

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

2 JANET SOLANDER,)

CASE NO. 76228

3 Appellant,)

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Elizabeth A. Brown
Clerk of Supreme Court

4 vs.)

VOLUME IX

5 THE STATE OF NEVADA,)

6 Respondent.)

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

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

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INDEX

<u>VOL. NO.</u>	<u>DOCUMENT</u>	<u>PAGE NO.</u>
III	Amended Information filed February 6, 2018	0622-0637
XXII	Defendant's Proposed Jury Instructions Not Used at Trial filed March 12, 2018.....	5281-5293
III	Excerpt of Proceedings: Jury Trial – Day 1 heard February 5, 2018 filed August 28, 2018.....	0560-0579
III	Excerpt of Proceedings: Jury Trial – Day 2 heard February 6, 2018 filed August 28, 2018.....	0580-0621
I	Findings of Fact, Conclusions of Law and Order filed June 17, 2015.....	0074-0080
I	Information filed July 28, 2014.....	0001-0019
XXII	Instructions to the Jury filed March 13, 2018	5310-5363
I	Joinder to Defendant Dwight Solander's Motion to Suppress filed January 22, 2018.....	0143-0144
XXII	Judgment of Conviction (Jury Trial) filed June 22, 2018.....	5493-5498
I	Motion to Strike Notice of Expert Witness filed January 26, 2018.....	0192-0197
I	Motion to Suppress Evidence filed January 22, 2018.....	0145-0152
I	Notice of Appeal filed March 30, 2015	0071-0073
XXII	Notice of Appeal filed June 21, 2018	5491-5492
I	Opposition to State's Notice of Motion and Motion to Admit Evidence of Defendants Janet and Dwight Solander's Abuse of the Foster Children in their Home filed January 18, 2018.....	0128-0142
I	Order of Reversal and Remand filed April 19, 2016 ..	0081-0090

1	I	Petition for Writ of Habeas Corpus filed	
2		November 5, 2014	0028-0046
3	I	Recorder's Transcript of Proceedings: Calendar Call; State's	
4		Motion to Admit Evidence of Defendant Janet and Dwight	
		Solander's Abuse of Foster Children in their Home heard	
		January 23, 2018 filed July 27, 2018.....	0156-0191
5	I	Recorder's Transcript of Hearing: Further Proceedings:	
6		Continue Trial Date heard January 29, 2018 filed August 28,	
		2018.....	0198-250
7	II	Recorder's Transcript of Hearing: Further Proceedings:	
8		Continue Trial Date heard January 29, 2018 filed August 28,	
		2018 (continuation).....	0251-0252
9	II	Recorder's Partial Transcript of Proceedings: Joinder to	
10		Defendant Dwight Solander's Motion to Suppress, State's	
		Motion to Quash Dr. Sandra Cetl's and Jacqueline Bluth's	
11		Subpoena Duces Tecum heard February 1, 2018 filed August	
		10, 2018.....	0423-0500
12	III	Recorder's Partial Transcript of Proceedings: Joinder to	
13		Defendant Dwight Solander's Motion to Suppress, State's	
		Motion to Quash Dr. Sandra Cetl's and Jacqueline Bluth's	
14		Subpoena Duces Tecum heard February 1, 2018 filed August	
		10, 2018 (continuation).....	0501-0543
15	XXII	Recorder's Transcript of Proceeding: Sentencing heard June 5,	
		2018 filed July 24, 2018.....	5423-5490
16	XXII	Sentencing Memorandum filed June 1, 2018	5375-5422
17	I	State's Bench Memorandum Pursuant to Court's Request	
18		Regarding Issue in Pretrial Writs of Habeas Corpus filed	
		October 15, 2014	0020-0027
19	I	State's Notice of Expert Witnesses [NRS 174.234(2)] filed	
		January 4, 2018.....	0091-0096
20	I	State's Notice of Witnesses [NRS 174.234(1)(a)] filed	

1		January 9, 2018.....0125-0127
2	I	State’s Notice of Motion and Motion to Admit Evidence of
3		Defendants Janet and Dwight Solander’s Abuse of the Foster
		Children in their Home filed January 8, 2018.....0097-0124
4	I	State’s Opposition and Motion to Dismiss Defendant’s Petition
		for Writ of Habeas Corpus filed November 19, 2014 .0047-0052
5	III	State’s Opposition to Defendant Janet Solander’s Joinder to
6		Dwight Solander’s Motion to Suppress Evidence filed February
		1, 2018.....0544-0553
7	III	State’s Opposition to Defendant’s Motion to Strike the State’s
		Experts filed February 2, 2018.....0554-0559
8	I	State’s Return to Writ of Habeas Corpus filed December 17,
9		2014.....0053-0070
10	I	State’s Supplemental Notice of Witnesses [NRS 174.234(1)(a)]
		filed January 22, 2018.....0153-0155
11	II	Transcript of Proceedings: Evidentiary Hearing – Day 1
12		Excerpt heard January 31, 2018 filed
		February 13, 20180253-0371
13	II	Transcript of Proceedings: Evidentiary Hearing – Day 2
14		Excerpt heard February 1, 2018 filed
		February 13, 20180372-0422
15	III	Transcript of Proceedings: Jury Trial – Day 4 heard February
		15, 2018 filed August 28, 20180638-0750
16	IV	Transcript of Proceedings: Jury Trial – Day 4 heard February
17		15, 2018 filed August 28, 2018 (continuation)0751-0845
18	IV	Transcript of Proceedings: Jury Trial – Day 5 heard February
		16, 2018 filed August 28, 20180846-1000
19	V	Transcript of Proceedings: Jury Trial – Day 5 heard February
20		16, 2018 filed August 28, 2018 (continuation)1001-1172

1	V	Transcript of Proceedings: Jury Trial – Day 6 heard February 20, 2018 filed August 28, 20181173-1250
2	VI	Transcript of Proceedings: Jury Trial – Day 6 heard February
3		20, 2018 filed August 28, 2018 (continuation)1251-1433
4	VI	Transcript of Proceedings: Jury Trial – Day 7 heard February
5		21, 2018 filed August 28, 20181434-1500
6	VII	Transcript of Proceedings: Jury Trial – Day 7 heard February
7		21, 2018 filed August 28, 2018 (continuation)1501-1706
8	VII	Transcript of Proceedings: Jury Trial – Day 8 heard February
9		22, 2018 filed August 28, 20181707-1750
10	VIII	Transcript of Proceedings: Jury Trial – Day 8 heard February
11		22, 2018 filed August 28, 2018 (continuation)1751-1936
12	VIII	Transcript of Proceedings: Jury Trial – Day 9 heard February
13		23, 2018 filed August 28, 20181937-2000
14	IX	Transcript of Proceedings: Jury Trial – Day 9 heard February
15		23, 2018 filed August 28, 2018 (continuation)2001-2226
16	IX	Transcript of Proceedings: Jury Trial – Day 10 heard February
17		26, 2018 filed August 28, 20182227-2250
18	X	Transcript of Proceedings: Jury Trial – Day 10 heard February
19		26, 2018 filed August 28, 2018 (continuation)2251-2500
20	XI	Transcript of Proceedings: Jury Trial – Day 10 heard February
		26, 2018 filed August 28, 2018 (continuation)2501-2552
	XI	Transcript of Proceedings: Jury Trial – Day 11 heard February
		27, 2018 filed September 18, 2018.....2553-2750
	XII	Transcript of Proceedings: Jury Trial – Day 11 heard February
		27, 2018 filed September 18, 2018 (continuation).....2751-2757
	XII	Transcript of Proceedings: Jury Trial – Day 12 heard February
		28, 2018 filed September 18, 2018.....2758-3000

1	XIII	Transcript of Proceedings: Jury Trial – Day 12 heard February 28, 2018 filed September 18, 2018 (continuation).....3001-3076
2		
3	XIII	Transcript of Proceedings: Jury Trial – Day 13 heard March 1, 2018 filed August 28, 20183077-3250
4	XIV	Transcript of Proceedings: Jury Trial – Day 13 heard March 1, 2018 filed August 28, 2018 (continuation)3251-3363
5		
6	XIV	Transcript of Proceedings: Jury Trial – Day 14 heard March 2, 2018 filed September 5, 20183364-3500
7	XV	Transcript of Proceedings: Jury Trial – Day 14 heard March 2, 2018 filed September 5, 2018 (continuation)3501-3664
8	XV	Transcript of Proceedings: Jury Trial – Day 15 heard March 5, 2018 filed September 5, 20183665-3750
9		
10	XVI	Transcript of Proceedings: Jury Trial – Day 15 heard March 5, 2018 filed September 5, 2018 (continuation)3751-3947
11	XVI	Transcript of Proceedings: Jury Trial – Day 16 heard March 6, 2018 filed September 18, 20183948-4000
12		
13	XVII	Transcript of Proceedings: Jury Trial – Day 16 heard March 6, 2018 filed September 18, 2018 (continuation)4001-4149
14	XVII	Transcript of Proceedings: Jury Trial – Day 17 heard March 7, 2018 filed August 28, 20184150-4250
15		
16	XVIII	Transcript of Proceedings: Jury Trial – Day 17 heard March 7, 2018 filed August 28, 2018 (continuation)4251-4379
17	XVIII	Transcript of Proceedings: Jury Trial – Day 18 heard March 8, 2018 filed September 18, 20184380-4500
18		
19	XIX	Transcript of Proceedings: Jury Trial – Day 18 heard March 8, 2018 filed September 18, 2018 (continuation)4501-4601
20	XIX	Transcript of Proceedings: Jury Trial – Day 19 heard March 9, 2018 filed September 18, 20184602-4750

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

XX	Transcript of Proceedings: Jury Trial – Day 19 heard March 9, 2018 filed September 18, 2018 (continuation)	4751-4914
XX	Transcript of Proceedings: Jury Trial – Day 20 heard March 12, 2018 filed September 18, 2018	4915-5000
XXI	Transcript of Proceedings: Jury Trial – Day 20 heard March 12, 2018 filed September 18, 2018 (continuation)	5001-5250
XXII	Transcript of Proceedings: Jury Trial – Day 20 heard March 12, 2018 filed September 18, 2018 (continuation)	5251-5280
XXII	Transcript of Proceedings: Jury Trial – Day 21 heard March 13, 2018 filed September 18, 2018	5294-5309
XXII	Verdict filed March 13, 2018	5364-5374

1 A Yes. Yes.

2 Q Okay. And so at the time, you would have reviewed
3 the Unity the notes and spoken with your supervisor at the
4 time?

5 A Yes.

6 Q And it was reported by your supervisor that the
7 therapist made a CPS referral about three foster children
8 because of the therapist's concerns regarding the caregivers'
9 ability to meet the exceptional needs of the children; right?

10 A Yes.

11 Q Okay. So that initial referral came from language
12 from Lori Wells?

13 A Yes.

14 Q Okay. So after you got this call, after you got
15 assigned this case, you actually had to do a little bit of
16 ground work before you went out into the home?

17 A Yes.

18 Q So you review Unity notes; right?

19 A Yes.

20 Q Okay. And you knew that there was a CPS history
21 related to the foster children in the home?

22 A I knew there was a CPS history related to the
23 adoptive children in the home.

24 Q Okay.

25 A Yes.

1 Q So you already knew that the -- that there was prior
2 allegations in CPS calls that had been made as to the adopted
3 children?

4 A Yes.

5 Q So that would've been Ava, Amaya and Anastasia;
6 right?

7 A Yes.

8 Q And you knew based on your review of all of those
9 records that they had been unsubstantiated?

10 A Yes.

11 Q Because if they had been substantiated, that would
12 have given you pause to actually do a little bit more work;
13 right?

14 A I don't understand the question.

15 Q Well, if something in Unity notes that a CPS referral
16 is substantiated, that's going to raise a red flag for you?

17 A Well, if it's unsubstantiated or substantiated, I
18 still have to investigate. It doesn't make a difference.

19 Q Okay. But if --

20 A I mean, you know, if it's substantiated, yeah, it
21 may, you know, cause a little more research or whatever, but it
22 doesn't make any difference if it's unsubbed or subbed. I
23 still have to investigate the case.

24 Q Okay. Fair enough. So you still have to go in --

25 A Sure.

1 Q -- and actually apply all of the same standards in
2 the case?

3 A Sure.

4 Q So the fact that something was either unsubstantiated
5 in the past or not, you are still going to apply the same level
6 of scrutiny when you go in to see if these allegations that are
7 made now are true or not?

8 A Yes.

9 Q Okay. All right. So I understand that. Thank you
10 for that clarification. So let's talk about your investigation
11 into the home. Specifically, you made an initial home visit on
12 November 7th of 2013?

13 A Yes.

14 Q Okay. And at that initial home visit on -- I said
15 November 7th; right?

16 A Yes.

17 Q Thank you. And at that initial home visit on
18 November 7th, you actually interviewed the adopted children?

19 A Yes.

20 Q Okay. And you were able to interview them freely;
21 right?

22 A Yes. They were there. Yes.

23 Q So Janet didn't try to interfere with your
24 investigation at all?

25 A No.

1 Q She didn't try to hide away the children into
2 different rooms or interrupt you when you were talking to them?

3 A No.

4 Q She didn't try to interject her own answers into
5 whatever questions you were giving the children?

6 A No.

7 Q So you interviewed the children individually, face to
8 face for the time that you deemed appropriate based on the
9 initial disclosures in the home?

10 A Yes.

11 Q Okay. Now, if Janet had been trying to interfere
12 with your investigation or if anybody had been trying to
13 interfere, isn't that something you would have documented in
14 your Unity notes?

15 A Yes, of course.

16 Q Of course, right, because that's a red flag. That's
17 a problem as far as something going on in the home, and nowhere
18 in your Unity notes does it reflect that Janet interfered in
19 any way with your investigation after this November 2013 call?

20 A No.

21 Q Okay. So when you entered the home on November 7th
22 of 2013, you met with Ava, who was 12, and Amaya, who was 10 at
23 the time; right?

24 A Yes.

25 Q And you saw them in the kitchen area doing their --

1 in the kitchen area of the home doing their school work?

2 A Yes.

3 Q And the foster -- or excuse me. Strike that.

4 Mrs. Solander told you, My girls are homeschooled; right?

5 A Yes.

6 Q And you documented that?

7 A Yes.

8 Q And there's nothing inherently wrong or abusive about
9 kids being homeschooled?

10 A No.

11 Q And on November 7th, if you entered a Unity note on
12 November 7th and time stamped it at about 4:15 in the
13 afternoon, is it possible that children are still doing
14 homeschooling or homework because they are homeschooled?

15 A Sure. Yes.

16 Q And nothing about that raises a red flag?

17 A No.

18 Q Okay. Now, you got to actually speak to the children
19 about being homeschooled?

20 A Yes.

21 Q And the children told you that they have been in the
22 home more than three years?

23 A Yes.

24 Q Okay. They told you that they like their parents and
25 are happy in the home?

1 A That's what they told me, yes.

2 Q And that's what you documented?

3 A Yes.

4 Q Because at the time that you documented it, it would
5 have been very close in time or very shortly after you
6 interviewed the children; right?

7 A Yes.

8 Q It would have been fresh in your mind and most
9 accurate at that time?

10 A Yes.

11 Q Okay. Now, when you asked about the potty chairs,
12 the children, the two children that were sitting down there,
13 Ava and Amaya, told you that they do not sit on potty chairs
14 while doing their homework?

