/20 36/9 36/13 36/20 36/21 38/18 38/22 40/7 40/13 44/22 51/2 54/4 57/12 58/25 58/25 61/9 67/12 68/19 69/22 80/1 87/6 88/6 91/9 91/14 94/10 96/1 102/4 102/8 103/8 110/16 110/18 115/9 115/18 116/9 119/25 120/9 126/8 126/9 126/11 126/13 126/14 126/19 128/9 128/21 128/23 129/1 129/25 132/13 132/23 133/9 134/1 140/20 142/7 142/8 145/20 146/23 147/13 148/8 148/18 148/21</p> <p><b>wouldn't</b> [5] 53/16 57/4 126/19 129/18 129/19</p> <p><b>writing</b> [3] 81/13 94/4 136/23</p> <p><b>written</b> [3] 80/25 104/19 104/22</p> <p><b>wrong</b> [9] 3/18 3/19 4/1 14/22 27/2 59/16 59/17 67/23 82/10</p> <p><b>wrote</b> [3] 11/22 12/4 57/23</p>	<p>57/1 57/9 58/4 61/2 63/2 71/16 72/2 82/23 83/7 84/23 91/25 94/7 94/7 100/7 100/14 104/3 109/3 111/7 126/7 136/19 136/20 141/15 144/8 146/14 148/3 149/14</p> <p><b>you've</b> [6] 58/2 58/7 77/17 80/4 96/14 135/7</p> <p><b>young</b> [3] 28/4 79/23 90/1</p> <p><b>your</b> [104] 3/4 4/9 5/3 7/4 7/6 9/12 9/13 9/15 18/2 20/11 20/20 20/25 22/6 22/12 26/14 26/19 28/9 33/10 33/13 33/14 33/16 33/17 37/25 40/25 41/7 41/8 44/14 45/9 47/25 49/5 56/16 56/18 59/8 59/23 60/7 60/21 61/15 62/15 63/6 65/17 67/22 69/1 73/5 73/8 76/16 77/14 78/16 78/24 80/4 80/24 81/10 82/24 85/14 92/15 92/17 94/7 95/22 96/18 97/11 98/2 100/12 105/1 106/1 106/10 107/15 109/12 110/2 113/13 115/15 119/25 120/15 120/23 120/24 124/12 125/2 126/16 127/3 127/14 127/25 128/15 129/8 129/18 130/2 131/9 131/15 131/17 132/3 133/7 133/9 134/8 134/11 134/13 135/2 135/13 135/18 135/23 136/1 136/3 136/23 139/10 143/13 147/14 149/2 149/3</p> <p><b>Youth</b> [3] 21/17 21/24 22/2</p> <p><b>Yvette</b> [5] 66/11 105/3 105/5 106/21 107/20</p>
	<p><b>Y</b></p> <p><b>yea</b> [1] 144/16</p> <p><b>yeah</b> [13] 30/13 40/10 52/5 52/9 54/4 64/22 78/10 78/21 93/16 104/24 105/25 126/20 146/3</p> <p><b>year</b> [3] 24/21 24/22 28/20</p> <p><b>years</b> [4] 4/11 11/6 21/22 29/3</p> <p><b>yelling</b> [1] 69/18</p> <p><b>yes</b> [178]</p> <p><b>yesterday</b> [5] 19/4 19/6 71/21 94/25 142/25</p> <p><b>yet</b> [5] 28/12 40/9 79/15 102/22 136/3</p> <p><b>you</b> [478]</p> <p><b>you'll</b> [2] 100/25 136/24</p> <p><b>you're</b> [34] 13/16 14/10 18/16 29/5 36/25 47/24 52/21 52/22</p>	<p><b>Z</b></p> <p><b>Zack</b> [1] 77/8</p>



JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA

FILED IN JUSTICE COURT

DATE: JUL 23 2014

CLERK: [Signature]

THE STATE OF NEVADA,

Plaintiff,

-vs-

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

Defendants.

CASE NO: 14F04585A-G

DEPT NO: 12

SECOND AMENDED  
CRIMINAL COMPLAINT

The Defendants above named having committed the crimes of CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.508(1) - 55222); CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - 55226) SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - 50105) and ASSAULT WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - 50201), BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony - NRS 200.400.4 - 50157) in the manner following, to-wit: That the said Defendants, on or between the 19<sup>th</sup> day of January, 2011, and the 11<sup>th</sup> day of November, 2013, at and within the County of Clark, State of Nevada,

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

Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander, and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly striking the said A.S. about the buttocks, and/or body with a stick, resulting in substantial bodily harm and/or mental harm to the said A.S..

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

3 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
4 under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
5 or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a  
6 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
7 result of abuse or neglect, by repeatedly striking and/or slamming the said A.S.'s head and/or  
8 eye into the counter, resulting in substantial bodily harm and/or mental harm to the said A.S..

9 COUNT 3 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

10 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
11 SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years,  
12 to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a  
13 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might  
14 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect  
15 defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a  
16 bucket for extended periods of time.

17 COUNT 4 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

18 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
19 SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years,  
20 to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a  
21 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might  
22 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect  
23 defined as negligent treatment or maltreatment: to wit by causing the said A.S. to hold her  
24 urine and/or bowel movements for an extended period of time.

25 COUNT 5 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

26 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
27 SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years,  
28 to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a

1 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might  
2 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect  
3 defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on  
4 boards and/or towels with no sheets or blankets with a fan blowing on her.

5 COUNT 6 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

6 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
7 SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years,  
8 to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a  
9 result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might  
10 have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect  
11 defined as negligent treatment or maltreatment, by withholding food and water from the said  
12 A.S. for extended periods of time.

13 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

14 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
15 SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and  
16 subject A.S. (DOB: 10/21/01), a female child under fourteen years of age, to sexual  
17 penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital  
18 opening and/or urethra, against her will, or under conditions in which Defendants knew, or  
19 should have known, that the said A.S. was mentally or physically incapable of resisting or  
20 understanding the nature of Defendants' conduct; Defendants being responsible under one or  
21 more of the following principles of criminal liability, to-wit: (1) by defendants directly  
22 committing the crime; (2) by defendants conspiring together to commit the offense of sexual  
23 assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting  
24 each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight  
25 Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET  
26 SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening  
27 and/or urethra, defendants encouraging one another by actions and words and acting in concert  
28 throughout.

1 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

2 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
3 SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and  
4 subject A.S. (DOB: 10/21/01), a female child under fourteen years of age, to sexual  
5 penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital  
6 opening and/or urethra, against her will, or under conditions in which Defendants knew, or  
7 should have known, that the said A.S. was mentally or physically incapable of resisting or  
8 understanding the nature of Defendants' conduct; Defendants being responsible under one or  
9 more of the following principles of criminal liability, to-wit: (1) by defendants directly  
10 committing the crime; (2) by defendants conspiring together to commit the offense of sexual  
11 assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting  
12 each other in the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight  
13 Conrad Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET  
14 SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening  
15 and/or urethra, defendants encouraging one another by actions and words and acting in concert  
16 throughout.

17 COUNT 9 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

18 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
19 under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
20 or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
21 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
22 result of abuse or neglect defined as negligent treatment or maltreatment, by pushing the said  
23 A.S. down the stairs.

24 COUNT 10 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

25 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
26 under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
27 or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
28 situation where she might have suffered unjustifiable physical pain or mental suffering as a



1 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
2 A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering.

3 COUNT 11 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

4 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
5 under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
6 or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
7 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
8 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
9 A.S. to lick her own urine off the floor.

10 COUNT 12 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

11 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
12 under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
13 or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
14 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
15 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
16 A.S. to place soiled underwear in her mouth.

17 COUNT 13 – ASSAULT WITH USE OF A DEADLY WEAPON

18 Defendant JANET SOLANDER did wilfully, unlawfully, feloniously and intentionally  
19 place another person in reasonable apprehension of immediate bodily harm and/or did wilfully  
20 and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB:  
21 10/21/01), with use of a deadly weapon to wit: a razor blade by displaying a razor blade and  
22 threatening the said A.S.

23 COUNT 14 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH  
24 SUBSTANTIAL BODILY HARM

25 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander, DANIELLE  
26 HINTON, and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
27 under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or  
28 mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a

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

4 COUNT 15 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

5 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
6 SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years,  
7 to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result  
8 of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have  
9 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined  
10 as negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a bucket for  
11 extended periods of time.

12 COUNT 16 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

13 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
14 SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years,  
15 to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result  
16 of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have  
17 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined  
18 as negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or  
19 bowel movements for an extended period of time.

20 COUNT 17 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

21 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
22 SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years,  
23 to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result  
24 of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have  
25 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined  
26 as negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards  
27 and/or towels with no sheets or blankets with a fan blowing on her.

28 //

1 COUNT 18 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

2 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
3 SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years,  
4 to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result  
5 of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have  
6 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined  
7 as negligent treatment or maltreatment, by withholding food and water from the said A.S. for  
8 extended periods of time.

9 COUNT 19 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

10 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
11 SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and  
12 subject A.S. (DOB: 1/23/03), a female child under fourteen years of age, to sexual penetration,  
13 to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or  
14 urethra, against her will, or under conditions in which Defendants knew, or should have  
15 known, that the said A.S. was mentally or physically incapable of resisting or understanding  
16 the nature of Defendants' conduct; Defendants being responsible under one or more of the  
17 following principles of criminal liability, to-wit: (1) by defendants directly committing the  
18 crime; (2) by defendants conspiring together to commit the offense of sexual assault with a  
19 minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in  
20 the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad  
21 Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER  
22 inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra,  
23 defendants encouraging one another by actions and words and acting in concert throughout.

24 COUNT 20 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

25 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
26 under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or  
27 mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
28 situation where she might have suffered unjustifiable physical pain or mental suffering as a

1 result of abuse or neglect defined as negligent treatment or maltreatment, by pushing and/or  
2 kicking the said A.S. down and/or on the stairs.

3 COUNT 21 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

4 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
5 under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or  
6 mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
7 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
8 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
9 A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering.

10 COUNT 22 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

11 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
12 under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or  
13 mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
14 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
15 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
16 A.S. to place soiled underwear in her mouth.

17 COUNT 23 – ASSAULT WITH USE OF A DEADLY WEAPON

18 Defendant JANET SOLANDER did wilfully, unlawfully, feloniously and intentionally  
19 place another person in reasonable apprehension of immediate bodily harm and/or did wilfully  
20 and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB:  
21 1/23/03), with use of a deadly weapon to wit: a razor blade, by displaying a razor blade and  
22 threatening the said A.S.

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

25 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander, DANIELLE  
26 HINTON, and JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
27 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
28 mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a

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

5 COUNT 25 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH  
6 SUBSTANTIAL BODILY HARM

7 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
8 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
9 mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a  
10 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
11 result of abuse or neglect, by holding the said A.S.'s head and/or body under hot water and/or  
12 pouring hot water on the said A.S.'s head and/or body resulting in burns to the said A.S.'s ears  
13 and/or shoulder and/or back, resulting in substantial bodily harm and/or mental harm to the  
14 said A.S.

15 COUNT 26 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

16 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
17 SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years,  
18 to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result  
19 of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have  
20 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined  
21 as negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a "training  
22 potty" and/or bucket for extended periods of time.

23 COUNT 27 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

24 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
25 SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years,  
26 to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result  
27 of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have  
28 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined

1 as negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or  
2 bowel movements for an extended period of time.

3 COUNT 28 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

4 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
5 SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years,  
6 to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result  
7 of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have  
8 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined  
9 as negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards  
10 and/or towels with no sheets or blankets with a fan blowing on her.

11 COUNT 29 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

12 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
13 SOLANDER did wilfully, unlawfully, and feloniously cause a child under the age of 18 years,  
14 to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result  
15 of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have  
16 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined  
17 as negligent treatment or maltreatment, by withholding food and water from the said A.S. for  
18 extended periods of time.

19 COUNT 30- SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS  
20 (BEDROOM 1)

21 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
22 SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and  
23 subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration,  
24 to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or  
25 urethra, against her will, or under conditions in which Defendants knew, or should have  
26 known, that the said A.S. was mentally or physically incapable of resisting or understanding  
27 the nature of Defendants' conduct; Defendants being responsible under one or more of the  
28 following principles of criminal liability, to-wit: (1) by defendants directly committing the

1 crime; (2) by defendants conspiring together to commit the offense of sexual assault with a  
2 minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in  
3 the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad  
4 Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER  
5 inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra,  
6 defendants encouraging one another by actions and words and acting in concert throughout.

7 COUNT 31 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

8 (BATHROOM 1)

9 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
10 SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and  
11 subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration,  
12 to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or  
13 urethra, against her will, or under conditions in which Defendants knew, or should have  
14 known, that the said A.S. was mentally or physically incapable of resisting or understanding  
15 the nature of Defendants' conduct; Defendants being responsible under one or more of the  
16 following principles of criminal liability, to-wit: (1) by defendants directly committing the  
17 crime; (2) by defendants conspiring together to commit the offense of sexual assault with a  
18 minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in  
19 the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad  
20 Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER  
21 inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra,  
22 defendants encouraging one another by actions and words and acting in concert throughout.

23 COUNT 32 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

24 (BATHROOM 2)

25 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
26 SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and  
27 subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration,  
28 to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or

1 urethra, against her will, or under conditions in which Defendants knew, or should have  
2 known, that the said A.S. was mentally or physically incapable of resisting or understanding  
3 the nature of Defendants' conduct; Defendants being responsible under one or more of the  
4 following principles of criminal liability, to-wit: (1) by defendants directly committing the  
5 crime; (2) by defendants conspiring together to commit the offense of sexual assault with a  
6 minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in  
7 the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad  
8 Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER  
9 inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra,  
10 defendants encouraging one another by actions and words and acting in concert throughout.

11 COUNT 33 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

12 (LOFT 1)

13 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
14 SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and  
15 subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration,  
16 to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or  
17 urethra, against her will, or under conditions in which Defendants knew, or should have  
18 known, that the said A.S. was mentally or physically incapable of resisting or understanding  
19 the nature of Defendants' conduct; Defendants being responsible under one or more of the  
20 following principles of criminal liability, to-wit: (1) by defendants directly committing the  
21 crime; (2) by defendants conspiring together to commit the offense of sexual assault with a  
22 minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in  
23 the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad  
24 Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER  
25 inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra,  
26 defendants encouraging one another by actions and words and acting in concert throughout.

27 //

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1 COUNT 34 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

2 (LOFT 2)

3 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
4 SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and  
5 subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration,  
6 to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or  
7 urethra, against her will, or under conditions in which Defendants knew, or should have  
8 known, that the said A.S. was mentally or physically incapable of resisting or understanding  
9 the nature of Defendants' conduct; Defendants being responsible under one or more of the  
10 following principles of criminal liability, to-wit: (1) by defendants directly committing the  
11 crime; (2) by defendants conspiring together to commit the offense of sexual assault with a  
12 minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in  
13 the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad  
14 Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER  
15 inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra,  
16 defendants encouraging one another by actions and words and acting in concert throughout.

17 COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

18 (LOFT 3)

19 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
20 SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and  
21 subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration,  
22 to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or  
23 urethra, against her will, or under conditions in which Defendants knew, or should have  
24 known, that the said A.S. was mentally or physically incapable of resisting or understanding  
25 the nature of Defendants' conduct; Defendants being responsible under one or more of the  
26 following principles of criminal liability, to-wit: (1) by defendants directly committing the  
27 crime; (2) by defendants conspiring together to commit the offense of sexual assault with a  
28 minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in

1 the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad  
2 Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER  
3 inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra,  
4 defendants encouraging one another by actions and words and acting in concert throughout.

5 COUNT 36 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

6 (LOFT 4)

7 Defendants DWIGHT SOLANDER, aka, Dwight Conrad Solander and JANET  
8 SOLANDER did then and there wilfully, unlawfully, and feloniously sexually assault and  
9 subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration,  
10 to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or  
11 urethra, against her will, or under conditions in which Defendants knew, or should have  
12 known, that the said A.S. was mentally or physically incapable of resisting or understanding  
13 the nature of Defendants' conduct; Defendants being responsible under one or more of the  
14 following principles of criminal liability, to-wit: (1) by defendants directly committing the  
15 crime; (2) by defendants conspiring together to commit the offense of sexual assault with a  
16 minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in  
17 the commission of the crime by Defendant DWIGHT SOLANDER, aka, Dwight Conrad  
18 Solander, purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER  
19 inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra,  
20 defendants encouraging one another by actions and words and acting in concert throughout.

