

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

2 JANET SOLANDER,                   )

CASE NO. 76228

3           Appellant,                   )

4 vs.                                       )

5 THE STATE OF NEVADA,                   )

6           Respondent.                   )

**VOLUME III**

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7                   **APPENDIX TO APPELLANT'S OPENING BRIEF**

8                   (Appeal from Judgment of Conviction (Jury Trial))

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1 Solander, asked to stop it?

2 THE WITNESS: No, no, no, no.

3 THE COURT: Or the --

4 THE WITNESS: The provider's office.

5 THE COURT: -- doctor's office said --

6 THE WITNESS: It --

7 THE COURT: -- don't take this anymore?

8 THE WITNESS: Yes, they said it was prescribed, but it was  
9 supposed to be stopped.

10 THE COURT: And then why did they stop it, did you --

11 THE WITNESS: I'm not privileged to that information.

12 BY MS. MCAMIS:

13 Q Now, in your medical knowledge and training, you know that  
14 Metformin lowers a person's blood sugar levels; correct?

15 A Yes.

16 Q Okay. And one of the reasons for possibly discontinuing a  
17 medication is to stop any negative, harmful side effects like too low of  
18 blood sugar; correct?

19 A Yes.

20 Q Okay.

21 THE COURT: Did you find out whether or not it was  
22 prescribed for blood sugar control or if it was prescribed for weight  
23 management?

24 THE WITNESS: I didn't have any documentation to confirm  
25 either. It was just said by Janet that, you know, it helped her lose weight.



1 THE COURT: Wouldn't -- that would be --

2 THE WITNESS: But wasn't initially -- told me that she was on  
3 it.

4 THE COURT: That -- what do they call it, an off-label use?

5 THE WITNESS: Yes.

6 THE COURT: That would be odd, wouldn't it, to prescribe  
7 Metformin to a child for weight loss?

8 THE WITNESS: It was unusual, yes.

9 THE COURT: That would -- yeah.

10 Go on.

11 MS. MCAMIS: Thank you. There's no rush.

12 BY MS. MCAMIS:

13 Q All right. You have expressed -- or -- you've testified that you  
14 expressed concerns for Areahia at that time; correct?

15 A Mm-hmm, yes.

16 Q Okay. So, you testified that Areahia was quiet, but she was  
17 openly answering questions; correct?

18 A Yes.

19 Q Okay. And how many times did you interact with Areahia over  
20 the November to March period?

21 A The home visit, at the doctor office, at the ICU, and then at  
22 Child Haven.

23 Q So, over a four-month period you interacted with her four  
24 times?

25 A Yes.

1 Q And the ICU and the Dr. Dewan visit were both earlier in  
2 November of 2013; correct?

3 A Yes.

4 Q Okay. And then you said the two other times were Child  
5 Haven -- when was that?

6 A February, March-ish.

7 Q Okay. And then can you please remind me the fourth contact  
8 you've had?

9 A To the -- the initial home visit.

10 Q Oh, yes. Okay. And so the initial home visit would have been  
11 around closer to the time of the Dr. Dewan meeting in November of 2013;  
12 correct?

13 A Yes.

14 Q Okay. And how long were you with Areahia at each of these  
15 times?

16 A Mmm, probably an hour each.

17 Q Okay. All right. Now, you are employed through the  
18 Department of Family Services; correct?

19 A Yes.

20 Q Okay. And so by the nature of both your profession and the  
21 agency you work for, you are a mandated reporter; correct?

22 A Yes.

23 Q And if you suspect any kind of child abuse or neglect as to any  
24 of your patients or the children who are in the custody and care of the  
25 Department of Family Services, you have a legal obligation to report

1 those; correct?

2 A Yes.

3 Q Did you report Mrs. Solander for potential abuse and neglect  
4 as to Areahia after your interactions in November of 2013?

5 A I wouldn't say abuse and neglect, no. I did report all my  
6 findings to my supervisor.

7 Q Okay. But in -- isn't fair to say that that's the nature of having  
8 a supervisor, is that you have to report your findings?

9 A Yes.

10 Q Okay. Now, you testified about the other children's potential  
11 diagnoses. You were not their assigned nurse case manager; correct?

12 A No, we were assigned to be the PLR, which is the person  
13 legally responsible for psychiatric meds. We got a petition for the kids to  
14 attend appointments for -- psych appointments for that purpose for the  
15 other children.

16 Q Okay. And a foster parent just doesn't have unilateral ability  
17 to decide what medical care a foster child gets; correct?

18 A Can you repeat that one more time?

19 Q A foster parent doesn't have unilateral ability or authority to  
20 just decide what care -- medical care a foster child gets; correct?

21 A They're not supposed to. I often find that foster parents do  
22 make appointments because they're in their care. So, if they feel like  
23 they need to be seen, they make those appointments; they are the  
24 caregiver. So, I would say it depends on what type of medical needs on  
25 whether the caseworker gets actively involved at that point.

1 Q Okay.

2 A If that makes sense.

3 Q And if a foster parent is making unnecessary or even  
4 medically harmful medical appointments for a foster child, the  
5 Department of Family Services would remove that child from the foster  
6 home; correct?

7 A I would hope so, but I am a nurse, not a caseworker.

8 Q Okay. But as a nurse you are uniquely qualified and in a  
9 position where if you feel medical treatment is unnecessary you can  
10 make that referral to the caseworker or you can make a report to a  
11 higher-up to have a child removed from a home; correct?

12 A I could make my concerns known. I cannot ask to remove  
13 them; that's not my role.

14 Q Okay. But, again, you're a mandated reporter.

15 A Yes.

16 Q And if there was something to report, you would have done  
17 so; correct?

18 A Yes.

19 Q Okay. If I could direct your attention to the home visit when  
20 you went to see Janet and Areahia at the home in approximately  
21 November of 2013. You requested certain kinds of documents from Mrs.  
22 Solander, including a CPR card; correct?

23 A Yes.

24 Q And she gave you that card; correct?

25 A I believe I took a picture of it.

1 Q Okay. But that you had documentation of it; correct?

2 A Yes.

3 Q All right. So, at the home visit when you initially came in, you

4 testified that Mrs. Solander actually welcomed you into the home;

5 correct?

6 A Yes.

7 Q She was on the phone, but she gave you absolutely free

8 access to come in and go talk to Areahia; correct?

9 A Yes, she did.

10 Q And at the time, she was on the phone preoccupied with the

11 pharmacy, specifically about Areahia's needs; correct?

12 A That's what she said.

13 Q Well, that's what you've testified you overheard?

14 A Yes.

15 Q Okay. And at the time, she was making a phone call about

16 either incorrect or the wrong size of some sort of testing equipment;

17 correct?

18 A Yes.

19 Q Okay. Now, she can't just get testing equipment on her own

20 from a pharmacy; correct?

21 A Not without a prescription.

22 Q Okay. And a prescription comes from a properly licensed

23 doctor or otherwise qualified medical professional; correct?

24 A Yes.

25 Q Okay. Court's indulgence.

1                   So, part of your interactions with Mrs. Solander at that home  
2 visit were that Mrs. Solander was using language to the effect that she  
3 thought Areahia may be diabetic; correct?

4           A     Yes.

5           Q     Okay. Now, in your profession, you talked about having to  
6 explain medical issues and diagnoses et cetera in language that lay  
7 people can understand; correct?

8           A     Yes.

9           Q     And is part of that so that way that they actually use the  
10 correct language when they are trying to explain what is wrong with a  
11 child or symptomatic of a child?

12          A     Yes, but I use it so that all parties involved, specifically  
13 caseworkers, understand what's going on since they are not usually  
14 medical.

15          Q     Okay. Fair enough, but -- actually, strike that. So, when you  
16 were testifying about the certain kinds of referral forms --

17          A     Mm-hmm.

18          Q     -- those are not generated or filled out by Mrs. Solander;  
19 correct?

20          A     No, the caseworker.

21          Q     It has to be done by a caseworker, so she has no control over  
22 what the forms are entitled; correct?

23          A     Correct.

24          Q     And in Areahia's specific case, several of her forms had some  
25 language to the effect of diabetes checklist or guideline; correct?

1 A No, it's a narrative of whatever the caseworker wants to put.

2 Q Okay. So, you're not --

3 A It's just like a sentence of a blurb.

4 Q Okay. So, in your position you're just -- you're not privy to any  
5 other kind of forms that may have been entitled diabetes guidelines or  
6 checklist?

7 A No.

8 Q Okay. All right. Fair enough. Is it fair to say it's not your duty  
9 as a Department of Family Services nurse case manager to make  
10 diagnoses of children in your care?

11 A No, I'm a nurse. I don't make diagnoses [sic].

12 Q Okay. You're just -- your job is more to collect information and  
13 refer where there is a potential medical need; correct?

14 A Yes.

15 Q And in your training and experience, you've made such  
16 referrals before; correct?

17 A Yes.

18 Q And sometimes the referrals actually amount to something,  
19 and then it's a correct initial suspicion for something like diabetes;  
20 correct?

21 A Yes.

22 Q But diabetes has many forms, and so sometimes those  
23 referrals may turn out that there's another medical issue; correct?

24 A Yes.

25 Q Okay. And diabetes can be a co-occurring issue with other

1 kinds of medical problems; correct?

2 A Yes, I guess so.

3 Q Just if -- in your knowledge. If you don't know, that's --

4 A Yes, you can have -- you had -- you can have multiple  
5 diagnoses [sic], including diabetes, with other conditions as well.

6 Q Okay. And a lay person may struggle to be -- to differentiate  
7 between different kinds of symptoms; correct?

8 A Yes.

9 Q And in fact, they may use the wrong language in trying to  
10 describe the child's problem to you; correct?

11 A Yes.

12 Q And that's why you are in a position to be able to come into  
13 the home, gather the information, and make referrals to make sure that a  
14 child in foster care is receiving appropriate medical attention only?

15 A Yes.

16 Q I have just a few final questions. You testified about some of  
17 Areahia's, basically, body language when you were interacting with her at  
18 the home and at the doctor's office. By nature of your employment, if you  
19 need to speak to a child in foster care, individually without anyone else  
20 present, you have that ability; correct?

21 A I could.

22 Q Okay. And in this case, you chose not to do so?

23 A Nope, I didn't feel the need to take her out separately. I was --  
24 I talked to her privately, I felt.

25 MS. MCAMIS: Okay. No further questions.



1 THE COURT: Anything else, Ms. Bluth?

2 MS. BLUTH: No, Your Honor.

3 THE COURT: All right. I don't believe we have any other  
4 questions. Thank you for your testimony.

5 THE WITNESS: Thank you.

6 THE COURT: You are excused at this time.

7 MS. BLUTH: That concludes the State's witnesses, Your  
8 Honor.

9 THE COURT: All right. Anything else?

10 MS. MCAMIS: We're not presenting any information.

11 THE COURT: Argument or --

12 MS. BLUTH: Sure, it's my motion, so if I could just -- I want to  
13 just make sure that my requests to the Court of what I'm seeking to get  
14 in --

15 THE COURT: All right.

16 MS. BLUTH: -- are clear.

17 THE COURT: Okay. Go ahead.

18 MS. BLUTH: So, if I could start with the Solander kids  
19 because obviously we didn't present any evidence, but there was a  
20 preliminary hearing, so I'm going to use the sworn testimony.

21 THE COURT: Okay.

22 MS. BLUTH: But during trial --

23 THE COURT: Can I -- okay. Go ahead. I was going to say  
24 I'm going to start with what I'm more comfortable -- I was going to tell you  
25 what I'm more comfortable with letting in, to what I'm less -- or what I

1 have questions about.

2 MS. BLUTH: Sure.

3 THE COURT: You know, I think there's a better case, and  
4 after hearing everything for the two foster children who testified, to talk  
5 about the similar treatment they received from Mrs. -- or the Solanders in  
6 general regarding the permission for the bathroom, the Diaz girl soiling  
7 herself, the toilet paper, the not being able to play with them, kind of -- I  
8 mean, some of that they could have testified to anyway, just --

9 MS. BLUTH: Right.

10 THE COURT: -- their --

11 MS. BLUTH: Right.

12 THE COURT: -- percipient observations --

13 MS. BLUTH: Right.

14 THE COURT: -- about their treatment with respect to the  
15 toileting and the discipline and all that.

16 I think that I'm comfortable with the comments Mrs. Solander  
17 made to the therapist regarding her own -- the Solander girls and their  
18 bathroom problems, as well as the problems the other foster children  
19 were having.

20 Less comfortable is the whole diabetes issue because I think  
21 it's a little more complicated in terms of, you know, there's a doctor out  
22 there who prescribed Metformin for the Diaz girl.

23 MS. BLUTH: For obesity.

24 THE COURT: Yeah, but what -- I don't know.

25 MS. MCAMIS: Well, there -- that's actually -- was not

1 presented.

2 THE COURT: You know what I'm saying? And I'm less -- for  
3 a couple reasons. Number one, it's a little more tangential. Number two,  
4 there's a lot of issues going on with that. The, you know, fact that the  
5 Diaz girl is, by her own doctor's testimony, clinically obese, and so that's  
6 related to diabetes. Some of the dieting issues and the walking around  
7 the block are reasonably related to trying to take care of a child with  
8 obesity.

9 So, I'm concerned about that, and it's a whole other side issue  
10 and a lot of potentially confusing testimony that's more related to  
11 something else, and I think there's some conflicting issues there.

12 MS. BLUTH: Sure.

13 THE COURT: And then on the -- you could kind of go over  
14 this whole hard stool issue with the other foster child, Autumn.

15 MS. BLUTH: Okay. So --

16 THE COURT: So -- because it came out -- I mean, is -- was  
17 she really prescribed Metamucil or is Mrs. Solander just saying she's  
18 prescribed Metamucil or -- it wasn't Metamucil, it was --

19 MS. MCAMIS: MiraLAX.

20 MS. BLUTH: MiraLAX.

21 THE COURT: MiraLAX. Or is she just buying her MiraLAX?  
22 Do we know any of those things or --

23 MS. BLUTH: I -- what doctor, like, writes a prescription for  
24 MiraLAX? You can buy it on the counter. Do you know what I mean?  
25 Like --

1 THE COURT: Yeah, I mean, I don't know. I mean, is there  
2 a --

3 MS. BLUTH: But --

4 THE COURT: -- pediatric -- I mean, I have no idea.

5 MS. BLUTH: No, I mean, and what Autumn testified to is that  
6 she never remembered going to a doctor, but that --

7 THE COURT: Yeah, and I think she can say that she didn't  
8 have any dietary problems before. You can get in all that.

9 So, what I'm saying is I think, you know, the sort of universal  
10 focusing on the bathroom issues --

11 MS. BLUTH: Yeah.

12 THE COURT: -- and all of that, I'm more comfortable with  
13 than the diabetic issue.

14 MS. BLUTH: And just so I can make my record so you  
15 understand the State's position of why it's relevant -- is -- it actually -- it --

16 THE COURT: Does this focus on Mrs. Solander's focus on  
17 these children having health issues?

18 MS. BLUTH: So, it's really more about the Solander girls  
19 because the whole reason the Solanders give for why they treated these  
20 girls the way they did was because they were so sick. And these girls  
21 weren't sick.

22 THE COURT: Right.

23 MS. BLUTH: And so if a jury hears, well, these girls were so  
24 sick, and they believe it -- well, maybe they didn't know what else to do,  
25 these kids were sick; they had to treat them this way. But when you go

1 and you see the treatment towards Autumn and the treatments towards  
2 Areahia, then you're like, no. This is the thing. She takes them around  
3 to different doctors. When she doesn't get the diagnosis she wants, she  
4 goes to a different doctor and then -- I don't know why someone does  
5 that. I don't know if it's motivated by money. I don't know if it's  
6 Munchausen by proxy, but it really --

7 MS. MCAMIS: Objection, there's no evidence of that  
8 presented today.

9 THE COURT: Well, that's what I said --

10 MS. BLUTH: It's an argument.

11 THE COURT: -- it sounded like, possibly, or maybe it's just  
12 some other thing.

13 MS. BLUTH: So, the reason why it becomes so relevant in  
14 our case --

15 THE COURT: Is she's out there searching for illnesses for  
16 these girls that don't really have any illnesses.

17 MS. BLUTH: Right, and only -- and because their defense is  
18 so relevant as to these three Solander girls. So, you will hear evidence  
19 at trial that Ava --

20 THE COURT: Well, we --

21 MS. BLUTH: -- was diagnosed with Crohn's disease. Amaya  
22 had hypothyroid and a twisted colon.

23 THE COURT: How is that coming in?

24 MS. BLUTH: The Defendant told -- said it.

25 THE COURT: No, no, I mean, but other than that, is there any

1 kind of independent --

2 MS. BLUTH: Well, I'm bringing --

3 THE COURT: -- medical testing --

4 MS. BLUTH: No.

5 THE COURT: -- or anything like that?

6 MS. BLUTH: I'm bringing all the doctors to say they didn't  
7 have any of it. And that Anastasia had diabetes. And all three of those  
8 girls have none of that, and they all have been away from the Solanders  
9 for four, almost five years and go to a doctor every year and there's  
10 nothing wrong with them, so --

11 MS. MCAMIS: Yeah, well, that's a problem because the  
12 defense made a request or an inquiry at least into post removal records,  
13 and they were not provided.

14 MS. BLUTH: Right, because --

15 MS. MCAMIS: And --

16 MS. BLUTH: -- I wasn't told I had to provide them to you. I  
17 was told I had to provide medical records during the treatment of -- while  
18 they were under care of the Solanders, and that was through Mr. Rue's  
19 discovery motion that --

20 MS. MCAMIS: Which we joined.

21 MS. BLUTH: Well, joined and it was denied. So, I mean, the  
22 girls, of course they go see pediatricians, I mean, what do you -- they  
23 don't go see specialists.

24 MS. MCAMIS: There's always an ongoing request from  
25 defense for all relevant evidence that intends to be introduced at trial.

1 So, if there's post removal records they must be turned over or Ms.  
2 Solander does not have an effective ability to cross-examine all of the  
3 witnesses.

4 MS. BLUTH: I'm not bringing any of them in. These kids are  
5 17, almost 18 years old. They can say, I go to the doctor, there's nothing  
6 wrong with me; I don't take medicine. What do I have to bring --

7 THE COURT: Right.

8 MS. BLUTH: -- in a doctor for?

9 THE COURT: I mean, a 17 or 18 year old can say that. You  
10 know, you can point out you don't -- in argument that -- where are the  
11 medical records. You can ask the girls when you go and visit -- are these  
12 girls all still in foster care?

13 MS. BLUTH: No, they were formally adopted.

14 THE COURT: Okay.

15 MS. BLUTH: Together.

16 THE COURT: So, there is no longer a legal requirement that  
17 they see a pediatrician every year. And probably over a certain age I  
18 would suspect that they don't see a doctor every year if they're not sick. I  
19 mean, maybe if a kid gets a strep throat or something like that they may  
20 go, you know.

21 But you can certainly follow up with that and, you know, if they  
22 do see a doctor you can -- in your argument you could say, well, where  
23 are the doctor's records that there's nothing wrong with these kids. But  
24 certainly they can present that through the testimony of the kids. I mean,  
25 like I said, it's just argument then in your closings, well, why didn't we

1 hear from a doctor, there's no evidence that these kids have been tested  
2 or, you know, what have you. But certainly a teenager can say, I don't  
3 take insulin, I don't, you know, take any prescription drugs or whatever.

4 Like I said, you know, there may be requirements in foster  
5 care, but outside of foster care once those kids are adopted, the  
6 parents -- if they're healthy kids they may not go see a doctor every year.  
7 They may only go, you know, if they got the flu or strep throat or, you  
8 know, something like that. So, that's just my comment on the absence of  
9 medical records.

10 MS. BLUTH: Right, and so I just wanted to -- you know, it's  
11 always hard because when you have a five-day preliminary hearing and  
12 then we come in here and we do openings, it's hard for the Court  
13 because you don't really understand all of the testimony.

14 THE COURT: No, I get -- I mean, I get the theory that, I  
15 mean -- and I think you made a good job of that in your motion.

16 MS. BLUTH: Okay. I just want to make sure it was clear.

17 THE COURT: Yeah, you know, I mean, maybe on that -- I  
18 don't know. I mean, I can reserve ruling on the --

19 MS. BLUTH: No, understood.

20 THE COURT: -- diabetes. I mean, like I said, I think clearly  
21 the other stuff comes in because I think that's more directly related to the  
22 whole --

23 MS. BLUTH: The toileting and the eating and the discipline of  
24 those two things.

25 THE COURT: Right.



1 MS. BLUTH: Understood.

2 THE COURT: You know, to the extent -- I mean, on the  
3 diabetes, so the idea is they said the one kid was diabetic, of the victims.

4 MS. BLUTH: Right.

5 THE COURT: And now they're saying this other child is  
6 diabetic, and it's the exact same thing.

7 MS. BLUTH: And I have two witnesses that will talk about  
8 Mrs. Solander saying that the youngest child of the Solander girls was  
9 diabetic.

10 THE COURT: Did Mrs. Solander take -- Ava's the youngest;  
11 right?

12 MS. BLUTH: No, the youngest is Anastasia. Ava's the oldest.  
13 Amaya's the middle.

14 THE COURT: Anastasia. Did Mrs. -- I mean, we've got the  
15 testimony of Mrs. Solander taking the Diaz girl, you know, trying to get a  
16 diagnosis and interacting with the school nurse and all of that stuff. Do  
17 we have any similar conduct when it pertains to the Solander girl relating  
18 to her being diabetic or is this kind of like an after-the-fact thing; once  
19 they're arrested, oh, well, she was diabetic and blah, blah, blah?

20 MS. BLUTH: No, no, it's during --

21 THE COURT: Or is she doing the same thing of the doctors  
22 and the nurse --

23 MS. BLUTH: So --

24 THE COURT: -- and all that stuff?

25 MS. BLUTH: -- the Solander girls were taken to -- I mean, I

1 have -- like I said, I have an entire box of medical records, so there was  
2 all sorts of things. I don't specifically remember seeing a test for diabetes  
3 for Anastasia. There was tons of failure to thrive, tons of bowel issues,  
4 colon issues; all sorts of things. I -- that's why, you know, I was always  
5 like, where is the diabetes coming from for the youngest girl because I  
6 can't find that in the medical records. I have to go through them all  
7 again, I mean, thousands of pages. And I'll keep looking.

8 I also did a medical summary, and I can't find any type of --  
9 where Anastasia's going to the doctor for diabetes or Janet or Dwight are  
10 taking her for that.

11 THE COURT: When does this whole diabetes issue with  
12 Anastasia come up, after --

13 MS. BLUTH: Yeah, so, after Ms. Solander had had the  
14 girls. I think that they had been formally adopted; I want to say for a  
15 couple of months or six months or something. Ms. Solander would call  
16 Debbie McClain who is now the girls' adopted mother, but she was their  
17 previous foster mother before they went to the Solanders, and she kind  
18 of called Debbie and talked to her about the children's health a lot.

19 And when she gets this call she says, yeah, we're having so  
20 many health issues. Ava has Crohn's disease, Amaya has hypothyroid  
21 and twisted colon, and Anastasia has diabetes. And Debbie's like,  
22 there's no -- I mean, there's no way. I've had these girls for a long time  
23 and they never had any of these issues. So, that was that issue.

24 And then when Ms. Solander was talking to Nurse Edwards  
25 about Areahia's diabetes, she said, well, I know about it; I'm a nurse and

1 my youngest daughter, Anastasia, has diabetes.

2 And so that's where people kind of started -- things started  
3 clicking because it's not until the diabetes -- or -- whatever you want to  
4 call it, that CPS -- the whole reason CPS gets involved with this case with  
5 the Solanders is because they take the Diaz-Bernat kids out of the house  
6 because of this issue that Lori Wells and Nurse Schweiger are seeing  
7 with the diabetes and the constant toileting issues.

8 It's then that CPS goes and removes the Diaz-Bernat kids and  
9 says where are the Solander kids? And Ms. Solander won't tell them.  
10 So, a missing person's report is put in. They call Mr. Solander, he says  
11 where they are.

12 THE COURT: And they're away in another State allegedly  
13 being treated for their many issues.

14 MS. BLUTH: Correct.

15 THE COURT: Okay. And then the other little girl, Autumn,  
16 and her sister, Ivy, what, they just get transferred out of the house for  
17 reunification with the family, and even though there's concerns about  
18 those two little girls, CPS does nothing.

19 MS. BLUTH: There's seven investigations, and all the  
20 investigations were closed as unsubstantiated until the very last one.

21 THE COURT: And that -- was that investigation following the  
22 Diaz-Bernat thing?

23 MS. BLUTH: Yeah.

24 THE COURT: So, the -- Autumn and Ivy are in the home.  
25 There's concerns about Autumn and Ivy, and nobody does anything,

1 essentially. And then Autumn and Ivy are to be reunited with the family  
2 somehow.

3 MS. BLUTH: Yeah.

4 THE COURT: Whether it's the aunts or the grandma or  
5 whatever, and --

6 MS. BLUTH: Then Diaz-Bernat kids come.

7 THE COURT: Right. And so CPS doesn't say, oh, well, there  
8 were these complaints regarding the prior foster children, maybe we  
9 shouldn't place any foster children. Instead they say, oh, they're willing  
10 to take a sibling group. And so they place the Diaz-Bernat children in  
11 their home, and everything's going along, and it's not until you get the  
12 therapist and the nurse complaining --

13 MS. BLUTH: Except during that interim there are several  
14 reports about the adopted girls of while they're foster children that abuse  
15 is going on, and those are also closed out as unsubstantiated.

16 THE COURT: Okay. So, there's additional reports --  
17 I'm -- wow. And then they're allowed to adopt the girls, the Solander  
18 girls, and then -- they're obviously -- have stated that they're willing to  
19 take sibling groups. And I know just from, you know, reports in the media  
20 those are difficult to place --

21 MS. BLUTH: Correct.

22 THE COURT: -- as sibling groups. So, then CPS has another  
23 sibling group and that's the Diaz-Bernat group, and then that group is  
24 placed. So, there's three sibling groups that have been placed with the  
25 Solanders.

1 MS. BLUTH: I think there's a fourth, but I don't know those  
2 children. I only know him --

3 THE COURT: Okay.

4 MS. BLUTH: -- as referred to as Spider, and his siblings.

5 THE COURT: Okay.

6 MS. BLUTH: But I don't know who they are.

7 THE COURT: And then it isn't until the concerns with the  
8 Diaz-Bernat children that everything is uncovered.

9 MS. BLUTH: And action is taken because of Lori Wells and  
10 Nurse Schweiger.

11 THE COURT: Now, are the concerns with the Solander  
12 children the same kinds of things like excessive reporting on mythical or  
13 alleged health concerns, or what are --

14 MS. BLUTH: No, they're for physical abuse.

15 THE COURT: Okay.

16 MS. BLUTH: There's reports of physical --

17 THE COURT: Like from the school, like the school's saying  
18 this kid has scratches or bruises or --

19 MS. BLUTH: From a dental office. One C -- one BST worker  
20 in the home saw the Solander girl sitting naked, well, with a shirt on, on  
21 the buckets, reported that to their own agency; things like that, yeah. I  
22 mean, to say the -- I -- to say the system failed is --

23 THE COURT: So, somebody at DCFS saw the children sitting  
24 on the buckets and thought that that was okay. And they knew about  
25 that and they thought, oh, this is okay and we're not going to remove the

1 kids?

2 MS. BLUTH: When they went to talk to Janet and Dwight,  
3 Janet explained that she was a nurse and that these children needed to  
4 be doing this because there was health issues and they had to sit on the  
5 buckets, and that was taken for its word.

6 MS. MCAMIS: Well, and I would dispute --

7 THE COURT: So --

8 MS. MCAMIS: -- that that's actually what they [indiscernible]  
9 reflect.

10 THE COURT: Well, I don't know. I think that's actually good  
11 evidence for your client.

12 MS. BLUTH: Exactly.

13 THE COURT: That someone in the system, some purported  
14 expert in the system --

15 MS. MCAMIS: Well, I'm not disputing that part.

16 THE COURT: -- thought, oh, well, if a kid has health issues  
17 it's all right for them to sit on a bucket for eight or nine -- I mean, I  
18 actually think that's positive evidence for the defense that --

19 MS. MCAMIS: I'm not disputing that.

20 THE COURT: -- there is like an opinion --

21 MS. MCAMIS: Right.

22 THE COURT: -- out there of somebody in the system that  
23 thinks that --

24 MS. BLUTH: Right, that it's fine to do that.

25 THE COURT: -- that's appropriate. Because what does that

1 tell her then? That if that's like condoned and she knows it's condoned,  
2 then keep on doing it because someone in the system has said, oh,  
3 that -- this is okay. So, I actually think that's kind of a defense for her --

4 MS. MCAMIS: Right.

5 THE COURT: -- because --

6 MS. MCAMIS: And just to clarify, I've -- my dispute was as to  
7 a statement's attributable.

8 THE COURT: Right? Like, hey, I'm doing this. I'm making  
9 my kids sit on buckets. Oh, okay. That's all right. So, sit on buckets  
10 some more; right? I mean, that's all I'm saying, that that --

11 MS. MCAMIS: Understood.

12 THE COURT: You know, as opposed to don't do that  
13 anymore; that's inappropriate parenting, and then you still do it, that's a  
14 different thing than, yes, I am doing this, I am letting them sit on  
15 buckets, and the systems say, oh, okay.

16 MS. BLUTH: Well, and more to your point, in September of  
17 2013, CPS goes in and takes pictures of the buckets with the toilet seats  
18 on them and --

19 THE COURT: I'm assuming this is all coming out --

20 MS. BLUTH: Yeah, I mean, they have the pictures.

21 THE COURT: -- in the trial --

22 MS. BLUTH: Yeah.

23 THE COURT: -- that CPS is condoning this.

24 MS. BLUTH: Oh, yeah, yeah. Sure is.

25 THE COURT: Right, because that clearly -- like I said, she's

1 being told this is appropriate behavior, so she's going to continue to  
2 engage in it.

3 Any additional argument, Ms. Bluth?

4 MS. BLUTH: No, Your Honor, unless -- I think you have  
5 stated your concern, but if you have any more questions --

6 THE COURT: Oh, and, you know, I think I've already stated  
7 some things the therapist can testify about. Clearly, her testimony really  
8 needs to be focused, like she can't blurt out oh, I thought she was  
9 poisoning the --

10 MS. BLUTH: No, and I'm -- I would never.

11 THE COURT: And I know you'd pretrial her, but she seemed  
12 a little --

13 MS. MCAMIS: Theatrical.

14 MS. BLUTH: She's frustrated.

15 THE COURT: Well, I wasn't going to say that. I mean, she  
16 volunteered a lot of information. And obviously, as you all know, I'm just  
17 saying just to kind of make sure we're all on the same page, she can't  
18 blurt out things like, you know, if there's an -- in front of the jury, and I  
19 sustain it. She can't say things like, well, I'm just trying to tell the truth  
20 here.

21 MS. BLUTH: I will -- I --

22 THE COURT: I know you know that, but I'm just --

23 MS. BLUTH: And I will extensively pretrial her on what we will  
24 be able to get into.

25 THE COURT: Right.



1 MS. BLUTH: I know that she would not be able to talk about  
2 the poisoning thing.

3 THE COURT: No, no.

4 MS. BLUTH: I --

5 THE COURT: I know you know that, but I just --

6 MS. BLUTH: No, I know.

7 THE COURT: I'm -- been saying --

8 MS. BLUTH: I was surprised when she said it like that.

9 THE COURT: Well, I just asked because it's just me, and I  
10 was wondering, well, why does she think they're --

11 MS. BLUTH: Yeah.

12 THE COURT: -- being poisoned, like, you know, were they  
13 like falling asleep or are they coming in and saying oh my God I've got  
14 these, you know, headaches or one eye's going this way, you know, or  
15 whatever?

16 MS. BLUTH: Sure. Yeah, I'm -- that's not going to get into --

17 THE COURT: Because there's no evidence of poisoning.

18 MS. BLUTH: No.

19 THE COURT: Ms. McAmis?

20 MS. MCAMIS: Thank you, Your Honor. It's the defense's  
21 position that absolutely none of this can come in. There's a strong  
22 precedence set that -- and there's a universal dispreference, if you will,  
23 for a bad act coming in. It's inherently confusing for the jury. This Court  
24 has to make specific factual findings as far as relevance, and that these  
25 acts actually were committed by clear and convincing evidence, and that

1 their probative value, however limited in this case, is not substantially  
2 outweighed by this issue of prejudice.

3           Specifically, you had testimony from Areahia and Autum as far  
4 as the foster children in the home. Areahia testified that she got meals.  
5 She testified that she even liked the meals, that she got bologna  
6 sandwich and she liked it and that she got vegetables and she liked it.

7           There were seven children in this home, so this concept of the  
8 timed toileting or toileting issues that the State wants to try to phrase it as  
9 is -- this is a home where there were four foster children.

10           The Diaz-Bernat sibling group all had a lot of particular needs.  
11 They were heavily traumatized. They came from a home with no  
12 electricity, no water, no food, so they already came in with pretty severe  
13 needs that had to be calling on the Solanders for extra. They --

14           THE COURT: Well, that's the thing though. Where -- what  
15 are the needs that they had? I mean, that's the whole thing, like what  
16 are -- we haven't heard anything about what these extreme needs were.

17           MS. MCAMIS: Well, so, if that's part of --

18           THE COURT: You know what I'm saying? I mean --

19           MS. MCAMIS: -- our argument, why does it need to come in  
20 at all if there's not these -- if there's not all of these issues, then why are  
21 we having a side trial on these issues of unrelated -- their unrelated  
22 trauma that they suffered? It's not relevant to this. It's not patterned  
23 conduct. It's just -- it's not similar enough to be --

24           THE COURT: Well, I think there is -- I'm sorry -- I mean, I  
25 think that there is clear and convincing evidence on the permission for

1 the bathroom, the -- some of this is almost like not even bad acts.

2           Some of this is just, you know, part and parcel with the whole  
3 circumstances in the house, which they could testify to anyway, like there  
4 was toilet -- I mean, it's a bad act because it also affects the other  
5 children, but, you know, they can say, look, when I was living there and  
6 the Solander girls were there we had to ask permission to use the  
7 bathroom, they laid the toilet paper out, you know, things like that. I  
8 didn't have a problem, but I was made -- you know, given this or that.

9           I get it. Your defense is, what, there's all these people in the  
10 home and how many -- not enough bathrooms or --

11           MS. MCAMIS: Well, there wasn't testimony that there --

12           THE COURT: I don't really get that.

13           MS. MCAMIS: No, there wasn't testimony that there wasn't  
14 enough bathrooms, there was testimony --

15           THE COURT: No, but what I'm saying is with this whole  
16 idea -- I mean, like, you started saying, well, they -- there's seven foster  
17 kids or --

18           MS. MCAMIS: Seven total children in the home.

19           THE COURT: Right, and so with the bathroom I don't  
20 understand how the number of children relates to the bathroom issue.

21           MS. MCAMIS: Well, as far as parenting goes, when you have  
22 very young children in the home and you are a foster parent, you have to  
23 ensure that they are regularly getting their baths, that bathroom time is  
24 actually managed between seven children. Okay. You can't have  
25 multiple showers always running. And if there's any kind of risk or if

1 there is any kind of supervision risk -- especially with three of these  
2 children being under the age of five, that's something that she has to  
3 monitor. It's something she has to be mindful of.

4 THE COURT: Yeah, but there was no testimony ever I  
5 couldn't use the bathroom if somebody was in the shower or -- I mean, to  
6 me the gist of it --

7 MS. MCAMIS: There was also --

8 THE COURT: Oh, I did want to say, initially, I thought the  
9 statement of the cold shower that the Diaz girl testified to was probably  
10 like an excited utterance or something. But I think, you know, sometimes  
11 kids will say oh, it's cold, and it's really not that cold. So, I don't know  
12 that that was proven by clear and convincing evidence through the  
13 Diaz --

14 MS. BLUTH: Areahia.

15 THE COURT: -- girl's testimony --

16 MS. BLUTH: Okay.

17 THE COURT: -- that that was really a cold shower because  
18 she said her showers were warm showers. And you know what I mean,  
19 like somebody may just be overly sensitive and say ooh, that's cold, and  
20 we don't really know if that was the case.

21 MS. MCAMIS: Or it comes out cold and turns warm.

22 THE COURT: So, I'm saying that doesn't come in because I  
23 don't think that was proven by clear and convincing evidence the way it  
24 came in.

25 I don't think it's inappropriate either that if they soil themselves

1 they were -- she was made to take a shower. So, I don't really think  
2 that's a bad act of anything. And so I don't think the shower issue really  
3 even comes in through them.

4 MS. BLUTH: Okay.

5 THE COURT: I mean, you can ask about the shower issue,  
6 but I'm just saying that the other sibling was forced to take freezing  
7 showers or cold showers I don't think that was proven.

8 MS. BLUTH: Okay.

9 THE COURT: How does the stealing of the lunches, the  
10 school lunches -- how does that relate to the --

11 And I'm sorry to interrupt you.

12 How does that relate to the Solander girls?

13 MS. BLUTH: That's why Ms. Solander stated she took the  
14 children, the Solander girls out of homeschool. This whole idea of  
15 secluding, like getting them by themselves cut from the outside world --  
16 she said to -- told multiple people that the reason why she had to take  
17 them out of school is that they continued to steal food from other children  
18 at school or from the school and that it was hurting their stomachs, which  
19 was causing bowel issues. This is exactly what happened with Autum.

20 THE COURT: Same thing.

21 MS. BLUTH: And exactly --

22 THE COURT: Okay.

23 MS. BLUTH: -- what happened with Areahia.

24 THE COURT: And I did write that down as related to the -- in  
25 my column of related -- about that stealing the lunches.

1 I don't think there is anything in the testimony that they  
2 weren't being fed appropriately. I think the testimony was that they were  
3 being fed appropriately.

4 You know, on the whole thing with the she didn't want her  
5 having sweets or anything like that, I don't really see that as a bad act  
6 either because the girl was overweight, and to me I don't think that's  
7 abusive necessarily to try to discourage her from maybe having sweets  
8 or sugar. I don't know that that necessarily ties into the diabetes issue,  
9 so I -- I'm not really sure that that --

10 MS. BLUTH: That she couldn't have sweets?

11 THE COURT: Right, because there was the --

12 MS. BLUTH: Or -- yeah, I mean --

13 THE COURT: -- testimony about the Valentine's Day party  
14 and she didn't want her having sweets. I mean, it's just as reasonable  
15 to a -- do you see what I'm saying? I mean --

16 MS. BLUTH: Yeah.

17 THE COURT: -- the kid is overweight.

18 MS. BLUTH: Yeah, I know.

19 THE COURT: She's been described as obese, so I don't  
20 know that it's necessarily --

21 MS. BLUTH: So, the relevance for that was, though, that she  
22 was saying that the child was diabetic and had low blood sugars.

23 THE COURT: No, no, I get that that's why you want it in.

24 MS. BLUTH: Oh, oh.

25 THE COURT: But I'm saying it's just as --

1 MS. BLUTH: It's not even an OBA.

2 THE COURT: -- likely that she's trying to get her to lose  
3 weight because the kid's overweight. So, that's why I'm saying I don't  
4 think you proved by clear and convincing evidence that her motivation  
5 was that she was diabetic, so I don't think that should come in.

