

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 V

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

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

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1 want to direct your attention to the questions about how you
2 knew that Janet was watching on the cameras, okay? So, again,
3 you only had the one contact by phone with Janet when she was
4 away for the three weeks; right?

5 A Correct. Yes.

6 Q Okay. And that the -- the timing of that
7 confrontation where Amaya was upset and Danielle was alleged to
8 have struck her in the face, that occurred while Danielle was
9 home in the house; right?

10 A Correct.

11 Q And Danielle is the biological child of Mrs. Solander;
12 right?

13 A Yes.

14 Q And she had regular contact with her mother; right?

15 A Yes.

16 Q And Danielle was home all day; right?

17 A She was.

18 Q She was in her room, but she was home all day; right?

19 A Correct.

20 Q Okay. So you don't have any personal knowledge about
21 whether or not Danielle was watching on the video cameras or if
22 -- well, I don't want to make that compound. You don't have any
23 personal knowledge about whether or not Danielle was watching
24 any of the video cameras?

25 A I don't.

1 Q Okay. You also don't have any knowledge about whether
2 or not Danielle may have watched the video and then called her
3 mother to say I saw this happen?

4 A Correct.

5 Q Okay. Your testimony was that Danielle either called
6 or Skyped her mother, and that was how the communication between
7 Danielle and Janet happened as to whatever was seen with Amaya?

8 A Correct.

9 Q Okay. Now, you testified about a lot of your water
10 concerns. There was running water in the bathroom; right?

11 A Of course.

12 Q They were able to take showers?

13 A Yes.

14 Q They were able to brush their teeth?

15 A Yes.

16 Q Okay. They were able to get a cup of water and spit
17 if they needed to rinse after brushing their teeth?

18 A Yes.

19 Q Okay.

20 MS. McAMIS: Court's indulgence.

21 BY MS. McAMIS:

22 Q So it's fair to say water was not restricted, then?

23 A They were restricted from drinking water.

24 Q They were able to have water in the bathroom, though?

25 A Yes.

1 Q Okay. Ms. Finnegan, you talked about how you did not
2 come forward sooner with either police or CPS because they
3 wouldn't believe you. My question to you is do you have a
4 criminal history?

5 A Do I what?

6 Q Do you have a criminal history?

7 A I sure don't.

8 Q Okay. Then what is it about you that is not
9 believable?

10 A I didn't want to call until I left the house.

11 Q Okay. You didn't want to call until you left the
12 house.

13 A Correct.

14 Q For the first week you were there Monday through
15 Friday and then left the house; right?

16 A Correct.

17 Q And then the second week you came back?

18 A I did.

19 Q And you were -- sorry. You're right. You did. And
20 the second week you were there Monday through Friday?

21 A Correct.

22 Q And you left again on Friday?

23 A I did.

24 Q And that weekend you didn't call anybody?

25 A Right.

1 Q And then you were there the whole entire third week,
2 that third week?

3 A Yes.

4 Q Okay. And then spent the entire weekend away from
5 that home again?

6 A I couldn't take anymore.

7 Q My question to you was you weren't there.

8 A I wasn't there. No.

9 Q So you had the whole weekend, and you didn't make a
10 call until the following weekday?

11 A Weekday. Correct.

12 Q Okay.

13 MS. McAMIS: Court's indulgence. Pass the witness.

14 MR. HAMNER: I have no --

15 THE COURT: Anything else --

16 MR. HAMNER: -- further questions.

17 THE COURT: -- Mr. Hamner?

18 MR. HAMNER: Yes, Your Honor.

19 THE COURT: Do we have any juror questions for this
20 witness?

21 All right. Ma'am, I don't see any other questions.

22 Thank you for your testimony. Please do not discuss your
23 testimony with anyone else.

24 THE WITNESS: Thank you. Thank you.

25 THE COURT: You are excused at this time.

1 And the State may call its next witness.

2 MR. HAMNER: The State is going to call Autumn Stark
3 to the stand next.

4 AUTUMN STARK, STATE'S WITNESS, SWORN

5 THE CLERK: Okay. Have a seat. And if you could
6 spell your first and your last name for our record, please.

7 THE WITNESS: A-U-T-U-M-N S-T-A-R-K.

8 THE COURT: All right. Thank you.

9 Mr. Hamner.

10 MR. HAMNER: Thank you very much.

11 DIRECT EXAMINATION

12 BY MR. HAMNER:

13 Q Hi. Good morning. How are you?

14 A Good.

15 Q Autumn, what's your birthday?

16 A April 7, 2006.

17 Q How old are you?

18 A 11.

19 Q What grade are you in?

20 A Sixth grade.

21 Q And your favorite subjects?

22 A Reading.

23 Q Why do you like reading so much?

24 A I just really love to read.

25 Q Okay. All right. Have you got any favorite books?

1 A Harry Potter.

2 Q Harry Potter. How far are you in the series?

3 MS. McAMIS: I'm sorry to interrupt. Can we please
4 move the microphone just a little closer?

5 THE COURT: Yeah. Your voice is quiet, so try to talk
6 more -- there you go.

7 BY MR. HAMNER:

8 Q We're going to put it right there. You're good. How
9 far are you in that Potter series?

10 A Finished.

11 Q Finished, huh? Okay. Cool. So let me ask you this,
12 Autumn. Is it better to tell the truth about things or is it
13 better to lie about things?

14 A Tell the truth.

15 Q Why is that?

16 A Lying is bad.

17 Q Okay.

18 A It doesn't help you get anywhere.

19 Q Okay. Do you promise that everything you tell us here
20 today in this room will be the truth?

21 A Yes.

22 Q Okay. Do you know someone by the name of Janet
23 Solander?

24 A Yes.

25 Q Okay. Do you see her here in the courtroom today?

1 A Yes.

2 Q Okay. Why don't you point out where she is in the
3 courtroom, and then maybe describe maybe some color of some of
4 her clothing.

5 A She's at a table on the -- kind of in the --

6 Q On your left?

7 A Left.

8 Q Okay. And describe a color of some clothing that
9 she's wearing.

10 A Like a light pink.

11 MR. HAMNER: All right. Let the record reflect the
12 witness has identified the defendant.

13 THE COURT: It will.

14 MR. HAMNER: Thank you, Your Honor.

15 BY MR. HAMNER:

16 Q How did you come to meet Janet?

17 A I was a foster child.

18 Q Okay. How old were you when you went to live with
19 Janet?

20 A I think I was five when I went.

21 Q All right. Did you have any brothers or sisters?

22 A Yes.

23 Q What are your sibling's name?

24 A Ivy.

25 Q Ivy. How old -- was Ivy with you when you went to

1 Janet's?

2 A Yes.

3 Q How old was she, around what age?

4 A I think she was three probably.

5 Q How long did you stay at Janet's house?

6 A Almost about a year.

7 Q About a year. So maybe from around five to six years

8 of age?

9 A Yes.

10 Q Did Janet have a husband?

11 A Yes.

12 Q What was his name?

13 A Dwight.

14 Q Did Janet have any children living in the house other

15 than you guys?

16 A Yes.

17 Q And what were their names?

18 A Ava, Amaya, and Anastasia.

19 Q Do you remember if Janet had any like grown up

20 children in the house, too?

21 A Yes.

22 Q What was -- what was those children's names?

23 A Danielle.

24 Q Danielle. And she was like an adult, right, or older?

25 A Yeah.

1 Q Now, when -- before you got to Janet's house, did you
2 have like -- like an issue with kind of having hard poops or
3 something like that before you got to Janet's house?

4 A Yes.

5 Q Okay. And did you go to a doctor? Did you have to
6 like take something for it --

7 A Yes.

8 Q -- before you got to Janet's?

9 A Yes.

10 Q What was that called, if you even remember?

11 A MiraLAX.

12 Q Okay. So that kind of helped --

13 A Yes.

14 Q -- with the pooping? Did you -- let me ask you,
15 before you got to Janet's, were you potty trained?

16 A Yes.

17 Q Okay. On occasions did you have accidents, though?

18 A Yes.

19 Q Okay. And that's all before you got to Janet; right?

20 A Yes.

21 Q Do you remember before you -- based on what you could
22 see, do you remember if Ivy was potty trained or where she kind
23 of was at with all of that?

24 A She was learning.

25 Q She was learning. Was she in Pull-Ups or what was --

1 or diapers still, if you remember?

2 A I don't remember.

3 Q Okay. Before you got to Janet's did you constantly
4 wet the bed?

5 A No.

6 Q About how often might you have an accident?

7 A Maybe like -- I don't really remember, but it wasn't
8 very often.

9 Q Like maybe how many times a month do you think you
10 might have an accident?

11 A Maybe three or two.

12 Q Okay. Could that be a peeing accident?

13 A Yes.

14 Q Could that include a pooping accident?

15 A Not two or three times a month like pooping, but --

16 Q Okay. So less with pooping?

17 A What?

18 Q You're saying two or three times for peeing --

19 A Yes.

20 Q -- a month. If you had -- did you ever have an
21 accident before getting to Janet's kind of with pooping? I
22 think you had said that before.

23 A Yeah.

24 Q How often might that happen a month, if you could
25 remember?

1 A Maybe like once maybe.

2 Q All right. So I want to talk about when you got to --
3 to Janet's, okay. When you were living at her house, did you
4 have some accidents -- let's just start with peeing. Did you
5 have some bedwetting accidents at Janet's house?

6 A Yes.

7 Q How often did it happen, let's say, a month?

8 A I don't remember how often.

9 Q Let me ask you this. Would it -- would it happen like
10 constantly, like multiple times in a week?

11 A I don't remember it happening like all the time.

12 Q Okay. I mean, would it happen like five out of every
13 seven days in a week or something like that, or was it --

14 A No.

15 Q -- less than that? Was it more or less than what you
16 remember like before you got to Janet's, or maybe the same? I
17 don't know.

18 A Maybe the same. I don't --

19 Q Okay. But it didn't -- it wasn't a constant thing, as
20 far as you remember?

21 A Not constant.

22 Q And the pooping, if -- if -- did you have an accident,
23 maybe a poop accident at Janet's house --

24 A Yes.

25 Q -- when you lived there? Was it something that

1 happened constantly, or was it more like what you described to
2 us before, like it happened maybe a couple of times a month?

3 A I only remember it happening two times.

4 Q Okay. So not even that, as far as you remember?

5 A Yeah.

6 Q So it definitely wasn't a constant thing?

7 A No.

8 Q Did any of these accidents happen during the day, or
9 was it usually just maybe at night?

10 A At night.

11 Q Do you ever remember like having an accident so much
12 that you soaked through like Pull-Ups or anything like that?

13 A I don't remember.

14 Q Do you ever remember there being a time where you had
15 an accident and you -- and you put your hands in your dirty
16 diapers and then put them in your mouth?

17 MS. McAMIS: Objection. Foundation. Leading.

18 MR. HAMNER: Okay. There's foundation because it's --

19 THE COURT: Well, overruled.

20 BY MR. HAMNER:

21 Q Okay. So let me ask you that question again. Do you
22 ever remember there being a time when you lived at Janet's where
23 you had an accident and you put your hands in your dirty diapers
24 and then put them in your mouth? Do you ever remember doing
25 that?

1 A No.

2 Q Do you remember -- I know you mentioned that you had
3 the kind of -- the hard poop issue, so you took the MiraLAX. Do
4 you ever remember any issues with your stomach sticking way out?

5 A No.

6 Q When you lived at Janet's, did you get to go to
7 school?

8 A Yes.

9 Q Okay. Let's talk a little bit about lunch time when
10 you were at school when you started living at Janet's. Did you
11 ever steal any food from anyone?

12 A I didn't steal it.

13 Q Okay. Well, explain what you mean.

14 A Like my friends would give me food from their lunch
15 that they brought from home or that they got from the school.

16 Q Okay. What sort of things would they give you?

17 A One time I remember my friend gave me pepperoni.

18 Q Okay. And, I don't know, when you got some food from
19 your friends -- so you didn't steal anything?

20 A No.

21 Q That you definitely didn't do? You have to say yes or
22 no. They don't --

23 A No.

24 Q -- record the head shaking. No. When you ate the --
25 the -- did you eat the pepperoni that you got?

1 A Yes.

2 Q Okay. Did you have any tummy troubles after having
3 that?

4 A I don't remember.

5 Q Okay. Do you have -- do you remember having any
6 stomach problems after eating any of the food that maybe some of
7 your friends gave you when you had lunch?

8 A I don't think so.

9 Q Did -- and so you used to -- originally, you would sit
10 with your friends, right, and have lunch?

11 A Yeah.

12 Q Okay. When living with Janet, did that start to
13 change? Did you have a different kind of lunch time sitting
14 situation?

15 A Yes.

16 Q Tell us about that.

17 A After like when I was in first grade, after a few
18 months, I think, I started to sit in the classroom with the
19 teacher away from my friends.

20 Q And you had to eat alone or with a teacher?

21 A Yeah.

22 Q Okay. I want to talk about living in Janet's house.
23 Here's a question. How many levels was that house?

24 A Two.

25 Q How many bedrooms do you remember?

1 A Maybe like four.

2 Q Okay. Let's talk about the downstairs. What sort of
3 rooms were downstairs?

4 A The kitchen, the living room, the bathroom, dining
5 room.

6 Q And then upstairs, what was upstairs?

7 A There was a loft and then there was a bathroom and
8 then the bedrooms.

9 Q I want to talk a little bit about eating meals in
10 Janet's house, okay. What would you have for breakfast?

11 A Oatmeal.

12 Q How -- okay. So you'd have oatmeal. How often would
13 you have oatmeal?

14 A All the time.

15 Q Would -- were there different breakfasts that were
16 happening there like, you know, sometimes you have pancakes,
17 sometimes you have cereal, oatmeal? What do you remember about
18 breakfast?

19 A I remember one time having pancakes. And then mostly
20 every like other day it was oatmeal.

21 Q Okay. What would you have for lunch?

22 A Peanut butter and jelly, or if she packed my lunch it
23 would be like a bologna sandwich.

24 Q Okay. Anything different than that?

25 A No.

1 Q So for the -- for the year you typically just either
2 had a peanut butter and jelly sandwich or like a bologna
3 sandwich?

4 A Yeah.

5 Q What did you have for dinner?

6 A Like the TV dinners, those heat up kind of TV dinners.

7 Q How many nights a week would you have that?

8 A A lot. Maybe like, I don't know, seven or six.

9 Q Okay. So either seven or six nights a week you're
10 having those. Do you -- do you remember any other meals,
11 really, for dinner?

12 A No, I don't remember anything else.

13 Q So the TV dinners is what stood out to you. Where
14 would you have your meal?

15 A I don't really remember where we would have it most of
16 the time.

17 Q Let me ask you this. Did you get to stand or sit when
18 you had your dinner?

19 A We sat down.

20 Q Okay. And when you had lunch in the house, would you
21 sit or stand?

22 A Sit down.

23 Q When you had breakfast, would you sit or stand?

24 A Sit.

25 Q What did you guys get to drink, you and --

1 A Water.

2 Q -- your sister? What?

3 A Water.

4 Q How much juice did you get when you were there?

5 A I remember getting one glass this one time.

6 Q So for the year that you were there, you remember one
7 time getting juice?

8 A Uh-huh.

9 Q How much milk did you get?

10 A I don't remember drinking milk.

11 Q Okay. So you only remember getting water?

12 A Yeah.

13 Q Do you remember there being cameras in the house?

14 A Yes.

15 Q Where do you remember these cameras? Where were they?

16 A I don't remember exactly where they were, but I know
17 there were some outside, and then pointing at like different
18 places.

19 Q What sort of places inside? Were there cameras
20 inside?

21 A Yes.

22 Q And where were the cameras pointing? Let's talk about
23 the first level, the first floor of the house. Do you remember
24 where the cameras were kind of nearby or pointing? Well, let me
25 ask you this. Do you remember there being a pantry?

1 A Yeah.

2 Q Do you remember where the cameras were in relation to
3 that pantry?

4 A They were like -- like at the kitchen. They were
5 like --

6 Q Okay. So the cameras were like in the kitchen?

7 A Well, like pointed.

8 Q Oh. Pointed, the cameras were pointed at the kitchen?

9 A I think.

10 Q Okay. Do you remember whether there were cameras
11 upstairs?

12 A No, I don't remember upstairs.

13 Q If you got in trouble in the house, what would happen?
14 Like what sort of discipline did you have when -- if you got in
15 trouble?

16 A There was time out.

17 Q And so what did that -- what was time out like? What
18 would you have to do?

19 A Sit in like this chair facing the bathroom downstairs.

20 Q Okay. What other -- were there any types of time outs
21 that you remember?

22 A When she would put us in this room, one of the
23 bedrooms.

24 Q And when you say "she", who are you talking about?

25 A Janet.

1 Q Okay. So you would get put in a room. Tell me about
2 the room.

3 A It was dark, and we sat in a chair in the middle of
4 the room.

5 Q And when you say "we", who are you talking about?

6 A Me or Ivy.

7 Q Okay. Could you sometimes be in there together?

8 A No.

9 Q Okay. So always you would be alone?

10 A Yeah.

11 Q Would the lights be on or off?

12 A Off.

13 Q Okay. How dark was it in that room?

14 A There was like some sunshine shining through the
15 window. Like the blinds were closed, but it was like still kind
16 of lit up.

17 Q Do you remember any gates being around?

18 A Maybe.

19 Q Okay. It's okay if you don't remember. Do you
20 remember anything about alarms or anything like that?

21 A Maybe. I don't really remember.

22 Q Okay. When you were home with Janet or Dwight, tell
23 us about what would happen if you needed to use the bathroom if
24 you were home with Janet or Dwight.

25 A We would ask them to go to the bathroom.

1 Q And tell us about that.

2 A We would just -- if we had to go to the bathroom, we
3 would ask them, and then they would like let us go to the
4 bathroom.

5 Q Okay. Could you take as much time as you want? What
6 -- what would happen?

7 A No, we couldn't stay there for very long.

8 Q Okay. What do you mean? Describe that. What would
9 happen or what would they do?

10 A They would tell us to get out if we were in there too
11 long.

12 Q And was that Janet and Dwight would do those sort of
13 things?

14 A I don't remember Dwight doing it.

15 Q You remember Janet?

16 A Yeah.

17 Q Tell me about toilet paper. Do you remember anything
18 about the toilet paper in the house?

19 A Yes.

20 Q What happened with that?

21 A It was like torn off in little sheets of three sheets
22 of toilet paper.

23 Q Okay. So three -- three sheets of toilet paper for
24 what?

25 A To wipe with.

1 Q Okay. Was that for both peeing and pooping, or did
2 you get some more for pooping?

3 A No.

4 Q Okay. So as far as you remember, it was three pieces
5 of toilet paper?

6 A Yeah.

7 Q Do you ever remember a time where Ivy ripped off more
8 toilet paper?

9 A Yes.

10 Q Tell us about that.

11 A Ivy was trying to be helpful, and she ripped off like
12 a punch of sheets of three, and she set them, I think, by the
13 toilet.

14 Q Uh-huh.

15 A And then she got in trouble.

16 Q By who?

17 A Janet.

18 Q What did she say? What did Janet say?

19 A I don't remember exactly what she said.

20 Q But from what you could see, did she seem happy? Did
21 she seem angry?

22 A It was -- she was like angry.

23 Q I want to talk to you about dairy, food, dairy. Do
24 you remember anything happening in the house with dairy and you?

25 A Yeah.

1 Q What was that about?

2 A I wasn't allowed to eat like the dairy.

3 Q Who said you weren't allowed to have dairy?

4 A Janet.

5 Q Okay. Let me ask you, before you got to Janet's
6 house, could you have milk and cheese and things like that?

7 A Yeah.

8 Q Did you have any tummy troubles after you had those
9 things? Before you got to Janet, did you have any tummy
10 troubles with anything made of dairy?

11 A No.

12 Q Did you have any doctors tell you before you got to
13 Janet that you couldn't have dairy?

14 A No.

15 Q When you were in Janet's house, you said Janet told
16 you you couldn't have those things; is that right?

17 A I don't remember her like telling me that, like
18 telling me like you can't have dairy, but I don't remember
19 anybody else saying like you can't have dairy.

20 Q Okay. Do you remember being given like milk or cheese
21 or things like that?

22 A No.

23 Q Okay. But you remember definitely you couldn't have
24 those things?

25 A Yes.

1 Q Do you remember Janet ever taking you to a doctor and
2 a doctor telling you you should not eat dairy products?

3 A I don't remember going to the doctor.

4 Q What did Janet tell you she did for a living?

5 A A nurse.

6 Q When you lived in Janet's house, how often did you get
7 to go outside?

8 A Not like very often.

9 Q How many times do you remember going outside and
10 playing?

11 A Maybe like two.

12 Q Okay. And was that when Janet and Dwight were there?

13 A What?

14 Q Was that when Janet and Dwight were in the house?

15 A Yes.

16 Q Do you remember there being like some babysitters
17 living there?

18 A Yes.

19 Q At some point in time?

20 A Yes.

21 Q And do you remember maybe some of the babysitters
22 literally kind of living with you for a few days while maybe
23 Janet and Dwight were away?

24 A Yes.

25 Q Okay. Did you get to go outside a little bit more

1 with those people, or was it always kind of the same thing?

2 A I don't remember.

3 Q Okay. What do you remember about like reading in the
4 house? Anything about that stand out to you?

5 A Yes.

6 Q What do you remember?

7 A I remember I would sit in a chair and read for like a
8 long time.

9 Q Okay. For how long do you think you were reading?

10 A I can't like remember exactly, but I just know it was
11 a long time it felt like.

12 Q Okay. Do you remember there being some sort of like
13 set up as you read?

14 A Yes.

15 Q Tell us about that.

16 A It was like the cardboard they use for projects that
17 fold out.

18 Q Okay. So like poster board?

19 A Yeah.

20 Q And they kind of do the three thing?

21 A Yeah.

22 Q Okay.

23 A And there were like -- there was, I think, like two of
24 them maybe taped together, and they were like around me forming
25 like a box so I couldn't see anything else.

1 Q Okay. So you said you lived there for about a year;
2 right?

3 A Yes.

4 Q After you left Janet's house, did you have any like
5 bedwetting problems?

6 A I don't remember.

7 Q Okay. I mean -- well, let me ask you this. Do you
8 remember constantly peeing your pants or anything like that?

9 A No, not after I left.

10 Q After you left. Do you remember constantly pooping
11 your pants or anything after you left?

12 A No.

13 Q Have any issues with lactose after you left?

14 A No.

15 Q Do you get to eat dairy now?

16 A Yes.

17 Q Have you had any problems eating any sort of dairy
18 food?

19 A No.

20 Q Has any doctor since leaving Janet's ever told you,
21 you know what, you shouldn't eat dairy?

22 A No.

23 Q But you guys weren't the only two girls living in that
24 house; right?

25 A No.

1 Q There were -- there were three other little girls that
2 lived there, too?

3 A Yes.

4 Q Do you remember what their names were?

5 A Ava, Amaya, Anastasia.

6 Q Okay. Is it -- is it cool if I kind of call them the
7 Solander girls?

8 A Yes.

9 Q Is that all right with you? Okay. Why don't you tell
10 this jury a little bit about how the Solander girls would move
11 from Point A to Point B in the house. How did they have to kind
12 of walk around?

13 A They would walk around with their hands up --

14 Q Show us.

15 A -- up above their head.

16 Q Okay.

17 MR. HAMNER: Let the record reflect the witness has
18 taken both hands and extended them straight up in the air.

19 THE COURT: The record will reflect that.

20 BY MR. HAMNER:

21 Q How many times would you see them do that?

22 A A lot. Like they would just walk around like that.

23 Q So this is not something they told you. You actually
24 saw it with your own two eyes?

25 A Yes.

1 Q Would it happen during the day?

2 A Yes.

3 Q Would it happen during the night?

4 A Yes.

5 Q Would it happen when Janet was there?

6 A Yes.

7 Q Would it happen when Dwight was there?

8 A Yes.

9 Q Did you have to walk with your hands up in the air
10 like this?

11 A No.

12 Q How about Ivy?

13 A No.

14 Q Did you ever hear Janet explain to anyone why those
15 girls had to walk like that?

16 A I don't remember.

17 Q Okay. Do you ever hear Dwight explain why these girls
18 had to just walk around with their hands up in the air?

19 A I don't remember either.

20 Q When you lived in that house with Ivy, from what you
21 could see, did Janet and Dwight treat those girls differently
22 than they treated you and your sister?

23 A Yes.

24 Q Of those three girls -- let me ask you this. Were you
25 and Ivy treated better or worse --

1 A Better.
2 Q -- than those girls?
3 A Better.
4 Q Better. Much better, not a lot better?
5 A Just better.
6 Q Okay.
7 A Better.
8 Q Was there one of those girls that was treated worse
9 than the others as far as what you could see?
10 A I don't remember like --
11 Q Okay. What can you tell me about -- what would happen
12 to them if they got -- you told us before like when you got in
13 trouble you did this time out thing; right? You'd sit in a
14 chair and then in the kitchen or something like that; right?
15 A Yes.
16 Q Tell us about what would happen if they got in
17 trouble.
18 A They would get spanked.
19 Q Okay. Who would do the spanking from what you
20 remember seeing?
21 A I remember seeing Dwight.
22 Q Okay. Do you remember seeing Janet?
23 A Maybe.
24 Q Okay. What would they use to spank them?
25 A I remember like a blue like clear ruler that was

1 pretty thick.

2 Q Okay. So you remember a ruler. Do you remember
3 anything else that they would use to spank them?

4 A I don't remember.

5 Q So describe for the jury like what sort of position
6 would they be in?

7 A They would like sit, like bend over in like the
8 downward dog position.

9 Q So like the yoga position?

10 A Yeah.

11 Q So we're talking two hands on the floor bending
12 forward?

13 A Uh-huh.

14 Q And a butt up in the air?

15 A Yeah.

16 Q When they did that, would their pants stay on or would
17 they have to pull them down?

18 A Like from like my memory I see them like with their
19 pants like down like with their underwear.

20 Q Okay. So their underwear is down, too?

21 A No, not the underwear.

22 Q Okay. So the pants are down, but the girls have
23 underwear on?

24 A Uh-huh.

25 Q And you remember them -- and you saw that with your

1 own two eyes?

2 A Yeah.

3 Q That's not necessarily something someone told you.
4 You actually saw?

5 A I saw.

6 Q How often would that happen, that type of spanking
7 with the rulers?

8 A I don't remember like how often.

9 Q Okay. Was it a little, was it a lot?

10 MS. McAMIS: Objection. Asked and answered. She
11 doesn't remember.

12 THE COURT: Overruled.

13 BY MR. HAMNER:

14 Q You can answer.

15 A Maybe like in the middle.

16 Q Okay. What sort of things would they do that would
17 get them a spanking like that?

18 A I don't remember what they would do.

19 Q Okay. You just remember it happening?

20 A Yes.

21 Q Do you remember ever seeing any marks on their arms or
22 legs?

23 A No.

24 Q Okay. Do you remember anything about warm or hot
25 water or something like that?

1 A Yes.

2 Q What do you remember about that?

3 A Well, I didn't see it with my own two eyes.

4 Q Okay. Did someone tell you?

5 A Yes.

6 Q Before we do that. Who is the person who said
7 something to you? Don't tell me what they said, but who is the
8 person who said something to you?

9 A I don't remember who.

10 Q Okay. So --

11 A I know --

12 Q It's okay. We'll move on. If you didn't see it and
13 you don't remember who told you, it's okay. All right. Do you
14 remember anything about underwear, soiled underwear in the
15 mouth? Do you remember anything about that?

16 A Yes.

17 Q Tell us about that.

18 A One time, I think it was -- it was Anastasia.

19 Q Uh-huh.

20 A She had wet her underwear, and then she -- I'm pretty
21 sure it was Janet made her put them in her mouth, and then like
22 crawl around on the floor saying I'm a baby.

23 Q Okay. What part of the house did this happen in?

24 A Like the front part when you walk in the house, it was
25 tile.

1 Q So Janet made her do this?

2 A Yes.

3 Q How long was she doing this?

4 A I don't remember how long.

5 Q Was she happy or sad when she was doing this?

6 A She was sad.

7 Q Was she crying at all?

8 A Yes.

9 Q Who was standing there watching this?

10 A Me and Ivy.

11 Q So you and Ivy were there. Janet was there; is that

12 right?

13 A Uh-huh.

14 Q Who else was there?

15 A I don't --

16 Q Were her sisters there?

17 A Her sisters? I don't remember.

18 Q Was Dwight there?

19 A I don't remember.

20 Q Okay. Was Danielle there?

21 A I don't remember.

22 Q That's okay. Did Janet ever explain to you why

23 Anastasia had to do that?

24 A I don't think she did.

25 Q Okay. Let's talk -- where -- where did you sleep in

1 that house?

2 A In our bedroom.

3 Q Okay. Tell us a little bit about what you slept on.

4 A It was like -- it was kind of like a bunk bed because
5 like my bed was on the top, but Ivy's kind of came out from
6 under mine.