21 COUNT 37 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS

22 Defendant JANET SOLANDER did then and there wilfully, unlawfully, and  
23 feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen  
24 years of age, to sexual penetration, to-wit: by inserting a stick into the said A.S.'s genital  
25 opening, against her will, or under conditions in which Defendants knew, or should have  
26 known, that the said A.S. was mentally or physically incapable of resisting or understanding  
27 the nature of Defendant's conduct.

28 //

1 COUNT 38 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

2 Defendant JANET SOLANDER did then and there wilfully, unlawfully, and  
3 feloniously use force or violence upon the person of another, to-wit: A.S. (DOB: 7/25/04),  
4 with intent to commit sexual assault by holding the said A.S. down in an effort to insert the  
5 catheter into A.S.'s vagina.

6 COUNT 39 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

7 Defendant JANET SOLANDER did then and there wilfully, unlawfully, and  
8 feloniously use force or violence upon the person of another, to-wit: A.S. (DOB: 7/25/04),  
9 with intent to commit sexual assault by holding the said A.S. down in an effort to insert the  
10 catheter into A.S.'s vagina.

11 COUNT 40 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

12 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
13 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
14 mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a  
15 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
16 result of abuse or neglect defined as negligent treatment or maltreatment, by pushing and/or  
17 kicking the said A.S. down and/or on the stairs.

18 COUNT 41 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

19 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
20 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
21 mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a  
22 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
23 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
24 A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering.

25 COUNT 42 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

26 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
27 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
28 mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a

1 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
2 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
3 A.S. to place soiled underwear in her mouth.

4 COUNT 43 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

5 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
6 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
7 mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
8 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
9 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
10 A.S.'s head into the toilet.

11 COUNT 44 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

12 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
13 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
14 mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
15 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
16 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
17 A.S.'s to stand in a garbage bag while she urinated and defecated on herself.

18 COUNT 45 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

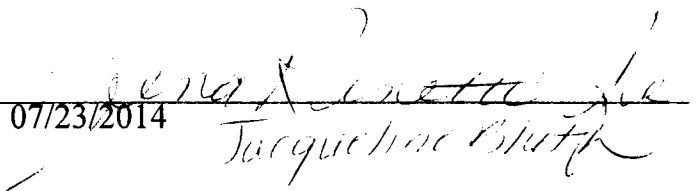
19 Defendant JANET SOLANDER did wilfully, unlawfully, and feloniously cause a child  
20 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
21 mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
22 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
23 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
24 A.S. to stand in a garbage bag while she urinated and defecated on herself.

25 COUNT 46 – ASSAULT WITH USE OF A DEADLY WEAPON

26 Defendant JANET SOLANDER did wilfully, unlawfully, feloniously and intentionally  
27 place another person in reasonable apprehension of immediate bodily harm and/or did wilfully  
28 and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB:

1 7/25/04), with use of a deadly weapon to wit: a razor blade, by displaying a razor blade and  
2 threatening the said A.S.

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

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27 DA#14F04585A-C/hjc/SVU  
28 LVMPD EV#1403041293  
(TK12)

  
CLERK OF THE COURT

INFM  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
JACQUELINE BLUTH  
Chief Deputy District Attorney  
Nevada Bar #010625  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

I.A. 07/31/32014  
9:30 A.M.  
MUELLER  
PUBLIC DEFENDER  
MANN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

DWIGHT CONRAD SOLANDER,  
#3074262  
DANIELLE HINTON,  
#6005500  
JANET SOLANDER,  
#6005501

Defendant.

CASE NO: C-14-299737-1

DEPT NO: XXI

INFORMATION

STATE OF NEVADA     )  
                                  ) ss.  
COUNTY OF CLARK    )

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **DWIGHT CONRAD SOLANDER, DANIELLE HINTON and JANET SOLANDER**, the Defendants above named, having committed the crimes of **CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.508(1) - NOC 55222), CHILD ABUSE, NEGLECT OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - NOC 55226), SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105), ASSAULT WITH USE OF A DEADLY**

1 **WEAPON (Category B Felony - NRS 200.471 - NOC 50201) and BATTERY WITH**  
2 **INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony - NRS 200.400.4 -**  
3 **NOC 50157) in the manner following, to-wit: That the said Defendants, on or between the**  
4 **19<sup>th</sup> day of January, 2011, and the 11<sup>th</sup> day of November, 2013, at and within the County of**  
5 **Clark, State of Nevada, State of Nevada, contrary to the form, force and effect of statutes in**  
6 **such cases made and provided, and against the peace and dignity of the State of Nevada,**

7 **COUNT 1 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL**  
8 **BODILY HARM**

9 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
10 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
11 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or  
12 neglect, and/or cause the said A.S. to be placed in a situation where she might have suffered  
13 unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly  
14 striking the said A.S. about the buttocks, and/or body with a stick, resulting in substantial  
15 bodily harm and/or mental harm to the said A.S..

16 **COUNT 2 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL**  
17 **BODILY HARM**

18 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
19 under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
20 or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a  
21 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
22 result of abuse or neglect, by repeatedly striking and/or slamming the said A.S.'s head and/or  
23 eye into the counter, resulting in substantial bodily harm and/or mental harm to the said A.S..

24 **COUNT 3 - CHILD ABUSE, NEGLECT OR ENDANGERMENT**

25 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did  
26 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S.  
27 (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse  
28 or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered

1 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
2 negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a bucket for  
3 extended periods of time.

4 COUNT 4 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

5 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did  
6 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S.  
7 (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse  
8 or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered  
9 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
10 negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or  
11 bowel movements for an extended period of time.

12 COUNT 5 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

13 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
14 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
15 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or  
16 neglect, and/or cause the said A.S to be placed in a situation where she might have suffered  
17 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
18 negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards and/or  
19 towels with no sheets or blankets with a fan blowing on her.

20 COUNT 6 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

21 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did  
22 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S.  
23 (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse  
24 or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered  
25 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
26 negligent treatment or maltreatment, by withholding food and water from the said A.S. for  
27 extended periods of time.

28 //



1 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
2 AGE

3 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
4 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 10/21/01),  
5 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
6 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
7 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
8 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
9 Defendants being responsible under one or more of the following principles of criminal  
10 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
11 together to commit the offense of sexual assault with a minor under fourteen years of age;  
12 and/or (3) by defendants aiding and abetting each other in the commission of the crime by  
13 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
14 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
15 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
16 words and acting in concert throughout.

17 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
18 AGE

19 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
20 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 10/21/01),  
21 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
22 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
23 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
24 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
25 Defendants being responsible under one or more of the following principles of criminal  
26 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
27 together to commit the offense of sexual assault with a minor under fourteen years of age;  
28 and/or (3) by defendants aiding and abetting each other in the commission of the crime by

Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

COUNT 9 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by pushing the said A.S. down the stairs.

COUNT 10 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering.

COUNT 11 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said A.S. to lick her own urine off the floor.

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1 COUNT 12 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

2 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a  
3 child under the age of 18 years, to-wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical  
4 pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed  
5 in a situation where she might have suffered unjustifiable physical pain or mental suffering as  
6 a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
7 A.S. to place soiled underwear in her mouth.

8 COUNT 13 - ASSAULT WITH USE OF A DEADLY WEAPON

9 Defendant JANET SOLANDER did willfully, unlawfully, feloniously and intentionally  
10 place another person in reasonable apprehension of immediate bodily harm and/or did willfully  
11 and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB:  
12 10/21/01), with use of a deadly weapon to wit: a razor blade by displaying a razor blade and  
13 threatening the said A.S.

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

16 Defendants DWIGHT CONRAD SOLANDER, DANIELLE HINTON, and JANET  
17 SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years,  
18 to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result  
19 of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have  
20 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by  
21 repeatedly striking the said A.S. about the buttocks, arm, and/or body with a stick, resulting in  
22 substantial bodily harm and/or mental harm to the said A.S.

23 COUNT 15 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

24 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
25 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
26 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect,  
27 and/or cause the said A.S to be placed in a situation where she might have suffered  
28 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as

negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a bucket for extended periods of time.

COUNT 16 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or bowel movements for an extended period of time.

COUNT 17 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards and/or towels with no sheets or blankets with a fan blowing on her.

COUNT 18 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as negligent treatment or maltreatment, by withholding food and water from the said A.S. for extended periods of time.

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1 COUNT 19 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
2 AGE

3 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
4 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 1/23/03),  
5 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
6 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
7 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
8 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
9 Defendants being responsible under one or more of the following principles of criminal  
10 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
11 together to commit the offense of sexual assault with a minor under fourteen years of age;  
12 and/or (3) by defendants aiding and abetting each other in the commission of the crime by  
13 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
14 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
15 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
16 words and acting in concert throughout.

17 COUNT 20 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

18 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
19 under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain or  
20 mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a  
21 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
22 result of abuse or neglect defined as negligent treatment or maltreatment, by pushing and/or  
23 kicking the said A.S. down and/or on the stairs.

24 COUNT 21 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

25 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a  
26 child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical  
27 pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed  
28 in a situation where she might have suffered unjustifiable physical pain or mental suffering as

1 a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
2 A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering.

3 COUNT 22 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

4 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a  
5 child under the age of 18 years, to-wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical  
6 pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed  
7 in a situation where she might have suffered unjustifiable physical pain or mental suffering as  
8 a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
9 A.S. to place soiled underwear in her mouth.

10 COUNT 23 - ASSAULT WITH USE OF A DEADLY WEAPON

11 Defendant JANET SOLANDER did willfully, unlawfully, feloniously and intentionally  
12 place another person in reasonable apprehension of immediate bodily harm and/or did willfully  
13 and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB:  
14 1/23/03), with use of a deadly weapon to wit: a razor blade, by displaying a razor blade and  
15 threatening the said A.S.

16 COUNT 24 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH  
17 SUBSTANTIAL BODILY HARM

18 Defendants DWIGHT CONRAD SOLANDER, DANIELLE HINTON, and JANET  
19 SOLANDER did willfully, unlawfully, and feloniously cause a child under the age of 18 years,  
20 to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result  
21 of abuse or neglect, and/or cause the said A.S. to be placed in a situation where she might have  
22 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by  
23 repeatedly striking the said A.S. about the buttocks, and/or wrist, and/or body with a stick,  
24 resulting in substantial bodily harm and/or mental harm to the said A.S.

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1 COUNT 25 - CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH  
2 SUBSTANTIAL BODILY HARM

3 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
4 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
5 mental suffering as a result of abuse or neglect, and/or cause the said A.S. to be placed in a  
6 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
7 result of abuse or neglect, by holding the said A.S.'s head and/or body under hot water and/or  
8 pouring hot water on the said A.S.'s head and/or body resulting in burns to the said A.S.'s ears  
9 and/or shoulder and/or back, resulting in substantial bodily harm and/or mental harm to the  
10 said A.S.

11 COUNT 26 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

12 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did  
13 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S.  
14 (DOB: 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse  
15 or neglect, and/or cause the said A.S to be placed in a situation where she might have suffered  
16 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
17 negligent treatment or maltreatment: to wit by causing the said A.S. to sit on a "training potty"  
18 and/or bucket for extended periods of time.

19 COUNT 27 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

20 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
21 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
22 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect,  
23 and/or cause the said A.S to be placed in a situation where she might have suffered  
24 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
25 negligent treatment or maltreatment: to wit by causing the said A.S. to hold her urine and/or  
26 bowel movements for an extended period of time.

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1 COUNT 28 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

2 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
3 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
4 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect,  
5 and/or cause the said A.S to be placed in a situation where she might have suffered  
6 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
7 negligent treatment or maltreatment: to wit by causing the said A.S. to sleep on boards and/or  
8 towels with no sheets or blankets with a fan blowing on her.

9 COUNT 29 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

10 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did willfully,  
11 unlawfully, and feloniously cause a child under the age of 18 years, to-wit: A.S. (DOB:  
12 7/25/04), to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect,  
13 and/or cause the said A.S to be placed in a situation where she might have suffered  
14 unjustifiable physical pain or mental suffering as a result of abuse or neglect defined as  
15 negligent treatment or maltreatment, by withholding food and water from the said A.S. for  
16 extended periods of time.

17 COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
18 AGE (BEDROOM 1)

19 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
20 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04),  
21 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
22 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
23 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
24 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
25 Defendants being responsible under one or more of the following principles of criminal  
26 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
27 together to commit the offense of sexual assault with a minor under fourteen years of age;  
28 and/or (3) by defendants aiding and abetting each other in the commission of the crime by



1 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
2 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
3 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
4 words and acting in concert throughout.

5 COUNT 31 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
6 AGE (BATHROOM 1)

7 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
8 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04),  
9 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
10 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
11 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
12 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
13 Defendants being responsible under one or more of the following principles of criminal  
14 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
15 together to commit the offense of sexual assault with a minor under fourteen years of age;  
16 and/or (3) by defendants aiding and abetting each other in the commission of the crime by  
17 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
18 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
19 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
20 words and acting in concert throughout.

21 COUNT 32 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
22 AGE (BATHROOM 2)

23 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
24 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04),  
25 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
26 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
27 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
28 or physically incapable of resisting or understanding the nature of Defendants' conduct;

Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

COUNT 33 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 1)

Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under conditions in which Defendants knew, or should have known, that the said A.S. was mentally or physically incapable of resisting or understanding the nature of Defendants' conduct; Defendants being responsible under one or more of the following principles of criminal liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring together to commit the offense of sexual assault with a minor under fourteen years of age; and/or (3) by defendants aiding and abetting each other in the commission of the crime by Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes, by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and words and acting in concert throughout.

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1 COUNT 34 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
2 AGE (LOFT 2)

3 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
4 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04),  
5 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
6 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
7 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
8 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
9 Defendants being responsible under one or more of the following principles of criminal  
10 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
11 together to commit the offense of sexual assault with a minor under fourteen years of age;  
12 and/or (3) by defendants aiding and abetting each other in the commission of the crime by  
13 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
14 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
15 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
16 words and acting in concert throughout.

17 COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
18 AGE (LOFT 3)

19 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
20 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04),  
21 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
22 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
23 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
24 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
25 Defendants being responsible under one or more of the following principles of criminal  
26 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
27 together to commit the offense of sexual assault with a minor under fourteen years of age;  
28 and/or (3) by defendants aiding and abetting each other in the commission of the crime by

1 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
2 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
3 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
4 words and acting in concert throughout.

5 COUNT 36 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
6 AGE (LOFT 4)

7 Defendants DWIGHT CONRAD SOLANDER and JANET SOLANDER did then and  
8 there willfully, unlawfully, and feloniously sexually assault and subject A.S. (DOB: 7/25/04),  
9 a female child under fourteen years of age, to sexual penetration, to-wit: by inserting a catheter  
10 and/or plastic tube into the said A.S.'s genital opening and/or urethra, against her will, or under  
11 conditions in which Defendants knew, or should have known, that the said A.S. was mentally  
12 or physically incapable of resisting or understanding the nature of Defendants' conduct;  
13 Defendants being responsible under one or more of the following principles of criminal  
14 liability, to-wit: (1) by defendants directly committing the crime; (2) by defendants conspiring  
15 together to commit the offense of sexual assault with a minor under fourteen years of age;  
16 and/or (3) by defendants aiding and abetting each other in the commission of the crime by  
17 Defendant DWIGHT CONRAD SOLANDER purchasing the catheters and/or plastic tubes,  
18 by Defendant JANET SOLANDER inserting the catheter and/or plastic tube into the said  
19 A.S.'s genital opening and/or urethra, defendants encouraging one another by actions and  
20 words and acting in concert throughout.

21 COUNT 37 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
22 AGE

23 Defendant JANET SOLANDER did then and there willfully, unlawfully, and  
24 feloniously sexually assault and subject A.S. (DOB: 7/25/04), a female child under fourteen  
25 years of age, to sexual penetration, to-wit: by inserting a stick into the said A.S.'s genital  
26 opening, against her will, or under conditions in which Defendants knew, or should have  
27 known, that the said A.S. was mentally or physically incapable of resisting or understanding  
28 the nature of Defendant's conduct.

1 COUNT 38 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

2 Defendant JANET SOLANDER did then and there willfully, unlawfully, and  
3 feloniously use force or violence upon the person of another, to-wit: A.S. (DOB: 7/25/04),  
4 with intent to commit sexual assault by holding the said A.S. down in an effort to insert the  
5 catheter into A.S.'s vagina.

6 COUNT 39 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

7 Defendant JANET SOLANDER did then and there willfully, unlawfully, and  
8 feloniously use force or violence upon the person of another, to-wit: A.S. (DOB: 7/25/04),  
9 with intent to commit sexual assault by holding the said A.S. down in an effort to insert the  
10 catheter into A.S.'s vagina.

11 COUNT 40 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

12 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
13 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
14 mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
15 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
16 result of abuse or neglect defined as negligent treatment or maltreatment, by pushing and/or  
17 kicking the said A.S. down and/or on the stairs.