15 A Yes.

16 Q Okay. And when you walked in that day, you didn't
17 see any children -- not the adopted children and not any of the
18 four foster children -- on potty chairs?

19 A No.

20 Q Okay. But you did note that there was a single potty
21 chair in the kitchen --

22 A Yes.

23 Q -- and you made that -- sorry about that. And your
24 answer was, yes. And you made that entry into your Unity
25 notes?

1 A Yes.

2 Q Okay. Because that's a relevant observation; right?

3 A Yes.

4 Q You were called out there in part because there was
5 an allegation about children sitting on pots for 10 hours a
6 day?

7 A Correct. Yes.

8 Q Okay. So you entered a note that there was just one
9 single potty chair?

10 A Yes.

11 Q And then when you asked further about the potty
12 chair, you got answers about the potty chair?

13 A Yes.

14 Q So the two older girls -- Ava and Amaya -- told you
15 the youngest one has potty accidents. So the potty chair is
16 for her?

17 A Yes, they did.

18 Q And then when you confronted Mrs. Solander about this
19 potty chair, you got the same information?

20 A Correct. Yes.

21 Q That the little one had accidents, and so that was on
22 the first floor for her?

23 A Yes.

24 Q And you actually had an observation about the
25 youngest one -- that's Anastasia -- having an accident, didn't

1 you?

2 A Yes.

3 Q Because, in fact, when you were conducting your home
4 visit and moving about the home, you observed Anastasia coming
5 out of the bathroom?

6 A Yes.

7 Q And, in fact, if I understand your testimony on
8 direct examination, it was very clear to you that she had had a
9 bathroom accident?

10 A Yes.

11 Q That she had been cleaning herself up?

12 A Yes. Correct.

13 Q And that she had been changing her clothes?

14 A Yes.

15 Q That she had been doing all of this in the bathroom
16 alone without any assistance?

17 A Yes.

18 MS. BLUTH: Objection. Speculation.

19 MS. MCAMIS: Well, I'm asking what --

20 THE COURT: Overruled.

21 Did you see whether or not she was doing it alone
22 without assistance?

23 THE WITNESS: She was by herself, yes. Yeah.

24 BY MS. MCAMIS:

25 Q And you observed her to have gloves on?

1 A Yes.

2 Q And there's nothing inherently suspicious or
3 problematic about that considering she was cleaning herself up?

4 A I'm not able to --

5 THE COURT: Well, did you find anything concerning
6 about the fact that the child was wearing gloves?

7 THE WITNESS: I found it -- well, I found there was a
8 question about it because I asked Mrs. Solander about why she
9 had gloves on. So, you know, it was something that kind of
10 stood out in my mind.

11 BY MS. MCAMIS:

12 Q Okay. So you saw something that might have been a
13 cause for further inquiry?

14 A Yes.

15 Q So you identified it. You made a note of it in
16 Unity?

17 A Yes.

18 Q Then you asked more questions about it?

19 A Yes.

20 Q Because that's something as a conscientious CPS
21 investigator with a lot of experience that's what you were
22 tasked with doing?

23 A Yes.

24 Q Okay. And so you did. You said what's going on with
25 these gloves?

1 A Yes.

2 Q And they gave you an answer, specifically
3 Mrs. Solander. She wears the gloves so she doesn't keep
4 pulling out her hair?

5 A Yes.

6 Q And you actually observed that Anastasia had a bald
7 spot?

8 A Yes.

9 Q And so Mrs. Solander actually disclosed to you that
10 she was aware of this problem and that she had identified the
11 gloves as a solution to the problem?

12 A That's what she told me, yes.

13 Q Okay. Now, when you were interviewing, you know,
14 Mrs. Solander and she was disclosing all of this to you, if she
15 had been acting in a way that was suspicious or you thought was
16 lying, wouldn't you have noted that in Unity?

17 A I would have noted something about that, yes.

18 Q You would have noted it.

19 A Yeah.

20 Q Okay. And so in all of your Unity notes, there is no
21 entry about Mrs. Solander being deceitful or dishonest; right?

22 A No.

23 Q Okay. Because you didn't have that concern?

24 A No. No.

25 Q Okay. All right. Now, your home visit on November

1 7th, 2013, didn't just stop with interviewing and having
2 contact with the adoptive girls Ava, Amaya and Anastasia?

3 A No.

4 Q You actually went a step further because there was a
5 call from the hotline that said caregiver may not be able to
6 meet the exceptional needs of the foster children?

7 A Correct.

8 Q So you had to make contact with those foster children
9 in the home?

10 A Yes.

11 Q And you did so; right?

12 A Yes.

13 Q Okay. Of course. And you did so individually?

14 A Yes.

15 Q That means you would have met with them each face to
16 face?

17 A Yes.

18 Q You would've asked them questions about how they're
19 doing in the home?

20 A Yes.

21 Q You would've asked them questions about how they're
22 doing in school if they were school-aged?

23 A Yes.

24 Q Although to be fair, only one of them was
25 school-aged?

1 A Yes.

2 Q You would've asked them how they spend their days;
3 right?

4 A Yes.

5 Q And what they eat?

6 A Yes.

7 Q And if you'd gotten any concerning answer from any of
8 that you would've made an entry into Unity; right?

9 A Yes.

10 Q You would have documented a problematic or reportable
11 answer?

12 A Yes.

13 Q You would've had to then staff with your supervisor
14 that there's an issue in the home, and I can't recommend that
15 they remain in placement?

16 A Yes.

17 Q You would've had to take the additional step to say
18 I've identified a reason to actually have these children
19 removed?

20 A Yes.

21 Q Okay. And after the November 7th home visit, none
22 of those steps were taken?

23 A Well, it has to be staffed with the supervisor.

24 Q Sure. But you didn't --

25 A -- to remove the child. I can't just can't go in and

1 remove children. It has to be staff.

2 Q But you didn't request staffing for removal?

3 A No. No.

4 Q Okay. Because you didn't see anything that merited
5 that?

6 A No, not that visit. No.

7 Q And if I could just ask you, I know that I talk a
8 little slow, and so you're ready to answer my questions. We
9 have to take turns because it's recorded, and I will try to be
10 better about that, but I know. So if we could just take turns
11 speaking. Thank you.

12 All right. Ms. Ocloo, your contact with the foster
13 children is actually significant contact. You talked to all of
14 them?

15 A Yes.

16 Q Okay. So on November 7th, you specifically noted
17 and documented that you observed Demyer, the 3 year old?

18 A Yes.

19 Q And Demyer was one of the foster children from the
20 Diaz-Burnett sibling group?

21 A Yes.

22 Q Okay. And just so everyone's kind of oriented, now
23 I'm going to turn to the foster children, the Diaz-Burnett
24 sibling group. Okay. Now, you observed Demyer playing in the
25 dining room when you arrived; right?

1 A Yes.

2 Q And then you observed him go into the den to watch
3 television while you were meeting with Mrs. Solander?

4 A Yes.

5 Q Okay. So he was watching TV. The TV was on in the
6 family room?

7 A Yes.

8 Q And there's nothing, you know, out of the ordinary
9 about that?

10 A No.

11 Q Okay. And you documented that he was wearing a
12 pull-up because he wets himself sometimes?

13 A Yes.

14 Q Now, you also documented that he was encouraged to go
15 to the bathroom, which he did on his own?

16 A Yes.

17 Q And he was encouraged by the foster parent
18 Mrs. Solander to go to the bathroom on his own?

19 A Yes.

20 Q Okay. And when you were interacting with Demyer, he
21 was smiling and responded to you appropriately when you said
22 hi?

23 A Yes.

24 Q Okay. You documented that he was dressed neat and
25 clean?

1 A Yes.

2 Q So you were observing him physically when you were
3 interacting with him; right?

4 A Yes.

5 Q You were asking him questions to make sure that he
6 was able to respond to you?

7 A Yes.

8 Q You were able to at the same time visually inspect
9 him to see if there was anything amiss or if the caregiver was
10 not meeting any of his needs?

11 A Yes.

12 Q And so you actually documented all of the things that
13 the caregiver, meaning the foster parent Mrs. Solander, had
14 been doing correctly?

15 A Yes.

16 Q Because a 3 year old is not going to be cleaning or
17 dressing himself completely independently?

18 A Yes.

19 Q Just not at that age group. It's just not expected.
20 Right?

21 A It depends.

22 Q Depends. But not completely --

23 A On the child.

24 Q -- independent at 3?

25 A Yes, not completely, not at 3, no.

1 Q Okay. All right. So you also observed that Demyer
2 appeared to be average height and weight for his age?

3 A Yes.

4 Q And you documented that he attended group therapy and
5 counseling through Legacy with his siblings?

6 A Yes.

7 Q And that something that you testified on direct
8 examination that you had actual knowledge of because at one of
9 your home visits the kids had just come back from Legacy?

10 A Yes.

11 Q And you knew that because you interacted with the BST
12 and PSR workers --

13 A Yes.

14 Q -- who were doing the drop off?

15 A Yes.

16 Q Okay. Now, you were asked some questions about
17 Mrs. Solander and her, like her statements about conditions or
18 the medical situations of the children -- the foster children
19 in her care. On that November 7th, 2013, home visit,
20 Mrs. Solander reported that Demyer was actually doing much
21 better in the area of potty training since he had come to the
22 home in May?

23 A Yes.

24 Q So she actually documented that he had positive
25 behavioral improvement since he had been in the home in May?

1 A Yes.

2 Q She was not telling you that he was wild or out of
3 control?

4 A No.

5 Q Okay. She was just identifying what his potty
6 training needs were and how they had been improving?

7 A Yes.

8 Q And as, you know, and as part of your employment,
9 that's something that the Department of Family Services wants
10 to know is how the children are progressing and developing
11 while they're in foster care?

12 A Yes.

13 Q So these disclosures don't ring any kind of, you
14 know, don't -- they're not red flags to you?

15 A No.

16 Q In fact, these are welcome disclosures?

17 A Yes.

18 Q You would hope that the foster parent would be very
19 familiar with how the child is developing?

20 A I would hope so, yes.

21 Q And then you actually documented that you have that
22 information?

23 A Yes.

24 Q Okay. But she did tell you that sometimes Demyer
25 regressed with potty training after visits with his parents?

1 A Yes, she did.

2 Q And she expressed dissatisfaction that sometimes the
3 biological parents were missing the visits for the Diaz-Burnett
4 sibling group?

5 A Yes. That was part of the conversation. Yes.

6 Q Right. And she didn't want him to regress?

7 A Yes.

8 Q Okay. Now, you also met with Kaeshia in the home --

9 A Yes.

10 Q -- on that same day on the November 7th, 2013,
11 date. Now, Kaeshia you documented was 4?

12 A Yes.

13 Q And you documented that she was a very pretty little
14 girl who has curly brown hair?

15 A Yes.

16 Q So you were making very specific detailed
17 observations about these children in the home?

18 A Yes.

19 Q So you were asked a whole bunch of questions on
20 direct examination about the individual minutes that you
21 entered as to each child?

22 A Yes.

23 Q But cumulatively, you spent a fair amount of time in
24 this home?

25 A Yes.

1 Q And you were multitasking when you were in the home?

2 A Yes, I was.

3 Q So it's not that you were just focusing on, you know,
4 one child at a time for five minutes and then the next for
5 seven minutes; right?

6 A No.

7 Q You had some individual one-on-one sessions with the
8 children?

9 A Yes.

10 Q And then you had other just general observations
11 about how the house was running and observations between how
12 the foster children and Mrs. Solander interacted?

13 A Yes.

14 Q Because that's something that as an investigator you
15 have to observe that behavior in order to make a determination
16 about what to do with the CPS referral?

17 A Yes.

18 Q And that's what you did that day?

19 A Yes.

20 Q Okay. Now, specifically on November 7th of 2013,
21 you observed Kaeshia in bed. She just wasn't feeling well?

22 A Yes.

23 Q Okay. But, you know, even though she did not feel
24 good, she was dressed neat and clean?

25 A Yes.

1 Q And she had gone to therapy and group that day with
2 her siblings?

3 A Yes.

4 Q Okay. And then the foster parent reported to you
5 that the child had a fever and complained her stomach hurt?

6 A Yes.

7 Q And sometimes when children have fevers their
8 stomachs hurt?

9 A I'm not able to answer that. Sometimes --

10 Q Fair enough.

11 A -- but I don't know.

12 Q But there's nothing about that disclosure --

13 A No.

14 Q -- that caused you --

15 A No.

16 Q -- any alarm?

17 A No.

18 Q In fact, it seemed that the foster parent was very
19 attentive as to Kaeshia because she was able to explain what
20 was going on and why Kaeshia didn't feel good?

21 A That's what she told me. Yes.

22 Q And you had no reason to not believe that --

23 A No.

24 Q -- based on your observations of Kaeshia that day?

25 A No.

1 Q Okay. Now, your investigation actually didn't stop
2 there. You went to another home visit on November 19th of
3 2013?

4 A Yes.

5 Q And after all of your observations that day, you
6 documented no safety threats; right?

7 A Yes.

8 Q And you actually recommended that the foster kids
9 remain in that placement in the Solander home after all of
10 those observations?

11 A Yes.

12 Q And that's something you documented in your Unity
13 notes?

14 A Yes.

15 Q And you came to that conclusion after making several
16 different observations about each of the children in the home?

17 A Yes.

18 Q Okay. So you had contact with Areahia that day?

19 A Yes, I did.

20 Q Okay. And initially you went to her school?

21 A Yes.

22 Q And Areahia had been gone or went home because she
23 didn't feel good?

24 A Yes.

25 Q And so Mrs. Solander picked her up from school and

1 took her home?

2 A Yes.

3 Q But she had been in school that day?

4 A Yes.

5 Q Okay. And it was reported to you that Areahia's
6 blood sugar was running low, and she was not wearing a monitor
7 to track her sugar levels?

8 A Yes.

9 Q And you became aware that a doctor had recommended
10 blood glucose testing for Areahia just to monitor her levels?

11 MS. BLUTH: Objection. Speculation.

12 MS. MCAMIS: Well, she interviewed the children.

13 THE COURT: Did anyone in the Solander house tell you
14 that?

15 BY MS. MCAMIS:

16 Q Or Areahia.

17 MS. BLUTH: Or any one in the home.

18 THE WITNESS: The child mentioned something about a
19 doctor and her blood sugar, her glucose levels.

20 THE COURT: This is Areahia mentioned that?

21 THE WITNESS: Yes.

22 BY MS. MCAMIS:

23 Q Okay. So Areahia disclosed to you that a doctor had
24 been seeing her and recommended that she monitor her blood
25 glucose levels?

1 A Yes.

2 Q And that was because she had been either passing out
3 or fainting?

4 MS. BLUTH: Objection. Speculation.

5 MS. MCAMIS: It's all based on the disclosures of
6 Areahia.

7 THE COURT: Unless it was told to you. Do you know
8 what -- did Areahia tell you why she was --

9 THE WITNESS: Areahia told me that she gets weak and
10 tired a lot, and sometimes she gets dizzy and may pass out.
11 She told me that, the child.

12 THE COURT: Okay.

13 THE WITNESS: Yes.

14 BY MS. MCAMIS:

15 Q Okay. But you are aware that Areahia was at least
16 seeing a doctor for that?

17 A Yes.

18 Q And if you had any concern that Areahia was not being
19 treated medically for potential blood glucose issues or passing
20 out issues, that's a reportable concern for you?