7 Q Okay. Did it -- was off the floor?

8 A Yes.

9 Q Was it kind of raised off the floor? Did you have a
10 mattress to sleep on?

11 A Yes.

12 Q Did you have pillows?

13 A Yes.

14 Q Did you have sheets?

15 A Uh-huh.

16 Q Did you have like a comforter or like a thicker
17 blanket comforter?

18 A Yeah.

19 Q Okay. What did the room kind of look like?

20 A I don't remember what it looked like.

21 Q Well, let me ask you this. Were there decorations on
22 the walls or --

23 A I think there were like maybe --

24 Q It's okay --

25 A -- some shelves.

1 Q -- if you can't remember specifically. Where did the
2 Solander girls sleep?

3 A I don't remember like where they slept all the time.
4 I know I remember them sleeping in the loft on these cots.

5 Q Do you ever remember them sleeping on boards?

6 A I don't remember them sleeping on boards.

7 Q Okay. So you remember the cots. Do you remember if
8 they had comforters and blankets like you did?

9 A I don't remember.

10 Q Okay. You just remember there being cots?

11 A Yes.

12 Q What sort of toys did you have?

13 A Like barbies and little like light up things.

14 Q Do you remember having Legos, too?

15 A Yes, I had Legos.

16 Q Do you ever remember Janet talking with the Solander
17 girls about like the devil or something like that? Do you
18 remember anything about that?

19 A Yes.

20 Q What do you remember about that?

21 A I don't know like if the -- if the house was really
22 haunted, but I remember there was something weird like going on
23 because doors would kind of like close whenever like nobody was
24 there, or we would hear like stomping across the attic.

25 Q Do you remember the Solander girls being afraid of

1 anything in the house?

2 A Yeah.

3 Q Would they -- and before you get into that, like what
4 was their kind of demeanor like? Were they happy, were they
5 upset, were they crying? What was going on with them when they
6 would talk about this?

7 A They were scared of the demons.

8 Q Scared of like a demon or something?

9 A Yeah.

10 Q Who -- did they tell you who told them about these
11 demons?

12 A Like they didn't tell me.

13 Q But did you know who was talking about demons in the
14 house?

15 A Yeah.

16 Q Who was it?

17 A It was Janet.

18 MS. WILDEVELD: I would object as to speculation. She
19 said she didn't know.

20 MR. HAMNER: She said --

21 THE COURT: Well, do you remember Janet talking about
22 demons in front of you or to you?

23 THE WITNESS: Yes.

24 THE COURT: Okay.

25 ///

1 BY MR. HAMNER:

2 Q Now, you talked to us about what you got to eat. Now
3 we're going to talk about what Solander girls got to eat. DO
4 you remember what they would eat?

5 A Not all the time. I just remember one time like I
6 remember them being in the kitchen and it was like a smoothie of
7 like blended up food.

8 Q Did it look good?

9 A No.

10 Q Okay. Did the girls look excited to have their
11 smoothie?

12 A No.

13 Q Where would the Solander girls sit when they had their
14 meals?

15 A I don't remember.

16 Q Do you remember them sitting?

17 A I don't remember.

18 Q Do you remember them sitting ever with you guys?

19 A No, I don't remember sitting with them eating.

20 Q Do you remember whether they would stand and eat?

21 A No, I don't remember.

22 Q Okay. But you definitely don't remember them sitting
23 with you?

24 A No.

25 Q And you don't have a recollection of them sitting

1 anywhere?

2 MS. WILDEVELD: Asked and answered.

3 MS. McAMIS: Objection. Asked and answered.

4 THE COURT: That's sustained.

5 MR. HAMNER: Okay. I'll move on.

6 BY MR. HAMNER:

7 Q Tell me about physically how they looked, their body
8 type. Were they -- what do you remember about them?

9 A Like how tall?

10 Q Well, let's -- not about tall. Let's talk about
11 weight.

12 A Okay.

13 Q Like are they big, skinny, normal?

14 A They were skinny.

15 Q So to you they seemed skinny?

16 A Yes.

17 Q Did they ever -- did they ever talk to you about being
18 hungry at all?

19 A I just remember we would always talk about food
20 whenever we would like get to talk to each other.

21 Q Oh. When you got to talk to each other? Did you get
22 a chance to talk very often?

23 A Not very often. I don't remember like talking to them
24 all the time.

25 Q What would they usually be doing during the day when

1 you were home?

2 A I don't remember.

3 Q All right. It's okay. When the babysitters were
4 over, did you get to talk to them more then?

5 A Yes.

6 Q Did you get to play with them more then?

7 A Yeah.

8 Q Do you remember anything about timers regarding meals?

9 A Yes.

10 Q Tell us about what you remember about that.

11 A I remember that we would get, I think it was ten
12 minutes to eat.

13 Q And what would happen if you didn't?

14 A Then she would make us finish all of it or like for
15 the next meal.

16 Q Okay. Did the Solander girls have timers, too?

17 A I don't remember.

18 Q Okay. If you don't remember, that's totally fine. Do
19 you remember anyone talking about catheters in the house?

20 A Yes.

21 Q Who was the person talking about catheters?

22 A I remember like me and my sister were sitting
23 downstairs in like where we would usually play, in the tile area
24 of like the house. And I remember them being upstairs, Janet
25 and I think it was one of the girls, and I just remember them

1 talking about catheters.

2 Q Okay. What do you remember -- first, tell me this.
3 What did Janet's voice sound like when she's talking about this?

4 A I don't remember.

5 Q Okay. What is she saying about them?

6 A It was -- I think I remember her saying like -- like
7 something about using catheters or --

8 Q And using catheters on what or who?

9 A One of the girls.

10 Q And when you say "the girls", are you talking about --

11 A The Solander girls.

12 Q Okay. So you remember hearing that with your own two
13 ears?

14 A Yes.

15 Q Did you -- at that time did you even know what a
16 catheter was?

17 A No, I didn't. I knew it had to do with like pee
18 because --

19 Q How often -- so how many times did you hear Janet
20 talking about that? Was it one time or do you remember there
21 being other times?

22 A I just remember this one time.

23 Q Okay. And it was up -- you heard them talking
24 upstairs?

25 A Yes.

1 Q So let's talk about bathing time, okay. When the
2 Solander girls would be done taking a bath or a shower, what do
3 you remember seeing them use to dry off?

4 A A fan.

5 Q What type of fan? What did -- where -- what did it
6 look like?

7 A It was like one of those big like white fans that has
8 like a cage around it, I guess.

9 Q Uh-huh. What was the shape? Do you remember the
10 shape of the fan? Is it a circle, is it --

11 A It's like a circle.

12 Q Does it sit on a stand, or does it sit just like flat
13 on the floor?

14 A It was like on a stand because it was like at like
15 chest like area like length.

16 Q So the girls had to use a fan to dry off?

17 A Yeah.

18 Q Did you see them ever use a towel?

19 A I didn't see them use a towel.

20 Q Did you get to use a towel when you got out of the
21 shower?

22 A Yes.

23 Q Do you ever remember Janet explaining to you or
24 overhearing her explain why the Solander girls had to dry off
25 with a fan?

1 A No.

2 Q Did you ever hear Dwight explain why these girls had
3 to dry off with a fan?

4 A No.

5 Q Did they ever explain to you why you got to use a
6 towel and they didn't?

7 A No.

8 Q When you saw those girls drying off that way, how did
9 they look? Did you ever see them how they were drying off? Did
10 they look happy, did they look sad, were they having a good
11 time?

12 A I remember one time I like -- I walked by the bathroom
13 door, it was like open and I could see. And I couldn't see like
14 -- I think it was Ava. I couldn't see her face, but I don't
15 remember.

16 Q Okay. You remember anything about crawling on the
17 floor?

18 A Yes.

19 Q What do you remember about that?

20 A Well, I remember the one time when she was crawling
21 around us, Anastasia, with the underwear in her mouth.

22 Q Okay. Do you remember any other times any of the
23 girls crawling on the floor?

24 A No.

25 Q Okay.

1 THE COURT: Counsel approach.

2 (Off-record bench conference)

3 THE COURT: Ladies and gentlemen, we're going to go
4 ahead and take our lunch break. We'll be in recess for the
5 lunch break until 1:30.

6 During the lunch break you're reminded that you're not
7 to discuss the case or anything relating to the case with each
8 other or with anyone else. You're not to read, watch, or listen
9 to any reports of or commentaries on the case, person, or
10 subject matter relating to the case. Do not do any independent
11 research by way of the Internet or any other medium, and please
12 don't form or express an opinion on the trial.

13 Please place your notepads in your chairs and follow
14 the bailiff through the double doors.

15 And during the lunch -- you get a lunch break, too.
16 And during the lunch break, don't talk about your testimony with
17 anybody, okay? And just wait until the jury leaves.

18 THE COURT: And counsel approach regarding scheduling.

19 (Court recessed at 12:29 p.m., until 1:39 p.m.)

20 (Outside the presence of the jury)

21 MS. BLUTH: Oh, no. I thought you had something
22 outside the presence.

23 THE COURT: No, I'm just waiting to start.

24 MS. BLUTH: Okay. Oh, okay. Let me text him, then,
25 because he couldn't have gone very far.

1 THE MARSHAL: I'll go find him.

2 MS. BLUTH: Okay. And I'll text him, too.

3 (Pause in the proceedings)

4 THE MARSHAL: Is everyone ready for the jury?

5 THE COURT: Let's bring the witness back in and put
6 her --

7 THE MARSHAL: Okay. That was Autumn; right?

8 THE COURT: -- back up on the stand.

9 (Pause in the proceedings)

10 (Jury reconvened at 1:42 p.m.)

11 THE COURT: All right. Court is now back in session.
12 The record should reflect the presence of the State through the
13 Deputy District Attorneys, Ms. Bluth and Mr. Hamner, the
14 presence of the defendant along with her counsel, Ms. Wildeveld
15 and Ms. McAmis, the officers of the court, and the ladies and
16 gentlemen of the jury.

17 And, Autumn, you are still under oath. Do you
18 understand that?

19 THE WITNESS: No.

20 THE COURT: Okay. Remember when you raised your right
21 hand and stated the oath to tell the truth?

22 THE WITNESS: Oh, yes.

23 THE COURT: Okay. That still applies. Do you
24 understand?

25 THE WITNESS: Yes.

1 THE COURT: Okay.
2 Mr. Hamner.
3 MR. HAMNER: Judge, can we just approach real briefly?
4 THE COURT: Sure.
5 MR. HAMNER: Thanks.
6 (Off-record bench conference)
7 MR. HAMNER: May I proceed, Your Honor?
8 THE COURT: You may.
9 MR. HAMNER: Thank you so much.
10 BY MR. HAMNER:
11 Q All right. So, Autumn, where were we? I know you
12 talked a little bit about the Solander girls, how they were
13 moving around the house, they had to do it with their hands up.
14 Do you remember that?
15 A Yes.
16 Q Were they able to freely move around the house, just
17 go wherever they wanted to?
18 A No.
19 Q Who said they weren't allowed to do that?
20 A I don't remember like exactly who, I don't remember
21 like who said it, but I know that they weren't allowed to just
22 roam around.
23 Q Was it a grownup that made the rule in the house, or
24 was it like a kid rule?
25 A It was a grownup.

1 Q Okay. And were the only grownups in the house Dwight
2 and Janet, basically?

3 A Yes.

4 Q Okay. Did you ever see any -- any marks on the girls
5 anywhere?

6 A I don't remember.

7 Q Okay. When the girls were hit, the Solander girls
8 were hit, where on their bodies would they be hit that you could
9 see?

10 A Like on their bottom.

11 Q Okay. How about their legs?

12 A Maybe like -- like by their -- by their bottom, like
13 on their leg.

14 Q So the upper leg near the bottom?

15 A Yeah.

16 Q Okay. Did you ever see any of that on the stairs of
17 the house?

18 A No, I don't remember.

19 Q Did Janet ever talk to you about whether it was okay
20 to talk about things that happened in the house?

21 A I don't remember her like talking to me about it,
22 but --

23 Q What do you remember?

24 A I know that I was scared to like talk about what was
25 going on.

1 Q What were you scared about?

2 A I think I was scared that she would punish me if I
3 told anybody what was going on.

4 Q Between -- from what you could see with your eyes, who
5 was kind of more the boss in the house? Was it Janet or was it
6 Dwight?

7 A Janet.

8 Q Do you ever remember anything about buckets?

9 A Maybe. Like kind of.

10 Q Tell me what you remember.

11 A Just I remember like these orange buckets from like
12 Home Depot or something.

13 Q Okay. And where would they be in the house?

14 A I picture it like in the kitchen.

15 Q Okay. And what would the buckets be used for, if you
16 could remember?

17 A I don't know.

18 Q But what stands out in your mind is you remember
19 orange Home Depot buckets in the kitchen?

20 A Yes.

21 Q Okay. And I think we talked about the type of foods
22 the girls ate; right? Did we talk about that?

23 A Yes.

24 Q The blended -- something blended?

25 A Yes.

1 Q What sort of -- what was different in the house, if
2 anything, when the babysitters would be in the house versus
3 Janet and Dwight?

4 A Things were more like relaxed and we could -- we had
5 more -- like we could do things.

6 Q Do you remember when the babysitters were around
7 whether or not the Solander girls would have any accidents?
8 When the babysitters were around.

9 A I don't -- I don't remember.

10 Q Okay. So were you able to kind of -- how about eating
11 when the babysitters were around? Was it a little bit different
12 or better or worse?

13 A Yes.

14 Q What --

15 A It was -- it was better.

16 Q In what ways?

17 A It was like she wouldn't time us when we ate.

18 Q Do you remember the names of the babysitters?

19 A No, I don't remember their names.

20 Q Okay. Do you remember at some point, though, talking
21 with CPS about things going on in the house at some point? Do
22 you remember that?

23 A Yes.

24 Q Do you remember whether or not you talked about
25 anything happening with the Solander girls or if you could

1 remember what you said?

2 A I don't remember.

3 Q Okay. So if you didn't mention anything, could you
4 think of a reason why you wouldn't mention anything?

5 A I don't -- I don't think I knew how like bad it was
6 like at the time.

7 Q Okay. But as you've gotten older did you -- as you
8 think about it now as you're older now, do you feel differently
9 about maybe some of the things that you saw?

10 A Yeah.

11 Q Okay. Do you think that if you had to talk to CPS
12 today you would talk about some of those things?

13 A Yes.

14 Q Okay. And why is that?

15 A Because I realize now like -- like what all those
16 things actually meant. And like, I don't know, my little brain
17 didn't understand.

18 Q Sure. Because at that time you were five to six;
19 right?

20 A Yes.

21 Q And now how old are you?

22 A 11.

23 Q Okay.

24 MR. HAMNER: Court's indulgence.

25 ///

1 BY MR. HAMNER:

2 Q Do you know what the term lactose intolerant is?

3 A Yes.

4 Q What is it?

5 A It's like you can't have dairy products.

6 Q Who was the first person to tell you about lactose
7 intolerance?

8 A I don't remember who.

9 Q Okay. Do you remember Janet ever telling you about
10 it?

11 A I don't remember.

12 Q Okay. After you left Janet's house, okay, if you go
13 all the way back then, did you ever see any of the Solander
14 girls again?

15 A Yes.

16 Q Okay. When did you see them?

17 A I just -- I know I went back to their house.

18 Q Okay.

19 A I don't -- I don't think I saw them then. No, I
20 didn't. So I didn't see them again.

21 Q So the one time you remember going back, you don't
22 remember seeing them?

23 A No.

24 Q Okay. So you left when you were like six, and now
25 you're 11. So for the last five years, you actually haven't

1 talked with any of the Solander girls?

2 A No.

3 Q Sorry, sweetie. You shook your head. I know it was
4 really quiet. What did you say?

5 A No.

6 Q No. Okay.

7 MR. HAMNER: I have no further questions at this time.
8 Thank you.

9 THE COURT: All right. Cross.

10 MS. McAMIS: Yeah. Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MS. McAMIS:

13 Q Hi, Autumn. I'm Caitlyn. I have some questions for
14 you, okay. When I ask you my questions, I want you to do just
15 like you did when you were first sworn in and when Mr. Hamner
16 talked to you and said do you know the difference between a
17 truth and a lie. I'm just going to ask you to answer honestly.
18 If you remember, you remember. If you don't, you don't. Okay?

19 A Yep.

20 Q Okay. All right. So, Autumn, you talked today about
21 living in Janet's home, Miss Janet's home.

22 A Yes.

23 Q Is that a yes? Okay. And just as a reminder. I know
24 you do the nodding. We have to talk into the microphones. We
25 just have to be recorded, okay? Okay. Let's talk about a few

1 things. So you were asked some questions about just general
2 discipline methods in the Solander home. Do you know what
3 discipline means?

4 A Yes.

5 Q What does it mean to you?

6 A To put like -- to put somebody in their place if
7 they've like done something wrong.

8 Q Okay. So basically someone acts out, it's not okay,
9 and you're supposed to do something else and you get a
10 consequence; right?

11 A Yes. Yes.

12 Q Okay. All right. And so you had time outs as a
13 consequence when you were living with Miss Janet; right?

14 A Yes.

15 Q Okay. And Ivy, too. When she acted out, she would
16 have time outs; right?

17 A Yes.

18 Q And you were given time outs for things like tantrums;
19 right?

20 A Yes.

21 Q Now, at the time that you lived there, you were five?

22 A Mostly --

23 Q Five to six.

24 A Yeah, six.

25 Q Mostly six? Okay. And you're 11 now?

1 A Yes.

2 Q So you don't throw a whole lot of temper tantrums
3 anymore; right?

4 A No.

5 Q But at age five and six you threw some temper
6 tantrums?

7 A Yes.

8 Q And that's normal. There's nothing wrong with that;
9 right?

10 A Yes.

11 Q Okay. You just -- you weren't getting your way, so
12 you would -- why don't you describe to me what you would do when
13 you would have a temper tantrum.

14 A I don't remember what I would do.

15 Q Would you scream? Would you cry?

16 A I don't think I screamed.

17 Q But would you cry?

18 A I would cry.

19 Q Okay. And so then you would be put into time out?

20 A Yes.

21 Q And then when you were done crying, you were done with
22 time out? After you had an opportunity to calm down, Miss Janet
23 would come and get you to take you out of time out; right?

24 A No.

25 Q No? But when you were done with time out, you --

1 well, let me ask it this way. Did you get to pick when you were
2 done with time out?

3 A No.

4 Q No. So one of the adults in the home had to come get
5 you and tell you time out was done?

6 A Yes.

7 Q Okay. The adults in the home were Janet and Dwight,
8 and then they had an older daughter. She was kind of like one
9 of the adults in the home; right?

10 A Yes.

11 Q All right. Now, you shared with us different
12 discipline methods that you saw in the house. Is it fair to say
13 you were never spanked?

14 A No, I was never spanked.

15 Q By Miss Janet. I'm sorry.

16 A I was never --

17 Q That wasn't very clear.

18 A -- by spanked by Miss Janet.

19 Q Okay. And can I ask you a favor? We have to take
20 turns talking, and I know I kept talking, but we're not supposed
21 to talk over each other. So I'll try to be better about that,
22 but please let me finish my question, and I will also try to be
23 very good about letting you finish, too. Okay

24 A Okay.

25 Q Okay. So you weren't spanked by Miss Janet?

1 A No.

2 Q And Ivy wasn't spanked by Miss Janet?

3 A No.

4 Q All right. Now, you shared with us some of the food
5 that you ate while you lived with Ms. Janet.

6 A Yes.

7 Q Okay. So I want to direct your attention to that and
8 let's talk about that. You had three meals a day that you told
9 us about. Breakfast, lunch, and dinner.

10 A Yes.

11 Q Yeah. Okay. So for breakfast you had oatmeal; right?

12 A Yes.

13 Q Did you like the oatmeal?

14 A Yeah.

15 Q Yeah? All right. What other things did you have for
16 breakfast?

17 A I remember one time we had pancakes.

18 Q Okay. Give me just a minute if you would. So you
19 were asked by Mr. Hamner if you remember talking to CPS earlier.
20 Do you remember that question?

21 A Yes.

22 Q So you talked to CPS and they asked you questions
23 about living in the Solander home; right?

24 A Yes.

25 Q Okay. And so some of the questions they asked were a

1 lot like the questions we're asking today; right?

2 A Yes.

3 Q About how were the girls disciplined, how were you
4 disciplined; right?

5 A Yeah.

6 Q They asked a lot of questions also about like what did
7 you eat and what did you do and what was -- you know, what was
8 school like; right?

9 A Yes.

10 Q Okay. So -- okay. And so at the time when you gave
11 that interview, it was after you were already moved out of Ms.
12 Janet's home?

13 A Yes.

14 Q Okay. But at the time you promised to tell the truth
15 to the CPS worker who was talking to you; right?

16 A Yeah.

17 Q Yeah. So you're not going to give that person, you
18 know, untruthful answers on purpose; right?

19 A I think I did.

20 Q You think you did?

21 A Yes.

22 Q On purpose?

23 A Yes.

24 Q Why do you think you gave the CPS worker untruthful
25 answers on purpose?

1 A I think I was scared. I don't --

2 Q You were scared?

3 A Yes.

4 Q Okay. But at the time you talked about the different
5 food that you ate in the home, do you remember that?

6 A Yes.

7 Q And you told the CPS worker sometimes I had oatmeal
8 most of the time, but her oatmeal was really good, so I always
9 ate it. Do you remember saying that?

10 A Yes.

11 Q Okay. Do you remember saying she would make pancakes
12 sometimes, and she would make us scrambled eggs with ketchup on
13 them. Do you remember that?

14 A No, I don't remember saying that.

15 Q That's okay. And that's what I asked is just tell
16 what you remember. But you do remember answering questions from
17 the CPS worker; right?

18 A Yes.

19 Q And you remember that those -- those questions and
20 answers, they were all being recorded; right?

21 A Yeah.

22 Q Yeah. And they told you at the time that it was being
23 recorded. Okay. So it turns out they ended up typing up what
24 everyone said. So I -- if I showed you a piece of paper with
25 the questions that you were asked about all of the food and you

1 read it, do you think that would refresh your memory about what
2 you said at the time? It's just been a little while.

3 A Sure.

4 Q Okay. Autumn, I'm going to approach.

5 MS. McAMIS: And directing Court and counsel to page
6 42 of Autumn's statement.

7 BY MS. McAMIS:

8 Q So this is the piece of paper I was going to ask you
9 to read to yourself. I think you can see I read -- wrote some
10 stars. So you can read all the paper if you want, but I want
11 you to focus on the stars. Read it silently to yourself, and
12 then look up when you're done, please. Thank you. I saw that
13 you looked up when you were done. I'm going to go back and ask
14 you questions, okay. All right. So at the time that you talked
15 to CPS, you told them all about the oatmeal and it was really
16 good; right?

17 A Yes.

18 Q Okay. And you talked about the pancakes and sometimes
19 the scrambled eggs with ketchup on them; right?

20 A Yes.

21 Q And you also said that Miss Janet would make
22 hardboiled eggs sometimes, and that was one of your favorites;
23 right?

24 A Yes.

25 Q Okay. Now, you testified earlier, just basically at

1 the end, something about how you went back over to Miss Janet's
2 house after you had already gone back to your real home.

3 A Yes.

4 Q So I want to direct your attention to that. Did you
5 go back over for like a Christmas time dinner in December of
6 2013 at Miss Janet's home?

7 A Yes.

8 Q Yeah? Okay. And did she cook dinner for you?

9 A Yes.

10 Q And it was a good dinner?

11 A Yeah.

12 Q Do you remember what she made?

13 A I think it was chicken. I don't remember.

14 Q Okay. If you told CPS at the time that she made
15 chicken and salad and homemade macaroni and cheese, does that
16 sound right?

17 A Yes.

18 Q Yeah. And it was pretty good; right?

19 A Yeah.

20 Q Do you remember also telling CPS that she shaped the
21 butter as a Christmas tree?

22 A Yes.

23 Q That was pretty cool; right?

24 A Yeah.

25 Q I don't shape butter. Okay, Autumn. And when you

1 went over in December for that Christmas time dinner, it was you
2 and your family; right?

3 A Yeah.

4 Q So it was Autumn and Ivy -- you're Autumn, of course.
5 That was a silly question. So it was you and Ivy, and then was
6 it your grandma?

7 A No.

8 Q It was your parents?

9 A Yes.

10 Q Oh, okay. Great. So you're family, all four of you,
11 got to go over and have dinner with Miss Janet and Mr. Dwight;
12 right?

13 A Yes.

14 Q Okay. Now, didn't you go on a trip somewhere, to
15 Disneyland with the Solanders?

16 A Yeah, it was Disney World.

17 Q Disney World. I'm sorry. So that was like at
18 summertime; right?

19 A I don't remember when it was.

20 Q Okay. But you lived with the Solanders for about a
21 year; right?

22 A Yes.

23 Q So in that year period, you got taken on a trip to
24 Disney World; right?

25 A Yes.

1 Q So they took you on a plane with you, your sister, and
2 who else?

3 A I don't -- I know that one of the girls was there. I
4 remember -- I just remember one of them like in my memory. And
5 I think -- I don't remember all of the people that came, but --

6 Q So a whole lot of people?

7 A I think.

8 Q A whole lot of the Solander family that came?

9 A Yes.

10 Q Did the older siblings -- actually, that probably
11 won't make any sense to you. Did her older kids go, the ones
12 that didn't live in the home?

13 A Yes.

14 Q Okay. So it was a big family event and you got to go;
15 right?

16 A Yeah.

17 Q You flew on a plane, and you stayed at Disney World
18 for a couple of days; right?

19 A Yes.

20 Q Okay. And you had a lot of fun there; right?

21 A Uh-huh.

22 Q Is that a yes?

23 A Yes.

24 Q Okay. Thank you. It's just being recorded. I'm not
25 trying to be difficult, okay. All right. And you got to eat --

1 Janet made meals like in the hotel there; right?

2 A I don't remember.

3 Q It's just been awhile, huh?

4 A Yeah.

5 Q Okay. But you do remember having fun at Disney World
6 on the -- on the whole family trip?

7 A Yeah.

8 Q Okay. Autumn, I'm going to talk to you about
9 something that you brought up, that you didn't tell everything
10 at that initial interview. Now, at the time that the interview
11 -- oh, the interview with CPS. I saw your face. You were
12 confused.

13 A Yeah.

14 Q Anytime you're confused, make that face or just say I
15 don't know what you're talking about, okay?

16 A Okay.

17 Q Okay. So when you were talking to CPS back when they
18 were interviewing you, you told them -- you answered their
19 questions about what was going on in the home; right?

20 A Yes.

21 Q Okay. Now, you didn't tell them at that time that the
22 Solander girls had to walk around with their arms raised above
23 their head; right?

24 A No.

25 Q Okay. And when you talked to them back -- the CPS

1 people, you didn't tell them anything about overhearing Janet or
2 Dwight talk about a catheter; right?

3 A No.

4 Q Now, Miss Autumn, why do you know the word catheter?

5 A Now?

6 Q Sure. Just why do you know the word? Tell me.

7 A Because I've heard it on commercials and a lot of
8 places. I don't know.

9 Q Okay. You've heard it on commercials?

10 A Yes.

11 Q Okay. What kind of commercials are they for?

12 A It was just a commercial for catheters.

13 Q Oh. What kind of stuff are you watching on TV? You
14 know what, don't answer that. I may not want to know. No, I'm
15 just teasing. That's not fair. Okay. You said the other
16 places were just around you heard it?

17 A Yes.

18 Q Where?

19 A I don't -- I don't know. Well, I heard it longer,
20 when we were at the Solander's.

21 Q Okay. Now, at the time that you were with the
22 Solanders, you were five years old; right?

23 A Yes.

24 Q Did you know what the word catheter meant at five
25 years old?

1 A No.

2 Q Had you ever heard the word catheter?

3 A No, I hadn't heard it before.

4 Q Okay. So let's talk about how you prepared for your
5 court testimony today, okay?

6 A Okay.

7 Q So you had a meeting with the prosecutors. Do you
8 know who the prosecutors are?

9 A No.

10 Q All right. Well, then that's a stupid question. Did
11 you get to meet with one of either Ms. Jacqueline or Mr. Chris?

12 A Yes.

13 Q Okay. Now, in preparing for your testimony today,
14 they told you what questions they were going to ask you; right?

15 A Yes.

16 Q Okay. Ms. Autumn, why do you know the word downward
17 dog?

18 A Because I've heard it on -- like on yoga instruction
19 videos or a bunch of different places that --

20 Q When did you first learn that word, that downward --
21 words, because there are two of them; right? Where did you
22 first learn those two words, downward dog?

23 A I don't remember.

24 Q You don't remember? Was that some -- strike that.
25 Why don't we ask it this way? You never heard the words

1 downward dog in the Solander home, though; right?

2 A I don't remember.

3 Q Okay. All right. So let's talk about something a
4 little lighter, huh? You had a bunch of toys in the Solander
5 home. Mr. Chris asked you some questions about Legos and
6 coloring books, I think; right?

7 A Yes.

8 Q Okay. And Miss Janet was the one that gave you lots
9 of toys; right?

10 A I don't remember who gave us the toys.

11 Q Okay. And in your statement if you indicated that
12 Miss Janet, in response to a question, why do you like Miss
13 Janet, and you said because she gave us lots of toys, does that
14 sound right to you?

15 A Sure.

16 Q Okay. What about the things that you liked about Mr.
17 Dwight? He took you to places; right?

18 A Yes.

19 Q He took you to fun places; right?

20 A I don't remember where he took us.

21 Q All right. What about if you told CPS that you liked
22 Mr. Dwight because you got to go to McDonald's and stuff and he
23 would take us there and he got big sock monkeys.

24 A Oh, yes.

25 Q Okay. So that happened?

1 A Yes.

2 Q Okay. So there were things that you did like about
3 Mr. Dwight and Miss Janet; right?

4 A Yeah.

5 Q Okay. What about Miss Danielle?

6 A I don't really remember her a lot.

7 Q That's okay. What about if I ask when you talked to
8 CPS back when they interviewed you and you said I like Miss
9 Danielle because she gave us cookies and she baked, and when it
10 was Miss Janet's birthday, she helped us make a card. Does that
11 sound like it's right?