18 COUNT 41 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

19 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a  
20 child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical  
21 pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed  
22 in a situation where she might have suffered unjustifiable physical pain or mental suffering as  
23 a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
24 A.S. to take cold showers while pouring pitchers of ice water on the said A.S. while showering.

25 COUNT 42 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

26 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a  
27 child under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical  
28 pain or mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed

1 in a situation where she might have suffered unjustifiable physical pain or mental suffering as  
2 a result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
3 A.S. to place soiled underwear in her mouth.

4 COUNT 43 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

5 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
6 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
7 mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
8 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
9 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
10 A.S.'s head into the toilet.

11 COUNT 44 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

12 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
13 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
14 mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
15 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
16 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
17 A.S.'s to stand in a garbage bag while she urinated and defecated on herself.

18 COUNT 45 - CHILD ABUSE, NEGLECT OR ENDANGERMENT

19 Defendant JANET SOLANDER did willfully, unlawfully, and feloniously cause a child  
20 under the age of 18 years, to-wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain or  
21 mental suffering as a result of abuse or neglect, and/or cause the said A.S to be placed in a  
22 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
23 result of abuse or neglect defined as negligent treatment or maltreatment, by forcing the said  
24 A.S. to stand in a garbage bag while she urinated and defecated on herself.

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1 COUNT 46 - ASSAULT WITH USE OF A DEADLY WEAPON

2 Defendant JANET SOLANDER did willfully, unlawfully, feloniously and intentionally  
3 place another person in reasonable apprehension of immediate bodily harm and/or did willfully  
4 and unlawfully attempt to use physical force against another person, to wit: A.S. (DOB:  
5 7/25/04), with use of a deadly weapon to wit: a razor blade, by displaying a razor blade and  
6 threatening the said A.S.

7 STEVEN B. WOLFSON  
8 Clark County District Attorney  
Nevada Bar #001565

9  
10 BY /s/ JACQUELINE BLUTH  
JACQUELINE BLUTH  
11 Chief Deputy District Attorney  
Nevada Bar #010625  
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Names of witnesses known to the District Attorney's Office at the time of filing this  
Information are as follows:

ABRAHIM, FAIZA; CPS/DFS

BARKER; LVMPD#08052

BERNAT, KRISTINA; CPS/DFS

BITSKO; LVMPD#06928

CETL, DR. SANDRA; SUNRISE HOSPITAL/SNCAC

DIAZ, AREHIA; 8025 SECRET AVENUE, LVN 89131

EMERY; LVMPD#02782

GONZALES, YVETTE; CPS/DFS

HENRY, JACKIE; 3643 N STEWART STREET, MILTON, FL 32570

HINTON, DANIELLE; 9500 WAKASHAN AVENUE, LVN 89149

MCCLAIN, DEBORAH; 7771 SPINDRIFT COVE STREET, LVN 89139

MCGHEE; LVMPD#05158

SOLANDER, AMAYA; c/o CPS/DFS

SOLANDER, ANASTASIA; c/o CPS/DFS

SOLANDER, AVA; c/o CPS/DFS

SOLANDER, JANET; 9500 WAKASHAN AVENUE, LVN 89149

STARK, AUTUMN; 3629 TUSCANY RIDGE, NLV 89032

WELLS, LORI; UNK

DA#14F04585ABC/hjc/SVU  
LVMPD EV#1403041293  
(TK12)



  
CLERK OF THE COURT

MUELLER, HINDS & ASSOCIATES, CHTD.  
CRAIG A. MUELLER, ESQ.  
Nevada Bar No. 4703  
600 South Eighth Street  
Las Vegas, NV 89101  
(702) 382-1234  
Attorney for Defendant  
DWIGHT SOLANDER

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,  
  
vs.

DWIGHT SOLANDER, DANIELLE  
HINTON AND JANET SOLANDER  
  
Defendants.

Case No. C-14-299737-1

Dept No. XXI

DEFENDANT'S TO EXTEND TIME TO  
FILE PETITION FOR A WRIT OF  
HABEAS CORPUS

COMES NOW, Defendant DWIGHT SOLANDER, by and through his attorney, CRAIG  
A. MUELLER, ESQ. of the law firm MUELLER, HINDS & ASSOCIATES, CHTD., and  
hereby submits to this Honorable Court Defendant's Motion to Extend Time to File Petition for a  
Writ of Habeas Corpus.

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STATE V. SOLANDER ET AL. C-14-299737-1  
DEF'S MOT. TO EXTEND TIME- 1

AA 000799

1 This Motion is made based upon the papers and pleadings on file herein, the attached  
2 Memorandum of Points and Authorities, and any oral argument this Honorable Court deems  
3 necessary at the time of hearing.

4 DATED this 8<sup>th</sup> day of August, 2014

6 MUELLER, HINDS & ASSOCIATES, CHTD.

8  
9 By Craig A. Mueller Esq.  
10 Craig A. Mueller, Esq.  
11 Nevada Bar No. 4703  
12 600 South Eight Street  
13 Las Vegas, Nevada 89101  
14 (702) 382-1234

15 ///

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1  
2 NOTICE OF MOTION

3 TO: THE STATE OF NEVADA, Plaintiff; and

4 TO: ITS COUNSEL OF RECORD, District Attorney;

5  
6 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will  
7 bring the foregoing Motion on hearing before this court, on the 19 day of Aug.,  
8 2014, at the hour of 9:30 a.m., or as soon thereafter as counsel may be heard.

9 DATED this 8<sup>th</sup> day of August, 201

10 MUELLER, HINDS & ASSOCIATES, CHTD.

11  
12 By 

13  
14 Craig A. Mueller, Esq.  
15 Nevada Bar No. 4703  
16 600 South Eight Street  
17 Las Vegas, Nevada 89101  
18 (702) 382-1234

19 MEMORANDUM OF POINTS AND AUTHORITIES

20  
21 Defendant moves this Honorable Court to grant his motion to extend time to file a  
22 petition for a writ of habeas corpus for an indefinite time. This is a highly complex case  
23 involving three alleged victims, three co-defendants, a 46 count information, charges of  
24 conspiracy and aiding and abetting. Additionally, the Preliminary Hearing took five days of  
25 testimony, and the Defendants' attorneys made several objections on the record, including an  
26 overruled objection of the lower court allowing the admission of hearsay statements of a co-  
27

1 defendant to prove the State's case-in-chief against Defendant DWIGHT SOLANDER. The  
2 discovery and other evidence fills several bankers boxes, and must all be reviewed prior to filing  
3 any habeas corpus petition.

4 Because of the complexity of the case, Defendant's counsel will have to rely on other  
5 counsel, as well as paralegals and legal assistants to review and prepare for this case. All  
6 preliminary hearing testimony, discovery, witness statements and other evidence must be  
7 reviewed by counsel and Defendant to determine all grounds for issuance of a writ of habeas  
8 corpus. Accordingly, it is expected to take an extended period of time to prepare a petition for  
9 same.  
10

11 **I. Procedural History**

12 Defendants were charged by complaint on March 25, 2014 in Las Vegas Township  
13 Justice Court. The Justice Court held a preliminary hearing that extended over five days of  
14 testimony on May 22, May 23, June 9, June 10 and June 12, 2014. Following preliminary  
15 hearing the Justice of the Peace bound over Defendant and his co-defendants to stand trial on all  
16 charges in District Court on July 23, 2014. On July 31, 2014 Defendant was arraigned in District  
17 Court. The court reporter filed the Reporter's Transcript of Continuation of Preliminary Hearing  
18 6-12-14 on August 5, 2014. This Honorable Court has scheduled a jury trial in this case for  
19 March 30, 2015.  
20

21 **II. This Motion was timely filed, and the complexity of the case establish good cause for**  
22 **the Court to grant the Motion and extend time file a petition for a writ of habeas**  
23 **corpus.**  
24

25 Nevada law requires that a Defendant file a petition and all supporting documents for a  
26 writ of habeas corpus within 21 days of his first appearance in district court or the filing of  
27

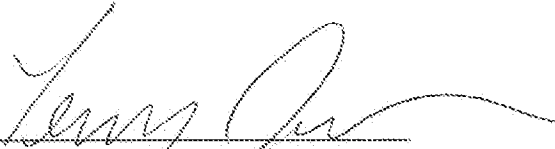
1 Preliminary hearing transcripts. NRS 34.700. The Court may extend, for good cause, the time to  
2 file a petition. Id. The transcripts from the bind over hearing on July 23, 2014 has not yet been  
3 filed. The large volume of material that Defendant and his counsel must consider in forming  
4 available arguments together with the complexity of a case involving 46 counts and three co-  
5 defendants makes extension a necessity, and it is clearly within the Court's discretion to find  
6 good cause and extend time in this case. Given that the trial in this case, if it goes as scheduled,  
7 will not occur in more that seven months, the State will clearly not suffer prejudice if this Motion  
8 is granted.  
9

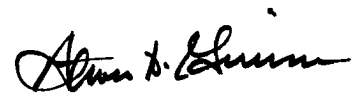
### 10 Conclusion

11 For all of the reasons stated above, it is in the interest of justice that this Honorable Court  
12 grant Defendant's motion to extend time.  
13

14  
15  
16 DATED this 8th day of August, 2014  
17

18 Respectfully Submitted,  
19 MUELLER, HINDS & ASSOCIATES, CHTD.

20  
21 By   
22 Craig A. Mueller, Esq.  
23 Nevada Bar No. 4703  
24 600 South Eight Street  
25 Las Vegas, Nevada 89101  
26 (702) 382-1234  
27

  
CLERK OF THE COURT

1 **OPPS**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 JACQUELINE BLUTH  
6 Chief Deputy District Attorney  
7 Nevada Bar #010625  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7  
8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,  
11 Plaintiff,

12 -vs-

13 DWIGHT CONRAD SOLANDER  
14 #3074262  
15 Defendant.

CASE NO: C-14-299737-1

DEPT NO: XXI

16  
17 **STATE'S OPPOSITION TO DEFENDANT'S MOTION TO EXTEND TIME TO**  
18 **FILE PETITION FOR WRIT OF HABEAS CORPUS**

19  
20 DATE OF HEARING: August 19, 2014  
21 TIME OF HEARING: 9:30 A.M.

22 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney,  
23 through JACQUELINE BLUTH, Chief Deputy District Attorney, and hereby submits the  
24 attached Points and Authorities in State's Opposition to Defendant's Motion to Extend Time  
25 to File Petition for Writ of Habeas Corpus.

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

///

///

1                    **STATEMENT OF FACTS PERTINENT TO THIS OPPOSITION**

2            Defendant, **DWIGHT SOLANDER**, along with Co-Defendant's Danielle Hinton, and  
3 Janet Solander are charged by way of Criminal Information with crimes of Child Abuse,  
4 Neglect, or Endangerment with Substantial Bodily Harm (Category B Felony – NRS  
5 200.508(1)); Child Abuse, Neglect or Endangerment (Category B Felony – NRS 200.508(1));  
6 Sexual Assault with a Minor Under Fourteen Years of Age (Category A Felony – NRS  
7 200.364, 200.366); Assault with Use of a Deadly Weapon (Category B Felony – NRS -  
8 200.471); and Battery with Intent to Commit Sexual Assault (Category A Felony – NRS  
9 200.400) The victims in this case are the three (3) adopted daughters of Dwight and Janet  
10 Solander: A.S. (DOB: 10/21/01); A.S. (DOB: 1/23/03); and A.S. (DOB: 7/25/04).

11            A preliminary hearing was conducted over the course of five days to include May 22,  
12 2014, May 23, 2014, June 9, 2014, and June 12, 2014.

13            On July 31, 2014, Defendant, Dwight Solander, was arraigned, pled not guilty, and  
14 waived the 60-day rule. At that time the Court ordered the matter set for trial on March 30,  
15 2015. The Court further ordered that, pursuant to statute, counsel had 21 days from filing of  
16 the transcript for the filing of any Writs.

17            The Court specifically ordered that transcripts of the proceedings be prepared and  
18 distributed to all parties prior to arguing the bindover in this matter. The order was filed with  
19 the Court on June 30, 2014.

20            Volumes I through IV of the preliminary hearing transcripts were filed with the Court  
21 on July 8, 2014, well in advance of the bindover argument date of July 23, 2014.

22            The preliminary hearing transcript from June 12, 2014, for witness Francis Emery was  
23 filed on August 5, 2014; and, the transcript for the bindover argument has not yet been filed.

24            On August 8, 2014, counsel for Defendant, Dwight Solander, filed his Motion to Extend  
25 Time to File a Petition for Writ of Habeas Corpus The State's Opposition follows.

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27            ///

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**LEGAL ARGUMENT**

NRS 34.700 states:

1. Except as provided in subsection 3, a pretrial petition for a writ of habeas corpus based on alleged lack of probable cause or otherwise challenging the court's right or jurisdiction to proceed to the trial of a criminal charge may not be considered unless:

(a) The petition and all supporting documents are filed within 21 days after the first appearance of the accused in the district court; and

(b) The petition contains a statement that the accused:

(1) Waives the 60-day limitation for bringing an accused to trial; or

(2) If the petition is not decided within 15 days before the date set for trial, consents that the court may, without notice or hearing, continue the trial indefinitely or to a date designated by the court.

2. The arraignment and entry of a plea by the accused must not be continued to avoid the requirement that a pretrial petition be filed within the period specified in subsection 1.

3. The court may extend, for good cause, the time to file a petition. Good cause shall be deemed to exist if the transcript of the preliminary hearing or of the proceedings before the grand jury is not available within 14 days after the accused's initial appearance and the court shall grant an ex parte application to extend the time for filing a petition. All other applications may be made only after appropriate notice has been given to the prosecuting attorney.

There is no question that this is a complex case involving multiple defendants; however, the issues to be raised in a pretrial writ of habeas corpus are limited to alleged lack of probable cause or otherwise challenging the court's right or jurisdiction to proceed to the trial of a criminal charge. Likewise, the District Court is limited to consider the record of testimony and evidence presented during the preliminary hearing. Defendant is barred from presenting items of discovery that were not made part of the record, as such, Defendant's claim to need additional time to go through banker's boxes full of discovery is not a valid reason to extend the time for filing a petition for writ of habeas corpus in this case.

In this case, Volumes I through IV of the transcripts were filed with the Court on July



1 8, 2014. Furthermore, the brief transcript of testimony from the witness, Francis Emery was  
2 filed on August 8, 2014; and, the bindover transcript will most likely be prepared and available  
3 to all parties, for review, within the week.

4 The State is entitled to move its case forward without delay. Defendant, Dwight  
5 Solander made his initial appearance in the District Court on July 31, 2014, as such, he has  
6 until August 20, 2014, to file his petition for writ of habeas corpus, pursuant to NRS 34.700.

7 **CONCLUSION**

8 Based upon the above and foregoing Points and Authorities, the State respectfully  
9 requests Defendant's Motion to Extend Time to File Petition for Writ of Habeas Corpus be  
10 DENIED.