6 MS. BLUTH: But is that even an OBA, like, that she doesn't  
7 let her go to a Valentine party? I mean --

8 THE COURT: No, but that came out.

9 MS. BLUTH: -- it's not even --

10 THE COURT: I don't know that you want to get that in. But  
11 the idea that she's being deprived of food, I'm just saying I don't really  
12 get that that necessarily ties into the diabetes. It could just as easily tie  
13 into the fact that she's overweight because there was also testimony that  
14 they're working on the weight and she's walking her around the block.

15 MS. BLUTH: Right.

16 THE COURT: And, you know, let's face it, no -- I don't mean  
17 to be rude to anyone here, but the evidence was that the child was  
18 overweight.

19 MS. BLUTH: Yeah.

20 THE COURT: And so, you know that whole Valentine's Day --  
21 all I'm saying is restricting sweets isn't necessarily tied into the diabetes  
22 unless she told somebody, and she -- I may have missed that, that oh,  
23 she can't have sweets because she's diabetic. I think somebody said it  
24 was related to the weight, but I could be wrong about that. I'm just  
25 saying on clear and convincing it's just as possible to me that she's doing

1 it to try to help the kid --

2 MS. BLUTH: Got it.

3 THE COURT: -- lose weight.

4 MS. BLUTH: Got it.

5 THE COURT: And there was testimony that she was trying to  
6 help the kid lose weight by exercising. So, to me I don't see really the, I  
7 guess, the relevance of that. I don't see the probative value of that.

8 MS. BLUTH: Okay. Got it.

9 MS. MCAMIS: Your --

10 THE COURT: Ms. McAmis?

11 MS. MCAMIS: Thank you. Your Honor made comments  
12 about -- or -- there was actually a back and forth. I think it's a  
13 misstatement to say -- I'll say it this way. There was a back and forth  
14 discussion about how the State wants to present the food stealing issues  
15 as kind of corroboration about why Mrs. Solander pulled her adopted  
16 children out of school. She adopted them. She was legally able to pull  
17 them out of school and homeschool them for a number of reasons.

18 THE COURT: Sure.

19 MS. MCAMIS: Including if she's concerned about their health,  
20 if she's concerned about the supervision, if she's concerned about the  
21 quality of the schooling.

22 There was no testimony, there's no clear and convincing  
23 evidence that Autumn was in any way attempted to be pulled out of  
24 school in a similar manner. There's just not a similar enough overlap.

25 THE COURT: Right, but, I mean, the fact that she's saying



1 everybody's stealing food --

2 MS. MCAMIS: She -- there was no testimony that Ivy was  
3 stealing food. There was no testimony that Keisha Demar [phonetic] or --  
4 well, Novelie [phonetic] was an infant so that's not a fair --

5 MS. BLUTH: They don't go to school.

6 MS. MCAMIS: -- statement, but they're not --

7 MS. BLUTH: Who are they going to steal from?

8 MS. MCAMIS: Any of the other children in the home.

9 THE COURT: Well, Ivy wasn't going to school and then later I  
10 think she started school. But it doesn't matter that she wasn't saying that  
11 about everybody. I mean, she did say two of them were stealing food  
12 and they weren't stealing food, and so I think that's pretty kind of  
13 consistent with the whole pattern of saying children are stealing food  
14 when they're not stealing food.

15 Now, I think that -- or eating the food. And stealing the food, I  
16 mean, I think it's -- Autumn testified that she was getting food from her  
17 friends, and that makes sense, I mean, because Mrs. Solander wasn't  
18 sending her with cookies and Twinkies and, you know, good food, no  
19 offense, I mean, that a kid would like.

20 MS. MCAMIS: Right.

21 THE COURT: Or potato chips or foods kids --

22 MS. MCAMIS: Just junk food.

23 THE COURT: -- want to eat. Junk food, which is -- many  
24 people would call responsible parenting. So, that's not really the issue.  
25 It's that she's saying they're taking food out of the garbage. But you

1 certainly can get in with Autumn that she was borrowing food.

2           And I think many people would think it's appropriate to send a  
3 kid with a sandwich and fruit or vegetables, but let's face it, what is a kid  
4 going to want to eat? The child is going to want to eat the cookies and  
5 the potato chips and the things that one of their school friends may have  
6 in their lunches.

7           So, that I don't think shows any bad parenting or anything like  
8 that; just that she's saying oh, they're stealing food, they're taking food  
9 out of the garbage or whatever.

10           MS. BLUTH: And Anastasia -- Ms. Solander did tell people  
11 that Anastasia was eating food out of the garbage.

12           THE COURT: Right.

13           MS. BLUTH: At school.

14           THE COURT: So, it's more the garbage stealing issue as  
15 opposed to the borrowing the friend's food, but you can get into that if  
16 you want because I think the kid -- the -- Autumn is going to say yes, I  
17 borrowed food from my -- I took food from my friends. Like I said, that's  
18 kind of natural, I think.

19           You know, on this whole diabetes thing, I'll keep that open.  
20 You know, obviously, there's rebuttal, that you could present it in your  
21 rebuttal case. The issue right now is whether you can present it in your  
22 case in chief.

23           MS. BLUTH: Interesting, yeah.

24           THE COURT: So, depending on what comes out, you know?

25           MS. BLUTH: Yeah. Okay. Do we have any -- I can't

1 remember, Judge, were we supposed to -- okay. So, this paint stick  
2 motion, I'm good with that. I'm not even going to mention that. The  
3 subpoena we talked about yesterday.

4 THE COURT: The only other thing is the motion to  
5 suppress.

6 MS. BLUTH: And that was filed this morning; right?

7 MS. MCAMIS: Yes.

8 THE COURT: Which we did get your opposition.

9 MS. BLUTH: Okay. Mr. -- I think Mr. Hamner came in. He  
10 has a hundred and three fever. He was in --

11 THE COURT: Oh, he does?

12 MS. BLUTH: Yeah, he's really sick, but I guess he came in to  
13 file that. He filed that motion this morning and then left.

14 THE COURT: Now, I guess he still may be sick on Monday?

15 MS. BLUTH: Oh, I can deal with that.

16 THE COURT: Right.

17 MS. BLUTH: Oh, yeah, I'm good.

18 THE COURT: So, that's fine, and you can just do it yourself --

19 MS. BLUTH: Yeah.

20 THE COURT: -- if he's sick. All right.

21 MS. BLUTH: So, the only other thing --

22 THE COURT: I mean, on --

23 MS. BLUTH: -- I need to file is the motion to strike -- I just  
24 need to do a written opposition to the motion to strike expert just because  
25 I found so much law on it.

1 THE COURT: Okay.

2 MS. BLUTH: And so I'm hoping -- I'm sorry. Now I'm doing  
3 this all by myself, so it's a lot. So, I'm hoping to have that filed by  
4 tomorrow.

5 THE COURT: Okay. On the motion to suppress, that's the  
6 only one that's been --

7 Ms. McAmis, did you have an opportunity to read their  
8 opposition?

9 MS. MCAMIS: I did not. It was filed while I was in court.

10 THE COURT: Okay. So, we're not going to argue this then  
11 today because obviously you need an opportunity to read their  
12 opposition. Due to, you know, the lateness of all of this, if you're going to  
13 file a reply brief, I'd say file it by Monday, no later than Monday or just file  
14 it in open court Monday morning if you're --

15 MS. MCAMIS: Okay.

16 THE COURT: -- going to file a reply brief.

17 MS. MCAMIS: I will endeavor to try to actually do it in --

18 THE COURT: Otherwise, just respond orally. Huh?

19 MS. MCAMIS: I appreciate that. I was -- if I'm going to do a  
20 written opposition, I was endeavoring to actually have it done by Friday  
21 and then do a courtesy copy --

22 THE COURT: Oh, that would be better.

23 MS. BLUTH: Wait, on the reply or --

24 MS. MCAMIS: -- to chambers, and do that.

25 THE COURT: Tomorrow's --

1 MS. MCAMIS: On a reply.

2 MS. BLUTH: Okay.

3 THE COURT: She would be -- they -- it was their motion  
4 they --

5 MS. BLUTH: The reply to my opposition.

6 THE COURT: Right.

7 MS. BLUTH: Okay. Cool.

8 THE COURT: So, she hasn't even read your opposition.

9 MS. BLUTH: Okay.

10 THE COURT: So, yeah.

11 MS. BLUTH: I haven't either.

12 THE COURT: Your reply brief would be -- is tomorrow, is  
13 Friday, so -- okay.

14 So, that's the only thing left then; right?

15 MS. BLUTH: Sounds good.

16 MS. MCAMIS: Yes, Your Honor. Well, Your Honor, you said  
17 you were going to reserve ruling on the diabetes issue. Do you intend to  
18 do like a minute order with your specific factual finding?

19 THE COURT: No, I intend to show up Monday. I mean, if  
20 there's, you know -- or I may just keep it in abeyance. Like I said, they  
21 may be able to introduce it in rebuttal depending on what you present in  
22 your case in chief even if I don't let it in in their case in chief.

23 MS. BLUTH: Did you want me -- forgive me because I haven't  
24 done an OBA hearing in a long time. Do I draft an order for what you're  
25 allowing in or no, we just know your -- the Court's ruling?

1 THE COURT: I don't think you need to.  
2 MS. BLUTH: Okay.  
3 THE COURT: I mean, it's kind of a time crunch.  
4 MS. BLUTH: Got it.  
5 THE COURT CLERK: So, the motion to strike needs to be on  
6 Monday?  
7 THE COURT: Right.  
8 THE COURT CLERK: It's on calendar for Tuesday, but I'll  
9 move that.  
10 MS. MCAMIS: Can we --  
11 THE COURT: Well, oh, let's talk about this. We already went  
12 over jury selection. We're back nine o'clock Monday.  
13 MS. BLUTH: Yeah.  
14 THE COURT: Is everybody available nine o'clock Monday to  
15 start?  
16 MS. BLUTH: Yeah.  
17 MS. MCAMIS: Yes, Your Honor.  
18 THE COURT: And I don't want to -- I want to get as much  
19 done Monday in jury selection, so I'd like to start right away as opposed  
20 to arguing the motions and --  
21 MS. BLUTH: Yeah, we could do it on a break or something.  
22 THE COURT: Right, right, exactly. So, you know, probably  
23 we'll send Kenny down at nine and --  
24 MS. BLUTH: The one thing that I did -- we probably -- better I  
25 bring it up now. So, whenever I do the -- we introduce ourselves and talk

1 about the charges, I always keep that very brief because I don't feel like  
2 it's an opening statement.

3 THE COURT: Right, it's not.

4 MS. BLUTH: So, the issue in a physical child abuse case is  
5 usually both sides want to know -- mainly the defense wants to know how  
6 offended, you know, the jury's going to be by --

7 MS. MCAMIS: Things like corporal punishment?

8 MS. BLUTH: Yeah, so I was going to -- I always keep it brief,  
9 but I was going to discuss the charges and then briefly the conduct --

10 MS. MCAMIS: That's fine.

11 MS. BLUTH: -- so that the jury knows what they're facing, but  
12 I didn't want you guys to be like, you're not allowed to give an opening  
13 statement.

14 THE COURT: No, no, that's fine.

15 MS. BLUTH: I'm just going to very factually discuss the  
16 charges and just say, you know, this is what it's charged with, just so you  
17 guys know.

18 THE COURT: Right.

19 MS. BLUTH: And that way the jury can get a feel for the case  
20 and not just know oh, it's a child abuse case because otherwise it's really  
21 hard to read how they read those situations.

22 THE COURT: And obviously, when you give your introduction  
23 include Nurse Schweiger and Dr. Dewan even if you --

24 MS. BLUTH: Yeah, in case it's a rebuttal.

25 THE COURT: Right, in case you wind up calling him in

1 rebuttal. So, -- and then, of course, either you or I will say, you know,  
2 these are the potential witnesses; they may not all be called and blah,  
3 blah, blah, so --

4 MS. BLUTH: Okay.

5 THE COURT: Okay. Anything else we need to talk about?

6 MS. MCAMIS: I just have a very brief, like, calendaring type  
7 issue.

8 THE COURT: Sure.

9 MS. MCAMIS: Mrs. Solander does not drive herself.

10 THE COURT: Right.

11 MS. MCAMIS: So, she has to secure rides in advance, and  
12 people have appointments and lives of their own. Can I get an estimate  
13 of how you see each day starting and finishing so she can arrange rides?

14 THE COURT: Okay. Monday I'd like to finish by five; may go  
15 a little bit later. Tuesday I haven't looked at the calendar yet.

16 THE COURT CLERK: Let me look.

17 THE COURT: It's probably like an 11 o'clock, 10:30 --

18 THE COURT CLERK: Yeah.

19 THE COURT: Between 10:30 and 11.

20 THE COURT CLERK: Okay.

21 THE COURT: Depending on how long it is.

22 THE COURT CLERK: We have something Monday -- or --  
23 Wednesday. A civil --

24 THE COURT: Oh.

25 THE COURT CLERK: SBC Tower. I'm playing with it.



1 THE COURT: Okay. We might be able to move that. So,  
2 maybe Wednesday would be 9:30 or ten to start.

3 MS. MCAMIS: Okay.

4 THE COURT: Thursday, again, that's between 10:30 and 11  
5 depending on how long the calendar is. And Friday would be nine or  
6 9:30. Oh, no, you know what? I have an appointment. I have a doctor's  
7 appointment I can't miss on Friday.

8 MS. BLUTH: Okay.

9 THE COURT: Which is -- it's actually at noon, so -- and I  
10 probably have to leave here by 11:30.

11 MS. BLUTH: Okay.

12 THE COURT: So, I didn't know if maybe we'd just start Friday  
13 at 1:30 because otherwise I'm going to have to give them like a two-hour  
14 lunch.

15 MS. BLUTH: Should we just see how far we get?

16 THE COURT: Right.

17 MS. BLUTH: Like where we're at?

18 THE COURT: So, we could start Friday at nine and, like, go  
19 from nine to 11:30, but we'd have to end right then, and then come back  
20 at 1:30 and give them a two-hour lunch.

21 MS. MCAMIS: Okay.

22 THE COURT: We could do that or we could just start at 1:30.  
23 So, that's just kind of up in the air, but just so you know we have to  
24 break --

25 MS. BLUTH: Got it.

1 THE COURT: -- at those times, like I don't care if it's a doctor  
2 who's on or whatever.

3 MS. BLUTH: Got it.

4 MS. MCAMIS: No problem with that. Again, I just wanted to  
5 make sure that transportation was not an issue.

6 THE COURT: Okay. All right. Then we'll see everyone  
7 Monday.

8 MS. BLUTH: Sounds good.

9  
10 [Proceedings concluded at 4:45 p.m.]  
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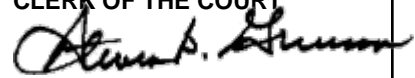
21 ATTEST: I do hereby certify that I have truly and correctly transcribed  
22 the audio/video proceedings in the above-entitled case to the best of my  
23 ability.

24 

25 

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Trisha Garcia  
Court Transcriber



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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 TO DEFENDANT JANET SOLANDER'S JOINDER TO  
DWIGHT SOLANDER'S MOTION TO SUPPRESS EVIDENCE**

DATE OF HEARING FEBRUARY 5, 2018  
TIME OF HEARING: 9:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through CHRISTOPHER S. HAMNER, Chief Deputy District Attorney, and files this Opposition to Defendant Janet Solander's Joinder Motion to Suppress Evidence.

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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POINTS AND AUTHORITIES

**FACTS REGARDING RELEVANT TO THIS MOTION**

**The 2014 Investigation into the Solander's Treatment of Children in their Home**

On January 30, 2014 CPS received a report from Diana Wade, from Shining Star Community Services, reporting that several of the individuals who were working with the foster children in the home were concerned about their treatment. They reported that the children were sleeping on cots, wearing shoes too small, and were being told that they were seriously ill, but yet no medical documentation was being provided. The children were only allowed a certain amount of toilet paper and were have serious issues with urinating and defecating on themselves because they were so afraid to ask to use the bathroom.

Lori Wells, a therapist who works at Legacy Health and Wellness, worked with these four children who were foster children of the Defendants Janet and Dwight Solander. She made a report to CPS because she believed that Defendant Janet Solander was suffering from Munchausen syndrome by proxy due to the ongoing medical issues Janet was stating that A.D. K.B, D.B., and N.B. were having, when there actually were no issues.

Lori stated that when she first began working with these children, K.B. (4 years old) was incredibly emaciated and seemed to be malnourished. Lori stated that they give all the children in the office snacks such as apples and oranges. When Defendants found this information out they became enraged. Lori attempted to talk to Defendant Janet Solander about the way K.B. looked but Defendant Janet Solander said it was because she rarely sleeps and wanders the house all night. Defendant Janet Solander also stated that K.B. had been eating gauze and that it was in her belly and soaking up food and nutrition, which is why K.B. cannot eat most foods. When Lori pushed on the issue K.B. ended up in Monte Vista Hospital for a week. After being released from the hospital, K.B. came back to see her and looked great, was full of energy, and looked much more nourished. Sadly, after a period of going back to Defendants, she went back to looking worn out and weak with bags under her eyes.

Therapist Wells reached out to CPS on multiple occasions regarding her concerns for these children. Specifically on October 8, 2013, Ms. Wells discussed the fact that Defendants continue to say the children have toileting issues, but while they are at therapy there are no

1 issues at all. The children complained that the Solanders are shaming them and putting them  
2 in pull ups. Additionally, K.B. reported that she is currently sleeping in a closet because she  
3 is “afraid” of monsters. She reports that she cannot come out of her room because “the alarm  
4 will go off and the door is locked.” Additionally, the children are not allowed to say they are  
5 hungry or they will go to timeout. When the children would appear for therapy they would be  
6 ravenous and keep requesting more and more food. Therapist Wells wrote, “food is not to be  
7 rationed, timed, or used as a punishment to decrease the likelihood of an eating disorder.”

8 Additionally, Defendant Janet Solander stated that she had self diagnosed N.B. (1 years  
9 old) with Autism and that she was trying to find a doctor to confirm the diagnosis. Lori  
10 explained to Defendant Janet Solander that N.B. did not have any of the signs of Autism. She  
11 discussed the signs of Autism and pointed out that N.B. had good eye contact and followed  
12 directions.

13 Therapist Wells tried to speak to the Solanders about many issues but the only things  
14 Defendants cared about were the children’s peeing, pooping, and food intake. The Solanders  
15 stated that **they have three adopted children in the home that “pee and poop everywhere”**  
16 **and she has to keep them on the pot for “ten hours a day because of it.”**

17 In September of 2013, CPS received a report of mistreatment of these four children by  
18 Defendants. One specific complaint dealt with them physically restraining K.B. (4 years old).  
19 Defendant Janet Solander admitted they had to restrain K.B. to keep her from harming herself.  
20 They even went as far as admitting K.B. into Monte Vista for medical treatment. They then  
21 got angry with medical staff because they didn’t follow, what the Defendant’s termed “K.B.’s  
22 doctor mandated diet.”

23 Lori also noted that when she first began working with these children they went from  
24 being very open to emotionally shut down. There were no toileting issues before they came  
25 to the Solander home. Lori tried to explain to the Solanders that the toileting issues and the  
26 Solander’s discipline causes the children confusion and shame which leads to their condition  
27 of incontinence. The Solanders refused her advice. Defendant Janet Solander told her that  
28 they were going to put all three of their adopted daughters (the Solander girls) into longer term

1 inpatient care out of state and then adopt these four children. This seemed odd to Lori because  
2 according to Defendant Janet Solander, she couldn't handle the three adopted children because  
3 they were "medically fragile" but yet she was willing to adopt the four new children who she  
4 was also claiming had similar issues.

5 Gennipher Dowling, a PSR/BST worker from Shining Star, also worked with A.D. for  
6 therapy treatment. Ms. Dowling stated that Defendant Janet Solander told her that A.D. had  
7 diabetes and that she was trying to get a doctor to confirm the diagnosis. Defendant Janet  
8 Solander repeatedly held herself out to be a nurse and diagnosed her adopted and foster  
9 children, however the first two doctors had refused the diabetes diagnosis, so Defendant Janet  
10 Solander was looking for a third.

11 Gennipher stated that it was her opinion that the children were afraid to talk about  
12 anything that was going on in the foster home. Once she was able to get the children outside  
13 of the home they would relax and seem to talk more freely. On one particular trip, Gennipher  
14 was taking N.B. (1 years old) home and noticed that she was trying to pull her shoes off. When  
15 Gennipher went to take N.B. out of her car seat she recognized that the shoes were so small  
16 for N.B. that her toes were curled up. When she brought this information up to Defendant  
17 Janet Solander, she stated that N.B. was under the care of a specialist and that the specialist  
18 stated that wearing these shoes would be the only way that N.B. would be able to walk and the  
19 shoes must remain on at all times. Gennipher asked Defendant Janet Solander for the name  
20 of the specialist and she refused to name the doctor. Defendant Janet Solander stated that she  
21 also keeps up D.B. (3 years of age) up until 11:45 PM each night so that he will sleep through  
22 the night without getting up to urinate because she does not want to have to get up at night.

23 Gennipher contacted CPS stating that she believed that A.D. did not have diabetes and  
24 that Defendant Janet Solander was shopping around looking for a diagnosis and trying to  
25 control A.D. through diet. Defendant Janet Solander admitted that she added cornstarch to  
26 A.D.'s oatmeal to get her blood sugar up and if she does not eat it within a twenty minute time  
27 limit, she will force feed it to her.

28 ///

1           Investigators also spoke with Shining Star PSR/BST worker, Riley Lewis. Ms. Lewis  
2 also worked with these same four children in a therapeutic setting. She stated that since  
3 working with the children their behaviors had regressed and she believed that something was  
4 going on in the home. Every time she would ask the children if everything was okay in the  
5 home, they would look down and state, "I don't know." Once the children were taken outside  
6 of the home, they would relax and feel more comfortable. Ms. Lewis noted that all of the  
7 children had been having problems with urinating and defecating since being in the home.  
8 The children had been increasingly missing appointments and Defendant Janet Solander  
9 always stated the children were sick. Right before the children were taken away from the  
10 Solanders, when Ms. Lewis would get to the home everybody, including the children, would  
11 be walking around with surgical masks on their face. Ms. Riley stated that she was fearful  
12 that Defendant Janet Solander had Munchausen syndrome by proxy.

13           Clark County School District nurse Carron Schweiger reported that she also had serious  
14 concerns with student A.D. (9 years old). When the Solanders came in and filled the entry  
15 forms out the Solanders filled out a supplemental health questionnaire and every possible  
16 health issue was checked off on the card. Nurse Schweiger stated that diabetes was checked  
17 off on the card even though A.D. showed absolutely no signs of diabetes and had absolutely  
18 no supplies that a child would have who was receiving diabetes treatment. When Nurse  
19 Schweiger asked Defendant Janet Solander about it, she then sent A.D. to school with a bunch  
20 of tubes and needles that did not fit the proper glucometer; furthermore, A.D. had absolutely  
21 no idea how to use the items. Later on in the school year, A.D. came in with a note from a  
22 care provider stating that A.D. must be fed in the nurse's office because of health issues and  
23 food theft. According to Nurse Schweiger she was aware that Defendant Janet Solander had  
24 gone to see two doctors hoping for a diabetes diagnosis but had not yet gotten one, and was  
25 trying for a third. A.D. told Nurse Schweiger that she was incredibly fearful of having to  
26 continuously go to doctors because she was afraid that one of them might find something  
27 wrong with her. Defendant Janet Solander held herself out to be a nurse, but when Nurse  
28 Schweiger checked the nursing registry, she could not find her name.

1 On one occasion counselor Gennipher Dowling came to the school stating that she was  
2 there to make sure that A.D. was eating her lunch in the nurse's office because she was told  
3 that A.D. fails to eat her lunch and steals food from other children in the lunch room. Nurse  
4 Schweiger told her that there had never been any member of staff that ever observed or heard  
5 of A.D. stealing any other student's food, or being non-compliant in any manner.

6 One day, A.D. showed up to school without any of her normal diabetes care products  
7 so Nurse Schweiger called the Defendants' home to see what was going on. Defendant Janet  
8 Solander answered the phone and told her that it was no longer needed. When Nurse  
9 Schweiger told her that she would need a doctor's note stating that care was no longer needed,  
10 Defendant Janet Solander hung up the phone. Anytime A.D. was asked to talk about what  
11 was happening in the home she stated that she was not allowed to discuss what went on in the  
12 home.

13 Defendant Janet Solander was not the only foster parent the school had issues with.  
14 Defendant Dwight Solander would come to the school demanding that A.D.'s eating be  
15 monitored, stated that A.D. was non-compliant and would steal food from other children. He  
16 also stated that A.D. should not be in fourth grade because she was not intelligent enough, and  
17 also discussed her "obesity." Both of these comments were made to A.D.'s teacher in front of  
18 the entire class.

19 In an email that Nurse Schweiger wrote to CPS on January 23, 2013, Nurse Schweiger  
20 discussed the fact that she had met with A.D.'s teacher and the lunch aides, and all were very  
21 concerned about A.D.'s physical and mental well-being while at the Solander home. She  
22 stated, "We have met informally today – the teacher, myself, and lunch staff. We agree that  
23 we are extremely concerned for her well-being and I will go so far as to say for her emotional  
24 well-being. These foster parents will say demeaning things in front of A.D....Please be in  
25 contact with me so that I know you received my email. How are we going to proceed? I am  
26 very concerned for A.D.s well-being." Nurse Schweiger also pointed out that the Solanders  
27 had another foster child in the school last year, A.S., a child not related to A.D. in any way,  
28



1 and the school had the same issues with the Solanders. (Please see this behavior under A.D.'s  
2 heading)

3 Nurse Schweiger told CPS that she had serious concerns about how the Solanders were  
4 treating A.D. and believed Defendant Janet Solander to be suffering from Munchausen by  
5 proxy.

6 After receiving six formal complaints for investigation, CPS Investigator Yvette  
7 Gonzalez met with Defendant Janet Solander on February 27, 2014 and asked to see all of the  
8 children. The first child that Defendant Janet Solander brought down was N.B. (1 year old).  
9 Investigator Gonzalez noticed that N.B. was walking completely fine and was not in the  
10 "special shoes" that Defendant Janet Solander had told others were prescribed to her by a  
11 doctor. Defendant Janet Solander stated that N.B. had been diagnosed with Autism and that a  
12 CT scan was done and the doctor stated that N.B. showed signs of autistic tendencies and she  
13 was prescribed medication. She also stated the doctor diagnosed N.B. with intermittent  
14 explosive disorder. Investigator Gonzalez told her that she must stop the medication  
15 immediately as it was not approved by the biological family or CPS.

16 When D.B. (3 years old) and K.B. (4 years old) were brought downstairs they both had  
17 multiple bruises to their face. Defendant Janet Solander said she believed they received some  
18 of them at a play place and some while at therapy.

19 Investigator Gonzalez stated that she was told Defendant Janet Solander had been  
20 telling school staff that A.D. had diabetes but all of the information actually gathered from the  
21 doctors indicated that she is most likely hypoglycemic. Janet stated that a cardiologist, whose  
22 name she couldn't remember, diagnosed A.D. as pre-diabetic since she has skin tags and dark  
23 spots on the back of her neck, which are indicators of the onset of diabetes. Janet was also  
24 asked about why she checks A.D.'s underwear and watches her while she showers. At this  
25 point, Defendant Janet Solander became angry and **stated that all of the children in the home**  
26 **have bathroom issues and they soil their bedding almost daily.** She stated that D.B. takes  
27 his feces and smears them on the wall and his bed. (Note, this is also something that she  
28 claimed the adopted children did).

1 Defendant Janet Solander was asked if she was in fact a nurse and she stated that she  
2 was. Investigator Gonzalez stated that they had checked local registries and her name was not  
3 coming up. When pressed on the issue, Defendant Janet Solander told her that this information  
4 was none of her business. The investigator then told Defendant Janet Solander that the  
5 children would be removed at this time. Defendant Janet Solander refused to let CPS take the  
6 children's clothes. When Defendant Janet Solander was asked where the adopted children  
7 were she stated they were in Nebraska with her parents. When CPS Investigator Yvette  
8 Gonzalez asked for the contact information to find the adopted children, Defendant Janet  
9 Solander kicked the investigator out of her house, stating that she knew this was just retaliation  
10 since she had written a book about the corruption of DFS. The investigator left the home and  
11 filed a missing person's report for the adopted children.

12 Once the Solander children were located in a school in Florida, those children were  
13 forensically interviewed to determine if any abuse occurred inside the home.

#### 14 **LEGAL ARGUMENT**

15 Nevada Revised Statute 432B.270 expressly permits an interview of child to be  
16 conducted, outside the presence of their parent or guardian, when a report of abuse has been  
17 made. Specifically, NRS 432B.270(1) states:

18 NRS 432B.270 Interview of child and sibling of child concerning possible  
19 abuse or neglect; photographs, X-rays and medical tests.

20 1. **A designee of an agency investigating a report of abuse or neglect**  
21 **of a child may, without the consent of and outside the presence of any**  
22 **person responsible for the child's welfare, interview a child and any sibling**  
23 **of the child, if an interview is deemed appropriate by the designee,**  
24 **concerning any possible abuse or neglect.** The child and any sibling of the  
25 child may be interviewed, if an interview is deemed appropriate by the  
26 designee, at any place where the child or any sibling of the child is found. A  
27 designee who conducts an interview pursuant to this subsection must be  
28 trained adequately to interview children. The designee shall, immediately  
after the conclusion of the interview, if reasonably possible, notify a person  
responsible for the child's welfare that the child or sibling was interviewed,  
unless the designee determines that such notification would endanger the  
child or sibling.

(emphasis added).

1 Here, Defendant's argument is flatly contrary to Nevada law. Defendant fails to provide  
2 any legal authority which has declared NRS 432B.270 unconstitutional. It appears Defendant  
3 contends that since the Solanders did not abuse the Solander children in Florida, CPS workers  
4 were not permitted to interview them in Florida. (See Def. Mot. at 4). This simply ignores  
5 clear Nevada law which provides no geographic limitation on where such an interview should  
6 take place. Moreover, it would fly in the face of the spirit of this statute if abusive  
7 parents/guardians could avoid having their abused children interviewed by CPS by simply  
8 taking them out of state. In short, there were clear numerous allegations of abuse occurring  
9 within the home with the children that lived there in Clark County and in accordance with  
10 NRS 432B.270, the children were entitled to and were properly forensically interviewed.

11 Defendant's claim that there was an incomplete investigation that had not resulted in a  
12 determination of removal is also repelled by the factual record. Supra at 2-7. CPS had made  
13 the determination to remove the child prior to their interview based on the report filed by Nurse  
14 Schweiger, Ms. Wells, as well as the Defendants' own interactions with CPS. Accordingly,  
15 CPS acted in accordance with this statute and Defendant's reliance on these federal rulings are  
16 entirely misplaced and inapplicable to the case before this Court. Consequently, the instant  
17 motion is without merit.

## 18 CONCLUSION

19 Based upon the above and foregoing Points and Authorities the State respectfully  
20 requests Defendant's Joinder to Defendant Dwight Solander's Motion to Suppress Evidence  
21 be DENIED.

22 DATED this 1st day of February, 2018.

23 STEVEN B. WOLFSON  
24 Clark County District Attorney  
Nevada Bar #001565

25  
26 BY /s/ Christopher S. Hamner  
CHRISTOPHER S. HAMNER  
27 Chief Deputy District Attorney  
28 Nevada Bar #011390

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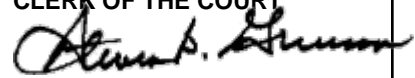
CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that service of the above and foregoing was made this 1st day of February, 2018, by electronic transmission to:

CAITLYN MCAMIS, ESQ.  
E-mail Address: caitlyn@veldlaw.com

BY: /s/ J. Georges  
\_\_\_\_\_  
Secretary for the District Attorney's Office

jg/SVU



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

**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 TO DEFENDANT'S MOTION TO STRIKE**  
**THE STATE'S EXPERTS**

DATE OF HEARING: February 5, 2018  
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JACQUELINE BLUTH, Chief Deputy District Attorney, and files this Opposition to Defendant's Motion to Strike the State's Experts.

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 PROCEDURAL HISTORY PERTINENT TO THIS MOTION

3 A preliminary hearing in this matter was heard in June of 2014. At that hearing Dr.  
4 Cetl testified. All expert witnesses were noticed within the twenty one day period. The State  
5 did not attach curriculum vitae. All of the State's witnesses are treating physicians, not hired  
6 experts. This includes Dr. Cetl, who was both a treating physician and the State's expert.

7 LEGAL ARGUMENT

8 **I. Treating physicians require different disclosures than expert witnesses.**

9 Criminal and civil procedural rules differentiate disclosing treating physicians and  
10 expert witnesses. In the criminal context, expert witnesses must be disclosed within 21 days  
11 and have the following: 1) a brief statement of what the expert will testify to, 2) a copy of the  
12 curriculum vitae, and 3) a copy of any reports. Nev. Rev. Stat. § 174.234(2). However, treating  
13 physicians do not always need to be disclosed in that manner. The Nevada Supreme Court  
14 found that the district court properly allowed two treating physicians to testify, even though  
15 the State did not disclose the witnesses under NRS 174.234(2). Nev. Rev. Stat. § 174.295;  
16 *Nicholson v. State*, 127 Nev. 1163 (Sept. 29, 2011). The Court reasoned that there was no  
17 abuse of discretion because the treating physicians' names were disclosed in the medical  
18 records and they were not testifying as experts but as to the patient's treatment. *Id.*

19 The same can be said for all witnesses in this case besides Dr. Cetl. Each witness was  
20 properly noticed within 21 days and a brief statement with specificity was given as to what  
21 these experts were to testify to. Additionally, the State turned over all medical records  
22 involving these doctors.

23 Disclosing treating physician witnesses is similar in the civil context. Nevada Rules of  
24 Civil Procedure require that parties disclose expert witnesses with a report that contains  
25 information about the witness's opinion, background, and compensation. Nev. R. Civ. Proc.  
26 16(a)(2)(B) (2017). However, the 2012 amendments state that for "a treating physician,  
27 appropriate disclosure may include that the witness will testify in accordance with his or her  
28 medical chart, even if some records contained therein were prepared by another healthcare

provider.” *Id.* *FCHI, LLC v. Rodriguez*, 335 P.3d 183, 189 (Nev. 2014). Thus, treating physicians are not always required to create this report and they can testify to any records that they viewed in their chart during the treatment of their patient, even if it is looking at another doctor’s records.

A report is not required when: 1) a treating physician testifies only as to the patient’s course of treatment while under the physician’s care, and 2) the party discloses the medical records and other documents that the physician used to form this opinion. *Id.*; *Pizarro-Ortega v. Cervantes-Lopez*, 396 P.3d 783, 785, 787 (Nev. 2017). The Nevada Court of Appeals recently held that disclosing the physician and the documents, including medical records, that the witness relied on was sufficient to satisfy the NRCP requirements. *Figuerado v. Crawford*, No. 71632, 2017 WL 6804688 \*3 (Nev. Ct. App. Dec. 27, 2017). This rule applies when the treating physician is testifying as to her treatment of the patient, and nothing beyond that scope. *Id.*

Here, the State disclosed a number of treating physicians as witnesses. These treating physicians will testify as to their treatment of the victims, as stated in the witness list. Thus, the general reporting requirements are not applicable to those witnesses. Also, the State disclosed all of the treating physicians’ names, all relevant medical records, substance of each witnesses’ testimony, and reports in discovery. Specifically as to Dr. Cetl, the court should not exclude her because Defendant knows Dr. Cetl’s qualifications based on including her on the Defendant’s own witness list and her curriculum vitae that was disclosed before the trial started. Furthermore, Defense has been aware of Dr. Cetl since the inception of this case due to her being named in the original police reports and testifying at preliminary hearing.

This court should not exclude the physician-witnesses because there has been sufficient disclosure of the treating physicians by providing their names and the medical records.

## **II. There is no bad faith by the state and there is no prejudice to the defendant.**

Even if the court finds a deficiency in the disclosure, then excluding the expert witnesses is not appropriate. If a party has not complied with NRS 174.234(2), then the court has several options. The court can: 1) order the party to disclose the material, 2) grant a

1 continuance, 3) prohibit the party from introducing the material into evidence, or 4) enter any  
2 other order that the court deems just. Nev. Rev. Stat. § 174.295. The court has broad discretion  
3 to decide what remedy is appropriate if there has been a deficient disclosure. *Jones v. State*,  
4 937 P.2d 55, 66 (Nev. 1997). Defense’s previous representations that the Court has no choice  
5 in regard to remedy is false.

6 The court can properly allow expert testimony, despite deficiencies, if the State did not  
7 act in bad faith by failing to disclose and if there is no prejudice to the defendant. *Perez v.*  
8 *State*, 313 P.3d 862, 870 (2013). In *Mitchell v. State*, the State conceded that it did not make  
9 the required disclosures. 192 P.3d 721, 729 (Nev. 2008). But the Court found no error in  
10 allowing the doctor-witness to testify. *Id.* The defendant did not argue that the State acted in  
11 bad faith, there was no bad faith on the record, and there was no prejudice to the defendant.  
12 *Id.* The defendant had the opportunity to examine the State’s file, interview the doctor, and  
13 knew what the doctor would testify to. *Id.*

14 In this case, Defendant makes no argument that the State acted in bad faith and there is  
15 nothing to suggest that the State acted in bad faith by not disclosing the curriculum vitae. In  
16 fact, Defense counsel emailed this Prosecutor on Friday, January 23, 2018, letting her know  
17 that no “CV’s” were attached to the notice. Defense also stated that if they were not received  
18 soon, Defense would have to file a motion to strike. The State thanked Defense for letting her  
19 know and sent Dr. Cetl’s curriculum vitae **that very day**. Surprisingly, Defense filed a motion  
20 to strike the same day.

21 Defendant also alleges that she is prejudiced because she needs 21 days to review the  
22 witnesses’ qualifications and publications. Defendant had the notice for three weeks before  
23 filing her motion, and trial originally was to begin on January 29<sup>th</sup>. If Defendant had to prepare  
24 rebuttal to these witnesses prior to trial, then presumably she would have started when she was  
25 originally noticed of the witnesses—not January 26 when she filed her motion—to be prepared  
26 for the original court date. If she was preparing to rebut the witnesses on January 26, then she  
27 would not have had 21 days to research their qualifications before trial. Thus, there is no  
28 prejudice in letting these treating physicians, including Dr. Cetl, testify because Defendant has



1 been given ample time to gather information to rebut the physicians' qualifications if she  
2 wished to do so.

3 Further, Dr. Cetl and Lori Wells are both on Defendant's witness list, so Defendant is  
4 aware of each of their qualifications. As to the other treating physicians, there is no prejudice  
5 in allowing them to testify because the names have been disclosed in medical records and the  
6 witness list, there was time for Defendant to interview the doctors, and the substance of what  
7 they will testify to has been disclosed in discovery and the witness list. Furthermore, these are  
8 treating physicians, not hired experts. Many of them do not have current curriculum vitae,  
9 which has been a representation the State has made as an officer of the court, and has been  
10 testified to by some of the experts during the evidentiary hearing for the State's Motion to  
11 Admit Other Bad Acts.

12 Not only can the Defense say there is no bad faith, the State can say they have done  
13 nothing but work with the Defense in regard to experts and evidence. The Defense served the  
14 State as well as Dr. Cetl with a subpoena that requested things that there is no legal basis to  
15 receive and within a 24 hour time period. Notwithstanding the outrageousness of the  
16 subpoena, the State contacted Defense and let them know they would work with Dr. Cetl in  
17 getting them the items they needed. The State has done so and will continue to do so.