12 A Yeah.

13 Q Yeah? Okay. Do you remember not being allowed to
14 color because you guys colored on the walls, you and Ivy?

15 A No, I don't remember that.

16 Q Okay. But if I said to you that you told CPS at the
17 time that they interviewed you that you weren't allowed to color
18 because you were young and we would color on the walls, that's
19 right, you were both young?

20 A Uh-huh.

21 Q Is that a yes?

22 A Yes.

23 Q And sometimes young kids color on the walls; right?

24 A Yes.

25 Q Okay. You were asked a little bit about some of the

1 stuff -- some of the layout of the Solander home. Do you know
2 what I mean by layout?

3 A Yes.

4 Q Okay. Good. So when you were interviewing with CPS,
5 you told them the different things that you liked about the
6 Solander home, including that there was a big room with a TV;
7 right?

8 A Yes.

9 Q So they had a big family room with a TV?

10 A Yes.

11 Q And so you didn't watch a lot of TV weekdays, but you
12 could watch TV weekends; right?

13 A I don't remember watching TV. Only once.

14 Q Only once?

15 A Yes.

16 Q Okay. And you're 11 now; right?

17 A Yes.

18 Q So we're talking about things that would have happened
19 five or six years ago?

20 A Yes.

21 Q Maybe even seven?

22 A Not seven.

23 Q Not seven. Fair enough. Okay. But you also remember
24 that the Solanders had a Wii and game systems in that family
25 room; right?

1 A Yes.

2 Q Okay. So you were asked some questions about not
3 being able to play with the Solander girls when they were doing
4 their homework; right?

5 A Yeah.

6 Q Okay. So you went to regular school when you lived
7 with Miss Janet; right?

8 A Yes.

9 Q And you sat in a classroom and you had to do
10 assignments; right?

11 A Yes.

12 Q When you were in school, could you just get up and
13 wander around and play whenever you wanted?

14 A No.

15 Q No. Was it because you were supposed to be learning
16 something, trying to get good grades?

17 A Yes.

18 Q Okay. So you understand that the Solander girls, when
19 they lived at home, they were homeschooled; right?

20 A Yes.

21 Q So they had to do their homework during the day;
22 right?

23 A Yes.

24 Q Okay. And that's what they did, they did their
25 homework during the days; right?

1 A Yes.

2 Q Okay. You were asked a lot of questions about what
3 dairy you had. I want to focus your attention on eating dairy,
4 specifically things like milk, okay?

5 A Okay.

6 Q All right. So you talked a lot about having oatmeal
7 frequently for breakfast, but you also had cereal at times;
8 right?

9 A I don't remember cereal.

10 Q You don't remember cereal?

11 A No.

12 Q You don't remember the Nanny giving you cereal with
13 milk in it?

14 A I don't remember.

15 Q You don't remember? What about was there a time where
16 you had breakfast and you had cereal and you threw up?

17 A I don't remember that. I don't remember that.

18 Q Okay. It's just been awhile, huh? I asked you a
19 question.

20 A Oh.

21 Q I said it had been awhile. Is that why you're having
22 trouble remembering?

23 A Maybe.

24 Q Maybe? Okay. Now, you talked about some of the rules
25 as far as being able to go to the bathroom, so I want to ask you

1 some questions about that, okay?

2 A Okay.

3 Q SO you testified on the direct examination, meaning
4 when you were talking with Mr. Chris, you testified you had to
5 have permission to go to the bathroom.

6 A Yes.

7 Q You remember testifying to that?

8 A Yes.

9 Q Okay. Isn't it true that you just had to announce,
10 hey, I have to go to the bathroom and Miss Janet would say okay?

11 A Yeah.

12 Q Okay. When you announced, hey, I have to go to the
13 bathroom, did she ever try to stop you?

14 A I don't remember.

15 Q You don't remember?

16 A No.

17 Q Okay. If she had tried to stop you, don't you think
18 you would have had an accident?

19 A Yes.

20 Q Okay. But you don't remember having accidents just
21 during the day. You testified you had them sometimes at night;
22 right?

23 A Yeah.

24 Q Okay. And you testified that you had to ask and get
25 toilet paper; right?

1 A Ask and get toilet paper?

2 Q Yeah. Did I understand your testimony correctly that
3 you had to ask to get toilet paper?

4 A No, we -- there was --

5 Q Well, correct me. What did I say that's wrong?

6 A I think they were already laid out, like three squares
7 of toilet paper like on the counter.

8 Q Okay. So she had them all pre-laid out for you guys.

9 A Yeah.

10 Q So it was kind of like grab and go?

11 A Yeah.

12 Q Oh, okay. I understand. Thank you. Remember when I
13 told you at the beginning if I say something that's wrong, I
14 just need it corrected?

15 A Yep.

16 Q Perfect. All right. Oh, I have one more question
17 about the hands up. Do you remember when you were talking about
18 the girls walking around with their hands up?

19 A Yes.

20 Q Okay. So that happened one time; right?

21 A No.

22 Q Okay. But it wasn't happening constantly; right?

23 A Yes, it was.

24 Q It was not happening every day; right?

25 A Yes, it --

1 Q Okay.

2 A They would walk around like that.

3 Q They would walk around like that?

4 A Uh-huh.

5 Q Okay. Was it also your testimony that they spent all
6 day doing their school work?

7 A No, I don't think they spent all day doing their
8 school work.

9 Q Okay. So they would spend their days doing their --
10 their mornings and their afternoon doing school work sitting
11 down; right?

12 A Yes.

13 Q Okay. So help me understand. Isn't that something
14 you would have remembered or spoken to CPS at the time back when
15 they interviewed you if the girls were walking around constantly
16 with their arms up?

17 A I know I was scared.

18 Q Sure. And you're scared a little now; right? It's
19 okay if you are. Maybe nervous is a better word.

20 A Nervous.

21 Q Okay. All right. I'm not trying to be tricky, and I
22 don't want to be mean. Okay? I never want to do that.

23 A Uh-huh.

24 Q But I'm having a hard time understanding why, if they
25 were constantly walking around with their arms up, wouldn't you

1 just --

2 MR. HAMNER: Objection, Your Honor. It's been asked
3 and answered.

4 THE COURT: Overruled.

5 MR. HAMNER: She indicated she was scared.

6 THE COURT: Overruled.

7 BY MS. McAMIS:

8 Q I'll start the question over, okay? I'm just having a
9 hard time understanding why, if the girls were constantly
10 walking around with their arms up, you wouldn't have told CPS at
11 the time when they asked is there anything else they need to
12 know about what's going on in the home.

13 A Is it -- I don't understand the question.

14 Q My question --

15 THE COURT: It really wasn't a question. Ms. McAmis,
16 can you ask a question?

17 MS. McAMIS: I can. Absolutely, Your Honor.

18 BY MS. McAMIS:

19 Q Why would you have not have said that at the time if
20 it was constantly happening and you thought it was weird or
21 strange or not okay?

22 A Because I don't think I knew at the time like that it
23 was or I just didn't understand that I should speak up about
24 that kind of thing.

25 Q Okay. But when they were walking around with their

1 arms up the whole time, were they crying the whole time?

2 A No.

3 Q No? Okay. All right. Can I ask you about the time
4 that you were talking about seeing -- it was one of the girls
5 who was -- had an accident and that she was crawling around on
6 the ground, so I want to direct your attention to that, okay?

7 A Okay.

8 Q All right. And you testified that was Anastasia who
9 did that; right?

10 A Yes.

11 Q Okay. So that Anastasia had an accident and then Miss
12 Janet did not like it, so she had Anastasia put dirty underwear
13 in her mouth, get down on the ground and crawl while she was
14 crying and saying I'm a baby?

15 A Yes.

16 Q Oh, okay. All right. So you've just got to walk me
17 through it. All right. So your observation was that one time
18 Anastasia was crying --

19 A Yes.

20 Q -- and on the ground saying I'm a baby while holding
21 underwear in her mouth?

22 A Yes.

23 Q So she was holding the underwear while talking --

24 A Yeah, it was like --

25 Q -- and crying?

1 A It was like muffled. She was like crying and it's
2 kind of hard to explain.

3 Q Uh-huh. Okay.

4 MS. McAMIS: Court's indulgence.

5 BY MS. McAMIS:

6 Q Oh. You shared with us that you thought the girls
7 were skinny; right?

8 A Yes.

9 Q You're skinny; right?

10 A I don't think I'm super skinny, like --

11 Q I didn't ask if you were super skinny.

12 A Oh.

13 Q I just asked do you think you're skinny.

14 A I guess.

15 Q Okay.

16 MS. McAMIS: All right. Court's indulgence.

17 BY MS. McAMIS:

18 Q Can I ask you one more question about the toilet
19 paper?

20 A Uh-huh.

21 Q Okay. Is that a yes?

22 A Yes.

23 Q Thank you. Were you given the toilet paper pre-laid
24 out because the toilet would overflow?

25 A I don't remember.

1 Q You don't remember? Okay.

2 MS. McAMIS: Pass the witness.

3 THE COURT: All right. Redirect.

4 MR. HAMNER: Briefly.

5 REDIRECT EXAMINATION

6 BY MR. HAMNER:

7 Q So were the Solander girls pretty skinny?

8 A Yes.

9 Q Yeah. And you remember that, seeing it with your two
10 eyes?

11 A Yeah. I remember like Anastasia, I know like remember
12 seeing her. She was way skinny.

13 Q Tell me about what you remember about her that made
14 you think she was -- what did you see about her that was so
15 skinny on her?

16 A Like if she would wear a shirt that like you could see
17 her arms, I remember seeing them like they were really skinny.

18 Q Could you see like kind of bone outlines or was there
19 a lot of muscle there? What were you seeing that made you
20 think, wow? Because you were talking about her arms. What was
21 it about her arms that seemed so skinny?

22 A They were just small, like they were like little, like
23 skinny.

24 Q Okay. Do you remember those questions that Caitlyn
25 was asking or Ms. McAmis was asking you about the word catheter?

1 A Yes.

2 Q Do you remember that?

3 A Yes.

4 Q Okay. So I just want to clarify a couple things. You
5 remember hearing that word said by Janet in that house; is that
6 right?

7 A Yeah.

8 Q Okay. At the time did you know what that was?

9 A No.

10 Q Okay. As you've gotten older over the last five
11 years, have you come to learn what that was?

12 A Yeah.

13 Q Okay. And did you learn about it in school or on the
14 Internet? Where did you learn about it?

15 A I don't remember where I learned about it.

16 Q Well, let me ask you this, did you learn about it from
17 Miss Jacqueline and I, did we tell you about it, or did you
18 learn about it before even meeting us?

19 A Before meeting you.

20 Q Okay. So that was something we talked about. I
21 didn't -- we didn't tell you what that was in a meeting or
22 anything like that, did we?

23 A No.

24 Q Okay. Do you know what it looks like now as you sit
25 here today? Do you know what a catheter even looks like?

1 A No, I don't know what it looks like.

2 Q Okay. You just know it has something to do with
3 peeing or something like that?

4 A Yes, like --

5 Q Remember those questions about downward dog?

6 A Yes.

7 Q Okay. Do you do yoga?

8 A Not really.

9 Q Do you try to do yoga or --

10 A Kind of.

11 Q Kind of? Do you watch it like on the Internet or do
12 you go to like a class?

13 A No, I just -- I think I heard about it from like a
14 little kid show --

15 Q Oh, okay.

16 A -- like the downward dog.

17 Q Oh. So the first time you think you may have heard
18 that from a kid's show?

19 A Yeah.

20 Q And then did you learn about other things for yoga
21 later at a later point?

22 A Yeah.

23 Q Okay. So did me and Miss Jacqueline tell you what
24 downward dog was in our meeting?

25 A No.

1 Q Who actually brought up that word in our meeting?

2 A Me.

3 Q Okay. And if you could, what again is that position?
4 How is the position of downward dog?

5 A It's where you like -- you bend over on -- on your
6 front and your back and your butt is up in the air and it's
7 like --

8 Q Okay. Are your legs straight?

9 A Straight, your legs are straight.

10 Q How about your arms, are they bent or straight?

11 A No, they're straight.

12 Q So you're kind of just --

13 A Yes.

14 Q -- straight arms, straight legs, and your butt ends up
15 in the air?

16 A Yes.

17 Q Okay. And you remember you were asked a couple
18 questions about when you talked to CPS and not saying anything
19 about the hands up and the hitting? Do you remember some of
20 those questions --

21 A Yeah.

22 Q -- that she was asking you? So I just -- I just want
23 to see if I'm clear. Was one of your -- you mentioned one of
24 the things as the reason you didn't say anything was you didn't
25 know how bad it was because of how old you were?

1 A Yes.

2 Q Okay. And now that you're older, you have a different
3 impression about what those things actually were, what they
4 meant?

5 A Yes.

6 Q Okay. So that was one of the reasons. I thought I
7 heard, and tell me if I'm wrong, were you scared at any point in
8 talking with them? I don't know if I thought I heard you say
9 that or not. You tell me.

10 A Oh, with CPS?

11 Q Yeah.

12 A I don't remember.

13 Q Okay. So for you the big thing was you were young and
14 didn't really know what those things meant?

15 A Yeah.

16 Q Okay. But now you do?

17 A Yes.

18 Q Okay.

19 MR. HAMNER: Court's indulgence.

20 BY MR. HAMNER:

21 Q Do you remember, though, saying at some point since
22 you've been here today that one of the things that you're
23 worried about was Miss Janet finding out and getting in trouble.
24 Do you remember talking about that today?

25 A Yes.

1 Q Okay. Was that one of the reasons why you didn't talk
2 about some of these things?

3 A Yeah.

4 Q And what's the number one rule that we talked about
5 when coming to court? What would the number one rule be?

6 A Tell the truth.

7 Q Okay. Is that what you did here today?

8 A Yes.

9 Q Thank you.

10 MR. HAMNER: No further questions.

11 THE COURT: Anything else, Ms. McAmis?

12 MS. McAMIS: No, nothing based on that.

13 THE COURT: Did we have any juror questions for the
14 witness?

15 Okay. All right. I don't see any other questions.
16 Thank you for your testimony, and you're excused. And the
17 bailiff will just escort you from the courtroom.

18 MS. BLUTH: May we approach about a scheduling issue,
19 Your Honor.

20 THE COURT: Sure.

21 (Off-record bench conference)

22 MR. HAMNER: So the State -- the State is going to
23 call Gennipher Dowling to the stand.

24 GENNIPHER DOWLING-EMTER, STATE'S WITNESS, SWORN

25 THE CLERK: Thank you. Please have a seat, and spell

1 your first and your last name for the record.

2 THE WITNESS: Okay. G-E-N-N-I-P-H-E-R, and then the
3 last name is D-O-W-L-I-N-G, hyphen, E-M-T-E-R.

4 THE COURT: All right. Thank you.

5 DIRECT EXAMINATION

6 BY MR. HAMNER:

7 Q Good afternoon. How are you?

8 A I'm doing good. Thank you.

9 Q Okay. Ms. Dowling, what do you -- what do you
10 currently do for a living?

11 A I'm currently a school bus driver for District 8.

12 Q Okay. And District 8 is located in what state?

13 A Colorado.

14 Q Okay. So you live in Colorado?

15 A Yes.

16 Q I want to turn your attention, though, all the way
17 back to about December of 2013 through June of 2014, okay.

18 A Okay.

19 Q That time period. Were you living here in Clark
20 County, Nevada?

21 A Yes, sir.

22 Q What were you doing? What job were you doing at that
23 time?

24 A I worked for Shining Star Community Services. I was a
25 BST worker, which is a basic skills trainer.

1 Q Okay. So BST, basic skills training?

2 A Correct.

3 Q Okay. Why don't you explain to the jury what -- what
4 BST workers do.

5 A Sure. So basically BST workers are workers -- Shining
6 Star worked with the foster care population. And so when a
7 foster parent had concerns about some behaviors or things that a
8 child was doing, they reached out and our agency would assign a
9 worker to help them with those issues. Some issues could be
10 bathroom issues, it could be kids who didn't know how to shower,
11 kids who didn't know how to control their feelings, their anger,
12 and we worked with them to gain those skills that normal -- that
13 are normally done when normal parents or parents who don't have
14 issues work with the kids to do.

15 Q Now, before we get into a little bit of that, I want
16 to just clear some things up. So you worked for Shining Star;
17 right?

18 A Correct.

19 Q Were you ever an employee of CPS?

20 A No.

21 Q Or the Department of Family Services?

22 A No.

23 Q Okay. Are you an investigator in any way, shape, or
24 form?

25 A No.

1 Q Okay. And at that time were you an investigator in
2 any way, shape, or form with CPS or the Department of Family
3 Services?

4 A No, sir.

5 Q Okay. So you're really just doing this kind of skills
6 training?

7 A Correct.

8 Q So give me an example. So if a kid comes in and
9 they're like really skinny, maybe no muscle mass, what do the
10 BST workers do with a kid like that?

11 A Sure. Well, we try to engage in various activities
12 that they're interested in so that they can build up those
13 muscles. And on some occasions we'll talk with the foster
14 parents on the nutrition that kids need to build muscles. And
15 that way we're working directly with the foster kids, the foster
16 parents, and we're all one big team trying to help the child
17 achieve these goals.

18 Q So is that kind of like running around and playing
19 with the kid so they get --

20 A Yes.

21 Q -- stronger?

22 A Yes.

23 Q Okay. If you -- if you have kids that might have like
24 a speech issue, they're having a hard time talking, what sort of
25 -- would you work with a kid like that?

1 A Absolutely.

2 Q So what sort of things would you do? What sort of
3 activities?

4 A We would read with the children, we would help spell
5 out the words, we would sit there and help pronounce the words
6 with them and have them repeat it to us.

7 Q And anger, you mentioned something about anger, kids
8 are angry. What sort of things are you doing with kids like
9 that?

10 A Well, one of the basic things that we work with with
11 the kids is when they have anger issues, we teach them how to
12 exit. So some children get so angry they will hit themselves,
13 hurt themselves, scratch themselves. And we teach them that
14 when you become so angry and you're to that point, you exit the
15 situation, take a deep breath, calm down. We teach them you can
16 count, you can read, you can sing, and then come back to the
17 situation, talk about it, and work through it.

18 Q Okay. When you do sessions with kids, would it be
19 typically at the home of like the foster parent, or would you go
20 to some other locale to kind of hang out with these kids?

21 A It generally depends, but I primarily took my kids out
22 into the environment.

23 Q So what sort of places would you go?

24 A It depends on what we were working on, to be honest
25 with you. If it was a child who, like you were saying, muscle

1 mass, we would take them to the parks, we would take them to
2 fields. Kids who worked with anger, a lot of times I would take
3 them to a little bit more private place because those feelings
4 generally kids don't like to discuss out loud. Some kids who
5 have issues expressing their feelings, I would take them to
6 McDonald's and we would write letters to those people that they
7 were angry at so they can verbalize those feelings, and then at
8 that point they could choose to give the letters to the person
9 or not.

10 Q All right. So during this time frame of December of
11 2013 and June of 2014, did you come to meet someone by the name
12 of Janet Solander?

13 A Yes, I did.

14 Q Do you see Janet here in the courtroom today?

15 A Yes, I do.

16 Q Could you please point out where she's sitting in the
17 courtroom, and maybe describe an article of clothing that she's
18 wearing.

19 A She's sitting in the middle. She has a pink blouse on
20 wearing glasses.

21 MR. HAMNER: All right. Let the record reflect the
22 witness has correctly identified the defendant.

23 THE COURT: It will.

24 BY MR. HAMNER:

25 Q When you met Janet, did you -- did you meet with her

1 to work with some foster kids that she had in her house?

2 A Yes, sir.

3 Q Okay. What were the names of those foster kids, if
4 you remember.

5 A Areahia, Demyer, Kaeshia, and Novaleih.

6 Q Okay. And so Areahia Diaz, does that sound about
7 right?

8 A Yes. She was my primarily person I worked with.

9 Q And then other kids, their last names were Burnett; is
10 that right?

11 A Yes.

12 Q Okay. So you primarily worked with Areahia?

13 A Correct.

14 Q Did you have kind of a partner at -- a fellow BST
15 worker that was kind of working with you with these kids?

16 A Yes, her name is Riley.

17 Q Okay.

18 MR. HAMNER: Court's indulgence.

19 BY MR. HAMNER:

20 Q Okay. So tell me about Areahia. First tell me a
21 little bit about just what her demeanor was like when you kind
22 of first met her.

23 A Inside the home or outside of the home?

24 Q Was there a difference?

25 A Absolutely.

1 Q Okay. Let's start with inside the home. What was
2 Areahia's demeanor like? And when you say home, do you mean
3 Janet's home?

4 A Correct.

5 Q Okay. Tell me about what Areahia's demeanor is like
6 inside Janet's home.

7 A She was very quiet, reserved. Any time Janet would
8 talk to her, she always had her head down. She was very
9 soft-spoken. She was very obedient.

10 Q Okay. How -- how old was she, if you remember?

11 A Nine.

12 Q About nine years old?

13 A Uh-huh.

14 Q You mentioned that there was actually a difference
15 when she got outside the home?

16 A Yes.

17 Q Where would you take Areahia?

18 A All those places I explained.

19 Q So a McDonald's or --

20 A A park.

21 Q Okay. What's her demeanor like when she got outside
22 of Janet's home and Janet?

23 A Initially, she -- the first few times she was still
24 pretty quiet and reserved and didn't want to speak a lot about
25 what was going on in the home or, you know, things she would do

1 at the house. But once we started working more, she was funny
2 and caring and she enjoyed talking to me about her day and
3 things that went on at school. And she would talk to me about
4 her dad. She was --

5 Q And when you say dad, you mean her biological dad?

6 A Correct.

7 Q Okay.

8 A She literally was night and day.

9 Q How about her eye contact? Better?

10 A Oh, yeah, much better.

11 Q Okay.

12 A Once I explained to her that whatever she told me
13 pretty much was going to stay between her and I unless I thought
14 it was a safety concern or something that was going to be
15 harmful to her, then she opened up and she talked to me and she
16 was a great girl.

17 Q Okay. When you first would meet her, what was her
18 energy level like?

19 A At first it was a little less than normal, but as time
20 progressed she became a lot less energetic. She didn't want to
21 play. She didn't want to go on the swings or on the slides.
22 She didn't have a whole lot of energy to do typing. She almost
23 looked like her energy was just drained.

24 Q I want to talk to you a little bit about Janet for a
25 second. Did Janet share any bathroom concerns about Areahia to

1 you?

2 A Yes.

3 Q What did she say about that topic?

4 A She was concerned. She was concerned that Areahia had
5 pooping accidents in her underwear and at nine years old that
6 these are things that shouldn't be happening. And she also
7 expressed that when these accidents would happen, she would make
8 Areahia rinse them out in the sink, and put them on the washing
9 machine.

10 Q What is Janet's demeanor when she's talking about this
11 topic with you? If you remember.

12 A Most of the time she -- it's kind of hard to describe.
13 Almost like shut off, like cut off, like there was no emotions,
14 no feelings. She didn't seem like she was telling me this stuff
15 because she cared and she was genuinely concerned about the kid.
16 It seemed she was telling me this stuff more like to embarrass
17 her.

18 Q When you saw Janet with Areahia or these -- her --
19 Areahia's siblings, did you see her giving her a lot of hugs or
20 anything?

21 A Never.

22 Q Kisses?

23 A Never.

24 Q Like playing around, joking with her, smiling?

25 A No, never. It was very serious. The house always was

1 very serious.

2 Q What did Janet tell you she did for a living?

3 A I believe she was a stay at home mom. I know on a few
4 occasions she had said she was a nurse.

5 Q When you met with Areahia, did she ever talk to you
6 about eating meals in the house?

7 A Yes.

8 Q Before we get to that, what was her demeanor like when
9 sharing this topic with you?

10 A Scared.

11 Q Okay. What would she say?

12 A She would tell me about her eating habits, about what
13 she was allowed to eat in the morning and at night. She also
14 shared a time frame that she had to eat certain meals.

15 Q Was there a timer or anything like that?

16 MS. McAMIS: Objection.

17 THE WITNESS: She had 20 minutes to eat; otherwise,
18 Janet would force feed her.

19 BY MR. HAMNER:

20 Q Okay. Did she ever discuss with you in this same
21 topic about eating lunch at school?

22 A Yes.

23 Q What did she say about that?

24 A That she wasn't allowed to eat lunch with the other
25 students. She had to eat in the nurse's office, I believe,

1 because Janet was concerned that she was stealing --

2 MS. McAMIS: Objection.

3 THE WITNESS: -- food from other students.

4 MS. McAMIS: Withdrawn.

5 THE COURT: All right.

6 MS. McAMIS: Withdrawn. Sorry.

7 BY MR. HAMNER:

8 Q You worked with Areahia for four months; is that
9 right?

10 A About, yes.

11 Q How many times a week would you see her?

12 A About two.

13 Q How many -- give me an idea about a session. How long
14 would a session be?

15 A About two hours.

16 Q Two hours.

17 A Uh-huh.

18 Q During the time that you would be hanging out with
19 Areahia over these four months, how many times did she pee all
20 over herself?

21 A Never.

22 Q How many times did she go number two in her pants in
23 your presence?

24 A Never.

25 Q Did she have any difficulties expressing a desire to

1 use the bathroom whenever she needed to use the bathroom?

2 A No, she did not.

3 Q Did she have any accidents at Shining Star?

4 A No, she did not.

5 Q You mentioned that you had kind of interacted with
6 Janet. Was that at her home --

7 A Yes.

8 Q -- when you would interact with her? Okay. When you
9 went to the house, did you have a chance to go inside the house
10 or at least partially go inside the house?

11 A Yes, sir.

12 Q When you went in that house, did you see any other
13 children?

14 A Absolutely not.

15 Q So for the four months that you were going there two
16 times a week, you didn't see any other children inside that
17 house other than Areahia and her brothers and sisters?

18 A I did see, but she was an adult, Danielle, her
19 daughter.

20 Q Okay. So you saw --

21 A But no children.

22 Q -- Janet's other daughter, an adult named Danielle?

23 A Only once.

24 Q One time?

25 A Uh-huh.

1 Q Did you see any kids, though?

2 A Absolutely not.

3 Q Three girls, you didn't see three girls in there?

4 A I had no idea there were other children in the home.
5 I knew that she had adopted three children, but she had stated
6 that they were with her mother.

7 Q Were there times where, based on your interactions
8 with Areahia or these other kids, that you started becoming
9 concerned about things happening inside the home?

10 A Yes.

11 Q Would you ever ask them, hey, is anything going on
12 inside the homie?

13 A Frequently.

14 Q What would their reactions be to a question like that?
15 And we can take them kid by -- kid by kid, if that's easiest.
16 Let's start with Areahia. What would her reaction, physical
17 reaction start to be?

18 A Scared. You could tell she was scared. She did not
19 want to -- initially, she did not want to talk about what was
20 going on in the home. Again, she looked down, always looking
21 down, never eye contact.

22 Q Did you -- did you notice anything with her fingers?

23 A All -- all the kids would pick their skin right here,
24 and their nail -- her nails were far like down.

25 Q And let the record reflect the witness took her left

1 hand, indicated her left thumb, was picking at essentially kind
2 of like the cuticles --

3 A Cuticles.

4 Q -- around her left thumb. Is that correct?

5 A Yes.

6 Q Okay. So they pick at their fingers.

7 A Yes.

8 Q What would Demyer's demeanor be like if you asked?

9 And maybe -- I don't know if you did a ton of interaction, but
10 did you ever ask Demyer?

11 A Riley and I, the other worker, we did take them to a
12 visit with Areahia's dad one time, and he was so happy to see
13 family and he had mentioned that living at Janet's wasn't very
14 nice.

15 Q How about Kaeshia, what was her demeanor like? If you
16 brought up this topic with her, I don't know. Did you bring
17 up --

18 A Both of them were nervous wrecks, scared. All of the
19 kids except for Novaleih were very scared and timid. And they
20 kind of looked like their -- their brightness, their light had
21 been like taken away.

22 Q Okay.

23 MR. HAMNER: Court's indulgence.

24 BY MR. HAMNER:

25 Q In your experience working as a BST worker -- and

1 let's just separate out these kids for a second, okay?

2 A Okay.

3 Q When you work with them on these kind of skills or
4 whatnot, do you kind of see a progression in kids?

5 A Yes.

6 Q Okay. What's the progression like? Does it get
7 better, does it get worse, does it depend?

8 A It really --

9 MS. McAMIS: Well, objection. Calls for an expert
10 opinion. She's not been qualified as -- she's not even
11 testified as to any degree.

12 THE COURT: Sustained.

13 BY MR. HAMNER:

14 Q Okay. Based on your -- we'll just do it this way.
15 Based on your observations of Areahia, did she -- did she --
16 were the skills improving that you were supposed to train her
17 with?

18 A Yes.

19 Q How about Kaeshia or Demyer?

20 A Yes.

21 Q Okay. And Novaleih? I mean, maybe Novaleih was too
22 little. I don't know.

23 A Yeah, Novaleih was too little. I don't -- didn't have
24 a whole lot of interaction with her.

25 Q Okay. Based on your interactions with these kids over

1 this four-month period, did you become concerned about what was
2 happening inside Janet's house?