11 DATED this 13th day of August, 2014.

12  
13 STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
14

15 BY /s/ JACQUELINE BLUTH  
16 JACQUELINE BLUTH  
17 Chief Deputy District Attorney  
Nevada Bar #10625  
18

19 **CERTIFICATE OF ELECTRONIC FILING**

20 I, hereby certify that service of the above and foregoing, was made this 13th day of  
21 August, 2014, by Electronic Filing to:

22 CRAIG A. MUELLER, ESQ.  
23 E-mail: cmueller@muellerhinds.com

24 /s/ J. MOTL  
25 Secretary for the District Attorney's Office  
26 Special Victims Unit  
27  
28

## REGISTER OF ACTIONS

### CASE NO. C-14-299737-1

State of Nevada vs Dwight Solander

§  
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§

Case Type: **Felony/Gross Misdemeanor**  
Date Filed: **07/28/2014**  
Location: **Department 21**  
Cross-Reference Case Number: **C299737**  
Defendant's Scope ID #: **3074262**  
Lower Court Case # Root: **14F04585**  
Lower Court Case Number: **14F04585A**  
Supreme Court No.: **67710**

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#### RELATED CASE INFORMATION

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##### Related Cases

C-14-299737-2 (Multi-Defendant Case)  
C-14-299737-3 (Multi-Defendant Case)

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#### PARTY INFORMATION

---

**Defendant**                      **Solander, Dwight Conrad**

**Lead Attorneys**  
**Craig A Mueller**  
*Retained*  
702-382-1200(W)

**Plaintiff**                      **State of Nevada**

**Steven B Wolfson**  
702-671-2700(W)

---

#### CHARGE INFORMATION

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##### Charges: Solander, Dwight Conrad

	Statute	Level	Date
1. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM	200.508.1a2	Felony	01/19/2011
3. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
4. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
5. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
6. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
7. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c	Felony	01/19/2011
8. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c	Felony	01/19/2011
14. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM	200.508.1a2	Felony	01/19/2011
15. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
16. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
17. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011
18. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1	Felony	01/19/2011

AA 000808

19. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c Felony01/19/2011
24. CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM	200.508.1a2 Felony01/19/2011
26. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1 Felony01/19/2011
27. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1 Felony01/19/2011
28. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1 Felony01/19/2011
29. CHILD ABUSE, NEGLECT OR ENDANGERMENT	200.508.1b1 Felony01/19/2011
30. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BEDROOM 1)	200.366.3c Felony01/19/2011
31. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BATHROOM 1)	200.366.3c Felony01/19/2011
32. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (BATHROOM 2)	200.366.3c Felony01/19/2011
33. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 1)	200.366.3c Felony01/19/2011
34. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 2)	200.366.3c Felony01/19/2011
35. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 3)	200.366.3c Felony01/19/2011
36. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (LOFT 4)	200.366.3c Felony01/19/2011

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**EVENTS & ORDERS OF THE COURT**

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08/19/2014 | [Motion for Order Extending Time](#) (9:30 AM) (Judicial Officer Adair, Valerie)  
*Defendant's to Extend Time to File Petition for a Writ of Habeas Corpus*

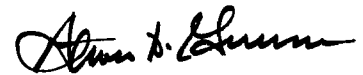
**Minutes**

08/19/2014 9:30 AM

- Ms. Jones requested a continuance, advising the Court that the defense is missing part of the Bindover argument transcript. Ms. Bluth noted she will contact the appropriate Court Reporter to determine the status. COURT ORDERED, defense shall file its Petition no later than Tuesday, September 16, 2014; State to respond accordingly. BOND 3/26/2015 9:30 am Calendar Call 3/30/2015 9:30 am Jury Trial

[Parties Present](#)

[Return to Register of Actions](#)



CLERK OF THE COURT

MUELLER, HINDS & ASSOCIATES, CHTD.  
CRAIG A. MUELLER, ESQ.  
Nevada Bar No. 4703  
600 South Eighth Street  
Las Vegas, NV 89101  
(702) 382-1234  
Attorney for Defendant  
DWIGHT SOLANDER

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

vs.

DWIGHT SOLANDER,  
DANIELLE HINTON, and  
JANET SOLANDER

Defendants.

Case No. C-14-299737-1

Dept. No. XXI

DEFENDANT DWIGHT SOLANDER'S  
PETITION FOR WRIT OF HABEAS  
CORPUS

COMES NOW, Defendant DWIGHT SOLANDER, by and through his attorney, CRAIG A. MUELLER, ESQ. of the law firm MUELLER, HINDS & ASSOCIATES, CHTD., and hereby submits to this Honorable Court Defendant's Pretrial Petition for a Writ Habeas Corpus.

1. This Petition is based upon the Memorandum of Points and Authorities attached hereto, the papers and pleadings on file herein and any argument this Honorable Court deems necessary.
2. Defendant hereby waives his Constitutional right to a speedy trial; and if the petition is not decided within 15 days before the date set for trial, Defendant further consents that the court may, without notice or hearing, continue the trial indefinitely or to a date designated by the court.  
NRS 34.700.
3. The signer of this Petition, Craig A. Mueller, Esq., verifies that has been retained by the Petitioner, DWIGHT SOLANDER to represent him as his counsel in this action, that

1 Petitioner has authorized me to file this Petition, and that Petitioner is restrained of his liberty by  
2 the District Attorney, the Sheriff of Clark County, and other persons, known and unknown, within  
3 and outside of the State of Nevada.  
4

5 DATED this 15 day of Septm, 2014  
6

7 Respectfully Submitted,  
8

MUELLER, HINDS & ASSOCIATES, CHTD.

9  
10 By 

CRAIG A. MUELLER, ESQ.

Nevada Bar No. 4703

600 S. Eighth Street

Las Vegas, Nevada 89101

(702) 382-1200

Attorney for Defendant  
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1 NOTICE OF HEARING

2 TO: THE STATE OF NEVADA, Plaintiff, and,

3 TO: ITS COUNSEL OF RECORD, Clark County District Attorney;

4 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the  
5 forgoing Petition on for hearing before this court on the 30 day of SEPTEMBER  
6 2014, at the  
7 hour of 9:30A, or as soon thereafter as counsel may be heard.

8 MUELLER, HINDS & ASSOCIATES, CHTD.

9  
10  
11 By 

12 CRAIG A. MUELLER, ESQ.

13 Nevada Bar No. 4703

14 600 S. Eighth Street

15 Las Vegas, Nevada 89101

16 (702) 382-1200

17 MEMORANDUM OF POINTS AND AUTHORITIES

18 Defendant is being unlawfully detained, confined or restrained of his liberty by the State of  
19 Nevada, the Sheriff of Clark County Nevada and the District Attorney of Clark County Nevada  
20 because he has been charged with crimes by Information that is infirm and faulty and therefore should  
21 be dismissed. The State's sexual assault charges are based on a bazaar theory and to Defendant's  
22 knowledge are a case of first impression for any court in the United States. Defendant's alleged role in  
23 the sexual assault charges seem to be based on an alleged conspiracy, but the State failed to present  
24 evidence that established any conspiracy.

25 PROCEDURAL HISTORY

26 On March 21, 2014, the State filed its first criminal complaint against Defendant and his  
27 codefendants in Las Vegas Township Justice Court. The case was assigned to the Honorable Justice of  
28

1 the Peace Diana Sullivan in Department 12. Defendant was arraigned, in custody, on March 25, 2014.  
2 On March 26, 2014, Defendant's current counsel, Craig Mueller confirmed as counsel.

3 Following several delays, primarily due to the unavailability of evidence and witness  
4 statements, Justice Sullivan heard testimony for the preliminary hearing in this case on May 22 & 23,  
5 June 9, 10 & 12. The court heard arguments regarding bind-over on July 23, 2014 and bound all three  
6 defendants over for trial, on all 46 counts charged in the Second Amended Complaint, which was filed  
7 on July 23, 2014, in District Court on that date. The bind-over certificate was filed on July 24, 2014.  
8

9 On July 28, 2014, the State filed the information in the instant case. On July 31, 2014,  
10 Defendant was arraigned in District Court. On August 8, 2014 Defendant filed a Motion to Extend  
11 Time to File a Petition for Writ of Habeas Corpus, to which the State filed its Opposition on August  
12 13, 2014. This Honorable Court granted Defendant's Motion to extend time and set a deadline of  
13 September 16, 2014 to file this Petition for a Writ of Habeas Corpus.  
14

## 15 LEGAL STANDARD

### 16 A. Habeas Corpus

17  
18 **NRS 34.360—Persons who may prosecute writ.** Every person unlawfully committed,  
19 detained, confined or restrained of his or her liberty, under any pretense whatever, may  
20 prosecute a writ of habeas corpus to inquire into the cause of such imprisonment or restraint.

21 **NRS 34.370—Application for writ; verification required; contents; supporting**  
22 **documents.**

23  
24 1. A petition for a writ of habeas corpus must be verified by the petitioner or the  
25 petitioner's counsel. If the petition is verified by counsel, counsel shall also verify that the  
26 petitioner personally authorized counsel to commence the action.

27 2. A verified petition for issuance of a writ of habeas corpus must specify that the  
28 petitioner is imprisoned or restrained of the petitioner's liberty, the officer or other person by

1 whom the petitioner is confined or restrained, and the place where the petitioner is confined,  
2 naming all the parties if they are known, or describing them if they are not known.

3 3. If the petitioner claims that the imprisonment is illegal, the petitioner must state facts  
4 which show that the restraint or detention is illegal.

5 4. If the petition requests relief from a judgment of conviction or sentence in a criminal  
6 case, the petition must identify the proceedings in which the petitioner was convicted, give the  
7 date of entry of the final judgment and set forth which constitutional rights of the petitioner  
8 were violated and the acts constituting violations of those rights. Affidavits, records or other  
9 evidence supporting the allegations in the petition must be attached unless the petition recites  
10 the cause for failure to attach these materials. The petition must identify any previous  
11 proceeding in state or federal court initiated by the petitioner to secure relief from the  
12 petitioner's conviction or sentence. Argument, citations and other supporting documents are  
13 unnecessary.

**NRS 34.390—Judge to grant writ without delay; exceptions; effect of writ.**

14 1. Any judge empowered to grant a writ of habeas corpus applied for pursuant to this  
15 chapter, if it appears that the writ ought to issue, shall grant the writ without delay, except as  
16 otherwise provided in NRS 34.720 to 34.830, inclusive.

17 2. A writ of habeas corpus does not entitle a petitioner to be discharged from the custody  
18 or restraint under which the petitioner is held. The writ requires only the production of the  
19 petitioner to determine the legality of the petitioner's custody or restraint.

**NRS 34.700—Time for filing; waiver and consent of accused respecting date of trial.**

20 1. Except as provided in subsection 3, a pretrial petition for a writ of habeas corpus  
21 based on alleged lack of probable cause or otherwise challenging the court's right or  
22 jurisdiction to proceed to the trial of a criminal charge may not be considered unless:  
23

24 (a) The petition and all supporting documents are filed within 21 days after the first  
25 appearance of the accused in the district court; and

26 (b) The petition contains a statement that the accused:

27 (1) Waives the 60-day limitation for bringing an accused to trial; or  
28



1 (2) If the petition is not decided within 15 days before the date set for trial,  
2 consents that the court may, without notice or hearing, continue the trial  
3 indefinitely or to a date designated by the court.

4 2. The arraignment and entry of a plea by the accused must not be continued to avoid  
5 the requirement that a pretrial petition be filed within the period specified in subsection 1.

6 3. The court may extend, for good cause, the time to file a petition. Good cause shall  
7 be deemed to exist if the transcript of the preliminary hearing or of the proceedings before the  
8 grand jury is not available within 14 days after the accused's initial appearance and the court  
9 shall grant an ex parte application to extend the time for filing a petition. All other applications  
10 may be made only after appropriate notice has been given to the prosecuting attorney.

#### 11 **FACTS OF THE CASE (AS PRESENTED IN JUSTICE COURT)**

12 In or around 2010 Defendants DWIGHT and his wife, JANET SOLANDER, took in three  
13 sisters, Ava, Amaya and Anastasia, as foster children. In or around 2011, the SOLANDERS adopted  
14 the sisters. The State alleges that after the girls were adopted, the SOLANDERS and JANET  
15 SOLANDER'S daughter DANIELLE HINTON began abusing the sisters in various ways. The State  
16 alleges that this abuse occurred between the 19th of January, 2011 and the 11th of November, 2013.

17 *Information at 2.*

18  
19 The State charged the parties with various charges in a 46 count Information. The charges  
20 include five counts of CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL  
21 BODILY HARM, 25 counts of CHILD ABUSE OR ENDANGERMENT, 11 counts of SEXUAL  
22 ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE, three counts of ASSAULT  
23 WITH A DEADLY WEAPON, and two counts of BATTERY WITH INTENT TO COMMIT  
24 SEXUAL ASSAULT. *Information.* Of the 46 counts, JANET is charged in all 46 counts, DWIGHT is  
25 charged in 25 counts, and DANIELLE is charged in two counts.  
26  
27  
28

1 The girls had digestive issues that led to the girls eating a special diet of blended food at least  
2 part of the time. Among the ingredients of the blended food, according to Amya's testimony, were  
3 canned dead mice and cow "private parts." PHT vol. II 56:17-58:14<sup>1</sup>. The girls claimed that at times  
4 they had food and water withheld from them for bathroom "accidents." Anastasia, the youngest girl,  
5 even testified that they sometimes had to go two days without food or water. PHT vol II 197:12-21.

7 In the Preliminary Hearing, there was much discussion of what the State euphemistically  
8 called "accidents," but during the defendants cross-examination, it was adduced that the girls were  
9 urinating and defecating on themselves as purposeful acts of defiance; not accidents at all. Testimony  
10 at the Preliminary Hearing revealed that the genesis of the Information's impressive list of charges  
11 arises from the three sisters constantly and intentionally urinating and defecating on themselves both  
12 during the day and at night while they slept. Apparently a cycle of defiance and punishment began and  
13 built upon itself until the sisters were intentionally holding their urine and bowels and then  
14 intentionally soiling themselves. PHT vol. II 59:18-60:3.

17 The testimony at the Preliminary Hearing showed that some or all of the defendants tried  
18 various ways to break the cycle, but it instead got worse. Such attempts included trying to train the  
19 girls to learn how hold their urine a certain amount of time by setting a timer and then allowing the  
20 girls to go at set times, PHT vol. II 59:9-17; spanking on the sisters' bare bottoms with a paint stirring  
21 stick; as the problem got worse, two of the sisters said they were required to sit on buckets equipped  
22

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24  
25 <sup>1</sup> Preliminary Hearing Transcripts:

26 Vol. I, May 22, 2014, Ava Solander;

27 Vol. II June 9, 2014, Amaya Solander and Anastasia Solander;

28 Vol. III June 10, 2014, Sandra Cefl, MD & Anastasia Solander;

Vol. IV, June 12, 2014, Det. Frances Emery;

Vol. V, June 19, 2014, Bail Arguments; and

Vol. VI, July 23, 2014, Bind-over Arguments.

1 with toilet seats and one on a training toilet while wearing no bottom clothing rather than normal  
2 furniture, PHT vol. II 61:24-62:-24; and finally, it is alleged that JANET, and the State contends that,  
3 with DWIGHT'S aiding and abetting or in conspiracy therewith, emptied the girls' bladders with a  
4 urinary catheter.  
5

6 There was no testimony whatsoever that the use of catheter was done with sexual intent or for  
7 sexual degradation of the girls. None of the girls testified that DWIGHT used a catheter or was in the  
8 room when it was done. The State, however, admitted evidence, in the form of an online receipt, that  
9 DWIGHT may have ordered catheters, but no proof was offered that those catheters were, in fact, the  
10 catheters alleged to have been used. The State presented no evidence that DWIGHT and JANET  
11 conspired or discussed the use of the catheters on the girls whatsoever.  
12

13 Other charges are that JANET threatened to cut the girls' genitals with a razor blade, JANET  
14 sexually assaulted one of the girls with a paint stick, and DANIELLE hit the girls in the wrist and  
15 elbow with a paint stirring stick.  
16

### 17 ARGUMENT

18 All of the charges against Defendant come down to questions of parental privilege, and,  
19 additionally, the acts that the State claim constitute sexual assault had no sexual intent and are  
20 performed by medical authorities and caregivers on a daily basis. The State presented no evidence that  
21 Defendant DWIGHT SOLANDER approved of or had knowledge of the use of catheters on the  
22 children. Additionally, the victims themselves testified that Defendant Dwight Solander never abused  
23 them.  
24

25 The charges against Defendant should be dismissed for several reasons: First, the sexual  
26 assault charges do not allege conduct that is proscribed under the statute; second, the sexual assault  
27  
28

1 charges against Defendant are based on a theory that he aided and abetted and/or was involved in a  
2 conspiracy to commit sexual assault, and as such the State should have filed only one count of sexual  
3 assault against Defendant; Third the State failed to show that the alleged actions went beyond actions  
4 protected by the parental privilege; fourth the State failed to present evidence that requiring the  
5 children to hold their urine and use the bathroom during scheduled breaks constitutes child abuse,  
6 neglect or endangerment, and finally, the State unconstitutionally attempted to shift the burden of  
7 proof to the defendants when it presented no evidence that Defendant DWIGHT SOLANDER or the  
8 other defendants caused the superficial scars on the girls buttocks.  
9

11 **I. The sexual assault charges should be dismissed because the acts alleged do not constitute**  
12 **"Sexual Assault."**

13 In the instant case, the adoptive mother of the victims, co-defendant JANET SOLANDER, is  
14 accused of using a catheter to ensure that the children, who had serious bladder control problems, had,  
15 in fact, emptied their bladders.