21 A Yes, it is.

22 Q Meaning that you could have staffed that with your
23 supervisor?

24 A Yes.

25 Q Meaning that you could have then at that staffing

1 with your supervisor recommended removal from the home?

2 A Or corrective action or --

3 Q Sure. Or corrective --

4 A -- there are a number of steps, not necessarily
5 removal.

6 Q Fair enough.

7 A There are a number of steps that could be taken.

8 Q Fair enough, but there was no staffing recommending
9 removal or corrective behavior based on that --

10 MR. FIGLER: I do apologize. Court's indulgence.

11 THE COURT: Sure.

12 MS. MCAMIS: Okay. All right. Thank you so much for
13 that brief indulgence.

14 BY MS. MCAMIS:

15 Q Now, Ms. Ocloo, you talked more to Areahia about the
16 different needs in her --

17 A Yes.

18 Q Thank you. I told you sometimes I talk a little
19 slow. I'm working on it. So you talked to Areahia about
20 therapy?

21 A Yes.

22 Q And Areahia reported to you -- I want to make sure I
23 have your note correctly. Areahia reported to you that she
24 actually had an issue with her initial therapist at Legacy?

25 A Yes.

1 Q And that was Lori Wells?

2 A Correct. Yes.

3 Q And her issue with Lori Wells was that Areahia had
4 made some disclosures that she thought were confidential in
5 therapy and that Lori Wells shared those disclosures with the
6 biological parents at visitations?

7 A Yes.

8 Q And that upset Areahia?

9 A Yes.

10 Q Areahia felt like she had lost trust in Lori Wells?

11 A Yes.

12 Q And she told you that after she discussed this then
13 the Department of Family Services actually reassigned and took
14 Lori Wells off of that case based on Areahia's concerns?

15 A Not just Areahia's concerns.

16 Q But you knew that Areahia had reported that, that she
17 lost trust in Lori Wells and that --

18 A Well, yes. That's what the child told me. Yes.

19 Q Correct. And that came from the child?

20 A Yes.

21 Q Okay. So then you talked to Areahia more generally
22 about how she was doing in the home?

23 A Yes.

24 Q And Areahia reported that she gets along with
25 everyone in her home, and she likes her foster home and feels

1 safe?

2 A Yes.

3 Q Okay. Now, she did disclose to you that she wet
4 herself on Saturday because she did not want to visit with her
5 mother and father?

6 A Yes.

7 Q And she told you or she disclosed that she wet
8 herself so much that it was on the floor and through her pants?

9 A Yes.

10 Q But she denied urinating on herself at school?

11 A Yes.

12 Q And this was all a disclosure in the same context
13 that you were discussing her frustration with Lori Wells?

14 A That was part of the conversation, yes.

15 Q Okay. Now, Areahia still wanted to go home to her
16 mom and dad?

17 A Yes.

18 Q Okay. And she attended visits every Saturday?

19 A Yes.

20 Q Okay. She also disclosed to you that her foster
21 parents are nice to her?

22 A Yes.

23 Q And she disclosed how discipline worked in the
24 Solander home?

25 A Yes, she did.

1 Q And she disclosed to you if she got into trouble she
2 has to stand in front of the grandfather clock?

3 A Yes.

4 Q But she reported she's usually good and did not
5 remember the last time she had a timeout?

6 A Yes.

7 Q Okay. Now, she did discuss and disclose that her
8 foster mother, Mrs. Solander, used to make sure she washed
9 herself properly during showers, but does not do that anymore?

10 A Yes.

11 Q Okay. And then she disclosed that her foster mother
12 does check her underwear to make sure they are clean and washed
13 properly?

14 A Yes.

15 Q Okay. But she didn't say anything to you about --
16 there was no disclosure that Mrs. Solander was inspecting the
17 underwear while the underwear was still physically on Areahia?

18 A I don't remember.

19 Q Well, that's something that you would have noted if
20 that had occurred?

21 A Yes.

22 Q Okay. And that's not in your Unity notes?

23 A [Unintelligible.]

24 Q Okay. And Areahia said that she's never had to use
25 the portable potty in the home?

1 A Yes.

2 Q Okay. So Areahia also disclosed pooping in her pants
3 after a visit with her mother?

4 A Yes.

5 Q And she reported to you she did this because she did
6 not want her mother to leave after that visit?

7 A Yes.

8 Q Okay. And that's while she was still visiting Legacy
9 for the Saturday visits once a --

10 A Yes.

11 Q Okay. So Areahia also told you more generally what
12 she likes, and she likes doing arts and crafts in the home?

13 A Yes.

14 Q Okay. And that she likes to watch movies and go out
15 to eat with her foster family and her siblings?

16 A Yes.

17 Q Okay. So after interviewing Areahia, you documented
18 all of these disclosures. There's again nothing out of the
19 ordinary that would cause you to request a staffing with your
20 supervisor?

21 A No.

22 Q Okay. And Areahia disclosed that she gets along with
23 her siblings, but may fight with her 4-year-old sister,
24 Kaeshia?

25 A Yes.

1 Q She disclosed Kaeshia sometimes wets and poops in her
2 pants, but not all the time?

3 A Yes.

4 Q Okay. And she also disclosed that Demyer wets his
5 pants and may wear a pull-up, but not so much anymore?

6 A Yes.

7 Q Okay. And that was consistent with what you were
8 hearing from Mrs. Solander was that sometimes the kids had
9 accidents, but that she had seen generally their behaviors
10 improving?

11 A Yes.

12 Q Okay. And then you observed -- you did a body check
13 of Areahia?

14 A Yes.

15 Q And you observed her to be neat and clean, and she
16 didn't have body odor?

17 A Yes.

18 Q And that's something that you documented?

19 A Yes.

20 Q And you made a specific note that Areahia had an
21 implant blood sugar monitor on the right side of her stomach?

22 A Yes.

23 Q Okay. And nothing about that observation caused you
24 any alarm?

25 A No.

1 Q Because she had disclosed to you that she had a
2 doctor monitoring her blood glucose levels?

3 A Yes.

4 Q Okay. So that was all consistent with the
5 information you were receiving?

6 A Yes.

7 Q And if you had seen inconsistent information, you
8 have the knowledge and skills as an experienced investigator to
9 do something more?

10 A Yes.

11 Q And you would have done so if there was a reason?

12 A Yes.

13 Q Okay. Now, that wasn't the only interview or time
14 that you had at the house. You went back again on December
15 14th, 2013?

16 A Yes.

17 Q And at that time you were able to interview
18 Mr. Solander?

19 A Yes.

20 Q Okay. And he made a number of disclosures to you,
21 including that when the foster children, the Diaz-Burnett
22 children, were initially coming into the home, he had to beg
23 for services from the Department of Family Services?

24 A That's what he told me.

25 Q And that it took a while for services to be put in

1 place?

2 A That's what he told me.

3 Q Okay. And you knew that these children, the
4 Diaz-Burnett's sibling group, came from a very troubled
5 background?

6 A Yes.

7 Q And so they would've needed services, like Legacy
8 counseling?

9 A Yes.

10 Q And so none of that -- none of those disclosures --

11 A No. No.

12 Q -- caused you any alarm?

13 A No.

14 Q Okay. And, in fact, it actually sounded like
15 advocating on behalf of their foster children?

16 A Well, yes, it does, but that's what we do. We do put
17 services in with the children who are in foster care. That's a
18 general practice. Yes.

19 Q Right. And if the foster parent notices that
20 services are either taking longer than they thought and saying
21 that they had to follow-up, that's advocating on behalf of the
22 children?

23 A Yes. Yes.

24 Q Okay. And that's what you heard from the Solander
25 home?

1 A Yes.

2 Q Okay. So in each of these home visits that you did
3 on November 7th, November 19th, and December 14th, 2013,
4 you documented that you observed no safety concerns?

5 A No, I didn't.

6 Q You agree that you documented no --

7 A Yes. Yes.

8 Q -- safety concerns. Okay. What's a safety concern?
9 What do you mean when you say that?

10 A When you say safety concerns, you mean the children's
11 medical needs are not being taken care of. They've been
12 physically abused. There's the environment is not appropriate
13 for the child.

14 Q How might an environment not be appropriate?

15 A It could be no lights, no water --

16 Q The food?

17 A -- disrepair, no food, you know, those types of
18 things, the environmental concerns, and there were no safety
19 concerns. I talked with the children, and they had no safety
20 concerns at that time.

21 Q Okay. And so you came to this assessment, and you
22 documented no safety concerns after you spoke with each one of
23 those seven children in the home?

24 A Yes.

25 Q And you documented no safety concerns after you

1 actually physically looked around into the home?

2 A No.

3 Q You didn't look around in the home at all?

4 A Yes, I looked around.

5 Q Oh, okay.

6 A No safety concerns. Yes. I looked in the home. I'm
7 sorry.

8 Q Thank you. No, I'm sorry for misunderstanding you.
9 Thank you for clarifying that for me.

10 You made sure that there was running water and
11 electricity?

12 A Yes.

13 Q And that the children had adequate clothing and
14 shoes?

15 A Yes.

16 Q And that if they had medical needs that they were
17 being met?

18 A Yes.

19 Q Okay. And that the medical needs were being met by
20 the caregivers, meaning that if they needed transportation to
21 the doctor that was happening, or if they needed transportation
22 to the therapy services, that was happening?

23 A Yes. And the children also had transportation
24 services for therapy. They had BST and PSR transporting.

25 Q And those -- exactly.

1 A Yes.

2 Q And those PSR and BST workers were in and out of the
3 home?

4 A Yes.

5 Q Okay. And that's something you actually observed
6 yourself?

7 A Yes.

8 Q And so you were able to document that without having
9 to call Legacy Wellness?

10 A Yes. I knew the children were going for therapy,
11 yes.

12 Q And you knew that because Areahia specifically
13 discussed some of her problems --

14 A Yes.

15 Q -- she was having in therapy?

16 A Yes, she did. Yes.

17 Q Okay. Now, as part of your observation and your
18 investigation, you also look at how the children in the home
19 interact with the foster parents?

20 A Yes.

21 Q So you made specific observations about the
22 interactions between Ms. Solander and Areahia appears to be
23 appropriate?

24 A Yes.

25 Q And appropriate interaction means that there's no

1 behavior that's damaging to the children; right?

2 A Appropriate meaning that they are talking, and their
3 interaction with each other was normal.

4 Q It was normal?

5 A It was appropriate.

6 Q Okay.

7 A Nothing out of the ordinary.

8 Q Okay. I understand that. Now, you knew that the
9 Solanders were not an adoptive resource for these children?

10 A They told me they were not.

11 Q They specifically told you they were not?

12 A They told me that themselves.

13 Q Okay. But they were still advocating on behalf of
14 the children --

15 A Yes, they told me that. Yes.

16 Q Right. To make sure that they were having their
17 therapy?

18 A That's what they told me. Yes.

19 Q And that way Areahia could have therapy with a
20 therapist who had not, you know, broken her trust?

21 A Correct.

22 Q So, in fact, you actually made a specific finding and
23 documentation that the sibling group of four have been in the
24 home for seven months?

25 A Yes.

1 Q And the sibling group of four, just so everyone is on
2 all on the same page, that's the Diaz-Burnett kids?

3 A Yes.

4 Q And you documented that the foster parents have shown
5 sufficient protective capacity by ensuring the children receive
6 visits with their parents, therapy, medical appointments and
7 assessments as scheduled?

8 A Yes.

9 Q Okay. And you also documented that the children have
10 bonded with Mr. and Mrs. Solander, and their behavior has
11 improved over the past seven months?

12 A Yes.

13 Q And that's actually based on your interviews with the
14 Solanders as well?

15 A Yes.

16 Q That the Solanders were reporting to you that they
17 observed positive behavioral growth --

18 A That's what they told me --

19 Q -- for these kids?

20 A -- yes.

21 Q Over the seven-month period?

22 A Yes.

23 Q Now, the Solanders still expressed to you just
24 certain things of concern that they had about some of the
25 children; right?

1 A Yes.

2 Q Like they wanted to make sure that whatever issue was
3 causing Areahia's blood sugar to be low was dealt with by a
4 doctor?

5 A Yes.

6 Q And that when Kaeshia was sick, they wanted to
7 monitor that to make sure that her fever didn't get out of
8 control?

9 A Yes.

10 Q And that when the youngest, the baby, they wanted to
11 make sure that the baby's progress was developmentally on
12 track?

13 A Yes.

14 Q Okay. And they also wanted to, for all of the
15 children, to make sure that the potty training there were no
16 regressions?

17 A Yes.

18 Q Because they didn't want the child to be negatively
19 impacted after some of the no-shows from the parents at visits?

20 A I'm not able to answer that.

21 Q Well, that's something that --

22 A I didn't know anything about the no-shows.

23 Q Okay.

24 A From the parents. I can't testify to that about
25 no-shows.

1 Q That's fine. My question to you is it was reported
2 that there were no-shows --

3 A It was reported there were no-shows, but I don't --

4 Q And that --

5 A -- know if that --

6 Q Right. And my question --

7 A -- is a fact.

8 Q -- is that it was reported to you that there were
9 no-shows and that the foster parents didn't want the no-shows
10 to negatively impact the children?

11 A That's what they told me, yes.

12 Q Okay. And so all --

13 MS. BLUTH: I'm sorry, Your Honor. Objection as to I
14 don't know when she says "they told me." I don't know who she
15 was referring to.

16 THE COURT: When you say "they," are you talking
17 about the Solanders?

18 THE WITNESS: Solanders, the foster, that's what they
19 told me. They told me that. Yes.

20 THE COURT: Okay. So you had no contact with the
21 natural parents of these children?

22 THE WITNESS: No, I didn't. No. No. No. So as far
23 as no-shows, I can't say they were no-shows. I can't say they
24 were late.

25 THE COURT: Okay.

1 THE WITNESS: It's documented that's what some of the
2 concerns were, but I can't verify that --

3 BY MS. MCAMIS:

4 Q Well, and that's beyond --

5 THE WITNESS: -- that's actually true.

6 BY MS. MCAMIS:

7 Q It's beyond the task of what you were asked to do?

8 A Yes. Correct.

9 Q But you were asked to assess the protective capacity
10 of these foster parents?

11 A Yes. Yes.

12 Q And that's something that you did?

13 A Yes.

14 Q And what is protective capacity?

15 A That they are providing for the children's needs,
16 that they're meeting their needs emotionally, physically,
17 medical needs and that the home is appropriate, and they are,
18 you know, protective of the children and providing for their
19 needs.

20 Q Okay. Exactly. And that's something that you
21 documented that the Solanders were doing?

22 A Yes, that's what --

23 MS. BLUTH: Objection. Asked and answered.

24 THE COURT: Overruled.

25 May I see counsel.

1 (Conference at the bench not recorded)

2 BY MS. MCAMIS:

3 Q All right. Now, Ms. Ocloo, I was asking you
4 questions about making sure -- strike that. That's a horrible
5 way to say that. I was asking you questions about the
6 Solanders being appropriate in their response of, like, conduct
7 to the foster children. So I want to direct your attention to
8 you actually saw Novaleih, the baby, in the home?