3 A Absolutely.

4 Q Did you report your concerns to Shining Star?

5 A I did.

6 Q Did you report your concerns to CPS?

7 A I did.

8 Q Okay. And this is back in -- in 2014?

9 A Correct.

10 Q Let me ask you were you aware of a foster book that
11 Janet was writing?

12 A I --

13 Q Or written. I don't know.

14 A I briefly heard about it from Janet in a passing
15 conversation saying that she had wrote a book about CPS and how
16 basically useless they are.

17 Q Okay. Now, you're not an employee of CPS?

18 A No.

19 Q And you're not an employee of the Department of Family
20 Services?

21 A No, I'm not.

22 Q Were you angry at Janet when she said that?

23 A No.

24 Q Okay. Did you read the book?

25 A No.

1 Q Have you ever read the book?

2 A No. It directly didn't affect me, so --

3 Q Well, let me -- let me just ask you pointedly. When
4 you went to talk to CPS, did you do that because of this book
5 she was writing?

6 A Absolutely not. I was concerned for the children and
7 their safety.

8 Q What -- what ultimately made you decide I need to go
9 talk to CPS?

10 A There were several things that kept adding up. All of
11 these medical diagnoses, the kids would frequently miss our
12 appointments because they were sick, the things that Areahia
13 would tell me, speaking in passing with their therapist and with
14 the other kids. It seemed like someone needed to go check on
15 the children to make sure that they were okay.

16 Q Okay. No further questions at this time. Thank you.

17 A You're welcome.

18 THE COURT: Cross.

19 MS. McAMIS: Yes. Thank you.

20 CROSS-EXAMINATION

21 BY MS. McAMIS:

22 Q Ms. Dowling, you don't have a degree in any kind of
23 child psychology; correct?

24 A Correct.

25 Q You don't have a medical degree in pediatrics or any

1 kind of medical degree; right?

2 A Correct.

3 Q You don't have a degree in kinesiology; correct?

4 A Correct.

5 Q And you're aware of what kinesiology is?

6 A No, I'm not.

7 Q Okay. If I said to you that kinesiology was like the
8 study of muscles and things like that a P.E. teach would have a
9 degree in, would that make sense to you?

10 A Yes, it would.

11 Q Okay. But you don't have a degree like that; right?

12 A No, I do not.

13 Q Okay. You're not employed by the Department of Family
14 Services?

15 A Absolutely not.

16 Q You're not employed by Child Protective Services?

17 A No, I'm not.

18 Q So you are a behavioral skills -- what does the T
19 stand for?

20 A Trainer.

21 Q Trainer. Okay. Thank you.

22 A Basic skills trainer.

23 Q Basic skills trainer. Okay. Now, basic skills are
24 things like that you were talking to us about, if the child had
25 -- actually, let me ask you this. You said that you're a basic

1 skills trainer and that you would help with basic bathroom
2 issues. What does that mean?

3 A Some of the children that I had worked with had issues
4 going to the bathroom, especially if they were younger, teaching
5 them when you have to go, these are kind of the feelings your
6 body does, this is when you need to tell someone to go. And
7 then when they go, how to, all right, you take the toilet paper,
8 you wipe from front to back, you don't do it vice versa, and
9 making sure, you know, hey, when you're done, flush the toilet,
10 wash your hands, things like that.

11 Q Okay. And that's something that you're able to do
12 without an advanced degree; right?

13 A Yes, it is.

14 Q It's something that parents are also able to do;
15 right?

16 A And that's basically what it is is things --

17 Q Well, my question to you is that something parents are
18 also able to do; right?

19 A Yes, it is.

20 Q And, unfortunately, the children that you were
21 interacting with at this time period when you were a BST worker
22 came from abused and neglected homes; right?

23 A Yes.

24 Q So they didn't always have the parents who had taught
25 them how many toilet paper squares to pull off and use on

1 themselves; right?

2 A That is correct.

3 Q And sometimes, unfortunately, these children would
4 come from homes where there was no running water or electricity;
5 right?

6 A I'm sure there was.

7 Q In fact, the Burnett and Diaz children came from one
8 of those such homes where there was --

9 A Yes.

10 Q And if I could just finish my question. But you
11 anticipated the answer. It was those children, the Diaz-Burnett
12 sibling group, came from a home where there was no running water
13 or electricity; right?

14 A Yes.

15 Q Okay. And at the time the very youngest was about
16 one; right?

17 A I believe 18 months.

18 Q 18 months. But not potty trained, certainly?

19 A Correct.

20 Q Okay. And then the middle two had similar bathroom
21 issues; correct?

22 A So we were told.

23 Q Okay. What were you assigned to do as far as the
24 sibling group?

25 A I was primarily working with Areahia, and most of my

1 interactions were when we went to -- Riley and I would take them
2 to therapy or when they had their visit with Areahia's dad.

3 Q Okay. So your -- your interactions between -- and let
4 me get the time frame right, please. You said December of 2013
5 through June of -- not June. January; right?

6 A June.

7 Q June?

8 A 2014.

9 Q Okay. Thank you. That was -- I want to direct your
10 attention specifically to when the Diaz sibling group, the
11 Diaz-Burnett sibling group were in the Solander home, okay. So
12 your responsibility included making sure that Areahia was able
13 to be transported to and from different visits or therapy
14 appointments; correct?

15 A One of my things, yes.

16 Q Okay. So a big -- one of the big reasons that CPS and
17 DFS relies on BST workers is to sometimes help out with
18 transportation, particularly where other parents are not able to
19 do so; right?

20 A In some cases, yes.

21 Q Okay. And in this case the Diaz-Burnett sibling
22 group, their parents had transportation issues; right?

23 A Are you talking about the Solanders, or their --

24 Q No, I'm talking about --

25 A -- biological parents?

1 Q -- biological parents.

2 A I didn't interact with their biological parents.

3 Q Okay. So you had --

4 A Except for the father on the visits.

5 Q Okay. But you would pick up and drop off for those
6 visits; right?

7 A The Solanders, from the Solanders house.

8 Q Correct. You would pick up from the Solanders home,
9 and you would drop off for visits; correct?

10 A I would not drop them off. I would stay there during
11 the visit.

12 Q Okay. But you didn't have to -- the visit wasn't for
13 your benefit, though?

14 A No, it was not.

15 Q No. Okay. So let's talk about your testimony that
16 Areahia's demeanor was literally day and night inside and
17 outside of the home.

18 A Correct.

19 Q Okay. So when Areahia was initially removed from her
20 home, again, she was removed from an abusive background;
21 correct?

22 A Yes.

23 Q She suffered significant abuse?

24 A Yes, she did.

25 Q Including physical abuse?

1 A I'm not sure about that aspect. We never really
2 discussed that.

3 Q Okay. Because, again, you were a BST worker, not a
4 therapist; correct?

5 A Correct.

6 Q Not a medical professional; correct?

7 A Correct.

8 Q You were not offering actual therapeutic mental health
9 services; correct?

10 A Correct.

11 Q Okay. Because she had a therapist for that?

12 A Yes, she did.

13 Q Okay. Now, you testified that you interacted with
14 Areahia for a period of two hours, once weekly; correct?

15 A No, sometimes twice a week.

16 Q What does sometimes mean?

17 A It depends if she had therapy because sometimes I
18 would take her to therapy. If she had a family visit, then I
19 would take her to the family visit.

20 Q Okay. So that, again, has to do with your services as
21 offering transportation for Areahia?

22 A Part of it, yes. And while we transport the children,
23 we do talk with them and work with them on whatever we can when
24 we're transporting.

25 Q Okay. But you weren't working with Areahia on any

1 medical issues; correct?

2 A No.

3 Q You're not trained to do so?

4 A No.

5 Q So you don't have any -- well, strike that. You've
6 interacted with a lot of foster children who come from abusive
7 homes; right?

8 A Yes, I have actually adopted four.

9 Q That's very admirable. My question is, though, that
10 you've worked with a lot of them; right?

11 A Yes.

12 Q And a lot of them have suffered pretty severe various
13 types of abuse and neglect; right?

14 A Yes.

15 Q And kids respond to that in a whole bunch of different
16 ways; right?

17 A Of course.

18 Q So some of them can be very withdrawn and put their
19 heads down and be very hesitant to open up to new people; right?

20 A They can.

21 Q Okay. And some of the younger ones, perhaps, are a
22 little more -- you know, for lack of a better word, they bounce
23 back better.

24 MR. HAMNER: Your Honor, I thought -- I'm going to
25 object on the grounds of a lack of expertise. This is a similar

1 line that was objected to on my end because she wasn't trained
2 to make any of these sort of opinions.

3 MS. McAMIS: I'm asking about her observations on
4 kids' demeanor, which she was permitted to testify on.

5 THE COURT: I believe she was permitted to testify
6 regarding Areahia Diaz, so you can confine --

7 MR. HAMNER: And I believe these --

8 THE COURT: -- your questions to that.

9 MR. HAMNER: I apologize. I thought those questions
10 that's being posed now were more general rather than specific to
11 the case. If they're not --

12 THE COURT: No, that's sustained.

13 MR. HAMNER: Okay.

14 BY MS. McAMIS:

15 Q Okay. In your experience, though, you have seen a
16 number of foster kids because you transport them; right?

17 A Yes.

18 Q Areahia is not the only child you've ever seen who has
19 been a little withdrawn; right?

20 A Yes.

21 Q Okay.

22 A But if I could say --

23 Q Actually, if you want to wait for any kind of thing,
24 I'm sure Mr. Hamner would be happy to do so.

25 A Sure.

1 Q I'm asking you to just answer my questions.

2 A No problem.

3 Q All right. You testified that you had concerns
4 because Areahia was timed for meals. So I want to direct your
5 attention generally to that testimony provided. Isn't it true
6 that Areahia was timed only in the mornings for her breakfast to
7 make sure that she got to the school bus on time?

8 A Not -- it was never discussed about her being timed to
9 be on time to the school bus. It was --

10 Q You don't have any personal knowledge about any of the
11 facts of the timing?

12 A She was timed because she was told that if she didn't
13 eat in the 20 minutes then Janet was force feeding it to her.

14 Q But you don't have any personal knowledge about
15 whether or not the timing related to getting Areahia to the bus
16 on time in the mornings?

17 A No, I do not.

18 Q Okay. Now, you testified that you went inside the
19 Solander home for at least brief periods of time when you were
20 doing pickups or drop-offs for at least Areahia; correct?

21 A Yes.

22 Q Okay. Is it fair to say you never observed anything
23 in the home that made you think that it was unsafe for Areahia
24 inside the home?

25 A Unsafe? No.

1 Q Okay. Meaning there was no concern that there wasn't
2 any food or water?

3 A We never went as far as that. We went into the
4 entryway, which was like a formal living room, and that's pretty
5 much as far as we got to go.

6 Q Okay. But you never saw anything based on that brief
7 entry that gave you any concerns about the home itself?

8 A The home itself? No.

9 Q Okay. Now, you testified that you became increasingly
10 concerned about the welfare of at least Areahia. You never took
11 any photos of Areahia; correct?

12 A No, I did not.

13 Q Okay. She never had any bruising that you observed or
14 unexplained bruising; correct?

15 A Areahia? No.

16 Q Areahia. She never had any unexplained broken bones;
17 correct?

18 A No, she did not.

19 Q Okay. She didn't have any unexplained scars or
20 anything of any kind on her arms or legs; right?

21 A No, she did not.

22 Q Okay. So you began working in December of 2013;
23 correct?

24 A Yes.

25 Q All right.

1 A After I adopted my four children.

2 MS. McAMIS: Move to strike the last part as
3 unresponsive to my question.

4 MR. HAMNER: It's responsive, Your Honor.

5 THE WITNESS: I'm sorry. I said yes.

6 MS. McAMIS: Okay.

7 THE COURT: I'm sorry?

8 MR. HAMNER: I think she was just answering the
9 question.

10 MS. McAMIS: She was not. It was unresponsive.

11 THE COURT: All right. Well, ma'am, just try to
12 answer the question that's directly before you.

13 Ask your question.

14 MS. McAMIS: Thank you.

15 BY MS. McAMIS:

16 Q You began working with the Diaz-Burnett sibling group
17 in December of 2013; correct?

18 A Yes.

19 Q Okay. You made one report to CPS based on your
20 concern; correct?

21 A One report to CPS, yes.

22 Q And that was January 30, 2014; correct?

23 A I'm not sure the exact date.

24 Q It would have been the end of January of 2014 based on
25 your memory of your concerns; right?

1 A To the best of my recollection. I can't remember the
2 exact date.

3 Q Okay. So if I suggested to you that there are CPS
4 notes indicating that you made a referral on January 30, 2014,
5 would you have any reason to doubt that?

6 A No, I do not.

7 Q Okay. Now, after January 30, 2014, at least up until
8 the end of February 2014, the Diaz-Burnett sibling group
9 remained in the Solander home; correct?

10 A I'm not sure when they were removed because we were --

11 Q My question was --

12 A I'm not sure.

13 Q -- after -- okay. Did you continue to provide
14 services to the Diaz-Burnett sibling group after January 30,
15 2014?

16 A Yes.

17 Q Okay. So you would have had knowledge about that they
18 continued to be in the Solander home after January 30, 2014?

19 A Yes.

20 Q Okay. You only made the one report to CPS; correct?

21 A To CPS, yes.

22 Q Uh-huh.

23 MS. McAMIS: Court's indulgence.

24 BY MS. McAMIS:

25 Q All right. Ms. Dowling, you actually do know when the

1 children were removed from the Solander home because you were
2 the one who had to pick Areahia up at school for that removal;
3 correct?

4 A I don't remember the exact date.

5 Q Okay. But you do remember that you were the one who
6 did the pickup from Areahia for that CPS removal?

7 A Yes, I did.

8 Q Okay. And if I suggested to you that it was the end
9 of February of 2014, do you have any reason to dispute that?

10 A No, I do not.

11 Q Okay.

12 MS. McAMIS: Pass the witness.

13 THE COURT: Redirect.

14 MR. HAMNER: Briefly.

15 REDIRECT EXAMINATION

16 BY MR. HAMNER:

17 Q On cross remember you were trying to explain
18 something? You were like if I could just explain. Do you
19 remember that?

20 A Not really.

21 Q Not really.

22 A Sorry. I was focused on --

23 Q Okay.

24 A -- just answering her questions.

25 Q Okay. Do you remember being asked on

1 cross-examination about the fact that you didn't see any bruises
2 on Areahia.

3 A Correct.

4 Q Do you remember that?

5 A Yes.

6 Q And she asked you a few questions that there's no
7 bruises on Areahia's body?

8 A Right.

9 Q Did you see anything on her other siblings?

10 A Yes.

11 Q What did you see?

12 A Kaeshia and Demyer both had bruises on their face.

13 Q You were there for four months working with these
14 kids. From how early on did you see these bruises?

15 A It wasn't apparent at first, and I only saw it the one
16 time.

17 Q You were asked some questions at the end about kind of
18 your reporting your concerns. Do you remember that --

19 A Uh-huh.

20 Q -- near the end of the cross? How often did you kind
21 of go talking to people kind of higher up the food chain about
22 your concerns?

23 A Besides talking to CPS, I also reported it to my
24 supervisor.

25 Q How many times?

1 A At least once. And I also notated a few concerns in
2 my notes that we were required to write on the sessions we held.

3 Q Okay. So you're documenting it in your notes, you're
4 telling your supervisor --

5 A Yes.

6 Q -- and you told CPS?

7 A That's correct.

8 MR. HAMNER: Court's indulgence. No further
9 questions.

10 MS. McAMIS: Brief recross.

11 RE CROSS-EXAMINATION

12 BY MS. McAMIS:

13 Q Ms. Dowling, you testified that you observed Kaeshia
14 and Demyer with bruises one time. My question to you is Kaeshia
15 and Demyer were three and four at the time; right?

16 A Yes.

17 Q So bruising on young children is not out of the normal
18 sometimes; right?

19 A Correct.

20 MR. HAMNER: Are we getting back into her lack of
21 expertise at this point?

22 MS. McAMIS: It's based on her observation and
23 experience with --

24 THE COURT: All right.

25 MS. McAMIS: -- young children as --

1 THE COURT: She answered --

2 MS. McAMIS: -- a BST worker.

3 THE COURT: -- the question. Move on.

4 BY MS. McAMIS:

5 Q Okay. Now, you indicated that you documented your
6 concerns; correct?

7 A That's correct.

8 Q Okay. Where are those notes?

9 A I'm not sure where they are. We were supposed to turn
10 them in at the end of each session.

11 Q Where does it get turned into?

12 A Your supervisor.

13 Q And that's at Shining Star?

14 A That's correct.

15 Q Okay. And Shining Star has an ongoing obligation or
16 at least relationship with Department of Family Services;
17 correct?

18 A I'm not sure. I don't have any contact with them.

19 Q At the time they would have had a relationship and a
20 duty to update DFS as to what Shining Star --

21 MR. HAMNER: Objection. Objection to speculation.
22 She wouldn't know this.

23 THE COURT: State your question.

24 MS. McAMIS: At the time that she was working for
25 Shining Star she had a duty to turn in her paperwork, and

1 Shining Star had a duty to turn that paperwork over to CPS or
2 DFS.

3 MR. HAMNER: And the objection is with the second part
4 of that question.

5 THE COURT: All right. It's a compound question. I
6 think she's answered the first part.

7 MS. McAMIS: I can restate the second, if you'd like.

8 THE COURT: All right.

9 BY MS. McAMIS:

10 Q To your knowledge, Shining Star had an obligation to
11 turn over any of that documentation that you provided to the
12 Department of Family Services.

13 MR. HAMNER: I'm going to object on the grounds of
14 speculation.

15 MS. McAMIS: I said to your knowledge.

16 THE COURT: Do you know?

17 THE WITNESS: I don't know.

18 THE COURT: All right.

19 MS. McAMIS: All right.

20 THE WITNESS: I don't know.

21 MS. McAMIS: Pass the witness.

22 THE COURT: Anything else, Mr. Hamner?

23 MR. HAMNER: No, Your Honor.

24 THE COURT: Do we have any juror questions for this
25 witness?

1 All right. I see no additional questions.

2 JUROR: Oh. Excuse me.

3 MS. BLUTH: Sorry, Judge.

4 THE COURT: Oh. Did we have one? All right. I'll
5 see counsel at the bench, please.

6 (Off-record bench conference)

7 THE COURT: We have a juror question. A juror asks
8 can you clarify, are we talking about Amaya or Areahia?

9 THE WITNESS: In which question?

10 THE COURT: Which child are we talking about?

11 THE WITNESS: I primarily worked with Areahia.

12 THE COURT: And that's Areahia Diaz; correct?

13 THE WITNESS: That's correct.

14 THE COURT: All right. Mr. Hamner, any follow up?

15 MR. HAMNER: Just one quick follow up.

16 FURTHER REDIRECT EXAMINATION

17 BY MR. HAMNER:

18 Q Did you ever meet a child by the name of Amaya
19 Solander?

20 A No.

21 Q Okay. Thanks.

22 MR. HAMNER: No further questions.

23 THE COURT: Ms. McAmis, anything else?

24 MS. McAMIS: No.

25 THE COURT: Any additional juror questions? All

1 right. I see no other questions.

2 Thank you for your testimony.

3 THE WITNESS: Thank you. Have a good day.

4 THE COURT: Please don't discuss your testimony with
5 any other witnesses in this case, and you are excused.

6 THE WITNESS: Okay. Thank you.

7 THE COURT: All right. Ladies and gentlemen, we're
8 going to take a brief recess, just about ten minutes. That will
9 put us right at 3:10.

10 During the brief recess you're reminded you're not to
11 discuss the case or anything relating to the case with each
12 other or with anyone else. You're not to read, watch, or listen
13 to any reports of or commentaries on the case, person, or
14 subject matter relating to the case. Do not do independent
15 research by way of the Internet or any other medium. Please
16 don't form or express an opinion on the trial.

17 Please place your notepads in your chairs and follow
18 the bailiff through the double doors.

19 (Court recessed at 3:02 p.m., until 3:15 p.m.)

20 (Inside the presence of the jury)

21 THE COURT: All right. Court is now back in session.
22 The record should reflect the presence of the State, the
23 defendant and her counsel, the officers of the court, and the
24 ladies and gentlemen of the jury.

25 And the State may call its next witness.

1 MR. HAMNER: The State is going to call Ivy Stark to
2 the stand.

3 IVY STARK, STATE'S WITNESS, SWORN

4 THE CLERK: Have a seat. State and spell your first
5 and last name for our record.

6 THE WITNESS: Ivy, I-V-Y, Stark, S-T-A-R-K.

7 MR. HAMNER: All right.

8 THE COURT: Mr. Hamner.

9 MR. HAMNER: Thank you.

10 DIRECT EXAMINATION

11 BY MR. HAMNER:

12 Q Good afternoon. How are you doing?

13 A Good.

14 Q Ivy, how old are you?

15 A Nine.

16 Q Nine years old. What's your birthday?

17 A April 10, 2008.

18 Q What grade are you in?

19 A I'm in fourth grade.

20 Q Do you -- do you have a favorite subject in school?

21 A Writing.

22 Q Why is that?

23 A Because I like learning all of the like ways to write
24 like all the --

25 Q Like cursive and things like that?

1 A Yeah, like how to organize it.

2 Q I hated writing cursive, just between you and me.

3 Ivy, I want to ask you a question. Is it better to tell the
4 truth about things, or is it better to lie about things?

5 A It's better to tell the truth.

6 Q Why is that?

7 A Because other people may tell the truth and it's
8 easier to figure out like what the truth is.

9 Q Okay. Do you promise to tell -- everything you tell
10 us today is going to be the truth?

11 A Yes.

12 Q Okay. Do you remember a person by the name of Janet
13 Solander?

14 A Yes.

15 Q Do you see Janet here today?

16 A Yes.

17 Q Okay. Could you point where she's sitting in the
18 courtroom and maybe describe some color of some of her clothing?

19 A She's wearing a pinkish-purple shirt with her hair
20 tied back and glasses.

21 MR. HAMNER: Let the record reflect the witness had
22 correctly identified the defendant.

23 THE COURT: It will.

24 BY MR. HAMNER:

25 Q How did you -- how did you come to meet Janet?

1 A I was in foster care and she was my foster mom.

2 Q About how long did you live in Janet's house?

3 A About a year and a half.

4 Q Do you remember about how old you were when you first
5 got there?

6 A I think I was three.

7 Q Okay. And do you know about how old you were when you
8 left?

9 A I was about to turn five.

10 Q Okay. What did Janet tell you she did for a living?

11 A She told me she was a nurse.

12 Q What did Dwight do?

13 A I'm not sure.

14 Q Was he around a lot?

15 A Yeah.

16 Q Okay. Do you remember when you moved there -- excuse
17 me. When you moved there, who did you move there with? Did you
18 go there with someone or did you --

19 A I was there with my sister.

20 Q And what's her name?

21 A Autumn Stark.

22 Q And when you moved into that house, were there any
23 other kids living in the house?

24 A There was three other adopted kids.

25 Q What were their names?

1 A Ava, Amaya, and Anastasia.

2 Q Do you mind if I call -- what's their last name, do
3 you know?

4 A I don't remember.

5 Q Is it okay if I call them the Solander girls?

6 A Yeah.

7 Q All right. I mean, you said that they were adopted;
8 right?

9 A Yes.

10 Q Ivy, I want you to describe to this jury physically
11 when you met these kids, what did they look like?

12 A They were skinny and their hair was like longer, and
13 they had like -- they had like red spots, like scabs and stuff.

14 Q Okay. And we'll talk about that in a minute, but I
15 want to talk about the skinny stuff. What were you seeing with
16 your eyes, your two eyes, what were you seeing that made you
17 think, gosh, these girls are pretty skinny?

18 A At the time I don't think that I thought they were
19 skinny, but I remember like seeing them and now that I think
20 that they were pretty skinny.

21 Q And what physically were you seeing on their body that
22 made you think, as you sit here today, they were pretty skinny?

23 A I think it was their arms, like their arms and their
24 legs.

25 Q Okay. Did you see anything about their -- their chest

1 area?

2 A I couldn't see their chest. I don't --

3 Q Did you ever see their ribs?

4 A Yeah, when -- like when they had their shirts off, I
5 saw their ribs like further --

6 Q But you could see their ribs because they were just --

7 A Yeah.

8 Q Okay. What were the -- from what you could see and
9 you could observe with your eyes, what did you notice about the
10 Solander girls when Janet was around?

11 A They kind of like -- they were just like quiet and
12 laid back and they like -- they didn't talk much unless she
13 asked them a question and told them to talk.

14 Q When Janet was gone, let's say there was a babysitter
15 over, a nanny over, were the girls -- were they different when
16 Janet was like not in the house?

17 A Yeah.

18 Q How were they different?

19 A They would -- like they would talk and they would like
20 actually like play, I guess. Like they would be happy.

21 Q Were they not -- did they not appear happy when Janet
22 was around?

23 A No, they -- like when like -- no.

24 Q What did they do most of the day?

25 A I think they like -- they worked like home school,

1 like school work.

2 Q Let's talk a little bit about mealtime for the
3 Solander girls, okay. What do you remember about what they ate?

4 A I'm not exactly sure what they ate, but I know that
5 sometimes she would blend their food up.

6 Q Even dinner?

7 A Yeah.

8 Q How about breakfast?

9 A I'm not sure. I just remember dinner.

10 Q You remember dinner being blended?

11 A Uh-huh.

12 Q How did it look, the blended drink, to you?

13 MS. McAMIS: Well, objection. Relevance as to her.

14 THE COURT: Overruled.

15 BY MR. HAMNER:

16 Q How did that drink look?

17 A I -- I just remember one time Janet had blended it up
18 and it looked -- it was like a greenish color, and I don't think
19 I thought much of it.

20 Q Okay. Did you have to eat blended drinks?

21 A Uh-huh.

22 Q What would you have to eat?

23 A For breakfast you either have oatmeal or cereal, and
24 lunch we would have peanut butter and jelly, and for dinner we
25 would have TV dinners, like this like steak, like nasty steak.

1 Q Okay. Would your meals change a lot? So did you get
2 different various things for breakfast, do you remember?

3 A No.

4 Q Did you get different various things for lunch?

5 A No.

6 Q Did you get different various things for dinner?

7 A I think sometimes like she would change like the TV
8 dinner up.

9 Q Okay. But it would still be a TV dinner, but she --

10 A Yeah.

11 Q -- would switch it up? Okay.

12 A Unless like it was a holiday.

13 Q Do you remember anything about how fast you had to eat
14 in the house?

15 A We would get timed, I think 10 minute, 10, 15 minutes.

16 Q And was that -- you say we. What kids does that apply
17 to?

18 A I think me and Autumn, but I'm not quite sure about
19 the Solander girls.

20 Q Where would you have your meals at?

21 A We sometimes -- well, most of the time we would have
22 them on this little like play table.

23 Q So you would eat there. Would the other girls get to
24 eat with you there at that table?

25 A No, just me and Autumn.

1 Q Do you remember where they had their meals?

2 A I think they had them at the --

3 MS. McAMIS: Objection. Calls for speculation.

4 THE COURT: If you know. If you remember.

5 BY MR. HAMNER:

6 Q Based on what you can remember seeing, if you
7 remember. You can go ahead and answer.

8 A I don't think I remember.

9 Q Okay. When you ate there, what did you have to drink?

10 A I think like before dinner she would give us a cup of
11 water, and like before every meal.

12 Q Okay. How much --

13 A Or after.

14 Q -- juice did you get in the house?

15 A Once we had a cup of juice. I think it was on a
16 holiday.

17 Q Okay. And so for the year you were there, you got
18 juice once?

19 A Yeah.

20 Q How much milk did you get, if you remember?

21 A We didn't get any milk because she thought that Autumn
22 was lactose intolerant.

23 Q Okay. Do you remember what the Solander girls got to
24 drink?

25 A I don't remember.

1 Q I want to talk about how Janet would discipline the
2 Solander girls. What do you remember seeing with your own two
3 eyes?

4 A She would -- she would spank them.

5 Q Okay. What would she spank them with?

6 A Rulers or like the things you would mix the paint with
7 like from Home Depot.

8 Q What are they kid of made of, these things that you --

9 A Like the rulers would be made of plastic, but the
10 sticks would be made of wood.

11 Q Okay. How do -- and did they have -- you mentioned
12 Home Depot. Would they like have Home Depot labels on them or
13 something?

14 A Yeah. Like now that I know what Home Depot is, I
15 remember seeing the stick.

16 Q You remember the logo now?

17 A Yeah.

18 Q Okay. Tell this jury about what sort of position the
19 Solander girls would have to be in when they'd be hit with paint
20 sticks or rulers.

21 A They would have to have their hands and their feet on
22 -- their hands and feet on the ground with their butt in the
23 air.

24 Q Butt in the air, hands and feet on the ground. Would
25 their pants be on or off?

1 A They would have no clothing on their butts.

2 Q How about -- so did that also include underwear?

3 A Yeah.

4 Q Where on their body -- and let me ask you this. Who

5 would be doing the hitting?

6 A Janet.

7 Q Where would Janet hit those children on their body

8 with the paint sticks?

9 A It wasn't like the living room, but it was like where

10 you walk in close to the living room, so --

11 Q Okay. So you got the right location of the house, but

12 I want to ask you where on --

13 A Oh.

14 Q -- the children's body did the paint sticks make

15 contact with them?

16 A Their butt.

17 Q Where did the ruler make contact with them?

18 A Their butt.

19 Q What would happen -- did you ever see anything happen

20 to the paint sticks when she would hit them with it?

21 A I remember once the paint stick -- the paint stick

22 broke, and --

23 Q Who was being hit, do you remember?

24 A I think it was Ava.

25 Q Okay. Do you -- and just to be clear, do you remember

1 seeing Ava get hit with paint sticks?