16 In arguing for the sexual assault charges in the Complaint and Information, the State cites that  
17 the statute defines any penetration of the sexual organs as sexual assault, but extends that definition  
18 even when that penetration has a therapeutic rather than sexual intent. The State's interpretation of the  
19 statute expands the definition of "sexual penetration" to a legal absurdity. "(S)tatutory construction  
20 should always avoid an absurd result." State v. White, 330 P.3d 482 (2014).  
21

22 The State admits that this is a case of first impression and it is attempting to create new law  
23 with the novel claim that using a urinary catheter as intended, to drain urine from the bladder, is  
24 sexual assault. In oral argument in Justice Court, the State made the argument that any penetration of  
25 the anus or vagina by a parent, guardian or other caregiver against a child's will fits the statutory  
26 definition of sexual assault on a minor. Under this definition a constipated child whose parent inserts a  
27  
28

1 suppository or gives him or her an enema could cry rape. Even the act of cleaning often necessitates  
2 some penetration of the anus or vagina and would constitute rape if the child didn't want to be  
3 cleaned. This interpretation makes childcare or medical practice a legal minefield. The legislature  
4 surely never intended to subject parents, medical professionals and other caregivers to severe criminal  
5 penalties for using catheters as intended.  
6

7           When interpreting a statute, legislative intent is the controlling factor. To determine  
8 legislative intent of a statute, (a) court will first look at its plain language. But when the  
9 statutory language lends itself to two or more reasonable interpretations, the statute is  
10 ambiguous, and [a court] may then look beyond the statute in determining legislative intent.  
11 When interpreting an ambiguous statute, the Court should look to the legislative history and  
12 **construe the statute in a manner that is consistent with reason and public policy.**

13 State v. White, 330 P.3d at 482 ((internal quotes and cites omitted) (bold type added)). To interpret the  
14 statute as including medical and parental activity with no sexual intent renders the statute a legal  
15 absurdity inconsistent with reason and public policy. Id. Below are several examples of catheter use  
16 in medicine, law enforcement and in dealing with children's urinary issues.  
17

18       **A. The State's prosecution of sexual assault charges will work a great injustice to Defendant**  
19 **and the *ex ante* effect is against public policy.**

20       Catheters are used in hospitals, nursing homes, doctors' offices, police stations, jails and  
21 homes in Nevada every day, but, to Defendant's knowledge, this is the first time anyone has been  
22 charged with sexual assault for draining a bladder of urine not just in Nevada but in the United States.  
23 In fact, the first experience that Amaya had with catheters was when she was in a hospital. PHT vol. II  
24 91:5-93:14. If these charges go forward, then every time someone wakes up from surgery and finds  
25 that a catheter was inserted against a patient's wishes, those medical professionals will be subject to  
26  
27  
28

1 sexual assault charges. Below are several uses of catheters, and often those catheters are used against  
2 the will of the subject.

3 **i. Nevada courts issue warrants to collect urine specimens that constitute sexual**  
4 **assault under the State's theory of this case.**

5 The "accepted medical technique" used by law enforcement agencies to forcibly collect urine  
6 samples after the District Attorney obtains a court order is with a catheter in the urethra. *See, Howe v.*  
7 *State*, 112 Nev. 458, 462-463 (1996). Using the State's theory of this case, Nevada courts regularly  
8 issue warrants to commit sexual assault with the District Attorney's complicity. Defendant is unaware  
9 of any legal theory that would exempt a law enforcement officer or jail nurse from a sexual assault  
10 charge if that sexual assault is performed under court order.

11 **ii. Catheters are used by medical professionals to examine minors for sexual**  
12 **assault.**

13 An accepted method of examining the hymen of a minor where sexual assault is suspected is to  
14 insert a catheter, much like those alleged to have been used here into the vagina of the victim. *See*  
15 *generally, Adolescent Foley Catheter Technique for Visualizing Hymenal Injuries in Adolescent*  
16 *Sexual Assault*, Jones, Jeffrey *et al*, *ACAD EMERG MED*, p. 1001 *et seq.*, Sept. 2003, Vol. 10, No.  
17 9, [www.aerj.org](http://www.aerj.org). It is likely that such examinations are at times performed against a child's will, and  
18 under the State's theory, a doctor would then be committing sexual assault to examine a child for  
19 sexual assault.

20 **iii. Catheters are recommended, in some instances, in juvenile urinary**  
21 **incontinence issues.**

22 Catheters are used in hospitals and homes in Nevada every day, but, to Defendant's  
23 knowledge, this is the first time anyone has been charged with sexual assault for draining a bladder of  
24  
25  
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1 urine in the United States. If these charges go forward, then every time someone wakes up from  
2 surgery and finds that a catheter was inserted against a patient's wishes, those medical professionals  
3 will be subject to sexual assault charges.  
4

5 One might argue that the parents in this case could have dealt with the serious issues they  
6 faced differently, but everything they did was within the realm of acceptable care and parental  
7 privilege. Catheterizing children with daytime wetting and voiding issues is a recommended course of  
8 action in some cases to prevent kidney damage. *See*, Cooper, Christopher S., Daytime Wetting and  
9 Voiding Dysfunction in Children, Univ. of Iowa Children's Hospital,  
10 <http://www.uichildrens.org/daytime-wetting-and-voiding-dysfunction-in-children/> (Accessed  
11 9/7/2014). It is unlikely that any child will want to be catheterized, so parents, caregivers and medical  
12 professionals must often use force to do so.  
13  
14

15 **iv. The Court should dismiss the sexual assault counts as the prosecution's**  
16 **interpretation of the statute is erroneous and works against public policy.**

17 "Generally, when a statute's language is plain and its meaning clear, the courts will apply that  
18 plain language." Las Vegas Sands Corp. v. Eighth Judicial Dist. Ct., (2014) (quotation marks in  
19 original), *citing*, Leven v. Frey, 123 Nev. 399, 403, 168 P.3d 712, 715 (2007). "But when a statute is  
20 susceptible to more than one reasonable interpretation, it is ambiguous, and this court must resolve  
21 that ambiguity by looking to legislative history and 'construing the statute in a manner that conforms  
22 to reason and public policy.'" *Id.*, *citing* Great Basin Water Network v. Taylor, 126 Nev. 187, 196,  
23 234 P.3d 912, 918 (2010).  
24  
25  
26

27 It is unreasonable and works against public policy to interpret the sexual assault statute so  
28 broadly that parents, caregivers and medical professionals will fear being so charged if they use a

1 catheter, as intended, in fulfilling their duties. This interpretation does not "conform to reason and  
2 public policy." Great Basin Water Network v. Taylor, 126 Nev. at 196, 234 P.3d T 918. If the State  
3 succeeds in its quest to make using catheters, as intended, a crime, then the courts of Nevada should  
4 expect a flood of personal injury cases claiming the *per se* intentional tort of sexual battery from  
5 hospital and nursing home patients in the coming years. Accordingly, the Court should dismiss counts  
6 7,8, 19, and 30-36 of the Information.

7  
8 **II. The multiple sexual assault charges against Mr. Solander violate the Double Jeopardy Clause**  
9 **of the U.S. Constitution.**

10 Defendant is charged with ten counts of sexual assault, but the State presented evidence of  
11 only one single act, ordering catheters, as evidence of a conspiracy or aiding and abetting. The Double  
12 Jeopardy Clause protects a criminal defendant from multiple punishments for the same offense in a  
13 single trial. Garcia v. State, 121 Nev. 327, 342 (2005); U.S. Const. amend. V, applicable to the states  
14 via the Fourteenth amendment. Under the State's theory, Defendant and his co-defendant, JANET  
15 SOLANDER, conspired to use catheters to empty the bladders of the three girls, which constituted  
16 sexual assault, and/or Defendant aided and abetted said crime by ordering catheters. Because the State  
17 alleges only one single act committed by Defendant, only one count of sexual assault should be  
18 alleged against DWIGHT SOLANDER. "(W)hen there is a single agreement to commit one or more  
19 crimes it is unconstitutional for a state to punish a defendant for multiple crimes in violation of a  
20 single statute. Id. at 342; *accord* Braverman v. United States, 317 U.S. 49, 52-54, 87 L. Ed. 23, 63 S.  
21 Ct. 99 (1942). Amaya testified that the one time that JANET SOLANDER used a catheter on her  
22 DWIGHT SOLANDER was not even in the house. PHT vol. II 126:14-127:2. Anastasia testified that  
23 DWIGHT SOLANDER was outside the bathroom, but was not looking at her one time JANET  
24 SOLANDER used a catheter, but she didn't think he was even home the other two times JANET  
25  
26  
27  
28



1 SOLANDER used a catheter. PHT vol. II 214:18-216:21. Accordingly, the Court should, at a  
2 minimum, dismiss all but one sexual assault charge against DWIGHT SOLANDER.

3 **III. The State failed to present evidence that Defendant's actions went beyond permissible**  
4 **actions under the parental privilege.**

5 A parent has a "fundamental liberty interest in maintaining a familial relationship with his or  
6 her child which includes the right . . . to direct the upbringing and education of children." Newman v.  
7 State, 298 P.3d 1171, 1179 (2013)(citing Willis v. State, 888 N.E.2d 177, 180 (Ind. 2008)). Although  
8 Nevada does not have a specific statute authorizing a parental privilege to dispense corporal  
9 punishment, the common law does allow it. *See*, Newman v. State, 298 P.3d at 1178 (2013); *see also*,  
10 NRS 1.030 (common law applies in Nevada).

11  
12  
13 **A. Spanking**

14 In this case, all three of the girls were, among other things, lying, stealing and intentionally  
15 urinating and soiling themselves over an extended amount of time, and they were repeatedly punished  
16 for those intentional acts. For their repeated violations, the girls were spanked on the bottom using a  
17 stick commonly used to stir paint. The State must show that Defendant "did not intend to merely  
18 discipline [the girls] but to injure or endanger [them]". Newman v. State, 298 P.3d 1179 (internal  
19 quotes and brackets omitted), (citing, State v. Hassett, 124 Idaho 357, 859 P.2d 955, 960 (Idaho Ct.  
20 App. 1993)).

21  
22  
23 The girls testified that Defendant only spanked them when they had done something wrong  
24 and deserved to be punished. In direct testimony Anastasia said Defendant was " pretty gentle. He  
25 didn't really ----- he didn't really do anything to sum like abuse us." PHT vol. II 179: 7-9 June 10, 2014.  
26 When asked if Mr. DWIGHT ever made her bleed, Anastasia answered "no, he didn't. PHT vol. II  
27  
28

1 187:23-24 June 10, 2014. Amaya admitted that when Defendant would spank her, she had done  
2 something wrong and deserved it. PHT vol. II 121:16-122:1.

### 3 **B. Buckets**

4 The defendants are charged with Child Abuse, Neglect or Endangerment for requiring Amaya,  
5 Count 3, and Ava, Count 15 to sit on buckets equipped with toilet seats and requiring Anastasia,  
6 Count 26, to sit on a training potty, sometimes wearing clothes on their bottoms and sometimes  
7 without. This occurred after repeated intentional urinating and soiling. Amaya admitted that they were  
8 not required to sit on buckets until they had been soiling themselves for more than a year at the  
9 Solanders' house. PHT vol. II, 123:10-13. Although the girls testified that they were required to sit for  
10 extended periods of time and it hurt to some extent, the girls also testified that they were allowed to  
11 stand and walk around from time to time. Requiring the girls to sit on buckets apparently had some  
12 positive effects because at some time co-defendant JANET SOLANDER allowed the children to  
13 watch TV and not sit on buckets. PHT vol. II 124:22-125:8. The State failed to present any evidence,  
14 expert or otherwise, how this alleged activity goes from parenting activity that the prosecutors do not  
15 agree with to abuse, neglect or endangerment. Simply making a showing that parents did something  
16 that caused some amount of pain in an attempt to discipline the girls is not enough to sustain even the  
17 low burden of proof required to bind the defendants over for trial.

### 18 **C. Sleeping on the Floor**

19 With regard to the claim that making the girls sleep on the floor on boards, Counts 5, 17 and  
20 28, the State failed to adduce any evidence that the requirement was anything more than an  
21 uncomfortable annoyance to the girls. It was further adduced in cross-examination that the girls had  
22 beds, and were only required to sleep on boards when they had peed during the day or the night before  
23 in their beds. Anastasia testified that when DWIGHT SOLANDER was taking care of the girls, they

1 did not sleep on boards, but instead, they slept on "pull up beds." PHT vol. II 204:11-17. Once again,  
2 just because the State's prosecutors may have chosen different methods to deal with repeated and  
3 intentional urination and defecating, it failed to show probable cause to believe that it went beyond the  
4 limits of the parental privilege.  
5

6 **D. Food and Water**

7 Again, the claims that defendants withheld food and water from time to time, Counts 6, 18 and  
8 29, without more fails to allege that the defendants did more than the proverbial "going to bed without  
9 supper." In direct examination from the State, Anastasia testified that JANET SOLANDER would  
10 sometimes withhold food and water, but she could not remember if DWIGHT SOLANDER ever  
11 withheld food or water from her or the other girls. PHT vol. II 198:4-22. Accordingly, the evidence  
12 adduced failed to meet the State's burden of proof and in DWIGHT SOLANDER'S case, that it even  
13 happened at all.  
14  
15

16 **E. The State failed to show that the actions went beyond attempting to correct bad**  
17 **behavior by the children.**

18 In each of the situations above, the State adduced no evidence that the alleged activity was  
19 purely punishment—that it was cruel or abusive—rather than a parent's use of moderate force to  
20 correct his child. Newman v. State, 298 P.3d at 1179.  
21

22 **IV, The child abuse, neglect or endangerment charges for making the children hold their urine**  
23 **should be dismissed because the State failed to show it is proscribed by law..**

24 Testimony at the Preliminary Hearing alleged that the defendants in this case required the  
25 homeschooled children to only urinate during the day during specific times determined by the parents.  
26 The timing was accomplished by setting a timer and setting breaks similar to those set by traditional  
27 schools. The State alleges that this practice constitutes child abuse, neglect or endangerment in Counts  
28

1 4, 16 and 27. The State failed to provide any evidence of how such behavior, if it occurred, constitutes  
2 child abuse, neglect or endangerment. Everyone over the age of five years old has had to hold his or  
3 her urine or bowels at some point in life. In fact, training children with urinary issues, as has been  
4 established in this case, to hold their urine is a recommended practice by respected medical  
5 publications:

7 Daytime incontinence:

8 General measures may include

- 9 •Trying urgency containment exercises (to strengthen the urinary sphincter)
- 10 •Gradually lengthening the time between visits to the bathroom (if the child is thought
- 11 to have a weak bladder muscle or dysfunctional voiding)
- 12 •Changing behavior (for example, delaying urination) through positive reinforcement
- 13 and scheduled urination
- 14 •Reminding children to urinate by a clock that vibrates or sounds an alarm (preferable
- 15 to having a parent in the reminder role)
- 16 •Using methods that discourage retention of urine in the vagina (for example, sitting
- 17 facing backward on the toilet or with the knees wide apart). "Urinary Incontinence in Children
- 18 (Enuresis)" The Merck Manual Home Edition,  
[http://www.merckmanuals.com/home/childrens\\_health\\_issues/incontinence\\_in\\_children/urinary\\_incontinence\\_in\\_children.html](http://www.merckmanuals.com/home/childrens_health_issues/incontinence_in_children/urinary_incontinence_in_children.html) (accessed Sept. 13, 2014).

19 Three out of the five Merck Manual recommendations involve delaying urination or requiring children  
20 to use the bathroom on a schedule. Without testimony that requiring the children to go the bathroom  
21 on a schedule was different from what parents and teachers do every day, the Court should find that  
22 the State failed to meet its very low burden of proof necessary to bind the defendants over for these  
23 counts.  
24

25 **V. The State failed to present any evidence that the superficial scars were caused by Defendant.**

26 The State presented evidence that the girls had superficial scars on their buttocks. However,  
27 the State's own witness testified that she could not determine when those scars formed. PHT vol. III  
28

1 18:22- 19:12. The girls have not always lived with the SOLANDERS. They lived with, first their birth  
2 mother, then their grandmother, Child Haven, at least two other foster families, finally the  
3 SOLANDERS and after that they lived in a boarding school in Florida. PIIT vol. II, 53:7, 42:20. The  
4 small scars could have formed at any time before or after the girls lived with the SOLANDERS.  
5 Additionally, there was no testimony that DWIGHT SOLANDER caused the scars or even spanked  
6 them hard enough to draw blood.  
7

8         The State is unconstitutionally attempting to shift the burden of proof from the State to the  
9 defendants. "The Due Process Clause protects the accused against conviction except upon proof  
10 beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged."  
11 Sheriff, Clark County v. Boyer, 97 Nev. 599, 600-601 (1981). Even though the State must only show  
12 marginal evidence to bind-over for trial, it must still present some evidence that a defendant caused  
13 the injury alleged, and the State failed to provide any proof that DWIGHT SOLANDER caused the  
14 scars on the girls' buttocks. The State is relying on shifting the burden of proof in this case and relying  
15 on a presumption that the defendants caused the alleged scars absent any proof thereof. Accordingly,  
16 the Court should dismiss Counts 1-14 and 24 of the Information.  
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28

1 CONCLUSION

2  
3 For the reasons discussed *supra*, the Court should dismiss the Information against Defendant  
4 DWIGHT SOLANDER.

5 DATED this \_\_\_\_\_ day of September, 2014.  
6

7  
8 Respectfully Submitted,

MUELLER, HYDS & ASSOCIATES, CHTD.

9  
10  
11  
12 By \_\_\_\_\_

CRAIG A. MUELLER, ESQ.