9 A Yes, I did.

10 Q And on November 7th, 2013, you observed Novaleih in
11 her playpen when you arrived?

12 A Yes.

13 Q And she began screaming when you saw her, or was she
14 actually -- she began screaming when she saw you?

15 A She began screaming when she saw me.

16 Q Okay. Well, she's a baby. They scream sometimes;
17 right?

18 A Yes.

19 Q Okay. And in response, you saw that Mrs. Solander
20 had to pick her up so that she would stop screaming?

21 A Yes.

22 Q And there was nothing problematic about the way that
23 Mrs. Solander picked the baby up to soothe the baby?

24 A Not that I observed, no.

25 Q And if you had observed it, you would've documented

1 it?

2 A Yes.

3 Q All right. You were asked a question on direct
4 examination about whether or not you contacted Gail Anderson,
5 the caseworker?

6 A Yes.

7 Q The previous caseworker --

8 A Yes.

9 Q -- if I could clarify. And you said, I didn't?

10 A I don't remember contacting Gail Anderson, no.

11 Q If it was relevant for your investigation, would you
12 have taken the step to call Gail Anderson?

13 A Yes.

14 Q Okay. So you did not call because it was not
15 relevant?

16 A Well, at the point, as I said before, when I received
17 the case, there was a new person assigned. So --

18 Q Did you have contact with that person assigned?

19 A I can't remember.

20 Q Is that something that in your experience and job as
21 a CPS investigator did you --

22 A Yes, I would have, and I believe that it's documented
23 that Mrs. Solander didn't know the name of the new foster care
24 worker, and I got her number for her.

25 Q Okay. Because you actually -- well, let's put it

1 this way. Are you a lazy CPS investigator?

2 A No. No.

3 Q Would you keep your job if you were a lazy CPS
4 investigator?

5 A No, I would not.

6 Q As a CPS investigator, it was your duty to protect
7 and advocate children -- advocate on behalf of children; right?

8 A Yes.

9 Q And you took that duty very seriously?

10 A Yes.

11 Q Including when you were in this home?

12 A Yes.

13 Q Okay. So any suggestion that you were a lazy CPS
14 investigator because you didn't make a call to someone who
15 wasn't relevant, that's not a very fair question; right?

16 MS. BLUTH: Objection. Argumentative.

17 THE COURT: Yeah. That's sustained.

18 MS. MCAMIS: Okay. Withdrawn.

19 BY MS. MCAMIS:

20 Q Now, you testified about doing body checks. You
21 actually did body checks on all seven of the children in the
22 home?

23 A I did observable body checks --

24 Q Okay.

25 A -- but actually the oldest -- I can't remember her

1 name now -- the oldest Diaz, Arelia --

2 MS. MCAMIS: Areahia.

3 THE COURT: Areahia.

4 THE WITNESS: -- Areahia, I did move her clothes
5 around, and that's when I saw the monitor, the glucose monitor.

6 BY MS. MCAMIS:

7 Q Okay. Now, to be fair, when this referral came in,
8 there was no allegation of physical abuse?

9 A No, it was not.

10 Q But you did the additional step of doing observable
11 body checks --

12 A Yes.

13 Q -- anyway?

14 A Yes.

15 Q And if you'd seen something, you would've documented
16 something?

17 A Yes.

18 Q And you saw no recent or fresh injuries on any of the
19 seven children?

20 A The only one I saw was the Solander child --

21 Q The hair?

22 A -- Anastasia I believe with the -- I did a visual on
23 her and the hair missing, the bald spots in her head. I did
24 see that.

25 Q And you documented that?

1 A Yes.

2 Q But there were no other recent or fresh injuries --

3 A No.

4 Q -- on any of the seven children?

5 A No.

6 Q Okay.

7 THE COURT: This may actually be a good time to take
8 our lunch break.

9 MS. MCAMIS: I understand, Your Honor.

10 THE COURT: Ladies and gentlemen, we're going to go
11 ahead and take our lunch break. We'll be in recess for the
12 lunch break until 1:20, 1:20.

13 During the lunch break, you are all reminded that
14 you're not to discuss the case or anything relating to the case
15 with each other or with anyone else. You're not to read, watch
16 or listen to any reports of or commentaries on the case, person
17 or subject matter relating to the case. Do not do any
18 independent research by way of the Internet or any other
19 medium, and please don't form or express an opinion on the
20 trial.

21 Please place your notepads in your chairs and follow
22 the bailiff through the double doors, that fellow over there.

23 (Jury recessed 12:11 p.m.)

24 THE COURT: And, ma'am, please do not discuss your
25 testimony with anybody else at all during our lunch break.

1 THE WITNESS: Okay. And I have to be back at 1:20?

2 THE COURT: Correct. 1:20 and then they'll finish up
3 with you.

4 THE WITNESS: All right.

5 THE COURT: All right. Thank you, ma'am.

6 (Proceedings recessed 12:11 p.m. to 1:30 p.m.)

7 THE COURT: All right. Court is now back in session.
8 The record should reflect the presence of the State, the
9 defendant and her counsel, the officers of the court, and the
10 ladies and gentlemen of the jury.

11 And, ma'am, of course, you are still under oath.

12 And, Ms. McAmis, you may resume your
13 cross-examination.

14 MS. MCAMIS: Thank you.

15 BY MS. MCAMIS:

16 Q Ms. Ocloo, when we left off, we were discussing all
17 of the measures and steps that you took to complete your
18 investigation. So after collecting all of this information,
19 including the interviews, including, you know, home
20 inspections, you made a decision not to recommend the removal
21 of the children, the foster children; correct?

22 A Correct.

23 Q Okay. And in fact you found -- you made a finding of
24 unsubstantiation as to the charges?

25 A Correct.

1 Q Or the allegations?

2 A Correct.

3 Q And after you completed all of that investigation,
4 you did not instruct Mrs. Solander to do anything differently
5 in the home?

6 A No, I didn't.

7 Q Okay. And that would be one of the potential
8 corrective actions that you were talking about earlier; right?

9 A That would be consulting with the permanency foster
10 care worker and supervisor.

11 Q If that step was necessary?

12 A If that was necessary.

13 Q Okay. And in your assessment, based on all of the
14 investigation you completed, that step was not necessary?

15 A No.

16 Q Okay. But there are certain types of corrective
17 actions that you are authorized to do or to suggest?

18 A Yes.

19 Q Okay. So if you go into a home and you have, you
20 know, a concern, an issue with it, your first move is not to
21 just recommend removal of the children necessarily?

22 A No.

23 Q Okay. In fact, if parents just need corrective
24 behavior, you can give them a chance by suggesting a corrective
25 action?

1 A Yes.

2 Q So if you see bad parenting or in your assessment
3 inappropriate parenting, you have many options to try to remedy
4 it?

5 A Yes.

6 Q Okay. Now, you can refer parents to a whole host of
7 things, like parenting classes, for example?

8 A Yes.

9 Q Okay. And you can refer them for other kinds of
10 services they may need; right?

11 A Yes.

12 Q Okay. So you have a whole host of options?

13 A Yes.

14 Q Okay. And if parents refused to do any of your
15 suggestions, or if you see any of the kids that you were
16 conducting the investigation about, if they're in danger, you
17 could even take a step to refer this case to -- to refer that
18 case to abuse and neglect court, couldn't you?

19 A Yes.

20 Q Okay. Now, that's not a criminal courtroom. That's
21 a family courtroom; right?

22 A Yes.

23 Q Okay. So just different?

24 A Yes.

25 Q But again it's another corrective action step you are

1 authorized to take?

2 A Yes.

3 Q Okay. Now, all of these steps take place oftentimes
4 without criminal charges even being filed; right?

5 A Sometimes, yes.

6 Q Okay. So is it fair to say in fact then the concern
7 is about the actual abuse and neglect and not necessarily
8 whether you're making a finding of criminal abuse and neglect?

9 A It depends on the case and the circumstances.

10 Q Okay. Sure. But your function is over in family
11 court?

12 A Yes.

13 Q Okay. And based on all of your observations in this
14 home, you did not actually find any evidence of Ava, Amaya and
15 Anastasia actually sitting on potty chairs for 10 hours a day
16 like the allegation set forth?

17 A I never saw them on potty chairs. No.

18 Q And after that visit, you did not instruct
19 Mrs. Solander to stop having a potty chair on that first floor
20 for the youngest one to use?

21 A No, I did not.

22 Q Okay. But you have absolute authority to suggest
23 corrective action if you see it's either necessary --

24 A With consultation --

25 Q -- or appropriate?

1 A -- with the supervisor and other parties involved,
2 yes.

3 Q Okay. But that's not a step that you deemed
4 appropriate to take in this case?

5 A No.

6 Q Based on all of your information that you gathered,
7 all of your observations and all of your experience?

8 A Correct.

9 MS. MCAMIS: Okay. Court's indulgence.
10 Pass the witness.

11 THE COURT: All right. Redirect.

12 MS. BLUTH: Thank you, Your Honor.

13 REDIRECT EXAMINATION

14 BY MS. BLUTH:

15 Q One of the things that Ms. McAmis spoke to you about
16 was that it's part of your job to determine if children are
17 being honest when they speak with you or if they're lying. I'm
18 not sure of the exact words. Do you remember that?

19 A Yes, I do.

20 Q Okay. What kind of training did you get to figure
21 out if kids are lying?

22 A Well, you just ask -- you try to, you know, interview
23 children in a kind of a neutral environment. Well, I went
24 through family service training when I first started with the
25 agency, but sometimes children will tell you the truth.

1 Sometimes they won't. Sometimes you know when they're not
2 telling the truth.

3 Q What factors do you look at to determine if they're
4 not telling the truth?

5 A Well, you look at the body language, the facial
6 expression, you know, if they're hesitant about asking a
7 question. You know, if you ask them a question, if they're
8 hesitant about giving an answer, sometimes you can tell if it's
9 someone has told them what to say because it's like the same
10 thing they're saying.

11 Q So their demeanor?

12 A Their demeanor.

13 Q And if they're hesitant to --

14 A If they're hesitant, if they get nervous, if there's
15 no eye contact. There's certain things.

16 Q You on my original direct examination, the
17 description you just gave is how the Solander girls reacted to
18 you in the house that day?

19 A Yes.

20 MS. MCAMIS: Well, objection. Compound. That is a
21 whole list of things.

22 THE COURT: Well, no, overruled. It's fine.

23 BY MS. BLUTH:

24 Q That's how the Solander girls acted?

25 A Yes. They were, you know, very quiet. They answered

1 my questions, but they were somewhat hesitant, you know, kind
2 of quiet. They weren't real forthcoming with information.

3 Q And the youngest one who was upstairs wouldn't even
4 speak?

5 A No. She just stared at me. No.

6 Q Ms. McAmis had asked you questions about, you know,
7 whether or not when you looked at the previous cases if they
8 were -- you determine -- sorry. When you looked at the
9 previous cases, you saw that they were unsubstantiated. Now,
10 it was your testimony that -- I mean, you didn't look at those
11 cases. So you wouldn't know whether they were substantiated or
12 unsubstantiated?

13 A From what I can remember, some were just information
14 only. One was -- that was a CPS investigation, an
15 institutional again, it was unsubstantiated.

16 Q And the ones that I went through with you, you were
17 unaware of?

18 A I was unaware of those, yes.

19 Q In regards to Areahia, you stated that the concerns
20 from both Areahia and Janet was that Areahia had low blood
21 sugar?

22 A Yes.

23 Q Not high blood sugar?

24 A It was low blood sugar.

25 Q Okay. And is low blood sugar -- when you work with

1 these -- have you worked with diabetic children before?

2 A Yes.

3 MR. FIGLER: Objection, Your Honor. Can we approach?

4 THE COURT: Sure.

5 (Conference at the bench not recorded)

6 BY MS. BLUTH:

7 Q Okay. So I'm going to rephrase, Ms. Ocloo. So you
8 were being -- so you were told that Areahia was diabetic;
9 correct?

10 A Yes.

11 Q And you were told by both Areahia and Janet that her
12 glucose levels in concern was for low blood sugar?

13 A Yes.

14 Q Did you have any concern in those two statements, one
15 being that she was diabetic and the other being that she had
16 low blood sugar?

17 A No.

18 Q You stated that you had done a body check on
19 Anastasia Solander around her ears.

20 A Yes.

21 Q The youngest of the adopted children would be
22 Anastasia Solander. Did you see -- State's Proposed 15 -- any
23 of the scarring and marking behind her right ear when you
24 checked that?

25 MS. MCAMIS: Well, objection. She said that she did

1 an observational body check. This witness would not have
2 knowledge, personal knowledge of any of that.

3 THE COURT: Okay. Well, ma'am -- no. I'm sorry.
4 Ma'am, look at the photo which appears to be a photo of the
5 area behind an ear, and then tell us whether or not you
6 observed that when you did the body check.

7 THE WITNESS: No, I didn't observe that. No.

8 THE COURT: Okay.

9 BY MS. BLUTH:

10 Q If you would've observed that, would you have notated
11 it?

12 A Yes.

13 THE COURT: The area depicted in the photo, did you
14 examine that area when you did the body check?

15 THE WITNESS: No.

16 THE COURT: Okay. So unless you examined it, you
17 might not have seen it --

18 THE WITNESS: No.

19 THE COURT: -- is that fair?

20 THE WITNESS: Yes.

21 THE COURT: Okay.

22 BY MS. BLUTH:

23 Q Showing you State's Proposed 129, did you see this
24 orange bucket with the toilet seat in the photo -- or in the
25 home?

1 THE COURT: That's depicted in the photo. Did you
2 see that in the home?

3 MS. BLUTH: Did I say it? In my --

4 THE COURT: No. No.

5 MS. BLUTH: Have I lost my mind? A long time ago.

6 THE COURT: Well, you said in the photo in the home.
7 Did you see this bucket --

8 THE WITNESS: I saw a potty chair. I saw a portable
9 toilet. I don't remember about it being orange at the bottom,
10 but I did see a portable toilet there.

11 BY MS. BLUTH:

12 Q Well, when you say portable toilet, are we talking
13 about a normal potty training chair that, like, toddlers use?

14 A No. No. It was like that.

15 Q It was an orange bucket?

16 A I don't remember if it was orange.

17 Q Okay.

18 THE COURT: So was it more like a homemade one like
19 that?

20 THE WITNESS: It was like something like this. It
21 could have been orange, but it was something like that. It was
22 high enough for a child, a 7-, 8-, 10-year-old to sit on it.

23 BY MS. BLUTH:

24 Q Okay. And did it have, like, a --

25 A It had a toilet seat, yes.

1 Q Okay. And that didn't bring you concern?

2 A Well, they explained what it was there for. It was
3 there for the youngest adoptive daughter because she had
4 accidents.

5 Q Janet Solander explained that?

6 A Yes, she did.

7 Q And you took her word for it?

8 A Yes. And the other children stated -- the other
9 Solander, the other two children stated that it was for their
10 sister, that it was not for them.

11 Q You were asked some questions in regards to, you
12 know, not reaching out to Gail Anderson as either it not being
13 the children's previous permanency worker not reaching out to
14 her and speaking to her either because it wasn't relevant or
15 because she was no longer on the case?