18 Therefore, excluding the expert witnesses and treating physicians is not necessary  
19 because there was no bad faith on the part of the State and there is no prejudice to Defendant  
20 if these doctors are allowed to testify.

21 Thus, the court should deny Defendant's motion to strike notice of expert witness.

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1 **CONCLUSION**

2 For the reasons stated above, the State requests that this Court deny the Defendant's  
3 Motion to Strike the State's Experts.

4 DATED this 2nd day of February, 2018.

5 STEVEN B. WOLFSON  
6 Clark County District Attorney  
7 Nevada Bar #001565

8 BY /s/ Jacqueline Bluth  
9 JACQUELINE BLUTH  
10 Chief Deputy District Attorney  
11 Nevada Bar #010625

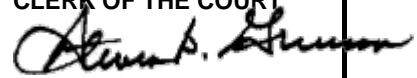
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19 **CERTIFICATE OF ELECTRONIC TRANSMISSION**

20 I hereby certify that service of the above and foregoing was made this 2nd day of  
21 February, 2018, by electronic transmission to:

22 CAITLYN MCAMIS, ESQ.  
23 E-mail Address: caitlyn@veldlaw.com

24  
25 BY: /s/ J. Georges  
26 Secretary for the District Attorney's Office

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28 jg/SVU



TRAN

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

THE STATE OF NEVADA,

Plaintiff,

vs.

JANET SOLANDER,

Defendant.

CASE NO. C299737-3  
DEPT NO. XXI

**EXCERPT OF  
PROCEEDINGS**

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 1**

MONDAY, FEBRUARY 5, 2018

APPEARANCES:

FOR THE STATE:

JACQUELINE M. BLUTH, ESQ.  
CHRISTOPHER S. HAMNER, ESQ.  
Chief Deputy District Attorneys

FOR THE DEFENDANT:

CAITLYN L. MCAMIS, ESQ.  
DAYVID J. FIGLER, ESQ.

RECORDED BY: SUSIE SCHOFIELD, COURT RECORDER  
TRANSCRIBED BY: JD REPORTING, INC.

1 LAS VEGAS, CLARK COUNTY, NEVADA, FEBRUARY 5, 2018, 9:05 A.M.

2 \* \* \* \* \*

3 (Outside the presence of the jury)

4 (Jury voir dire and related matters not transcribed)

5 (Excerpt begins 9:07 a.m.)

6 THE COURT: Anything else?

7 MS. BLUTH: Yeah. Our detective is going to bring in  
8 the evidence this morning, and so I just we'll -- she's going  
9 to talk to me when she's here, and then if we're close to, you  
10 know, a break, I might just asked to approach and let you know  
11 that she's here. We don't have to stop right when she gets  
12 here.

13 THE COURT: Okay.

14 MS. BLUTH: But just so everybody knows so she can  
15 drop off all the evidence.

16 THE COURT: That's fine.

17 MS. BLUTH: We all met with her -- I can't remember  
18 if it was Thursday or Friday -- at the evidence vault and  
19 discussed what items we wanted to be brought in, and we  
20 requested that she do it this morning.

21 MR. FIGLER: To expedite that, that's correct. The  
22 State and the defense did meet, and we have a working knowledge  
23 of which exhibits they wanted to introduce. I just hope that  
24 we could find the time prior to the receipt of evidence that  
25 maybe we could go over the photographs that are going to be

1 used so that there's no issues that come up during trial and  
2 perhaps if Your Honor would be able willing to mediate any  
3 disputed photos before.

4 THE COURT: Sure.

5 MR. FIGLER: That would be great.

6 MS. BLUTH: That's fine. I asked them to print them  
7 today. So they'll probably be here tomorrow.

8 THE COURT: All right. Any other preliminary  
9 matters?

10 MR. FIGLER: Only -- and we don't have to deal with  
11 it now. I know Your Honor is eager to get going with the jury  
12 selection. The State is going to propose an Amended  
13 Information --

14 THE COURT: Okay.

15 MR. FIGLER: -- there are a couple of things that  
16 both parties wanted to talk to the Court about before it  
17 actually gets filed with regard to some of the language,  
18 statutory language versus the averments that are pled in each  
19 individual count, and there might be a conflict there, and we  
20 want the Court to kind of solve that between the parties with  
21 regard to that mental suffering component of the statute.

22 THE COURT: Okay.

23 MR. FIGLER: So it's something we can bring up  
24 whenever Your Honor feels comfortable that we have time to do  
25 that.

1 THE COURT: Didn't we talk about that last time --

2 MS. BLUTH: Yeah.

3 THE COURT: That Ms. Bluth was willing --

4 MS. BLUTH: Yes.

5 THE COURT: -- to delete the mental suffering  
6 component because they're not proceeding under that theory?

7 MR. FIGLER: So she deleted it from the averment --

8 MS. BLUTH: To wits --

9 MR. FIGLER: -- of the particular offense that, you  
10 know, but it's not removed from each count as part of the  
11 statutory construct, and so the State doesn't have a problem  
12 removing it from the statutory construct part of each count if  
13 the Court acknowledges that that's acceptable under statute and  
14 that we would waive any defect, which, of course, we would. We  
15 want less language, not more in those counts. So, but we feel  
16 that the Court needs to take a look at it to make that ruling.

17 THE COURT: Okay.

18 MS. BLUTH: Can I approach, Judge, so you can show  
19 exactly what we are --

20 THE COURT: No. I know exactly where it's the title  
21 of the statute or where it says what the crime is.

22 MR. FIGLER: Yes.

23 MS. BLUTH: Yeah.

24 THE COURT: Where it says like Count 1, child abuse,  
25 whatever, causing substantial; however, it's --

1 MS. BLUTH: Yeah. So --

2 THE COURT: So I know exactly. It's typically in all  
3 capital letters.

4 MS. BLUTH: No. No. No.

5 MR. FIGLER: No, no, not on that.

6 MS. BLUTH: I took that out. It's line 6 and 7.

7 THE COURT: Oh, okay.

8 MS. BLUTH: So that's actually just statutory  
9 language, and I didn't feel comfortable taking that out.

10 THE COURT: Oh, okay. I actually in my head had the  
11 opposite of what you've actually done.

12 MS. BLUTH: Yeah.

13 THE COURT: I think you can -- I mean, I don't know  
14 of a reason you couldn't strike it from the language in the  
15 pleading itself, meaning on lines 6 and 7.

16 Is anyone aware of a reason they can't, that would  
17 preclude them from striking it?

18 MS. BLUTH: I don't have any opposition to doing it.  
19 It's just that is the exact statutory language.

20 THE COURT: Right.

21 MS. BLUTH: The State is not going under any type of  
22 mental harm theory.

23 THE COURT: Right. And it's actually a defense  
24 request; correct?

25 MR. FIGLER: It is a defense request, and I don't

1 believe that it is abdicating an element that the State needs  
2 to prove. Indeed, it's an alternate element --

3 THE COURT: Right.

4 MR. FIGLER: -- that if it's removed it does benefit  
5 the defense. So that's our position.

6 THE COURT: I agree with the defense. I think it  
7 does benefit the defense because otherwise you could have  
8 jurors conjecturing.

9 MS. BLUTH: Sure.

10 THE COURT: Well, this would certainly cause mental  
11 suffering. If I were forced to endure this, I would experience  
12 mental suffering, and so even though you're not proceeding  
13 under that theory, I think there is a legitimate danger --

14 MS. BLUTH: Okay. I'm happy to do it.

15 THE COURT: -- that jurors may say, well, okay, to me  
16 this is -- I don't see the physical abuse, but I see the mental  
17 suffering. So I think that actually makes it cleaner in my  
18 opinion.

19 MR. FIGLER: Right.

20 THE COURT: So if you waive any potential defects  
21 that none of us are presently aware of; is that correct?

22 MR. FIGLER: That's correct.

23 THE COURT: And like I said, I see a definite benefit  
24 to the defense of striking --

25 MR. FIGLER: I don't actually view it as a defect,



1 but, yeah.

2 THE COURT: No. I don't view it as a defect either,  
3 but down the road, if someone says oh, no, this should have  
4 been pled this way --

5 MR. FIGLER: We'll make that record.

6 THE COURT: -- if there's a technical defect, you  
7 waive that; right?

8 MR. FIGLER: We'll absolutely make that record, Your  
9 Honor.

10 THE COURT: And like I said, I see it as a benefit to  
11 the defense.

12 All right. Anything else?

13 MS. BLUTH: No, Your Honor.

14 THE COURT: Okay.

15 MR. FIGLER: We'll be at ease until they arrive?

16 THE COURT: We'll be ease.

17 (Proceedings recessed 9:11 a.m. to 9:47 a.m.)

18 (Outside the presence of the jury)

19 THE COURT: -- Friday, what, 10:30ish brought by some  
20 CPS records, and they were divided into records concerning the  
21 Diaz-Burnett children's placements with the Solanders, the CPS  
22 records concerning the Diaz-Burnett children prior to their  
23 placement with the Solanders, and the CPS records concerning  
24 the Stark children prior to their placement.

25 I was able to review the records concerning the

1 Solanders' involvement, and Ms. Bluth had those records that  
2 had been e-mailed to her. So we directed her at that point to  
3 email those to defense counsel, and we made a Court exhibit of  
4 the paper copy that we had. So you folks got those records  
5 Friday; correct?

6 MS. MCAMIS: Yes, Your Honor.

7 THE COURT: And that should have been what, around  
8 11:00 maybe?

9 MR. FIGLER: Oh, timewise?

10 THE COURT: Yeah.

11 MR. FIGLER: Yeah, I think so. It was approximately  
12 40 some pages of materials that we hadn't seen before.

13 THE COURT: Right. Okay. And then the other stacks,  
14 the Court is still reviewing those because basically I have to  
15 make sure there's nothing in there about diet or toileting or  
16 sickness or anything like that. So I'm reading through all of  
17 that, and I haven't gotten that done yet because obviously I  
18 have other things also that I was committed to do on Friday.  
19 So that's where we are.

20 MR. FIGLER: If defense can make just a real  
21 beautiful record on that.

22 THE COURT: Sure.

23 MR. FIGLER: Thank you, Your Honor. One of the  
24 challenges of this case has been really sort of piecing  
25 together who the Solander children were when they came to the

1 Solander household, as you understand, and then the  
2 interactions both as foster and as adoptive children and some  
3 of the clues to that come through the DFS-CPS interactions at  
4 the household, whether it was directly for the Solander  
5 children or if it was for the Diaz-Burnett or the Stark  
6 children, et cetera, because as we know, over the years there  
7 were a number of children who came and left, and sometimes  
8 there were seven children in the house at once, and a lot of,  
9 you know, attendant people coming in and out of their home for  
10 that.

11           The challenge has been really trying to piece that  
12 together. As far as Ms. Solander being a good historian of it,  
13 we have her version of things, but as far as corroboration or  
14 specificity of dates or specificity of interactions and  
15 statements, et cetera, that has been coming to us piecemeal as  
16 these records get released, and it's become a challenge for us  
17 to be able to get the full picture.

18           Your Honor having reviewed most of that in camera has  
19 released to us what I believe Your Honor feels to be the most  
20 relevant.

21           THE COURT: Right. And just to be clear, that had  
22 been separated by the State before I even got the records. So  
23 the State was in agreement that the records involving the  
24 Solanders should be released, and I of course said, well, under  
25 the law I have to review them first, which I did right away.

1 MR. FIGLER: Right.

2 THE COURT: And that's why you got them early Friday.

3 On the other records, again those involved -- I'm on  
4 the Diaz-Burnett records, and those involve the home situation  
5 prior to being removed from the home, and everything I've seen  
6 so far in those records is consistent with what we heard  
7 testified to at the evidentiary hearing, which is the lack of  
8 food, the lack of power, lack of water, economic and substance  
9 abuse issues involving the natural mother, the issue that came  
10 up during the evidentiary hearing involving some kind of sexual  
11 abuse on the Diaz child. So all of that is consistent, as I  
12 said, and it predates.

13 But to the extent it could involve something,  
14 toileting issues, things of that nature, I think it could  
15 definitely be relevant, and those things would be released, but  
16 as I said, right now all I've seen are reports --

17 Oh, Kenny.

18 I'm sorry to interrupt. We'll finish this up later  
19 since they're here.

20 (Pause in the proceedings)

21 MR. FIGLER: So where I'd like to pick up when we get  
22 a chance is to just talk about the challenges, the new  
23 information that the defense believes it's received that we've  
24 been diligently trying to investigate to the extent that it is  
25 going to support the theories of defense and the challenges

1 received there, and we might make a motion.

2 THE COURT: Now, correct me if I'm wrong, but I think  
3 I saw something in the report that -- on the --

4 MR. FIGLER: The new materials that were released on  
5 Friday?

6 THE COURT: -- the new materials that the Diaz girl  
7 relating to the bathroom accident that happened at therapy.  
8 There's a lot in there in the records, and didn't she say  
9 something -- I don't remember. I tried to review the records  
10 quickly to get those out. Didn't she say something that she  
11 was doing it to make Janet mad?

12 MS. BLUTH: Yeah.

13 THE COURT: Or something like that. That's in those  
14 records which may be a little inconsistent with what she  
15 testified to at the evidentiary hearing.

16 MR. FIGLER: Correct.

17 THE COURT: That jumped out at me, and so --

18 MS. BLUTH: Just to be -- those records though, those  
19 had been provided to the defense a while ago.

20 THE COURT: Okay.

21 MS. BLUTH: Because I found those in emails between  
22 Lori Wells and Janet and Dwight. So since they were like --  
23 I'm sorry, not Janet and Dwight -- CPS, and so I had provided  
24 those to the defense in the Legacy records. So that's stuff  
25 they've had.

1 THE COURT: So they already had all that.

2 MR. FIGLER: No. No. I would not say we had all of  
3 them.

4 MS. BLUTH: No, I didn't say all of them.

5 THE COURT: Oh, I said all.

6 MR. FIGLER: Right. And if that was the implication,  
7 I think we just need to make the record clear that we didn't.  
8 So what we did was we had things that were attached to other  
9 things, but certainly we didn't have the full Unity notes that  
10 related to the case number until Friday late afternoon -- late  
11 morning, early afternoon.

12 MS. BLUTH: And I don't have them either obviously.  
13 I sent them to Your Honor, but I didn't look at them.

14 THE COURT: Oh, okay. Didn't you have your own?

15 MR. FIGLER: They had her name on them because I  
16 was --

17 MS. BLUTH: Right. Right. So when they are released  
18 to me to give a copy to you, they sent them to me via email,  
19 but really it's my position that they're for you to look for an  
20 in-camera review. So I have not --

21 THE COURT: But once we directed you to email that  
22 portion to the defense, then I think implicit in that was that  
23 you can look at those.

24 MS. BLUTH: Of course. But my understanding was I  
25 thought those were that I gave you for the 40 pages were the

1 Stark girls.

2 THE COURT: No. Those were --

3 MS. BLUTH: They were the Solander girls?

4 MR. FIGLER: No. No. They were Diaz-Burnett.

5 MS. BLUTH: I haven't read them.

6 THE COURT: They were Diaz-Burnett, but they were  
7 Diaz-Burnett with the Solanders.

8 MS. BLUTH: Got it.

9 MR. FIGLER: Correct.

10 THE COURT: Okay. Now there's a big stack that is  
11 Diaz-Burnett in the natural mother's home.

12 MR. FIGLER: Correct.

13 THE COURT: And that is the CPS involvement, and I  
14 believe the other stack, which is a little over an inch, is the  
15 Stark girls prior to removal.

16 MS. BLUTH: Got it. Okay.

17 THE COURT: For the Solanders. So --

18 MR. FIGLER: And then just to --

19 THE COURT: -- everything I gave was -- I don't have  
20 anything, I don't think, of these Stark girls when they were in  
21 the Solander house. The only CPS records relating to the Stark  
22 girls as I understood it was the Stark girls in their  
23 biological family's home.

24 MS. BLUTH: I think that that's right, but I didn't  
25 read them. So, you know.

1 THE COURT: Right. Right.

2 MS. BLUTH: And CPS separated them for me. I didn't  
3 separate them.

4 THE COURT: Oh, okay. Right.

5 MS. BLUTH: They sent them as three separate  
6 documents.

7 THE COURT: Right. And so I don't think there was a  
8 CPS involvement investigation when the Stark girls were in the  
9 Solander home.

10 MS. BLUTH: No. There was definitely no  
11 investigation.

12 THE COURT: Right. So this is all, I believe,  
13 relating to the Stark girls before they were removed from their  
14 family, and the Diaz-Burnett is all -- the big stack is all  
15 with the -- and again it's consistent with what was testified  
16 to at the evidentiary hearing about the lack of food, the lack  
17 of water --

18 MR. FIGLER: And possibly the sexual abuse.

19 THE COURT: Right. The possible sexual abuse.

20 -- the mother's issues with drug use. We talked  
21 about that a little bit at the evidentiary hearing. That may  
22 have come out the second day that you weren't here.

23 MR. FIGLER: Ms. McAmis was keeping me steadily  
24 updated. So --

25 THE COURT: Right. That came out the second day I



1 think.

2 MR. FIGLER: Just for the record, the other concern  
3 that defense has is that Your Honor had released a little  
4 earlier on the CPS records relating to the Solander children  
5 when they were also Ramirez children, but I understand that  
6 there was some -- there might be some documents that weren't  
7 released to the defense in that regard, and I just wanted to  
8 make that record clear whether or not the Court had, and we can  
9 talk about this at some point, but whether the Court had  
10 released all or if we can make a record what the Court  
11 withheld.

12 THE COURT: Boy, I'd have to go back and look at that  
13 again.

14 MR. FIGLER: Because it all starts to now come  
15 relevant.

16 THE COURT: Right.

17 MR. FIGLER: Because we're talking about the  
18 pre-existing --

19 THE COURT: You know, typically I would've released  
20 everything unless, you know, sometimes there's pages and pages  
21 and pages in the beginning where it just lists a bunch of  
22 names, and I may have not released at that portion. I'd have  
23 to look again if there was anything that was withheld.

24 MR. FIGLER: I think it's important to make that  
25 record really clear for review because the defense is going to

1 ask for some additional time to further investigate the new  
2 materials we got, especially if those bad acts are coming in  
3 fully, and so --

4 THE COURT: Okay. Well, as I said before, if there's  
5 an issue with more time, you know, unless it's like an  
6 afternoon or a day or something like that, I mean, I'm not  
7 moving forward. So if the Court finds that the disclosure is  
8 too late to enable the defense to prepare, then the remedy is  
9 going to be that they're not going to be testifying.

10 MR. FIGLER: I mean, this is a complicated case, and  
11 obviously --

12 THE COURT: No. I know and it's a life case. I  
13 mean, we all have to be aware of that as well.

14 MR. FIGLER: Okay. I just wanted you to know where  
15 our position was.

16 THE COURT: I understand.

17 MR. FIGLER: And if we could complete that record or  
18 perfect that record.

19 THE COURT: Absolutely.

20 MR. FIGLER: Thank you.

21 THE COURT: And what I'll do is I'll have the clerk  
22 get the court exhibits of the Solander girls' CPS records that  
23 weren't disclosed, and I'll look at those again to see why they  
24 weren't disclosed. I mean, it could just be they were  
25 duplicative of everything, and I just pulled them aside. This

1 may have been the case where they printed out, and it printed  
2 out strangely so that the font was really big, and, like, you  
3 would have for one page like this printed out on six pages or  
4 something like that. I may have pulled those.

5 MR. FIGLER: It was prior to my involvement. So I'm  
6 just going off of --

7 THE COURT: Yeah. It may have been this case. I  
8 don't remember, but there was one it printed out all wrong, and  
9 so it was like each page would have, like, you know, 10 words  
10 on it or something. I probably pulled that. That could be  
11 this case. I'd have to look.

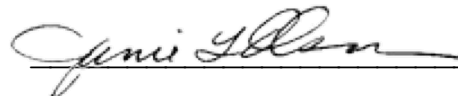
12 (Jury voir dire and related matters not transcribed)

13 (Excerpt ends 9:58 a.m.)

14 (Proceedings recessed for the evening 4:48 p.m.)

15 -oOo-

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

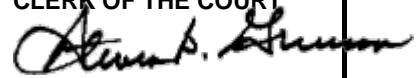
19  
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21 Janie L. Olsen  
22 Transcriber  
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	anything [5] 2/6 7/12 8/16 13/20 15/23	but [20]	couldn't [1] 5/14	15/6
<b>MR. FIGLER: [43]</b>	<b>APPEARANCES [1]</b>	<b>C</b>	<b>counsel [1] 8/3</b>	<b>does [2] 6/4 6/7</b>
<b>MS. BLUTH: [34]</b>	1/16	<b>C299737 [1] 1/7</b>	<b>count [4] 3/19 4/10</b>	<b>doesn't [1] 4/11</b>
<b>MS. MCAMIS: [1] 8/6</b>	<b>approach [2] 2/10 4/18</b>	<b>C299737-3 [1] 1/7</b>	4/12 4/24	<b>doing [2] 5/18 11/11</b>
<b>THE COURT: [67]</b>	<b>approximately [1] 8/11</b>	<b>CAITLYN [1] 1/20</b>	<b>Count 1 [1] 4/24</b>	<b>don't [14] 2/11 3/10</b>
-	<b>are [9] 2/25 3/15 3/18</b>	<b>came [4] 8/25 9/7 10/9</b>	<b>counts [1] 4/15</b>	5/13 5/18 5/25 6/16
-oOo [1] 17/15	4/19 6/21 8/19 10/16	14/25	<b>COUNTY [2] 1/2 2/1</b>	6/25 7/2 11/9 12/12
1	12/17 16/2	<b>camera [2] 9/18 12/20</b>	<b>couple [1] 3/15</b>	13/19 13/20 14/7 17/8
10 [1] 17/9	<b>around [1] 8/7</b>	<b>can [9] 2/14 3/23 4/18</b>	<b>course [3] 4/14 9/24</b>	<b>done [2] 5/11 8/17</b>
10:30ish brought [1]	<b>arrive [1] 7/15</b>	4/18 5/13 8/20 12/23	12/24	<b>down [1] 7/3</b>
7/19	<b>as [19]</b>	15/8 15/10	<b>court [14] 1/2 1/12</b>	<b>drop [1] 2/15</b>
11:00 [1] 8/8	<b>aside [1] 16/25</b>	<b>can't [2] 2/17 5/16</b>	1/24 3/16 3/20 4/13	<b>drug [1] 14/20</b>
2	<b>ask [1] 16/1</b>	<b>capital [1] 5/3</b>	4/16 8/3 8/14 15/8 15/9	<b>duplicative [1] 16/25</b>
2018 [2] 1/14 2/1	<b>asked [2] 2/10 3/6</b>	<b>case [9] 1/7 8/24 12/10</b>	15/10 16/7 16/22	<b>during [2] 3/1 10/10</b>
4	<b>at [18]</b>	16/10 16/12 17/1 17/7	<b>CPS [11] 7/20 7/21</b>	<b>Dwight [2] 11/22 11/23</b>
40 [2] 8/12 12/25	<b>attached [1] 12/8</b>	17/11 17/18	7/23 9/3 11/23 13/13	<b>E</b>
4:48 p.m [1] 17/14	<b>attendant [1] 9/9</b>	<b>cause [1] 6/10</b>	13/21 14/2 14/8 15/4	<b>e-mailed [1] 8/2</b>
9	<b>ATTEST [1] 17/16</b>	<b>causing [1] 4/25</b>	16/22	<b>each [4] 3/18 4/10 4/12</b>
9:05 [1] 2/1	<b>Attorneys [1] 1/18</b>	<b>certainly [2] 6/10 12/9</b>	<b>crime [1] 4/21</b>	17/9
9:07 [1] 2/5	<b>audio [1] 17/17</b>	<b>certify [1] 17/16</b>	<b>D</b>	<b>eager [1] 3/11</b>
9:11 a.m [1] 7/17	<b>audio/video [1] 17/17</b>	<b>cetera [2] 9/6 9/15</b>	<b>danger [1] 6/13</b>	<b>earlier [1] 15/4</b>
9:47 a.m [1] 7/17	<b>avermment [1] 4/7</b>	<b>challenge [2] 9/11 9/16</b>	<b>dates [1] 9/14</b>	<b>early [2] 10/2 12/11</b>
9:58 a.m [1] 17/13	<b>avermments [1] 3/18</b>	<b>challenges [3] 8/24</b>	<b>day [4] 1/13 14/22</b>	<b>ease [2] 7/15 7/16</b>
<b>A</b>	<b>aware [3] 5/16 6/21</b>	10/22 10/25	14/25 16/6	<b>economic [1] 10/8</b>
a.m [5] 2/1 2/5 7/17	16/13	<b>chance [1] 10/22</b>	<b>DAYVID [1] 1/21</b>	<b>either [2] 7/2 12/12</b>
7/17 17/13	<b>away [1] 9/25</b>	<b>Chief [1] 1/18</b>	<b>deal [1] 3/10</b>	<b>element [2] 6/1 6/2</b>
abdicating [1] 6/1	<b>B</b>	<b>child [2] 4/24 10/11</b>	<b>defect [4] 4/14 6/25 7/2</b>	<b>else [2] 2/6 7/12</b>
able [3] 3/2 7/25 9/17	<b>back [1] 15/12</b>	<b>children [10] 7/22 7/24</b>	7/6	<b>email [3] 8/3 12/18</b>
about [8] 3/16 4/1 8/15	<b>bad [1] 16/2</b>	8/25 9/2 9/5 9/6 9/7 9/8	<b>defects [1] 6/20</b>	12/21
10/22 14/16 14/21 15/9	<b>basically [1] 8/14</b>	15/4 15/5	<b>Defendant [2] 1/10</b>	<b>emails [1] 11/21</b>
15/17	<b>bathroom [1] 11/7</b>	<b>children's [1] 7/21</b>	1/20	<b>enable [1] 16/8</b>
above [1] 17/17	<b>be [22]</b>	<b>CHRISTOPHER [1]</b>	<b>defense [19]</b>	<b>ends [1] 17/13</b>
above-entitled [1]	<b>beautiful [1] 8/21</b>	1/18	<b>definite [1] 6/23</b>	<b>endure [1] 6/11</b>
17/17	<b>because [10] 4/6 6/7</b>	<b>CLARK [2] 1/2 2/1</b>	<b>definitely [2] 10/15</b>	<b>entitled [1] 17/17</b>
absolutely [2] 7/8	8/14 8/17 9/6 11/21	<b>cleaner [1] 6/17</b>	14/10	<b>especially [1] 16/2</b>
16/19	12/15 15/14 15/17	<b>clear [4] 9/21 12/7 15/8</b>	<b>delete [1] 4/5</b>	<b>ESQ [4] 1/17 1/18 1/20</b>
abuse [6] 4/24 6/16	15/25	15/25	<b>deleted [1] 4/7</b>	1/21
10/9 10/11 14/18 14/19	<b>become [1] 9/16</b>	<b>clerk [1] 16/21</b>	<b>DEPT [1] 1/7</b>	<b>et [2] 9/6 9/15</b>
acceptable [1] 4/13	<b>been [11] 7/4 8/2 8/7</b>	<b>close [1] 2/9</b>	<b>Deputy [1] 1/18</b>	<b>even [2] 6/12 9/22</b>
accident [1] 11/7	8/24 9/11 9/15 9/22	<b>clues [1] 9/3</b>	<b>detective [1] 2/7</b>	<b>evening [1] 17/14</b>
acknowledges [1] 4/13	10/24 11/19 17/1 17/7	<b>come [4] 3/1 9/3 14/22</b>	<b>DFS [1] 9/3</b>	<b>everybody [1] 2/14</b>
acts [1] 16/2	<b>before [7] 1/12 3/3</b>	15/14	<b>DFS-CPS [1] 9/3</b>	<b>everything [4] 10/5</b>
actually [7] 3/17 5/8	3/16 8/12 9/22 14/13	<b>comfortable [2] 3/24</b>	<b>Diaz [11] 7/21 7/22 9/5</b>	13/19 15/20 16/25
5/10 5/11 5/23 6/17	16/4	5/9	10/4 10/11 11/6 13/4	<b>evidence [4] 2/8 2/15</b>
6/25	<b>beginning [1] 15/21</b>	<b>coming [3] 9/9 9/15</b>	13/6 13/7 13/11 14/14	2/18 2/24
<b>ADAIR [1] 1/12</b>	<b>begins [1] 2/5</b>	16/2	<b>Diaz-Burnett [9] 7/21</b>	<b>evidentiary [5] 10/7</b>
<b>additional [1] 16/1</b>	<b>being [2] 9/12 10/5</b>	<b>committed [1] 8/18</b>	7/22 9/5 10/4 13/4 13/6	10/10 11/15 14/16
<b>adoptive [1] 9/2</b>	<b>believe [4] 6/1 9/19</b>	<b>complete [1] 16/17</b>	13/7 13/11 14/14	14/21
<b>afternoon [3] 12/10</b>	13/14 14/12	<b>complicated [1] 16/10</b>	<b>did [3] 2/22 9/25 12/8</b>	<b>exact [1] 5/19</b>
12/11 16/6	<b>believes [1] 10/23</b>	<b>component [2] 3/21</b>	<b>didn't [11] 4/1 5/9 11/8</b>	<b>exactly [3] 4/19 4/20</b>
<b>again [5] 10/3 14/15</b>	<b>benefit [4] 6/4 6/7 6/23</b>	4/6	11/10 12/4 12/7 12/9	5/2
15/13 15/23 16/23	7/10	<b>concern [1] 15/2</b>	12/13 12/14 13/24 14/2	<b>EXCERPT [3] 1/9 2/5</b>
<b>ago [1] 11/19</b>	<b>between [2] 3/20 11/21</b>	<b>concerning [4] 7/20</b>	<b>diet [1] 8/15</b>	17/13
<b>agree [1] 6/6</b>	<b>big [3] 13/10 14/14</b>	7/22 7/23 7/25	<b>diligently [1] 10/24</b>	<b>exhibit [1] 8/3</b>
<b>agreement [1] 9/23</b>	17/2	<b>conflict [1] 3/19</b>	<b>dire [2] 2/4 17/12</b>	<b>exhibits [2] 2/23 16/22</b>
<b>all [19]</b>	<b>biological [1] 13/23</b>	<b>conjecturing [1] 6/8</b>	<b>directed [2] 8/2 12/21</b>	<b>existing [1] 15/18</b>
<b>already [1] 12/1</b>	<b>bit [1] 14/21</b>	<b>consistent [3] 10/6</b>	<b>directly [1] 9/4</b>	<b>expedite [1] 2/21</b>
<b>also [2] 8/18 15/5</b>	<b>BLUTH [3] 1/17 4/3 8/1</b>	10/11 14/15	<b>disclosed [2] 16/23</b>	<b>experience [1] 6/11</b>
<b>alternate [1] 6/2</b>	<b>both [2] 3/16 9/2</b>	<b>construct [2] 4/11 4/12</b>	16/24	<b>extent [2] 10/13 10/24</b>
<b>Amended [1] 3/12</b>	<b>Boy [1] 15/12</b>	<b>copy [2] 8/4 12/18</b>	<b>disclosure [1] 16/7</b>	<b>F</b>
<b>any [6] 3/2 3/8 4/14</b>	<b>break [1] 2/10</b>	<b>correct [9] 2/21 5/24</b>	<b>discussed [1] 2/19</b>	<b>family [1] 14/14</b>
<b>anyone [1] 5/16</b>	<b>bring [2] 2/7 3/23</b>	6/21 6/22 8/5 11/2	<b>disputed [1] 3/3</b>	<b>family's [1] 13/23</b>
	<b>brought [2] 2/19 7/19</b>	11/16 13/9 13/12	<b>DISTRICT [3] 1/2 1/12</b>	<b>far [3] 9/12 9/13 10/6</b>
	<b>bunch [1] 15/21</b>	<b>correctly [1] 17/16</b>	1/18	<b>FEBRUARY [2] 1/14</b>
	<b>Burnett [9] 7/21 7/22</b>	<b>corroboration [1] 9/13</b>	<b>divided [1] 7/20</b>	2/1
	9/5 10/4 13/4 13/6 13/7	<b>could [8] 2/24 2/25 6/7</b>	<b>do [6] 2/20 3/24 6/14</b>	<b>FEBRUARY 5 [1] 2/1</b>
	13/11 14/14	10/13 10/14 16/17	8/18 16/21 17/16	<b>feel [2] 4/15 5/9</b>
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TRAN

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

THE STATE OF NEVADA,

Plaintiff,

vs.

JANET SOLANDER,

Defendant.

CASE NO. C299737-3  
DEPT NO. XXI

**EXCERPT OF  
PROCEEDINGS**

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 2**

TUESDAY, FEBRUARY 6, 2018

APPEARANCES:

FOR THE STATE:

JACQUELINE M. BLUTH, ESQ.  
CHRISTOPHER S. HAMNER, ESQ.  
Chief Deputy District Attorneys

FOR THE DEFENDANT:

CAITLYN L. MCAMIS, ESQ.  
DAYVID J. FIGLER, ESQ.

RECORDED BY: SUSIE SCHOFIELD & GAIL REIGER, COURT RECORDERS  
TRANSCRIBED BY: JD REPORTING, INC.

1 LAS VEGAS, CLARK COUNTY, NEVADA, FEBRUARY 6, 2018, 11:23 A.M.

2 \* \* \* \* \*

3 (Jury voir dire and related matters not transcribed)

4 (Proceedings begin 5:02 p.m.)

5 THE COURT: Actually I think there really aren't any  
6 motions left. The motion to suppress, that was already denied;  
7 correct?

8 MR. FIGLER: No. We have not argued yet.

9 MS. MCAMIS: We have not argued it.

10 MS. BLUTH: We haven't argued it.

11 THE COURT: Okay. Well, Ms. Bluth or you came up --  
12 I know your name -- came up with the case law or the statutory  
13 law. The motion to strike notice of expert witness, that's  
14 already been determined, and I said that if there's anything  
15 new you can renew the motion, but it was denied; correct?

16 MR. FIGLER: It was denied without prejudice.

17 THE COURT: Right.

18 MR. FIGLER: That we could renew it before  
19 Dr. Cetl --

20 THE COURT: Well, that doesn't mean it remains on the  
21 calendar.

22 MR. FIGLER: Correct.

23 THE COURT: So whoever the clerk was should have  
24 taken that off the calendar.

25 MS. BLUTH: I think we put it on because I did it. I



1 responded. You know, I did my position.

2 THE COURT: Oh, that's right.

3 MS. BLUTH: And then --

4 THE COURT: And then I said, okay. Well --

5 THE CLERK: I think we were waiting on something --

6 MS. BLUTH: And then, Dayvid, you said that if you  
7 wanted to or Caitlyn you said you would file a reply, but I  
8 don't know where we were.

9 MR. FIGLER: Yeah. We would like to make a record of  
10 at least an oral reply.

11 THE COURT: Okay. I said that you got to do that.  
12 So that does stay on.

13 The State's motion to quash Dr. Sandra Cetl's and  
14 your subpoena, I think we dealt with that already.

15 MS. BLUTH: You granted in part.

16 THE COURT: Yes. So we can take that off calendar.

17 MR. FIGLER: Well, here's the thing on that one. We  
18 haven't had full compliance yet. Your Honor said that most of  
19 it was moot.

20 THE COURT: Are we being taped?

21 THE COURT RECORDER: Uh-huh.

22 THE COURT: Good.

23 MR. FIGLER: If there's anything that's remaining, we  
24 probably need to hash it out.

25 THE COURT: Okay.

1 MR. FIGLER: Because we had not received any of the  
2 power points or any representation that Dr. Cetl no longer has  
3 those power points, and we haven't gotten anything from -- we  
4 got the -- so here's what we did get off of the subpoenas.  
5 Ms. Bluth provided the defense with a list as best that the  
6 district attorney could determine of all the cases that  
7 Dr. Cetl has criminally testified in and apparently  
8 cross-referenced that with her office and with Dr. Cetl, and  
9 the representation to us was that Dr. Cetl confirmed that list.

10 MS. BLUTH: Yes.

11 MR. FIGLER: Okay. So we have that. We also  
12 received invoices from the year 2017 as it relates to  
13 Dr. Cetl's payment for testimony. We received that from the  
14 State. We have an oral representation that Dr. Cetl may not  
15 have all the power points, but she certainly has the most  
16 recent one, and that has not yet been provided to us, and then  
17 all information regarding this district attorney award thing  
18 has not been provided to the defense yet.

19 MS. BLUTH: So I can say in regards to the PowerPoint  
20 I just haven't met with her yet because she's going to be my  
21 last witness.

22 THE COURT: Can she, like, email it to you or --

23 MS. BLUTH: She said it was too large. I asked, and  
24 I get that because my PowerPoints I can never email them, or  
25 maybe you could provide or she could burn it. I could ask if

1 she could burn it to a CD maybe.

2 MR. FIGLER: That's fine. I do have something that  
3 can play a CD for a PowerPoint, and we just need the  
4 representation either from the -- from Dr. Cetl. I prefer from  
5 Dr. Cetl that she has complied with the subpoena to the best of  
6 her ability based on what was available to her, and that's Your  
7 Honor's determination, and once that's done, then that does  
8 clear that issue up, and then the remaining --

9 MS. BLUTH: And then the DA, and again you can ask  
10 her, but I spoke to her about that. That actually had nothing  
11 to do with the criminal section, and she'll have to --

12 THE COURT: Was that abuse-neglect?

13 MS. BLUTH: No. It was the DA family division.

14 THE COURT: Like family support?

15 MS. BLUTH: What is it called? There is family  
16 support, and then it's child welfare and juvenile delinquency.  
17 That was --

18 THE COURT: Right. Well, juvenile delinquency, as  
19 you know, is the criminal division.

20 MS. BLUTH: Yeah. But I guess what I'm saying is,  
21 but they separated. You know, they call us DA criminal, and  
22 they call them -- they call them DA family support, and under  
23 family support --

24 THE COURT: Oh, they changed it. Dave Roger changed  
25 it then because it used to be DA criminal adult division and

1 juvenile division, and then he must have changed it over to  
2 make Teresa Lowry an assistant DA.

3 MS. BLUTH: I know what it is. I know what it is,  
4 Judge.

5 (Pause in the proceedings)

6 MS. BLUTH: So anyways, I think I have that correct,  
7 but anyway she explained to me who those -- the governor. It's  
8 something to do with the governor, and she'll explain it to  
9 you. She'll even say it on the phone with you or I'll get an  
10 email by anyways it's nobody who works with me in our adult  
11 criminal side.

12 THE COURT: Okay.

13 MS. BLUTH: Because Dena and I are the main ones who  
14 work with her because we have the majority of the physical  
15 child abuse cases, and I was like I never gave you this. I  
16 never -- and she was like, no. No. That had to do with the  
17 child welfare family support program. So anyways, she'll  
18 delineate it in an email to me.

19 THE COURT: Okay.

20 MS. BLUTH: And I'll give that to the defense, but,  
21 yeah.

22 THE COURT: Okay.

23 MR. FIGLER: Yeah. I mean, we just went off of what  
24 it says here which is --

25 THE COURT: No. No. I mean, I just really wasn't --

1 MR. FIGLER: It just jumped out at me.

2 THE COURT: Now, that I think through it, I'm aware  
3 of the changes, but I had sort of forgotten how they changed  
4 it.