Nevada Bar No. 4703

600 S. Eighth Street

Las Vegas, Nevada 89101

(702) 382-1200  
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**Verification**

STATE OF NEVADA                     )  
  )ss:  
COUNTY OF CLARK                 )

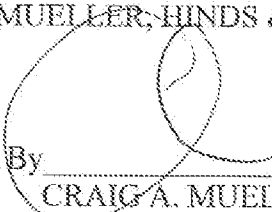
CRAIG A. MUELLER, under penalties of perjury, being first duly sworn, deposes and says:

1. That I am the Attorney for the Defendant in the above-entitled actions; that I have read the foregoing Petition and the attached Memorandum of Points and Authorities and know the contents thereof; that the same is true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true.
2. I further verify that I have been retained by the Petitioner, DWIGHT SOLANDER, to represent him as his counsel in this action, that Petitioner has authorized me to file this Petition, and that Petitioner is restrained of his liberty by the District Attorney, the Sheriff of Clark County and other persons, known and unknown, within and outside the State of Nevada.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 15 day of Septemb, 2014.

By:  
MUELLER, HINDS & ASSOCIATES, CHTD.

By   
CRAIG A. MUELLER, ESQ.  
Nevada Bar No. 4703  
600 S. Eighth Street  
Las Vegas, Nevada 89101  
(702) 382-1200

1 **RWHC**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 JACQUELINE BLUTH  
6 Chief Deputy District Attorney  
7 Nevada Bar #010625  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 State of Nevada

7  
8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 In the Matter of Application, )  
11 of ) Case No. **C-14-299737-1**  
12 DWIGHT SOLANDER, ) Dept No. **XXI**  
13 #3074262 )  
14 for a Writ of Habeas Corpus. )  
15 \_\_\_\_\_ )

16 **RETURN TO WRIT OF HABEAS CORPUS**

17 DATE OF HEARING: SEPTEMBER 30, 2014  
18 TIME OF HEARING: 9:30 A.M.

19 COMES NOW, DOUG GILLESPIE, Sheriff of Clark County, Nevada, Respondent,  
20 through his counsel, STEVEN B. WOLFSON, District Attorney, through JACQUELINE  
21 BLUTH, Chief Deputy District Attorney, in obedience to a writ of habeas corpus issued out  
22 of and under the seal of the above-entitled Court on the 16th day of September, 2014, and  
23 made returnable on the 30th day of September, 2014, at the hour of 9:30 o'clock A.M., before  
24 the above-entitled Court, and states as follows:

- 25 1. Respondent admits the allegations of Paragraph 1 - 3 of the Petitioner's Petition for  
26 Writ of Habeas Corpus.  
27 2. The Petitioner is in the constructive custody of DOUG GILLESPIE, Clark County  
28 Sheriff, Respondent herein, pursuant to a Criminal Information on file with this Court.



1           Wherefore, Respondent prays that the Writ of Habeas Corpus be discharged and the  
2       Petition be dismissed.

3           DATED this 24<sup>th</sup> day of September, 2015.

4                               Respectfully submitted,

5                               STEVEN B. WOLFSON  
6                               Clark County District Attorney  
7                               Nevada Bar # 1565

8                               BY /s/ JACQUELINE BLUTH  
9                               JACQUELINE BLUTH  
10                              Chief Deputy District Attorney  
11                              Nevada Bar #010625

12                              **POINTS AND AUTHORITIES**

13                              **STATEMENT OF FACTS**

14           Defendant, DWIGHT SOLANDER, is charged by way of Information with the crimes  
15       of CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY  
16       HARM (Category B Felony - NRS 200.508(1) – 55222); CHILD ABUSE, NEGLECT, OR  
17       ENDANGERMENT (Category B Felony - NRS 200.508(1) - 55226); and SEXUAL  
18       ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony -  
19       NRS 200.364, 200.366 – 50105) The victims are A.S. (10/21/01), A.S. (1/23/03) and A.S.  
20       (7/25/04). The crimes are alleged to have been committed on or between the 19<sup>th</sup> day of  
21       January, 2011, and the 11<sup>th</sup> day of November, 2013, at and within the County of Clark, State  
22       of Nevada.

23           On September 16, 2014, Defendant filed a Petition for Writ of Habeas Corpus. The  
24       State's Return is as follows.

25           A.S. (10/21/01) is twelve years old. She is the oldest of the Solander sisters. A.S.  
26       (10/21/01) knows the DEFENDANTS in this case because she and her siblings were originally  
27       foster children within the Solander home. In January of 2011 the three siblings were formally  
28       adopted by DEFENDANTS Janet and Dwight Solander. (VOL 1 - PHT pp. 14-15)

//

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

5 On January 19, 2011, DEFENDANTS Janet and Dwight Solander formally adopted  
6 A.S. (10/21/01) and her two sisters. Once they were adopted, certain rules were put in place  
7 regarding the bathroom. First, the children would have to ask one of the named  
8 DEFENDANTS to use the bathroom and the children were not allowed to use the restroom  
9 whenever they needed to. (VOL 1 - PHT p. 19) The DEFENDANTS then began using timers  
10 to time when the children were allowed to go to the bathroom. (Id. At 19, 28). The children  
11 were forced to hold their pee and poop until the timer went off. (VOL 1 - PHT p. 28) Then,  
12 when A.S. (10/21/01) was given a chance to go to the bathroom, she was too scared to take  
13 the opportunity, because if she stated she had to go then she would get in trouble for not  
14 opening her mouth and telling them she had to go previously. (VOL 1 - PHT pp. 112-113)  
15 Thus, there was no way to escape getting into trouble over toileting.

16 There were also rules regarding use of the bathroom at nighttime. At first, the children  
17 were allowed to knock on DEFENDANTS Janet and Dwight’s door and ask to go to the  
18 bathroom, however, they would get in trouble with DEFENDANT Janet Solander for asking.  
19 Then the DEFENDANTS put gates and alarms on the door so the children could not get access  
20 to the bathroom. (VOL 1 - PHT p. 20)

21 A.S. (10/21/01) became too scared to ask so she started holding “it,” then after a while  
22 she started having accidents in her pants and that is when she would get beaten. (VOL 1 -  
23 PHT p. 21)

24 When A.S. (10/21/01) was beaten, she was hit by DEFENDANTS Janet or Dwight  
25 Solander. They would spank her bare bottom with a wooden Home Depot stick/ruler.  
26 DEFENDANT Dwight Solander wrote “Board of Education” on the stick. (VOL 1 - PHT p.  
27 22) Before the beating, she would be told to take her clothes off and “get in the position” which  
28 meant get in a position like one was about to do a pushup. Then either DEFENDANT Janet

1 or Dwight would hit her with the stick. (VOL 1 - PHT p. 24) When the stick hit her bottom,  
2 it would break her skin and she would bleed. On certain occasions, she would be hit and the  
3 stick would actually break; yet, the beatings would still continue. (VOL 1 - PHT p. 25) A.S.  
4 (10/21/01) still has scars on her bottom to this day.

5 The children were also forced to sit on Home Depot buckets with a toilet seat placed  
6 on top of the bucket. (VOL 1 - PHT p. 29) DEFENDANT Dwight Solander bought these  
7 buckets at Home Depot. (PHT p. 32) He also placed the toilet lids on top of them. A.S.  
8 (10/21/01) and her siblings had to sit on the buckets from the moment they woke up until it  
9 was time to go to bed. Id.

10 DEFENDANT Janet Solander took A.S. (10/21/01) to the doctor because  
11 DEFENDANT Janet Solander believed A.S. (10/21/01) was having "stomach issues." After  
12 that, DEFENDANT Janet starting blending ALL of the children's food. The children were  
13 fed this "blended meal" three times a day. If they had an accident sometimes their food would  
14 be reduced to twice a day, then once a day, and sometimes they would not be given anything  
15 to eat at all. (VOL 1 - PHT p. 33) The same was done with water as well, once the children  
16 started having their accidents, they were only given water if they were taking medicine. (VOL  
17 1 - PHT p. 34) It was both, DEFENDANT Janet and DEFENDANT Dwight that would  
18 withhold food and water from the children.<sup>1</sup> Id.

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

23 After the children had accidents, they would either be taken outside and sprayed down  
24 with a hose, or they would be given a cold shower. (VOL 1 - PHT p. 36) Along with being  
25 placed in the cold shower, DEFENDANT Janet Solander would also pour buckets of ice on  
26 the children while they were showering. (VOL 1 - PHT p. 37) After the children were done  
27

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28 <sup>1</sup> Later in the preliminary hearing A.S. (10/21/01) testified that DEFENDANT Dwight Solander did not withhold food  
and water from her or her siblings.

1 showering DEFENDANT Janet or DEFENDANT Dwight would then take a special light to  
2 the shower. If it showed that they had urinated in the shower they would get hit with the stick.  
3 (VOL 1 - PHT pp. 37, 38) DEFENDANTS Janet and Dwight would also force them to dry  
4 off by placing a fan on them, or they were told to shake the water off, they would not be given  
5 towels. (VOL 1 - PHT p. 38)

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

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

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

25 If A.S. (10/21/01) ever fought DEFENDANT Janet while she was trying to put the  
26 catheter in her, DEFENDANT Janet would threaten her with a razor blade. The razor blade  
27 was gray, silverish, and small. (VOL 1 - PHT p. 49) This scared A.S. (10/21/01).

28 //

1 A.S. (1/23/03) is eleven years old and she is the middle child of the three sisters.<sup>2</sup> She  
2 too noticed the rules started changing after the sisters were adopted by the DEFENDANTS.  
3 The children were put on timers and could not go to the bathroom unless the timer was up;  
4 this tactic was used by both DEFENDANTS Janet and Dwight. (PHT. VOL III, P. 14) There  
5 came a point in time when A.S. (1/23/03) and her siblings were not allowed to use the  
6 bathroom during the night. The DEFENDANTS Janet and Dwight placed an alarm on the  
7 bathroom door and a gate prevented them from going near the bathroom. (PHT. VOL III, P.  
8 15)

9 Sometimes A.S. (1/23/03) could not “hold it” anymore and she would have an accident  
10 in her pants. When that occurred, either DEFENDANT Janet or DEFENDANT Dwight would  
11 spank A.S. (1/23/03) with the paint stick. It was long and brown and it said Home Depot on  
12 it. (PHT. VOL III, P. 16, 17). Either DEFENDANT Janet would hit the children or she  
13 would threaten them by saying, “You’re going to get it when Dad comes home.” Then when  
14 DEFENDANT Dwight would come home, he would spank them. Usually they were spanked  
15 on the bottom; however, if they kept moving- he would hit them on their backs, arms, or  
16 ankles. (PHT. VOL III, P. 16, 17). When the stick would break, the DEFENDANTS would  
17 just go get another stick because there were several in the garage. A.S. (1/23/03) still has  
18 marks today from the stick whippings on her bottom and her arm. (PHT. VOL III, P. 18)

19 A.S. (1/23/03) and her siblings were originally enrolled in public school. One morning  
20 the children were so hungry that they stole a cinnamon roll from the school. The school  
21 notified DEFENDANT Janet Solander, and from that point forward, they were home schooled.  
22 (PHT. VOL III, P. 20) Once the girls became home schooled, they had to sit at the counter  
23 in the kitchen on buckets. The buckets were orange in color and said Home Depot on them.  
24 Id. The buckets were purchased by DEFENDANT Dwight Solander, he placed toilet seats on  
25 the buckets as well. (PHT. VOL III, P. 21) Somebody wrote names on the buckets in an  
26 attempt to make fun of them. Id. When they would sit on the buckets, they would have to sit

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27  
28 <sup>2</sup> Much of the testimony of all three siblings is similar. Unfortunately to show all counts were bound over correctly, the State must reiterate and repeat the information each victim gave.

1 there with their underwear off but they could keep their shirt on. (PHT. VOL III, P. 22) The  
2 children sat on the buckets all day until they went to bed. Id.

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

12 When A.S. (1/23/03) had accidents, DEFENDANT Janet would force her to put her  
13 soiled underwear in her mouth. She also saw DEFENDANT Janet make her sisters do this as  
14 well. (PHT. VOL III, P. 28) Additionally, DEFENDANT Janet and DEFENDANT Dwight  
15 would make girls act like babies in front of the other foster children. They would make the  
16 Solander sisters stand in front of the foster kids with pacifiers in their mouth. In other times,  
17 they would have the Solander girls crawl on the floor saying “goo goo” and “gaa gaa.” The  
18 DEFENDANTS and the other foster children would laugh and make fun of them. If any saliva  
19 came out of their mouths, they would get slapped. (PHT. VOL III, P. 28, 29)

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

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28 //

1 After the children were done showering, one of the DEFENDANTS would get a purple  
2 light and check the shower to see if there was any pee. If DEFENDANT Janet saw any pee  
3 she would scream, "What's this? Did you pee in the tub? I'm not stupid I can see the spots."  
4 They would also check their underwear with the light. If the DEFENDANTS found anything,  
5 the children would get spanked with the sticks, the DEFENDANTS' hands, or DEFENDANT  
6 Janet's slipper. (PHT. VOL III, P. 33)

7 A.S. (1/23/03) and her sisters would sleep on boards. (PHT. VOL III, P. 33) She  
8 believes that they slept in their underwear but maybe sometimes they were allowed their  
9 pajamas. Then while they were sleeping, DEFENDANT Janet would put fans on high and let  
10 them blow on them. (PHT. VOL III, P. 34) If DEFENDANT Janet was out of town and  
11 DEFENDANT Dwight was taking care of them he would have to call DEFENDANT Janet  
12 and do whatever she told him in regards to how the children slept. (PHT. VOL III, P. 35)  
13 There were no sheets on the bed but sometimes they would get a blanket. Id.

14 DEFENDANT Janet would ask them if they had to go to the bathroom before the  
15 DEFENDANT left the house. Even though the children would tell her no, she would still  
16 check them with a catheter. If pee came out of the bag, she would spank them. (PHT. VOL  
17 III, P. 38) She would check them by taking them into the bathroom and telling them to lay a  
18 towel on the floor, then they would lay down and she would put the catheter in their "front  
19 part." (PHT. VOL III, P. 39) If pee came out, she was in trouble. If A.S. (1/23/03) fought  
20 DEFENDANT Janet then she would get spanked. DEFENDANT Janet would also threaten  
21 them with a razor blade. (PHT. VOL III, P. 40) When DEFENDANT Janet threatened A.S.  
22 (1/23/03) with the razor blade, it made her feel afraid. (PHT. VOL III, P. 41) A.S. (1/23/03)  
23 isn't sure, but she believes she heard DEFENDANT Dwight Solander ordering the catheters  
24 on the phone. (PHT. VOL III, P. 45)

25 A.S. (1/23/03) remembers one day when they were doing their homework, she noticed  
26 that A.S. (10/21/01) was shaking. She asked her if she had to go to the bathroom and A.S.  
27 (10/21/01) said yes. A.S. (1/23/03) told her sister that she needed to say something, but her  
28 sister told her that she was too scared. So, A.S. (1/23/03) told her sister that she would be in

1 more trouble if she didn't say anything but her sister said that she was too afraid. Her sister  
2 then urinated on herself. When DEFENDANT Janet saw that A.S. (10/21/01) had urinated,  
3 she kicked her up and down the stairs. Then she took her head and slammed it into the counter  
4 leaving her with a blackish purple eye. (PHT. VOL III, P. 43)

5 A.S. (1/23/03) also remembers a time when their youngest sibling had pooped in her  
6 pants. DEFENDANT Janet then kicked the youngest sibling up the stairs. Once the child  
7 reached the bathroom, Janet emptied the child's poop into the toilet and forced the child to  
8 stick her head into the toilet with the poop in it. (PHT. VOL III, P. 44)

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

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

24 If DEFENDANT Dwight was watching them, sometimes he would let them go, but he  
25 had to follow the rules. If DEFENDANT Janet told DEFENDANT Dwight that they had to  
26 wait - then they had to wait. (PHT. VOL III, P. 192)

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28 //



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

4 When they were working on their school work they would sit at an island in the kitchen  
5 and they would sit on buckets. They were from Home Depot and they had a toilet seat on  
6 them. (PHT. VOL III, P. 195) DEFENDANT Dwight placed the toilet seat on them. They  
7 had to sit on the buckets all day until they went to bed.