2 A Yeah.

3 Q Did you remember seeing Anastasia be hit with paint
4 sticks?

5 A Yeah.

6 Q Do you remember seeing Amaya being hit with paint
7 sticks?

8 A Yes.

9 Q What were -- what would the girls be doing when
10 they're being hit like this?

11 A Sometimes they would be crying, but sometimes they
12 would just have normal faces.

13 Q Did you ever see any marks on their body?

14 A Yeah, they had scabs and she would pour hot water over
15 their hands so she would have --

16 MS. McAMIS: Objection.

17 THE WITNESS: -- burns.

18 MS. McAMIS: Nonresponsive.

19 MR. HAMNER: I asked if they had marks, and she's
20 finishing her answer. I don't think it's nonresponsive at all.

21 THE COURT: Okay. What was your answer?

22 THE WITNESS: They had scabs and like blisters from
23 burns.

24 THE COURT: Okay.

25 ///

1 BY MR. HAMNER:

2 Q Was that due to the hot water?

3 A Yes.

4 Q I know your answer kind of got cut off. I just wanted
5 to make it clear. Do you remember what the scabs were from?

6 A I'm not sure.

7 Q Okay. After -- when you would see them get hit with
8 these paint sticks, when you were standing there seeing these
9 things, did you see marks being left?

10 A No, I don't remember.

11 Q Okay. How often would Janet do this?

12 MS. McAMIS: Objection. Vague. This?

13 THE COURT: Ask how often did she see this happening.

14 BY MR. HAMNER:

15 Q How often did you see this?

16 A I'm not sure how many times a day, but I know it was
17 every day.

18 Q And you were there for one year --

19 A Yes.

20 Q -- about? Remember anything about being the audience?

21 A One time I remember Dwight was like how about the
22 girls Autumn and Ivy be the audience, and he told us to laugh.

23 Q At what?

24 A At them being hit.

25 Q Okay. Which girls were being hit at this time?

1 A All of them.

2 Q Okay. So did you -- did you laugh?

3 A Yes.

4 Q Did your sister laugh?

5 A Yes.

6 Q What were the girls, the Solander girls' faces like as
7 they were being hit and you guys were laughing, do you remember?

8 A They were -- they were just like kind of scared. I
9 don't -- I don't think that they would look at us much.

10 Q Let me ask you a question about this. When Dwight
11 said, hey, you guys get to be the audience, did Janet ever step
12 in and say, stop, don't do this?

13 A No.

14 Q Did she ever scold Dwight and tell him that's wrong?

15 A No.

16 Q Tell me a little bit about where you slept.

17 A We slept in a room on a bunk bed.

18 Q Okay. So did you have your own bed?

19 A Yeah.

20 Q Who slept on top?

21 A Autumn.

22 Q Who slept on the bottom?

23 A Me.

24 Q On your bed, did you have blankets on your bed or
25 sheets? What sort of things did you have on your bed?

1 A We had sheets and blankets, like covers.
2 Q And you had your own room?
3 A Yeah.
4 Q How about the Solander girls?
5 A I think they slept in the loft.
6 Q Where?
7 A Like -- I don't remember.
8 Q Okay. Do you remember anything that they would lay
9 on?
10 A They would lay on like plastic sometimes, like plastic
11 boards.
12 Q And were the boards on the floor?
13 A No, I think they had like this like -- I don't
14 remember.
15 Q Okay. You remember something about plastic boards,
16 though?
17 A Yeah.
18 Q What were the shape of the boards like?
19 A They were rectangular.
20 Q Did they have a lot of blankets to sleep with?
21 A No.
22 Q Did they sleep in pajamas, do you remember?
23 A I don't remember.
24 Q How would the Solander girls have to move around the
25 house?

1 A They would have to have their hands up in the air.

2 Q Show me how.

3 MR. HAMNER: Let the record reflect that the witness
4 has taken both of her hands and fully extended them up in the
5 air.

6 THE COURT: All right.

7 BY MR. HAMNER:

8 Q Did Janet ever explain to you why the Solander girls
9 had to walk like that?

10 A I don't remember.

11 Q For the time that you were in that house, how many
12 times did you see the girls kind of walking like that?

13 A I think it was like every time I saw them like unless
14 they were doing like work.

15 Q Did your -- so unless they were sitting down --

16 A Yeah.

17 Q -- working or standing or whatever? Did you have to
18 walk like that?

19 A I don't remember.

20 Q Do you remember if Autumn had to walk around like
21 that?

22 A I don't remember.

23 Q Let's talk a little bit about the bathroom, going to
24 the bathroom, okay. Was everybody free to just kind of walk up
25 and use the bathroom in that house?

1 A No.

2 Q Okay. Explain to us. What would happen?

3 A You would have to ask Janet.

4 Q Okay. Could you take as long as you wanted?

5 A No, I don't remember.

6 Q Remember anything about toilet paper in the house?

7 A You had to use three sheets only.

8 Q Okay. Did you ever get in trouble for trying to set
9 out more toilet paper or anything?

10 A Yes.

11 Q Tell us about it. What do you remember about that?

12 A I remember one time I used four sheets of toilet paper
13 and she got mad.

14 Q Who is she?

15 A Janet.

16 Q When the Solander girls went to the bathroom, if one
17 had to go to the bathroom, did they all have to go?

18 A I don't remember.

19 Q Do you remember whether or not people were watching
20 them go to the bathroom?

21 A I remember Janet or Dwight would have to watch them
22 use the restroom.

23 Q Okay. Did Janet or Dwight ever explain to you why
24 they needed to do that?

25 A I don't remember.

1 Q Did Janet or Dwight ever sit and watch you guys go to
2 the bathroom? And when I say you guys, I mean you and your
3 sister.

4 A I don't remember.

5 Q Do you ever remember a time with like crawling with
6 underwear, something like that?

7 A I remember, I think it was Amaya.

8 Q Uh-huh.

9 A She had had an accident and Janet made her put the
10 underwear that she had had the accident in in her mouth and
11 crawl around.

12 Q Who -- where did this crawling around happen?

13 A It was like not the living room, but where you walked
14 in like --

15 Q Kind of like the --

16 A -- near the living room.

17 Q -- entrance to the house? What is Amaya doing? What
18 does her face kind of look like when she's got this --

19 A She was crying.

20 Q Who was standing there watching her?

21 A I believe the other -- her sisters, Amaya's sisters,
22 and I think they were like doing their school work.

23 MS. McAMIS: Objection. Calls for speculation. Lack
24 of personal knowledge. She keeps prefacing --

25 THE COURT: Do you remember who else was there?

1 THE WITNESS: Me and Autumn.

2 THE COURT: Okay. And do you remember whether Amaya's
3 sisters were there or not?

4 THE WITNESS: Yes, they were.

5 BY MR. HAMNER:

6 Q Did Janet ever explain to anyone, as far as you could
7 hear, why Amaya needed to crawl around with underwear with pee
8 in it?

9 A I don't remember.

10 Q What did you think at that -- you were how old?
11 Around how old were you when you saw this?

12 A I was like three and a half maybe.

13 Q When you were that age, what did you think when you
14 saw that?

15 A I just thought that was like a normal discipline.

16 Q What were her sisters doing when this was happening?

17 A They were working like school work.

18 Q Okay. Do you remember what -- if the Solander girls
19 had to go take a bath or a shower, how they would dry off?

20 A They would dry off in front of a fan.

21 Q What did this fan look like?

22 A I don't remember.

23 Q But you remember a fan?

24 A Yeah.

25 Q Did you have to use a fan, or did you get to use a

1 towel?

2 A I think I used a towel.

3 Q Did Janet or Dwight explain to you or any -- to
4 anyone, if you heard it, offer an explanation as to why the
5 Solander girls stood in front of a fan, but you used a towel to
6 dry off?

7 A I don't remember.

8 Q Based on your interactions and observations of the
9 Solander girls, did they have any fear of the attic?

10 A Yes.

11 Q Was it all the girls?

12 A Yes.

13 Q Do you remember from what you saw why they were scared
14 of that?

15 MS. McAMIS: Well, objection. Relevance. This
16 doesn't go to any -- it doesn't make anything more probative.

17 THE COURT: Overruled.

18 BY MR. HAMNER:

19 Q Let me ask you the question again. Do you remember
20 why, based on anything you saw or heard, why the girls were so
21 afraid of the attic?

22 A Because they believed it was haunted with demons.

23 Q Who told them that?

24 A Janet, and I believe Dwight. He like tagged along
25 with it. He was like, yeah.

1 Q Let's talk about the house for a second. How many
2 levels was the house?

3 A Two-story.

4 Q How many bedrooms were there?

5 A I think it was three or four. I don't remember.

6 Q How many bathrooms were downstairs?

7 A I think it was one.

8 Q How many bathrooms were upstairs?

9 A Two.

10 Q Did you ever notice any cameras in the house?

11 A She had cameras in the kitchen.

12 Q Do you remember any cameras upstairs?

13 A I don't remember.

14 Q You remember them in the kitchen. Do you remember
15 where those cameras were kind of pointing, in what general area
16 they were pointing at?

17 A No, I do not remember.

18 Q Do you remember any locks?

19 A No.

20 Q Do you remember any gates?

21 A No.

22 Q Let me ask you about the pantry. Do you remember the
23 pantry downstairs?

24 A Yes.

25 Q Could anyone kind of freely open that?

1 A No.

2 Q Why not?

3 A Because the way you saw the footage of the camera was
4 in there.

5 Q Okay. When Janet and Dwight were home, how often did
6 you get to go outside and play?

7 A I don't remember.

8 Q Do you remember ever going outside when the
9 babysitters or the nannies were there?

10 A I don't remember.

11 Q When -- before you -- I think -- I don't remember if
12 we kind of covered this, but before you got to Janet's house,
13 you were about how old, three?

14 A Yeah.

15 Q Okay. So were you still kind of going through potty
16 training and things like that?

17 A Yeah.

18 Q All right. So you had accidents before you got to --

19 A Yeah.

20 Q -- Janet's house. So peeing and pooping accidents
21 probably? Okay. When you -- when you got to Janet's house, did
22 you still have some accidents, too, when you were there?

23 A Yes.

24 Q Did you pee and poop like every day in your pants, as
25 far as you remember?

1 A No.

2 Q You mentioned earlier something about lactose
3 intolerance. Do you remember that?

4 A Yes.

5 Q You remember talking to -- you were saying she said
6 something about lactose intolerance. Who was the "she" you were
7 talking about?

8 A I'm not sure it was lactose intolerance, but I know
9 Autumn was not allowed to have dairy.

10 Q And do --

11 A And it was --

12 Q -- you remember -- I didn't mean to cut you off,
13 sweetie. Do you remember who said you weren't allowed to have
14 dairy?

15 A It was Janet.

16 Q After leaving the Solander house, do you remember, I
17 don't know, maybe about a year or so later, you talking to some
18 people about living in -- in Janet's house?

19 A I do not remember.

20 Q Okay. So do you remember talking to anyone from CPS
21 or anything like that about living there?

22 A No, I don't.

23 Q Okay. So you don't really remember the reasons why
24 you may or may not have said something because you don't even
25 remember?

1 A Yeah.

2 Q Okay.

3 MR. HAMNER: Let the record reflect I'm showing
4 opposing counsel what's been marked as State's Proposed 111,
5 114, and 115. May I approach the witness?

6 THE COURT: You may.

7 MR. HAMNER: Thank you very much.

8 BY MR. HAMNER:

9 Q Let the record reflect I'm showing the witness what's
10 been previously marked as State's Proposed Exhibits 111, 114,
11 and 115. I want to show you State's Proposed 111. Do you know
12 what we're looking at there?

13 A That is one of the paint sticks that she would hit
14 them with.

15 Q Okay. So that's what it kind of looked like?

16 A Yes.

17 Q And that's a fair and accurate depiction or photograph
18 of what one of those sticks looked like?

19 A Yes.

20 Q Showing you State's 114, Proposed 114. What do we see
21 there? Do you see another paint stick there?

22 A Oh, yeah. Yes.

23 Q Okay. There's a lot of stuff there. But do you see
24 another one in there?

25 A Another paint stick?

1 Q Yeah.

2 A Like two? I do not.

3 Q Okay.

4 A I only see one.

5 Q You only see one in there?

6 A Yeah.

7 Q Okay. But you do see one in here?

8 A Yes.

9 Q Okay.

10 A Sorry.

11 Q And that's kind of a fair and accurate depiction of
12 what those paint sticks looked like?

13 A Yes.

14 Q Showing you State's Proposed 115. What do you see
15 there?

16 A Another paint stick.

17 Q And it's a fair and accurate depiction of what those
18 paint sticks looked like?

19 A Yes.

20 MR. HAMNER: At this time we're going to ask for
21 State's Proposed Exhibits 111, 114, and 115 be admitted into
22 evidence.

23 THE COURT: Any objection?

24 MS. McAMIS: None.

25 THE COURT: All right. Those will be admitted.

1 (State's Exhibits 111, 114, and 115 admitted)

2 MR. HAMNER: Permission to publish, Your Honor?

3 THE COURT: You may.

4 MR. HAMNER: Thank you very much.

5 BY MR. HAMNER:

6 Q Publishing State's 115. So and, Ivy, if you look on
7 that monitor on there, it's a --

8 A Uh-huh.

9 Q Okay. So you can see it, too. So that's what one of
10 these paint sticks look like; is that right?

11 A Uh-huh.

12 Q Publishing 115. If you take your finger, if you take
13 your finger and make a mark, if you touch that screen it's going
14 to make a mark. Can you circle the paint stick that you see in
15 that photograph?

16 THE COURT: If you run your finger on the screen.

17 BY MR. HAMNER:

18 Q Yeah, push it real hard. Touch it. Physically just
19 push on it. Yeah, there you go.

20 A Oh, okay.

21 Q See.

22 MR. HAMNER: Let the record reflect the witness has
23 circled what appears to be a paint stick in State's 114.

24 THE COURT: All right.

25 MR. HAMNER: If we could just clear that out. State's

1 115. I'm publishing State's 114.

2 BY MR. HAMNER:

3 Q Ivy -- excuse me -- could you circle the paint stick
4 that you see there.

5 MR. HAMNER: Let the record reflect the witness has
6 circled what appears to be a Home Depot pain stick in the center
7 of --

8 THE COURT: Right.

9 MR. HAMNER: -- State's 115. At this time I'm going
10 to ask to approach opposing counsel with State's Proposed 116.

11 THE COURT: Okay.

12 BY MR. HAMNER:

13 Q And let me just ask you with respect to these pictures
14 I just showed you. When was the first time you saw any of these
15 pictures, these actual pictures?

16 A I don't remember.

17 Q Okay. Did I -- do you remember us showing these to
18 you before?

19 A I don't know if you showed me those exact pictures.

20 Q Okay.

21 MR. HAMNER: May I approach the witness?

22 THE COURT: You may.

23 BY MR. HAMNER:

24 Q I want to show you State's Proposed 116. I want you
25 to pay attention to this picture down here. Do you remember

1 when you were talking to us a little bit about where the
2 Solanders slept and you were kind of describing something, do
3 you see anything familiar in there about where they slept or
4 what they slept on?

5 A I believe that like one time she set a plastic board
6 on this like --

7 Q Okay.

8 A -- bed stand.

9 Q On that object. And do you see anything in that
10 picture that looks like that plastic board?

11 A This right here.

12 Q Okay. And -- and that object, is that a fair and
13 accurate kind of picture of what that board looks like as you
14 remember it?

15 A Yes.

16 Q Okay. At this time we're going to ask -- take a look
17 at this upper photo. Do you remember what is that?

18 A That's a bathroom.

19 Q Okay. Does that look like one of the bathrooms in the
20 Solander house?

21 A I do not remember.

22 Q You don't really remember. Okay.

23 MR. HAMNER: Your Honor, we're going to ask at this
24 time to at least admit a portion or publish a portion of this.
25 There's two photographs on here. I'm just going to ask for the

1 admission of the one that she --

2 THE COURT: Of the top -- which one did she identify,
3 the bottom one?

4 MR. HAMNER: The bottom one. Yeah.

5 THE COURT: All right. Any objection to the admission
6 of the bottom photograph?

7 MS. McAMIS: I do. She didn't -- I mean, she didn't
8 think that she remembered it, so --

9 MR. HAMNER: Well, I will --

10 THE COURT: All right.

11 MR. HAMNER: I mean, I can fold it and publish it that
12 way.

13 THE COURT: No, no. I think Ms. McAmis is objecting
14 to either photo.

15 MS. McAMIS: No, the top.

16 THE COURT: Okay.

17 MS. McAMIS: The top.

18 THE COURT: So the bottom one you're not objecting to?

19 MS. McAMIS: Correct.

20 THE COURT: All right. The bottom photo is admitted.
21 You may publish the bottom photo.

22 (State's Exhibit 116 admitted)

23 MR. HAMNER: Thank you.

24 THE COURT: And then the top one will be taken off the
25 exhibit.

1 MR. HAMNER: Okay.

2 THE COURT: And the exhibit --

3 MR. HAMNER: And for the purpose of --

4 THE COURT: -- will just be the one photo.

5 MR. HAMNER: Yeah. And for the purposes of
6 publishing, I will cover it up. Publishing State's 116.

7 BY MR. HAMNER:

8 Q Now, I'm going to try to zoom in, okay, as best I can.
9 There we go. All right. Now, Ivy, you were saying that you
10 could see the plastic board in this photograph. I want you to
11 circle that plastic board.

12 MR. HAMNER: Let the record reflect the witness has
13 circled what appears to be a rectangular plastic mat up against
14 the wall next to what appears to be kind of a black bookcase in
15 State's 116.

16 THE COURT: All right.

17 BY MR. HAMNER:

18 Q You also indicated that you think you remember one
19 time that board being, that plastic board being placed on
20 something. Can you make like a circle around that something
21 that you were showing me?

22 A Okay. So was it being put on the legs of that, or on
23 top of that whole thing?

24 A On top of it.

25 Q Okay. So you just -- all right.

1 A Yeah.

2 Q So it's this -- it's this white mattress cot thing?

3 A Yeah.

4 Q Okay.

5 MR. HAMNER: So let the record reflect the witness has
6 indicated that the plastic board was being placed on top of the
7 cot that is all the way to the left in State's 116.

8 BY MR. HAMNER:

9 Q Had you ever seen this picture before, before today?

10 A I do not remember.

11 MR. HAMNER: Court's indulgence. I have no further
12 questions for this witness.

13 THE COURT: All right. Cross.

14 CROSS-EXAMINATION

15 BY MS. McAMIS:

16 Q Hi, Ivy. My name is Caitlyn. I have some questions
17 for you, okay.

18 A Okay.

19 Q All right. So you were just asked about a photo with
20 a plastic board and a cot, okay. So I want you to go ahead and
21 take a look at that again, okay. Give me a minute to get it set
22 up. Can you see that in front of you?

23 A Yes.

24 Q Okay. Good. Now, you circled two things on this
25 picture; correct?

1 A Yes.

2 Q And just give your answers out loud, please, just
3 because they're recording it, okay. All right. So you circled
4 two things in this photo, including a board, this that you
5 circled here for us; right?

6 A Yes.

7 Q Okay. And this, which is a sleeping cot; right?

8 A Yes.

9 Q And this sleeping cot appeared the same as it was used
10 or similar how it was used for when the girls actually slept in
11 the room; right?

12 A Yes.

13 Q And it has bedding on it; right?

14 A Yes.

15 Q Okay. And the girls had bedding when they slept in
16 the loft; right?

17 A I don't remember.

18 Q You don't remember? Okay. Well, let's talk about
19 that a little more. You -- let's go back to this board. This
20 is a plastic board you -- do you want some water?

21 A No, I'm fine.

22 Q Okay. If you need me to stop for water, just say I
23 need water, okay? All right. So this plastic board, you
24 remember that the Solanders had a Wii game; right?

25 A Yes.

1 Q And the Wii game was a videogame; right?

2 A Yes.

3 Q Okay. And so for one of the games they would actually
4 use this board for the Wii game; right?

5 A I don't remember.

6 Q You don't remember? Okay. Let's talk about what else
7 you don't remember. You moved into the Solander home when you
8 were three and a half; right?

9 A Yes.

10 Q Is your memory better when you were three and a half
11 or now?

12 A I don't get --

13 Q You're not sure?

14 A -- the question.

15 Q Okay. Well, that's fine. We can get into that. Why
16 don't we talk about -- you described the other girls as skinny.
17 Are you skinny?

18 A Yes.

19 Q Okay. You described the other girls as having hair
20 that was longer. Do you have hair that's longer?

21 A Yeah.

22 Q Okay. Now, you talked about seeing the girls with red
23 scabs. They had red scabs on their hands; right?

24 A They had burns on their hands.

25 Q Okay. But my question to you is about scabs. What's

1 a scab?

2 A It's like -- like if you get a cut, it's like -- I
3 think it's like skin that grows over, like --

4 Q Okay. So you're saying "I think", so you're not sure
5 what a scab is?

6 MR. HAMNER: I'm going to object. I think the
7 question is argumentative.

8 THE COURT: No, overruled.

9 BY MS. McAMIS:

10 Q My question was you don't know what a scab is?

11 A I guess.

12 Q Okay. You talked about you saw burn marks on the
13 girls. Or, actually, I think you said blisters was your --
14 what's a blister?

15 A A blister is like -- I would describe it as it doesn't
16 necessary have water in it, but like a liquid like -- and
17 there's like skin over it.

18 Q A liquid with skin over it?

19 A Yeah.

20 Q Okay. When did you learn what a blister was?

21 A When I went roller skating.

22 Q Okay. So how did you learn about blisters when you
23 were roller skating?

24 A My friend had got a blister on it, and I had
25 recognized -- not my friend, my sister. Sorry. She had got a

1 blister and I had recognized it, and I was like, oh.

2 Q Okay. So people can get blisters a number of ways,
3 including by roller skating; right?

4 A Uh-huh.

5 Q Is that a yes?

6 A Yes. Sorry.

7 Q Okay. Don't be sorry. It's just, again, we're being
8 recorded, so we have to say yes or no or just use words. That's
9 all, okay.

10 A Okay.

11 Q All right. Thank you. Now, you testified that you
12 never had any milk for the year, year and a half that you lived
13 with Mrs. Solander; right?

14 A My sister did not have any milk.

15 Q But you had milk?

16 A Yes, in my cereal.

17 Q In your cereal. Because you had cereal sometimes for
18 breakfast; right?

19 A Yes.

20 Q Okay. Now, you testified about -- are you okay?

21 A Yes.

22 Q Are you cold?

23 A Yeah.

24 Q Oh, I'm sorry. I don't think there's anything I can
25 do about that. I'll try to talk maybe a little faster. You

1 talked about how the girls were spanked, and you talked about
2 just observing that. Do you know why they were spanked?

3 A That was their discipline.

4 Q That was their discipline. What is discipline? How
5 do you know that word?

6 A School.

7 Q It's a word? Okay. Do you know what it means?

8 A Like -- like -- I don't know how to word it.

9 Q Could you try?

10 A Like if you're like in trouble, like my discipline
11 would be like go to my room or something or like --

12 Q Like a consequence --

13 A Yeah. Yeah.

14 Q -- for actions; right?

15 A Consequence. Thank you.

16 Q Does that make sense?

17 A Yes.

18 Q Okay. All right. And I appreciate that. Just a
19 little gentle reminder, we can't talk at the same time, again,
20 because of the recording. So I'll try not to over talk you, but
21 just let me finish my questions in the future, okay. Thank you.
22 All right. So the consequence for bad behavior; right?

23 A Uh-huh.

24 Q Is that a yes?

25 A Yes.

1 Q Okay. So the Solander girls would get spanked when
2 they had to have a consequence for bad behavior?

3 A Yes.

4 Q Okay. Now, you talked a little bit about the sleeping
5 arrangements, that you said you weren't really sure. Or,
6 actually, I think you said I don't remember; right?

7 A Yes.

8 Q So you don't remember how the girls slept in the loft;
9 right?

10 A Yes.

11 Q You don't remember what the loft looked like; right?

12 A All I remember is that there was a Wii in the loft.

13 Q You remember there was a Wii in the loft?

14 A Yes.

15 Q Did you like playing the Wii?

16 A No, I don't remember playing on the Wii. I just
17 remember the girls playing on it.

18 Q Oh, the girls. Which girls?

19 A Ava, Amaya, and Anastasia.

20 Q Oh. And they didn't let you play?

21 A I don't remember.

22 Q Well, you were three and a half; right?

23 A Yeah.

24 Q Maybe it was a hard game --

25 A Yeah.

1 Q -- or something. Yeah? Okay. And you didn't sleep
2 up in the loft; right?

3 A No.

4 Q And you didn't play up in the loft; right?

5 A No.

6 Q Okay. So you talked about seeing all of the girls
7 walk around with their arms over their heads like this every day
8 when they weren't sitting down. You testified that happened
9 every day; right?

10 A Yes.

11 Q Okay. Now, isn't it true you took a trip with Mrs.
12 Solander, her family, and your sister, Autumn, to Disney World?

13 A Yes.

14 Q So you got on a plane and you got to go to Florida and
15 go to Disney World for a couple of days?

16 A Uh-huh.

17 Q Is that a yes?

18 A Yes.

19 Q And that was fun; right?

20 A Yes.

21 Q Okay. You got to eat some fun stuff? Is that a yes?

22 A Yes.

23 Q And I'm not trying to be difficult. Remember, it's
24 just the recording. I see you and I see you excited, and I like
25 that excitement, but I have to talk to the microphone, okay. So

1 you were excited, you got to go on rides, and you got to hang
2 out with Mr. and Mrs. Solander and your whole family; right?

3 A I'm not sure that the girls went. I don't remember.

4 Q You don't remember everyone who went, but you know it
5 was a big group; right?

6 A Yes.

7 Q Okay. Nobody walked around at Disney World with
8 they're hands over their heads like this the whole time; right?

9 A No.

10 Q Okay. So it wasn't every day, then.

11 A Oh, yeah.

12 Q Okay. That's okay. I want to ask you a little bit
13 about the attic. You talked about how the girls were afraid of
14 the attic. Now, Miss Janet and Mr. Dwight never sent the girls
15 up to the attic for punishment; right?

16 A I believe it was Ava. I forget what she did, but
17 Janet put a ladder in front of the attic and made her go halfway
18 up.

19 Q Halfway up the ladder?

20 A Like halfway, like her body was halfway in the attic.

21 Q But she didn't go all the way in the attic?

22 A No.

23 Q And she wasn't left there in the attic?

24 A No.

25 Q And she wasn't left up in the attic without the ladder

1 being there; right?

2 A No.

3 Q So she was just trying to scare her?

4 A Yes.

5 Q Okay. Did she -- you never got sent up to the attic,
6 though; right?

7 A No.

8 Q When you were in trouble, you got time outs; right?

9 A Yes.

10 Q Okay. Miss Janet never spanked you; right?

11 A No.

12 Q Now, you testified about the incident where Amaya was
13 crawling around and crying, and you testified that you didn't
14 say anything about it earlier because you thought -- I just
15 thought that was normal discipline.

16 A Yes.

17 Q Okay. Had you ever been made to crawl around on the
18 floor with your underwear in your mouth crying and saying I'm a
19 baby?

20 A No.

21 Q Okay. So you had never seen that happen before?

22 A No.

23 Q So that was not normal to you; right?

24 A Well --

25 Q You just -- you hadn't --

1 A -- yeah.

2 Q -- seen that before; right?

3 A Yeah, but I just thought it was like normal like --

4 Q It wasn't common.

5 A -- other people did it.

6 Q No one had ever --

7 THE COURT: Let her -- let her finish.

8 MS. McAMIS: Okay.

9 MR. HAMNER: The witness needs to be able to answer,
10 Your Honor.

11 THE COURT: I know. I just --

12 MR. HAMNER: Sorry.

13 MS. McAMIS: She just admonished.

14 THE COURT: -- told her --

15 MR. HAMNER: Thank you, Your Honor.

16 THE COURT: -- to let her finish.

17 You can finish your answer.

18 THE WITNESS: She like -- I just like thought that
19 other people did it, but like it didn't happen to me.

20 BY MS. McAMIS:

21 Q Right. Your parents never did that to you; right?

22 A Yes.

23 Q Okay. And before the Solander home, that was not
24 normal to you because it hadn't happened to you?

25 A I don't remember.

1 Q You don't remember. Okay. You were asked questions
2 about the camera facing the pantry. Okay. So my question has
3 some follow-up on that. You said where you saw the footage of
4 the cameras is why you wouldn't go get into the pantry on your
5 own. What footage are you talking about?

6 A Like the recordings of like -- the recordings of what
7 the cameras caught.

8 Q Oh. Did you get to see the recordings?

9 A I know sometimes that I did like if like I did
10 something wrong.

11 Q Okay.

12 A Like she -- and I like said, no, I didn't or like I
13 didn't remember, she would show me the recordings.

14 Q Okay. So like she had a nanny cam?

15 A Uh-huh.

16 Q Is that a yes?

17 A Yes.

18 Q Okay. But you didn't review the footage; right?

19 A No.

20 Q Where did you learn this word footage?

21 A Like I think she was saying like because I had -- I
22 don't remember what I did, but one of the girls had told Ms.
23 Janet that I did it, and she was like -- and I said no, and she
24 was like let's go look at the footage. And then that's when I
25 learned what footage was.