5 MS. BLUTH: Yeah. Because Bridget Duffy is over them  
6 and Robert is over us, you know.

7 MR. FIGLER: So that's what we were basing it on.

8 (Pause in the proceedings)

9 MR. FIGLER: So that back page, awards, it just says  
10 Clark County District Attorney Meritorious Award, including  
11 governor rep, and so I don't know what any of that is, but it  
12 seems like it's called the Clark County District Attorney  
13 award.

14 THE COURT: Okay. So you can put that on the record.

15 MS. BLUTH: Let me just get an email though because I  
16 don't ever want to misstate anything, just so I have it a  
17 hundred percent correct.

18 THE CLERK: I'll just put them on for 9:00 tomorrow.  
19 Those carry on.

20 MR. FIGLER: Carry on and then --

21 THE COURT: Yeah. So it looks like these are all  
22 still up in the air.

23 Okay. Anything else we need to do?

24 MS. BLUTH: Not on behalf of us.

25 MR. FIGLER: No. We just are asking for that little

1 period of time before the opening so we can kind of sort  
2 through anything before the openings. Because as I understand  
3 it there's still some question of the bad acts that's out  
4 there, or is that fully resolved?

5 MS. BLUTH: No. Just the diabetes part, which I'm  
6 not getting into in my openings at all.

7 THE COURT: Right.

8 MS. BLUTH: It was my understanding --

9 THE COURT: My only concern is having not finished  
10 going through the stack that was given to me on Friday on the  
11 Diaz-Burnett children from their biological families and the  
12 Stark kids from their biological families. I don't know if  
13 there is anything in there relating to digestive issues or  
14 anything like that. So I guess I would say, you know, in your  
15 opening you can talk about the Stark girls in terms of how they  
16 were toileted or the toilet tissue and that. You know, they  
17 have to ask to go to the bathroom, this or that with respect to  
18 living at the Solanders.

19 On this whole Metamucil, and I don't even know if you  
20 were going to touch on that, hard stools issue --

21 MS. BLUTH: I'm not.

22 THE COURT: -- stay out of that.

23 MS. BLUTH: I'm not.

24 THE COURT: Right. Because that could be something  
25 that if there's mention of anything like that in the records

1 from the biological family, then obviously it would be verified  
2 that that was really a condition and not be a bad act; right?  
3 So, I mean --

4 MS. BLUTH: But bedwetting though, I do talk about  
5 that there were -- I'm not talking about anything about the  
6 soft stools, hard stools, Metamucil, but I am talking about  
7 that, you know, the CPS as well as the children notated that  
8 there was a fixation on toileting and eating issues. That's as  
9 far as I get into it.

10 THE COURT: Okay. So just sort of generally.

11 MS. BLUTH: Yeah.

12 THE COURT: Okay. That's fine.

13 MS. BLUTH: And the same thing with the Diaz-Burnett  
14 children is that there was again a toileting, and I stay away  
15 from Areahia, but toileting and eating issues that caused  
16 discipline in those areas, and then I talk about --

17 In regards to the diabetes, I know that Your Honor  
18 said that that specific part -- that the State at this point  
19 you were going to think about it some more, but at this point  
20 if the defense went with, you know, these children were sick,  
21 then it could be a possible rebuttal area.

22 THE COURT: Right.

23 MS. BLUTH: And I understand that ruling, and I'm not  
24 getting into it.

25 MR. FIGLER: And the defense's concern, and this has

1 always been our concern, especially since I came in and got  
2 updated from Ms. McAmis weeks and weeks ago is that we don't  
3 know -- the theory of defense is very plain, and Your Honor has  
4 acknowledged that, as to the end I can discuss it, is that a  
5 lot of the problems in these children's lives were with them  
6 before they ever met the Solanders, and that's -- I'm not  
7 giving away the theory of defense for you on that, but that is  
8 a key part of it.

9           To that extent, the issue of all the medical concerns  
10 of especially the -- I'm sorry, especially the Solander kids  
11 before, we want to make sure that we have everything about  
12 that, and I don't have confidence, and I know Your Honor was  
13 going to review some of the stuff they had. So that's Number 1  
14 but --

15           THE COURT: Okay. Let me stop you. April was the  
16 clerk yesterday, and I said to get the records that the -- the  
17 CPS records that have been made a court's exhibit. So get any  
18 CPS records that are a court's exhibit because I don't want  
19 something, you know, left out. So pull that all at the vault.

20           THE CLERK: Now, isn't that what we pulled out and we  
21 looked through?

22           MS. BLUTH: I think we pulled through the prelim  
23 exhibits.

24           THE COURT: No, those were the prelim. These would  
25 be the records that I review and then I give to you or Crystal



1 gives to you to make a court's exhibit.

2 THE CLERK: Can I pull out what I have? I think I  
3 might have -- I think I have them.

4 THE COURT: Okay.

5 MR. FIGLER: So as we're going forward --

6 THE COURT: Because those normally don't come down  
7 for the trial.

8 MR. FIGLER: Right. So we're talking about the  
9 Solander nee the Ramirez kids. They were Ramirez kids before  
10 they were Solanders.

11 THE COURT: Right. So you're talking about the CPS  
12 records from when they were removed from their homes?

13 MR. FIGLER: Right.

14 THE COURT: I don't recall reviewing those, but --

15 MR. FIGLER: I know they were sent to Your Honor  
16 first, and some were given out to us, and there is a concern  
17 that they weren't all given to us, and now we might have -- the  
18 relevance that there may need to be a revisit to make sure we  
19 have everything so that's number one.

20 THE COURT: Okay.

21 MS. BLUTH: So --

22 MR. FIGLER: If I, just real quick.

23 MS. BLUTH: Okay. Fine.

24 THE COURT: Yeah, I'm sorry.

25 MR. FIGLER: I'm sorry, Jacqueline.

1 MS. BLUTH: No, that's okay.

2 MR. FIGLER: And then number two is if they're going  
3 to suggest through bad acts that the Solanders were doing the  
4 same thing with the Diaz-Burnett and the Stark kids, we have  
5 again for our rebuttal purposes we can't be limited saying no,  
6 no, they also had issues that came that were involved in all  
7 this stuff, and so we don't want it to be, like, opening the  
8 door now that somehow all this stuff about diabetes and all  
9 this other stuff comes in if we're basing it on records. So  
10 but we also want to make sure we have all the records which I  
11 know is what Your Honor is going to look at too.

12 THE COURT: Right.

13 MR. FIGLER: And so this is the big concern for us,  
14 especially since we got this stuff that last Friday at 11:00,  
15 is that we did start seeing names of people who may not have  
16 been noticed anywhere, were looking at that sort of thing, some  
17 CPS workers who were involved with the Diaz-Burnett kids. As  
18 these documents come in, it does provide the defense with  
19 greater challenges to make sure that our full rebuttal or our  
20 full theory of defense is put forward, and so this is an  
21 ongoing concern.

22 Ms. Bluth and I had a discussion about a possible  
23 other document that's related to the Solander kids, and we're  
24 going to sort that out between the parties hopefully without  
25 the Court's intervention, but, you know, that's where we are,

1 and it's very difficult for Ms. Solander and her defense to be  
2 dealing with this stuff. So when we talk about what Dr. Cetl  
3 saw or heard didn't see and all this other stuff, I mean,  
4 there's a lot here, and so the defense is always going to be  
5 prepared once we have the final word to make a motion for a  
6 continuance on that or not. I don't know where we are right  
7 now because I don't know if we have everything or if there's  
8 still stuff out. I guess that's the bottom line.

9 THE COURT: Right.

10 MS. BLUTH: Well, I mean, I have the same records  
11 that they have, and it's the same -- we've always been aware of  
12 all of these issues because it was in the first -- we had such  
13 a big amount of records from Lori Wells and the CPS  
14 investigation with her and her group. If they want to call CPS  
15 and they didn't notice those people, I'm totally -- I mean, I  
16 don't care about that.

17 But, I mean, I feel like globally I'm more aware of  
18 certain things just because I've had so much contact with CPS,  
19 and there is not going to be any of these issues with all of  
20 these other people because with the Stark girls that's kind of  
21 just over and done; right? I mean, but the Diaz-Burnett kids,  
22 what they're going to find, and I've spoken with CPS is that  
23 these kids were really neglected. Besides the sexual abuse  
24 with Areahia, they were -- you know, no running water.

25 THE COURT: Oh, no. They were like -- it was

1 extreme, just extreme poverty.

2 MS. BLUTH: Yeah. And so that's why, like, when  
3 they're saying they're getting all these names and this stuff I  
4 need to know what it is that they're specifically talking about  
5 that they feel like they're at a disadvantage at because I have  
6 those same records, and if I am saying you call anybody you  
7 want to call.

8 THE COURT: The only other thing is obviously you  
9 also have surrebuttal.

10 MR. FIGLER: Right.

11 THE COURT: And so, you know, if they bring up  
12 something about the Diaz-Burnett girls in their rebuttal case,  
13 you still have a surrebuttal opportunity if you feel like now,  
14 you need to call some other different CPS worker or -- I mean,  
15 I know you know that, but it's not like you're limited to your  
16 case in chief if now they're bringing in new stuff about  
17 Diaz-Burnett on their rebuttal case.

18 MR. FIGLER: But I think Your Honor understands the  
19 disadvantage to defense who's in trial to start to -- I mean,  
20 we don't have a permanent investigator that's attached to this  
21 particular case to go out and talk to some of these people,  
22 track them down. We're doing our trial prep, et cetera. Our  
23 position is always going to be that it is confusion of the  
24 issues and that the prejudicial impact outweighs --

25 THE COURT: Right. Well, you're confusing the issues

1 because the first issue is the completeness of records on just  
2 the Solander girls.

3 MR. FIGLER: Correct.

4 THE COURT: That's number one. The second issue is  
5 whether or not you've had enough time to prepare on the  
6 Diaz-Burnett --

7 MR. FIGLER: Stark.

8 THE COURT: -- and the Stark girls.

9 MR. FIGLER: Correct.

10 THE COURT: Now, there's two things. First of all is  
11 sort of what I'm going to call -- I mean, there is an element  
12 of prior bad acts, but they're also like percipient witnesses  
13 to what's going on in the home. You know, this is how much  
14 toilet paper we got, and this is that. I mean, I think they  
15 could've probably testified to that anyway.

16 MR. FIGLER: I think we could even stipulate that  
17 they got six squares for potty time, and that was all laid out  
18 for the kids.

19 THE COURT: Well, I'm just saying that, you know,  
20 that stuff they could testify to anyway. So really there  
21 isn't -- I don't know. I mean there's the diabetes thing. We  
22 set that aside, and then based on the -- I mean, there was so  
23 much at the evidentiary hearing --

24 MS. BLUTH: My thing is --

25 THE COURT: You know, I don't know. What else is

1 there on Areahia?

2 MS. BLUTH: Sure. Right. So Areahia.

3 THE COURT: I mean, she messed her pants at the  
4 therapist's office.

5 MS. BLUTH: Right. I've been very clear about what  
6 I'm trying to get into from the beginning. It's this fixation,  
7 because of the way the Solander girls were treated, it's this  
8 fixation with eating and toileting, and that's what I plan on  
9 getting into that these kids were -- yeah, the toilet paper.  
10 They're not allowed to go to the bathroom when they ask. Their  
11 underwear is checked. They're segregated from other kids at  
12 school and not given, you know -- their food is watched. It's  
13 the same thing with each person, and I don't intend to go any  
14 further than that. That's really what it is, eating and  
15 toileting.

16 MR. FIGLER: And to me --

17 MS. BLUTH: Well, and the disciplining that we talked  
18 about, what Areahia -- when they would have accidents, which is  
19 a charge that we charged with the Solanders, that she would  
20 kick them up and -- you know, kick them up and down the stairs.

21 THE COURT: Which the girls saw. I said on the  
22 shower issues --

23 MS. BLUTH: No, she testified to it.

24 MR. FIGLER: If it's credible by clear and  
25 convincing, and I don't know that it is, and I heard the

1 testimony is that she was looking down, and there was guards on  
2 the stairwell, and she saw --

3 THE COURT: I thought that was credible.

4 MR. FIGLER: But what they're saying is that so now  
5 the defense has to because now we're forced into the position  
6 to say, no, that also is legitimate. We don't know why they  
7 didn't charge that. They're saying that all this is abuse, but  
8 they didn't charge it abuse here, and this was also legitimate,  
9 and just because they did it with the Diaz-Burnett kids or  
10 Stark doesn't make them a propensity for being abusive in this  
11 other --

12 MS. BLUTH: But we're not rearguing the bad acts  
13 motion. We're talking about records --

14 MR. FIGLER: But this is the -- well, no, this is  
15 the --

16 THE COURT: Well --

17 MS. BLUTH: -- and Dayvid wasn't here to argue. So  
18 we're not going to reargue the entire thing.

19 MR. FIGLER: Well, and so I understand, but now we've  
20 got all these records, and so the defense is forced --

21 THE COURT: Well --

22 MR. FIGLER: -- to make sure that we are prepared to  
23 say, no, all the toilet fixation, as the State is calling it,  
24 was absolutely legit because these kids were messed up when  
25 they came in, and here's the extent they were messed up, and

1 they also had toileting issues before, and this is just crazy  
2 to even consider that.

3 THE COURT: Yeah. But some of that stuff goes beyond  
4 whether -- and this is kind of where I was leaning -- goes  
5 beyond their own -- and that's why I was concerned about the  
6 hard stools because, yes, the Stark girl may have had an  
7 issue -- we don't know -- about her stools and whatever, but  
8 some of this, like six squares of toilet paper, and you have to  
9 ask permission to go to the bathroom and whatever bowel or  
10 bladder problems the kids may or may not have had I think is  
11 irrelevant.

12 MR. FIGLER: Irrelevant.

13 THE COURT: Because to whether they get six squares  
14 of toilet paper, I mean, to me that's all part of, like, kind  
15 of bizarre behavior, like why do they have to ask to go to the  
16 bathroom and they only get six squares? So whether or not  
17 these kids were messed up, I don't think is really relevant to  
18 how Ms. Solander was treating them with respect to bathrooming,  
19 and that's why I said on the Metamucil or whatever it was,  
20 MiraLAX, I didn't really want that coming in because I didn't  
21 feel like we had enough to evaluate that in terms of whether or  
22 not that was appropriate or inappropriate because we just  
23 didn't know enough.

24 You know, on the diabetes, you weren't here, but I  
25 said, you know, some of this may be legitimate concern. The



1 girl was overweight. She's trying to get her to walk. Some of  
2 that was legitimate. I don't have enough. I can't really  
3 evaluate that. Some of this is -- you know, kicking somebody  
4 up the stairs, I can accept maybe they did come with toileting  
5 issues, but is it reasonable to still kick them up the stairs?  
6 Is it reasonable to say you only get two squares of toilet  
7 paper when you, you know, go Number 1? You get six squares  
8 when you go Number 2. I mean, so I don't think we need to  
9 really care whether or not she had bowel issues. I mean, to me  
10 it doesn't matter.

11 MR. FIGLER: But that's the problem is that in your  
12 opinion it's weird, and so does it make Ms. Solander more  
13 likely to have committed the offenses she's charged with, and  
14 if the answer is no, the probative value is nil of that, but  
15 the --

16 THE COURT: Well, except it's corroborative of what  
17 the Solander girls are saying. It corroborates their testimony  
18 that --

19 MR. FIGLER: They laid out those squares. We'll  
20 stipulate to that.

21 THE COURT: Okay.

22 MR. FIGLER: And then you don't have to have the  
23 confusion of the Diaz-Burnett kids to come in.

24 THE COURT: Well, at minimum --

25 MR. FIGLER: Because to me the cleanest way is to

1 keep out the other kids unless they are percipient.

2 THE COURT: Pardon the pun.

3 MS. BLUTH: What I'm confused at is --

4 MR. FIGLER: Unless they're percipient.

5 MS. BLUTH: This whole thing started with records,  
6 but now we were completely rearguing the motion --

7 THE COURT: Right.

8 MS. BLUTH: -- that you already decided.

9 MR. FIGLER: Well, no, it is about records still.

10 THE COURT: No. Okay. First of all, here's the  
11 thing. So far you haven't pointed to anything specific in the  
12 records that you got that you say, well, I need to do more  
13 investigation of this or whatever. In terms of the other  
14 records, I'm still looking at -- I mean, I have, you know, many  
15 other things to do. I'm still looking at them, and if I see  
16 something that I think could be prejudicial, then I'm going to  
17 point it out, and I'm going to say I think this could be  
18 prejudicial. What do you think? You know, you can refute  
19 that, and then you can argue it is prejudicial.

20 You know, so far really everything that I've seen is  
21 really corroborative of what was already testified to regarding  
22 the, you know, poverty that the Diaz-Burnett children were  
23 living in. I mean, it's economic. It's, you know, twofold.  
24 It's a substance abuse issue, but it's really an economic  
25 issue, that they just didn't have the money to pay the power

1 bill or the water bill, and everything got shut off, and so  
2 they're living with no power and no water, and that really  
3 corroborates what was said.

4 MR. FIGLER: Their malnutrition because of that.

5 MS. BLUTH: Yes. I agree with that.

6 MR. FIGLER: And all that stuff [unintelligible]  
7 Solander house. So again it's, like, we have to get into all  
8 that to say that there is nothing outrageous about what they  
9 did with the Diaz-Burnett kids that makes them -- that in any  
10 way corroborates --

11 THE COURT: Well, let's do this. Let's have, and we  
12 don't have to do it tonight, let's have Ms. Bluth set out very  
13 specifically what evidence she wants to elicit regarding --

14 MS. BLUTH: I have done that. I've done that orally.  
15 I've done that in pleadings.

16 THE COURT: -- Areahia Diaz, and then you tell me how  
17 you would need to refute that with whatever. I mean, in terms  
18 of malnourishment, that's going to come out. I mean, they were  
19 malnourished.

20 MS. BLUTH: Right.

21 MR. FIGLER: Okay.

22 MS. BLUTH: The point we're --

23 THE COURT: I mean, you can still argue look these  
24 girls were malnourished, and Areahia was extremely overweight,  
25 and so that's why I didn't let in -- I mean, if you want to get

1 into the walking, it might be beneficial. You know, but I  
2 said, like, that to me doesn't indicate poor parenting because  
3 the girl really was overweight, and maybe --

4 MS. BLUTH: And I'm not going to get into any of  
5 that.

6 THE COURT: And maybe the whole Valentine's Day party  
7 and the withholding of the cupcake --

8 MS. BLUTH: I'm not getting into that.

9 THE COURT: -- was really well intended, and I said  
10 that, but if you want to get into that, that's fine, but I said  
11 to them to me it's not evidence of really any poor parenting or  
12 anything because the girl was quite overweight, and she  
13 probably was overweight as a result of her initial  
14 malnourishment, much like the Dutch children during the  
15 Holocaust became very overweight once they were liberated.

16 MR. FIGLER: Obviously defense position is that  
17 everything is a lot easier and clearer if we focus on the  
18 allegations in the Solander case.

19 MS. BLUTH: Dayvid, oh my gosh. It's like you're  
20 putting us on a hamster wheel.

21 MR. FIGLER: That's where we are.

22 THE COURT: Or maybe they became overweight as  
23 adults, but there's been some study about that, that like when  
24 you've been malnourished, then you tend to become overweight.  
25 So I'm just saying.

1           So, I mean, I just think it's like tangentially -- I  
2 mean, I don't think we need to get into this.

3           MS. BLUTH: But I think what -- what you're saying is  
4 is okay so what. So what this happened. Okay. If something  
5 happened to Areahia before she got there, why does that make it  
6 so the --

7           THE COURT: You can only have six sheets of toilet  
8 paper.

9           MS. BLUTH: Yeah. Or the defendant accuses her of  
10 stealing food. So now Areahia can't eat with her classmates,  
11 and she has to eat by herself which, oh, by the way is the  
12 exact same thing that happened with Autumn Stark, which is the  
13 exact same thing that happened with the Solander girls.

14          THE COURT: Right.

15          MS. BLUTH: There's this common scheme or plan that  
16 we have, you know --

17          MR. FIGLER: Of criminal behavior? Is it criminal?

18          MR. HAMNER: Yes, it is.

19          MR. FIGLER: Is it criminal to only give someone  
20 six --

21          THE COURT: Well, it doesn't only have to be criminal  
22 though. It doesn't have to only be criminal.

23          MR. HAMNER: When you compare it with giving them the  
24 toilet paper and not letting them go to the bathroom, putting  
25 timers on things, accusing them of stealing food so they can be

1 separated, when you look at all of those things  
2 circumstantially, absolutely it's abusive.

3 MS. BLUTH: And it doesn't even have to be.

4 THE COURT: Well, it doesn't have to be criminal --

5 MR. FIGLER: Why can't we look at each one  
6 individually?

7 THE COURT: -- and all I'm saying is it doesn't  
8 matter whether she had digestive issues or didn't have  
9 digestive issues. We can stipulate that she had digestive  
10 issues or didn't.

11 MR. FIGLER: Okay. I'll do that too.

12 MS. BLUTH: I know I won't do that.

13 THE COURT: I mean, I'm not saying they're willing to  
14 stipulate.

15 MR. FIGLER: No, they won't do that.

16 MS. BLUTH: Of course I wouldn't.

17 THE COURT: Well, what I'm saying is I don't see that  
18 is relevant --

19 MR. FIGLER: Correct. [Unintelligible.]

20 MS. BLUTH: When did I stipulate to that?

21 THE COURT: -- one way or the other. No. I'm just  
22 saying I don't think it's relevant to some of these things.  
23 Now, some of them I think is legitimate, and for that reason, I  
24 said I don't really think they can introduce them, but you may  
25 want to introduce them to show that Ms. Solander was

1 legitimately trying to help this girl lose weight and was  
2 concerned about that. If you want to do that, that's fine, and  
3 you can argue that. All I'm saying is I just don't see  
4 regardless if somebody needs, you know -- what is it I keep  
5 saying Metamucil. The other thing.

6 ATTORNEYS: MiraLAX.

7 THE COURT: I don't see that as, like, justifying  
8 some of these other things. You can argue it does justify  
9 that. That's up to you how you see it, but to me it's kind of  
10 irrelevant as to whether or not, you know, she had a hard  
11 stool, soft stools, whatever, and she's stealing the food, and  
12 they claim she's stealing food, but really there's no evidence  
13 of stealing food.

14 MS. BLUTH: And she said she didn't, and so did  
15 Autumn.

16 THE COURT: And, you know, I mean, she said she was  
17 getting treats. So I think though our record is poor on this  
18 point, and that may be. So I'd like for you to go through more  
19 specifically on what evidence you want to --

20 MS. BLUTH: Like in a -- in what? Like in an email  
21 or --

22 THE COURT: No. No. Orally. No. No.

23 MS. BLUTH: I can do that right now because I've  
24 already written my opening, and it's the exact same as it  
25 always has been. I can do it right now on the record if you

1 want.

2 THE COURT: Okay. Well, at least give them a heads  
3 up, and I don't think we've made a very clear record. Some of  
4 that is my fault maybe, but if you want to say, you know, I  
5 want this to come out with Areahia Diaz, and I want, you know,  
6 this or that. I mean, I think --

7 MS. BLUTH: And just for the record, everything I'm  
8 getting into were documents provided to them at the file  
9 review, and then a few days later I said to Caitlyn, hey,  
10 Caitlyn, there's a file here that said CPS notes, and I scanned  
11 those or I made a -- did I scan them or I made a copy? No, I  
12 made a copy for her to pick up. So I'm not getting into  
13 anything that I just received. Everything is what we have had.

14 THE COURT: Okay.

15 MR. FIGLER: We'll go through it a little more  
16 carefully. We'll tell the Court exactly what our concern is  
17 with specificity with regard to the new information that was  
18 given to us.

19 THE COURT: Right. I mean, that's --

20 MR. FIGLER: The Court is going to evaluate what you  
21 have to make sure that everything that could come to us did  
22 come to us and make a record of what didn't come to us if there  
23 is anything that didn't come to us.

24 THE COURT: Right.

25 MR. FIGLER: And then we'll all move forward with the



1 perfected record.

2 THE COURT: I mean, I'm trying to be specific about  
3 that and not just say toileting issues or this or that.

4 MS. BLUTH: Sure. I can get --

5 THE COURT: I mean, like what specific things do we  
6 want to get into, like the toilet, the kicking up the stairs.

7 MS. BLUTH: Yes.

8 THE COURT: I said that comes in. The cold showers  
9 doesn't come in because I didn't find that that was proven by  
10 clear and convincing evidence. The diabetes, at this point, I  
11 said I think there's a danger of confusion of the issues unless  
12 you open the door that this other child was diabetic. Then  
13 they can get into that. You know, the accusation of the  
14 stealing food.

15 MS. BLUTH: I'll delineate it all out, and then  
16 we'll --

17 THE COURT: So do you see what I mean?

18 MS. BLUTH: Yeah.

19 THE COURT: I think we need to go through each  
20 specific thing, yes, no, whatever. You know, a lot of -- and I  
21 already said, you know, the therapist really needs to be reined  
22 in.

23 MS. BLUTH: Right. And I talked to her about that,  
24 but what I --

25 THE COURT: And a lot of her opinions, well, you

1 know --

2 MS. BLUTH: I know. I got it.

3 THE COURT: -- she's pushy, she's this, that's  
4 prejudicial. She can't testify to that unless it's just I told  
5 her this, and she kept telling me that -- she kept telling me  
6 that you need to do this, or you need to evaluate that or  
7 whatever.

8 MS. BLUTH: Right.

9 MR. FIGLER: If she crosses from lay and percipient  
10 into opinion, we will be all over that.

11 THE COURT: Right. And her dislike for the Solanders  
12 is quite apparent. I'm not saying, Ms. Bluth -- I mean, I'm  
13 just saying.

14 MS. BLUTH: Well, I mean there's going to be people  
15 that are upset in this case.

16 THE COURT: Right. But if she's --

17 MS. BLUTH: I agree.

18 THE COURT: You know, look, she's a witness. She can  
19 say what she saw. She can say what happened, but she was  
20 very --

21 MS. BLUTH: I know.

22 THE COURT: -- ready to give a lot of opinions, and,  
23 you know, she thinks perhaps, oh, this is really helping the  
24 case, but she's not sitting there thinking about appellate  
25 review and all of those other things --

1 MS. BLUTH: And I have talked to her about toning it  
2 down.

3 THE COURT: -- and making unfair prejudice and stuff  
4 like that, and so --

5 MS. BLUTH: Understood.

6 MR. FIGLER: I mean, we are going to be very vigilant  
7 with that because we understand what the charges here are and  
8 what her testimony of being a percipient witness is as relates  
9 to those Solander kids, and I understand that she wants to  
10 testify all about the Diaz-Burnett kids.

11 MS. BLUTH: Well, she doesn't know the Solander kids.

12 MR. FIGLER: Right. And so --

13 THE COURT: Well, she can testify --

14 MR. FIGLER: -- it's very limited.

15 THE COURT: -- to some of the things on the  
16 Diaz-Burnett girls.

17 MS. BLUTH: Yeah. She's not going to talk about the  
18 Solander kids, but she's going to talk about -- I mean, you saw  
19 it. She was a total percipient witness. I never asked her for  
20 any opinions. She just talked about what the children told her  
21 in the course of treatment and what she did with the Solanders  
22 and how they responded. I mean, I'm not --

23 THE COURT: Right. But then she did offer a lot of  
24 opinion.

25 MS. BLUTH: But, I mean, not medical opinions, not

1 like I diagnosed these children with PTSD or anything like  
2 that.

3 THE COURT: No. No. I can't remember. There were a  
4 few things she said. Oh, I think they're being poisoned. Do  
5 you want to know what I really think. I think that they're  
6 being poisoned, you know, stuff like that, and then there were  
7 a few other things that -- I mean, obviously you're going to  
8 tell her in her pretrial she can't do that.

9 MS. BLUTH: Yeah.

10 THE COURT: I just don't want her blurting out  
11 something like that --

12 MS. BLUTH: Right.

13 THE COURT: -- which would be incredibly prejudicial  
14 and then they'd be making a motion for a mistrial and all of  
15 that.

16 MS. BLUTH: I know. But for clarification on that,  
17 Judge, she had said -- when that accident happened, I asked  
18 Areahia, Is someone putting something in your food? This was  
19 not a regular bowel movement, and you said, Why did you ask her  
20 that, and she said, If you want me to be honest, I thought they  
21 were being poisoned.

22 THE COURT: Right.

23 MS. BLUTH: Which I would -- not that -- you don't  
24 know her answers; right? So I understand way you asked that,  
25 but I would never have said in front of a jury --

1 THE COURT: Because I didn't know her answer.

2 MS. BLUTH: Exactly.

3 THE COURT: And then I let her say more, and I said  
4 it's just me.

5 So the second issue is have you had a chance to look  
6 at those records that followed the CPS records after Areahia  
7 had the accident in her pants at the therapy?

8 MS. MCAMIS: Yes. That was part of the Friday  
9 disclosure.

10 THE COURT: Okay. Was there something in there where  
11 CPS wrote that Areahia said she did it to --

12 MR. FIGLER: Make Janet mad, yes --

13 MS. BLUTH: Stay longer.

14 THE COURT: -- to make Janet mad?

15 MR. FIGLER: Yeah, we have that.

16 THE COURT: Which is totally inconsistent with what  
17 she testified to here.

18 MR. FIGLER: And we believe exculpatory. So right.  
19 Great.

20 MS. BLUTH: And we have that in the original records  
21 too. She said that, that she wanted to stay longer with her  
22 mom and make Janet mad.

23 MS. MCAMIS: That's not in a CPS record.

24 MR. FIGLER: It's not a Unity note.

25 MS. MCAMIS: It's not a Unity note.

1 MS. BLUTH: I have it right here.

2 MR. FIGLER: Not that we reviewed. So that --

3 THE COURT: So when I saw that, I then became  
4 concerned about even introducing anything relating to the  
5 accident and the pants. Because when she testified, it was  
6 like, oh, it's just an accident in the pants. So why would she  
7 have told CPS, oh, I did it, and the therapist, I mean, didn't  
8 think it was something you could do voluntarily. I just became  
9 concerned about that inconsistency.

10 MS. BLUTH: Yeah. I mean, I can show you. I have  
11 the records, the old records where it --

12 THE COURT: No. I mean, I saw it.

13 MS. BLUTH: No. Where it is already. Do you know  
14 what I mean? Like where I had already handed that to them.

15 THE COURT: Yeah. I was just, I mean, concerned  
16 about the inconsistency in her testimony because I have to find  
17 her testimony on that point was credible, and so she testified  
18 to one thing here, and then she's telling CPS this whole idea  
19 about I did it to make Janet mad. Do you see what I mean?

20 MS. BLUTH: Yeah. I think that the issue is though,  
21 and I thought that we had gone into this, is that when they  
22 were -- you know, when they talk to her, when she was talked  
23 to, she wasn't -- when CPS or whoever, you know, came and did  
24 the investigation, she's not completely forthcoming. You know  
25 what I mean?

1 THE COURT: Right.

2 MS. BLUTH: Like, when an investigation starts, and  
3 then she still with the Solanders. So it's not like she's  
4 like, okay, well, this is everything that happened.

5 MR. FIGLER: Your Honor, can we just for the  
6 abundance of caution and so that we are all prepared, and since  
7 this is an issue that we're talking about now, can we have  
8 transcribed the evidentiary hearing.

9 Sorry, Susie.

10 But I think it's become really vitally important.

11 THE COURT: Okay. Here's what we can do. I'm not  
12 going to make Susie like --

13 THE COURT RECORDER: I can't. It's not physically  
14 possible. I mean it's over 9 hours, 11 hours long.

15 THE COURT: -- work all night transcribing that. We  
16 can ask that it be done by some other. We can send it out and  
17 see if somebody can do it as a daily, like in a death case. I  
18 can order that it be done as a daily but it not be done by  
19 Susie, and it's not set up. So we don't have somebody that can  
20 just type it right now all night long because we weren't  
21 anticipating this. So we can at some point see if there is  
22 someone available to do it as if this were a daily.

23 MR. FIGLER: That would be the defense request.

24 THE COURT: But it's not going to be tomorrow.

25 MR. FIGLER: That's fine.

1 THE COURT: It's not going to be done tomorrow.

2 MR. FIGLER: Well, as long as it's before they  
3 testify.

4 THE COURT: And it's, you know, 5:30 -- 5:35, and,  
5 you know, we've been --

6 MS. BLUTH: And they're not going to testify until  
7 late next week.

8 THE COURT: We've been working since my morning  
9 calendar this morning. So I'm not going to order Susie to be  
10 calling people and doing that.

11 MR. FIGLER: Tomorrow.

12 THE COURT: So if we can find somebody tomorrow that  
13 can type it, great, and that would just be the Diaz --  
14 Areahia's testimony and maybe the therapist testimony.

15 MR. FIGLER: I believe the therapist.

16 And what do you think about the nurse or no? I think  
17 just the therapist because the nurse stuff is mostly out now,  
18 some of it.

19 THE COURT: Well, a lot of it is the diabetic stuff.

20 MR. FIGLER: Right. Right.

21 THE COURT: Some of it is the eating lunch stuff.  
22 So, yeah, Areahia and the therapist.

23 MR. FIGLER: Yeah, for sure.

24 THE COURT: But like I said, that'll be if somebody  
25 is available if we can find somebody because, as you know, for



1 a capital case, we have that set up all in advance for somebody  
2 to do the dailies. Nobody is set up tonight.

3 MR. FIGLER: If we can make inquiry.

4 THE COURT: So I'm not going to make Susie call  
5 around tonight.

6 MR. FIGLER: No. That's not -- we're not.

7 MS. BLUTH: And we're not getting to them until next  
8 week.

9 THE COURT RECORDER: And I need specifics. If  
10 somebody could do a quick order so the Judge can sign it  
11 because otherwise the State won't pay an outside transcriber.

12 THE COURT: Right. And it's just Areahia's testimony  
13 and --

14 MR. FIGLER: And the therapist's --

15 MS. BLUTH: And Lori Wells.

16 THE COURT: -- the therapist testimony.

17 MR. FIGLER: That's fine. And Ms. McAmis will  
18 prepare. We're appointed counsel on this. So it should all be  
19 fine.

20 THE COURT: Right. It should be fine, but like I  
21 said we have to find somebody who's available to transcribe it.

22 MS. BLUTH: Yeah. Did you hear me?

23 MR. FIGLER: What's that?

24 MS. BLUTH: That we're not even going to be calling  
25 them until, like, mid to late next week.

1 MR. FIGLER: Yeah. Yeah. So we'll have some time.

2 MS. BLUTH: So you won't be stressed out about it.

3 THE COURT: Okay. So maybe we have a little more  
4 time than just tomorrow. I thought you meant like --

5 MR. FIGLER: Oh, no. No. No. No. I mean,  
6 especially if -- before the witness testifies.

7 THE COURT: Yeah. Well, Susie is not going to be  
8 able to do it because she's going to be sitting in here. So we  
9 still need to find an outside transcriber who can do that.

10 MR. FIGLER: Yeah, but we have a little bit more  
11 time. That's acceptable to defense, and we'll just revisit if  
12 we have to before the witness testifies.

13 THE COURT: Okay. All right.

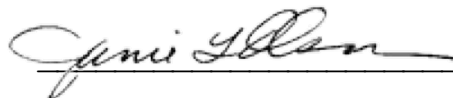
14 (Proceedings recessed for the evening 5:38 p.m.)