16 A Correct.

17 Q Now, she had worked with those children for quite a
18 long period of time; correct?

19 A I don't know exactly how long. I know they had been
20 with the Solanders for seven months.

21 Q Okay. So if she -- I mean, permanency workers are
22 usually with the child for a long period of time?

23 A Yes --

24 MS. MCAMIS: Objection. Speculation.

25 THE WITNESS: -- usually.

1 THE COURT: Overruled.

2 MR. FIGLER: I mean, who's testifying?

3 THE WITNESS: Usually they are.

4 BY MS. BLUTH:

5 Q Okay. And so you have what the Solanders are saying;
6 correct?

7 A Yes.

8 Q And then you have what the children are saying;
9 correct?

10 A Yes.

11 Q Why didn't you go to an outside perspective, like
12 Gail Anderson, for more information?

13 A I didn't.

14 Q And what about Lori Wells, a person who was working
15 with these children, again an outside perspective?

16 A I didn't reach out to Ms. Wells because I had her
17 report and her statements.

18 Q But were you aware that the Solanders had asked both
19 of those individuals be removed from the children?

20 A Yes.

21 Q And both of those individuals had discussed concerns
22 about the Solanders' treatment?

23 A Yes.

24 MS. BLUTH: Nothing further.

25 Thank you, Ms. Ocloo.

1 THE COURT: All right. Any recross?

2 MS. MCAMIS: Just very briefly.

3 RECROSS-EXAMINATION

4 BY MS. MCAMIS:

5 Q Ms. Anderson (sic), you were asked questions about
6 how can you tell when a child is lying, and I asked you
7 questions, and now the State has asked you questions. You
8 worked with children at the point that you did this
9 investigation. You've worked with children for 20-plus years?

10 A Yes.

11 Q That was your employment; right?

12 A Yes.

13 Q So you have a lot of experience working with a bunch
14 of different kinds of children?

15 A Yes.

16 Q Now, you were asked questions about or you offered
17 testimony that the Solander girls in particular were quiet?

18 A Yes.

19 Q And that they showed in your words some hesitancy?

20 A Yes. They were quiet. Yes.

21 Q They had never met you before you went and
22 interviewed them; right?

23 A No, I've never seen them before.

24 Q They didn't have a relationship with you; right?

25 A Right.

1 Q But they did answer your questions?

2 A Yes, what I asked them, yes.

3 Q And they were able to actually be responsive to your
4 actual questions?

5 A Yes.

6 Q They gave you information you could rely upon?

7 A As far as I could tell, yes.

8 Q And you had no reason to suspect that they were being
9 dishonest with you?

10 A No. Right at that point, no.

11 Q Sure. Well, I mean, you would have documented it at
12 any point if you thought they were being dishonest with you?

13 A Correct.

14 Q And nowhere in your Unity notes do you document that
15 you thought that the adopted Solander girls were being
16 dishonest?

17 A No.

18 MS. MCAMIS: Okay. Nothing further.

19 THE COURT: Anything else, Ms. Bluth?

20 MS. BLUTH: No, Your Honor. Thank you.

21 THE COURT: Do we have any juror questions for this
22 witness?

23 All right. I'll see counsel at the bench, please.

24 (Conference at the bench not recorded)

25 THE COURT: All right. We have a couple of juror

1 questions up here. A juror wants to know, Did you ever
2 question as to why the potty chair was in the kitchen?

3 THE WITNESS: It was -- yes, I did. Yes.

4 THE COURT: And what was the response?

5 THE WITNESS: It was there -- the children did their
6 homework at the table in the kitchen.

7 THE COURT: Okay. And who told you? Who explained
8 to you why the potty chair was in the kitchen?

9 THE WITNESS: Well, the other two girls said it was
10 for their sister while they did their -- when they were doing
11 their homework, and she had been there at the table, but she
12 was upstairs cleaning up.

13 THE COURT: Right. I mean, did Mrs. Solander tell
14 you the potty chair was in the kitchen because it's, I guess,
15 close to the girls, or did one of the girls tell you that?

16 THE WITNESS: It was not the foster mother. It was
17 the adoptive mother. It was the children.

18 THE COURT: Okay.

19 THE WITNESS: Because they told me that potty chair
20 was for their sister, and she was upstairs.

21 THE COURT: Okay. Were you concerned about whether
22 or not the potty chair being in the kitchen would be a health
23 issue?

24 THE WITNESS: No, I wasn't concerned about that so
25 much because the rest of the environment was clean. It was

1 neat, and they gave that explanation that it was for the
2 younger girl to use if she had an accident.

3 THE COURT: Okay. During the course of an
4 investigation, is it not common procedure to review all
5 documents attached to the reports, such as the four-page letter
6 that you were aware of but did not review, that four-page Lori
7 Wells letter.

8 THE WITNESS: Yes. But I did not have the letter.

9 THE COURT: Okay. Was it attached to the report in,
10 like, the computer or something or --

11 THE WITNESS: No.

12 THE COURT: Oh, it wasn't. Oh, okay.

13 THE WITNESS: It was not attached.

14 THE COURT: So it wasn't like you could just click on
15 to an attachment?

16 THE WITNESS: No. No. It was just the report and
17 said that she had written a letter, but the letter was not
18 attached to the report. No.

19 THE COURT: Okay. And then a juror asks, did you get
20 a chance to speak with anyone in person or on the phone that
21 did not live in the Solander home, such as doctors, teachers,
22 BST workers?

23 THE WITNESS: No.

24 THE COURT: All right. Ms. Bluth, you can follow up
25 to that last series of questions.

1 FOLLOW-UP EXAMINATION

2 BY MS. BLUTH:

3 Q The letter in itself was actually attached to the
4 agency report, hotline report; is that right?

5 A I never saw the letter.

6 Q If you could just read the last line in parens right
7 here on the hotline report, please.

8 A [Witness complies.]

9 Q What does that say?

10 A It says the letter was attached per the hotline.

11 Q As the investigator, you could have gained access to
12 that letter?

13 A Yes. Yes, I could have asked the intake, the hotline
14 for the letter. Yes.

15 Q Did it bring you concern at all that the two
16 professionals that were working with the children --

17 MR. FIGLER: Objection, Your Honor.

18 THE COURT: Counsel, approach.

19 (Conference at the bench not recorded)

20 THE COURT: -- share your notes with one another.
21 Everyone needs -- when you go to the jury deliberation room, if
22 you want to refer to your notes to one another as part of the
23 process, that's perfectly acceptable, but during the trial,
24 until you go to the jury deliberation room, you are not to
25 share your notes with one another, and also you are not to

1 confer with one another regarding questions or anything like
2 that. So if you have a question, you know, just write it down.
3 Don't ask your neighbor what he or she thinks of the question.
4 Just give it to us.

5 And, again, I can't remember if I cautioned you at
6 the beginning, but you are not to share your notes or let other
7 jurors look at your notes until the case is submitted to you
8 and you're all sitting in the back with your notepads in the
9 jury deliberation room.

10 (Conference at the bench not recorded)

11 THE COURT: The defense's objection is sustained as
12 to the phrasing of the question.

13 So, Ms. Bluth, please rephrase your question.

14 MS. BLUTH: Yes, ma'am.

15 BY MS. BLUTH:

16 Q Were you concerned that the previous therapist Lori
17 Wells and the previous caseworker Gail Anderson had both been
18 removed from the case?

19 A Concerned. Yes, I was concerned. It happens
20 sometimes.

21 Q Were you aware that both of them had either pushed
22 back on some of the Solander's requests?

23 MR. FIGLER: I'm going to object, Your Honor,
24 characterization. Assumes facts --

25 THE COURT: Yeah, that's sustained.

1 MS. BLUTH: Well, that's in evidence.

2 MR. FIGLER: Is it, or is it hearsay?

3 THE COURT: Were you aware of the circumstances under
4 which either the therapist or the CPS worker had been -- or DFS
5 worker had been removed?

6 THE WITNESS: Yes.

7 THE COURT: Okay. Go on, Ms. Bluth.

8 BY MS. BLUTH:

9 Q And who told you that?

10 A Well, I talked with the Solanders, and it was also in
11 the report that the foster parents wanted a different therapist
12 for the foster children because of confidentiality, and they
13 mentioned that the oldest foster child had been traumatized by
14 Ms. Wells, and --

15 Q Ms. Solander said that?

16 A Yes. And that she couldn't answer questions about
17 discipline, and it was just something -- well, of course, the
18 visits with the birth parents and whatever. And with
19 Ms. Anderson, it was they told me that because she didn't get
20 services in the home and was not, you know, getting things
21 going the way they wanted, and also with the visitation, there
22 was a -- with the birth parents for these foster kids, there
23 was issues with that visitation.

24 Q Did Janet ever say anything about Ms. Anderson having
25 too close of a relationship with the children?

1 A No. No.

2 MS. BLUTH: Nothing further. Thank you.

3 THE COURT: Any additional questions, Ms. McAmis?

4 FOLLOW-UP EXAMINATION

5 BY MS. MCAMIS:

6 Q Ms. Ocloo, you were asked questions about the
7 Solanders making specific requests for people to be removed
8 from cases or just generally cases. Parents and foster parents
9 don't have the authority to remove therapists and caseworkers
10 from an open CPS case, do they?

11 A No, they don't. No.

12 Q No. In fact, the only entity with any authority to
13 do so is the Department of Family Services?

14 A Yes.

15 Q So it's the Department of Family Services who makes a
16 decision about whether or not a therapist is removed from a
17 case?

18 A A therapist or a caseworker, yes.

19 Q Or a caseworker.

20 A Yes.

21 Q So it is the department that makes a decision in both
22 of those cases?

23 A Yes. Yes.

24 Q Not the parent?

25 A No. The parent doesn't. The parent can give their

1 input --

2 Q Sure.

3 A -- you know, if they don't particularly like a
4 therapist or a service or whatever, they listen to their input
5 as well.

6 Q Sure. In this case, there was --

7 A Everyone.

8 Q -- there was input on behalf of Areahia, Areahia had
9 basically her trust had been broken, and so that was part of
10 the basis to request a new therapist?

11 A That's what the child told me.

12 Q That's what the child told you. Okay.

13 MS. MCAMIS: No further questions.

14 MS. BLUTH: Nothing else. Thank you, Your Honor.

15 THE COURT: Any additional juror questions before I
16 excuse the witness?

17 All right. Ma'am, I see no additional questions.
18 Thank you for your testimony, and please don't discuss your
19 testimony with anyone else who may be a witness in this case.
20 All right. Thank you, ma'am. And you are excused, and just
21 follow the bailiff from the courtroom.

22 And the State may call its next witness.

23 MR. HAMNER: The State is going to call Danielle
24 Hinton to the stand.

25 THE COURT: All right.

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DANIELLE HINTON

[having been called as a witness and being first duly sworn,
testified as follows:]

THE CLERK: Thank you. Please be seated. And will
you please state and spell your first and last name for the
record.

THE WITNESS: Yes. Danielle. First name
D-a-n-i-e-l-l-e. Last name Hinton, H-i-n-t-o-n.

THE CLERK: Thank you.

MR. HAMNER: Proceed, Your Honor?

THE COURT: You may proceed.

MR. HAMNER: Thank you very much.

DIRECT EXAMINATION

BY MR. HAMNER:

Q Good afternoon, ma'am. Could you tell the jury how
old are you?

A I'm 25.

Q And what do you do for a living right now?

A Right now I'm in school full time for accounting.

Q Okay. Where are you going to school at?

A College of Southern Nevada online.

Q Okay. Do you live here in Clark County or somewhere
else?

A No, I live in Arizona.

Q Do you know someone by the name of Janet Solander?

1 A I do.

2 Q Okay. Who's that in relation to you?

3 A My mom.

4 Q Okay. So it's your mom. Do you see her here today
5 in the courtroom?

6 A I do.

7 Q Could you point her out and describe an article of
8 clothing that she's wearing.

9 A Yes. She's right there, and she has, like, a
10 purpleish type of sweater on.

11 MR. HAMNER: Let the record reflect the witness has
12 correctly identified the defendant Janet Solander.

13 THE COURT: It will.

14 BY MR. HAMNER:

15 Q Do you know someone by the name of Dwight Solander?

16 A I do.

17 Q Who's that?

18 A My stepfather.

19 Q Okay. Danielle, before we kind of get into anything
20 further, did you in this case plead guilty to a charge of
21 conspiracy to commit disorderly conduct?

22 A Yes.

23 Q And did you enter your plea on January 25th, 2018?

24 A Yes.

25 Q As part of your plea agreement, was there an

1 agreement for you to testify in this case?

2 A Yes.

3 Q And is your sentencing currently set for March 8th,
4 2018?

5 A Yes. I'm sorry. I thought it was the 18th, but --

6 Q If I misspoke. It's March 8th, 2018. Does that
7 sound about right?

8 A Yes. Yeah. Don't worry.

9 Q Okay. At the very least, it's in March of 2018?

10 A Yes.

11 Q Now, do you recall about four years ago having an
12 interview with the police around March 20th of 2014?

13 A Yes.

14 Q Okay. Had you been arrested at that time?

15 A Yes.

16 Q During that interview, were you read your Miranda
17 rights? You have the right to remain silent; do you remember
18 that?

19 A No.

20 Q Okay. You don't recall whether or not --

21 A -- no.

22 Q -- you did or not. Okay. Would it help to refresh
23 your recollection if you saw part of your interview?

24 A I believe I -- I can look. Yeah.

25 Q Okay. Referring to page 2. Let me know when your

1 memory is refreshed.

2 A Okay. Yeah, that's right because it was at the
3 house.

4 Q Does that help refresh your memory?

5 A Yeah. That's why.

6 Q So you remember before they spoke to you they advised
7 you of your rights; is that right?

8 A Yes.

9 Q And you said you understood your rights, and you
10 agreed to speak with them?

11 A Yes.

12 Q Okay. And during that time did you tell them about
13 just generally things that you observed while living at your
14 mom's house?

15 A Yes.

16 Q And what was the street that that house was on?

17 A Wakashan Avenue.

18 Q And was at 9500 Wakashan here in Clark County,
19 Nevada?

20 A [No audible response.]

21 Q How long did you live in that house? Off and on, how
22 long were you living in that house?

23 A From what I can remember off and on maybe like a year
24 or two.

25 Q Okay.

1 A Two years maybe --

2 Q When you weren't living at your house on Wakashan,
3 where were you living?

4 A In Arizona.

5 Q Okay. Were you going to school at that time?

6 A Yes.

7 Q What school was it at that time?

8 A Arizona State.

9 Q I want to ask you a little bit about your mom for a
10 second. When she was working here in Nevada, what did she do?

11 A She worked on Nellis Air Force Base, and she worked
12 in, like, the drug testing part of the base.

13 Q And so was she just, like, administering a drug test
14 or something like that?

15 A She did paperwork too and everything. I can't -- I
16 don't know exactly in detail, but when I went to work, she
17 assisted the people in the military to, like, to do their drug
18 test, and she'd be sometimes the one to watch it, but she did a
19 lot of paperwork too.

20 Q Was it like when they had new recruits, and they're
21 kind of applying, they kind of have to take a test or something
22 like that?

23 A No, just the random drug tests that they would have
24 to take.

25 Q Okay. So she wasn't kind of working as a registered

1 nurse at that time; is that right?

2 A As far as I know. I don't know what the job title
3 exactly is. No.

4 Q Okay. Are you aware if she ever had any nursing
5 licenses here in Nevada?

6 A Not that I know of.

7 Q Did you ever see any diplomas, nursing diplomas
8 hanging around the house at all in all your years living with
9 your mom?