8 A.S. (7/25/04) and her siblings were not allowed to eat whatever they wanted. Initially  
9 they were given vegetables, red beans, and rice. In the morning they were given either oatmeal  
10 or cereal; however, DEFENDANT Janet started blending their food. DEFENDANT Janet told  
11 them that she was blending mice up and feeding it to them, but she didn't really believe her.  
12 (PHT. VOL III, P. 196) Initially they were allowed to eat three times a day, then sometimes  
13 only once. If they had an accident, they could go as long as two days without any food or  
14 water. (PHT. VOL III, P. 197)

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

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

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

1 would see that she was making the girls sleep on the boards. (PHT. VOL III, P. 204)

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

9 Sometimes DEFENDANT Janet would get mad at her for an accident so she would  
10 stick her head in the toilet or make her put her underwear in her mouth. (PHT. VOL III, P.  
11 208)

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

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

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

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

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

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

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

## LEGAL ARGUMENT

## **STANDARD OF PROOF AT PRELIMINARY HEARING**

As this Court is well aware, “[t]he finding of probable cause may be based on slight, even ‘marginal,’ evidence because it does not involve a determination of the guilt or innocence of an accused.” Sheriff v. Hodes, 96 Nev. 184, 186, 606 P.2d 178 (1980); *see also* Sheriff v. Shade, 109 Nev. 826, 828, 858 P.2d 840 (1993); Sheriff v. Simpson, 109 Nev. 430, 435, 851 P.2d 428 (1993); Sheriff v. Crockett, 102 Nev. 359, 361, 724 P.2d 203 (1986). Thus, “the evidence need not be sufficient to support a conviction.” Sheriff v. Kinsey, 87 Nev. 361, 363, 487 P.2d 340 (1971). “To commit an accused for trial, the State is not required to negate all inferences which might explain his conduct, but only to present enough evidence to support a reasonable inference that the accused committed the offense” *Id.* at 363; *see also* Shade, 109 Nev. at 828; Crockett., 102 Nev. at 361.

Furthermore, convictions based on circumstantial evidence have been upheld in Nevada. *See Gibson v. State*, 96 Nev. 48, 50 (1980); *Merryman v. State*, 95 Nev. 648, 649 (1979); *Dutton v. State*, 94 Nev. 567, 568 (1978); *Edwards v. State*, 90 Nev. 255, 258 (1974); *Goldsmith v. Sheriff*, 85 Nev. 295, 304 (1969). Therefore, as initially asserted, circumstantial evidence is sufficient to support a finding of probable cause. *Howard v. Sheriff*, 93 Nev. 30 (1977).

//

1 The United States Supreme Court has stated the following regarding circumstantial  
2 evidence:

3 Circumstantial evidence in this request is intrinsically no different  
4 from testimonial evidence. Admittedly, circumstantial evidence  
5 may in some cases point to a wholly incorrect result. Yet this is  
6 equally true of testimonial evidence. In both instances, the jury is  
7 asked to weigh the chances that the evidence correctly points to  
guilt against the possibility of inaccuracy or ambiguous inference.  
In both, the jury must use its experience with people and events in  
weighing the possibilities. If the jury is convinced beyond a  
reasonable doubt, we can require no more.

8 Holland v. United States, 348 U.S. 121, 75 S. Ct. 127, 137-38 (1954); *also see* United States  
9 v. Hooks, 780 F.2d 1526, 1530 (10<sup>th</sup> Cir. 1986).

10 **I. THE STATE PRESENTED SUFFICIENT EVIDENCE FOR THE CRIMES OF**  
11 **SEXUAL ASSAULT**

12 Per **NRS 200.366**:

13 A person who subjects another person to sexual penetration, or  
14 who forces another person to make a sexual penetration on himself  
or herself or another, or on a beast, against the will of the victim  
15 or under conditions in which the perpetrator knows or should  
know that the victim is mentally or physically incapable of  
16 resisting or understanding the nature of his or her conduct, is guilty  
of sexual assault.

17 **NRS 200.364** defines penetration as:

18 “Sexual penetration” means cunnilingus, fellatio, or any intrusion,  
19 however slight, of any part of a person’s body or any object  
manipulated or inserted by a person into the genital or anal  
20 openings of the body of another, including sexual intercourse in  
its ordinary meaning.

21 The State would like to correct a few things that are in Defendant’s petition. First, this  
22 is not a case of “first impression.” The crime of sexual assault encompassing penetration by  
23 an object is something that has been prosecuted for hundreds of years. The State takes great  
24 issue with the Defendant’s use of the term “legal absurdity,” when discussing the charges in  
25 this case. What **are** absurd are the Defendants’ actions in this case.

26 Defense has repeatedly tried, to no avail, to make this case look like the Defendants  
27 were acting out of “medical necessity” and thus, these children needed catheters stuck up their  
28 vaginas. Yet, they did not. The truth is these defendants created this horrific atmosphere

1 where the children were so scared to go to the bathroom that they held it and then urinated and  
2 defecated on themselves. The children were punished if they did ask and punished if they  
3 didn't ask, so they could not win. This created a vicious cycle that mentally and emotionally  
4 destroyed them. There was absolutely no need and no medical reason for Defendant Dwight  
5 Solander to purchase the catheters, nor was there any reason for Defendant Janet Solander to  
6 use them on the girls. The only "need" the Defendants had to use the catheters was so they  
7 could find yet another way to punish the girls. Commonly, the Defendants would ask the  
8 children if they had to use the restroom before the Defendants left the home. When the  
9 children said no, the Defendants refused to believe them, so they had them go upstairs and get  
10 the catheter inserted. When urine came out, they would be beaten.

11 This is a far cry from the examples in the Defendant's petition, such as a constipated  
12 child, or a child who is protesting being cleaned. It's disingenuous for Defense to claim that  
13 this was a scenario like the ones aforementioned. These children had catheters repeatedly  
14 stuck up their vaginas FOR NO VALID REASON at all. In fact when the siblings fought it,  
15 they got threatened with a razor blade. Had this been "medically necessary" or for the  
16 children's own good, the Defendants in this case would not be charged with 46 counts. These  
17 behaviors and actions are criminal, and it should be up to the jury to find whether or not the  
18 crimes charged constitute sexual assault under the statute.

19 Lastly, the State would like to address the ridiculous argument that these charges go  
20 completely against public policy. Defense attempts to analogize the facts in this case to a  
21 doctor placing a catheter in a patient, law enforcement forcibly collecting urine samples,  
22 sexual assault nurse examinations, and urinary incontinence issues. Again, this argument is  
23 so farfetched, it is beyond reason. The facts in this case are not analogous to a doctor needing  
24 to place a catheter in a patient or law enforcement forcibly collecting urine samples. In the  
25 doctor/patient scenario you would often be in a medical facility, needing medical care, you  
26 would probably sign waivers and have discussions with your doctor about the type of treatment  
27 you would be receiving. In regards to the law enforcement collection process that is done with  
28 a valid search warrant, and at that time, the person does not have the rights to privacy that they

1 would normally have. These are completely non analogous to grown adults wanting to  
2 terrorize children by scaring them into “holding” their urine, asking them if they have to go  
3 pee, and when they refuse - forcing a catheter, or in one situation, a stick, up their vagina.  
4 Following the Defense’s logic, Defendants could always stick some sort of object into a child’s  
5 vagina and then make some “medical reason” up for why they needed to do it. In this case,  
6 there is no valid reason as to why these children would need catheters placed up their vagina.  
7 If there was an issue, why weren’t they taken to the hospital? Why weren’t they given  
8 prescriptions for the catheters? Why were they used as a form of punishment? These answers  
9 are for a jury to decide. If the Defense were really worried about public policy, they would  
10 consider a 9, 11, and 12 year old being forced onto a towel, forced to wipe themselves, and  
11 then forced to have a catheter placed up their vagina, all for no valid reason, just because the  
12 Defendants wanted to punish the children. Is it the Defense’s position that there should be no  
13 accountability for such conduct? The State cannot imagine a more perfect scenario to fit the  
14 statutory definition of sexual assault by insertion of an object.

## 15 **II. THE SEXUAL ASSAULT CHARGES DO NOT VIOLATE THE DOUBLE** 16 **JEOPARDY CLAUSE**

17 The Defense points to Garcia v. State, 121 Nev. 327, 342 (2005) to discuss why the  
18 Defendant should not be held accountable for the ten charges of sexual assault in which he is  
19 charged. There is a major difference between Defendant’s actions and that of Garcia. The  
20 Garcia court found that the Defendant could not receive multiple punishments for the **same**  
21 offense. Defendant is not being charged for the same offense. He is being charged for ten  
22 different offenses. The State has charged Defendant with Sexual Assault and pled it under  
23 three theories, direct, conspiracy, and aiding and abetting. The State is unclear as to why the  
24 Defense keeps referencing that the Defendant committed this crime only once. The Defense  
25 is clearly not understanding how the State pled the charges. The Defendant is not “directly”  
26 liable, but instead is liable for the crimes of sexual assault under the theories of conspiracy and  
27 aiding and abetting. Evidence of Defendant purchasing the catheters was illustrated at  
28 preliminary hearing both in the form of testimony from the children as well as multiple

1 invoices found on his work email. Additionally, two out of the three children stated that they  
2 were asked by both Defendant Dwight and Defendant Janet if they had to use the bathroom,  
3 and when they were told no, they went upstairs to get the catheter. Lastly, the youngest sibling  
4 even testified to Defendant Dwight being at the door of the bathroom while Defendant Janet  
5 inserted the catheter into her vagina. This is more than enough evidence to show that the  
6 Defendants conspired to use the catheters on the children, and Defendant Dwight aided and  
7 abetted Defendant Janet in doing so, by buying and providing the catheters for that specific  
8 use.

9 **III. THE STATE PRESENTED MORE THAN ENOUGH EVIDENCE TO HOLD**  
10 **THE DEFENDANT TO ANSWER TO THE CHILD ABUSE CHARGES**

11 The Defendant incorrectly quotes the law as to parental privilege as well as the type of  
12 proof that is needed to illustrate Child Abuse and Neglect has been committed.

13 **Parental Privilege**

14 “A number of states have codified the parental privilege defense. Nevada has not, so  
15 in Nevada the privilege exists by virtue of common law.” See Newman v. State, 298 P.3d  
16 1171 (2013). The Nevada Supreme court recently dealt with this issue in the aforementioned  
17 case. The Court opined, “The parental privilege defense comes down to ‘punishment - was it  
18 cruel or abusive’ –or did it amount to correct the child”? Id. At 1180. Basically the rationale  
19 comes down to: was the parental discipline being used to correct a child’s behavior in an  
20 appropriate way or was the discipline designed to be cruel and/or abusive. In this case the  
21 punishment was clearly to be cruel and abusive. The State would urge this Court to look at  
22 the totality of the circumstances presented. This isn’t merely punishing children to correct a  
23 behavior, this is Defendants creating the behavior in the children and then punishing the  
24 behavior they in fact created. By the Defendants creating this environment where the children  
25 no longer felt safe to ask if they could go to the bathroom, the children then began urinating  
26 and defecating on themselves, then the Defendants would beat them for the very behavior they  
27 pushed the children into. The Defendants then repeatedly beat them with wooden paint sticks,  
28 until in some situations they bled, and now all three are scarred. This goes way beyond the



1 “parental privilege” the Defense refers to in the petition. Furthermore, this is not an issue to  
2 be presented at a pretrial petition for writ of habeas corpus, this is a question for a jury to  
3 decide. Whether or not the Defendants were acting within their scope as “parents” or whether  
4 or not they were acting in an abusive or cruel manner is a question for a jury.

### 5 **Child Abuse and Neglect**

6 The second point Defense makes in regards to the child abuse charges is that they do  
7 not meet the “abuse and neglect” element of the applicable statute, NRS 200.508(1). The  
8 Defense is incorrect on this point. NRS. 200.508(1) sets forth **alternative** means of  
9 committing the offense. Under 200.508(1) the State has to prove that a person willfully caused  
10 a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering  
11 as a result of abuse or neglect. Or, in the alternative the State has to prove that a person  
12 willfully caused a child who is less than 18 years of age to be **placed in a situation where the**  
13 **child may suffer physical pain or mental suffering** as the result of abuse or neglect.  
14 Important to note is the fact that the fourth element of both alternatives still uses the language  
15 “abuse or neglect,” which is defined in NRS 200.508(4)(a). Under that specific part of the  
16 statute there are five kinds of conduct that are considered to be “abuse and neglect”: (1)  
17 nonaccidental physical injury, (2) nonaccidental mental injury, (3) sexual abuse, (4) sexual  
18 exploitation, and (5) negligent treatment or maltreatment.

19 The Defense incorrectly opines that if you are charging a Defendant under NRS  
20 200.508(1) then you must prove “actual physical injury.” This conclusion is erroneous  
21 because it does not take into account the four other means by which abuse and neglect can be  
22 proven. In fact the Nevada Supreme Court discussed this exact issue in Clay v. Eighth Judicial  
23 District Court, 305 P.3d 898 (2013). The Court opined that, “The second theory retains  
24 significance because, in contrast to “abuse or neglect” based on physical injury, other types of  
25 “abuse or neglect” under NRS 200.508(4)(a) do not necessary results in actual physical pain  
26 or mental suffering. Id. At 904. The Court went on to discuss when it is appropriate to charge  
27 “abuse or neglect” based upon the theory of “negligent treatment or maltreatment,” which is  
28 defined as when a child is without proper care, control, and supervision per NRS 432B.140.

1 The Court went on to state that:

2 The Definition of this kind of abuse or neglect encompasses  
3 conduct that does not necessarily result in actual physical pain or  
4 mental suffering. If there is no physical pain or mental suffering  
5 as a result of the negligent treatment or maltreatment, then the  
6 Defendant cannot be charged under the first theory of liability in  
7 NRS 200.508(1). But criminal liability will still attach in that  
8 scenario under the second theory in subsection 1 if the Defendant  
9 placed the child in a situation where the child may suffer physical  
10 pain or mental suffering as the result of the negligent treatment or  
11 maltreatment. Id.

12 Thus, the Defendant's assertion that the child must have suffered actual physical injury  
13 or mental suffering is obviously incorrect. The State was well aware of the decision in the  
14 Clay case which is why the State specifically pled each of the counts under the "negligent or  
15 maltreatment" theory. The State now addresses each form of the punishment delineated by  
16 Defense.

### 17 **Spanking**

18 Defense only cites to parts of the transcript that are "beneficial" for Defendant.  
19 Defense states that the girls "testified" that Defendant only spanked them when they had done  
20 something wrong. That is completely incorrect. The children were spanked for anything and  
21 everything. They were spanked for not saying they had to go to the bathroom, they were  
22 spanked for saying they had to go to the bathroom, they were spanked after use of the "special  
23 light" in the shower showed they had urinated, spanked for incorrectly doing homework etc.  
24 To say the Defendant only spanked the children when they had done something "purposefully"  
25 wrong is completely factually inaccurate.

26 Furthermore, there *were* times when the oldest siblings urinated on purpose as an  
27 attempt to rebel against the treatment they were receiving, but most of the time the children,  
28 especially the oldest and youngest, were doing that out of fear, which was discussed at the  
29 preliminary hearing over and over again. Therefore, Defendant's argument that the spanking  
30 was appropriate and was only used when the children purposefully did something wrong is  
31 completely inaccurate on both accounts.

32 //

1           **Buckets**

2           Again, the Defendant is incorrect in stating that the Defendant only placed the children  
3 on buckets after the children “intentionally” urinated and defecated on themselves multiple  
4 times. The children were placed on the buckets all day every day from the moment they woke  
5 up until they went to bed. In this particular charge we have “physical injury” and “negligent  
6 treatment or maltreatment.” In regards to the physical injury, the children testified that this  
7 did hurt them. In regards to the negligent treatment or maltreatment, it is common sense that  
8 children who are forced to sit on buckets every day all day are being placed in a situation  
9 where they may suffer physical pain or mental suffering. The State can’t imagine that a child  
10 who is made to sit on a bucket all day **would not** suffer physical pain or mental suffering, in  
11 fact these children sobbed throughout their entire testimony. This in and of itself shows not  
12 only the physical pain they endured but the mental suffering.

13           **Sleeping on the Floor**

14           Not surprising, yet again, the Defense incorrectly states the facts when they write, “the  
15 girls had beds, and were only required to sleep on boards when they had peed during the day  
16 or the night before in their beds.” This is absolutely incorrect. The testimony showed that the  
17 only time the children were allowed beds was when there was a nanny present. The youngest  
18 child believed that Defendant Dwight also allowed them to occasionally sleep on cots. Other  
19 than that, the children were only allowed to sleep on boards, which the Defendant wrote their  
20 names on, and they were not allowed any sheets or blankets. This is by the very definition  
21 negligent treatment or maltreatment. To force children to sleep on a board every night in only  
22 their underwear while a fan is being blown on them is just flat out cruel. Again, the State does  
23 not have to prove “actual physical injury” because the State pled it under the “negligent  
24 treatment or maltreatment” theory. Thus, the State only had to show that the children were  
25 placed in a situation where they could have suffered physical pain or mental suffering. Due  
26 to the way the Criminal Complaint, and now Information, is pled the State presented sufficient  
27 amount of evidence at the preliminary hearing.