15 -oOo-

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

19

20



21

Janie L. Olsen  
Transcriber

22

23

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<div>MR. FIGLER: [83]</div> <div>MR. HAMNER: [2]</div> <div>23/18 23/23</div> <div>MS. BLUTH: [94]</div> <div>MS. MCAMIS: [4]</div> <div>2/9 31/8 31/23 31/25</div> <div>THE CLERK: [4]</div> <div>3/5 7/18 10/20 11/2</div> <div>THE COURT</div> <div>RECORDER: [3]</div> <div>3/21 33/13 35/9</div> <div>THE COURT: [129]</div> <div>-</div> <div>-oOo [1]</div> <div>36/15</div>	<div>after [1]</div> <div>31/6</div> <div>again [4]</div> <div>5/9 9/14 12/5 21/7</div> <div>ago [1]</div> <div>10/2</div> <div>agree [2]</div> <div>21/5 28/17</div> <div>air [1]</div> <div>7/22</div> <div>all [40]</div> <div>allegations [1]</div> <div>22/18</div> <div>allowed [1]</div> <div>16/10</div> <div>already [9]</div> <div>2/6 2/14 3/14 20/8 20/21 25/24 27/21 32/13 32/14</div> <div>also [8]</div> <div>4/11 12/6 12/10 14/9 15/12 17/6 17/8 18/1</div> <div>always [5]</div> <div>10/1 13/4 13/11 14/23 25/25</div> <div>am [2]</div> <div>9/6 14/6</div> <div>amount [1]</div> <div>13/13</div> <div>answer [2]</div> <div>19/14 31/1</div> <div>answers [1]</div> <div>30/24</div> <div>anticipating [1]</div> <div>33/21</div> <div>any 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<div>2/7 2/15 2/22 6/6 7/17 15/3 15/9 24/19</div> <div>correctly [1]</div> <div>36/16</div> <div>corroborates [3]</div> <div>19/17 21/3 21/10</div> <div>corroborative [2]</div> <div>19/16 20/21</div> <div>could [15]</div> <div>2/18 4/6 4/25 4/25 4/25 5/1 8/24 9/21 15/16 15/20 20/16</div>
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23/25 24/23 24/24 24/25 26/2 26/8 26/11 32/14 35/7 35/25</p> <p><b>then</b> [33] 3/3 3/4 3/6 4/16 5/7 5/8 5/9 5/16 5/25 6/1 7/20 9/1 9/16 9/21 10/25 12/2 15/22 19/22 20/16 20/19 21/16 22/24 26/9 26/25 27/12 27/15 29/23 30/6 30/14 31/3 32/3 32/18 33/3</p> <p><b>theory</b> [3] 10/3 10/7 12/20</p> <p><b>therapist</b> [7] 27/21 32/7 34/14 34/15 34/17 34/22 35/16</p> <p><b>therapist's</b> [2] 16/4 35/14</p> <p><b>therapy</b> [1] 31/7</p> <p><b>there</b> [25] 2/5 5/15 8/4 8/13 8/13 9/5 9/8 9/14 11/16 11/18 13/19 15/11 15/20 15/22 16/1 17/1 21/8 23/5 26/22 28/24 30/3 30/6 31/10 31/10 33/21</p> <p><b>there's</b> [14] 2/14 3/23 8/3 8/25 13/4 13/7 15/10 15/21 22/23 23/15 25/12 26/10 27/11 28/14</p> <p><b>these</b> [19] 7/21 9/20 10/5 10/24 12/18 13/12 13/19 13/20 13/23 14/3 14/21 16/9 17/20 17/24 18/17 21/23 24/22 25/8 30/1</p> <p><b>they</b> [55]</p> <p><b>they'd</b> [1] 30/14</p> <p><b>they're</b> [18] 12/2 13/22 14/3 14/3 14/4 14/5 14/16 15/12 16/10</p>	<p>16/11 17/4 17/7 20/4 21/2 24/13 30/4 30/5 34/6</p> <p><b>thing</b> [17] 3/17 4/17 9/13 12/4 12/16 14/8 15/21 15/24 16/13 17/18 20/5 20/11 23/12 23/13 25/5 27/20 32/18</p> <p><b>things</b> [12] 13/18 15/10 20/15 23/25 24/1 24/22 25/8 27/5 28/25 29/15 30/4 30/7</p> <p><b>think</b> [38]</p> <p><b>thinking</b> [1] 28/24</p> <p><b>thinks</b> [1] 28/23</p> <p><b>this</b> [59]</p> <p><b>those</b> [15] 4/3 6/7 7/19 9/16 10/24 11/6 11/14 13/15 14/6 19/19 24/1 26/11 28/25 29/9 31/6</p> <p><b>though</b> [5] 7/15 9/4 23/22 25/17 32/20</p> <p><b>thought</b> [4] 17/3 30/20 32/21 36/4</p> <p><b>through</b> [9] 7/2 8/2 8/10 10/21 10/22 12/3 25/18 26/15 27/19</p> <p><b>time</b> [6] 8/1 15/5 15/17 36/1 36/4 36/11</p> <p><b>timers</b> [1] 23/25</p> <p><b>tissue</b> [1] 8/16</p> <p><b>toilet</b> [10] 8/16 15/14 16/9 17/23 18/8 18/14 19/6 23/7 23/24 27/6</p> <p><b>toileted</b> [1] 8/16</p> <p><b>toileting</b> [8] 9/8 9/14 9/15 16/8 16/15 18/1 19/4 27/3</p> <p><b>told</b> [3] 28/4 29/20 32/7</p> <p><b>tomorrow</b> [6] 7/18 33/24 34/1 34/11 34/12 36/4</p> <p><b>tonight</b> [3] 21/12 35/2 35/5</p> <p><b>toning</b> [1] 29/1</p> <p><b>too</b> [4] 4/23 12/11 24/11 31/21</p> <p><b>total</b> [1] 29/19</p> <p><b>totally</b> [2] 13/15 31/16</p> <p><b>touch</b> [1] 8/20</p> <p><b>track</b> [1] 14/22</p> <p><b>TRAN</b> [1] 1/1</p> <p><b>transcribe</b> [1] 35/21</p> <p><b>transcribed</b> [4] 1/25 2/3 33/8 36/17</p> <p><b>transcriber</b> [3] 35/11 36/9 36/21</p> <p><b>transcribing</b> [1] 33/15</p> <p><b>treated</b> [1] 16/7</p> <p><b>treating</b> [1] 18/18</p> <p><b>treatment</b> [1] 29/21</p> <p><b>treats</b> [1] 25/17</p> <p><b>trial</b> [4] 1/13 11/7 14/19 14/22</p> <p><b>truly</b> [1] 36/16</p> <p><b>trying</b> [4] 16/6 19/1 25/1 27/2</p> <p><b>TUESDAY</b> [1] 1/14</p> <p><b>two</b> [3] 12/2 15/10 19/6</p>	<p><b>twofold</b> [1] 20/23</p> <p><b>type</b> [2] 33/20 34/13</p> <p><b>U</b></p> <p><b>Uh</b> [1] 3/21</p> <p><b>Uh-huh</b> [1] 3/21</p> <p><b>under</b> [1] 5/22</p> <p><b>understand</b> [6] 8/2 9/23 17/19 29/7 29/9 30/24</p> <p><b>understanding</b> [1] 8/8</p> <p><b>understands</b> [1] 14/18</p> <p><b>Understood</b> [1] 29/5</p> <p><b>underwear</b> [1] 16/11</p> <p><b>unfair</b> [1] 29/3</p> <p><b>unintelligible</b> [2] 21/6 24/19</p> <p><b>Unity</b> [2] 31/24 31/25</p> <p><b>unless</b> [4] 20/1 20/4 27/11 28/4</p> <p><b>until</b> [3] 34/6 35/7 35/25</p> <p><b>up</b> [19] 2/11 2/12 5/8 7/22 14/11 16/20 16/20 17/24 17/25 18/17 19/4 19/5 25/9 26/3 26/12 27/6 33/19 35/1 35/2</p> <p><b>updated</b> [1] 10/2</p> <p><b>upset</b> [1] 28/15</p> <p><b>us</b> [14] 4/9 4/16 5/21 7/6 7/24 11/16 11/17 12/13 22/20 26/18 26/21 26/22 26/22 26/23</p> <p><b>used</b> [1] 5/25</p> <p><b>V</b></p> <p><b>Valentine's</b> [1] 22/6</p> <p><b>VALERIE</b> [1] 1/12</p> <p><b>value</b> [1] 19/14</p> <p><b>vault</b> [1] 10/19</p> <p><b>VEGAS</b> [1] 2/1</p> <p><b>verified</b> [1] 9/1</p> <p><b>very</b> [9] 10/3 13/1 16/5 21/12 22/15 26/3 28/20 29/6 29/14</p> <p><b>video</b> [1] 36/17</p> <p><b>vigilant</b> [1] 29/6</p> <p><b>vitality</b> [1] 33/10</p> <p><b>voir</b> [1] 2/3</p> <p><b>voluntarily</b> [1] 32/8</p> <p><b>W</b></p> <p><b>waiting</b> [1] 3/5</p> <p><b>walk</b> [1] 19/1</p> <p><b>walking</b> [1] 22/1</p> <p><b>want</b> [21] 7/16 10/11 10/18 12/7 12/10 13/14 14/7 18/20 21/25 22/10 24/25 25/2 25/19 26/1 26/4 26/5 26/5 27/6 30/5 30/10 30/20</p> <p><b>wanted</b> [2] 3/7 31/21</p> <p><b>wants</b> [2] 21/13 29/9</p> <p><b>was</b> [59]</p> <p><b>wasn't</b> [3] 6/25 17/17 32/23</p> <p><b>watched</b> [1] 16/12</p> <p><b>water</b> [3] 13/24 21/1</p>	<p>21/2</p> <p><b>way</b> [6] 16/7 19/25 21/10 23/11 24/21 30/24</p> <p><b>we</b> [99]</p> <p><b>we'll</b> [7] 19/19 26/15 26/16 26/25 27/16 36/1 36/11</p> <p><b>we're</b> [15] 11/5 11/8 12/9 12/23 14/22 17/5 17/12 17/13 17/18 21/22 33/7 35/6 35/7 35/18 35/24</p> <p><b>we've</b> [5] 13/11 17/19 26/3 34/5 34/8</p> <p><b>week</b> [3] 34/7 35/8 35/25</p> <p><b>weeks</b> [2] 10/2 10/2</p> <p><b>weight</b> [1] 25/1</p> <p><b>weird</b> [1] 19/12</p> <p><b>welfare</b> [2] 5/16 6/17</p> <p><b>well</b> [32] 2/11 2/20 3/4 3/17 5/18 9/7 13/10 14/25 15/19 16/17 17/14 17/16 17/19 17/21 19/16 19/24 20/9 20/12 21/11 22/9 23/21 24/4 24/17 26/2 27/25 28/14 29/11 29/13 33/4 34/2 34/19 36/7</p> <p><b>Wells</b> [2] 13/13 35/15</p> <p><b>went</b> [2] 6/23 9/20</p> <p><b>were</b> [38]</p> <p><b>were Solanders</b> [1] 11/10</p> <p><b>weren't</b> [3] 11/17 18/24 33/20</p> <p><b>what</b> [57]</p> <p><b>what's</b> [2] 15/13 35/23</p> <p><b>whatever</b> [8] 18/7 18/9 18/19 20/13 21/17 25/11 27/20 28/7</p> <p><b>wheel</b> [1] 22/20</p> <p><b>when</b> [20] 11/12 13/2 14/2 16/10 16/18 17/24 19/7 19/8 22/23 23/23 24/1 24/20 30/17 32/3 32/5 32/21 32/22 32/22 32/23 33/2</p> <p><b>where</b> [9] 3/8 12/25 13/6 18/4 22/21 31/10 32/11 32/13 32/14</p> <p><b>whether</b> [8] 15/5 18/4 18/13 18/16 18/21 19/9 24/8 25/10</p> <p><b>which</b> [10] 6/24 8/5 12/10 16/18 16/21 23/11 23/12 30/13 30/23 31/16</p> <p><b>who</b> [6] 6/7 6/10 6/13 12/15 12/17 36/9</p> <p><b>who's</b> [2] 14/19 35/21</p> <p><b>whoever</b> [2] 2/23 32/23</p> <p><b>whole</b> [4] 8/19 20/5 22/6 32/18</p> <p><b>why</b> [10] 14/2 17/6 18/5 18/15 18/19 21/25 23/5 24/5 30/19 32/6</p> <p><b>will</b> [2] 28/10 35/17</p>
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<div>W</div> <div> willing [1] 24/13  withholding [1] 22/7  without [2] 2/16 12/24  witness [7] 2/13 4/21  28/18 29/8 29/19 36/6  36/12  witnesses [1] 15/12  won't [4] 24/12 24/15  35/11 36/2  word [1] 13/5  work [2] 6/14 33/15  worker [1] 14/14  workers [1] 12/17  working [1] 34/8  works [1] 6/10  would [14] 3/7 3/9 8/14  9/1 10/24 16/18 16/19  21/17 30/13 30/23  30/25 32/6 33/23 34/13  wouldn't [1] 24/16  written [1] 25/24  wrote [1] 31/11 </div> <div>X</div> <div>XXI [1] 1/7</div> <div>Y</div> <div> yeah [26] 3/9 5/20 6/21  6/23 7/5 7/21 9/11  11/24 14/2 16/9 18/3  23/9 27/18 29/17 30/9  31/15 32/10 32/15  32/20 34/22 34/23  35/22 36/1 36/1 36/7  36/10  year [1] 4/12  yes [9] 3/16 4/10 18/6  21/5 23/18 27/7 27/20  31/8 31/12  yesterday [1] 10/16  yet [5] 2/8 3/18 4/16  4/18 4/20  you [129]  you're [6] 11/11 14/15  14/25 22/19 23/3 30/7  you've [2] 15/5 22/24  your [15] 2/12 3/14  3/18 5/6 8/14 9/17 10/3  10/12 11/15 12/11  14/15 14/18 19/11  30/18 33/5 </div>				<div>0621</div>
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ORIGINAL

AINF

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FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

FEB 06 2018

BY Jill M Chambers  
JILL M CHAMBERS, DEPUTY

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AINF  
Amended Information  
4718443



DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JANET SOLANDER,  
#6005501

Defendant.

CASE NO: C-14-299737-3

DEPT NO: XXI

AMENDED  
INFORMATION

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

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 JANET SOLANDER, the Defendant, above named, having committed the crimes of CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.508(1) - NOC 55222), CHILD ABUSE, NEGLECT OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - NOC 55226), SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105), ASSAULT WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201); and BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony - NRS 200.400.4 - NOC 50157) in the manner following, to wit: That the said Defendant, 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, State of Nevada, contrary to the form, force and effect of

1 statutes in such cases made and provided, and against the peace and dignity of the State of  
2 Nevada:

3 COUNT 1 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL  
4 BODILY HARM

5 Defendant and Dwight Solander did willfully, unlawfully, and feloniously cause a child  
6 under the age of 18 years, to wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
7 as a result of abuse or neglect, to wit: physical injury of a non-accidental nature, and/or cause  
8 A.S. to be placed in a situation where she might have suffered unjustifiable physical pain as a  
9 result of abuse or neglect, by repeatedly striking A.S. about the buttocks, and/or body with a  
10 stick, resulting in substantial bodily harm to A.S.

11 COUNT 2 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL  
12 BODILY HARM

13 Defendant did willfully, unlawfully, and feloniously cause a child under the age of 18  
14 years, to wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain as a result of abuse  
15 or neglect, to wit: physical injury of a non-accidental nature, and/or cause A.S. to be placed  
16 in a situation where she might have suffered unjustifiable physical pain as a result of abuse or  
17 neglect, by repeatedly striking and/or slamming A.S.'s head and/or eye into the counter,  
18 resulting in substantial bodily harm to A.S.

19 COUNT 3 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

20 Defendant and Dwight Solander did willfully, unlawfully, and feloniously cause a child  
21 under the age of 18 years, to wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
22 as a result of abuse or neglect, and/or cause A.S. to be placed in a situation where she might  
23 have suffered unjustifiable physical pain as a result of abuse or neglect defined as negligent  
24 treatment or maltreatment: by causing A.S. to sit on a bucket for extended periods of time.

25 COUNT 4 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

26 Defendant and Dwight Solander did willfully, unlawfully, and feloniously cause a child  
27 under the age of 18 years, to wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
28 as a result of abuse or neglect, and/or cause A.S. to be placed in a situation where she might

1 have suffered unjustifiable physical pain as a result of abuse or neglect defined as negligent  
2 treatment or maltreatment: by causing A.S. to hold her urine and/or bowel movements for an  
3 extended period of time.

4 COUNT 5 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

5 Defendant and Dwight Solander did willfully, unlawfully, and feloniously cause a child  
6 under the age of 18 years, to wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
7 as a result of abuse or neglect, and/or cause A.S. to be placed in a situation where she might  
8 have suffered unjustifiable physical pain as a result of abuse or neglect defined as negligent  
9 treatment or maltreatment: by causing A.S. to sleep on boards and/or towels with no sheets or  
10 blankets with a fan blowing on her.

11 COUNT 6 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

12 Defendant and Dwight Solander did willfully, unlawfully, and feloniously cause a child  
13 under the age of 18 years, to wit: A.S. (DOB: 10/21/01), to suffer unjustifiable physical pain  
14 as a result of abuse or neglect, and/or cause A.S. to be placed in a situation where she might  
15 have suffered unjustifiable physical pain as a result of abuse or neglect defined as negligent  
16 treatment or maltreatment, by withholding food and water from A.S. for extended periods of  
17 time.

18 COUNT 7 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

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

1 catheters and/or plastic tubes, by Defendant inserting the catheter and/or plastic tube into  
2 A.S.'s genital opening and/or urethra, Defendant and Dwight Solander encouraging one  
3 another by actions and words and acting in concert throughout.

4 COUNT 8 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

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

18 COUNT 9 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

24 COUNT 10 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

1 maltreatment, by forcing A.S. to take cold showers while pouring pitchers of ice water on A.S.  
2 while showering.

3 COUNT 11 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

9 COUNT 12 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

15 COUNT 13 – ASSAULT WITH USE OF A DEADLY WEAPON

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

20 COUNT 14 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH  
21 SUBSTANTIAL BODILY HARM

22 Defendant, Dwight Solander, and Danielle Hinton did willfully, unlawfully, and  
23 feloniously cause a child under the age of 18 years, to wit: A.S. (DOB: 1/23/03), to suffer  
24 unjustifiable physical pain as a result of abuse or neglect, to wit: physical injury of a non-  
25 accidental nature, and/or cause A.S. to be placed in a situation where she might have suffered  
26 unjustifiable physical pain as a result of abuse or neglect, by repeatedly striking A.S. about the  
27 buttocks, arm, and/or body with a stick, resulting in substantial bodily harm to A.S.

28 ///

1 COUNT 15 – CHILD ABUSE, NEGLECT OR ENDANGERMENT

2 Defendant and Dwight Solander did willfully, unlawfully, and feloniously cause a child  
3 under the age of 18 years, to wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain as  
4 a result of abuse or neglect, and/or cause A.S to be placed in a situation where she might have  
5 suffered unjustifiable physical pain as a result of abuse or neglect defined as negligent  
6 treatment or maltreatment: by causing A.S. to sit on a bucket for extended periods of time.

7 COUNT 16 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

8 Defendant and Dwight Solander did willfully, unlawfully, and feloniously cause a child  
9 under the age of 18 years, to wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain as  
10 a result of abuse or neglect, and/or cause A.S to be placed in a situation where she might have  
11 suffered unjustifiable physical pain as a result of abuse or neglect defined as negligent  
12 treatment or maltreatment: by causing A.S. to hold her urine and/or bowel movements for an  
13 extended period of time.

14 COUNT 17 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

15 Defendant and Dwight Solander did willfully, unlawfully, and feloniously cause a child  
16 under the age of 18 years, to wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain as  
17 a result of abuse or neglect, and/or cause A.S to be placed in a situation where she might have  
18 suffered unjustifiable physical pain as a result of abuse or neglect defined as negligent  
19 treatment or maltreatment: by causing A.S. to sleep on boards and/or towels with no sheets or  
20 blankets with a fan blowing on her.

21 COUNT 18 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

28 ///

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

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

15 COUNT 20 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

21 COUNT 21 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

22 Defendant did willfully, unlawfully, and feloniously cause a child under the age of 18  
23 years, to wit: A.S. (DOB: 1/23/03), to suffer unjustifiable physical pain as a result of abuse or  
24 neglect, and/or cause A.S. to be placed in a situation where she might have suffered  
25 unjustifiable physical pain as a result of abuse or neglect defined as negligent treatment or  
26 maltreatment, by forcing A.S. to take cold showers while pouring pitchers of ice water on A.S.  
27 while showering.

28 ///

1 COUNT 22 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

7 COUNT 23 – ASSAULT WITH USE OF A DEADLY WEAPON

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

12 COUNT 24 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH  
13 SUBSTANTIAL BODILY HARM

14 Defendant, Dwight Solander, and Janet Solander did willfully, unlawfully, and  
15 feloniously cause a child under the age of 18 years, to wit: A.S. (DOB: 7/25/04), to suffer  
16 unjustifiable physical pain as a result of abuse or neglect, to wit: physical injury of a non-  
17 accidental nature, and/or cause A.S. to be placed in a situation where she might have suffered  
18 unjustifiable physical pain as a result of abuse or neglect, by repeatedly striking A.S. about the  
19 buttocks, and/or wrist, and/or body with a stick, resulting in substantial bodily harm to A.S.

20 COUNT 25 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH  
21 SUBSTANTIAL BODILY HARM

22 Defendant did willfully, unlawfully, and feloniously cause a child under the age of 18  
23 years, to wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain as a result of abuse or  
24 neglect, to wit: physical injury of a non-accidental nature, and/or cause A.S. to be placed in a  
25 situation where she might have suffered unjustifiable physical pain as a result of abuse or  
26 neglect, by holding A.S.'s head and/or body under hot water and/or pouring hot water on  
27 A.S.'s head and/or body resulting in burns to A.S.'s ears and/or shoulder and/or back, resulting  
28 in substantial bodily harm to A.S.



1 COUNT 26 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

2 Defendant and Dwight Solander did willfully, unlawfully, and feloniously cause a child  
3 under the age of 18 years, to wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain as  
4 a result of abuse or neglect, and/or cause A.S to be placed in a situation where she might have  
5 suffered unjustifiable physical pain as a result of abuse or neglect defined as negligent  
6 treatment or maltreatment: by causing A.S. to sit on a “training potty” and/or bucket for  
7 extended periods of time.

8 COUNT 27 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

9 Defendant and Dwight Solander did willfully, unlawfully, and feloniously cause a child  
10 under the age of 18 years, to wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain as  
11 a result of abuse or neglect, and/or cause A.S to be placed in a situation where she might have  
12 suffered unjustifiable physical pain as a result of abuse or neglect defined as negligent  
13 treatment or maltreatment: by causing A.S. to hold her urine and/or bowel movements for an  
14 extended period of time.

15 COUNT 28 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

16 Defendant and Dwight Solander did willfully, unlawfully, and feloniously cause a child  
17 under the age of 18 years, to wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain as  
18 a result of abuse or neglect, and/or cause A.S to be placed in a situation where she might have  
19 suffered unjustifiable physical pain as a result of abuse or neglect defined as negligent  
20 treatment or maltreatment: by causing A.S. to sleep on boards and/or towels with no sheets or  
21 blankets with a fan blowing on her.

22 COUNT 29 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

23 Defendant and Dwight Solander did willfully, unlawfully, and feloniously cause a child  
24 under the age of 18 years, to wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain as  
25 a result of abuse or neglect, and/or cause A.S to be placed in a situation where she might have  
26 suffered unjustifiable physical pain as a result of abuse or neglect defined as negligent  
27 treatment or maltreatment, by withholding food and water from A.S. for extended periods of  
28 time.

1 COUNT 30 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
2 AGE (BEDROOM 1)

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

16 COUNT 31 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
17 AGE (BATHROOM 1)

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

1 and/or plastic tube into A.S.'s genital opening and/or urethra, Defendant and Dwight Solander  
2 encouraging one another by actions and words and acting in concert throughout.

3  
4 COUNT 32 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
AGE (BATHROOM 2)

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

18  
19 COUNT 33 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
AGE (LOFT 1)

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

1 and Dwight Solander aiding and abetting each other in the commission of the crime by Dwight  
2 Solander purchasing the catheters and/or plastic tubes, by Defendant inserting the catheter  
3 and/or plastic tube into A.S.'s genital opening and/or urethra, Defendant and Dwight Solander  
4 encouraging one another by actions and words and acting in concert throughout.

5  
6 COUNT 34 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
7 AGE (LOFT 2)

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

21 COUNT 35 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
22 AGE (LOFT 3)

23 Defendant and Dwight 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 catheter and/or plastic tube into A.S.'s  
26 genital opening and/or urethra, against her will, or under conditions in which Defendant knew,  
27 or should have known, that A.S. was mentally or physically incapable of resisting or  
28 understanding the nature of Defendant's conduct; Defendant being responsible under one or  
more of the following principles of criminal liability, to wit: (1) by Defendant directly

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

7  
8 COUNT 36 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
AGE (LOFT 4)

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

22  
23 COUNT 37 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
AGE

24 Defendant did then and there willfully, unlawfully, and feloniously sexually assault and  
25 subject A.S. (DOB: 7/25/04), a female child under fourteen years of age, to sexual penetration,  
26 to wit: by inserting a stick into A.S.'s genital opening, against her will, or under conditions in  
27 which Defendant knew, or should have known, that A.S. was mentally or physically incapable  
28 of resisting or understanding 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), with  
4 intent to commit sexual assault by holding A.S. down in an effort to insert the catheter into  
5 A.S.'s vagina.

6 COUNT 39 – BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

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

10 COUNT 40 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

16 COUNT 41 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

23 COUNT 42 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

24 Defendant did willfully, unlawfully, and feloniously cause a child under the age of 18  
25 years, to wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain as a result of abuse or  
26 neglect, and/or cause A.S. to be placed in a situation where she might have suffered  
27 unjustifiable physical pain as a result of abuse or neglect defined as negligent treatment or  
28 maltreatment, by forcing A.S. to place soiled underwear in her mouth.

1 COUNT 43 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

7 COUNT 44 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

8 Defendant did willfully, unlawfully, and feloniously cause a child under the age of 18  
9 years, to wit: A.S. (DOB: 7/25/04), to suffer unjustifiable physical pain as a result of abuse or  
10 neglect, and/or cause A.S. to be placed in a situation where she might have suffered  
11 unjustifiable physical pain as a result of abuse or neglect defined as negligent treatment or  
12 maltreatment, by forcing A.S. to stand in a garbage bag while she urinated and defecated on  
13 herself.

14 COUNT 45 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///


28 ///

1 COUNT 46 – ASSAULT WITH USE OF A DEADLY WEAPON

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

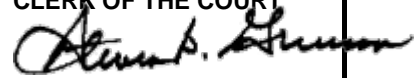
6  
7 STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

8  
9 BY

  
10 JACQUELINE BLUTH  
11 Chief Deputy District Attorney  
12 Nevada Bar #010625  
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27 DA#14F04585C/jg/SVU  
28 LVMPD EV#1403041293  
(TK12)





TRAN

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

THE STATE OF NEVADA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JANET SOLANDER, )  
 )  
Defendant. )

CASE NO. C299737-3  
DEPT NO. XXI

**TRANSCRIPT OF  
PROCEEDINGS**

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 4**

THURSDAY, FEBRUARY 15, 2018

APPEARANCES:

FOR THE STATE:

JACQUELINE M. BLUTH, ESQ.  
CHRISTOPHER S. HAMNER, ESQ.  
Chief Deputy District Attorneys

FOR THE DEFENDANT:

CAITLYN L. MCAMIS, ESQ.  
DAYVID J. FIGLER, ESQ.  
KRISTINA WILDEVELD, ESQ.

RECORDED BY: SUSIE SCHOFIELD, COURT RECORDER  
TRANSCRIBED BY: JD REPORTING, INC.

## **I N D E X**

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## **W I T N E S S E S**

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HEATHER RICHARDSON

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## **E X H I B I T S**

### **STATE'S EXHIBITS ADMITTED:**

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1 LAS VEGAS, CLARK COUNTY, NEVADA, FEBRUARY 15, 2018, 11:05 A.M.

2 \* \* \* \* \*

3 (Outside the presence of the jury)

4 MR. FIGLER: Okay. Just one small concern for the  
5 defense prior before going forward. I was able to very briefly  
6 see some of the images that are being used in the PowerPoint by  
7 the State.

8 THE COURT: Right.

9 MR. FIGLER: There were some close --

10 THE COURT: Didn't we talk about this last night?

11 MR. FIGLER: No, this is -- so I went back to my  
12 office, and I went through our photo set because a couple, I  
13 couldn't tell, but I didn't recognize some of the photos, and I  
14 went back, and it looked like we had the same photos, but they  
15 look different, and so I just need to make an inquiry of the  
16 Court to make inquiry of the State if any of the photos have  
17 been altered, digitally enhanced in any way. Because if they  
18 are, I do not think it would be appropriate at this time to put  
19 them as part of the PowerPoint.

20 So specifically the purported injuries on the  
21 children, I did not see in our photo set such a distinct and  
22 pronounced type of injury that appeared in the PowerPoint  
23 slide. So I don't know if it's a higher resolution or some  
24 kind of digital enhancement or if it went through any kind of  
25 process, but I do believe that under case law that that has to

1 be disclosed to the defense and that we have a right to  
2 challenge it before its introduction to the jury or at least  
3 that we get that discovery so that we could use that on  
4 cross-examination.

5 MS. BLUTH: Let me make it easy. I didn't enhance  
6 anything. So we don't -- I got those straight off of the disc.  
7 I don't even know how to enhance it. So --

8 MR. FIGLER: All right. Well, that's the  
9 representation. Then we'll stick with that for now.

10 THE COURT: All right. Kenny, bring them in.

11 (Jury entering 11:10 a.m.)

12 THE COURT: All right. Court is now back in session.  
13 The record should reflect the presence of the State through the  
14 deputy district attorneys, the presence of the defendant and  
15 her counsel, the officers of the court, and the ladies and  
16 gentlemen of the jury.

17 And is the State ready to proceed with their opening  
18 statement?

19 MS. BLUTH: The State is, Your Honor. Thank you.

20 (Opening statement for the State)

21 MS. BLUTH: The easiest and most defiant way for a  
22 child to vent is by urinating or defecating in his or her  
23 pants. This is where the rage could start for foster parents.  
24 Rage can all too easily shift into abuse of the child.  
25 Ultimately, there is a breaking point, and something bad

1 happens to the child and then to the foster parent. These  
2 words are the words of Janet Solander in a book she published  
3 called *Foster Care How to Fix This Corrupted System*.

4           There was a lot of rage, and there were a lot of  
5 breaking points, and there was hurt, and there was child abuse  
6 to these three little girls. The three little girls you see  
7 here were born with the names of Jocelyn, Jaqueline and Yarely  
8 Jiselle, and through these little girls, you will learn all  
9 about the world of child abuse.

10           You will learn about how they were beaten, physically  
11 abused, how implements were used, how their skin broke and they  
12 bled and that they are scarred, but you'll learn more about  
13 child abuse, that it's not always physical in nature, that  
14 there can be certain terrorizing characteristics or behavior  
15 that could be used against children.

16           The people responsible for the things that I've been  
17 talking about that were done to these three little girls are  
18 the defendant Janet Solander and her husband, Dwight Solander,  
19 and one of Janet's daughters, Danielle Hinton, but before we  
20 get into the Solanders, I want to take a minute and talk about  
21 these girls before they went to the Solander house.

22           The female you see in this picture is named Debbie  
23 McClain, and Debbie was one of the first father -- excuse me,  
24 foster mothers that the girls had. So the girls were taken out  
25 of their home of their biological family due to both abuse and

1 neglect. They went to one foster home, and then they went to  
2 Ms. McClain's home. Ms. McClain had worked in and out of  
3 social services in the foster care system for the majority of  
4 her life, and then when she got close to retirement or  
5 retiring, her and her husband, who we refer to as Mr. Mack,  
6 decided to become foster parents, and so the girls stayed with  
7 Debbie and Mack for about a year.

8           And you will hear from Debbie, and Debbie will tell  
9 you that while the girls were with her they were happy little  
10 girls. They were healthy little girls. They ate normal foods.  
11 There was no problems with their stomachs, no gastrointestinal  
12 issues. Debbie will tell you that the youngest, Yarely  
13 Jiselle, every once in a while she would wet the bed, but that  
14 ultimately the older two girls, and for the most part Jiselle  
15 didn't have any types of issues going to the bathroom or, you  
16 know, she was mainly potty trained.

17           Ms. Debbie was not what we refer to as an adoptive  
18 resource. She was a true foster parent. She had no  
19 intentions. She had already raised her own children. She  
20 wanted to be a foster parent until CPS can find placement for  
21 children, and these weren't the only foster children that  
22 Debbie and Mack had throughout the years, and so basically  
23 children would go to Debbie's home, and then when CPS felt like  
24 they had found what's referred to as an adoptive resource, then  
25 children would move out of the McClain home and into another

1 home, and that's exactly what happened in this situation.

2           The little girls that I've been talking to you moved  
3 out of Debbie's house and into the Solander's home, and you  
4 will hear from many workers from child protective services who  
5 had constant contact with the Solanders that on the outside  
6 they look like a great fit for foster children. The male,  
7 Dwight Solander, worked for a place called Source  
8 Refrigeration. He had a contract with Target, and he traveled  
9 pretty much weekly. He was out of town a lot. Janet referred  
10 to herself and held herself out to be a nurse, that both of  
11 them seemed very educated, very well to do. They lived in a  
12 nice home and that on the outside everything looked  
13 picture-perfect, but it was on the inside where things were  
14 really going on.

15           You will hear from Heather Richardson today. She is  
16 what's referred to as a CPS permanency worker. She was the  
17 permanency worker who worked with Yarely Jiselle, Jocelyn and  
18 Jaqueline for the entire time that they were in the foster care  
19 system up until they ultimately get adopted by the Solanders.

20           And you will hear from Ms. Richardson, and she will  
21 tell you that after what's referred to as the honeymoon period,  
22 which is when children are first placed into a home and  
23 everybody is excited, the kids are kind of excited to be there,  
24 the foster parents are excited to have them, there's this  
25 honeymoon period, but then reality kind of sets in for both the

1 children and the parents or foster parents, and the honeymoon  
2 period is over, and people start kind of adjusting to other  
3 people's idiosyncrasies.

4           And Heather will tell you that she started getting a  
5 little bit concerned, and, in fact, that she pulled out or  
6 pulled away from the adoption idea for a little bit because the  
7 defendant started really becoming upset over very minuscule  
8 things, especially when it became -- especially when it came to  
9 the middle child, Jaqueline.

10           And so Heather decided to take a step back, decided  
11 to have some meetings with them and kind of go through some of  
12 her concerns, and after Heather did that meeting and a few  
13 other meetings, she felt like, okay, I think they get it now.  
14 I think we're back on the right track, and ultimately, on  
15 January 19th of 2011, the Solanders, Janet and Dwight,  
16 adopted these three little girls.

17           They then changed their names, and then from this  
18 point on, I will refer to them as their adoptive names. Yarely  
19 Jiselle became Anastasia. Jaqueline became Amaya, and Jocelyn  
20 became Anastasia (sic), and then, of course, their last name  
21 was changed into Solander, but it wasn't just their last name  
22 that changed. Shortly after becoming adopted is when a lot of  
23 the physical abuse started happening.

24           You will hear in this case that from January of 2011  
25 to March of 2014 there were five reports and investigations for



1 child abuse or child neglect, and CPS went and investigated,  
2 and nothing was done. These children were left in the home,  
3 and they were continued to be abused.

4           There will be three things that are constant  
5 throughout this case. They revolve around eating, toileting  
6 and this idea that these girls had these gastrointestinal  
7 illnesses, and we'll go through these in detail in a moment.

8           You will hear that the girls were originally they  
9 went to regular school, you know, traditional school, and that  
10 after they got adopted, Janet became very concerned with their  
11 eating and that there was stuff wrong with their stomach, and  
12 so she would go to their school, and she would sit with them,  
13 and she would watch what they were eating, and they would be  
14 segregated.

15           But after a while, Janet took them out of school and  
16 began homeschooling them. The reason she gave for why the  
17 children needed to be homeschooled was, number one, that they  
18 were stealing food from the school or from other children from  
19 the school and that, number two, they had so many medical  
20 issues that they were medically fragile, that she needed to  
21 take care of them in their home.

22           Now, as you can imagine, when a child is taken out of  
23 traditional school and homeschooled, they then have very  
24 limited contact with the outside world. Now, I'm not saying  
25 they never went outside. Sometimes they would go grocery

1 shopping. There were a couple family trips, but for the most  
2 part, these children really were kind of confined to this home.  
3 They didn't go play out in the front or in the back. They  
4 didn't have friends over, and we'll get into kind of their  
5 day-to-day treatment in a moment.

6           So the first thing I want to talk to you about is  
7 toileting. After the adoption, this became and will continue  
8 to be a major issue throughout this entire trial. How it  
9 started was this. The girls could not use the bathroom freely.  
10 They had to ask to use the rest room. When they would ask to  
11 use the rest room, the defendant Janet Solander would become  
12 angry with them. So in turn, they became scared to ask. So  
13 then they would urinate and defecate in their pants and when  
14 they would urinate and defecate in their pants, they would be  
15 beaten with paint sticks.

16           When I say that these girls were beaten with paint  
17 sticks, we're not talking about a little wooden stick and a  
18 little pat on the bottom. They were told to get in the  
19 position, which meant get into like a downward-dog-type  
20 position for those of you that do yoga. Your hands and your  
21 feet are on the floor. Your bottom's up in the air. They were  
22 told to take down their shorts and their underwear, and they  
23 were beaten with paint sticks, sometimes to the point that  
24 these paint sticks would break in half, and they would continue  
25 to be beaten with the broken paint sticks.

1           So there was this constant cycle that these girls  
2 couldn't get out of. When they asked to use the bathroom, they  
3 got in trouble and got popped in the face for asking. So then  
4 they became too scared to ask. So then when they became too  
5 scared to ask, they wouldn't ask, and they would ultimately go  
6 in their pants. When they went in their pants, then they would  
7 be beaten, and they didn't know what to do. I mean, going to  
8 the bathroom is something that happens, and so it was this  
9 hamster wheel that they could not get off.

10           There were also some abnormal type things. The  
11 defendant limited the amount of toilet paper they were allowed  
12 to have. It's not like it was just, you know, out and about.  
13 No, she limited the amount of toilet paper, and they had to ask  
14 for it. If they urinated, they were given about two to three  
15 squares of toilet paper. If they went Number 2 or defecated,  
16 they were given about six to eight pieces of toilet paper.

17           Additionally, to add to this confusion of going to  
18 the bathroom, they were timed while they went to the bathroom,  
19 and if they didn't finish in time, they got in trouble, and  
20 sometimes they got beaten. Not only were they timed while they  
21 went to the bathroom, they were timed in between going to the  
22 bathroom. So let's say you go to the bathroom at 2:00 o'clock.  
23 Maybe you're not allowed to go again until 3:00 o'clock or  
24 4:00 o'clock. So this constant thing of the bathroom just went  
25 on and on and on.

1           It got to a point where the little girls, since they  
2 were homeschooled, the defendant -- excuse me, Janet Solander's  
3 husband Dwight Solander went to Home Depot and purchased these  
4 orange buckets. I'm sure if you've been to Home Depot you've  
5 seen them. He then bought white toilet seat lids and placed  
6 them on the buckets. The girls sat at a counter in the kitchen  
7 where they did their homework every day from the moment they  
8 woke up until the moment they went to bed. They were made to  
9 sit on these three buckets all day long, most of the time with  
10 just a shirt on, no underwear and no pants, even though there  
11 were other children, which I'll get to in a moment, in the  
12 home.

13           The girls were not allowed to use the bathroom by  
14 themselves. Most of the time they had to use the bathroom all  
15 together. When they went to the bathroom, their underwear was  
16 inspected by the defendant and by Dwight Solander. If there  
17 were marks in their underwear showing that they had peed or  
18 maybe they hadn't wiped properly, they would get beaten.

19           The girls will tell you that after they took showers  
20 the defendant and Dwight told them that they had a special  
21 light, and they would take this light into the bathroom. It  
22 was either purple or green, and if the light showed that they  
23 had peed or had any type of accident in the shower, they would  
24 be beaten.

25           You will also find out that the defendant and Dwight

1 were in constant communication about the girls' toileting  
2 issues. If they had accidents, pictures were taken. If there  
3 was a stain in their underwear, pictures were taken, and they  
4 would email them back and forth to one another.

5           There was use of catheters, and how it would happen  
6 was this. The defendant would want to leave the home for a  
7 period of time, and so she would ask the little girls do you  
8 have to go pee. They would be too scared to say yes. So they  
9 would tell her no. When they would tell her no, she wouldn't  
10 believe them, and she'd tell them to get upstairs.

11           When they got upstairs, they would go to the  
12 bathroom, and the door would be shut, and one by one, a towel  
13 would be laid down. They would be made to lay down on the  
14 towel. Their pants and underwear would be taken off, and a  
15 catheter would be placed into their vagina. If pee came out  
16 and they had lied, they would be beaten.

17           You will hear testimony that Janet Solander had a  
18 razor blade, not like a razor that we shave our face and our  
19 legs with, but just a true razor blade, inch or 2 long, silver,  
20 and if the girls squirmed, and if they were scared of the  
21 catheter going in, she would hold this to them and tell them if  
22 they squirmed or if they moved, she would cut their P-word out,  
23 not only did she show them this razor, she showed them videos  
24 on YouTube of what people do in other countries when they cut  
25 females' vaginal parts out.

1           You will hear testimony about showers. The girls  
2 didn't take normal showers like you and I take. Sometimes,  
3 when the defendant was angry with them, they would be hosed  
4 down like animals in the backyard. It didn't matter if it was  
5 summer or winter. When they were given the opportunity to  
6 shower, a lot of the time as punishment because they'd had an  
7 accident, the showers would be cold, ice cold. Not only would  
8 they be ice cold showers, but the defendant would then fill up  
9 a clear bucket of ice water and ice and dump it over them.

10           After they showered like this, they then were not  
11 given towels to dry off. There were fans in the bathroom or in  
12 the loft, and they would have to stand in front of a fan while  
13 it blew cold air on them, and that would be the way they would  
14 dry. It doesn't matter if it was summer, and it doesn't matter  
15 if it was winter. That's how they were showered, and that's  
16 how they were dried off.

17           You will learn that they also did not sleep in beds.  
18 They were made to sleep on boards and occasionally a cot, and  
19 on these boards, they weren't given a sheet. They weren't  
20 given a pillow, and they would be made to sleep on there  
21 without pajamas, with just their underwear, again with fans  
22 blowing on them whether it was summer, whether it was winter.  
23 This was their life every day.

24           There was a degree of what we are going to refer to  
25 as shaming if the girls were having accidents, and during this

1 time that they're with the defendants, you will learn that  
2 there were other foster children that came in and out of the  
3 house that weren't adopted, but they were foster children, and  
4 when the Solander girls -- Amaya, Anastasia, and Ava -- would  
5 have accidents, Janet and Dwight would get angry. They would  
6 make them get naked and put on cloth diapers.