10 A No diplomas of anything.

11 Q You used to live in Arizona with your mom prior to
12 that?

13 A Correct.

14 Q And when she lived there, what was she doing in
15 Arizona?

16 A She worked at the MEPS.

17 Q What does that stand for?

18 A I don't know what exactly what it stands for.

19 Q Okay. What's it affiliated with?

20 A Basically where, like, new people trying to go into
21 the military before basic training they go to the MEPS to get
22 physicals done.

23 Q Okay. So she would help with kind of the physicals
24 that they'd do at those facilities?

25 A Yeah, like medical physicals and, like, ASVAB.

1 Q Okay.

2 THE COURT: What kind of testing?

3 THE WITNESS: ASVAB.

4 THE COURT: What's that mean?

5 THE WITNESS: It's like basically where before they
6 go into basic they do a test to choose what job -- it basically
7 tells what job they're qualified for.

8 THE COURT: Is it like a written test?

9 THE WITNESS: No. It's on the computer, and you have
10 to take it at the MEPS as far as I know still. Yeah.

11 BY MR. HAMNER:

12 Q When she did that job, was she doing that job in the
13 capacity as a lieutenant colonel?

14 A I don't know what her ranking was.

15 Q Okay. So you're not aware if she was ever a
16 lieutenant colonel?

17 A I'm not aware, no.

18 Q Do you remember some girls that were initially
19 fostered and ultimately adopted into your mom's house?

20 A Yes.

21 Q What were the names of those girls?

22 A Anastasia, Ava and Amaya.

23 Q I'm going to publish State's 104, and if you look
24 over on that monitor, who are we looking at in this photo? Who
25 are the people you recognize?

1 A Me, of course, my mom and stepfather and the three
2 girls that we adopted.

3 Q Are you all the way over on the -- if we go from left
4 to right, can you tell us who is who.

5 A Yeah. I'm in the plaid, the blue plaid. My mom is
6 right next to me with a hat on. Dwight is in the back with the
7 glasses. The Judge for adoption is right there, and then Ava,
8 she's in the polka dot dress.

9 Q Is she the tallest one of the group?

10 A She is the tallest one, yes.

11 Q Okay.

12 A Anastasia is in the middle with the white long
13 sleeves, and then Amaya is on the end with the glasses.

14 Q Do you remember the first time you met those girls?

15 A Yes. Uh-huh.

16 Q When was that?

17 A I don't know.

18 Q Do you remember where you met them?

19 A Yes, I do.

20 Q Where was that?

21 A At a park.

22 Q And do you remember anyone by the name of Debbie
23 McClain?

24 A I do.

25 Q Who was that?

1 A She was their foster parent at the time.

2 Q Was there a period of time where those girls -- and
3 if it's okay, do you mind if I sometimes refer to them
4 collectively as the Solander girls?

5 A Yes, that's fine.

6 Q Okay. Was there a period of time where the Solander
7 girls lived in your house as foster kids and then at a later
8 point then lived in your house as adoptive kids?

9 A Yes.

10 Q Did you see a difference in how your mother and
11 Dwight treated the Solander girls between the foster period and
12 the adoption period?

13 MS. MCAMIS: Objection. Ambiguous.

14 MR. HAMNER: Based on her observations.

15 MS. MCAMIS: And it calls for a legal conclusion.

16 THE COURT: I mean, did you notice any difference in
17 the interaction between your parents and the Solander girls
18 before the adoption and after the adoption? So that's just a
19 yes or no question.

20 THE WITNESS: Yes, [unintelligible].

21 THE COURT: Okay. Go on.

22 BY MR. HAMNER:

23 Q Okay. Let's talk about the foster period just for a
24 second, okay.

25 A Uh-huh.

1 Q When the children were being disciplined when they're
2 foster kids, would your mom or your stepdad ever hit the
3 children?

4 A I can't recall.

5 Q Okay. Did they ever hit them with sticks or anything
6 like that?

7 A As far as I know, no.

8 Q When they were foster kids, did they ever have to sit
9 on buckets?

10 A No.

11 Q When they were foster kids, were they ever timed in
12 terms of going to the bathroom?

13 THE COURT: Keep your voice up. Your voice is quiet.

14 THE WITNESS: I'm sorry.

15 MR. HAMNER: Here, let me just scoot up this for you.

16 THE WITNESS: Right. I'm sorry.

17 MR. HAMNER: And actually, if I can grab a --

18 THE COURT: Sure.

19 MR. HAMNER: Let me do that. You're pretty tall.

20 (Pause in the proceedings)

21 BY MR. HAMNER:

22 Q So let me kind of -- let me kind of reask you. I
23 think you said you don't remember when they were foster kids
24 there being buckets. Do you remember if they ever timed how
25 long it would take them to go to the bathroom?

1 A Not that I can recall.

2 Q Okay. And again were talking the foster period.

3 Were there restrictions on where they could use the bathroom?

4 A No.

5 Q A particular bathroom in the house or could they use
6 any bathroom when they were foster kids?

7 A Well, yes.

8 Q Okay. When they were foster kids, did the Solander
9 girls sleep in a bedroom?

10 A Yes.

11 Q Did they have beds when they were foster kids?

12 A Yes.

13 Q I want to talk a little bit about the adoption
14 period. Do you start to see things, with your own two eyes, do
15 you start to see things in terms of how your stepdad and your
16 mom were treating the Solander girls that was different than
17 the foster period?

18 A Yes.

19 Q Based on your observations of these girls, and let's
20 just take them one at a time, based on your observations of Ava
21 in the adoption period, from what you could observe, did she
22 appear to be afraid of Janet?

23 A Not that I can observe.

24 Q Okay. Based on your observations during the adoption
25 period, did they appear to be -- did Amaya appear to be afraid

1 of Janet?

2 A Not that I observed.

3 Q Was Anastasia during this period afraid of Janet?

4 A Not that I observed.

5 Q Based on your observations, we're any of those three
6 girls afraid of Dwight?

7 A Not that I observed.

8 Q And the adoption period essentially is from the
9 moment they're kind of there was a finalized adoption leading
10 all the way up to, like, 2014.

11 A Uh-huh.

12 Q Okay. And so based on that, you don't remember ever
13 seeing -- seeing that?

14 A No.

15 Q Okay. Now, you remember you gave an interview with
16 the police four years ago?

17 A Right.

18 Q You would agree that your memory was clearer then
19 about the events at the home than now?

20 A I would say.

21 Q Okay. Do you recall talking to the police about
22 whether or not you believe from what you could see that those
23 girls were afraid of Janet or Dwight?

24 A No.

25 Q Would it help refresh your memory if I referred to a

1 portion of your interview from four years ago?

2 A Yes.

3 MR. HAMNER: Referring to page 76, Counsel, and 77.

4 BY MR. HAMNER:

5 Q I want you to look at this question here at the
6 bottom of the page, and I want you to look at the bottom
7 portion of your answers here continuing on to page 77, and let
8 me know if that refreshes your recollection on this topic. You
9 don't have to answer yet, but just let me know if it refreshes
10 your memory.

11 A Okay.

12 Q After reading that, from what you talked about four
13 years ago with the police, does that help refresh your memory
14 about whether or not you can remember if they were afraid of
15 your mother and Dwight?

16 A No.

17 Q No, it doesn't. Okay. Isn't it true that when you
18 were being interviewed by the police four years ago you stated
19 to the police, But I think that they just -- they were, I mean,
20 they were afraid; let's be honest; they were afraid? You did
21 just review that?

22 A Yes.

23 Q Okay. And you have no reason to doubt that you
24 didn't give that statement to the police previously?

25 A Correct.

1 Q Four years ago when you said your memory was fresher?

2 A Correct.

3 Q Okay. You also were then asked a follow-up question,
4 of, when you said they were afraid, and you responded, Of my
5 parents, my mom and stepfather; that's why a lot of time the
6 secrecy went after they got in trouble, and I could only do it
7 at night because, you know, during the day they, like, watched
8 24/7. You remember reviewing that just two seconds ago;
9 correct?

10 A Correct. Yeah.

11 Q Okay. Do you remember making those statements to the
12 police?

13 A Not that I recall.

14 Q Okay. But you don't have any reason to doubt that
15 four years ago when your memories were fresher that you made
16 that statement to the police?

17 A Correct.

18 Q About that topic?

19 A Correct.

20 Q Was there a time between kind of 2011 and 2014 where
21 your mom left town to kind of go to I think Ohio to maybe
22 watch -- take care of her grandbaby? Like a sister of yours
23 had, like, a baby, and she went to kind of --

24 A In what year was that? I apologize.

25 Q I don't remember exactly, but maybe between 2011 and

1 2014 -- maybe 2013, maybe late 2012.

2 A Yeah, I remember when she did go out of town. I just
3 don't remember the year though.

4 Q Okay. And that's okay, but you do remember that
5 period of time?

6 A Correct.

7 Q Was there a nanny living in the home around that time
8 to help take care of the kids?

9 A Yes.

10 Q Do you remember whether or not you saw a difference
11 in how those girls behaved when your mom left the house and the
12 nanny was in the house?

13 A No.

14 Q Okay. Referring to again -- let me ask you this. We
15 talked about the statement. Would it help refresh your
16 recollection if you could see a portion of your interview with
17 the police?

18 A Oh, yes, I can look.

19 Q Okay. Referring to page 76 again. Look at this full
20 answer.

21 A Okay. Okay.

22 Q Okay. Does that help refresh your memory about how
23 those kids were when your mom was away and whether there was a
24 difference?

25 A No.

1 Q Okay. And isn't it true when you were asked a
2 question, Did the girls ever come to you and say anything to
3 you about anything, your answer was, The time that -- when
4 they -- because honestly when I was in the house, they had no
5 opportunity to with my mom, but when my mom was like away, away
6 for, like, those six weeks, you know, they -- they're like a
7 different person and stuff? I mean, from what you read, I read
8 that correctly; is that right?

9 A Correct.

10 Q And that was from four years ago when your memory was
11 a lot fresher?

12 A Correct.

13 Q Do you ever remember kind of speaking up for Ava or
14 getting into an argument about how Janet, your mom, was
15 treating Ava?

16 A No, I don't.

17 Q Do you remember anything involving a hug or your mom
18 not giving her a hug?

19 A Yes.

20 Q Okay. Tell us what you remember about that.

21 MR. FIGLER: Objection. Relevance.

22 THE COURT: Overruled.

23 MR. FIGLER: She gave her a hug.

24 BY MR. HAMNER:

25 Q Tell us about what you remember about those

1 circumstances.

2 A It was -- my memory is a little bit vague with it,
3 but it was basically a situation where we were about to leave
4 to go out of town. I can't remember where, but we were about
5 to go out of town, and she, I think, Ava just had got in -- I
6 don't know if she got in trouble about anything or it was
7 just -- there was a reason -- like, obviously she just didn't
8 give her a hug. So I gave her a hug because we were about to
9 leave.

10 Q And do you recall that when she got in trouble did
11 your mother choose to hug the other two girls and not Ava?

12 A Are you referring to at that time at that moment?

13 Q At that time.

14 A Yes.

15 Q Okay. And so you decided to give her a hug. And
16 when you did that, what happened between you and your mom kind
17 of? Did your mom have a reaction to the fact that you went and
18 gave her a hug?

19 A She didn't really have a reaction. She kind of just
20 blew it off like whatever.

21 Q But did the fight essentially kind of an argument
22 ensue between you and your mom because of your decision to try
23 to reach out and give the kid a hug?

24 A No.

25 Q Okay. Do you recall stating --

1 MR. FIGLER: Your Honor, can we approach?

2 THE COURT: Sure.

3 (Conference at the bench not recorded)

4 THE COURT: All right. The objection is overruled,
5 and the continuing objection to this line of questions as being
6 irrelevant is noted on the record.

7 BY MR. HAMNER:

8 Q Your answer to my question about a fight ensuing
9 previously was just no; correct?

10 A Correct.

11 Q Okay. Isn't it true that you stated to the police
12 four years ago, And then the other two girls, like, gave my mom
13 a hug to say goodbye, and then, like, she didn't want to give a
14 hug to Ava, and I was, like, I got so mad, and I was, like,
15 fine, I'll give, you know, Ava, I'll give you a hug because I
16 don't think that's right, you know, and it literally it would
17 ensue a fight with my mom and I, and I don't want to fight with
18 my mom, you know? Do you remember making that statement to the
19 police?

20 A Yes, I did.

21 Q During the adoptive period for the Solander girls, if
22 they got in trouble, how would your mom and Dwight discipline
23 them?

24 A They would get spanked.

25 Q Okay. What would they use to spank the children?

1 A Either their hand or a paint stick.

2 Q Showing you what's already been admitted as State's
3 115, do you recognize anything there?

4 A Yes.

5 Q What is that?

6 A A stick.

7 Q And, Danielle, if you take your finger and touch the
8 screen, why don't you circle the stick that you see. You can
9 make a mark if you touch it. Go ahead.

10 A [Witness complies.]

11 MR. HAMNER: Let the record reflect the witness has
12 circled a stick in the middle of State's 115.

13 BY MR. HAMNER:

14 Q Publishing State's 111, what do you see there?

15 A A stick.

16 Q Is that an enlargement of that same stick from the
17 previous photo?

18 A Yes.

19 Q Is this -- is this kind of a stick like they would
20 use to hit the girls with?

21 A Yes.

22 Q Okay. So your mom would use the stick sometimes?

23 A Both.

24 Q Both Dwight and Janet?

25 A Yes.

1 Q What part of their body -- and to be clear, would all
2 three girls, all three Solander girls get hit with these
3 sticks?

4 A Their butt.

5 Q Okay. On their butt.

6 THE COURT: Was it on the bare butt or on a clothed
7 butt?

8 THE WITNESS: With underwear, on their underwear but
9 with the stick I would say.

10 BY MR. HAMNER:

11 Q Do you remember them having them pull down their
12 pants?

13 A To -- yes.

14 Q Okay. So sometimes they would have their underwear
15 on; is that right?

16 A Correct.

17 Q But were there other times where they hit them on
18 their bare butt?

19 A With their hand, yes.

20 Q Do you recall stating to the police previously that
21 they would be spanked on their bare butt?

22 A No.

23 Q Okay. Would it help refresh your recollection to
24 refer you --

25 THE COURT: Counsel, approach.

1 (Conference at the bench not recorded)

2 BY MR. HAMNER:

3 Q What sort of position would they need to be in when
4 they would get spanked?

5 A Like a little bit of a bent over position.

6 Q Okay. Would their legs kind of be straight or bent?

7 A They could be bent or straight. They weren't on the
8 floor, like, just laying flat on the floor, but it was just
9 like --

10 Q Where would their hands be? Would their hands be
11 touching the floor?

12 A Yes.

13 Q So their feet would be touching the floor, and their
14 hands would be touching the floor?

15 A Yes.

16 Q What kind of shape are their bodies -- what would the
17 shape of their body be like?

18 A Kind of like a rainbow shape, like an upside down U,
19 I guess.

20 Q From what you could see, what would happen to their
21 skin?

22 A It just got dry.

23 Q Okay. Would it get red?

24 A From an initial hit, yes.

25 Q Do you ever remember seeing blood marks on Anastasia?

1 A No.

2 Q Okay. Do you recall previously telling police that
3 you had seen blood marks on Anastasia in that area?

4 A Yes.

5 Q Okay. So as you sit here today, you remember talking
6 to the police about it, but you don't kind of recall now that
7 moment?