1 Q Okay. All right. So the other girls would tatttle on
2 you?

3 A Yes.

4 Q Did you like the other girls?

5 A I don't -- like I don't remember if I like them or
6 not, like --

7 Q Okay. You were asked about some accidents that you
8 had, like pee-pee and poo-poo accidents that you had. Now, to
9 be fair, you were three and a half; right?

10 A Yes.

11 Q And you weren't done potty training; right?

12 A Yes.

13 Q And you were asked did you poop every single -- or pee
14 and poop every single day on yourself, and you said I don't
15 remember. So how often did you pee and poop on yourself?

16 A I only -- I did it twice there, I think.

17 Q You did it twice in the --

18 A In the -- in my -- on myself.

19 Q Okay. You did it twice on yourself in the whole
20 period that you were here, the -- the year and a half that you
21 were at the Solanders?

22 A Yes.

23 Q Okay. But you weren't fully potty trained at that
24 period of time?

25 A I'm not sure that I only did it twice, but I'm sure

1 that -- I'm sure that I did it at least twice.

2 Q Okay. Because I'm asking you a bunch of questions
3 about what you did between the ages of three and a half to
4 almost five; right?

5 A Uh-huh.

6 Q Is that --

7 A Yes.

8 Q -- a yes? Good job. You caught yourself, though.
9 And that was a long time ago now; right?

10 A Yes.

11 Q Okay. Now, does your memory get better as more time
12 passes, or do you forget more as time passes?

13 A I think I like -- I think it's kind of both. Like I
14 remember some things, but I forget others.

15 Q That's fair. Do you remember that you spoke to a CPS
16 investigator who had questions for you about living in the
17 Solander home?

18 A No, I do not.

19 Q You don't remember that at all?

20 A No.

21 Q Okay. That's fine. Again, things that happened in
22 the past, sometimes it's hard to remember.

23 A Yes.

24 Q Okay. Do you want to be an actress when you grow up?

25 A No.

1 Q No? What do you want to be when you grow up?

2 A I'm kind of in the middle of a fashion designer or a
3 vet.

4 Q Okay.

5 A I don't know.

6 Q Well, those are both good goals. Okay. Give me just
7 a minute.

8 MS. McAMIS: Court's indulgence. Pass the witness. I
9 don't have anymore questions.

10 THE COURT: All right. Thank you.

11 Redirect.

12 MR. HAMNER: Yeah, just a few questions.

13 REDIRECT EXAMINATION

14 BY MR. HAMNER:

15 Q So you remember those questions about skinny?

16 A Yes.

17 Q Okay. Were -- were they skinnier than you?

18 A Yes.

19 Q Remember those questions about trying to describe what
20 a scab is?

21 A Yes.

22 Q Okay. Have you ever scraped your knee or your elbow
23 --

24 A Yeah.

25 Q -- and it was bleeding? Tell us what happens. Does

1 it bleed at first?

2 A Yeah, it bleeds.

3 Q And then what happens to the blood?

4 A It like -- like it stops coming out or like it dries.

5 Q Okay. So when the blood first comes out, what color
6 is it?

7 A It's red.

8 Q And then -- and then what starts to happen to that
9 area? Does it stay that bright red, or does it change to kind
10 of a different color?

11 A It changes to like a brownish red.

12 Q And how does that area feel? If you were to like
13 touch it when it -- when it dries and starts turning darker, how
14 does that feel to the skin?

15 A It -- if you like press on it hard, it hurts, but like
16 if you just rub your finger over it, it --

17 Q Is it smooth like skin, or is it bumpy?

18 A It's bumpy.

19 Q That thing that we just talked about, what would you
20 call that?

21 A A scab.

22 Q Okay. And so are those the type of things, that kind
23 of thing, is that what you were seeing on those girls?

24 A Yeah.

25 Q Okay.

1 A Some.

2 Q Remember being asked about the Wii?

3 A Yes.

4 Q The Wii in the house? Did you get -- when you -- when
5 Janet was there, did you and your sister get to play a lot of
6 games and play with lots of toys when Janet was there?

7 A I don't know like if we played like a lot of games,
8 but I know we had some toys to play with.

9 Q Did you have a lot of time to play with those toys?

10 A I do not remember.

11 Q Okay. Do you remember if you had a lot of time when
12 Dwight was around?

13 A I do not remember.

14 Q Do you remember if the other girls, the Solander
15 girls, played a lot in the house when you were around?

16 A If Janet was not there, then they would like play with
17 our toys. Like when the nanny was there, they would sometimes
18 play with our toys, but when Miss Janet -- when Janet was there,
19 they would not.

20 Q Did Janet let them play on the Wii when she was
21 around?

22 A I don't remember.

23 Q Okay. Did Janet let them play a lot when she was
24 around?

25 A I don't remember.

1 Q Okay. You just remember them being able to play more
2 when someone other than Janet was in the house?

3 A Yeah.

4 Q How about if Dwight was in the house? Did they get to
5 play a lot when Dwight was around?

6 A I don't remember.

7 Q Okay. Do you remember those questions about
8 Disneyland?

9 A Yes.

10 Q Hands in the air, do you remember that?

11 A Yes.

12 Q So you've been to Disneyland?

13 A Yes.

14 Q Are there -- are there a lot of people at Disneyland?

15 A Yes.

16 Q Like how many people are at Disneyland?

17 A Like hundreds.

18 Q Hundreds of people are around there.

19 A Yes.

20 Q Tell me, when the girls were walking around in Janet's
21 house with their hands up in the air, were there hundreds of
22 people inside the house?

23 A No.

24 Q Lots of strangers around to see it?

25 A No.

1 Q Okay. Did you ever see -- when you were at
2 Disneyland, did you see anybody walking around with their hands
3 up in the air?

4 A No.

5 Q Would that look kind of strange?

6 A Yeah.

7 Q If you saw people walking with their hands around --

8 A Yeah, because you were at Disneyland.

9 Q I mean, what would Mickey and Goofy think; right?

10 A Yeah.

11 Q Okay. Let's talk cameras. Remember how you were
12 asked some questions about checking the footage?

13 A Yes.

14 Q Who was checking the footage?

15 A It was Janet or Dwight.

16 Q Janet and Dwight were checking the footage on the
17 cameras. And they would show you the footage?

18 A If it was like something that had to do with us.

19 Q So were the cameras working inside the house?

20 A Yes.

21 Q And Janet and Dwight would use those working cameras
22 to show you what you did wrong?

23 A Yes.

24 Q And you're sure you saw that camera footage with your
25 own two eyes?

1 A Yes.

2 Q And you saw Janet checking it when she was in the
3 house?

4 A Yes.

5 Q Do you remember the time when Janet was away for
6 awhile? Do you remember that very well?

7 A No.

8 Q Okay. But when Janet and Dwight were in that house,
9 there were times when you remember them checking the footage
10 for --

11 MS. McAMIS: Objection. Asked and answered.

12 MR. HAMNER: I'll rephrase the question.

13 THE COURT: Okay.

14 BY MR. HAMNER:

15 Q Do you ever remember Janet and Dwight checking the
16 footage for the girls?

17 A I do not remember.

18 Q Okay. Do you ever remember Janet and Dwight checking
19 the footage for your sister, Autumn?

20 A I do not remember.

21 Q But it stands out to you they were checking it for
22 you?

23 A Yes, I remember once that --

24 Q Thank you.

25 A -- they had checked it.

1 MR. HAMNER: No further questions.

2 THE COURT: Ms. McAmis, any recross.

3 MS. McAMIS: Just briefly.

4 RECROSS-EXAMINATION

5 BY MS. McAMIS:

6 Q Hi. You were asked some questions about times when
7 Janet wasn't home, so I just want to get a little more
8 clarification. Janet was a stay at home mom; right?

9 A Yeah.

10 Q She didn't go to work every day and leave the house;
11 right?

12 A Yes.

13 Q So she was home a lot; right?

14 A Yes.

15 Q Okay. And -- you okay?

16 A I have to go to the bathroom.

17 Q Okay. I'm really glad you said something. Okay.

18 THE COURT: All right. Let's take a quick break.

19 We'll just take about ten minutes, which will put us right at
20 4:20.

21 So during the brief break, you're reminded that you're
22 not to discuss the case or anything relating to the case with
23 each other or with anyone else, you're not to read, watch, or
24 listen to any reports of or commentaries on the case, person, or
25 subject matter relating to the case. Don't do any independent

1 research, and please don't form or express an opinion on the
2 trial.

3 And, Ms. Bluth, you can --

4 MS. BLUTH: Yes, ma'am.

5 THE COURT: -- escort the witness.

6 And, ladies and gentlemen of the jury, the bailiff
7 will escort you once you put your notepads in your chairs.

8 (Jury recessed at 4:12 p.m.)

9 THE COURT: All right. We're in recess.

10 (Court recessed at 4:12 p.m., until 4:21 p.m.)

11 (Inside the presence of the jury)

12 BY MS. McAMIS:

13 Q -- right?

14 A I don't --

15 Q Or mostly Autumn?

16 A Well, yeah.

17 Q Okay. Mostly Autumn. Okay. Now, you were asked a
18 few questions about, you know, how you knew that there was video
19 footage and that it was working. When Miss Janet talked about
20 video footage with you, it was always demonstrating why the
21 behavior was wrong, and explaining why she didn't want you to do
22 it; right?

23 A Yes.

24 Q Okay. So it was to explain and to try to get you to
25 do something different; right?

1 A Yes.

2 Q Okay. And then just -- just finally, you actually
3 went to Disney World, not Disneyland; right?

4 A Yes.

5 Q And I'm the one who said Disneyland and it was wrong.

6 A Yes.

7 Q And you didn't remember to correct me; right?

8 A Yes.

9 Q But it was Disney World because you got to go on the
10 plane and you flew?

11 A Yes.

12 Q Excellent. Okay.

13 MS. McAMIS: Pass the witness.

14 THE COURT: Any redirect?

15 MR. HAMNER: No, Your Honor.

16 THE COURT: Any juror questions for this witness? All
17 right. I don't see any other questions.

18 Ivy, thank you for your testimony. You're excused.

19 THE WITNESS: Thank you.

20 THE COURT: All right. And just follow the bailiff
21 there from the courtroom.

22 MS. BLUTH: That's it for today, Your Honor.

23 THE COURT: All right. Ladies and gentlemen,
24 apparently there aren't any more witnesses scheduled for today.
25 We're going to go ahead and take our evening recess. As you

1 know, Monday is a holiday. Tuesday morning the Court has its
2 calendar on various unrelated matters, so for that reason we
3 will not reconvene until 10:30. 10:30 Tuesday morning.

4 During the weekend recess you're reminded that you're
5 not to discuss the case or anything relating to the case with
6 each other or with anyone else. You're not to read, watch, or
7 listen to any reports of or commentaries on the case, person, or
8 subject matter relating to the case. Do not do any independent
9 research by way of the Internet or any other medium, and please
10 do not form or express an opinion on the trial.

11 Please place your notepads in your chairs and follow
12 the bailiff through the double doors. We'll see everyone back
13 at 10:30 on Tuesday.

14 (Jury recessed at 4:24 p.m.)

15 THE COURT: All right.

16 MS. McAMIS: I have one brief matter outside the
17 presence. I don't know that it necessarily needs significant
18 argument or a response, but when Gennipher Dowling testified she
19 said that she documented certain concerns or she made certain
20 reports, and those were never turned over to the defense. I
21 just wanted to make inquiry if they had been available.
22 Because, obviously, if they had been made available to, you
23 know, the State prior to this, we didn't have an opportunity to
24 cross-examine meaningfully based on that.

25 MS. BLUTH: I have no -- the only records that I have

1 in regards to the Diaz-Burnett children are the records that
2 Your Honor gave us in -- in regards to the review. And I don't
3 believe that --

4 THE COURT: Any report -- I don't believe there was
5 anything. Anything involving the Solanders and the Diaz-Burnett
6 children was turned over to the defense. So there was nothing
7 in the records that we got from CPS.

8 MS. BLUTH: And then -- and I can't make
9 representations in regards to the relationship between Shining
10 Star and Hope and CPS. I don't know how that goes, do you know
11 what I mean? Like I don't know if Shining Star turns over those
12 or if they don't. All I can say is I don't have any records in
13 regards to Shining Star. The only records I received is from
14 Your Honor.

15 And then there was one other thing about -- oh, gosh,
16 sorry. I just lost it because she had said something. Oh,
17 yeah. The only things that I did have were the -- which the
18 defense had in regards to the Diaz-Burnett children where those
19 emails and all the records that were a part of my OBA that we
20 had given the defense.

21 MS. McAMIS: Okay.

22 MS. BLUTH: But in regards to Shining Star stuff, I've
23 never seen anything like that.

24 THE COURT: All right.

25 MS. McAMIS: Okay. Thank you.

1 THE COURT: All right. That's it.
2 MS. WILDEVELD: Thank you, Your Honor.
3 THE COURT: I'll see everyone back on Monday.
4 MS. McAMIS: Tuesday. But what was the time?
5 THE COURT: Oh, I'm sorry. Tuesday at 10:30.
6 MS. McAMIS: I thought that's what you said.
7 THE COURT: And we'll have, I guess, Mr. Figler.
8 MS. McAMIS: That is correct. Thank you.
9 MS. WILDEVELD: Either one of us. Yes.
10 (Court recessed at 4:27 p.m., until Tuesday,
11 February 20, 2018, at 11:00 a.m.)

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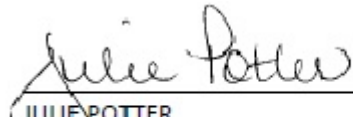
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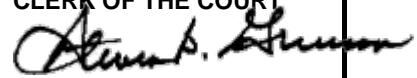
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TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,

Plaintiff,

vs.

JANET SOLANDER,

Defendant.

CASE NO. C299737-3
DEPT NO. XXI

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 6

TUESDAY, FEBRUARY 20, 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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1 LAS VEGAS, CLARK COUNTY, NEVADA, FEBRUARY 20, 2018, 11:03 A.M.

2 * * * * *

3 (Outside the presence of the jury)

4 MR. FIGLER: Again, the defense --

5 THE COURT: Go ahead.

6 MR. FIGLER: -- has made another offer to the State.

7 THE COURT: All right. Did you want to state what
8 your offer was?

9 MS. MCAMIS: Yes. Yes.

10 THE COURT: Okay.

11 MS. MCAMIS: So with Ms. Solander's authority today,
12 I did extend to the district attorney's office, and
13 specifically Ms. Bluth that Ms. Solander would plead guilty to
14 three counts of child abuse with substantial bodily harm with a
15 stipulated prison sentence of 8 years to 20 years, just a
16 record.

17 THE COURT: All right. The reason I did that was I
18 was --

19 And the State has rejected that?

20 MS. BLUTH: Yes, Your Honor.

21 MR. HAMNER: Yes, Your Honor.

22 THE COURT: All right.

23 MR. FIGLER: And just for the record, State still has
24 not made an offer to the defense. They keep saying make an
25 offer to us, and we've done that now three times.

1 THE COURT: And does the State want to make a
2 counteroffer, like an attempt sex assault, two counts or
3 something like that? Wouldn't that give you an exposure of 16
4 to 40 years? Am I correct on an attempt?

5 MS. BLUTH: On the attempt lewdness -- or on the
6 attempt SAs?

7 THE COURT: Right. So 2, 20; right?

8 MS. BLUTH: They're 2 to 20. It's mandatory prison.

9 THE COURT: Right. So it would give you an
10 exposure --

11 MR. FIGLER: Of 16 to 40.

12 THE COURT: -- of 16 to 40 years.

13 MS. BLUTH: Yeah. We have spoken recently with the
14 victims in this case, and we are nowhere even close to an 8 to
15 20. In the last conversation with Mr. Figler and Ms. McAmis, I
16 spoke about the lowest we'd be willing to go, and it wasn't a
17 firm offer; I told them I'd have to speak with the family, 20
18 on the bottom. So we're pretty far apart. We're just going to
19 keep going. We're going to keep pushing forward with the
20 trial.

21 THE COURT: Counsel, approach.

22 (Conference at the bench not recorded)

23 THE COURT: All right. And for the record, Ms.
24 Bluth, you're unwilling to offer 16 to 40. The lowest you
25 would go is 20 years on the bottom; is that correct?

1 MS. BLUTH: That's what we spoke about with them.
2 That's not something I spoke to the victims or the family
3 about.

4 THE COURT: Okay. So that isn't even unofficial
5 offer.

6 MS. BLUTH: No, it is not.

7 THE COURT: Okay. Very good.

8 Kenny, bring them in.

9 (Pause in the proceedings)

10 (Jury entering 11:07 a.m.)

11 THE COURT: All right. Court is now back in session.
12 The record should reflect the presence of the State through the
13 deputy district attorneys, the presence of the defendant along
14 with her counsel Mr. Figler and Ms. McAmis, the officers of the
15 court, and the ladies and gentlemen of the jury.

16 And is the State ready to call its next witness?

17 MR. HAMNER: Yes, Your Honor. The State is going to
18 call Cherina Davison to the stand.

19 THE COURT: All right.

20 MR. HAMNER: Thank you.

21 **CHERINA DAVISON**

22 [having been called as a witness and being first duly sworn,
23 testified as follows:]

24 THE CLERK: Thank you. Please have a seat. State
25 spell both your first and last name for the record.

1 THE WITNESS: Cherina Davison. C-h-e-r-i-n-a,
2 D-a-v-i-s-o-n.

3 THE COURT: All right. You may proceed.

4 MR. HAMNER: Thank you very much.

5 DIRECT EXAMINATION

6 BY MR. HAMNER:

7 Q Ma'am, if you could explain to the jury, what do you
8 do for living?

9 A I work for the Department of Family Services.
10 Currently I supervise the intake unit, and I've been doing that
11 for approximately 11 years.

12 Q Okay. What other positions have you held within the
13 Department of Family Services?

14 A When I initially started, I was a Family Services
15 Specialist I. I progressed to a II. I was then promoted to a
16 Senior Family Services Specialist, and now I'm an intake
17 supervisor.

18 Q Can you explain kind of just generally what each one
19 of those positions does.

20 A Sure. Prior to becoming a supervisor, I basically
21 was a case manager. So I would be assigned cases when dealing
22 with families who had their children removed from their care
23 for abuse and neglect issues, and I would work with the
24 families to address whatever issues there were, work to get the
25 children back home with the families, hopefully successfully,

1 and if not, we would find other options for the children.

2 Q Okay. Is that also within the offices of child
3 protective services?

4 A Yes.

5 Q Okay. So you've done it for 11 years. I want to
6 kind of turn your attention back to November of 2011. Okay.
7 Are you familiar with the names Autumn and Ivy Stark?

8 A Yes. Those were two children that were assigned to
9 me.

10 Q How are you -- I'm sorry?

11 A Those were two children that were assigned to me.

12 Q Okay. And what position were you in when they were
13 assigned to you?

14 A I believe I was either a Family Service Specialist
15 II or a Senior Family Service Specialist.

16 Q Okay. And from when to when did you kind of monitor
17 their progress?

18 A I had the case from about November of 2011 till about
19 March of 2013.

20 Q Okay. And to be clear, you weren't assigned to kind
21 of monitor Ava Solander, Amaya Solander, Anastasia Solander; is
22 that right?

23 A That's correct.

24 Q Okay. How many placements had Autumn and Ivy had
25 prior to going to this home that you were looking at, or was

1 this the first one for them?

2 A They had been initially placed in a relative
3 placement, and then this was their first foster placement.

4 Q Okay. So they were initially with family, and then
5 came over?

6 A Yes.

7 Q And whose home where they placed in?

8 A They were placed in the Solander home.

9 Q Okay. And who are the Solanders? Do you know their
10 first names?

11 A Yes. It was Dwight Solander, and what is her first
12 name -- Janet Solander. I apologize.

13 Q Do you see Janet Solander here in the courtroom
14 today?

15 A Yes, I do.

16 Q Could you point out where she is and maybe describe
17 an article of clothing that she's wearing.

18 A Sure. She is seated in front of me, and she has a
19 burgundy sweater and black glasses.

20 Q Okay. When Autumn and Ivy were placed in Janet and
21 Dwight's home, physically, you know, how would you describe
22 them?

23 A They were normal, healthy young girls. There weren't
24 any concerns that I was aware of with any health conditions.

25 Q Any concerns about severe emotional tantrums or

1 anything like that?

2 A No.

3 Q Any concerns about, you know, bedwetting issues that
4 are, like, totally out of control?

5 A No.

6 Q Peeing or pooping just constantly, anything like that
7 prior to entering the Solander home?

8 A No.

9 Q You mentioned Dwight and Janet. Who did you have the
10 most interaction with between those two?

11 A I would probably say Janet. Mr. Solander was
12 frequently away on business during the time I had the case.

13 Q Over kind of this period of time that you had working
14 with Janet and these girls, from November of 2011 until March
15 of 2013, was Janet's description of their behavior the same all
16 the way through, or did it kind of change over time?

17 A Initially there weren't many concerns with the
18 children placed in the home. Over time that did begin to
19 change. She expressed concerns with the children's bowel
20 movements, issues that they were having at school, issues with
21 their behaviors regarding, you know, defiance and things like
22 that.

23 Q Okay. What did Janet tell you she did for a living?

24 A She indicated that she was a nurse.

25 Q Were you ever able to verify that?

1 A No.

2 Q You mentioned kind of bathrooms. What did Janet tell
3 you was her concerns about that?

4 A She indicated that Autumn was having extremely hard
5 stools. She indicated that her toilets were regularly being
6 clogged. She indicated that her stomach was, you know,
7 protruding out, things like that.

8 Q Did she ever mention anything about putting hands in
9 diapers or anything like that?

10 A She indicated that the girls would put their hands,
11 you know, down their pants and put their hands in their mouths.

12 Q Okay. Was that before or after they had been soiled?
13 If you remember.

14 A I don't recall. I just remember again she indicated
15 that they would, you know, stick their hands down her pants and
16 put them in their mouth.

17 Q Did you ever speak to -- when you said stomach
18 protruding, which girl was that?

19 A It was Autumn.

20 Q Did you ever have a chance to kind of see Autumn
21 around the time period that Janet is raising this concern?

22 A I did. I would do, you know, body checks on the
23 girls.

24 Q Based on what you could see, did you see any massive
25 protruding stomachs or anything like that on Autumn during that

1 same time frame?

2 A I did not.

3 Q Did you ever ask Autumn about whether or not she was
4 having serious or severe bowel issues?

5 A I did. And she indicated that she was not.

6 Q Did she ever indicate whether she was in any
7 discomfort?

8 A No. She never indicated that she was in discomfort.

9 Q And were these issues being raised around February
10 of 2012?

11 A That sounds about right.

12 Q Okay. So about maybe five months after the girls
13 have kind of been in this house?

14 A Yes.

15 Q I want to turn your attention to about four months
16 later of June of 2012. Does Janet report something regarding
17 this or a change in the status?

18 A I remember I believe that was around the time there
19 were concerns about Autumn's school.

20 Q Okay. And I want to focus though on the accidents or
21 bedwetting.

22 A Sure.

23 Q Does Janet indicate to you that there's a change in
24 what she's -- they're seeing?

25 A She indicated, I remember, that the children or

1 specifically Autumn was soiling herself overnight. She
2 indicated that it was significant because she had to be placed
3 in, like, two pull ups.

4 Q Okay. Does she indicate an improvement at some
5 point?

6 A I'm sorry?

7 Q Does she indicate that there's improvement at some
8 point?

9 A At one point, we used to have a lot of
10 correspondence, you know, via email and in person. I do
11 remember she indicated at one point that I want to say maybe,
12 like, three months had lapsed, and there were no issues at that
13 time.

14 Q Okay. And do you remember exactly what month and
15 year that was off the top of your head?

16 A It would probably be 2012, but I don't recall the
17 specific month.

18 Q Okay. Would it help to refresh your memory just to
19 see some CPS notes on that?

20 A Sure. Thank you.

21 Q Thanks.

22 MR. HAMNER: May I approach the witness?

23 THE COURT: You may.

24 MR. HAMNER: Thanks.

25 / / /

1 BY MR. HAMNER:

2 Q Why don't you take a look at just this injury right
3 here.

4 A Sure.

5 Q Read it silently to yourself.

6 A Okay.

7 Q And let me know after reading this line if that
8 refreshes your memory.

9 A Yes, it does.

10 Q Okay. So you indicated previously that Janet had
11 said --

12 MR. FIGLER: Your Honor, can we approach for just a
13 second?

14 THE COURT: Sure.

15 (Conference at the bench not recorded)

16 BY MR. HAMNER:

17 Q Okay. So where was I? Was your memory refreshed
18 after kind of reading that entry?

19 A Yes.

20 Q Okay. So what's the date in which Janet indicated to
21 you that Autumn stopped having any pooping issues for three
22 straight --

23 MR. FIGLER: Objection, Your Honor. Assumes facts
24 not in evidence.

25 THE COURT: Okay --

1 MR. FIGLER: Six, oh, two, twelve does not indicate
2 whether it came from Janet or from someone else.

3 MR. HAMNER: Okay. That's --

4 THE COURT: Can you rephrase or --

5 MR. HAMNER: Sure.

6 BY MR. HAMNER:

7 Q I'll do it this way. You remember getting an
8 email -- first of all, do you remember if someone from one of
9 the foster parents indicating to you that Autumn stopped having
10 pooping issues for three months?

11 A Yes.

12 Q Okay. Based on your recollection and your entries,
13 who was the person who told you that?

14 A Janet.

15 Q Okay. When you make entries in your notes sometimes,
16 do you make it generic and indicate, like, foster parent rather
17 than a particular person?

18 A Yes.

19 Q Okay. Why do you do that? Just to explain to the
20 jury.

21 A We just do that because they're an intact couple or
22 just that's just the language we use when we're dealing with
23 foster parents. We'll just generally state foster parent.

24 Q But to be clear, as you sit here today, who was the
25 person who told you about that update?

1 A I received that email from Janet.

2 Q And who's the person you typically would work with
3 regularly with respect to the Stark children? Was it Janet or
4 Dwight?

5 A It was primarily Janet.

6 Q Okay. Thanks. Do you remember how Janet initially
7 described Autumn when they first had her, fairly early on?

8 A I believe she indicated that she was a very sweet
9 girl, a very intelligent girl. She didn't have any concerns
10 about her behaviors initially.

11 Q Did she describe her or do you remember her saying
12 anything about what her level of manipulation or defiance was?

13 A Initially, she didn't have any concerns with regard
14 to her being manipulative or defiant.

15 Q Do you recall her stating something to the effect of
16 we are not concerned at all for any other reason as Autumn is a
17 very smart little girl, not manipulative or defiant and will
18 tell anyone the truth?

19 A That's correct.

20 Q Okay. And Janet told you that?

21 A Yes.

22 Q Early on?

23 A Yes. When they were initially placed, yes.

24 Q As Autumn and Ivy continue to live in this home, does
25 Janet raise any concerns about Autumn in school?

1 A Yes, she did.

2 Q What does she start saying about Autumn in school?

3 A She indicated that Autumn was stealing food from the
4 other children. She indicated that she was eating off of the
5 floor. She indicated that she would bring the food that she
6 was getting from school and bring it home and give it to Ivy
7 and that she was getting sick due to this.

8 Q Did she say anything about food in the garbage?

9 A She indicated that Autumn was eating food out of the
10 garbage can.

11 Q And was this approximately around April of 2002?

12 A 2012?

13 Q 2012. I'm sorry. I misspoke.

14 A Yes. That sounds about right.

15 Q Okay. So a couple months after she had stated what
16 she had said about Ivy?

17 A Correct.

18 Q Did Janet express to you what her desire would be for
19 Autumn in terms of eating lunch at school?

20 A Yes. She indicated that she felt --

21 MR. FIGLER: I'm going to just ask for a time frame
22 or foundation and when this happened, who was around, how this
23 happened.

24 MR. HAMNER: I just laid the foundation. I said
25 April of 2012.

1 THE COURT: All right. Go ahead. You may answer.

2 THE WITNESS: Can you repeat the question. Sorry.

3 MR. HAMNER: Sure.

4 BY MR. HAMNER:

5 Q Does Janet, once this is raised in April of 2012,
6 subsequent to this Janet started to express to you what her
7 desire is in terms of Ivy and eating -- or Ivy, scratch that,
8 Autumn and eating lunch at school?

9 A Yes. She indicated that because she was eating out
10 of the garbage and things of that nature that she wanted her to
11 be separated from her peers. She indicated that she wanted her
12 to be seated at a separate table. She indicated that she was
13 to give her backpack to the bus driver, and she indicated that
14 she did not want any of the children sharing food with Autumn
15 at school.

16 Q Was this kind of plan documented by you probably
17 around by October of 2012? Is this kind of documented, this
18 sort of plan that she wants to have put in effect?

19 A Yes, it was documented in my case notes.

20 Q Did Janet or Dwight ever discuss a doctor's note
21 related to this?

22 A Yes, they did. They -- well, actually it was Dwight.
23 He indicated that -- because of all these concerns had been
24 raised, I had gone to the school to talk to the school about
25 these issues. The school indicated that --

1 MR. FIGLER: I'm going to object, Your Honor.
2 Hearsay.

3 MR. HAMNER: It's not being offered for the truth of
4 the matter, but the effect on the listener.

5 THE COURT: State your question again.

6 MR. HAMNER: Well, my question was did either Dwight
7 or Janet discuss with you a doctor's note related to this --

8 THE COURT: Overruled.

9 Was there a discussion about a doctor's note?

10 THE WITNESS: Yes.

11 THE COURT: Go on.

12 MR. HAMNER: Thank you.

13 BY MR. HAMNER:

14 Q Who was going to prepare the note?

15 A Dwight.

16 Q Okay. So not the doctor. He was going to write the
17 letter out?

18 A Yes, he indicated that he would write the letter out,
19 take it to the doctor and have it --

20 MR. FIGLER: I just want to have a running objection
21 as to hearsay as to Dwight, Your Honor, especially as it
22 relates to anything with the Stark children.