7           At this point in time, they're 6, 7, 8, 9, 10 years  
8 old. They would make them put on cloth diapers, and then they  
9 would sometimes put pacifiers in their mouth, and they would  
10 make them crawl around the house on their hands and knees  
11 singing this baby goo-goo-gaga chant in front of the other  
12 foster children, and the foster children would be made to sit  
13 there and watch them and laugh at them.

14           You will hear that they were made to put their soiled  
15 underwear, if they peed or pooped in their underwear, in their  
16 mouths or on top of their heads. You'll hear that one child  
17 had to lick her own urine up off of the floor, and you will  
18 hear that one child was made to stand in the huge plastic bags  
19 all day long, and just if she had to go to the bathroom, she  
20 would urinate and defecate all over herself into the bag.

21           You will also hear a second constant theme, and  
22 that's this theme of eating. These children were not always on  
23 this restricted diet. Originally, when they were foster  
24 children, they were given regular food. They'll tell you we  
25 ate mac & cheese, hotdogs, chicken nuggets, Mickey D's. It was

1 normal food, but shortly after being adopted, the defendant  
2 told them that they had stomach issues and that she started  
3 blending their food, and she locked the pantry. They no longer  
4 had access to regular food.

5           She took them to multiple doctors trying to find this  
6 diagnosis of this gastrointestinal issue that she said she  
7 believed the children had, and so she started blending their  
8 food. Originally, they were given three blended drinks a day:  
9 Breakfast, lunch, dinner. Then that got cut back to two meals  
10 a day. They would eat at 9:00 a.m. and at 6:00 p.m., and they  
11 were not allowed to have any water after noon, after  
12 12:00 o'clock p.m.

13           Then that got limited down to one meal a day, and  
14 then when they would have these meals, which just would be a  
15 drink, you know, out of a cup, they had to stand, and they were  
16 timed while they drank it, and if they didn't finish it in  
17 enough time, there were consequences.

18           If there was an accident, as in if they pooped or  
19 peed, which happened pretty much every day of their life, then  
20 food and water was restricted. Water was very rarely given.  
21 Food was given in the form of these blendable drinks, but that  
22 sometimes would be taken away. One meal [unintelligible] --  
23 excuse me, meals, and then sometimes even a day or two without  
24 food or water.

25           You will hear about specific instances of abuse for



1 each child. Ava Solander is the oldest child. Ava will tell  
2 you that one day she was doing her homework at the counter,  
3 which is pretty much what she did all day every day, and she  
4 had had an accident and that the defendant got angry and picked  
5 her up by her hair on the back of her head and repeatedly  
6 slammed her head into the counter until it got to the point  
7 that her eye was so severely injured that it closed shut. She  
8 will tell you about that, and her sisters will tell you about  
9 what they saw because they were right next to her when it  
10 happened.

11           You will hear from Amaya and from the other sisters  
12 that Amaya was usually the one who got it the worst, that Amaya  
13 was constantly in trouble, that Amaya was beaten, that  
14 oftentimes Janet would take her to the top of the stairs and  
15 kick her down the stairs.

16           In regards to Anastasia, you will hear that on one  
17 specific day, usually on this day, Anastasia will tell you she  
18 knows it's a Wednesday because usually on Wednesdays that was  
19 garbage day, and she was made to go out on this specific day  
20 and clean up the dog poop. And when I say she was made to go  
21 clean up the dog poop, she went out there with her bare hands  
22 and picked up dog poop with her bare hands.

23           When she got inside, she had done something wrong to  
24 make Janet angry, and Janet forced her hands into some water,  
25 and the water was too hot, and so Anastasia pulled her hands

1 back, and that made Janet angry, and so Janet forced her arms,  
2 her hands into the hot water, and Anastasia was screaming  
3 because it was burning her, and so Janet took -- there was like  
4 a glass candle to the side of the sink, and it had, like, a cup  
5 on top of the candle, and she filled out with hot water, and  
6 she splashed it on Anastasia's face, and then she tried to pick  
7 up Anastasia and stick her into the hot water. It burned the  
8 back of Anastasia's ear, the top of her shoulder and the back  
9 of her back. So you will hear about individual specific  
10 instances of abuse.

11 I talked to you a little bit about this idea of  
12 illnesses, and so what would happen was the defendant held  
13 herself out to be a nurse. She told everybody that she was  
14 this nurse and that she had medical knowledge. She would take  
15 them from doctor to doctor, getting a different diagnosis for  
16 each girl.

17 She then represented to others that the girls were  
18 seriously ill and even named diseases or disorders. For  
19 instance, sometimes she would tell people that Ava, the oldest  
20 daughter, had Crohn's disease, that Amaya had a twisted colon,  
21 that she was autistic, and that she had a hypothyroid.  
22 Anastasia had some type of mental issues. They were still  
23 undergoing testing to make sure she had something, that she was  
24 also autistic and that she suffered from diabetes.

25 You will hear from Debbie McClain, and remember,

1 she's the older African-American lady who was their foster  
2 mother before the Solanders, and Debbie will tell you that  
3 after the adoption, a couple months after the adoption Janet  
4 would call her constantly talking about all these issues that  
5 these girls had, that she had to take them out of school  
6 because they were stealing out of -- they were stealing food  
7 from school, that they were eating out of garbage cans, that  
8 they had all these illnesses, that they weren't social.

9 And Debbie will tell you that that made absolutely no  
10 sense to her. She had had these girls for a year. They were  
11 happy. They were healthy. They were social. They ate normal  
12 food. They went to the bathroom when they were supposed to go  
13 to the bathroom, and it didn't make sense to her. She'll tell  
14 you that sometimes Janet would invite her to birthday parties,  
15 or she would see the girls at the Department of Family Service  
16 Child Protective Services functions, and that their demeanor  
17 was very different.

18 They weren't talkative. They weren't lively. She  
19 even will use the words, like she's used before, that they  
20 looked like little zombies and that they did not respond to  
21 her. She'll talk to you about going a few times to their  
22 birthday parties, and at the birthday parties, usually one or  
23 two of them were in trouble the entire time, and they would  
24 just be stuck sitting at a table or a couch the entire time.

25 She will also tell you that after a couple months all

1 contact was cut off with her, that she would email Janet, and  
2 Janet wouldn't write back, and so Debbie thought, okay, well,  
3 you know, it's time for maybe the girls to move on. They're  
4 with a different family now. They've been adopted, and maybe  
5 this is her way of telling me we've got to all move on with our  
6 lives, and so she respected that, and she didn't pry anymore.

7 Now, I talked to you about the fact that CPS had been  
8 involved in five different reports or investigations, and  
9 before we get into those, I want to talk about how it is that  
10 CPS gets involved in things. So how it works is that a call  
11 comes into, like, a dispatch center. When that call comes in,  
12 the intake worker gathers the information and then makes a  
13 suggestion. She can either keep it as info only, information  
14 only, which means that they keep the information, they make a  
15 record of it, but no investigation happens. Or she can refer  
16 it for the investigation, that he or she believes an  
17 investigation should move forward.

18 So if the decision is made that an investigation  
19 moves forward, it can go one of two ways. It can go to the  
20 licensing department. So for instance, if these people are  
21 foster parents and foster children are moving in and out of  
22 their home, licensing might take care of it, otherwise  
23 permanency might take care of it, meaning, you know, CPS  
24 workers that constantly go into the homes of both -- excuse me,  
25 both bio families, foster families, adoptive families. That's

1 kind of their job is to do those investigations when children,  
2 it's reported that they are being abused or neglected.

3 Now, no matter who does the investigation, cases are  
4 either what's referred to as substantiated, meaning, okay, we  
5 found that children are being abused. We need to do something  
6 about it, or unsubstantiated, meaning we haven't been able to  
7 substantiate what the call was about, and therefore, we're not  
8 going to do anything.

9 The first report comes in on February 18th of 2011,  
10 from La Petite Academy where the girls went to school -- excuse  
11 me, where the girls would go to, like, a preschool program  
12 before they went into school. Amaya Solander, the middle  
13 child, reports that her mother beats her whenever she talks  
14 about food. Amaya reports that she is hungry, and as she is  
15 telling this, she is crying and shaking when speaking with  
16 staff. The other two children will not talk about what happens  
17 in the home while at school.

18 The defendant is spoken to, and she states that the  
19 children have worms in their stomach but did not supply any  
20 doctor's note. At this point in time, this is assigned as  
21 information only. So it's sent to the licensing department,  
22 investigation is closed, and the girls are left inside of the  
23 home.

24 This is Heather Richardson. I spoke a little bit  
25 about her earlier. This is on the day that the girls were all

1 adopted. Heather Richardson is the individual who is their  
2 perm worker from the beginning. So she walked them through the  
3 foster program, the adoption program. Heather will tell you  
4 that, you know, she worked with these girls for three years  
5 before they were adopted by the Solanders, and she had a really  
6 good relationship with them and kind of knew the ins and outs  
7 of them.

8           She will tell you that after the girls were adopted,  
9 on August 12th of 2011, she has a dental appointment for one  
10 of her own children, and so on that day she goes to the  
11 dentist's office, and she sees Janet, Dwight and Amaya, the  
12 middle child. She will tell you that when she walks in she  
13 sees Amaya, and Amaya is sitting down, and Amaya jumps up and  
14 says, Ms. Heather, and then immediately gets down and puts her  
15 head down, and Heather looks and is, like, what, you know,  
16 what's going on?

17           And Heather will tell you that Janet and Dwight get  
18 in front of Amaya, and so Heather is right here. Janet and  
19 Dwight are in front of Amaya. So she can't really see Amaya,  
20 and Janet and Dwight just go on and on. The girls are sick.  
21 We have to homeschool them. They have so many medical issues,  
22 so many mental issues. We just don't know what to do about all  
23 of this. And Heather is kind of confused because she has been  
24 with these girls for a long time. She has no idea what is  
25 going on.

1 But right then, the dentist or whoever calls Amaya  
2 and Janet and Dwight back, and Heather knows, because this is  
3 her orthodontist that she takes her children to, that normally  
4 parents stay in the back with the child, but for some reason,  
5 Janet and Dwight come back out and sit down. After that,  
6 Heather goes -- she's called with her children into the back,  
7 and she has contact with Amaya.

8 She will tell you that Amaya is kind of sitting by  
9 herself in a parent chair and that she is covered in bruises,  
10 her face, her limbs, and when I say limbs, I mean her face, her  
11 arms, her legs and that Amaya is very fearful. She does not  
12 want to talk about it. She is scared that the defendant is  
13 going to find out that she is talking about it and that she is  
14 very hesitant.

15 Heather eventually will make a -- she documents the  
16 injuries and eventually will make a phone call, but she  
17 documents a bruise to the bridge of Amaya's nose near her right  
18 eye, a bruise towards her left eye, a bruise to her chin on her  
19 jaw, multiple bruises on both arms that are fingerlike, a  
20 bruise to the lower part of her leg the size of a softball and  
21 that her eye is red and bruised, and the eyeball itself has  
22 broken blood vessels all around it.

23 So Heather being in, you know, CPS for a long time  
24 doesn't want to alarm Amaya. So she kind of walks up, and she  
25 says, hey, what happened to you, you little crash test dummy,

1 kind of teasing her, trying to make her feel comfortable about  
2 talking about it. And Amaya puts her head down and immediately  
3 begins to cry, and she talks about how she cannot tell anyone  
4 what happens because her mother, Janet, told her, Do not tell  
5 anybody about what happens to you when you're bad.

6 Amaya eventually says that her mother got mad, and  
7 she got angry with her and threw her to the floor and choked  
8 her. She said that this is not the first time that it's  
9 happened and that it's happening to Anastasia too. Amaya says  
10 I'm scared. I'm very scared, and she asks Heather, no matter  
11 what happens, will you please come back and check on me to make  
12 sure I'm safe.

13 And so Heather will tell you that at this point she's  
14 very concerned. Again, she knows these little girls. She  
15 knows that they don't have any of these issues that Janet and  
16 Dwight are talking about. She will also say that Amaya's  
17 demeanor was very different. From the moment she walked into  
18 the room when Amaya got up and then sat immediately down, she  
19 could tell from knowing Amaya that Amaya was different, her  
20 demeanor was different and that she was scared and that she had  
21 said that she was so scared, and she didn't want to talk about  
22 it. She was in fear of any retaliation.

23 Heather will tell you that she was approached by the  
24 dentist, and due to some of his concerns and her concerns, she  
25 ultimately called in. So a CPS worker calls in an -- and asks



1 that an investigation be opened by CPS. So an investigator  
2 comes in and speaks with the girls. Ava and Anastasia will  
3 tell you they denied that anything was going on in the home.

4 Amaya says that when she gets in trouble in the house  
5 she gets timeouts, and she get spanked. When she's asked about  
6 why is she covered in bruises, at first she says that she fell,  
7 and then she changes it to well, my mother did it, but it was  
8 an accident. It was an accident. She states that the bruises  
9 to her limbs that look like the fingerprints are spots that she  
10 gets out in the sun and that she tells the investigator that  
11 Janet told her not to tell anybody what goes on with the home  
12 if she is bad. She is encouraged to talk about what's going on  
13 to the CPS worker, but she refuses to say anything else.

14 The investigator also speaks to the defendant. She  
15 represents herself again to be a nurse, and she states that  
16 Amaya caused all of those injuries to herself, that Amaya has  
17 been diagnosed with mild autism and that Amaya and Anastasia  
18 both have problems related to abdominal issues, but she  
19 provides absolutely no documentation that she is a nurse, that  
20 her children have autism or any mental-health-type issues or  
21 have any abdominal issues to this investigator.

22 In September of 2011, even though there's been a  
23 previous investigation where this same child had gone to La  
24 Petite and stated that she's hungry and that she's getting  
25 beaten with a belt about food, and even though one of their

1 own, one of their own, a CPS permanency worker calls in and  
2 says something is not right, these girls are not okay, CPS  
3 closes this out as unsubstantiated and leaves those little  
4 girls in that house.

5 But it doesn't stop there because new children are  
6 brought in. These are the Stark girls, Ivie and Autumn Stark,  
7 and you will hear from both Ivy and Autumn, and what they will  
8 tell you is that there was some kind of weird rules in that  
9 house, that they had to ask to use the bathroom, that they  
10 would have to ask before eating and that the defendant limited  
11 their toilet paper, that they were given two to three pieces if  
12 they went pee, and, like, six or eight pieces if they went  
13 poop, that there were cameras and gates up all over the house  
14 that had been put up by Janet and Dwight and that the defendant  
15 told Autumn that she had stomach issues, abdominal issues and  
16 that she was lactose intolerant and therefore could not eat any  
17 dairy products.

18 You will hear from Cherina Davidson. She is the CPS  
19 worker who worked with the Stark girls, and Cherina will tell  
20 you that she did have some concerns with the defendant and  
21 Dwight because they would constantly be making huge issues out  
22 of things that are very normal for children and that she was  
23 fixated on the girls' eating and toileting. The defendant told  
24 Cherina that she was a nurse, and she had medical knowledge,  
25 and therefore, she knew what was going on.

1           In regards to the toileting, she stated that both  
2 girls were having problems urinating and defecating all of the  
3 time, day and night and that Janet was reporting that Autumn  
4 was having to wear up to two pull-ups at night, and she was  
5 still soaking through the bedding.

6           Eating, again a major issue with the Stark girls.  
7 The defendant and Dwight went to the school, informed the  
8 school that they believed Autumn was stealing food from other  
9 children and that she was then bringing that food home and  
10 sharing it with her sister which was causing her sister to have  
11 stomach issues; therefore, they requested that Autumn be  
12 segregated completely from her peers while she ate, that  
13 classmates were not to share food with Autumn. The bus driver  
14 was made to check her backpack and lunch bag and made Autumn  
15 turn in her lunch to the school nurse when she got to school.

16           Just one second, Your Honor.

17           THE COURT: Sure.

18           (Pause in the proceedings)

19           MS. BLUTH: The Stark girls will also talk to you  
20 about what they observed in the home going on with the Solander  
21 girls. They will tell you that the Solander girls -- Amaya,  
22 Anastasia and Ava -- had little to no contact with anyone, that  
23 they weren't able to just sit and play and converse with them,  
24 that from morning to night they sat doing their school work on  
25 these orange buckets, that they weren't allowed to eat regular

1 food, and that when they were disciplined, they were told to  
2 get into a position, and they will explain to you what that  
3 position means.

4           They will tell you that they watched as these girls  
5 were beaten with sticks to the point that they would bleed, and  
6 they were made to sit and watch and laugh at them. They will  
7 tell you that they saw the defendant make them put underwear in  
8 their mouth and over their head and that they were, the  
9 Solander girls, were made to crawl around and act like babies,  
10 and that they were told that they had to sit and watch this  
11 going on.

12           This is Jan Finnegan. Jan Finnegan was the nanny in  
13 the home for the Solander girls for a very short period of  
14 time, and what Jan will tell you is that she was hired by  
15 Dwight Solander on Craigslist. She answered an ad that said  
16 that Janet Solander would be out of town for a period of three  
17 weeks, and so it would be a live-in nanny for that period  
18 because he would be traveling for work and that the children  
19 had medical issues and that they were on very strict diets of  
20 these blended foods.

21           So Jan didn't really know what she signed up for, and  
22 so when she got there, she could not believe what she saw, and  
23 she will talk to you about that. She will tell you about how  
24 the girls had no privacy, how they had to check each other's  
25 underwear, how they were given limited toilet paper and how

1 they were starving. She was only allowed to feed them at  
2 9:00 a.m. and 6:00 p.m., not allowed to give them water, that  
3 sometimes they would be so thirsty that they would ask for  
4 medicine just to wet their mouths and that she was instructed  
5 do not feed them anything, but she did.

6 She will tell you that she would pack lunches and  
7 hide them, and then when she was in a place where she didn't  
8 think cameras could see her, she would sneak them food because  
9 she was so worried about them. She will also tell you that the  
10 way they were treated in comparison to the Stark girls was like  
11 prisoners. They were made to make the Stark girls' beds. The  
12 Stark girls were given regular food. The Solander girls ate  
13 these blended -- the blended food when she was even allowed to  
14 give them food.

15 Jan tell you that she thought about kidnapping them,  
16 and then she realized that because she lives I believe it's in  
17 Laughlin or Pahrump that she thought that since she was leaving  
18 the jurisdiction that she could get in very, very serious  
19 trouble, and so she decided not to.

20 Everything kind of comes to a head with Jan and the  
21 Solanders around Valentine's Day. On Valentine's Day, she felt  
22 badly because she thought that the kids would at least get like  
23 a call or a hug from their mom or that they would have some  
24 type of candy, and they got nothing, and so she snuck them to  
25 the dollar store, and she gave them money, and they were

1 allowed to get whatever they wanted for Valentine's Day, and  
2 Ava is the older one. She's probably the most responsible one.  
3 She felt guilty, and when Janet called her from where Janet  
4 was, she told the defendant that she was given the food, and  
5 you will hear that Janet was very, very angry.

6 And around that same time period, there was also an  
7 issue where Jan was helping Amaya with her homework, and the  
8 girls were not allowed to receive help while they did their  
9 homework. They did their homework all day long, and they  
10 weren't allowed to receive help, and Jan was helping Amaya, and  
11 Jan knew that she was probably going to get in trouble because  
12 there were cameras everywhere, and sooner or later, she was  
13 right, and Danielle, who was the other adult in the house, came  
14 down and told Amaya that her mother would like to speak with  
15 her upstairs on the phone.

16 And Jan will tell you that she heard a slapping type  
17 noise when Danielle and Amaya were up there, and then Amaya  
18 came down and her face was red and that Jan approached both  
19 Janet and Dwight about that and how what was going on in the  
20 home was not right and that they fired her.

21 After she was fired, she contacted CPS. She made a  
22 very detailed report on February 26th of 2013, in regards to  
23 what she was seeing in the house. She stated that the adopted  
24 children are treated as prisoners and very differently from the  
25 foster kids, that the children are skinny, that they're weak

1 and that they were always asking for food and that they're on  
2 these liquid diets. They're made to drink these blended drinks  
3 and that there are cameras all over the house preventing  
4 nannies from feeding the children and that they are constantly  
5 watched.

6 She stated that they are not allowed to use the  
7 bathroom and that their underwear is checked daily. She talks  
8 about the fact that they're forced to sleep on cots upstairs in  
9 the home, and they go out, and they speak with Jan, and they  
10 interview her. An investigation is opened, and CPS makes  
11 contact with Dwight Solander.

12 And in this interview with Dwight, he states that the  
13 girls are very ill, that Ava has Crohn's disease, Amaya has a  
14 twisted colon and a hypothyroid and that Anastasia is currently  
15 undergoing tests, that they give them blended food and that all  
16 liquids are stopped after 12:00 p.m. He admitted to the  
17 limiting of toilet paper, and he admitted to checking the  
18 girls' underwear.

19 And he said that they had to do these things because  
20 the girls were so sick and that this had to be done so that  
21 they could be kept healthy, and they had to monitor their  
22 underwear and things like that because they had to make sure  
23 that these girls were clean because urinary tract infections  
24 were very constant with these girls.

25 They also spoke with Janet. Janet said some of the

1 same things. Again, she held herself out to be a nurse, said  
2 that she has medical knowledge, that she knows about these  
3 things. She states that the girls have to be on liquid diets  
4 due to severe medical issues, but now there were some new ones.  
5 Again, Ava has Crohn's disease. Amaya has a twisted colon, and  
6 now Anastasia has some von Willebrand's bleeding disorder.

7           She did not provide one piece of documentation that  
8 she was a nurse. She did not provide one piece of  
9 documentation that the girls had any one of these illnesses.  
10 She admitted that the girls do have to use the bathroom  
11 together and check each other's panties due to health issues.  
12 She admitted to limiting their toilet paper. She even admitted  
13 to disciplining the girls by hitting them with a stick with  
14 clothes or underwear on.

15           She told the investigator from CPS that she was  
16 currently writing a book about the foster care system. She's  
17 questioned about being a nurse and asked to provide  
18 documentation. She states that she has a bachelor's degree in  
19 nursing and a bachelor's degree in Healthcare Administration,  
20 again provides no documentation.

21           Crystal Rosas, who is the CPS investigator who was  
22 doing this investigation, you'll hear from her next week  
23 because she's actually out of town for the long weekend, but  
24 she'll tell you that she spoke with Ava, and during the  
25 interview with Ava, she talks about her and her sisters



1 sleeping on cots in the loft, that they're on liquid diets  
2 because they were told that there's something wrong with their  
3 stomachs, that they are only fed breakfast and dinner, and  
4 they're not allowed any drinks after 12:00, that they're forced  
5 to take their bathroom breaks together and that toilet paper is  
6 limited, and that things in the home have made her think that  
7 she probably needs to run away.

8           Despite the fact that the La Petit investigation had  
9 happened, that the CPS investigation started by a CPS worker --  
10 that investigation had happened where there had been documented  
11 injuries on these children -- despite the fact that a nanny had  
12 called in stating what these little girls were being through --  
13 been going through on April 20th -- on April 30th of 2013,  
14 Crystal Rosas closes this investigation stating, No safety  
15 concerns noted. The children have significant medical and  
16 mental health problems. All three girls are on special diets  
17 due to ongoing medical conditions. No documents provided,  
18 unsubstantiated, and those little girls are left in that home.

19           But wait for it because 21 days later, new children  
20 are brought into the home. You'll hear that these children  
21 that are brought into the home receive therapy services, and on  
22 October 31st of 2013, there's a therapy worker by the name of  
23 Christina Day, and you will hear while Christina Day is there  
24 providing therapy service for these new children in the house  
25 she sees the little girls sitting on pots half naked and that

1 she's so bothered by it she calls it in to CPS.

2 I want to talk a little bit about these new kids that  
3 come into the house. These are referred to as the Diaz-Burnett  
4 children. 21 days after that report was closed, these children  
5 come into the home. Areahia Diaz is the oldest child, and she  
6 is 9 years old. These three younger children, Kaeshia, it's  
7 spelled Demyer, but it's pronounced Demar, and Novaleih, those  
8 are her three younger siblings. They share a different father.  
9 So their last name is Burnett.

10 Now, the Diaz-Burnett children come from a rough  
11 house, as do children who are in the foster care system; right?  
12 I mean, there's a reason why they're there. Those children  
13 came from a home where there was abuse and that there was a lot  
14 of neglect. They weren't fed. They weren't cleaned. They had  
15 a rough life, and they were sent with the Solanders.

16 You will hear that between August 13th and March  
17 of 2014, in regards to just the Diaz-Burnett children --

18 MR. FIGLER: Can we approach, Your Honor?

19 THE COURT: Sure.

20 (Conference at the bench not recorded)

21 MS. BLUTH: Okay. So and I want to make a  
22 correction. It should be the end of February of 2014; okay?

23 So you guys will hear that in regards to this time  
24 period that there are seven calls or contacts made to CPS  
25 regarding possible abuse or neglect towards the Diaz-Burnett

1 children, that there is a minimum of five contacts from those  
2 children's therapists, an individual by the name of Lori Wells.

3 This is Areahia Diaz. Like I said, she was 9 years  
4 old when she came into the Solander home. Because of the way  
5 Areahia grew up, you will find out that she was more of a  
6 parent-type figure to her brothers and sisters. Because she  
7 was 9, and they were 4, 3 and 1 and because of the situation  
8 they were in, she was more of a second mom to them and that she  
9 had potty trained Kaeshia completely before they were taken  
10 into the foster program, and that Demyer had some bedwetting  
11 issues, but that during the day he was fine, and he wore  
12 regular underwear.

13 She will tell you that when they got to the  
14 Solanders' house there were some issues with toileting and  
15 eating, that in regards to the bathroom that again toilet paper  
16 was limited. They had to ask to use the bathroom and that  
17 those same number of pieces of toilet paper were given to them  
18 if they went pee or if they went poop, that because of this  
19 accidents became quite normal in the house for her siblings and  
20 occasionally her, and that the defendant Janet would discipline  
21 her sister and her brother whenever they had accidents, and  
22 that would include picking them up by their hair and taking  
23 them upstairs or kicking them up and down the stairs.

24 She will also tell you that she accused -- Janet  
25 accused Areahia of stealing food at school, and because of

1 that, she was made to sit in the main office or the nurse's  
2 office and eat by herself.

3 She will talk to you about what she saw happening to  
4 the Solander girls. She was not allowed to speak to them, that  
5 they weren't allowed to use the bathroom freely, the Solander  
6 girls, and that they sat on buckets all day long from the  
7 moment they got up until they went to bed, that the girls  
8 appeared that they were scared to go to the bathroom and that  
9 the accidents that they had were common and constant. She saw  
10 them get beaten with sticks until they bled, and she was forced  
11 to watch them crawl around on their hands and knees while they  
12 were in diapers and acted like babies.

13 I talked to you about Lori Wells. She was the  
14 therapist who worked with the Diaz-Burnett children. She will  
15 discuss with you that she contacted CPS multiple times because  
16 she had some concerns on what was going on in therapy. They  
17 were watching Areahia shower and checking her underwear and  
18 that the children were being punished if there was any type of  
19 accident or stain in their underwear, that Areahia had begun  
20 urinating in her pants, and the younger children were beginning  
21 to have constant accidents at the home according to both the  
22 children as well as the Solanders.

23 The foster parents were telling Areahia not to share  
24 what was happening in the home at therapy and that all of the  
25 children, even though they were supposed to be in a better

1 environment and that they were going to therapy, they just  
2 seemed to be getting worse. And so she contacted CPS. On  
3 multiple occasions, she requested meetings, and she discussed  
4 these concerns, and she talked about the fact that the  
5 defendants were continuing to punish the children for urinating  
6 and defecating in their pants.

7           And what was bizarre is that when the children were  
8 at therapy, sometimes for long periods of time, they were never  
9 having accidents there, and they would be sent with diapers,  
10 but they would be irritated by the diapers and take them off,  
11 and they would never have any accidents. So they weren't  
12 seeing this type of thing that was going on at home at therapy;  
13 that the children were always hungry and that they were  
14 constantly asking to be fed, and they were told that at home  
15 when they were asking to be fed that they were being punished,  
16 and that toileting and eating were becoming major issues in the  
17 house.

18           Lori will tell you that she even reached out to the  
19 Solanders about this, that she talked to them and talked to  
20 them about, you know, what's going on with this toileting and  
21 eating and that Janet told them that this is a constant issue  
22 in their home, that the foster children are peeing and pooping  
23 everywhere in the home and that she's been through this before  
24 because her adopted children have this same issue, and she has  
25 to put them on portable potties 10 hours a day. Lori discusses

1 with both of them that the current disciplinary actions are  
2 inappropriate, and they're not going to benefit the children at  
3 all, but both Janet and Dwight refuse the advice, and things  
4 continue to get worse.

5           Lori does a letter on November 4th of 2013, and in  
6 that letter she writes to CPS because she doesn't believe she's  
7 being heard. She doesn't believe she's being listened to and  
8 that her concerns are being held as valid, and so she writes a  
9 letter and tells CPS in a four-page document all of the things  
10 that she is concerned about.

11           The very next day, a call comes in from Lori and from  
12 the workers at Legacy discussing the concerns that they have  
13 about these toileting and eating issues. On around January  
14 30th, there's a call from Shining Star Community Services --  
15 which is the basic training school, basic training therapy that  
16 I talked to you about. Those workers come in -- in regards to  
17 the treatment of the Diaz-Burnett children as well.

18           On February 5th of 2014, Lori Wells is interviewed  
19 by CPS. Because of Lori's calls, an investigation was opened,  
20 and Lori is very detailed when she talks about some of the  
21 things that she is seeing going on. She states that the  
22 children appear ravenous, that they're emaciated, that all of  
23 the time all they want is food. They want to eat. They want  
24 to eat. And they are crying that they're hungry and that she  
25 spoke with Janet about this and Dwight on multiple occasions,

1 and Janet and Dwight told them they are not allowed to eat food  
2 at the therapy center.

3 She also states that toileting has become a major  
4 issue and that Areahia, the 9-year-old has all of a sudden  
5 began urinating and defecating in her pants and that there was  
6 a specific time when Areahia was there for a visitation, and  
7 Areahia poops her pants, and she will explain that Areahia  
8 becomes panicked, that she needs to go to the bathroom, she  
9 needs to get cleaned before Janet is here, and she's just  
10 panicking about Janet not finding out about these pants and the  
11 underwear.

12 Lori talks to CPS about the fact that they are  
13 checking Areahia's underwear, they had been watching her shower  
14 and that all the children are regressing and that something is  
15 going on in the home, and so Areahia herself is interviewed.  
16 Areahia says that her younger brother and sister are having  
17 accidents in the home and that they're being kicked and hit  
18 because of this, that she and her siblings are being timed when  
19 they eat, and if they don't eat quickly enough, food is taken  
20 away or they're punished; that she's mainly secluded from her  
21 siblings. She's not allowed to look at them, but when she is  
22 home, she's kept at the counter doing her homework with the  
23 Solander girls.

24 You will hear from an individual by the name of  
25 Yvette Gonzales, from Child Protective Services. Yvette will

1 tell you that she is called in after Areahia is interviewed and  
2 this globally is looked at. Yvette will tell you that she  
3 looks at the history involved and what has been going on and  
4 that she sees the reports for the Solander girls and the  
5 reports for the Diaz-Burnett children, and she goes to the  
6 defendant's home that day to remove the children from the home.

7 She makes contact with the Diaz-Burnett children, and  
8 she speaks with the defendant about what's going on. She asks  
9 the defendant to bring the children one by one down the stairs.  
10 The first child that's brought down is Kaeshia, who is four  
11 years old. Yvette Gonzales documents bruises to the right side  
12 of Kaeshia's face, and the defendant does not have an answer as  
13 to how they got there.

14 MR. FIGLER: Your Honor, can we approach yet again?

15 THE COURT: Yes.

16 (Conference at the bench not recorded)

17 MS. BLUTH: You will hear that because of what  
18 Yvette -- when Yvette sees the Diaz-Burnett children, that she  
19 has some concerns, and so she speaks with the defendant in  
20 regards to some of her concerns and some of the reports that  
21 have been happening, and that in regards to her conversations  
22 with the defendant --

23 (Pause in the proceedings)

24 MS. BLUTH: In regards to the conversations with the  
25 defendant, she's asked why she checks Areahia's underwear and



1 watches her shower, and her answer for that is all the children  
2 in the home have bathroom issues and that there is hygiene  
3 issues and that they soil their pants almost daily. She's  
4 asked if she is a nurse, and she says that she is a nurse and  
5 that documentation is requested but is not given.

6           The defendant is then asked by Yvette, Where are your  
7 adopted children? Where are Ava and Amaya and Anastasia? And  
8 the defendant states that this is none of CPS's business, that  
9 she's not going to tell them where they are and that they're  
10 with family somewhere, and she refuses to give the information  
11 to CPS in regards to where the Solander children are. She's  
12 then kicked out of the home -- Yvette is then kicked out of the  
13 home.

14           Yvette Gonzales will tell you that she enters into  
15 Metro, the Las Vegas Metropolitan Police Department a missing  
16 persons' report, and she needs to find the Solander girls. The  
17 following day, they make contact with Dwight Solander, and  
18 Dwight Solander tells them that they sent Amaya and Ava and  
19 Anastasia to a place called the Marvelous Girls Academy.

20           In regard to the Marvelous Girls Academy, you will  
21 hear from an individual by the name of Steven Blankenship, and  
22 he will tell you that the Solanders placed Ava, Amaya and  
23 Anastasia in that school for what was referred to as behavioral  
24 issues. Once the children got there, they were doing great in  
25 school. There was some discipline -- in fact, they were

1 stealing food -- that they had absolutely no toileting issues,  
2 and there were no special diets. They ate regular food, and  
3 they did absolutely fine.

4 Contact is made with Ava, Amaya and Anastasia through  
5 Florida CPS, and they are interviewed. They are interviewed  
6 briefly, and then the girls beg not to be sent back to Las  
7 Vegas but obviously an investigation needs to be done, and so  
8 the girls are sent to Las Vegas where the Las Vegas  
9 Metropolitan Police Department and CPS do an investigation.

10 During that interview, the girls talk about the  
11 things that I have been talking to you about, the fact that  
12 they, you know, weren't fed. They had these blended foods,  
13 that they were told to get into the position, and they were  
14 beat with these paint sticks, that they couldn't move freely  
15 around the home, and they sat on buckets all day, and that  
16 there were gates and cameras all over the house watching their  
17 every move, and these are the things that they talk about when  
18 they are interviewed both by CPS and Metro.

19 So a search warrant is then done on the defendant and  
20 Dwight Solanders' home. During that search warrant, they find  
21 Home Depot paint sticks that the girls had been describing in  
22 multiple different rooms of the home. They find Home Depot  
23 buckets that the girls had described. They find the gates that  
24 the girls had described, and they find the fans in several of  
25 the rooms that the girl had described them in. They also go

1 back and get CPS photos of when CPS had been in the home, and  
2 one thing sticks out, the Home Depot with the toilet seat on  
3 the top that the girls had spoken about.

4           They also find the beds, this pop-up bed and the  
5 boards that the girls had described that they would have to  
6 sleep on with the fans blowing on them at night. There was  
7 also evidence on the girls' bodies. This is Ava Solander, the  
8 oldest child. You will hear from Dr. Sandra Cetl, who is a  
9 local pediatrician. She's also a child abuse and neglect  
10 expert, and she will talk to you about the head-to-toe  
11 examination she did of the children and the documented linear  
12 injuries to several parts of their body.

13           That's Ava. This is Amaya. Amaya had similar  
14 injuries to her body, and then Anastasia also had marks to her  
15 body, and then she also had marks to the back of her shoulder  
16 where I discussed earlier where the defendant had burned her as  
17 well as to the back of her ear.

18           There was a search warrant done on Dwight Solander's  
19 computer, and on there detectives found the order in December  
20 of 2012 for the catheters, but there were also emails back and  
21 forth between Janet and Dwight constantly in regards to the  
22 girls and their toileting, and they would take pictures, and  
23 those are the pictures -- and you can tell they're crying --  
24 pictures of them and their accidents back and forth.

25           Not only would there be pictures of them crying in

1 puddles of urine like you see here, but there would be emails  
2 making fun of them, like this one on October 15th of 2012.  
3 Janet says, Anastasia pissed in her pants. Dwight writes back,  
4 She's going to hate life tonight. Have her start crawling with  
5 Ava. Second email, from Janet to Dwight. I just let the three  
6 foster kids see Anastasia with her pants down.

7 Ladies and gentlemen, after you hear Anastasia, Amaya  
8 and Ava talk to you about what happened to them, and after you  
9 hear from the other foster children who will tell you what they  
10 saw these little girls go through, there will be no doubt in  
11 your mind what Janet Solander did to these children, and  
12 Mr. Hamner and I will walk in here, and we will ask you to find  
13 her guilty of every single charge in which we have charged her.

14 And we thank you.

15 THE COURT: All right. Thank you.

16 Counsel, approach.

17 (Conference at the bench not recorded)

18 THE COURT: All right. Ladies and gentlemen, before  
19 we move into the defense's opening statement, we are going to  
20 take just a quick break, just about 10 minutes will put us at  
21 12:30.

22 So during the brief recess, you're reminded that  
23 you're not to discuss the case or anything relating to the case  
24 with each other or with anyone else. You're not to read, watch  
25 or listen to any reports of or commentaries on the case, person

1 or subject matter relating to the case. Do not do any  
2 independent research by way of the Internet or any other  
3 medium, and please don't form or express an opinion on the  
4 trial.

5 Please place your notepads in your chairs and follow  
6 the bailiff through the double doors.

7 (Jury recessed 12:23 p.m.)

8 THE COURT: And, Mr. Figler, you can make your record  
9 after your opening.

10 MR. FIGLER: Thank you.

11 (Proceedings recessed 12:23 p.m. to 12:31 p.m.)

12 (In the presence of the jury)

13 THE COURT: All right. Court is now back in session.

14 And, Mr. Figler, are you ready to proceed with your  
15 opening statement?

16 MR. FIGLER: Yes, Your Honor. I'll stipulate to the  
17 presence of the jury.

18 (Opening statement for the Defense)

19 MR. FIGLER: Good afternoon, everyone. Perspective,  
20 word choices and context. As we learned during the last three  
21 days, the individuals selected to be jurors are very different,  
22 with vastly different opinions and experiences, and that is a  
23 good thing.

24 As you begin to hear information and these  
25 allegations, the one thing the system of American justice

1 requires is for you to take everything in. You should remain  
2 curious, demand answers to questions that you may have, want to  
3 know as much about the circumstances as possible. Take special  
4 note as testimony and evidence comes in as to what the  
5 prosecutors leave out and don't tell you, who they do not call,  
6 what doctors they do not call, what information they don't give  
7 you about the Solanders and Mrs. Solander in particular, the  
8 children, their history before they ever came into contact with  
9 the Solander family and Ms. Solander's history.

10 All of that is important in a case like this, and as  
11 the witnesses come out and documents come out, one after  
12 another, we ask you to take notes and take note how that  
13 information is presented and how that is really part of  
14 narratives, perspective, word choices and context.

15 Now, what I'm asking you to look for as the evidence  
16 comes in is not very different on how you should watch the news  
17 or evaluate any story that any child or person gives you. For  
18 instance, the same set of facts, facts, uncontrovertible facts  
19 presented on, say, Fox News may --

20 MS. BLUTH: Okay. I'm going to object. This is  
21 supposed to be what the evidence is going to show.

22 THE COURT: Well, overruled.

23 MR. FIGLER: Thank you, Your Honor.

24 THE COURT: But be careful not to make argument.

25 MR. FIGLER: -- versus what is presented on CNN may

1 serve very different purposes. You have to watch out as you  
2 receive the information as to what is verified and what is not,  
3 what is innuendo and what is truth.