8 A Correct.

9 Q Okay. But you did tell the police four years ago
10 that Anastasia actually had blood marks on her behind?

11 A Correct.

12 Q And do you remember telling them that you could see
13 the blood seeping through the underwear?

14 A No, not that --

15 Q Okay. Would it help refresh your recollection to see
16 a portion of your statement?

17 A Yes, please.

18 MR. HAMNER: Referring to page 70, and just for
19 context also, just half of page 69, Counsel.

20 BY MR. HAMNER:

21 Q If you look at page 70 here, just read this section.
22 And if you want to look at the previous answer too --

23 A Okay.

24 Q -- that could help so give some context too if that
25 helps refresh your memory. And this was the previous page.

1 A [Witness complies.]

2 Q Okay. So does that help refresh your memory about
3 Anastasia?

4 A No.

5 Q Okay. Does it help refresh your memory about what
6 you told the police?

7 A Correct. Yeah.

8 Q Okay. So you told the police that she did, in fact,
9 have kind of bleeding cut marks on her behind?

10 A Correct.

11 Q And you could actually -- it seeps through the
12 underwear, and you could see that?

13 A That I told them, correct.

14 Q Did you ever hit any of the children?

15 A Yes.

16 Q Okay. Which children did you hit?

17 A I would -- probably only two.

18 Q Okay. Which of the two?

19 A Anastasia and Amaya.

20 Q Okay. What part of -- what part of your body or what
21 did you use to hit them with?

22 A My hand.

23 Q Okay. Did you ever use one of those sticks?

24 A Never, no.

25 Q And where on their body did you hit?

1 A Their butt. It was like a pop more so than, like, a
2 spanking. It was never like a full out spanking, just a pop,
3 and Amaya, her face one time.

4 Q Okay. Was that at a time when your mom was out of
5 town?

6 A Yes.

7 Q Okay. Was there a nanny living in the home around
8 that time?

9 A Yes.

10 Q Where would -- okay. We talked about -- we talked
11 about -- moving on. Oh, let me ask you about Dwight for a
12 second. You saw Dwight hit the kids with those paint sticks;
13 right?

14 A Yes.

15 Q What would sometimes happen to the paint sticks when
16 he would be hitting them?

17 A Nothing.

18 Q Would they stay intact, the sticks?

19 A They were intact throughout.

20 Q Did they ever break?

21 A Not to my knowledge.

22 Q Isn't it true that four years ago when your memory
23 was, as you said, a lot fresher about these topics, you told
24 the police that, When Dwight would spank them, it would end up
25 actually breaking because he spansks so hard they would end up

1 having to buy more? Do you remember telling police that?

2 A No.

3 Q Okay. Do you have any reason to doubt that that's
4 not something you told the police, or would you like to --

5 A No. Correct. Yeah.

6 Q Okay. And at that time you were referring to the
7 paint sticks; correct?

8 A Correct.

9 Q Did your mother ever check the children's underwear
10 for pee stains or poop stains?

11 A Yes.

12 Q Did Dwight do that as well? If you remember.

13 A Yeah, I believe so. It happened a long time ago.

14 Q Was the fact that there might be some tinkle stains
15 or a little poop stains in their underwear an issue for your
16 mother?

17 A Yes.

18 Q Was it a big issue, a medium issue, a small issue?

19 A I would say it was a petty issue, kind of not --
20 medium, small, medium.

21 Q Did you get the impression that it was a big issue to
22 your mother based on your observations?

23 A My opinion it was.

24 Q Okay. So in your opinion it was a petty medium
25 issue, but from what you could see from your mother's reactions

1 and her actions, was it a big issue for her?

2 A No.

3 Q Isn't it true that four years ago when you spoke to
4 the police when your memory was fresher, you stated, And then
5 it started kind of like -- and then it started kind of being
6 like -- then it started off with the stains in the underwear;
7 that was kind of a big issue? Do you remember telling the
8 police that four years ago?

9 A No. But --

10 Q Okay. But you've had a chance to kind of review your
11 statement?

12 A Right. Yeah. So that's why I would say yes.

13 Q So you're not denying that you did tell the police
14 that four years ago?

15 A Right. Correct.

16 Q It's just a question you don't remember saying that
17 as you sit here now?

18 A Correct. Yeah.

19 Q If there were stains found in their underwear, how
20 were they disciplined?

21 A Because this happened when they were in foster care
22 too --

23 Q No. From now on, I'm really just going to focus on
24 the adoptive period, okay.

25 A Just the adoption period?

1 Q Yeah.

2 A Okay.

3 Q I'll tell you if I want to go back to that.

4 A Okay.

5 Q So just focus on them being adopted.

6 A Okay.

7 Q What would happen to them if your parents found or
8 your stepdad and your mom found little stains in their
9 underwear?

10 A They would get yelled at.

11 Q Okay. Would they get hit?

12 A Not all the time.

13 Q But sometimes they would?

14 A Sometimes.

15 Q Did that include the paint sticks?

16 A Not that I can remember.

17 Q I want to go back -- I think previously you told us
18 that when -- speaking of going back to the foster period, you
19 had said when they were foster kids there weren't rules about
20 kind of where you could go to the bathroom, and if you needed
21 to go, you could go. I think you told us that at the beginning
22 of direct. Was that right?

23 A Can you repeat that. I'm sorry.

24 Q Sure. Do you remember earlier on in the direct I was
25 kind of asking you about things that you saw happening during

1 the foster period?

2 A Correct.

3 Q And do you remember telling us that when they were
4 foster kids there weren't kind of rules on like what bathrooms
5 you could use or anything like that. They could kind of use
6 the bathroom if they needed to as foster kids.

7 A Excuse me. Correct.

8 Q Okay. Now I want to go to the adoptive period. When
9 they became adopted, could the children just freely use the
10 bathroom whenever they wanted?

11 A Not all the time.

12 Q Okay. Were there rules or windows about when they --
13 windows of time in which they could use the bathroom?

14 A Windows like in what? Like what do you mean?

15 Q Like there's a time period where you can use that,
16 and then there's a time period after that where you're not
17 allowed to go to the bathroom. You have to hold it. Do you
18 remember things like that happening in your house with those
19 kids?

20 A Not too much that I can recall of that, not as much
21 an exact time period or anything, but they did have, like, kind
22 of like a way they needed to go to the bathroom.

23 Q And I'm not saying that you need to know the exact
24 minute --

25 A Right.

1 Q -- or time period. What I'm asking you is more you
2 know the difference between, hey, I need to go to the bathroom,
3 and you can just walk in and use the bathroom versus, hey, I
4 need to use the bathroom, no, you now need to wait? Do you
5 understand the difference between the two scenarios?

6 A Correct. Uh-huh.

7 Q When they were adopted, were the children kind of
8 under rules where there was sometimes they just simply weren't
9 allowed to go to the bathroom, and they really needed to learn
10 to hold their pee?

11 A Yes.

12 Q What did you see the kids start to do if they were
13 kind of -- did you ever see the kids kind of holding on to
14 their pee and maybe struggling to hold on to their pee?

15 A Yes.

16 Q What would they do? What would their physical bodies
17 start to do?

18 A It was kind of like move like that.

19 Q Show us.

20 A Like they just, like, I don't -- it was just a little
21 wiggle type of thing, kind of what anybody would do if they
22 feel like, you know, you have to use the bathroom.

23 Q So fidgeting kind of back and forth?

24 A Yeah.

25 Q Things like that. Would they get -- would your

1 mom -- would they get in trouble with your mom for doing
2 something like that, that pee dancing or that wiggle?

3 A Not that -- to my knowledge, no.

4 Q Isn't it true that you told the police four years ago
5 when your memory was more fresh, And, you know, I -- there was
6 a lot of times where, like -- like with a -- it was like pee
7 dancing; you know, if they started pee dancing, they'd get in
8 trouble? Do you remember telling the police that?

9 A Yes.

10 Q When these kids were in these time windows where they
11 weren't allowed to go to the bathroom, were the kids starting
12 to have accidents as they were trying to hold their pee or
13 their poop?

14 A Not that I can remember.

15 Q Not that you can remember. You don't remember them
16 ever having accidents while waiting?

17 A No. Like -- can you --

18 Q They would just get in trouble for wiggling, but they
19 would successfully hold their pee?

20 A Not -- and what do you mean, like, if they ever had
21 accidents, yes. As far as getting in trouble for pee dancing,
22 no.

23 Q Okay. So what I'm trying to understand is you
24 remember there being times where, like, your mom said, look, no
25 one's allowed to go use the bathroom right now. You need to

1 hold it. You remember those times?

2 A Yeah.

3 Q You remember sometimes during those times if the kids
4 had to go to the bathroom so bad they're doing these kind of
5 wiggle pee dance; right?

6 A Right.

7 Q Are you telling this jury that there weren't times
8 when these kids really needed to use the bathroom that they
9 would actually kind of pee on themselves or --

10 MS. MCAMIS: Objection. Argumentative.

11 THE COURT: Overruled.

12 Is it --

13 MR. HAMNER: I'm just seeking some --

14 THE COURT: No, you can answer. The witness, is that
15 your testimony that they never wet themselves, you know, when
16 they're doing what we're calling the pee dancing?

17 THE WITNESS: From what I can remember, as far as
18 with just the pee dancing, no, but they have wet themselves
19 though before. I would say that. That's why I kind of want it
20 clarified a little bit. I'm sorry.

21 BY MR. HAMNER:

22 Q Were their points where you would tell your mother
23 that you thought that these times that they had to wait was too
24 long for how old they were?

25 A Not that I can recall.

1 Q Okay. Do you recall telling -- telling the -- in
2 concerns about also kind of getting in trouble for the stains
3 because of their age? Do you remember talking to your mother
4 about that at all?

5 A No, I don't remember. No.

6 Q Okay. Do you remember telling the police the
7 following four years ago: I'd just like to be --

8 MR. HAMNER: I'm referring to page 65.

9 BY MR. HAMNER:

10 Q -- I'd just like to be honest. I did not like --
11 because I felt like it turned -- it started getting to the
12 point where they were getting in trouble for, like, stupid --
13 like it was stupid, like stains in the panties. They're not --
14 you know, you're peeing, and I'm, like, I would tell them I'm,
15 like, they're 5 or, like, they're 6 and, you know, it's like,
16 well, mom, I wouldn't be able to hold my pee that long either,
17 you know. Do you recall telling the police that?

18 A Correct.

19 Q When you would say those things to your mom and kind
20 of, say, point out how old they were, that you couldn't hold
21 your pee, do you remember what your mom's reaction was to your
22 comments like that?

23 A I don't remember, no.

24 Q Well, let me ask this. Early on, did these kind of
25 holding your pee rules, did that go on for a while in the

1 house?

2 A Not that I remember, no.

3 Q Okay. When did it stop?

4 A I can't remember. I don't have the time frame.

5 THE COURT: And I don't know if the jury heard that.

6 THE WITNESS: Oh, I'm sorry. I said I don't have a
7 time frame.

8 BY MR. HAMNER:

9 Q Do you remember sometimes believing these kind of
10 pauses, intervals between going to the bathroom could take
11 upwards to an hour?

12 A No, I don't.

13 Q Isn't it true that you told the police four years
14 ago, It would, like, probably, like, it wasn't really a time
15 limit, like it was, like, at bathroom breaks because it was
16 like bathroom breaks, like, once an hour? Do you remember
17 telling that to the police?

18 A Yes.

19 Q Do you remember after these rules or these pauses
20 about intervals where you can't use the bathroom, in terms of
21 kind of potty training or peeing, things started becoming worse
22 for Ava and Anastasia in terms of being able to successfully
23 make it to the bathroom?

24 A Can you repeat the first part again. I'm sorry.

25 Q Sure. The rule about you can't go to the bathroom

1 for a certain period of time -- because you said before when
2 they were fosters there was no rule like that. It started when
3 they were adoptive; correct?

4 A Correct.

5 Q Okay. When those rules were put into place about you
6 can't go to the bathroom for a certain period of time, do you
7 remember Ava and Anastasia's ability to go to the bathroom
8 successfully getting better or getting worse once that rule is
9 put into place?

10 A I can't remember the progress.

11 Q Okay. Do you remember -- do you remember telling the
12 police four years -- page 65 -- That the things, like, when it
13 was a bathroom break, [unintelligible] Number 1, Number 2, but
14 the one thing that sucks is, and I started noticing that when
15 that thing started coming into plan, Ava and Anastasia, that's
16 when they're, like, peeing and pooping on themselves started
17 kind of becoming -- started becoming bad? Do you remember
18 telling the police that?

19 A Correct.

20 Q And to be clear, both Janet and Dwight were making
21 them hold -- enforcing this rule; is that right?

22 A Correct I would say.

23 Q Do you remember at some points that that interval
24 actually increased from one hour to two hours?

25 A No.

1 Q Do you remember telling the police that?

2 A I don't remember telling the police that.

3 MR. HAMNER: Okay. Referring to page 123, Counsel.

4 BY MR. HAMNER:

5 Q I'm referring to a question, And you had stated that
6 it started off as one hour breaks?

7 Answer, Uh-huh.

8 Question, Did it get longer?

9 Answer, It --

10 Question, As time went on?

11 It was -- it was not that it always was extended to,
12 like, two hours. Like I said, it's like if somebody, like one
13 of them was either too afraid or just didn't say, like, because
14 it was like once one person, and sometimes it would be like one
15 person asked, and nobody can ask, and then the bathroom break
16 started again. So maybe it was kind of like it wasn't like,
17 oh, you have to wait two hours, but it could have ended up
18 being almost that long because of that, because it would.

19 Do you remember saying that to the police?

20 A Correct. Yeah.

21 Q Let's talk about when these kids actually kind of got
22 into the bathroom to go to the bathroom. Did your mother and
23 Dwight time literally how long it took for them to either go
24 pee or poop?

25 A Not that I remember.

1 Q Do you remember -- do you remember previously telling
2 the police about this?

3 A Correct.

4 Q Okay. So you did tell the police about that?

5 A Per my statement, yes, correct.

6 Q Okay. So you remember telling them that to go pee
7 the children had 30 seconds to finish completing urinating?

8 A What was the first part of the question? I'm sorry.

9 Q You remember telling the police four years ago when
10 your memory was fresh that these children only had 30 seconds
11 to complete urinating?

12 A I don't remember that.

13 Q Okay. Referring to page 72.

14 Question, Like, what do you know what the time was
15 for each one?

16 Answer, It wasn't -- it wasn't -- I -- it wasn't --
17 it wasn't like -- it wasn't long enough to be honest, but
18 literally I think it would probably wasn't more than, like, a
19 minute and 30 seconds, and that was probably for pooping.
20 Peeing was probably, like, 30 seconds.

21 Do you remember making that statement to the police?

22 A Correct. Excuse me. Correct.

23 Q Okay. And do you remember that if they peed too long
24 they would get hit or spanked for it if the peeing or the
25 pooping took too long?

1 A Not that I can recall.

2 Q Isn't it true you told the police four years ago that
3 you said, and if they would pee, like, flooding, you know, like
4 when you just pee a lot, they would get in like -- they
5 would -- it wouldn't be like -- I mean, sometimes it would be
6 spanking, or sometimes they would get in trouble for it? You
7 told that to the police four years ago?