23 THE COURT: Well, overruled.

24 BY MR. HAMNER:

25 Q Please continue.

1 A Okay. He indicated that he was going to write a
2 letter, have the doctor sign it, and then he would present it
3 to the school.

4 Q When you heard of these things that they were saying
5 about Autumn, did you take some time out of your day to maybe
6 try to talk to Autumn around this time frame about what they
7 were saying?

8 A Yeah. I asked her directly if she was, you know,
9 eating out of the garbage can, and she indicated that she was
10 not, that that's not something that she would do, and what she
11 said was is that the children in the school would, like, give
12 her food, and she'd eat it, and then, you know, she'd sneak it
13 and eat it in her chair while in class.

14 Q And were you having this conversation around October
15 of 2012?

16 A That sounds about right.

17 Q Did they report to you how their bowel movements were
18 on that day when you were speaking to them?

19 A Again, they would just always indicate that, you
20 know, her stomach would be sticking out --

21 Q I'm talking about Autumn and Ivy. Did they report
22 kind of how their bowel movements were that day if you
23 remember?

24 A In October, no. I apologize I don't remember
25 specifically what they said.

1 Q Okay. Would it just help refresh your recollection
2 to see your notes?

3 A Sure. Thank you.

4 Q Thank you. I'm referring to an entry on October
5 19th, 2012. I'll show you the page in one second.

6 MR. HAMNER: It's page 139.

7 MR. FIGLER: Thank you. That helps a lot.

8 MR. HAMNER: No problem.

9 May I approach?

10 THE COURT: You may. You may move freely.

11 MR. HAMNER: Thank you. And I'm just referring to
12 the last line, Mr. Figler.

13 BY MR. HAMNER:

14 Q At least go back at least one page just to show you
15 the entry date, and take a look at this date here on page 138.
16 Read that silently, and then just read this last line here on
17 page 139.

18 A [Witness complies.]

19 Q Does that help refresh your memory about what they
20 may have said about bowel movements?

21 A Yes.

22 Q Okay. Please tell the jury.

23 A That there were no concerns with bowel movements that
24 particular day.

25 Q Were there any discussions to you from Janet about

1 Autumn's consumption of dairy foods during the time they lived
2 there?

3 A Yes, that they were not to consume any dairy.

4 Q Did she offer an explanation as to why that was?

5 A She indicated that they were having, you know, gastro
6 issues and that she would just feed them fruits and vegetables.

7 Q Did she indicate that a doctor had diagnosed her as
8 being -- specifically a doctor diagnosing her as being lactose
9 intolerant?

10 A Yes.

11 MR. FIGLER: Can we have a page number on that one?

12 MR. HAMNER: I'm not referring to a page number.

13 MR. FIGLER: Oh, okay. I thought we were going off
14 the notes. So she has independent recollection?

15 MR. HAMNER: Yep.

16 MR. FIGLER: Okay.

17 BY MR. HAMNER:

18 Q Let me ask the question again.

19 A Sure.

20 Q Did she indicate to you there was a doctor that had
21 diagnosed her as being lactose intolerant?

22 A Yes.

23 Q Okay. Do you remember the name of the doctor?

24 A Yes. I believe it was Dr. Sheikh.

25 Q Okay. Prior to Autumn going to the Solander house,

1 were you aware of any issues that Autumn had with lactose?

2 A No.

3 Q Okay. Any doctors or anyone that had seen her up to
4 that point, any indications as to a lactose intolerance issue
5 prior to going to the Solander house?

6 A No, not that I'm aware of.

7 Q As you were kind of hearing some of the things, the
8 concerns from Janet and Dwight, did you start speaking to
9 people in your own office about some of the interactions you
10 were having or concerns that they're having about these
11 particular kids?

12 A Yes. I spoke with my supervisor at the time.

13 Q Okay. And why did you do that?

14 A Because I found some of the things that they were
15 doing strange or a little odd and concerning. So we discussed
16 them.

17 Q Now, is that in relation to the things that we've
18 just been talking about, or were there different things that
19 you thought were odd?

20 A It was in regards to the concerns about them eating
21 out of the garbage can in the school primarily and just, you
22 know, I felt like Ms. Solander was --

23 MR. FIGLER: I'm going to object, Your Honor. Some
24 kind of an opinion. There's no question before the witness,
25 and I don't even have a time frame when this is and --

1 THE COURT: All right. Well, that's sustained as to,
2 I guess, your kind of personal feelings.

3 THE WITNESS: Sure.

4 THE COURT: So go on.

5 MR. HAMNER: We'll let me just at least rephrase so a
6 certain extent.

7 BY MR. HAMNER:

8 Q Was your decision to speak to people higher up than
9 you about some observations you were making, were they in part
10 based off of your interactions with Janet?

11 A Yes.

12 Q Were they based off of some of the things Janet told
13 you?

14 A Yes, they were.

15 Q When you heard Janet bring up this talk about eating
16 food out of the garbage at school, did you follow up and check
17 with the school on that topic?

18 A Yes, I did.

19 Q And was that because of kind of what she was
20 reporting to you?

21 A Yes.

22 Q What did the school tell you in relation to that
23 topic?

24 MR. FIGLER: Objection. Hearsay.

25 THE COURT: Sustained.

1 BY MR. HAMNER:

2 Q Okay. Let me ask you this. Did you have a
3 conversation with the school? Let's not get into the actual
4 substance of it. Did you have a conversation with the school?

5 A Yes, I did.

6 Q Okay. After having that conversation with the
7 school --

8 THE COURT: Who did you -- I'm sorry. Since
9 obviously the school is not talking, who did you speak with at
10 the school?

11 THE WITNESS: I believe the young lady's name was
12 like Monica or Monique. I'm not sure of her exact name, but it
13 would be documented in my case note who I spoke with, what
14 staff.

15 THE COURT: All right. Go on, Mr. Hamner.

16 MR. HAMNER: Thank you.

17 BY MR. HAMNER:

18 Q Based off of that, based off of that conversation,
19 did you remain concerned about what Janet had told you about
20 eating out of the garbage, or did you become less concerned?

21 A I became more concerned about the statements that
22 were being made. Yes.

23 Q Okay. Why is that?

24 A Because the school didn't have similar concerns.

25 Q Did Janet ever provide you with this doctor's note

1 that Dwight was going to write and have sign off?

2 A No.

3 Q Did Dwight ever provide it to you?

4 A No.

5 Q I want to turn your attention to December of 2012.

6 At that point, does Janet explain to you or give you an update
7 on Autumn's GI issues or lack thereof?

8 A On what date? You said December?

9 Q In June -- in December of 2012.

10 A I don't recall specifically what she said.

11 Q Okay. Let me ask you this though. At some point
12 does Janet report that Autumn is not having GI issues anymore?

13 A Yes.

14 Q Okay. So you remember that. And when generally do
15 you remember that happening?

16 A It was in, like, the later part of 2012.

17 Q Okay. After these girls left the Solander home, were
18 you made aware of any kind of pooping or peeing issues after
19 leaving the Solander home?

20 A No.

21 Q After they left the home, the Solander home, were you
22 made aware from the school of any issues with food?

23 MR. FIGLER: I'm going to object, Your Honor. We
24 haven't established that this caseworker stuck with the Stark
25 kids after they left the Solander home. So maybe we can make

1 that part of the record.

2 THE COURT: All right. So I guess you're objecting
3 as to foundation.

4 MR. FIGLER: Foundation.

5 THE COURT: All right. Lay a foundation as to what
6 her continuing involvement if any was.

7 BY MR. HAMNER:

8 Q Did you have any continued interaction with these
9 girls after they left the Solander home?

10 A Yes, I did.

11 Q How long?

12 A Several months actually. The children were reunified
13 with their parents, and I stuck on the case after that.

14 Q Okay. And then you stuck with it even after that?

15 A No.

16 Q Or just after the -- you stopped after the
17 reunification?

18 A Yes.

19 Q Okay. So during that time window, were there any
20 reports from the schools about concerns about Autumn's behavior
21 while eating lunch?

22 A No.

23 Q I want to ask you about during this time did Janet
24 express concerns about the natural parents and kind of these
25 meet ups and things like that? Was that an issue kind of going

1 on during that time period?

2 A Yes. It was an issue often.

3 Q Okay. Because the natural parents were missing
4 meetings or something along those lines; they weren't showing
5 up?

6 A Yes. They were missing meetings frequently, and I
7 know Mrs. Solander expressed concerned about that, and she
8 indicated at one point, you know, that the parents just tend to
9 blame everybody else, never themselves for the issues that were
10 happening during that time.

11 Q And so what she had said about them was that there
12 was always some --

13 MR. FIGLER: Objection, Your Honor. Leading.

14 THE COURT: Let him finish the question.

15 BY MR. HAMNER:

16 Q So you said they were saying it was always someone --
17 you were saying it was always someone else. It was, like,
18 never their fault and referring to the natural parents, and I
19 want to ask you specifically if you remember did Janet state to
20 you there was always some --

21 MR. FIGLER: I'm going to object that this is
22 leading.

23 MR. HAMNER: It doesn't suggest the answer. She's
24 already --

25 THE COURT: Well, ask did Janet make any comment on

1 whatever the topic is.

2 BY MR. HAMNER:

3 Q Did Janet make a comment about the type of excuses
4 the natural parents were using?

5 A Yes, she did. She indicated that they, excuse me,
6 never took any responsibility essentially for their actions.
7 They always blamed others. It was always somebody else and
8 never their fault.

9 Q Okay. When you first started working with the Stark
10 children inside the Solander home in November of 2011 --

11 A Yes.

12 Q -- at that point in time, were you aware that Janet
13 had written or was writing a foster book or a book about the
14 foster system?

15 A No.

16 Q In November of -- okay. When you first started
17 talking to kind of your higher-ups about some of the
18 observations you were making, were you aware that Janet had a
19 written or was planning on writing a book about the foster
20 system?

21 A No. I do recall that book, and I don't recall
22 knowing about it at the beginning. I'm certain I didn't.
23 Maybe towards the end of my duration of the case did I hear,
24 you know, rumors about a book that she had written.

25 Q Okay. So you heard that maybe she had written

1 something?

2 A Yes.

3 Q But to be clear, when you're first reporting your
4 concerns about some of the observations --

5 MR. FIGLER: I'm going to object as to categorization
6 as concerns. It's not the word the witness used.

7 THE COURT: Overruled.

8 BY MR. HAMNER:

9 Q Let me just repeat the question. So at the time that
10 you were reporting your concerns --

11 A Yes.

12 Q -- about the things that you're hearing or seeing in
13 your interactions with Janet, were you aware of the book's
14 existence?

15 A No.

16 Q Okay. At some point later on though you become aware
17 that there's some book out there?

18 A Yes.

19 Q Because I think you said "rumors of a book"?

20 A Yes.

21 Q Okay. Was that book a factor at all in why you spoke
22 to higher-ups about the things that you saw?

23 A No.

24 Q Have you even read the book?

25 A No.

1 Q Read a portion of it?

2 A None.

3 MR. HAMNER: Okay. Court's indulgence.

4 BY MR. HAMNER:

5 Q You had an opportunity to go over to the Solander
6 home during that kind of year and a half period; is that right?

7 A Yes.

8 Q Did you observe any cameras in the home?

9 A Yes, I did.

10 Q Tell us. What did you see with respect to that?

11 A I remember that they did have cameras, I believe
12 maybe upstairs or downstairs. I don't remember specifically
13 rooms or anything like that, but I do recall seeing cameras in
14 their home. Yes.

15 Q And it was more than one?

16 A Yes.

17 Q Over this kind of time period, I know initially you
18 had said Janet had described Autumn and Ivy as being, you know,
19 at least nice initially or no issues.

20 A Uh-huh.

21 Q Does that change over that time period of time in
22 terms of her level of defiance or things like that?

23 A Yes, it did. Eventually, she indicated that they
24 were defiant. They were having tantrums, having behavioral
25 issues, and I know, you know, she would describe that, you

1 know, they would take apart like a paperclip and scrape things
2 against her wall. She indicated that, you know, they would
3 unravel, you know, very small pieces of string, very, very
4 small things.

5 Q What was Janet's demeanor when describing a child
6 unraveling a piece of string?

7 A It just seemed to be very intense. She was very
8 clear in describing what they were doing. It seemed to bother
9 her, and it seemed to concern her.

10 Q String?

11 A Yes, like --

12 MR. FIGLER: Objection, Your Honor. Leading. Move
13 to strike.

14 MR. HAMNER: I just --

15 THE COURT: Overruled. Mr. Hamner, I think your last
16 question was answered.

17 MR. HAMNER: Okay.

18 THE COURT: So move on.

19 MR. HAMNER: Okay.

20 THE COURT: The objection was overruled. So move on
21 to your next question.

22 BY MR. HAMNER:

23 Q You mentioned speaking to kind of people higher up
24 about the observations that you were making. Did the Solanders
25 have any contact with your supervisor after you did that?

1 A I can't say -- I don't know if it was before or
2 after, but I do know they contacted her in regards to that
3 issue, regarding school or eating out of the garbage can.

4 Q Who did they contact?

5 A They contacted my supervisor at the time, which was
6 Lisa Shaw.

7 Q Did you ever see any of the Solanders' adoptive
8 children when you were there?

9 A Throughout the entire time I saw those children once.

10 Q Where were they?

11 A They were upstairs in maybe like a den area, and they
12 were sitting at a table, and it appeared that they were doing
13 homework or something like that.

14 Q Around when was that? Was that early on when you
15 first were there, or was it later on?

16 A It would have been later on.

17 Q And when you would -- on average in terms of like a
18 month, how often would you go over to the Solander house?

19 A Once a month every month, typically.

20 Q And you only remember seeing the adoptive girls one
21 time in the year and a half that you went there?

22 A Yes.

23 Q And you were going there monthly?

24 A Yes.

25 MR. HAMNER: No further questions at this time.

1 THE COURT: Cross.

2 MR. FIGLER: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. FIGLER:

5 Q Ms. Davison, good morning.

6 A Good morning.

7 Q I just want to clear up a couple of things. You work
8 for the government; is that correct?

9 A Yes.

10 Q Is that fair?

11 A Yes.

12 THE COURT: And just to let you --

13 Maybe Susie shut that off, or.

14 -- your keyboard is being displayed on the overhead.

15 So I don't know if you want to -- you can keep it there, but

16 I'm just letting you know.

17 MR. FIGLER: Well, it's password-protected. So
18 nothing naughty came up, and they just would've seen a bunch of
19 questions from the State.

20 BY MR. FIGLER:

21 Q All right. And how long have you worked for the
22 government?

23 A Eleven years.

24 Q Okay. And as one of your responsibilities working
25 for the government, you're tasked with essentially supervising

1 children who are placed throughout the system for their own
2 benefit; is that correct?

3 A Yes.

4 Q Okay. Is there a mission statement that you're aware
5 of with regard to your job or the Department of Family
6 Services?

7 A Yes.

8 Q And what is that mission statement?

9 A I believe our mission statement is, you know, safe
10 children, healthy families.

11 Q Safe children and healthy families. And your prime
12 directive is to do things that are always in the best interest
13 of the children; is that correct?

14 A Yes.

15 Q Okay. Now, as part of your responsibility as a
16 government worker in charge of children, you are tasked with
17 documenting quite a bit of your interactions with the children
18 and the adults who interact with those children; is that
19 correct?

20 A Yes.

21 Q Okay. There is a system in place over at the
22 Department of Family Services called Unity; is that correct?

23 A Yes, it is.

24 Q All right. And can you explain what Unity is for the
25 jury.

1 A Sure. It's for purposes of documenting information
2 just similar to how you described, and when we have contacts
3 with the children or foster parents or anybody really
4 associated with a case, we document those interactions.

5 Q Okay. And with regard to the Stark children, I see
6 about 174 pages of Unity notes. Does that strike your
7 recollection as probably being about the amount of Unity notes?

8 A Yes.

9 Q Okay. Because it was a long period of time; correct?

10 A Correct.

11 Q Okay. Now, is it important to be as complete and
12 thorough as you can in your Unity notes?

13 A Yes.

14 Q And you type those Unity notes in pretty quickly
15 after the things have happened. In other words, I will use the
16 word contemporaneous. It's somewhat contemporaneous to seeing
17 the things; isn't that correct?

18 A Correct.

19 Q So you see something, and then you type in the Unity
20 notes. That is because your memory may fade over the years;
21 isn't that correct?

22 A Yes, it is.

23 Q And you want to make sure you document everything at
24 the time in case some years later, six years later you're
25 called into a court proceeding to talk to a jury; isn't that

1 correct?

2 A Absolutely.

3 Q Okay. Now, I've read a lot of notes that you've put
4 in here. I assume having read them that you pride yourself on
5 being very thorough and very complete in your notes; is that
6 correct?

7 A I do the best I can. Yes.

8 Q Okay. And certainly I believe the jury has heard
9 testimony that when people are filling out Unity notes they
10 want to make sure to get in everything that's important if they
11 can. If they can't get everything in, they certainly want to
12 get all the important things in. Would you agree with that
13 statement?

14 A Yes.

15 Q Now, before we start to talk about the Stark Unity
16 notes or the observations that you may have had over the time
17 with the Starks, I just want to figure out what your process
18 was to be able to testify here today.

19 A Sure.

20 Q I assume that you meet with the prosecutors ahead of
21 time to talk about what your testimony is going to be?

22 A Sure.

23 Q And you meet in their office; correct?

24 A Uh-huh.

25 Q Okay. You have to say yes for the record.

1 A Oh, I'm sorry. Yes. Yes.

2 Q Okay. And myself or Ms. McAmis, we weren't present
3 during that time; correct?

4 A No.

5 Q Okay. And the prosecutors tell you some of the
6 questions that they're going to ask you during the time of the
7 testimony; correct?

8 A Sure. Uh-huh.

9 Q And they probably have the Unity notes there with
10 them; is that accurate?

11 A No.

12 Q They didn't?

13 A I had my notes with me.

14 Q They asked you to bring your notes?

15 A They didn't ask me to. I believe I just brought
16 them.

17 Q Okay. And do you remember how long you spent with
18 them?

19 A Maybe -- maybe 30 minutes to an hour.

20 Q Okay. On how many occasions?

21 A We met I think one time at their office.

22 Q Okay. Was it recently?

23 A Yes. It was maybe a couple weeks ago.

24 Q Okay. Great. So by the time that you had met with
25 the prosecutors, just to get this clear, you were aware of the

1 rumors of the existence of this book; correct?

2 A Yes.

3 Q Okay. All right. So let's start from the start if
4 we shall, and it was 174 pages. I'm not going to ask you about
5 every single page, but I just want to try to hit some of the
6 important things that maybe weren't discussed yet; okay?

7 A Sure.

8 Q Do you remember independently of the notes when you
9 were assigned to the Starks? In other words, were you assigned
10 to them before the placement, at the placement with the
11 Solanders or after the placement with the Solanders? Do you
12 recall?

13 A Yes. It would be before.

14 Q Okay. Do you know how long before?

15 A Before I had the case before they went to the
16 Solanders?

17 Q Yeah.

18 A Probably about maybe 60 to 90 days.

19 Q Okay. Now, you testified on direct that these were
20 healthy children; correct?

21 A To my knowledge, yes.

22 Q Okay. But did you forget about the tooth decay
23 problem?

24 A No. I don't recall a tooth decay problem.

25 Q You don't recall a tooth decay problem?

1 A No, sir.

2 Q Okay. Then let us start with November of 2011.

3 A Sure.

4 Q Sure. Okay. Does that refresh your recollection as
5 to the time when the Stark girls were placed in the Solander
6 home?

7 A I'm sorry. You said November?

8 Q Of 2011.

9 A That sounds about right. Yes.

10 Q Okay. And the first Unity note that I have says
11 page 1 of 174. It's dated November 5th, 2011. Okay. So
12 does that sound about right?

13 A Yes.

14 Q Okay. And then on November 9th, 2011, just five
15 days later -- sorry, four days later, there's the first of what
16 I'm guessing were very many home visits over at the Solander
17 house.

18 A Yes.

19 Q Does that sound right?

20 A Yes.

21 Q Okay. And there's a reference of an inhaler --

22 MR. HAMNER: Your Honor --

23 BY MR. FIGLER:

24 Q -- that Autumn was using --

25 MR. HAMNER: Your Honor.

1 BY MR. FIGLER:

2 Q -- do you remember that?

3 MR. HAMNER: Your Honor, if we can just approach?

4 THE COURT: All right.

5 (Conference at the bench not recorded)

6 THE COURT: All right. The objection is sustained as
7 to the form of the question or format of the questions.

8 So, Mr. Figler, if you could rephrase your question.

9 MR. FIGLER: Thank you, Your Honor.

10 BY MR. FIGLER:

11 Q All right. So you indicated that you kept Unity
12 notes for the Stark children as they went into the Solanders'
13 placement. Do you remember anything about an inhaler right
14 from the start being an issue?

15 A No, that doesn't ring a bell to me.

16 Q Okay. That's fine.

17 MR. FIGLER: May I approach, Your Honor?

18 THE COURT: You may.

19 And, Mr. Figler, I think is --

20 Go ahead.

21 -- talking to the witness, is going to approach with
22 some of the notes, and I just think he's going to ask you to
23 read those quietly to yourself.

24 THE WITNESS: Okay.

25 / / /

1 BY MR. FIGLER:

2 Q If you could read those quietly to yourself.

3 A Yes. Okay.

4 Q I'm going to ask you some questions. I highlighted
5 some areas, but you can read the whole thing because I might
6 have a few questions about each home visit.

7 A Okay. Sure.

8 Read the whole thing; right?

9 Q Read that whole entry note.

10 A [Witness complies.]

11 Q Do you recognize that as your own entry note?

12 A Yes.

13 Q Okay. Great. Just let me know when you're done.

14 A Sure. Okay.

15 Q Okay. Do you remember there being an issue about the
16 inhaler?

17 A Yes.

18 Q Okay. Great. And so that inhaler was found in
19 Autumn's pocket and that there was an issue about whether or
20 not Autumn should be using that inhaler or not; correct?

21 A Correct.

22 Q Okay. And that was before the Solanders really even
23 came into play. This came from the natural parents; isn't that
24 correct?

25 A That inhaler?

1 Q Yeah.

2 A I'm not sure where that inhaler came from. I
3 apologize.

4 Q Okay. Would it surprise you if the inhaler got
5 brought up at the next family visit as well?

6 A It would not.

7 Q Okay. And there was just four days in there was a
8 concern about that the minors were wetting their bed; isn't
9 that correct?

10 A Yes.

11 Q Okay. And also that Ivy was not potty trained yet
12 and that they have to put pull-ups on Ivy; isn't that correct?

13 A Uh-huh. Yes.

14 Q Okay. Anything unusual about that?

15 A No.

16 Q Okay. Anything particularly sinister or to your
17 memory false about those?

18 A No.

19 Q Okay. And, in fact, Autumn and Ivy had come from a
20 somewhat difficult situation with their natural parents; hadn't
21 they?

22 A Yes.

23 Q Okay. Are you familiar that Autumn and Ivy's
24 parents, the Starks, had numerous drug issues?

25 A Yes, they did.

1 Q And they were grossly neglecting the safety and
2 welfare of the Stark children?

3 A Yes.

4 Q That they weren't being fed properly; isn't that
5 correct?

6 A Correct.

7 Q Okay. All right. Now, when the Stark children were
8 placed in the Solander home, there was some vetting that needed
9 to be done to make sure that they were suitable; isn't that
10 correct, by policy of DFS?

11 A Yes.

12 Q Okay. Are you aware of any concerns that DFS had in
13 the vetting process of placing the Stark children in the
14 Solander home in October -- I'm sorry, November of 2011?

15 A Not that I'm aware of.

16 Q Okay. If there was any problem, it's highly
17 unlikely, isn't it true, that children would be placed in that
18 home?

19 A Correct.

20 Q Okay. And you're aware that there were three
21 Solander children, adopted children in the home when they
22 Starks were placed into that home; correct?

23 A [No audible response.]

24 Q Okay. It was Ava, Amaya and Anastasia; correct?

25 A Yes.

1 Q All right. So somebody from DFS -- I don't know if
2 it was you or someone else -- did that process; is that
3 correct?

4 A Correct.

5 Q Okay. And as part of the process they would've
6 talked to and interviewed those other -- the people in the
7 house. They would have just made sure it's a suitable house;
8 isn't that correct?

9 A Correct.

10 Q Okay. That would be the standard policy to do;
11 correct?

12 A Correct.

13 Q Okay. Now, the Solander children, if you know, were
14 adopted in the early part of 2011. Do you know that or do you
15 not know that?

16 A I don't know.

17 Q Okay. So if I told you that January 19th, 2011,
18 was the date that the Solander kids were adopted, do you have
19 any knowledge of that one way or the other?

20 A No.

21 Q Okay. But you would agree with me that January
22 of 2011 is about 10 months before November of 2011? I love
23 asking stupid questions.

24 A Yes.

25 Q Okay. And so during that period of time, someone

1 from DFS went in and did the vetting; correct?

2 A If they worked through our department.

3 Q Okay. All right. So you physically went into the
4 Solander home on October 9th, 2011. Does that sound correct
5 to you?

6 A Yes, that sounds about right.

7 Q Okay.

8 A I can't be a hundred percent certain, but, yes.

9 Q Do you want to look at the note just to be a
10 hundred percent? I only want you to be a hundred percent.

11 A If you have it there, sure. That would be good.

12 Q Okay. I'm approaching with pages 1 and 2.

13 A Sorry.

14 Q No, no problem. This is a process.

15 A You said October?

16 Q No. I think I said November. I'm sorry.
17 November 9th of 2011.

18 A Yes. That's when my home visit was.

19 Q That's when you did a home visit?

20 A Yes.

21 Q Okay. And, ma'am, I don't know if I asked this
22 before. I might have, but you are a mandatory reporter?

23 A Yes.

24 Q Okay. And as a mandatory reporter, if you see
25 anything, you have to say something. That's the most easiest

1 way to sum that up; is that correct?

2 A Correct.

3 Q If you see any suggestion of abuse or inappropriate
4 behavior, you are required by law to say something; correct?

5 A Yes.

6 Q And you take that obligation very serious I'm
7 assuming?

8 A Absolutely. Yes.

9 Q Okay. So now you conducted a home visit where you
10 were in the Solander home on November 9th, 2011. Do you
11 remember noting that everything was clean and neat and that
12 there were no issues?

13 A Correct.

14 Q Okay. And you spent at least a half-hour in that
15 house looking around and making sure everything was
16 appropriate; isn't that correct?

17 A Yes.

18 Q Okay. Nothing noted?

19 A No.

20 Q Nothing out of the ordinary?

21 A Correct.

22 Q Nothing to cause you concern; correct?

23 A That's correct.

24 Q And nothing that triggered your mandatory reporting?

25 A No.

1 Q Then you did what I think you do in every single home
2 visit, which is -- I don't know if it's policy, but it's a good
3 policy -- is to talk to the girls in private; isn't that
4 correct?

5 A Yes.

6 Q All right. And you talked to little Ivy and little
7 Autumn in private, and they didn't give you any concerns that
8 you needed to note, did they?

9 A They did not.

10 Q Okay. In fact, they denied any kind of physical
11 punishment at all; correct?

12 A Correct.

13 Q All right. And you check, as you do every single
14 time, you check their bodies for marks and bruises, and none
15 were observed; isn't that correct?

16 A That's correct.

17 Q Okay. And you put all of that into your Unity notes?

18 A Yes.

19 Q Because those are good and complete notes. Now,
20 before they went into the Solander home, the girls had to go to
21 the Child Haven medical clinic; isn't that correct?

22 A Yes.

23 Q And that's also policy; right?

24 A Yes.

25 Q Okay. And you report that the girls had been

1 experiencing a mild cough. Do you remember that? And that
2 they had to have some over-the-counter prescription drugs.
3 Anything like that?

4 A That doesn't ring a bell, but if I put it in my
5 notes, I'm pretty confident that that's what was going on.

6 Q Okay. And that would've been before they went into
7 the Solander home is when they'd do that Child Haven checkup;
8 correct?

9 A Yes.

10 Q Okay. Now, I'm going to try to do this
11 chronologically. So we start with that first home visit. No
12 issues whatsoever. Nothing that you had to report; correct?

13 A Yes.

14 Q All right. And now the next thing that comes up in
15 your Unity notes is a visit to the natural parents. That
16 would've been three days later.

17 A Yes.

18 Q Sound about right?

19 A Yes.

20 Q Okay. And the foster parents, meaning Janet and
21 Dwight, brought the children to the assigned place to visit
22 their parents; correct?

23 A Yes.

24 Q And the parents didn't show, did they?

25 A They did not.

1 Q The first time to go and see their kids after the
2 kids were taken away, they didn't show; correct?

3 A Correct.

4 Q Okay. And do you remember how Autumn cried?

5 A Yes.

6 Q So that was an emotional impact on that little girl,
7 wasn't it?

8 A Absolutely. Yes.

9 Q And indeed, as the many, many visits from the foster
10 parents to the natural parents, and I'm going to go through
11 some of them --

12 A Sure.

13 Q -- but I'm going to note that there were probably in
14 that year and four-month period probably dozens of those visits
15 scheduled. Would that be right?