4 And understand, as you hear the evidence, there are  
5 advocates who are inclined to believe criminal child abuse from  
6 the allegation, and they may offer their expert opinion based  
7 on their perspective.

8 MS. BLUTH: I'm going to object again.

9 THE COURT: Well --

10 MR. FIGLER: This is the context of Dr. Cetl  
11 testifying.

12 THE COURT: All right. Overruled.

13 MR. FIGLER: Thank you.

14 THE COURT: I don't think it's argument at this  
15 point.

16 MR. FIGLER: It's about how you perceive the  
17 information and trying to get information to you without  
18 barrier. That's what we're trying to do, and that's what we  
19 want you to look for.

20 The prosecutors choose their words, and as you hear  
21 the evidence, you will hear those words: Punishment, anger,  
22 rage, victim, abuse, beaten. You heard in the opening  
23 statement. Why not use the words structure, accusations,  
24 concern, good intentions, corrective efforts? I would submit  
25 to you, ladies and gentlemen, that the narrative, the word

1 choices are a product of the narrative that assumes the worst  
2 in people and will give no context to who Janet Solander is and  
3 why she did any of the things that she actually did, which begs  
4 the question when you come to those witnesses and perceive  
5 those witnesses, are you a person who looks for evil as an  
6 explanation, or are you a person who comes from a place of  
7 compassion, understanding and the desire to learn all of the  
8 circumstances?

9           To do as the American justice system requires, which  
10 is to presume throughout the receipt of evidence that any  
11 conduct you believe Mrs. Solander committed was not criminal  
12 abuse, and that's what I say when I say perspective, word  
13 choices and context as we move through this case together.

14           This is the old-school PowerPoint.

15           Now, from the onset, I want to go a little out of  
16 order and confidently say that you will hear no credible  
17 evidence, no credible evidence that supports the wild  
18 allegation from the adopted Solander children that there was  
19 sexual assault. That would be a distraction from the more  
20 important business at hand. You will see from the evidence  
21 that it has no place in these proceedings, that it simply did  
22 not happen, and more than that, it's a word choice.

23           You may have preconceived notions when the prosecutor  
24 decided to level a charge of sexual assault against  
25 Mrs. Solander, and it probably was a huge shock to learn in the



1 prosecutor's opening statement that the so-called sexual  
2 assault was the alleged medical insertion of a catheter on a  
3 youngster who was allegedly, intentionally withholding urine.  
4 So it's word choices, narrative.

5           These are the things we want you to pay special  
6 attention to when you hear the testimony of the witnesses and  
7 the questions of all counsel. Indeed, and it bears repeating,  
8 the presumption of innocent means that the allegation of  
9 inserting a catheter is presumed not to happen until or unless  
10 the prosecution proves that to you beyond a reasonable doubt.

11           The defense can't prove a negative, nor does the law  
12 require the defense to do so, but we can, and we point out  
13 during these proceedings that the false allegation does not  
14 have sufficient corroboration or proof, and that holds equally  
15 true for the catheters as the outrageous allegation that a  
16 paint stick was placed in one of the girl's vagina at one  
17 point. So let's go back and start from the start and tell you  
18 more about this case than the prosecutors did in the opening.

19           First off, fancy PowerPoint from the government, they  
20 can't --

21           MS. BLUTH: Objection. Argumentative.

22           MR. FIGLER: Then it was not a fancy PowerPoint.

23           THE COURT: All right.

24           MR. FIGLER: And they don't have a single slide about  
25 who Janet Solander is, but plenty of innuendo. Did they tell

1 you about her upbringing on military bases?

2 MS. BLUTH: Judge, I'm going to ask to object and ask  
3 to approach.

4 THE COURT: All right.

5 (Conference at the bench not recorded)

6 THE COURT: Rephrase.

7 MR. FIGLER: Sure.

8 You will hear during the course of this trial about  
9 Mrs. Solander's upbringing on military bases and her enlistment  
10 in the army where she served as an EMT and then as a medical  
11 tech. You will hear during the course of this trial that she  
12 was a nursing assistant for the Department of Defense for many  
13 years. These are public records that could be checked.

14 You will hear about Ms. Solander's mother's death  
15 when Janet was 12 years of age from diabetes and her own health  
16 problems, including a diagnosis of diabetes and von  
17 Willebrand's disease, which is progressive thyroid disorder,  
18 and this information is important, not because we're asking to  
19 engender sympathy, but because it paints a picture of a person  
20 who developed into a loving, caring parent who knew the value  
21 and the importance of taking kids to doctors, to test them  
22 early, to figure out what's going on medically or  
23 psychologically if anything, and equally eliminating possible  
24 medical concerns.

25 You will hear that Mrs. Solander had no issue raising

1 her four biological children, that there were no allegations of  
2 abuse in any way, that it is not her style. Indeed, I think  
3 that we have to concede at this point that all the evidence  
4 will show that Janet Solander is a perfect candidate for foster  
5 care and went through all of the vetting.

6 And as a foster parent, the Department of Family  
7 Services, DFS, and Child Protective Services, CPS, were  
8 necessarily involved, and evaluated things, and did not tell  
9 the Solanders that the things that the prosecution is now  
10 saying are criminal were in any way wrong, that the government,  
11 same government, went into that house, saw things and didn't  
12 say this is criminally liable, but found that allegations were  
13 unsubstantiated and found that the techniques, while maybe not  
14 orthodox, were not crossing the line into criminal behavior  
15 because they all have an obligation to do that and the  
16 Solanders have a right to rely on those interactions for what's  
17 reasonable.

18 Indeed, the Solanders were trained and appropriate  
19 and had an appropriate home that had many visitors, including  
20 mandatory reporters in the home who endorsed what the Solanders  
21 were doing by failing to say in any way that they needed to  
22 stop doing it, and the proof, ladies and gentlemen, is not only  
23 did the Department of Family Services keep giving kids to the  
24 Solanders, but they encouraged the Solanders to adopt Ava,  
25 Amaya, Anastasia. They encouraged them to do that. At the

1   quickest point that they could, had the State reimburse the  
2   Solanders for the adoption proceedings.

3           When you look at the charging document, it says that  
4   all of this abuse began on January 19th, 2011, the date of  
5   the adoption. You saw a picture. So they're saying that the  
6   picture that we were shown of the smiling children at the  
7   adoption proceeding, that day, this horrific, terrible torture  
8   that never stopped for the next two and a half years started  
9   that day. They're just waiting. That's the narrative.

10          But the evidence will show that Janet Solander did  
11   not somehow snap that day, on the date of the adoption, that  
12   her 50-some-odd years on earth at that point as a thoughtful,  
13   gentle, loving, caring, involved, concerned person did not end  
14   the second the Judge signed the piece of paper giving them the  
15   adoption. Look at that Amended Information. You'll see that  
16   day is when they're alleging this occurred.

17          The prosecutor suggests in their opening that Janet  
18   was just waiting for the second that DFS was not directly  
19   involved to what, torture these kids, be a completely different  
20   person out of the blue. The evidence will not support that.  
21   When you receive the evidence, presumably the question will  
22   arise.

23          How does it make sense that an abuser is making all  
24   these strides to help these kids in such an open way, that this  
25   alleged abuser is making sure all the kids are okay while she's

1 out of town? And that, ladies and gentlemen, is when that  
2 nanny came in for the three-week period. Janet Solander wasn't  
3 even there. She had to go care for sick relatives out of town,  
4 and she wanted to make sure that Dwight had help, and Dwight  
5 gave whatever instructions the nanny is going to talk about,  
6 not Janet. That came from Dwight. That's the abuser. That's  
7 consistent with the abuser, to make sure that the kids are  
8 taking care of.

9           The evidence will show that all the doctors' visits,  
10 all the exposure to these mandatory reporters is the absolute  
11 opposite of a pattern of abuse.

12           To give full context, I want to say that abuse is  
13 happening, shouldn't you hear from every doctor who touched  
14 these kids during this alleged period of time in the  
15 Information? And I don't know who the prosecution is going to  
16 call, but names to look for, starting in January 19, 2011, are  
17 medical staff at Centennial Hills Hospital where Amaya was  
18 taken, medical personnel at Desert Valley Pediatrics where  
19 Anastasia was taken, medical personnel at Summerlin Hospital,  
20 where Ava was taken, and we're not even out of the first two  
21 months from the adoption, and this is going to go on all the  
22 way through the end of the allegation period in the complaint  
23 of November of 2014 -- '13.

24           Will we hear from Dr. Dewan, who looked at Anastasia?  
25 Will we hear from Dr. Bernstein, who saw Ava? The Summerlin

1 Hospital who saw Ava? Will we hear from Dr. Nyarko -- sorry,  
2 N-y-a-r-k-o -- at the Children's Specialty Center who saw Ava  
3 and who noted in his notes positive for Crohn's markers? Will  
4 we hear from that doctor from the State giving you all the  
5 information? Will we hear from the hospital personnel who  
6 looked at Ava about inflammation in June of 2011? Will we hear  
7 about all the unannounced home visits, the crossover when DFS  
8 personnel were in the home consistent with when the foster kids  
9 were there looking around, seeing things?

10 We're not even out of 2011 yet. Will we hear from  
11 Dr. Miletic or Dr. Sheikh? Will we hear from Monte Vista  
12 Hospital? Will we hear from any of these people who are all  
13 going to admit to you that they are mandatory reporters and  
14 that none of these individuals personally or felt that there  
15 was any reason to suggest that there was abuse in the  
16 household? Dehydration from a lack of appropriate amount of  
17 liquid would be a pretty easy thing to spot and an anomaly that  
18 would require a mandatory reporter further inquiry.

19 The evidence will show that the Solanders incurred  
20 personal expense to ensure insurance, necessities and  
21 ultimately the behavioral school that you heard about to help  
22 these three challenged children, and you will also hear that  
23 there was no concern as to the physical well-being of these  
24 children at any time related to anything that the Solanders  
25 actually did.

1 I heard the expression "every single day," the  
2 suggestion to you that the evidence will support that every  
3 single day these kids went through something horrific. You  
4 will hear evidence that they were doing their homework, that  
5 they were getting awards, that they left the house, that they  
6 went to different places. They were fed. They were nourished.  
7 They were healthy except for the things that they weren't.

8 And that brings us to Ava, Amaya and Anastasia. What  
9 have you heard about what the evidence will show about their  
10 challenges before they came to the Solander home in 2010?  
11 Ninety-four slides. What did you write down in your notes  
12 about what the Solander kids went through before they ever came  
13 to the Solander house? I think everyone here knows the answer  
14 is zero, but that information is going to have to come out.

15 The evidence will show that these children suffered  
16 actual abuse of a sort in excess of what's accused here  
17 today -- molestation, neglect and worse -- and as a result,  
18 they came to the Solander house with issues, and there were  
19 three of them, siblings. It wasn't easy to find somebody who's  
20 willing to take on challenged kids who have been through it,  
21 documented, substantiated, removed, let alone someone who's  
22 willing to take into their home multiple sisters who not only  
23 have whatever the familial and the sister bond would be but  
24 have also all suffered from these challenges, taken away from  
25 their biological families because of the molestation, the abuse

1 and the other neglect. That's where these Solander kids came  
2 in.

3 Now, you're going to hear from a paid child abuse  
4 advocate who is a medical doctor but spends a lot of time just  
5 testifying in cases, who brings her own context, perspective  
6 and word choices. She's being candid and consistent with the  
7 way that she's testified for money in other cases. She will  
8 say that children who suffer these type of abuses, these type  
9 of things, like molestation, have significant behavioral  
10 issues, and that it could be escalated and elevated given the  
11 family dynamic situation with the other sisters.

12 And that it is exacerbated moving from place to place  
13 before they go into a settled location, that they're always  
14 uneasy, always uncertain, very resistant, always acting out,  
15 engaged in many behavioral deficits, like bedwetting and  
16 defecation issues, and even doing that stuff on purpose, acting  
17 out on purpose, making false accusations on purpose.

18 And you will hear evidence that false accusations are  
19 made by one or more of those Solander kids, admittedly, that  
20 have nothing to do with the Solanders, that teachers hit them,  
21 that other things happened. You will hear of them acting out  
22 in situations that had nothing to do with the Solanders. You  
23 will hear they don't want structure. You will hear they don't  
24 want discipline. They're little kids who have been through a  
25 whole lot, and we all have empathy for them, and they came into



1 the Solander house challenged, and the Solanders had to meet  
2 that challenge.

3 Now, when they came in with the behavioral issues and  
4 potentially medical issues, and medical issues need to be ruled  
5 out, and the responsibility to do that is not with DFS, but  
6 that's with the Solanders. It's on the Solanders. The  
7 Solanders become adoptive parents; they become parents, and  
8 they do that by choice, and they have to rule out medical  
9 things, and if anything is happening, they want to go get that  
10 information, get that advice.

11 Now, that's about context. That's about perspective.  
12 That's my narrative, and it's very different how we look at  
13 taking children to doctors. It can be viewed from an evil  
14 standpoint, or it can be viewed from a standpoint of compassion  
15 and understanding. Same facts. No one is going to dispute all  
16 the doctors visits. There was discipline. There was grave  
17 concern. There were good intentions to help these girls.

18 Now, certainly, based on what is anticipated from the  
19 children, they will wildly exaggerate the decisions by  
20 Mrs. Solander and Mr. Solander, and with the professional  
21 witness of the State, the paid witness by the State, they will  
22 suggest to you that the exaggerations are possible, but you  
23 will never hear from any degree of medical certainty that they  
24 happened, and listen for that very carefully. That's the  
25 scrutiny that the individuals who are selected for this jury

1 are tasked with, is to listen to the language choices and the  
2 word choices.

3 Will Dr. Cetl, the paid expert from the State ever  
4 say definitively the injuries that I saw on those children are  
5 consistent with the allegations, or will the doctor say they  
6 absolutely occurred to a degree of medical certainty by those  
7 allegations? I would suggest to you if Dr. Cetl is consistent  
8 with testimony that we've looked at from other things, she'll  
9 say it is consistent.

10 What's that mean, consistent with? Well, could it  
11 also be inconsistent with? Well, yes, of course. It's words  
12 coming from a child abuse advocate whose position is to believe  
13 everything and not to go and disprove things. That's not her  
14 job, and I don't begrudge her that. It's your job to  
15 scrutinize that, and when Dr. Cetl will be asked about the age  
16 of some of the things that were pointed out to you in the  
17 photos and other photos that you will see -- you'll see a lot  
18 of photos. The State's going to introduce lots and lots of  
19 photos to you -- the age of some of these things.

20 Dr. Cetl is, well, it's consistent with something  
21 that could have been during that time frame or maybe before  
22 because you're going to know very scant about what those kids  
23 went through before, I would suggest by design.

24 Now, understand the defense has its limitations. We  
25 can only do so much, but we also don't have the burden. The

1 prosecution has the burden. Remember that as you receive the  
2 evidence.

3           So there's bathroom, peeing, defecation issues to be  
4 expected with children from horrible situations, who are  
5 displaced, who are moved around, who maybe don't want to have  
6 structure in their lives. Too much, wrong times, wrong places,  
7 sometimes they're withholding, sometimes they're doing too  
8 much. The entire spectrum of issues and acting out and all of  
9 which people who are in Solanders' position have to do the best  
10 that they can because they know that this behavior and these  
11 actions provide a risk to the children if allowed to continue  
12 without intervention.

13           How nice it would be to take a challenged or damaged  
14 child who's 7 years old or 9 years old and explain to them the  
15 error of their ways and hope that they'll stop doing the things  
16 that they do, stop the tantrums, stop the self-hurt, stop  
17 withholding urine and getting UTIs or a urinary tract  
18 infections, stop having stomach issues, stop acting out, stop  
19 throwing things, stop lashing out. It would be nice if you  
20 could just convince them to do that, but these aren't kids who  
21 came from a loving-based [unintelligible].

22           So Janet and Dwight, at different times, used all of  
23 the techniques that are legally available for most doctors --  
24 not a bad thing, a good thing as the evidence will show. This  
25 will make sense to you. Questions are raised about the

1 children. Is there something physically, physiologically wrong  
2 that is causing some of this? Can it be ruled out? Can it be  
3 identified?

4 Janet has some experiences. She has raised a number  
5 of kids. She has had a lot of foster kids come through -- no  
6 mention of them -- before the Solander kids come into their  
7 lives, and she knows that some things warrant further  
8 attention, and some things need intervention, and she does  
9 that. If they're acting up, if they're throwing tantrums, if  
10 they're possibly not eating healthy at school, if they aren't  
11 doing their homework, if they're being combative, if they're  
12 intentionally urinating and defecating on themselves, what  
13 would any reasonable parent do? Try to curb it, and that's  
14 what the evidence will show they did, that they did institute  
15 timeouts.

16 Now, in retrospect, the prosecution is going to  
17 suggest or present evidence that these were for extended period  
18 of times which make it criminal. I mean, they're doing  
19 timeouts. It's not physical.

20 Very structured bathroom time. There are loss of  
21 privileges. You've got seven, eight, nine kids at a time, many  
22 of whom are damaged, all of whom have some manner of bathroom  
23 issue or acting out, et cetera, doling out 80 sheets of toilet  
24 paper a night seems in that context not to be so unreasonable,  
25 and it's certainly not accused of child abuse, but keeps being

1 brought up.

2           Allowing corporal punishment with a light implement  
3 is clearly allowed. Threats, you'll hear evidence of threats,  
4 things that are not as bad, and some that are worse than some  
5 of the things that we talked about during jury selection.  
6 You'll hear all that.

7           And when none of it worked, after trying everything,  
8 at their own expense, they paid for a top behavioral school  
9 with a religious component where the girls were for three  
10 months without incident except you'll hear from the director  
11 that they had behavioral issues and that they were working to  
12 curb it. So Janet knew at that point that it was time to put  
13 them in a professional setting because she's not -- you will  
14 hear evidence she didn't put them at this behavioral school  
15 because she's evil or mean.

16           You will hear evidence that she did it because she is  
17 caring, and she wanted the best for those kids and give them a  
18 chance to function in society, to stay in a adoptive and not  
19 age out of the system, to not have red marks of unplaceable,  
20 but to have a chance to adjust from the abuse that they had  
21 previously suffered and function with each other and in society  
22 in the correct way.

23           None of the things -- and plenty of people talked to  
24 those kids -- resulted in any charges or any substantiated  
25 investigation at all. That is until Nevada CPS called the

1 Florida CPS, and then and only then for the first time do we  
2 start to get the seeds, but not all of the allegations that are  
3 presented in the charging document, the allegations that the  
4 prosecutor talked to you about with the confidence of personal  
5 knowledge, but obviously is relying upon the exaggerations of  
6 the children and assuming them to be true. That's how that  
7 works.

8           And I just want to throw another little thing out,  
9 that this case, as we're standing here today, really starts to  
10 come to form also after the discovery that Mrs. Solander has  
11 published a book criticizing the CPS and the DFS of Nevada.  
12 More on that in a second.

13           In that first disclosure to Florida CPS, I'm going to  
14 tell you there wasn't a single mention of catheters. That  
15 developed in the story from the girls. The girls who are now  
16 older who were being given structure, who had been taken away  
17 from family their surroundings, who were in an accredited Bible  
18 study structure behavioral school were now approached and asked  
19 tell us about your life at the Solander house, and this isn't  
20 until 2014, three months after the last allegation in that  
21 criminal charging document.

22           And we suggest as you receive the evidence that you  
23 look at the motivation of the Solander girls for exaggeration,  
24 for manipulating the system, that they had become unfortunately  
25 aware of, to take the allowed conduct that CPS had no problem

1 with and bump it up into the allegations which are now in front  
2 of you. And even those allegations, you will hear from the  
3 evidence, do not amount to criminal conduct. Remember that as  
4 you're evaluating the evidence, and that's the context, the  
5 word choice and the perspective that we ask each of you to have  
6 in mind as you listen to what is being presented to you.

7           There is no evidence of criminal level abuse or  
8 neglect in the Solander household at any time before  
9 November 11, 2013. There are no mandatory reporters who made  
10 any legitimate or substantiated report, no credible findings of  
11 abuse, no documentation of anything amounting to criminal level  
12 abuse. Indeed, as stated, the CPS and DFS were in that  
13 household, and not just them.

14           Because you have foster kids in your house, there are  
15 also therapists and other personnel that are required to be in  
16 and out of that house all the time. They saw buckets. Maybe  
17 they saw paint sticks. They asked questions. They got  
18 answers. None of them required the Solanders to change their  
19 methods.

20           Now, that's it about the Solanders. I'm going to  
21 take a slight detour to talk about Lori Wells, the intern,  
22 intern. I don't know if that was mentioned. Lori Wells had no  
23 interaction with the Solander kids, zero. Lori Wells is an  
24 intern who was assigned to the Diaz-Burnett kids. I want you  
25 to read that document and tell me where the word Diaz or

1 Burnett or Stark shows up one time in that information.

2           You will hear no evidence that Janet Solander has  
3 been charged with any offense related to those people, to those  
4 children, none, zero. Four years now, nothing, but it's being  
5 presented to you. So I have to talk about how it's to be  
6 perceived, what the context of that is and the word choices  
7 that are being used.

8           The defense is not going to introduce evidence to you  
9 of these poor little girls who also came from broken homes, who  
10 came from products of gross neglect, deprivation, molestation,  
11 sexual abuse, the Stark and the Diaz-Burnett kids too, who had  
12 documented medical problems. No. We're forced to bring that  
13 information to you about something that's not even charged in  
14 this case because that information has now been presented to  
15 you as somehow being relevant to these proceedings.

16           MS. BLUTH: Objection. Argument.

17           THE COURT: That's sustained.

18           MR. FIGLER: So I don't know how many slides were  
19 devoted to people who aren't in this information, but when they  
20 come in, we're going to hear about Lori Wells, the intern, Lori  
21 Wells, the intern who was removed from the case of  
22 Diaz-Burnett, who is no longer working in that capacity, who  
23 hasn't really advanced in her career, who didn't have the  
24 proper training to suggest anything, who had no bearing or --

25           MS. BLUTH: Objection. Argument.



1 MR. FIGLER: You will hear no evidence.

2 MS. BLUTH: Objection.

3 THE COURT: Okay.

4 MS. BLUTH: Argument.

5 THE COURT: Okay. Mr. Figler can say what the  
6 evidence will show --

7 MR. FIGLER: Or what the evidence will not show.

8 THE COURT: -- in terms of what her career  
9 progression has been.

10 MR. FIGLER: She has her opinions. God bless, we all  
11 do. But you will hear no evidence that she had anything to do  
12 with the Solander kids or that her opinion is valid or that it  
13 did really anything with regard to your job of determining  
14 whether or not the State has proved beyond a reasonable doubt  
15 criminal-level abuse.

16 And you will also hear her lack of qualification for  
17 making opinions and her overreaching, and again you will hear  
18 about her removal, not because the Solanders had that power --  
19 they're not powerful people -- but because -- well, you'll hear  
20 why.

21 So now these allegations are out there. The kids  
22 have been interviewed not once, but multiple times, and  
23 circumstances aren't really well documented, but police  
24 officers who had the ability to do further investigation, to  
25 try to find proof of stuff -- and so, you know, that's their

1 job. That's a police officer's job. So what did they do?  
2 They asked for a search warrant. Okay.

3 So they do the search. What did they find? The  
4 buckets. How about blood? No, no blood. Paint sticks? Yep,  
5 they found paint sticks. How about broken paint sticks?  
6 Because there's this wild allegation that they hit them so hard  
7 it broke the paint sticks. I would imagine you'd find one  
8 broken paint stick. No.

9 Blood was everywhere. We bled. That's the  
10 allegation you're going to hear. Everyone saw blood. Not only  
11 no blood, but no biological material on any of the paint  
12 sticks, on anything anywhere, tables, walls. They don't find  
13 that. They don't find blood. They don't find DNA that would  
14 come from a paint stick going into somebody. Come on. No  
15 blood on the tables. No blood on the stairs. No blood  
16 anywhere.

17 No cages as described by the children, but what you  
18 saw, safety fences. No multiple boards set up to be sleeping  
19 quarters. There was a board on the floor in one of those, but  
20 cots, and you will not hear any evidence that sleeping on a cot  
21 is child abuse, but that's what's alleged. Normal fans that  
22 you saw, not industrial torture fans from some crazy movie, you  
23 will not hear any of that.

24 And then the book, how to fix the corrupted system of  
25 foster care by Janet Solander. You will hear cross-examination

1 of the detective and say and ask why were you so interested in  
2 that book all of a sudden? Why did you put that book in the  
3 search warrant? What were you looking for, and why did you  
4 take every copy you could find of the book, and why did you  
5 take all the documents between Janet and her publisher and all  
6 her edit notes and how much she was paid for the book and how  
7 much work and effort was made into her research and all the  
8 research for that book? Why are you focused on that? Why are  
9 you obsessed on that when there's a charge of child abuse?

10 Why is CPS all of a sudden now going in there and  
11 taking pictures of that book which was available on line? They  
12 took into evidence every copy they could find, reams of records  
13 regarding her contract with the publisher. You'll see a giant  
14 folder that's in this courtroom right now that has all these  
15 papers about the publisher and research. The evidence will  
16 show that the government seems to be obsessed with this book,  
17 and its accusation of flaws in the system and discrediting  
18 Janet.

19 You saw one excerpt pulled out from an introduction  
20 with an eclipse -- ellipse, the dot, dot, dot, ellipse.  
21 There's a lot of words in that book.

22 We both feel that it was divine  
23 intervention on behalf of these children that  
24 they were placed with us. It may sound  
25 conceited, but we've always felt that the

1 behaviors these children have displayed could  
2 otherwise have resulted in multiple failed  
3 adoption attempts until they turned out of  
4 the system, or they would have been placed in  
5 a family that didn't have tolerance and  
6 patience that we do, and they would've ended  
7 up a statistic.

8 We have been foster parents for close to  
9 four years as of the beginning of 2013, and  
10 we have fostered over 20 children in that  
11 time, most of them long-term, more than six  
12 months. We adopted our three girls after  
13 fostering them. We also are active in  
14 advocating for reform in the way CPS cases  
15 are handled, and the way the court system  
16 ignores statutes and considers the biological  
17 parents over the welfare of these children in  
18 too many cases.

19 Now, if you read the book, and presumably it's going  
20 to be introduced to you, as I have, it's a book that lays out  
21 the frustrations, but the need to do everything you can do to  
22 help children. That is the place of the context behind the  
23 actions and how the system doesn't necessarily support parents  
24 to do that, especially with challenged children with  
25 significant behavioral issues. It is a stinging indictment,

1 and it appears to be part of the reason why this is even  
2 happening, this prosecution, the overwhelming evidence that the  
3 police and the DFS focused on this book more than the welfare  
4 of anything else.

5           At the end, you personally may not agree with the  
6 hard parenting decisions that Janet herself made, but you will  
7 hopefully come to understand that they came from a good place.  
8 The exaggeration of some of these decisions is unfortunate. As  
9 we stated, the jury, you, each individual here is the  
10 safeguard.

11           Understandably, child abuse advocates are trained to  
12 believe everything and not look behind the allegations. You  
13 will hear from those folks, the police, the government. See if  
14 they -- when you receive that evidence, try to run down what is  
15 true, what is false or even what is exaggerated. Now, that's  
16 going to be your first job as you receive the evidence, did it  
17 happen the way the children claim exactly? Or is there a  
18 possibility based on the evidence that it happened less  
19 intensely or not at all? That's job one.

20           Job two, even if you think some of these allegations  
21 happened the way described, and that will not be the case, but  
22 even if you do, was it actual criminal conduct beyond a  
23 reasonable doubt as you will be instructed at the end, and we  
24 suggest at the end of receipt of evidence and at the end of  
25 your deliberations the answer has to be no by following the

1 law. No.

2 The evidence will show that discipline and structure  
3 were part of the Solander household and that the Solander  
4 children presented unique challenges and that naturally the  
5 children resisted and eventually found an out, and that out was  
6 the exaggeration and the exaggerated reports.

7 At the end of the evidence you should have no  
8 hesitation in separating these uncharged, contextually  
9 inappropriate conversations or dialogue about the Diaz-Burnett  
10 kids and the Stark kids and what's actually being charged in  
11 our document because that's your task, just focusing on that,  
12 and the Court will instruct you as to that as well.

13 And at the end of the evidence, you should have no  
14 hesitation in finding that the government has not met any  
15 burden and return a verdict of not guilty so that Mrs. Solander  
16 can get back to her life.

17 Thank you.

18 THE COURT: All right. Thank you.

19 Ladies and gentlemen, we're going to go ahead and  
20 take our lunch break. We will be in recess for the lunch  
21 break. It's until 2:30.

22 During the lunch break, you're reminded that you're  
23 not to discuss the case or anything relating to the case with  
24 each other or with anyone else. You're not to read, watch or  
25 listen to any reports of or commentaries on the case, person or

1 subject matter relating to the case. Do not do any independent  
2 research by way of the Internet or any other medium, and please  
3 don't form or express an opinion on the trial.

4 Please place your notepads in your chairs and follow  
5 the bailiff through the double doors. We'll see everybody back  
6 after the lunch break.

7 (Jury recessed 1:18 p.m.)

8 THE COURT: All right. We're on the record out of  
9 the presence of the jury.

10 And Mr. --

11 MR. FIGLER: Ms. McAmis can make that record.

12 THE COURT: Okay. Ms. McAmis and Mr. Figler  
13 approached the events during Ms. Bluth's opening statement and  
14 made a motion for a mistrial, I think twice.

15 MS. MCAMIS: That's correct.

16 THE COURT: You can make your record now. On one of  
17 the objections, it concerned the statement made by Ms. Bluth  
18 that there was bruising on the face of one of the Diaz-Burnett  
19 children, and at the bench the Court ruled that that had not  
20 been the subject of the testimony presented at the hearing, and  
21 therefore, the Court had not ruled that that would be  
22 admissible, and Ms. Bluth was directed to take that out of her  
23 PowerPoint, and the objection as to that was sustained, and  
24 Ms. Bluth did in fact then take that out of her PowerPoint and  
25 did not refer to any bruising on any of the Diaz-Burnett

1 children because that in my opinion exceeded the scope of the  
2 Court's ruling.

3 So, Ms. McAmis.

4 MS. MCAMIS: And the defense's concern with that is  
5 now the jury has been presented with information that's not  
6 admissible to them. They've been presented with information  
7 that is highly prejudicial to Mrs. Solander about bruising on  
8 or alleged bruising on children. It exceeded the bad acts  
9 motion. It exceeded any of the testimony that was presented,  
10 and the jury is now presented with very confusing and  
11 potentially conflicting and highly inflammatory bruising, and  
12 the implication is that the CPS actually verified that, and  
13 that's what's really offensive and objectionable to the  
14 defense, and it's highly inflammatory.

15 THE COURT: Ms. Bluth.

16 MS. BLUTH: So are we just talking about the bruises  
17 right now?

18 THE COURT: I believe so.

19 MS. BLUTH: Okay. In regards to the bruises, so a  
20 couple of different things, and I 100 percent know that this is  
21 on the JAVS. So I feel strongly saying that yesterday when we  
22 were talking about that I did -- when we were talking about  
23 what I was going to get into, I did talk about the fact that  
24 when Yvette came to get the children they were -- there were  
25 two bruises on Kaeshia, one bruise on Demyer, and that their



1 eyes were sunken in and that they were thin. So it's not like  
2 I tried to sneak by anything.

3 I thought that I could get into that. I also thought  
4 that Yvette will come in and state, you know, I had gotten  
5 these reports. Then I go to the house. I see that the  
6 children are incredibly thin. I see they're bruised. I'm very  
7 concerned, and I take them out. So anyway, the fact that I  
8 don't see how that's -- what was the word, highly inflammable  
9 bruises?

10 THE COURT: Inflammatory.

11 MS. BLUTH: They're inflammatory, that that's highly  
12 inflammatory that they would find out that the Diaz-Burnett  
13 kids had bruises when I just got done saying that they were --  
14 their older sister talked about the fact that they were  
15 disciplined for the urinating and defecating where they were  
16 taken by the hair and drug up the stairs and kicked both up and  
17 down the stairs.

18 So, anyways, Your Honor told me to take it down. I  
19 immediately took it down. The only thing I said after that was  
20 because of what Yvette saw -- what Yvette Gonzales saw when she  
21 got to the house, she then made the decision to take the  
22 children away. Then she spoke with the defendant. So I think  
23 anything was remedied by -- if there was any issue, it was  
24 remedied.

25 And also arguments of counsel aren't in evidence.

1 So, I mean, I don't think that there is any issue in regards to  
2 me saying that the children had bruises, but whatever the  
3 Court's ruling was, I did what the Court asked me to do, and I  
4 didn't go into the fact that the other siblings had the same  
5 stuff. I stopped it.

6 So this is my practice. When there's an objection  
7 about one of my slides, I immediately hit back and go to the  
8 slide beforehand or the bullet beforehand so that if Your Honor  
9 makes a ruling, then the jury can't have been reading  
10 everything.

11 THE COURT: Right.

12 MS. BLUTH: And I did that in this case.

13 THE COURT: Anything else, Ms. McAmis?

14 MS. MCAMIS: No. No, Your Honor.

15 MS. BLUTH: I -- oh, I'm so sorry. I do need to make  
16 a record about the first.

17 THE COURT: I think Ms. McAmis was going to make her  
18 record first about that.

19 MS. BLUTH: Oh, okay.

20 THE COURT: Okay. I think that the comment about  
21 bruising, the Court had never ruled that that was going to be  
22 admissible.

23 So, Ms. Bluth, now you know.

24 You know, I think in terms of the conclusion to  
25 remove the Diaz-Burnett children, you know, that can be covered

1 by, you know, based on your observations or did you just  
2 simply -- did you make a determination to remove the  
3 Diaz-Burnett children? Yes. You don't need to get into  
4 anything beyond that.

5 MS. BLUTH: Okay.

6 THE COURT: So I think that that does -- that  
7 statement exceeded the Court's ruling. I don't think it rises  
8 to the level of having to declare a mistrial given the, you  
9 know, other evidence that's likely to be presented in the case.

10 And then as to the other motion for mistrial,  
11 Ms. McAmis.

12 MS. MCAMIS: And our other motion for the mistrial --  
13 Court's indulgence.

14 Okay. And I apologize. It was the earlier one. I  
15 did them out of order. I just confused myself.

16 THE COURT: I did them out of order. So --

17 MS. MCAMIS: Oh, I think actually I initiated that.

18 THE COURT: Okay.

19 MS. MCAMIS: So I apologize to the Court for that.

20 Our initial motion for a mistrial had to do with the  
21 alleged timing of the conduct.

22 THE COURT: Right.

23 MR. FIGLER: And it had to do with the slide  
24 specifically that said that it was ongoing child abuse and  
25 neglect through March of 2014. The actual removal and the

1 actual investigation, all of that occurred at the end of  
2 February of 2014, and so to extend that and to bring in any  
3 kind of information beyond that would be again very  
4 prejudicial, very confusing to the jury. It would confuse the  
5 issues.

6           Their consideration is not as to the Diaz-Burnett  
7 children and whether or not there was abuse and neglect in a  
8 civil manner as to any of those children, and so -- or CPS  
9 reports or investigation regardless of whether they were  
10 substantiated or unsubstantiated because that didn't have  
11 anything to do with the Solander children and the Solander  
12 alleged conduct that ended or that was alleged to be between  
13 January of 2011 and ongoing through November of 2013 because  
14 they weren't in the home past that.

15           MS. BLUTH: So I never understood the Court's ruling  
16 to be that we couldn't get anything into the Arayez [phonetic]  
17 Burnett children once the Solanders were taken out of the home  
18 because the issue was that there was a common theme. To me it  
19 doesn't matter if the Solander girls never were with the  
20 Diaz-Burnett children or that they were always with the  
21 Diaz-Burnett children.

22           THE COURT: Well, my understanding was the Solander  
23 girls were still technically, quote, in the home of the  
24 Solanders even though they had been sent to the school, and so  
25 they were still in their custody even though they were out of

1 state in Florida.

2 MS. BLUTH: Right.

3 THE COURT: So I think that that period is still  
4 germane to the case even though the charging document limits  
5 the allegations of abuse to the time period that precedes the  
6 Solander girls going to Florida; correct?

7 MR. FIGLER: I do just agree with that.

8 THE COURT: Okay.

9 MR. FIGLER: But the issue is that the implication of  
10 the State is that there was all these CPS reports of abuse, et  
11 cetera. When she referred to that in her opening, that was not  
12 about the Solander kids, per se. It was about the  
13 Diaz-Burnett, and then the after the fact CPS investigation  
14 because the children had been removed, et cetera. So that was  
15 a matter of course because of the interviews in Florida, et  
16 cetera. So it's basically bolstering and bootstrapping back in  
17 time that there was this over five CPS reports against these  
18 people through March of 2014, which is the irrelevant time  
19 frame, the irrelevant outer time about the Diaz-Burnett kids.

20 MS. BLUTH: Okay. That --

21 THE COURT: The Court had ruled that the relevant CPS  
22 reports were the ones that led immediately to the investigation  
23 involving the Solander girls that occurred in Florida, the  
24 investigation in Florida. So those reports I had ruled were  
25 relevant.

1           The other reports that were made regarding the  
2 Diaz-Burnett children that did not result in any kind of  
3 inquiry regarding the Solander girls, I don't know that they're  
4 relevant, but I think all of the reports were made by the same  
5 two people, Lori Wells and the school nurse --

6           MS. BLUTH: So that's why I was getting --

7           THE COURT: -- and so I think, you know, they both  
8 testified that, I mean, numerous reports and finally CPS did  
9 something. So --

10          MS. BLUTH: So but, Judge, if I could just make a  
11 record because that's why I was getting so confused at the  
12 bench at why Mr. Figler was so upset. Because we are  
13 talking -- he and I are talking about the same thing. So I  
14 said that there were seven either contacts or calls regarding  
15 suspected either neglect or abuse, and those are 8/21/13, Lori  
16 Wells; 11/5/13, Lori Wells; 11/16/13, Lori Wells; 1/23/14,  
17 Nurse Schweiger -- she also contacts three more times, but I  
18 counted it as one -- 1/30/2014, the BST worker; February 5th,  
19 2014, Nurse Schweiger; and on February 28th, 2014, is the  
20 final interview.

21          So those seven, those seven contacts are everything  
22 that we talked about in the OB 8 [phonetic] hearing I think  
23 where Mr.--

24          THE COURT: The BST worker though I think -- was that  
25 talked about? I don't --

1 MS. BLUTH: Yes. Because that is when -- so that is  
2 when Lori Wells discussed the fact that they had called in that  
3 the children were sitting on pots, and so the BST worker went  
4 back to Lori. Lori discussed it, and she said we need to call  
5 it in. So anyways, I took those. Yeah, there was seven  
6 contacts within that time period.

7 Where Mr. Figler got upset is that I said March. I  
8 apologize. It was February 28th of 2014, and that's when the  
9 Metro investigation started. So I did not --

10 THE COURT: I would just note that Ms. Bluth --

11 MS. MCAMIS: Well, if I could --

12 THE COURT: Yeah, you can finish, but --

13 -- Ms. Bluth did then correct, oh, this is wrong.  
14 It's February. So to me the implication to the jury is that  
15 that was like a typographical error or something in her  
16 PowerPoint. So she did go back to February.