28    //

1           **Food and Water**

2           Testimony from all three children illustrated that the Defendant withheld food and  
3 water from them. All three children testified to the fact that Defendant Dwight would have to  
4 call Defendant Janet to see if the children could eat or drink. If Defendant Janet said they  
5 couldn't, then Defendant Dwight would not give them the food or water. This is illustrated in  
6 all three of the children's testimony discussed in the facts section of this response.

7           **Forcing the Children to Hold their Urine**

8           It is comical when Defense states that, "Everyone over the age of five years old has had  
9 to hold his or her urine or bowels at some point in life." While this may be true, everyone is  
10 not purposefully forced to hold their urine due to another human beings threats. Furthermore,  
11 not everyone is then beaten with a stick until they bleed because they are too scared to ask and  
12 then urinate on themselves. Just because a certain act isn't specifically delineated by statute  
13 or case law doesn't mean it's not child abuse or neglect. It would be completely impossible  
14 for the Courts and Legislature to spell out all forms of child abuse and neglect, because  
15 rationale human beings can't come up with half of the things that these Defendants did to these  
16 children.

17   **IV. THE STATE PRESENTED MORE THAN ENOUGH EVIDENCE TO HOLD**  
18   **THE DEFENDANT TO ANSWER TO THE CHILD ABUSE CHARGES**

19           All three children discussed the fact that they were beaten repeatedly by the Defendant  
20 throughout the entire time they lived with the Defendant. When the Defendant would beat  
21 them he would use the paint stick, sometimes to the point that it would break, and the children  
22 would often bleed. Dr. Cetl discussed the multiple scars on the children in different locations.  
23 It would be physically impossible to prove which Defendant caused which scar when the  
24 children were beaten so often. It will be up to a jury to decide if the Defendant's use of the  
25 stick caused substantial bodily harm. The evidence as it stands now was more than enough to  
26 prove the substantial bodily harm aspect.

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**CONCLUSION**

Based upon the above and foregoing, the State respectfully requests Defendant's  
Petition for Writ of Habeas Corpus be DENIED.

DATED this 24<sup>th</sup> day of September, 2015.

Respectfully submitted,  
  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar # 001565

BY /s/ JACQUELINE BLUTH  
JACQUELINE BLUTH  
Chief Deputy District Attorney  
Nevada Bar #010625

**CERTIFICATE OF SERVICE**

I hereby certify that service of the above and foregoing was made this 24<sup>th</sup> day of  
SEPTEMBER 2014, to:

CRAIG MUELLER, ESQ.  
cmueller@muellerhinds.com

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

hjc/SVU

  
CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

DWIGHT SOLANDER,

Defendant.

CASE NO. C299737-1  
DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE

TUESDAY, SEPTEMBER 30, 2014

TRANSCRIPT OF PROCEEDINGS RE:  
MOTIONS

APPEARANCES:

FOR THE STATE:

JACQUELINE BLUTH, ESQ.  
Chief Deputy District Attorney

FOR THE DEFENDANT:

CRAIG A. MUELLER, ESQ.

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

1 LAS VEGAS, CLARK COUNTY, NV., TUES., SEPT. 30, 2014

2  
3 THE COURT: State versus Dwight Solander who's out of custody.

4 MS. JEANNEY: And Mr. Solander is present. Mr. Mueller isn't here. They're  
5 calling me down to JC 6. I have a child prelim. So I didn't know how much -- I don't  
6 know if you want me to come back later after that or come back Thursday or what  
7 you'd like me to do. I just didn't want to leave.

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

10 THE DEFENDANT: He's got two cases down in justice court.

11 THE COURT: Okay. We have a number of other matters on the calendar.  
12 So what I would say is go ahead and go down there.

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

15 THE COURT: Sure. If we finish the calendar and Mr. Mueller's not here, then  
16 we're going to move it, but I'll wait -- I'll wait for Mr. Mueller because we do have a  
17 few other matters on.

18 (Matter trailed.)

19 (Matter recalled.)

20 THE COURT: State versus Dwight Solander who's present out of custody  
21 with Mr. Mueller.

22 MR. MUELLER: Thank you, Your Honor.

23 THE COURT: This is on for two things, defendant's motion to sever and  
24 defendant's habeas petition. Let's start with that.

25 MR. MUELLER: Thank you, Your Honor. I would ask we've got a late service

1 on the oppositions --

2 THE COURT: Oh, you did?

3 MR. MUELLER: Yes. And because --

4 THE COURT: You want time to file a reply brief?

5 MR. MUELLER: Across the board on all issues we'd ask for some more time.  
6 The State has some --

7 THE COURT: Any objections, State?

8 MS. JEANNEY: Well, in regards to the -- and I don't know if Your Honor does  
9 this in this department, but per Chapter 34, they're not entitled to the -- it's the  
10 petition and then the return; they're not really entitled to a reply. So my only  
11 objection -- I don't have --

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

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

23 Now, with the -- it's not before me right now, but with the wife then  
24 obviously there's a separate allegation on the stick which is totally a different thing,  
25 but right now we're just dealing with the catheter issue. And so, you know, that's



1 really my concern is, you know, anatomically it's different, and I guess your theory  
2 then would be that it caused, you know, that by definition you would have to do that,  
3 but, you know, you have to at least establish that happened by slight or marginal  
4 evidence.

5 MS. JEANNEY: Correct. And the genital opening is really the labia majora --

6 THE COURT: Exactly, but in order to insert the catheter, I guess your theory  
7 is they would have had to enter that which maybe, maybe not.

8 MS. JEANNEY: It's like when someone does cunnilingus and --

9 THE COURT: Yeah. Have you ever seen a catheter inserted?

10 MS. JEANNEY: Yes.

11 THE COURT: Okay. Well, I'm just saying, you know, if a nurse does it it  
12 doesn't necessarily call for that, and so my issue is more of a, I guess, anatomical  
13 question, and you have to meet that burden before the, before, you know, before the  
14 Court to meet your slight or marginal evidence.

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

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

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

24 MS. JEANNEY: Yes, Your Honor.

25 THE COURT: All right. Thank you.

1 So how long, a week, Mr. Mueller?

2 MR. MUELLER: My father has fallen and I've got to take the kids back to see  
3 him on Wednesday, tomorrow. I'm going to be out of the office for about the better  
4 part of a week. So maybe I'd like two or three weeks.

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

7 MS. JEANNEY: No.

8 THE COURT: So two weeks, three weeks, what are you asking for?

9 MR. MUELLER: Three weeks if we could, Judge.

10 THE COURT: All right.

11 THE CLERK: October 21<sup>st</sup> at 9:30. It shows that he's in custody.

12 MR. MUELLER: He's not in custody.

13 THE COURT: No, he's made bond.

14 And, Ms. Husted, did you give a hearing date?

15 THE CLERK: Yes, I did.

16 THE COURT: All right. Thank you.

17 MS. JEANNEY: Thank you, Your Honor.

18 MR. MUELLER: Thank you.

19 -oOo-

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

22

23

24

25

  
JANIE L. OLSEN  
Recorder/Transcriber

  
CLERK OF THE COURT

**MEMO**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**JACQUELINE BLUTH**  
Chief Deputy District Attorney  
Nevada Bar #010625  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

-vs-

**DWIGHT CONRAD SOLANDER,**  
**#3074262**  
**JANET SOLANDER**  
**#6005501**

Defendant.

CASE NO: **C-14-299737-1**  
**C-14-299737-3**

DEPT NO: **XXI**

**STATE'S BENCH MEMORANDUM PURUSANT TO COURT'S REQUEST**  
**REGARDING ISSUE IN PRETRIAL WRITS OF HABEAS CORPUS**

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

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

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1 **POINTS AND AUTHORITIES**

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

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

12 In Hutchins v. State, 110 Nev. 103, 867 P.2d 1136 (1994) the Nevada Supreme Court  
13 addressed the issue of penetration as it related to a sexual assault charge involving an act of  
14 cunnilingus where the facts illustrated that Defendant placed his tongue on but not in the  
15 victim's vagina. The Court stated:

16 " . . . [t]he act of cunnilingus is considered "penetration" according  
17 to that word's statutory definition. Based upon the testimony, the  
18 jury was properly able to determine that Hutchins accomplished at  
19 least a slight penetration of the victim's vagina by placing his  
20 tongue on it. Accordingly, we conclude that even if it were only  
shown that Hutchins had placed his tongue on and not in the  
victim's vagina without her consent, this constituted sufficient  
evidence to sustain a conviction for sexual assault."

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

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

24 Mejia was convicted of sexual assault for performing cunnilingus  
25 on A.W. NRS 200.366(1) defines sexual assault as engaging in an  
act of sexual penetration against the victim's will. NRS  
200.364(2), which defines sexual penetration, specifically  
26 enumerates cunnilingus as an act of sexual penetration. Consistent  
with that definition of sexual penetration, we have held that "even  
27 if it were only shown that [the defendant] had placed his tongue  
on and not in the victim's vagina without her consent, this  
constituted sufficient evidence to sustain a conviction for sexual  
28 assault." Citing Hutchins v. State, 110 Nev. 103, 110, 867 P.2d  
1136, 1141 (1994).



1257, 1954 [defining “external female genital organs” and “vulva”]; 3 Schmidt, Attorney’s Dict. of Medicine (2000) p. G-59 [defining “genital organs, \*\*239 external”].) Accordingly, the opening through which appellant’s finger penetrated was a “genital” opening.

Second, a “genital” opening is not synonymous with a “vaginal” opening as appellant’s argument assumes. The vagina is only one part of the female genitalia, which also include inter alia the labia majora, labia minora, and the clitoris. (Stedman’s Medical Dict., supra, pp. 1257–1258, 1954 [defining “external female genital organs,” “internal female genital organs,” and “vulva”]; 3 Schmidt, Attorney’s Dict. of Medicine, supra, p. G-59—G-60 [defining “genital organs, external,” “genital organs, internal,” and “genitalia”].) Thus, “genital” opening does not necessarily mean “vaginal” opening.

Third, section 289 refers to a penetration of a “genital,” not a “vaginal,” opening, and, fourth, this was not always the case. As amended in 1985, section 289 included three subdivisions, (a), (b), and (c) which referred to penetration of the “genital ... opening[ ].” (Stats.1985, ch. 945, § 1, p. 2986.) In 1986, four new subdivisions, (d), (e), (f) and (g), were added which referred to the “genital ... opening[ ],” and three new subdivisions, (h), (i), and (j), were added which referred to the “vaginal ... opening [ ].” (Stats.1986, ch. 1299, § 6, pp. 4598–4599.) In 1988, the references to “vaginal ... opening[ ]” were replaced by references to the “genital ... opening[ ],” so that all of the subdivisions referred consistently to the “genital ... opening[ ].” If, as appellant argues, “genital” opening were synonymous with “vaginal” opening, the 1988 amendment would have been unnecessary. This amendment shows that the Legislature meant “genital,” not “vaginal,” opening in section 289.

Id., 89 Cal.App.4th 1362 at 1367, 98 Cal.Rptr.2d 235 at 238-239.

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

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We must then determine what the legislature intended by its use of the term “genital ... opening.” General Statutes (Rev. to 1991) § 53a-65 (2). We begin by noting that, although the statute does not expressly define the term genital opening, our “construction must accord with common sense and commonly approved usage of the language.” (Internal quotation marks omitted.) *State v. Jason B.*, 248 Conn. 543, 550, 729 A.2d 760, cert. denied, 528 U.S. 967, 120 S.Ct. 406, 145 L.Ed.2d 316 (1999). We also note that, when “a statute or regulation does not sufficiently define a term, it is appropriate to look to the common understanding of the term as expressed in a dictionary.” (Internal quotation marks omitted.) *State v. Payne*, 240 Conn. 766, 771, 695 A.2d 525 (1997).

Under common usage of the language, the term genital opening means an opening associated with the genitals. The word "genitals" means "genitalia"; Webster's Third New International Dictionary; which means "the organs of the reproductive system; [especially]; the external genital organs." (Emphasis altered.) Id. Similarly, Taber's Cyclopedic Medical Dictionary defines genitals and genitalia as "[o]rgans of generation; reproductive organs," and states that the female "external genitalia collectively are termed the vulva or pudendum and include the ... labia majora and that the internal genitalia are "the two ovaries, fallopian tubes, uterus, and vagina." (Emphasis added.) Taber's Cyclopedic Medical Dictionary (16th Ed.1989). Thus, as the term "genitals" refers especially to the external genital organs, which include the labia majora, it would be unreasonable to conclude that when the legislature used the term genital opening, it meant to exclude the external genital organs and refer only to the internal genital organs such as the vagina.

“Opening” is defined in common usage as “something that is open....” Webster’s Third New International Dictionary. “Open,” in turn, is defined as “spread out: unfolded: having the parts or surfaces laid back in an expanded position: not drawn together, folded, or contracted....” (Emphasis added.) Id. We previously noted that the labia majora are defined as “the outer fatty folds bounding the vulva.” (Emphasis added.) Id.

From these definitions, it can be deduced that: (1) the term “genitals” commonly refers to the external reproductive organs, which include, on a female, the labia majora; (2) the term “opening” means something that is unfolded or spread out; and (3) the labia majora are folds. Thus, we conclude that the opening between the folds, i.e., labia majora, is the genital opening and that the labia majora form the boundaries of the genital opening. Moreover, because we have construed the term vaginal intercourse, as that term is used in § 53a-65 (2), to include digital penetration, however slight, of the genital opening; we conclude that digital penetration, however slight, of the labia majora is sufficient penetration to constitute vaginal intercourse under § 53a-65 (2).

*Id.*, 252 Conn. 795 at 807-809, 750 A.2d 1037 at 1045-1047.

1 The Court concluded as follow:

2 Although we have rejected most of the defendant's arguments in  
3 the preceding analysis, we wish to address briefly the defendant's  
4 claim that a mere touching of the surface of the labia majora is not  
5 sufficient to constitute penetration under §§ 53a-65 (2) and 53a-  
6 70 (a)(2). As we previously indicated, we disagree with the  
7 defendant's suggestion that a defendant must put his finger or  
8 fingers "beyond the labia majora" for his conduct to fall within the  
9 definition of sexual intercourse in § 53a-65 (2). Even if we assume  
10 that the defendant's interpretation of § 53a-65 (2) is correct,  
11 however, there was evidence presented in this case from which a  
12 reasonable jury could have concluded that the defendant put his  
13 finger beyond the victim's labia majora. For example, the victim  
14 testified that the defendant touched "[i]nside" her crotch. In  
15 addition, Conter testified that the victim had indicated to him that  
16 the touching hurt her, Merced testified that the scrapes on the  
17 victim's labia majora bled when she examined the victim two days  
18 after the incident and Berrien testified that the history the victim  
19 had given and the scrapes observed by Merced were consistent  
20 with a finger penetrating the victim's genital opening. Therefore,  
21 we reject the defendant's claim that "there was no evidence  
22 presented that the defendant did anything other than touch the  
23 surface of [the victim's] labia majora." On the contrary, a  
24 reasonable jury could have inferred, based on the foregoing  
25 evidence, that the defendant's finger entered the victim with some  
26 force and passed beyond the actual location of the scrapes on the  
27 victim's labia majora.

15 Id., 252 Conn. 795 at 813-814, 750 A.2d 1037 at 1048-1049.

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

19 Specifically, Utah Code Annotated (U.C.A.) 1953 §76-5-402.3 defines object rape of a  
20 child and states:

21 (1) A person commits **object rape** of a **child** when the person  
22 causes the penetration or touching, however slight, of the genital  
23 or anal opening of a **child** who is under the age of 14 by any  
24 foreign **object**, substance, instrument, or device, not including a  
part of the human body, with intent to cause substantial emotional  
or bodily pain to the **child** or with the intent to arouse or gratify  
the sexual desire of any person.

25 (2) **Object rape** of a **child** is a first degree felony punishable by a  
26 term of imprisonment of:

27 (a) except as provided in Subsection (2)(b) not less than 25 years  
and which may be for life; or

28 (b) life without parole, if the trier of fact finds that:



1 (i) during the course of the commission of the **object rape** of a  
2 **child** the defendant caused serious bodily injury to another; or

3 (ii) at the time of the commission of the object rape of a child the  
4 defendant was previously convicted of a grievous sexual offense.

5 (3) Subsection (2)(b) does not apply if the defendant was younger  
6 than 18 years of age at the time of the offense.

7 (4) Imprisonment under this section is mandatory in accordance  
8 with Section 76-3-406.

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

21 DATED this 15th day of October, 2014.

22 Respectfully submitted,

23 STEVEN B. WOLFSON  
24 Clark County District Attorney  
25 Nevada Bar #001565

26 BY /s/ JACQUELINE BLUTH  
27 JACQUELINE BLUTH  
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