16 A Yes.

17 Q Because that's important because your goal ultimately
18 is if you can reunify the family, if you can?

19 A Yes.

20 Q Okay. But the parents have to participate. The
21 natural parents need to participate?

22 A Yes, sir.

23 Q And they have to show you that they are skilled
24 enough to be able to meet the basic needs of their children
25 [unintelligible]; correct?

1 A Yes.

2 Q And reviewing all your notes throughout that entire
3 period of time, isn't it that when Janet or Dwight brought the
4 Stark girls to see their natural parents, Janet and Dwight were
5 always on time, sometimes a little bit early?

6 A Yes.

7 Q Okay. And I think the prosecutor asked you a couple
8 of no-shows. The overall, at least during that first year,
9 that no showing was a huge problem for you as the caseworker,
10 wasn't it?

11 A Yes, it was.

12 Q And it was having a greater and greater impact on
13 those Stark girls that their parents just weren't showing;
14 isn't that correct?

15 A Yeah --

16 MR. HAMNER: Objection. Speculation.

17 THE COURT: Well, overruled.

18 BY MR. FIGLER:

19 Q And you noted that in your record, the impact, didn't
20 you?

21 A I did.

22 Q Okay. Because you would talk to the girls frequently
23 alone about that issue; isn't that correct?

24 A Yes.

25 Q And you needed to talk to them about those issues

1 because you're helping make the determination whether or not
2 they should be reunified; correct?

3 A Correct.

4 Q Okay. Including a time when the natural parents
5 didn't even show up for the birthday of one of the Stark girls;
6 isn't that true?

7 A I believe so, yes.

8 Q And she cried. Do you remember that?

9 A I do.

10 Q Okay. And do you remember how she told you that the
11 foster parents helped her get through that emotional crisis by
12 taking her on a little trip?

13 A I think they went to McDonald's or something after a
14 visit.

15 Q Okay. And you heard a lot about the trips that the
16 Solanders were taking with the Stark kids and the Solander kids
17 to make the Stark girls feel better?

18 A Yes.

19 Q Okay. Trips to Disney World out in Florida; correct?

20 A Yes. One time. Yes.

21 Q Trips to the beach; isn't that correct?

22 A I believe so, yes.

23 Q So you noted in your Unity, if you recall, that part
24 of that was helping the kids get over the emotional impact of
25 their parents just not showing up; correct?

1 A Yeah. Correct.

2 Q Okay. And you had pretty good communications with
3 the Solanders, especially about those subjects, didn't you?

4 A Yes. We had frequent contacts, be it email, in
5 person.

6 Q So they were always giving you updates, weren't they?

7 A Yes.

8 Q And they were giving you updates about the no-shows
9 and how it was impacting the children; isn't that correct?

10 A Yes, it is.

11 Q And that some of the acting up that they reported to
12 you was soon in time after these constant no-shows of the
13 family; correct?

14 A Yes, it was.

15 Q Okay. And indeed, at some point you felt that there
16 needed to be an F-A-C-T referral; isn't that correct?

17 A Yes.

18 Q Okay. Now, I just said a word that I am sure
19 everyone on the jury can spell is the word fact, but I think
20 it's an acronym, but can you tell the ladies and gentlemen of
21 the jury what a FACT referral is.

22 A Yes. It's a referral for the children to receive
23 counseling services if they're experiencing any, you know,
24 emotional trauma or if they've been removed from their parents.
25 We try to get the children in counseling so they can have

1 someone to talk to.

2 Q And during the FACT counseling, kids are taught
3 what's appropriate, what's not appropriate; isn't that correct?

4 A Yes.

5 Q And it's important to instill those, especially in
6 young children so that they can report things that they see
7 maybe that aren't normal; correct?

8 A Correct.

9 Q Okay. And you know that the Stark children, both of
10 them, were assigned to a FACT provider; isn't that correct?

11 A Yes, they were.

12 Q Okay. And that was a woman named Ashley Kensworth
13 [phonetic]; isn't that right?

14 A I believe so.

15 Q Okay. And it is the responsibility of the foster
16 parents to make sure that the kids get to their FACT
17 counseling?

18 A Yes.

19 Q You didn't have any indication that Dwight or Janet
20 were not taking their kids to the FACT counselor; right?

21 A No.

22 Q In fact, just the opposite. They were getting the
23 kids to their counseling appointments on time all the time;
24 isn't that correct?

25 A Yes.

1 Q No issue at all?

2 A No issue.

3 Q All right. Now, do you remember a concern early on,
4 so we're still in that first month, of November 2011, when you
5 were alerted to a possible sexual abuse of Ivy by someone in
6 the natural family's home?

7 A I believe something about that, yes, was mentioned.

8 Q Okay. And who reported that to you? Do you
9 remember?

10 A I don't.

11 Q Okay. Would it have been the Solanders?

12 A It might be, yes.

13 Q Okay. If I showed you your Unity note on that, do
14 you think you would remember if the Solanders were the one that
15 told you?

16 A I would. Thank you.

17 Q Okay. I'm going to approach.

18 MR. FIGLER: Do you want me to keep asking to
19 approach, Your Honor, or do you just want me to approach?

20 THE COURT: You can move freely.

21 MR. FIGLER: Thank you, Your Honor.

22 BY MR. FIGLER:

23 Q I'm going to show you page 8 of your Unity notes. If
24 you could just kind of review that and see if you recall who
25 told you about this possible sexual assault.

1 A [Witness complies.]

2 Q Does that refresh your recollection about how you
3 found out about that?

4 A Yeah.

5 Q And was it the Solanders?

6 A Yes, it was.

7 Q Okay. And as a result of that, there were some
8 additional follow-ups that were done by an individual named
9 Felicia Tucker?

10 A Yes. She would be a CPS investigator who would've
11 followed up on those allegations.

12 Q Okay. And as part of a CPS investigation, those
13 notes go into your Unity notes; correct?

14 A Yes, they do.

15 Q And do you rely upon the Unity notes to make any
16 further decisions or how you proceed as your role as the
17 caseworker?

18 A Yes.

19 Q Okay. So if Felicia Tucker would have entered
20 information into the Unity notes, you would have reviewed it at
21 the time; isn't that correct?

22 A Yes, around that time. Yes.

23 Q Okay. And especially if Felicia Tucker would have
24 interviewed Ivy and Autumn, you would have been able to read
25 with those children were saying; correct?

1 A Yes.

2 Q Okay. And do you recall Autumn saying that she felt
3 safe?

4 MR. HAMNER: Objection.

5 MR. FIGLER: I'm going to withdraw.

6 MR. HAMNER: It's hearsay within hearsay.

7 THE COURT: He withdrew it.

8 MR. HAMNER: Okay.

9 THE COURT: Can I see counsel up here.

10 (Conference at the bench not recorded)

11 BY MR. FIGLER:

12 Q I just want to make something really clear. The
13 investigation that was initiated and that CPS and the
14 caseworker or CPS worker Tucker involved in an unrelated
15 individual named Grant, who was a 20-something who was living
16 with the natural parents; isn't that correct?

17 A Yes.

18 Q Okay. And that was reported by the Solanders?

19 A Yes.

20 Q I just want to make that really clear so everybody
21 understands. Okay. And during that investigation, you became
22 aware that these Solanders were concerned that Ivy was acting
23 out sexually; correct?

24 A Yeah.

25 Q And that she was urinating and defecating herself;

1 correct?

2 A That sounds about right. Yes.

3 Q Okay. And that when Ivy was interviewed, they asked
4 her questions about whether or not she had done the head game.
5 Do you remember that expression, the head game?

6 A Not particularly, but I wouldn't have been a part of
7 that investigation. So it wouldn't ring a bell, but --

8 Q But you would have reviewed those notes as part of
9 your job?

10 A Yes.

11 MR. FIGLER: Okay. May I approach?

12 THE COURT: You may. You can move freely.

13 MR. FIGLER: Thank you again.

14 BY MR. FIGLER:

15 Q I'm going to show you page 9, which would have been
16 around December of 2011.

17 A Sure.

18 Q And since it's a fairly long entry, I'm just going to
19 get to where Ivy was talking.

20 A Got it. Here.

21 Q Yeah.

22 A Okay.

23 Q And actually I have another that talks about too
24 which is the next page, page 10 at the bottom.

25 A Sure.

1 Q So all of that seems to be from Ms. Tucker.

2 A Okay.

3 Q Okay. So you remember there was discussions with Ivy
4 and Autumn about inappropriate sexual behavior and where they
5 learned a sexual game at that early age. You remember all
6 that?

7 A Yes.

8 MR. HAMNER: Your Honor, I'm going to -- can we
9 approach briefly?

10 THE COURT: Sure.

11 MR. HAMNER: Thanks.

12 MR. FIGLER: I'm done with that area.

13 (Conference at the bench not recorded)

14 BY MR. FIGLER:

15 Q All right. All that time with you and me, and now
16 we're on the second home visit.

17 A Okay.

18 Q Okay. Sorry about that.

19 A It's okay.

20 Q We all need to be very precise.

21 A Sure.

22 Q Okay. A lot of information. December 10th, 2011,
23 that would be about a month later. That would be in line with
24 the next home visit where you physically go into the home to
25 look around and make sure everything is okay; correct?

1 A Correct.

2 Q Okay. And it was during this visit which was really
3 only a month into it where the severe tooth decay came up, and
4 so I remember that you said you didn't remember it. So I'm
5 going to show you your entry about it, and perhaps that will
6 refresh your recollection.

7 A Sure.

8 MR. FIGLER: Pages 19 and 20, Counsel.

9 BY MR. FIGLER:

10 Q These appear to be your notes -- I'm sorry, ma'am.
11 These appear to be your notes from 12/10. Do you need the page
12 before to confirm that or --

13 A This is correct. I can tell my writing style.

14 Q Okay. So if you could review those and see if this
15 refreshes your recollection. Specifically I'm going to ask you
16 about the tooth decay issue.

17 A Oh, here we go.

18 Q So just read that to yourself.

19 A I got it.

20 Q Okay. And does that refresh your recollection now --

21 A Yes.

22 Q -- that there was a big issue with the tooth decay?

23 A Yes.

24 Q In fact, you used the word severe tooth decay in your
25 notes?

1 A I did.

2 Q And I think this illustrates, does it not, the
3 importance of the notes being done because that was almost,
4 like, six and a half years ago or more; right?

5 A Yes.

6 Q Okay. So you had just forgotten about the fact that
7 there was the severe tooth decay issue for both girls; isn't
8 that correct?

9 A Correct.

10 Q Okay. Nothing wrong about that. Just, you know. So
11 when you said that the girls were healthy when they went into
12 the Solander house, there was a significant concern at least
13 with tooth decay; correct?

14 A Correct.

15 Q And you also acknowledged that there was very great
16 concern with regard to them not being fed correctly and them
17 being neglected by their drug addict parents; correct?

18 A Oh, yes.

19 Q Okay. And even during this early time, the parents
20 were already not showing up for meetings, and that has had an
21 emotional impact on the children as well; correct?

22 A Yes.

23 Q Okay. So this is all kind of bringing it back, this
24 old case that you had?

25 A Yes.

1 Q All right. Now, do you recall that the children had
2 such severe tooth decay that they had to actually go into the
3 dentist to have caps put on and have a surgery done?

4 A Sure. Uh-huh.

5 Q Okay. And the Solanders are responsible, as the
6 foster parents, for making sure that that gets done; correct?

7 A Yes.

8 Q Okay. And if they have to do any co-pays and stuff
9 like that, there's Medicaid, but they're responsible for that;
10 correct?

11 A Yes.

12 Q And there's no indication that the Solanders in any
13 way neglected the needs, the dental needs of these children;
14 isn't that correct?

15 A That's correct.

16 Q In fact, they did the surgery, and the surgery was
17 successful. Is that your recollection, ma'am?

18 A Yes.

19 Q Okay. But you also remember during that 12/10/11, so
20 December 10th of 2011, home visit that Autumn was starting to
21 have nightmares?

22 A Uh-huh. Yes.

23 Q And that the Stark kids were getting very emotional
24 about the no-shows, but that these Solanders were trying to
25 make it better. You remember putting that in your notes?

1 A I do.

2 Q Okay. You also note that the home was clean and
3 neat; isn't that correct?

4 A Yes.

5 Q In fact, the home was always clean and neat; isn't
6 that correct?

7 A That's correct.

8 Q Okay. You never saw blood splattered anywhere during
9 the time you were there?

10 A No.

11 Q Okay. You never saw inappropriate things anywhere
12 that would have caused you concern as a mandatory reporter?

13 A No.

14 Q Okay. In fact at that time, December 10th, 2011,
15 you noted that the house was decorated for Christmas; isn't
16 that correct?

17 A Yes.

18 Q Okay. And that the children were well dressed and
19 groomed; correct?

20 A Yes.

21 Q And that they looked healthy now?

22 A Yes.

23 Q But that they were small?

24 A Yes. They always are very small, thin children.

25 Q They're little kids?

1 A Yes.

2 Q Okay. Okay. And then per your usual, you talk to
3 the children in private away from the adults; correct?

4 A Yes.

5 Q And basically you asked them, hey, what's going on
6 girls, and you build a rapport with them; isn't that correct?

7 A Yes, it is.

8 Q Okay. And they told you everything was fine. They
9 had said they weren't being punished in any way, and you did
10 your body check, and everything checked out; correct?

11 A Correct.

12 Q Okay. Now, sometimes early in the foster the kids
13 will go back to Child Haven to do a follow-up checkup; isn't
14 that correct?

15 A Yes, they do.

16 Q And you would note that in your Unity notes as well;
17 correct?

18 A Either myself or the nurse. Normally it's the nurse
19 that takes those notes.

20 Q Okay. And that might have been a Rebecca Graham. Do
21 you know that person?

22 A I don't know her personally, but I believe she is our
23 nurse.

24 Q Okay. And so if there is a Unity note about Rebecca
25 Graham, that's who that probably was, and that was a medical

1 visit for the children; correct?

2 A Yes.

3 Q And CPS -- or DFS schedules those things typically;
4 correct?

5 A Normally the foster parent will schedule it for
6 themselves at their convenience.

7 Q Oh, okay. And then the foster parents are the ones
8 responsible for bringing them over to Child Haven?

9 A Yes.

10 Q Okay. And you noted that that was -- that the
11 children were seen and that they were also referred to dental
12 through Child Haven; correct?

13 A Yes.

14 Q Okay. So dental is an issue, and then they actually
15 did have the surgery. Do you remember -- who is Susie Viscarra
16 [phonetic]?

17 A To be honest with you, I couldn't tell you, but it
18 should say their job title maybe after that. I'm sorry.

19 Q That's fine. Okay. But you have no reason to doubt
20 that the Autumn getting six caps and Ivy getting eight caps and
21 that the surgery was successful and the children looked good
22 after surgery entered into the case notes is accurate; correct?

23 A Yes.

24 Q Okay. No one is faking that?

25 A No.

1 Q Okay. Now, you did another home visit in January
2 of 2012. Just like clockwork, every 30 days, you're in that
3 Solander home; correct?

4 A Yes.

5 Q And your job is to look around all the time and make
6 sure everything looks right to you; correct?

7 A Yes.

8 Q Okay. And you didn't go alone then. You actually
9 were with somebody named Katie Maddox. Do you remember that?

10 A Yes.

11 Q Okay. And who is Katie Maddox?

12 A She's another caseworker with the department.

13 Q Okay. So there were two sets of DFS eyes in the
14 Solander home of January of 2012; correct?

15 A Yes.

16 Q And presumably you both did the same thing; is that
17 right?

18 A Yes.

19 Q Okay. And there was a nanny named Andrea that was
20 present at the time. Do you recall that?

21 A I do.

22 Q Okay. And so as part of your job is to speak with
23 the adult who is there, to look around before you even talk to
24 the kids; correct?

25 A Yes.

1 Q Okay. And it looks like from your note that the
2 Solanders were not present during that home visit, but that
3 there was a responsible adult in place, and you talked to that
4 responsible adult; correct?

5 A Yes.

6 Q So the Solanders weren't even there, but you were
7 able to go through; correct?

8 A Yes.

9 Q Okay. And you learn, and you put into your case
10 notes on January 12th, 2012, that Autumn is having hard
11 stools and BMs mostly at night and that she had a medical
12 appointment scheduled; isn't that correct?

13 A That's correct.

14 Q Okay. So you got that either from the children or
15 from Andrea, the nanny; isn't that correct?

16 A From Andrea, yes.

17 Q Okay. And you noted that in your Unity notes?

18 A Yes.

19 Q Okay. And that the children were on antibiotics at
20 that time; correct?

21 A Yes.

22 Q They had just had some significant dental surgery.
23 So that matches up?

24 A Correct.

25 Q Okay. In fact, everything is matching up so far,

1 correct, as far as you're concerned?

2 A Yes.

3 Q No major concerns of any sort?

4 A No.

5 Q Okay. And nothing you were seeing in the home that
6 caused you to do any kind of mandatory reporting; correct?

7 A Correct.

8 Q Okay. You then talked to the children away from the
9 adult; correct?

10 A Yes, I did.

11 Q That's what you do every time?

12 A Yes.

13 Q Okay. And you report your findings in your Unity
14 notes as they happen; isn't that correct?

15 A Yes.

16 Q Okay. The children reported that they were happy;
17 correct?

18 MR. HAMNER: Objection. Hearsay.

19 MR. FIGLER: I'll rephrase.

20 THE COURT: All right.

21 BY MR. FIGLER:

22 Q Did you have any indication from the children that
23 they weren't happy?

24 A I didn't.

25 Q Okay. You didn't have any indication from the

1 children that they were being physically disciplined; correct?

2 A No.

3 Q And you didn't have any indication from the children
4 that they were in any way unsafe; correct?

5 A Correct.

6 Q And at this time they were going to their FACT
7 appointments and getting all their counseling and their
8 empowerment; isn't that correct?

9 A Yes.

10 Q Okay. But Autumn did report to you that one of the
11 Solander kids was being inappropriate with her?

12 MR. HAMNER: Objection. It's hearsay.

13 MR. FIGLER: Well, it's --

14 MR. HAMNER: It's hearsay.

15 THE COURT: Well, it is technically. Why are you
16 offering it?

17 MR. FIGLER: Effect on the listener and the fact that
18 she has responsibilities.

19 THE COURT: All right. It's overruled for that
20 purpose, not whether or not the child was being -- it can't be
21 considered as to whether or not it's true that the child was
22 being inappropriate.

23 MR. HAMNER: Your Honor, can we at least --

24 THE COURT: Sure.

25 MR. HAMNER: If we can approach and just have a quick

1 proffer as to what it's going to prompt this witness to do.

2 THE COURT: Sure.

3 Counsel, approach.

4 (Conference at the bench not recorded)

5 THE COURT: All right. Go on, Mr. Figler.

6 MR. FIGLER: I'm approaching the witness, Your Honor.

7 BY MR. FIGLER:

8 Q I'm referring you to your notes of January 10th,
9 2012. That was a home visit where you took the children aside.
10 If you could just review that.

11 A Right.

12 Q Okay. So you remember now receiving a report from
13 Autumn that Ava Solander was physically inappropriate with her?
14 By grabbing her arms tight?

15 A Yes.

16 Q Okay. And then it says that you're going to follow
17 up; correct?

18 A Yes.

19 Q So presumably you would have talked to Ava; isn't
20 that correct?

21 A No. I probably would've, generally, in a situation
22 like that, talked to the foster parent or another kid in the
23 house, like Ivy.

24 Q Okay. All right. Now, I realize that it is a long
25 time ago. Do you remember them shuffling the kids and hiding

1 them away from you, the Solander children?

2 A No. They were never, like, visible to me when I
3 would arrive. So I remember going to the home. You know, they
4 weren't ever, like, in the common area or anything like that
5 when I'd come in. I just have to --

6 Q Okay. But they were your primary focus?

7 A Correct.

8 Q But if a kid came running by, and they were full of
9 blood or covered in feces or urine, you would've obviously
10 acted upon that; correct?

11 A Yes.

12 Q You would have made further inquiry?

13 A Absolutely.

14 Q Because you need to make sure there's a safe
15 environment for the Stark kids?

16 A Yes.

17 Q Okay. And that January 10th, other than the fact
18 that there was a report to you that Ava had grabbed the tight
19 arm of Autumn and that Autumn didn't like it, there was nothing
20 else of note or concern with regard to the Solander house;
21 correct?

22 A Not that day. They kids had reported other
23 incidents, but not that time.

24 Q Right. Other incidents with the children?

25 A Yes.

1 Q Okay. Not other instances with the Solander?
2 A Correct.
3 Q Other instances where the Solander children are being
4 mean or abusive?
5 A Yes.
6 Q To each other and to the Starks?
7 A Yes.
8 Q Okay. And to the Solanders?
9 A Yes.
10 MR. HAMNER: It's all hearsay at this point, Your
11 Honor.
12 MR. FIGLER: I'm going to stop right now.
13 THE COURT: All right.
14 MR. FIGLER: Because we are done with January 10th.
15 THE COURT: It is getting into hearsay. I mean,
16 unless it's to discuss --
17 MR. FIGLER: It's all going to be tied in.
18 THE COURT: -- what the witness did as a result of
19 receiving information, its hearsay.
20 MR. FIGLER: It is. It's all --
21 THE COURT: All right. Well --
22 MR. FIGLER: It's all relevant.
23 THE COURT: I think it's lunchtime.
24 MR. FIGLER: Okay.
25 THE COURT: Ladies and gentlemen, it's now 12:25.

1 We're going to go ahead and take our lunch break until 1:30.

2 During the lunch break, you're reminded that you're
3 not to discuss the case or anything relating to the case with
4 each other or with anyone else. You're not to read, watch or
5 listen to any reports of our commentaries on the case, person
6 or subject matter relating to the case. Do not do any
7 independent research by way of the Internet or any other
8 medium, and please don't form or express an opinion on the
9 case.

10 Please leave your notepads in your chairs and follow
11 the bailiff through the double doors. Well, see you all back
12 at 1:30.

13 And, ma'am, please do not discuss your testimony with
14 anyone during our break. All right.

15 (Jury recessed 12:26 p.m.)

16 THE COURT: Just for scheduling purposes, Mr. Figler,
17 how many visits are there with this particular social worker
18 and the Stark girls?

19 MR. FIGLER: There's one for every month, and they're
20 there for 14 months.

21 MR. HAMNER: We're on page 34 of 174.

22 THE COURT: On some of this -- well --

23 MS. BLUTH: If I could just put my objection on the
24 record when you're done.

25 THE COURT: Right. I mean, you might be able to kind

1 of cut to the chase. You didn't see any problems, you know, as
2 opposed to -- but it's your case.

3 MR. FIGLER: Well, there is a little something in
4 each one?

5 THE COURT: All right. Well, I'm just saying.

6 MR. FIGLER: There's a little something in each one.

7 THE COURT: It's your, you know, it's your case, but
8 there may be a -- you know, you could say, okay, you didn't
9 observe any problems, house was clean or whatever.

10 Ms. Bluth.

11 MS. BLUTH: No. When we were at the bench, I made an
12 objection as to relevance because we've never alleged at any
13 point in time in our opening, in our direct that they abused
14 the Starks girls. We said that she over exaggerated toileting
15 issues, things like that, but there's never been any idea that,
16 you know, she didn't -- that Janet or Dwight did anything wrong
17 to the Stark girls. So I don't see the relevance of going
18 through every single thing.

19 Yes, they went there every month. They checked it
20 out. It was a fine environment blah, blah, blah, but getting
21 into like tooth decay, I mean, I don't --

22 THE COURT: Well, that goes to the diet. I mean, I'm
23 assuming that the tooth decay goes into issues with diet and
24 things like that. I mean, if they had terribly decayed teeth,
25 you would think there was some aspect of, I don't know, pain or

1 possible difficulty. You know, like if somebody has really
2 decayed teeth, they shouldn't be eating candy. They certainly
3 shouldn't be eating certain kinds of hard food.

4 MR. HAMNER: I think the only dietary restriction
5 that's part of the record --

6 THE COURT: Well, Mr. Figler, you know, I mean, he
7 can --

8 MR. HAMNER: -- is the milk thing, is dairy.

9 THE COURT: Look, he can make whatever hay he can
10 make out of these various issues. So I can see the
11 relationship between diet and extreme tooth decay, which if
12 you're having oral surgery and caps as a child is pretty, in my
13 view, extreme.

14 But, Mr. Figler, where are you going with the visits?

15 MR. FIGLER: Which visits now?

16 THE COURT: All of the visits.

17 MR. FIGLER: All right. So every visit has either
18 Ms. Davison or another individual whose name needs to be
19 mentioned for the record that there were eyes in the Solander
20 home, that the defense is going to try our best to get those
21 people here because they certainly weren't going to be called
22 by the State, that at each one of these visits there is another
23 indication that Janet and Dwight are doing everything that
24 they're supposed to do, everything that's right, creating a
25 healthy home, that there's nothing wrong, that all the

1 suggestions that Janet is making up all these medical issues,
2 et cetera, which the State on direct seems to be the only
3 reason that they called this witness, to show that Janet is
4 crazy in the head, pretending to be a nurse and making up all
5 this stuff is all documented in all the things.

6 There is a time, Your Honor, when this witness notes
7 that she sees the little girl's stomach protruding. That would
8 not be the impact that the jury would have if only the
9 questions from the State were mentioned. So I am going to go
10 through every single visit with every little tidbit that's in
11 there to show that it's ridiculous that they brought in the
12 Stark children, that the Stark children's testimony is now
13 being impeached with regard to what they knew as being normal
14 or not normal because they were very concerned because of their
15 emotional difficulties, that they were learning what is normal
16 and not normal and how to report through the FACT counselor and
17 through the others, et cetera, et cetera.

18 This goes on and on and on. The State wanted to
19 bring this in. The State gets to live with the consequence of
20 that, and so that's what we're going to do. There is the
21 relevance.

22 MR. HAMNER: This is not a consequence.

23 MS. BLUTH: Yeah, we're fine with it. It's not a
24 consequence. We're totally fine.

25 MR. FIGLER: Great. I'm great because we're going to

1 be spending, as the defense predicted, approximately over half
2 of this trial on Stark and Diaz-Burnett kids who are not listed
3 in any single count of that indictment, but that's how the
4 State wanted to play it. So that's how it's going to play out.

5 MR. HAMNER: Well, consequence is different than
6 irrelevance, but we'll just treat it by each visit.

7 MS. BLUTH: Exactly. And I was just going to say.
8 So --

9 MR. HAMNER: It's fine.

10 THE COURT: Well, I think it's relevant. I mean, to
11 me, I think it's relevant if you have CPS workers coming into
12 the home, and they're not observing anything that's odd.

13 MS. BLUTH: Totally agree.

14 THE COURT: Or out of order.

15 MS. BLUTH: Totally agree.

16 THE COURT: You know, what may be odd is that the
17 Solander girls are never anywhere to be seen.

18 MR. FIGLER: Well, and we'll find out from the other
19 individuals if that's actually accurate or perhaps she just
20 doesn't remember.

21 THE COURT: Well, I mean, I think -- I think, you
22 know --

23 MR. FIGLER: Because we may have information that the
24 Solander girls were there more than just the one time.

25 MS. BLUTH: Oh, yeah, they were there.

1 MR. FIGLER: Oh, they were there. There's no doubt
2 they were there.

3 THE COURT: Was she -- I don't know. I mean --

4 MS. BLUTH: Anyway. But, Judge, we will --

5 THE COURT: Look, okay, I haven't memorized the
6 records to the extent both sides have memorized the records.
7 So, you know, I don't remember what she's saying about the
8 Solander girls or not saying about the Solander girls. As I
9 said, look, I mean, I think to the extent that the diet issue
10 came up with the Stark girls and their general medical health,
11 they could ask about the teeth.

12 MS. BLUTH: Sure. And I understand where Your Honor
13 is coming from --

14 THE COURT: And I think they're trying to show that,
15 you know, that the Stark girls did have some significant issues
16 with respect to their overall health, which would be the dental
17 health.

18 MR. FIGLER: Well, also the emotional impact of their
19 parents abandoning them and neglecting them, and every time
20 Janet and Dwight take them to the meetings, the parents aren't
21 there, and that the kids are having acting out issues, and that
22 this crazy thing that Janet is obsessed with, with them wetting
23 their beds and acting out, et cetera, is all very, very normal
24 and to be expected from children who have been abandoned by
25 their families, who neglected them and gave them such a poor

1 diet that they required dental surgery at such an early age.
2 It's all tied in.

3 And the State wants to pick and choose one little
4 thing out of those Unity notes, and the entirety of the Unity
5 notes paints a much different picture of the Solander house.

6 THE COURT: Okay. I don't know that the dental
7 surgery is related to poor diet as opposed to neglect and not
8 making the kids brush their teeth.

9 MR. FIGLER: Probably all of it.

10 MS. BLUTH: So but --

11 THE COURT: But in any event --

12 MS. BLUTH: But my abjection though is, Your Honor,
13 and Mr. Figler has made no bones about it, he's very upset with
14 the ruling from the Court. He brings it up all the time, and
15 he's he saying that's what the State wants to do, then this is
16 going to be the consequence, and we're fine with how our case
17 will be going, but that doesn't mean he gets to get into a
18 bunch of irrelevant things. So we will continue to object when
19 we find it to be irrelevant because --

20 THE COURT: I mean, I will just say I've already said
21 the dental can come in.

22 MS. BLUTH: I know.

23 THE COURT: And I think, you know, what they observed
24 in the household, you know, I think he's allowed to get into,
25 okay, you were there 10 times, never observed dirt, never