17 My only concern was that made it sound like there's  
18 seven different people reporting abuse and neglect to the  
19 Diaz-Burnett children. That's how it sounded. That I think  
20 will be cleaned up in the testimony, that it's all Lori Wells  
21 and the school nurse, but I think I understand why Mr. Figler  
22 was upset because the way, if you didn't know what the evidence  
23 was going to be, if you're just hearing it for the first time  
24 as the jurors, it sounds like you've got seven different people  
25 were making reports, and I think it'll be cleaned up in the

1 testimony that it's Lori Wells, and it's the school nurse, but  
2 I'm saying they don't know all that.

3 MS. BLUTH: Okay. But right under that, I put a  
4 bullet point that said a minimum of five of those are Lori  
5 Wells.

6 THE COURT: Okay.

7 MS. BLUTH: So and you'll see my -- that's why I  
8 don't understand because I was very clear. You were very clear  
9 in what I could get into. We went over it like 55 times, and  
10 so then in my slide it clearly says seven times, and then at a  
11 minimum of five Lori Wells is contacting them.

12 THE COURT: All right. I mean, I just think it needs  
13 to be clear that it's -- really the impetus is Lori Wells, not  
14 a lot of different people, teachers and other things, that --

15 MS. MCAMIS: But Your Honor recognized and had almost  
16 the same impression that we did, that it sounded like there  
17 were seven independent corroborations of alleged CPS  
18 investigations that were all potentially substantiated when  
19 really the removal was prompted by the last one. Lori Wells  
20 had very little to do with the last one. She was gone. She  
21 was done by the time of the very end of November of 2013, and  
22 the removal occurred because of a final investigation or call  
23 that had again nothing to do with the Solanders at the end of  
24 February 2014.

25 THE COURT: All right. As I said, I think that it



1 will be clear from the evidence that it's not seven different  
2 incidents or unrelated types of abuse and different bruises,  
3 that it's all relating to Lori Wells and the school nurse and  
4 the concern about the diet and the eating isolation and all of  
5 that. But again, they don't know what it's going to be. So  
6 they could be thinking it's all these different kinds of abuse  
7 and things like that. So I think that that will be made clear  
8 once the testimony comes out.

9 All right. Anything else?

10 MS. BLUTH: What time did you say for lunch?

11 THE CLERK: 2:30.

12 THE COURT: 2:30. So that gives us an hour.

13 MR. FIGLER: We do still want to put that jury thing  
14 on the record.

15 THE COURT: Okay. You can do that now or --

16 MS. MCAMIS: Actually, if we could do that and just  
17 get that done with. There was a bench conference off the  
18 record earlier yesterday afternoon where there was just a  
19 general discussion about the different and various ethnicities  
20 of the potential jurors who were the peremptory challenges were  
21 exercised, and that it was noted that a fair amount of those --  
22 there's just no nice way to say this -- of the Asian  
23 ethnicities that the peremptories came primarily from, and I  
24 think exclusively from the State.

25 THE COURT: Well, the defense -- of the Asians, there

1 were a number of Asians in the venire panel, and now they've  
2 all been excused save one Asian, and --

3 MS. MCAMIS: Actually if I could --

4 THE COURT: -- the woman who identified as half white  
5 and half --

6 MS. MCAMIS: Right I wanted to make a record. I did  
7 not --

8 THE COURT: -- you know, was excluded --

9 MS. MCAMIS: By the defense, yes.

10 THE COURT: -- by the defense, and she had also been  
11 the subject of a for-cause challenge.

12 MS. MCAMIS: Correct.

13 THE COURT: And then I believe all the other Asians  
14 who were excluded were excluded by the State. That's my  
15 memory.

16 MS. MCAMIS: And that's my memory as well, Your  
17 Honor, and I did want to correct the record because I did note  
18 that our exercise -- our peremptory exercise of the lady who  
19 identified as half Filipino was exercised by us, but it was  
20 someone who we identified and challenged for cause potentially  
21 based on a [unintelligible] -- based on a burden shifting  
22 challenge, and that was overruled.

23 MR. FIGLER: And just to make the record very  
24 complete -- Your Honor had noted it sua sponte -- we had an  
25 off-the-record bench conference, which we're making a record

1 right now, the Court had noted that it appeared as though the  
2 State had used a lot of their peremptory challenges on the  
3 people identified as Asian, and we crosschecked it against the  
4 bio form, and what I can say is that of the 10 -- of the 10  
5 peremptories exercised by the State, Mr. Bucu, Mr. Le,  
6 Mr. Chanla, Mr. Aquino all appeared to be Filipino or Asian  
7 American.

8 THE COURT: Well, there was a Vietnamese --

9 MR. FIGLER: Or Vietnamese.

10 THE COURT: -- self-identified Vietnamese, Cambodian  
11 and at least two Filipino.

12 MR. FIGLER: Right. So almost half of their -- and  
13 then one Hispanic person, Mr. Lopez, and he was identified on  
14 his bio form as Hispanic. So about half of the State's  
15 peremptories were used for Asian and the Hispanic, and that  
16 fairly decimated, as Your Honor noted, the Asian American  
17 representation on the jury panel to one apparent person.

18 The defense on the other hand had exercised its first  
19 four peremptories following up on cause challenges that were  
20 denied by the Court, and then there was a mixture of different  
21 ethnicities, et cetera.

22 I'd also point out that just from sight and looking  
23 at the bio that over 85 percent, almost 90 percent of the panel  
24 did appear to be Caucasian and that --

25 THE COURT: You mean that's left or previously?

1           MR. FIGLER: No, of the entire venire panel. It was  
2 a high percentage, probably much higher than is representative  
3 in the census, but that being, the panel that does exist now,  
4 that 13 of the 15 identify as Caucasian, and then the other is  
5 one is Asian, and one is other based on their bio forms. So  
6 that's the record that would stand.

7           I mean, obviously when the Court pointed out to the  
8 defense there was a concern of disproportionate --  
9 disproportionality and the removal of virtually all of the  
10 Asian individuals, I don't know if the -- I mean, it was raised  
11 before the -- or was discussed before the jury was I think  
12 sworn in, if not right after, but I think it was right before,  
13 and if the Court had a concern, then we felt that certainly we  
14 should make a better record of it.

15           The only remedy that we could request at this point  
16 would be to discharge the entire panel and start over again if  
17 the Court finds that there is a pretextual removal and that  
18 they can't offer a content neutral. So I'll leave it to the  
19 Court to make its determination on how much canvassing of  
20 either side needs to take place, but if the Court does find any  
21 anomaly that would run afoul of Batson and its progeny, then  
22 our request for relief would be to impanel a new jury.

23           THE COURT: State.

24           MS. BLUTH: Well, in regard -- I think in regards to  
25 the Asians, are you asking me to find race neutral reasons, to

1 give Your Honor race neutral reasons in regards to the three  
2 Asians that we --

3 THE COURT: I think it was four Asians.

4 MS. BLUTH: Who would be the fourth? I have  
5 Mr. Chanla, Mr. Bucu and Mr. Le.

6 THE COURT: Mr. Aquino.

7 MR. FIGLER: Yeah.

8 MS. BLUTH: Okay. Mr. Aquino. Okay. In regard to  
9 Mr. Aquino, Mr. Aquino was -- hold on, Your Honor. One second.  
10 Let me write down --

11 MR. HAMNER: And I can make representations on that.

12 MS. BLUTH: Okay. If you could take Mr. Aquino.

13 MR. HAMNER: Mr. Aquino, a couple of things that  
14 stood out about Mr. Aquino. Mr. Aquino didn't have any kids --

15 THE COURT: Was he the gentleman in the front row?

16 MR. HAMNER: No.

17 MS. BLUTH: No.

18 THE COURT: Oh, I'm sorry.

19 MR. HAMNER: He was in the back row. It was a young  
20 man. I believe he may have been a nurse.

21 THE COURT: The nurse.

22 MR. HAMNER: He was a nurse. He was unmarried. He  
23 had no kids, and one of the things that he had stated a lot was  
24 that he had a really hard time making judgment calls, and he  
25 didn't feel comfortable being in that role and for judging,

1 making kind of a call against someone else, and that was the  
2 primary reason why we let him go.

3 MS. BLUTH: Yeah, exactly. At first he said that he,  
4 because of his religious upbringing, that he said that he was  
5 raised Catholic, that he didn't feel comfortable being able to  
6 judge others, and I was going to do a kick for cause.

7 MR. HAMNER: Yeah.

8 MS. BLUTH: But, Your Honor, actually rehabilitated  
9 him and kind of put him back on the right track.

10 In regards to Mr. Buco, who was the male in the  
11 front, he actually used the terms, I was disciplined like back  
12 in the old country, and he talked about the fact that, you  
13 know, implements were used on him and that he turned out okay  
14 and things like that, and so at the end of the day, he seemed  
15 that he was okay with some forms of harsh discipline and that  
16 the way he was raised back in the way the old country did it  
17 that he didn't have any issues with that.

18 Was there anything else with him?

19 MR. HAMNER: Yeah. With respect to him also, when  
20 asked if he disciplined his own kids, he wasn't even clear  
21 about whether he could even remember. I don't remember if I  
22 spanked him or not, which I thought was a little bit weird that  
23 you wouldn't remember if you ever spanked your kid while  
24 raising them, but that was another thing that we thought was  
25 somewhat problematic. So we kicked him.

1 THE COURT: Okay.

2 MS. BLUTH: And in regards to Mr. Chanla, I did not  
3 feel that he had a command of the English language to the point  
4 where I asked him, How long have you been living here, and he  
5 stated that he moved here as a small child, and so when at the  
6 end of the day I didn't feel comfortable with his English  
7 language, but also that we just didn't know very much about  
8 him. If Your Honor remembers, I went through a couple of the  
9 people that we termed quiet people, that we didn't know very  
10 much about.

11 THE COURT: Right.

12 MS. BLUTH: Mr. Chanla and Mr. Le were two people  
13 that I called and said, Hey, you're very quiet. You haven't  
14 had any opinions on anything, and they were the two which  
15 brings me to Mr. Le, who said the only thing he would say is  
16 that he watched Fox news, and that he's very conservative.  
17 While he was pro-cop, I liked that about him, but he kept  
18 saying how conservative he was, and I thought that that could  
19 both be good for us or it could be bad for us because we do  
20 have teenagers that are going to come in here and testify, and,  
21 I'm going to be honest. They have quite a lot of attitude, and  
22 Mr. Le's representations of how conservative he was, I didn't  
23 think necessarily that he would be liking any type of behavior  
24 that the girls may have been exhibiting.

25 MR. HAMNER: And it was also -- that kind of

1 rationale was also similar for Mr. Gilbert, who was a white  
2 male. He was sitting over here, but he also kind of talked  
3 about his own, like, kind of granddaughter and lying, and so we  
4 had a concern about people who may not -- may have credibility  
5 concerns for teenagers and things of that nature. It was kind  
6 of a similar rationale why we kicked him too.

7 THE COURT: All right. At this point, I find that  
8 the State has stated sufficient race-neutral reasons and that  
9 the exclusion of four out of the five Asian-American jurors was  
10 not race motivated.

11 MS. BLUTH: And just to be clear, Ms. Fryman, who was  
12 in the back row, she was Filipino.

13 THE COURT: That's the woman we were talking about  
14 that the defense excused. We already covered her, and then the  
15 second one was Ms. Dehesa, who was Hispanic, and the defense  
16 excused her, but she was also a rejected for-cause challenge,  
17 and they also excused the only African-American juror.

18 MS. MCAMIS: Yes, the Metro volunteer. That's  
19 correct. We did.

20 THE COURT: Right. Right. So in any event, I don't  
21 think we need to talk about anything else. Let's take our  
22 lunch break, and we'll come back.

23 MR. HAMNER: What time are we coming back, Your  
24 Honor?

25 MS. BLUTH: 2:30.



1 THE COURT: 2:30.

2 (Proceedings recessed 1:41 p.m. to 2:39 p.m.)

3 (In the presence of the jury)

4 THE COURT: All right. Court is now back in session.  
5 The record should reflect the presence of the State through the  
6 deputy district attorneys, the presence of the defendant and  
7 her counsel, the officers of the court, and the ladies and  
8 gentlemen of the jury.

9 And, ladies and gentlemen, you may have noticed that  
10 there are a couple of cameras in the courtroom. I just want to  
11 assure all of you that the jurors are never filmed. So don't  
12 be nervous or self-conscious or anything like that. They are  
13 not allowed to film the ladies and gentlemen of the jury.

14 State, are you ready to call your first witness?

15 MS. BLUTH: The State is. Thank you, Your Honor.  
16 The State calls Heather Richardson.

17 **HEATHER RICHARDSON**

18 [having been called as a witness and being first duly sworn,  
19 testified as follows:]

20 THE CLERK: Thank you. Can you have a seat. Please  
21 state and spell both your first and last names for the record.

22 THE WITNESS: Heather Richardson. H-e-a-t-h-e-r,  
23 R-i-c-h-a-r-d-s-o-n.

24 THE COURT: Ms. Bluth.

25 DIRECT EXAMINATION

1 BY MS. BLUTH:

2 Q Okay. Good afternoon, ma'am. How are you employed?

3 A I am employed as a senior family services specialist  
4 with the Department of Family Services.

5 Q Okay. Can you explain the training and education  
6 that you went through in order to have that position, please.

7 A Well, first, in order to be employed by the  
8 Department of Family Services, I obtained a Bachelor's of  
9 Social Science in 2004. I also hold a Master's of Social Work.  
10 I obtained that in 2011. Post being employed with the  
11 department, I furthered my education.

12 Upon employment, I went through two months of  
13 intensive training in child welfare, specializing in child  
14 welfare and various other things such as child development,  
15 child welfare, mental health, substance abuse, domestic  
16 violence, how to identify child abuse, all things that have to  
17 do with child welfare.

18 In addition, we go through intensive ongoing training  
19 regularly. We train -- we train a lot. We train at least once  
20 or twice a month for full days.

21 Q Have you had different positions while working in the  
22 department?

23 A I have.

24 Q Can you explain those, please.

25 A Yes. I've been promoted twice since being employed

1 with the department. I started as a Family Services Specialist  
2 II, and was promoted up to a senior and then a family services  
3 supervisor, and that was in permanency. I also have been  
4 employed in the administration department which is where I am  
5 now.

6 Q Okay. And that's what I was going to ask you. What  
7 section are you currently in?

8 A Currently, I'm in the legal unit, working in appeals,  
9 administration and in child fatalities.

10 Q Okay. Can you kind of explain to me what that is,  
11 that position.

12 A Yes. So, yes. After spending eight years in  
13 permanency, which is also what's commonly known as foster care,  
14 I moved into administration in legal, which I do appeals  
15 dealing with when somebody has a substantiation for child abuse  
16 or neglect, they can appeal that substantiation. So I review  
17 those cases when somebody has filed an appeal and review  
18 whether the substantiation should be upheld or overturned based  
19 on the law.

20 That's most of what I spend about 90 percent of my  
21 job doing, but I also review legislation when the legislation  
22 session occurs every two years. So we just came out of a  
23 legislation session, and I also review child fatalities. When  
24 a child in Clark County dies, whether it's through  
25 abuse-neglect or whether it's natural, accidental, we review

1 any history the child has with the Department of Family  
2 Services.

3 Q Okay. Thank you. Now, kind of a sidetrack. Did you  
4 receive a traumatic brain injury while at work?

5 A I did.

6 Q And does that kind of affect the way you communicate?

7 A Yes. In 2014, I was -- I was hurt on the job. I was  
8 attacked by a child that was in a psychotic episode, after I  
9 picked him up from a psychiatric facility, with a -- he had a  
10 brick, and he struck me in the head, and so I incurred a  
11 traumatic brain injury as a result of the injury, and so  
12 sometimes --

13 After that I had to go through two years of speech  
14 therapy, and it affects sometimes my word finding. So I have  
15 what's known as aphasia, and so sometimes I have difficulty  
16 finding the word that I'm trying to use, and that also affects  
17 when I'm being spoken to, when I'm being given direction or  
18 asked questions. The complexity of the questions, sometimes I  
19 need it broken down a little bit simpler, being given one step  
20 at a time to be able to understand it.

21 Q Okay. So at any point in time, if during my  
22 questioning you need me to break it down or go slower, please  
23 let me know; okay?

24 A Okay.

25 Q So I would like to a turn your attention now back to

1 2008. In 2008, what was your position within the department?

2 A In 2008, I was a family services specialist II. I  
3 was in permanency in foster care at that time.

4 Q Okay. We have heard you -- I think you've used the  
5 word permanency twice.

6 A Yes.

7 Q So can you explain to us -- there's kind of a  
8 permanency section, and at one point there was a licensing  
9 section; is that right?

10 A So, yeah. There is investigations, permanency, and  
11 then there's licensing. So when a case comes in, it goes  
12 through an investigation, and that's when a child is removed  
13 from the natural parents, a biological parent. So in a case,  
14 if a child is removed, it goes to permanency. So that's what I  
15 did.

16 So once a child is removed from a biological parent,  
17 I would either try to reunify that child back with their  
18 biological parent or try to find -- if they couldn't -- if that  
19 couldn't be achieved, I would try to find them a permanent home  
20 to be adopted and achieve permanency. So that's why it's  
21 called permanency.

22 And then licensing is when we have licensed foster  
23 parents. They license foster parents, and they also conduct  
24 licensing investigations. So those are the three branches of  
25 the department.

1           Q     Okay. Thank you. So in 2008, when you're a  
2 permanency worker, can you, and I think you briefly did, but  
3 can you explain to me just like your everyday job duties as a  
4 permanency worker once you're assigned to, like, a family of  
5 children.

6           A     Yes. So when I'm assigned to a family of children,  
7 usually, if I'm assigned the case from the very beginning, my  
8 job would be to try to work with the biological family to  
9 resolve whatever issues that led to the removal of the child  
10 and to try to reunify them with their biological family to  
11 reunite them.

12                     If that couldn't be achieved, on a day-to-day basis,  
13 what I would be doing is going out and checking on the safety,  
14 permanency and well-being of that child, so ensuring that they  
15 are safe in their placement, whether that's with a relative, a  
16 foster home. So I did regular visits with children in their  
17 out-of-home placement, making sure that their needs are being  
18 met -- that's their educational needs, their mental health  
19 needs, their medical needs -- making sure that that placement  
20 is a good fit for them.

21                     And then as far as their placement or their  
22 permanency goes, seeing whether it's realistic that we are  
23 going to be able to place them back with their biological  
24 parent. Under federal guidelines, we only have so much time to  
25 reunify a child with their biological parent, and if we can't,

1 then we need to move to another plan and move forward with a  
2 different permanency plan and look at adoption if a child is  
3 under the age of 14.

4 Q Okay. So when you say, you know, your job is to make  
5 sure of their welfare, they're safe, their health, I want to  
6 ask you a few questions.

7 A Sure.

8 Q So for instance if a child is in foster care and they  
9 needed to be taken to, like, to a doctor or to a dentist, is  
10 the caseworker, so are you a part of that process or notified?

11 A So I'm definitely notified. So if a child, say, has  
12 a cold, the placement, the foster parent or the relative  
13 caregiver -- so I'll just say caregiver, that's the term we  
14 use -- the caregiver takes them to the doctor. So I wouldn't  
15 necessarily take them to the doctor. I'm carrying a caseload  
16 of 35 to 40 kids. It's not realistic for me to take them to  
17 the doctor, but I'm notified.

18 I'm notified if they go to the doctor. There's a  
19 form that actually gets filled out. It's called a medical  
20 feedback form that lets me know that they took them to the  
21 doctor. I need to know all doctors that a child goes to  
22 because I need to obtain all those medical records so that I  
23 know what's going on with the child medically and keep up with  
24 those and so I can document it so that I have to also -- I'm  
25 responsible for completing a social summary at the time of an

1 adoption.

2 Q What's a social summary?

3 A A social summary tells basically all that the  
4 department knows about a child. So everything that we are  
5 responsible for, that medical, that mental health history,  
6 everything that from when a child comes into care until they're  
7 adopted we are responsible for. So those doctor visits, we  
8 need to collect all those medical records, if there's any  
9 psychiatric issues. We need to let that adoptive parent know  
10 whatever's gone on in a child's life. So that's how we collect  
11 those medical records by knowing what doctors they went to.

12 Q Got it. Okay. So now I want to ask you a question.  
13 I mean, obviously let me know if I am wrong. It would be your  
14 goal probably to keep children in one foster home the entire  
15 time they're in foster care?

16 A Yes.

17 Q I mean, and you don't really want them moving from  
18 home to home; is that fair?

19 A That's a very fair assessment.

20 Q But in certain situations, that does happen; correct?

21 A Unfortunately, yes.

22 Q So let's say a child is in Foster Home A, B and C.  
23 So when the child gets done in Foster Home A and they move into  
24 Foster Home B, is that child, you know, like, checked to make  
25 sure, okay, that child doesn't have any bruises, scars, et



1 cetera, because you need -- is there a reason -- A, do you do  
2 that? And, B, is there a reason for doing it?

3 A Well, we actually do that every visit, so whether  
4 they were removed or not moved. So I visit a child at a  
5 minimum of every 30 days. So I visit a child in privacy. So  
6 say there's a case that I have four siblings. I interview each  
7 sibling separately. So I may interview the foster parents  
8 together or the caregivers together, and they can explain to me  
9 whatever's going on with the children, and I can talk to the  
10 children as a group, and they can explain to me whatever's  
11 going on in their lives.

12 But I need to go and have a separate time to meet  
13 with each of those children because not only so that they can  
14 tell me if they want to talk to me privately and have some  
15 private time with me to tell me if anything is going on, but  
16 also so I can do a body check.

17 And the importance of them talking to me privately is  
18 also to give them an opportunity -- Sibling A might tell me  
19 something different than Sibling B does and Sibling C, and that  
20 gives me the opportunity to really assess what's really going  
21 on in a home so that I can make an accurate assessment what is  
22 actually going on in a home because if two siblings say  
23 everything is great, and Sibling C says not so much, then I can  
24 review the accuracy of those statements, or if three siblings  
25 say it's horrible, and one sibling says it's great, then again

1 I can assess the accuracy of the statements based on the  
2 details that they're telling me.

3 Q And then in regards to interviewing -- so I hear what  
4 you're saying in regards to the interview process, but what  
5 about physically checking them for any marks from -- I know  
6 from -- so you use -- I asked if you do it from Foster Home A  
7 to Foster Home B, and you said, yes, but you actually do it  
8 also every 30 days or every visit. So what is it that you do?

9 A So I interview them, and I do a full body check. So  
10 a full body check, basically any child I do exactly what it  
11 says, a full body check. So a child in diapers, that requires  
12 them taking the diaper off and exposing their full diaper area.

13 Now, children when they're a bit older, that's a  
14 little trickier because we don't want to make them feel  
15 uncomfortable or, like, they're being victimized. So I'm not  
16 going to ask to see the vagina or the penis on an older child  
17 because --

18 Q What do you define as older?

19 A So older would be older than age 5, so a verbal child  
20 that can tell me what's going on or if anybody has touched them  
21 in a sexual manner. So we do review those things verbally with  
22 that child, but I wouldn't ask to see their vagina or their  
23 actual -- the crack of their buttocks. So I would ask them to  
24 show me basically anything that isn't covered by a bikini. I  
25 would ask to see all those areas.

1 Q Okay. So if there were marks like at the top of the  
2 thigh where it meets the bottom of the buttocks, would that be  
3 an area that you would be able to observe?

4 A Yes, I would be able to see that.

5 Q And then how much of the butt cheek would you be able  
6 to see?

7 A I would probably be able to see about half of it  
8 depending -- usually most children, especially here in Las  
9 Vegas, they're wearing shorts through about eight months of the  
10 year. So I can see most of those areas throughout most of the  
11 year. So about halfway up the butt cheek, about in the rounded  
12 part of the butt cheek.

13 Q Okay. So now I would like to turn your attention  
14 specifically to 2008 when you were working as a permanency  
15 worker.

16 A Yes.

17 Q And I'd like to talk to you about the Ramirez girls  
18 who would later become the Solander girls.

19 A Yes.

20 Q Okay. And I know this sounds like a silly question,  
21 but if I showed you a picture of them; would you recognize  
22 them?

23 A Yes.

24 MS. BLUTH: And, Judge, I'm approaching with State's  
25 Proposed 101 through 107 in just one second here.

1 BY MS. BLUTH:

2 Q If you could do me a favor, and if you could just go  
3 ahead and view through those, and I'll have a few questions for  
4 you when you're done; okay.

5 A [Witness complies.]

6 Q Okay. Do you recognize State's Proposed 101 and 107?

7 A Yes.

8 Q Okay. And who do you recognize those to be?

9 A Sorry. Ava, Amaya and Anastasia. I'll apologize in  
10 advance if I accidentally call them Jocelyn, Jaqueline and  
11 Yarely. Those were their biological names.

12 Q Okay. And are those fair and accurate depictions of  
13 those little girls during the time period that you knew them?

14 A Yes.

15 MS. BLUTH: Okay. Your Honor, at this time I'd move  
16 to admit into evidence State's Proposed 101 and 107 -- 101  
17 through 107.

18 THE COURT: Any objection?

19 MS. MCAMIS: None.

20 THE COURT: Those will be admitted.

21 (State's Exhibit Number 101-107 admitted.)

22 MS. BLUTH: And I'd ask permission to publish.

23 THE COURT: You may.

24 / / /

25 BY MS. BLUTH:

1 Q Showing you State's Exhibit 101, and I'm going to  
2 zoom in in just one second, Ms. Richardson. Hold on. All  
3 right. So if you -- first of all, is the computer working to  
4 your left?

5 A No, it's not. Do I need to push the power button?

6 THE COURT: It's probably just not turned on.

7 THE WITNESS: Just push the button. I'm going to  
8 push the power button there.

9 MS. BLUTH: Okay. Yeah. Let's just see if that --

10 THE WITNESS: There we go. Yes.

11 MS. BLUTH: Are we good?

12 THE WITNESS: Yes. Yes.

13 BY MS. BLUTH:

14 Q Okay. Have you used one of these monitors before?  
15 Do you know that you can write on them?

16 A No, I haven't. So --

17 Q Okay. So if you use just the tip of your finger,  
18 you'll be able to write on it.

19 A Okay.

20 Q So if you could -- I mean, is that you in the  
21 photograph?

22 A It is.

23 Q Okay. Could you circle each girl, and while you're  
24 circling them, let us know the name that you originally knew  
25 them by.

1           A     Okay. So this was Jocelyn. Oh, no, that didn't  
2 circle. Okay. This was Jocelyn. That was Jaqueline, and this  
3 was Yarely, but she would often go by her middle name of  
4 Jiselle [phonetic].

5           Q     Okay. Now, can you explain to us how it is that you  
6 kind of became involved with their work with CPS.

7           A     I was assigned their case. I was assigned their case  
8 on September 30th, 2008. I was transferred the case by  
9 another caseworker.

10          Q     Okay. Sorry. The screen is supposed to clear.  
11 There we go.

12               MS. BLUTH: Thank you. Thank you, Dayvid.

13               MR. FIGLER: You're welcome.

14 BY MS. BLUTH:

15          Q     Okay. Sorry. Continue.

16          A     I was assigned their case by another caseworker. The  
17 girls had been in care for a few months at that point. They  
18 had been -- their parents had abandoned them.

19          Q     So did they -- had they been both abused and  
20 neglected?

21          A     They had been neglected. They hadn't been physically  
22 abused.

23          Q     Okay. And so ultimately, and I'm going to ask you  
24 some specific questions in a moment about their adoption, but  
25 were they adopted?

1           A     They were subsequently adopted.

2           Q     And when was that adoption?

3           A     January of 2011.

4           Q     Now, the girls you stated were put on basically your  
5 caseload in September of 2008?

6           A     Yes.

7           Q     So how much contact did you have with those three  
8 girls from September of 2008 to January of 2011?

9           A     At a minimum, every 30 days. I sometimes saw them  
10 more frequently. The girls, I was -- there's some kids on your  
11 caseload that kind of really, like, impact you, and I was  
12 really close to these girls. I celebrated all their birthdays  
13 with them. So I often bought them and brought them birthday  
14 presents. So I would see them extra during their -- on their  
15 birthdays. They would remind me in advance when their  
16 birthdays were coming up. So I came over on their birthdays  
17 and celebrated their birthdays with them, and during child and  
18 family team meetings. So I would see them a little more  
19 frequently than every 30 days.

20          Q     Okay. So, I mean, you had a decent -- I guess what  
21 I'm saying is you were involved in those two and a half, almost  
22 three years?

23          A     I had a really close relationship with the girls.

24          Q     Okay. Now, were you -- you stated that -- well, let  
25 me ask you how many foster homes were the girls in before they

1 reached the Solander home?

2 A So prior to reaching the Solander home, when they  
3 first entered care, they were in one foster home for a very  
4 short time, for two weeks, and then they went back. They went  
5 to their paternal grandmother's home -- so that was a relative  
6 placement -- for a year, and they were there for a year, and  
7 then they were in another foster home for 14 months prior to  
8 reaching the Solander home.

9 Q And would that be the home of Debbie and Mack  
10 McClain?

11 A Yes.

12 Q All right. So now were you their caseworker that  
13 entire time?

14 A I wasn't their caseworker the entire time they were  
15 in care. I was their -- minus the first six months they were  
16 in care, I was their caseworker. So from September of 2008 to  
17 January of 2011 I was their caseworker.

18 Q So were you their caseworker when they were with  
19 their grandmother for a year?

20 A Yes.

21 Q And then were you their caseworker throughout the  
22 time that they were with the McClains?

23 A Yes.

24 Q And then throughout the time they were foster  
25 children of the Solanders?



1           A     Yes.

2           Q     Okay. In regards to body checks at the grandmother's  
3 home, were you in charge of those?

4           A     Yes.

5           Q     And did you, in fact, do those?

6           A     Yes.

7           Q     Did you at any point in time see any scarring to any  
8 of the three children?

9           A     No, nothing significant of any note at all.

10           MR. FIGLER: Can we approach for a moment, Your  
11 Honor?

12           THE COURT: Sure.

13                     (Conference at the bench not recorded)

14           BY MS. BLUTH:

15           Q     Now, when you do these weekly -- or sorry, monthly  
16 body checks, do you fill out, like, a specific form, or is that  
17 just something you do as your routine?

18           A     No. That's just routine in all homes that we do.

19           Q     Okay. Now, when the children moved into the McClain  
20 home -- and if I showed you a picture of Debbie McClain; would  
21 you recognize her?

22           A     Yes.

23           Q     Showing you what's already in evidence as State's  
24 107 --

25           A     Yes.

1 Q -- would that be Ms. McClain with the girls?

2 A Yes.

3 Q Okay. Did you continue to do the body checks that  
4 we've been discussing while at the McClain home?

5 A Yes.

6 Q Did you ever notice any scarring or anything that  
7 brought you concern in regards to the girls?

8 A No.

9 Q Okay. While in either the grandmother's care or  
10 Debbie and Mack McClain's care, did the children have any  
11 serious health issues?

12 A No.

13 Q Did you know of any abdominal issues, like  
14 gastrointestinal issues?

15 MS. MCAMIS: Well, objection. Asked and answered.

16 THE COURT: Overruled.

17 THE WITNESS: No.

18 BY MS. BLUTH:

19 Q Was there any what I'm going to refer to as toileting  
20 issues?

21 A Anastasia -- I'm trying to get the names down.

22 Q Right.

23 A Anastasia. Anastasia had some occasional bedwetting  
24 issues.

25 Q Okay.

1           A     But other than that -- but at the time that I moved,  
2 so right prior to the placement with the Solanders, she was  
3 really proud of that she hadn't had a bedwetting accident in  
4 three weeks prior to the move to the Solander's.

5           Q     Okay. And so that was my next question is why is it  
6 that the girls are moved from the McClain home into the  
7 Solander home?

8           A     So at the time of the placement with the McClains, we  
9 couldn't achieve permanency. So originally we were trying to  
10 have them be adopted by the paternal grandmother, but we end up  
11 not being able to have them adopted because the paternal  
12 grandfather wouldn't commit to adopting them. Then with the  
13 McClains, that was never -- it was never the plan. They  
14 weren't an adoptive family. They were just purely -- some  
15 families are just purely foster families. They're not  
16 interested in adopting children.

17          Q     Okay.

18          A     They're just foster families. So while we placed  
19 with the McClains, we do what's called a recruitment. So  
20 that's where we -- some people might see them. They're called  
21 the Wednesday's child that they air on the news. So and we do  
22 active recruitment on the Internet. So the girls were featured  
23 on Wednesday's child, and after the airing on the Wednesday's  
24 child, the Solander family came forward as an adoptive resource  
25 for the girls.

1           Q     Okay. And when you say the Solanders, what are the  
2 first names of the Solanders?

3           A     Janet and Dwight.

4           Q     Okay. Do you see Janet Solander in the courtroom  
5 today?

6           A     I do.

7           Q     Can you please point to her and describe an article  
8 of clothing that she's wearing.

9           A     She's right there. She's wearing a teal shirt and  
10 glasses.

11                MS. BLUTH: Okay. Your Honor, may the record reflect  
12 the identification of the defendant, please.

13                THE COURT: It will.

14 BY MS. BLUTH:

15           Q     At the time the girls moved into the Solander home as  
16 foster children, what were their ages?

17           A     8, 7 and 5.

18           Q     Now, just so we can get an idea of, you know, the  
19 children that you knew, in regards to let's start with Jocelyn  
20 who would become Ava, which is the oldest child; right?

21           A     Yes.

22           Q     And that would be the girl in the right, the far  
23 right of the photograph?

24           A     Yes.

25           Q     Can you give us an idea of her personality. Is it

1 strong? Quiet? Shy? What would you say?

2 A She's a little bit more on the shy side, quiet, very  
3 smart. She loves to read. She has no -- she has no behavioral  
4 issues. She's a really good kid. She's just awesome. She's a  
5 great big sister. She's awesome.

6 Q Okay. And now moving on to Jaqueline, which would be  
7 the middle daughter who becomes Amaya, how would you describe  
8 her when you were working with her?

9 A So Amaya, she's more of the -- she's the spunky one  
10 of the bunch. She's the spitfire. She's the -- she's the one  
11 that like -- she says it -- she tells it like it is. Like, she  
12 doesn't hold back like how she's feeling. She struggled a  
13 little bit more with not being able to go back to her  
14 grandparents. So, like, if her younger sister would say  
15 something about, like, why can't we go back to our  
16 grandparents, then she would say exactly what she thought, but  
17 she also was very smart. She understood it. So I would say  
18 she was more streetsmart.

19 Q Okay. And then lastly, the youngest would be little  
20 Anastasia; right -- or excuse me Yarely Jiselle?

21 A Yeah.

22 Q Who would become Anastasia?

23 A Yeah. So she -- very, very childlike. She was what  
24 I would say very the least affected by being in foster care.  
25 Like she really didn't understand all this moving around, which

1 sometimes it's a blessing. Because of her age she didn't  
2 understand all of this having to move around so much. She's  
3 very -- all she cared about was her birthday present and  
4 whether she got her birthday present and her Barbie dolls, and  
5 she was really -- she was also a really well-behaved kid, and  
6 she was just -- she's sweet. She's just a sweetheart.

7 Q Now, were there any -- I talked to you about medical  
8 issues. Were there any serious behavioral issues with any of  
9 these three children while either at their grandmother's home  
10 or at the McClain home?

11 A No, not really. Out of the three of them, Amaya is  
12 probably the one that would come the closest, but it really  
13 wasn't anything that was beyond what is age appropriate for  
14 that age, a little defiance, like tell her to do something and  
15 she says, no, and you have to tell her, like, three times I  
16 said so. So that was the behaviors that I saw.

17 Q Okay. And so now I want to ask you some questions  
18 about Janet and Dwight Solander. Number 1, had you worked with  
19 them before in the foster system?

20 A No. They were first time foster parents.

21 Q So the Solander girls were the first -- sorry. I say  
22 Solander girls, and it does get confusing, but the Ramirez  
23 girls, who become the Solander girls, were the first children  
24 they had fostered?

25 A Yes.

1           Q     Okay. In the beginning of your placement of the  
2 Ramirez children into the home, were there any concerns on  
3 whether or not the Solanders were meeting their needs?

4           A     No. At first, they were doing -- they were doing  
5 okay. They really didn't want the services that the girls had  
6 in place already.

7           Q     What do you mean?

8           A     So the girls had what's called psychosocial  
9 rehabilitation in place while they were in the McClain home.  
10 So many foster kids do. This helps them, especially with kids  
11 that have experienced trauma and loss. It really helps them.  
12 It's not talk therapy. They don't -- you don't talk about your  
13 problems in PSR. That's what it's abbreviated to. It helps  
14 kids in their environment adapt to whatever is going on in  
15 their life. So they had PSR services in place in the McClain  
16 home, and typically those services will follow them, whatever  
17 placement they go. It helps give them a sense of stability  
18 when they move around. The Solanders didn't want the PSR  
19 services to follow them. So they had asked that it cease upon  
20 placement.

21          Q     Now, those PSR workers, when they work with the  
22 children, do they work with the children inside the home?

23          A     So they do. They work inside the home. They'll also  
24 go outside of the home. So like say a foster parent doesn't  
25 necessarily want them inside the home all the time. They can

1 take them out too. So, like, if a child is working on manners,  
2 they'll take them out to, like, McDonald's play place so that  
3 they can see how they interact with other children and help  
4 them in that moment learn how to deal with an interaction with  
5 another child.

6 Q Okay.

7 A So that's what I'm talking about the difference  
8 between that and regular therapy. So, but they also can help  
9 in the home too. If they're struggling with that parent-child  
10 relationship, they can help them on how to deal with that as  
11 well.

12 Q Okay. Now, how would you say your communications or  
13 interactions were with Janet and Dwight as the permanency  
14 worker?

15 A Throughout our -- we were together seven months --  
16 actually, well, eight months including the first month that I  
17 met them. I met them May 3rd of 2010, and the adoption went  
18 into January of 2011. Throughout that time I had a good  
19 relationship with the Solanders. We had one email exchange  
20 that was unpleasant in August of that year, but we met very  
21 quickly right afterwards and got on the same page, but I had a  
22 good relationship with the Solanders.

23 Q If they didn't like something that was going on,  
24 would they be vocal to you about that or --

25 A They were very strong. They came across very strong.



1 Janet's personality was very -- Janet's personality was very  
2 strong. She was very concerned about her job. Dwight was very  
3 defensive of Janet.

4 Q When you say she was concerned about her job, what  
5 did she tell you her job was?

6 A She told me she was a nurse with high security  
7 clearance, and --

8 Q At where?

9 A At, I believe it was Nellis Air Force Base.

10 Q When she told you she was a nurse, did you believe  
11 that representation?

12 A Yes.

13 MS. MCAMIS: Objection. Relevance.

14 THE COURT: Overruled.

15 BY MS. BLUTH:

16 Q Did you ever see any documentation that she was a  
17 nurse?

18 A No.

19 Q What was the Dwight? Like what was his job?

20 A He was an area manager who traveled a lot. He  
21 frequently e-mailed me from his work email account. I just  
22 don't recall the name of the business.

23 Q Okay. Now, after the Solanders, Dwight and Janet,  
24 had had the Ramirez girls for a period of time, did you begin  
25 to have some concerns whether or not they would be a good