8 A Correct. I did.

9 Q For going to the bathroom too much?

10 A Correct.

11 Q Did they get in trouble for just asking to go pee?

12 A No, not that I --

13 Q Isn't it true that when you were asked the following
14 questions by the police you said the following:

15 Question, So they would get in trouble?

16 Answer, Like pee --

17 MR. HAMNER: And this is again page 72.

18 BY MR. HAMNER:

19 Q For going to the bathroom too much?

20 Answer, Yeah, because it was like them holding it
21 until the last minute.

22 But if -- Question, But if they asked, they would get
23 in trouble?

24 If they, yeah, if they asked when somebody had
25 already just asked. Okay. And a bathroom break had passed --

1 Do you remember telling the police that?

2 A Yes.

3 Q Do you remember telling your mother that you thought
4 this kind of -- this time rule about holding your pee wasn't
5 really --

6 MR. FIGLER: I'm going to object, Your Honor, as to
7 what Ms. Hinton said or thought to Ms. Solander.

8 THE COURT: Yeah. I think that's sustained.

9 MR. HAMNER: No. It's not being offered for the
10 effect -- it's not being offered for the truth, but the effect
11 on the listener.

12 THE COURT: Well, Counsel, approach. The statement
13 is --

14 (Conference at the bench not recorded)

15 BY MR. HAMNER:

16 Q What do you remember about buckets in the house?

17 A I remember seeing them.

18 Q Where were they?

19 A I've seen them in the garage and in -- I've seen them
20 inside the home before.

21 Q Whereabouts in the home?

22 A In the kitchen.

23 Q What did they have on top of the buckets when they
24 were in the kitchen?

25 A Nothing that I can remember. They were there though.

1 Q Do you remember toilet seats?

2 A It don't remember toilet seats.

3 Q Okay. I want to show you State's 129. It's already
4 been admitted. Do you see any buckets that you recognize?

5 A I see one. I see one, yeah.

6 Q Please circle it.

7 MR. HAMNER: Let the record reflect the witness has
8 circled an orange bucket in the bottom center of State's 129.

9 BY MR. HAMNER:

10 Q When these buckets were in the kitchen, what were
11 they used for?

12 A For the girls. One of them or I can't remember how
13 many just to sit on.

14 Q They had to sit on them; is that right?

15 A Uh-huh. Correct.

16 Q All three girls?

17 A I don't remember if it was all three.

18 Q Isn't it true you've previously told the police that
19 all three girls had to sit on those buckets?

20 A I don't remember saying that.

21 MR. HAMNER: Court's indulgence.

22 BY MR. HAMNER:

23 Q Do you remember -- referring to page 51 and 52,
24 specifically 51 -- when you were asked about the -- shown a
25 picture of that bucket with the toilet seat on it, do you

1 remember being shown that photograph by the police when they
2 spoke to you?

3 A Yes.

4 Q Okay. Isn't it true that when you were asked about
5 what that bucket was used for you stated that is a bucket, and
6 it was used for, I mean, the girls sat, I guess, sat on it, and
7 then you also responded, Because for, I don't know, using the
8 bathroom? Do you remember telling the police that?

9 A Yes.

10 Q Okay. So as you sit here today, you couldn't
11 remember that, that they sat on these buckets to use the
12 bathroom in the kitchen?

13 A No.

14 Q Okay. So that just helped to refresh your -- but you
15 can remember telling the police about it; is that right?

16 A Per my statement.

17 Q I mean, you'd agree that's a pretty memorable image,
18 a little child sitting on an orange bucket with a toilet seat
19 in the kitchen?

20 MS. MCAMIS: Objection. Argumentative.

21 MR. HAMNER: I think it's -- I think it's a fair
22 question.

23 THE COURT: It's a little argumentative.

24 MR. HAMNER: I can --

25 THE COURT: I want to clarify something.

1 Do you remember telling the police about the buckets
2 and the toilet seats?

3 THE WITNESS: Yeah. I recall from reviewing my
4 statement. So I'm not going to deny that I didn't say that for
5 sure.

6 THE COURT: Okay.

7 BY MR. HAMNER:

8 Q But as you sit here today, that memory of a little
9 child sitting on an orange bucket with a toilet seat in the
10 kitchen, you don't have an independent memory of that?

11 A No.

12 Q When you saw the buckets, were you concerned?

13 A I can't remember my emotion.

14 Q Let me ask you this question. In all the time you
15 lived in that house, when you lived in the house, when you were
16 there, did the toilet in the first floor not work?

17 A Not that I can remember.

18 Q So it worked perfectly fine?

19 A From my knowledge, yes.

20 Q Did the toilets upstairs work?

21 A From my knowledge, yes.

22 Q Did your mother offer you any explanation as to why
23 those buckets needed to be there?

24 A No.

25 Q Did she explain to you why the toilets in the house,

1 the working toilets were not sufficient for these children?

2 MS. MCAMIS: Objection. Asked and answered.

3 MR. HAMNER: That's a different question.

4 THE COURT: Overruled. She can answer.

5 BY MR. HAMNER:

6 Q Did she explain to you why these working toilets on
7 the first and the second floor were not sufficient for her new
8 adoptive children?

9 MS. MCAMIS: Objection. Assumes facts not in
10 evidence.

11 THE COURT: Did she ever tell you why the children
12 couldn't use, you know, the downstairs or the upstairs toilet
13 in lieu of the bucket?

14 THE WITNESS: Can I explain -- explain or just --

15 THE COURT: No. You can only answer the question --

16 THE WITNESS: Okay.

17 THE COURT: -- that's before you.

18 THE WITNESS: Then, no.

19 THE COURT: Okay. And then, of course, Mr. Figler
20 and Ms. McAmis will have an opportunity to also ask you
21 questions.

22 THE WITNESS: Okay.

23 THE COURT: Okay.

24 BY MR. HAMNER:

25 Q Tell me about toilet paper usage in the house for the

1 kids.

2 A When you're referring to kids, just the adopted kids?

3 Q Sure. The Solander kids.

4 A With the toilet paper, it was -- they didn't have as,
5 like, as much toilet paper they wanted to use. It was limited
6 for each use I would believe.

7 Q Who limited it?

8 A My mom and Dwight.

9 Q How would they do that?

10 A Just more toilet paper if they did Number 2, less if
11 they did Number 1.

12 Q I mean, is it one of those things where they're kind
13 of watching, and they kind of say, hey, no more toilet paper as
14 they're pulling it, or are they taking it off and saying you
15 can only have this many pieces of toilet paper? How are they
16 doing that?

17 MS. MCAMIS: Objection. Leading.

18 MR. HAMNER: It's not leading. It doesn't suggest
19 the answer.

20 THE COURT: Well, okay. You can answer the question.
21 What was the process? How did that work?

22 MR. HAMNER: Yeah.

23 THE WITNESS: From what I remember, the process
24 started since the beginning around the time when they first
25 came in the house, and it was just basically, like I stated,

1 they gave them a few. From what I remember, like, sometimes,
2 like, in high school, they would give them like a few. I don't
3 remember exactly how much, a few if it's for Number 1, and for
4 Number 2, they, either my mom or Dwight I would say gave them
5 more, but they never, like, touched -- like they didn't always
6 just touch it themselves or whatever.

7 THE COURT: And that started when the girls first
8 came into the home as the foster kids?

9 THE WITNESS: Yes. Because when I was -- I was
10 still, like, 16, 17 at the time.

11 BY MR. HAMNER:

12 Q Based on your observations of how much paper Dwight
13 and Janet would give those girls, based on your observations,
14 did you think the amount of toilet paper was a factor for the
15 stains in their underwear?

16 MS. MCAMIS: Objection. Calls for speculation.

17 MR. HAMNER: Based on her observations.

18 MS. MCAMIS: Well --

19 THE COURT: If you -- don't guess. If you know.

20 THE WITNESS: Oh, okay.

21 THE COURT: Well, first of all, are you aware that
22 there was an issue with soiling of the underpants?

23 THE WITNESS: Yes, I was.

24 THE COURT: Okay. And do you know what was causing
25 that, or do you know what was the issue with that?

1 THE WITNESS: No, I don't. Yeah.

2 THE COURT: Okay. Let's take our afternoon break.

3 Is 10 minutes enough for everybody?

4 Okay. That'll put us right at 3:05.

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

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

15 (Proceedings recessed 2:58 p.m. to 3:16 p.m.)

16 (In the presence of the jury)

17 THE COURT: All right. Court is now back in session.
18 The record should reflect the presence of the State, the
19 defendant and her counsel, the officers of the court -- most of
20 the officers of the court and the ladies and gentlemen of the
21 jury.

22 And, Ms. Hinton, you are still under oath. Do you
23 understand that?

24 THE WITNESS: Yes, ma'am.

25 THE COURT: All right. And, Mr. Hamner, you may

1 resume your questioning, your direct examination.

2 MR. HAMNER: Thank you very much, Your Honor.

3 BY MR. HAMNER:

4 Q So, Danielle, I want to kind of jump back for a
5 second. I know we've been talking a little bit about the
6 bathroom stuff, but I want to jump back to something about kind
7 of your time frame when you're living in this house. I know
8 you leave for college at some point; right?

9 A Yes.

10 Q Are the Solander girls in the house at the time that
11 you leave for college?

12 A Yes.

13 Q Have they been adopted by that point?

14 A Yes.

15 Q Okay. When you go away to college, when would you
16 come back home? Christmas, Christmas break you'd be home?

17 A Yes.

18 Q Okay. And how long would Christmas breaks be?

19 A Just about two weeks, two to three weeks. I can't
20 remember, but it was less than a month, like two weeks I think.

21 Q So two weeks at a minimum, three weeks maybe at most,
22 but when you're there, you're there every day at that house;
23 right?

24 A For the most part, yes.

25 Q And to be clear, you're not working a full-time job

1 on Christmas break; right?

2 A No.

3 Q Okay. So you're home for the majority of the day?

4 A For the most -- I went to see friends too because I'm
5 from -- since I had went to high school in Vegas. So that's
6 why I say for the most part, but I was still at friends' house
7 a lot.

8 Q Would you come home for spring break?

9 A We went out of town, no, not home.

10 Q Would you come home for long weekends?

11 A No.

12 Q Would you come home for the summer?

13 A Yes.

14 Q Okay. And when you were here for the summer or those
15 summers that you would come home, were you working a full-time
16 job?

17 A One summer, yes.

18 Q One summer?

19 A [Unintelligible.]

20 Q But there were other summers that you didn't?

21 A Right.

22 Q How many summers did you not work a full-time job?

23 A I'd say the most summers -- I would say there was
24 only like one time in the year that I did work a full-time job.
25 So any time other than that I didn't.

1 Q I guess one thing I'd like some clarification on is
2 how many years were you away at college?

3 A About three, two, two and a half --

4 Q Two and a half?

5 A -- three, two years.

6 Q So you probably did at least three summers back home?

7 A Correct.

8 Q Okay. And one of those summers you worked; right?

9 A Uh-huh. Correct.

10 Q But the other ones you didn't?

11 A Correct.

12 Q So and to be clear, the Solander girls are
13 homeschooled; right?

14 A Correct.

15 Q So they'd spend their days at home; right?

16 A Correct.

17 Q So during these time periods, whole summers when
18 you're home and not working, you're there essentially the whole
19 day with those kids?

20 A [No audible response.]

21 Q You were physically -- I don't mean that you're kind
22 of tagging along with them every minute, but you are in that
23 home every day?

24 A Correct.

25 Q Okay. So there's a lot of days that you have a

1 chance to see these girls?

2 A Correct.

3 Q And their day-to-day routine?

4 A Correct.

5 Q And mealtimes?

6 A Correct.

7 Q Bathroom time?

8 A Correct.

9 Q Showering time?

10 A No. Can I explain?

11 Q Well, I don't mean, like, you go in the shower with

12 them.

13 A Yeah, I was there when they would take showers. Yes.

14 Correct.

15 Q That's really what I meant. Bedtime, you're around

16 the house when it's time to kind of get ready to go to bed?

17 A Correct.

18 Q So there's a lot of opportunities for you to see

19 these kids?

20 A Uh-huh.

21 Q Back to the bathrooms. Do you remember the bathrooms

22 that were being locked, the upstairs bathrooms being locked at

23 night?

24 A I do not remember them being locked.

25 Q Isn't it true you told the police --

1 MR. HAMNER: And referring to page 91, Counsel.

2 BY MR. HAMNER:

3 Q Isn't it true that you told the police that Janet and
4 Dwight would lock the bathroom in the middle of the night so
5 the children couldn't use it at nighttime?

6 A Yes.

7 Q And isn't it true when kind of you brought it up or
8 asked your mother about it she kind of said, you know, you
9 should be able to hold your pee during the night?

10 A Yes.

11 Q Do you remember at some point Dwight and Janet also
12 adding an alarm to the bathroom door?

13 A I don't remember that happening. I remember hearing
14 about it.

15 Q Okay. You remember telling the police about it
16 though?

17 A I do remember.

18 MR. HAMNER: Page 92, Counsel.

19 BY MR. HAMNER:

20 Q You remember telling them that they put an alarm to
21 kind of alert them, and it would make like a dah, dah, like a
22 dah, dah kind of sound; right?

23 A Correct.

24 Q Had you ever lived in a house that had an alarm on a
25 bathroom door before?

1 A Not on a bathroom door.

2 Q I mean, you would agree that would be -- that's
3 something notable, one door that's literally chiming when you
4 open it inside a residence?

5 MS. MCAMIS: Objection. Vague. Notable. Relevance.

6 MR. HAMNER: Well, it's relevant.

7 THE COURT: Well, I don't think it is. That's
8 sustained.

9 Was the bathroom locked if you needed to go to the
10 bathroom at night?

11 THE WITNESS: No. To clarify, the room that I had
12 had a bathroom in it. So, no, I didn't need to, no.

13 THE COURT: So you had your own bathroom?

14 THE WITNESS: Yeah. So I stayed, yeah, so everything
15 was in my room, bathroom and shower and everything.

16 THE COURT: Okay. And were the Solander girls
17 allowed to use your bathroom?

18 THE WITNESS: No.

19 THE COURT: Okay.

20 THE WITNESS: They -- they [unintelligible] need to.

21 THE COURT: So the locked bathroom didn't impact your
22 ability to go to the bathroom?

23 THE WITNESS: No.

24 THE COURT: Okay. Sorry about that. I wanted to
25 clarify.

1 BY MR. HAMNER:

2 Q But to be clear, as you sit here today, you don't
3 have an independent memory of an alarm being on that bathroom
4 door; right?

5 A I don't remember ever there being an alarm to go off,
6 and did you state that at nighttime; correct?

7 Q Yeah.

8 A No.

9 Q But you remember telling the police that it had a
10 sound that went dah, dah, you know? You remember telling the
11 police that?

12 A Yes.

13 Q Okay. And you remember, to you, four years ago it
14 made a really, like, annoying alarm sound?

15 A [No audible response.]

16 Q Do you remember telling the police you found that
17 sound to be really annoying four years ago?

18 A Yes.

19 Q But you don't remember that really alarm now?

20 A No.

21 Q Really annoying alarm now?

22 A No, I don't.

23 Q Do you ever remember bringing your concerns to your
24 mom and having your mother say, I don't want to hear it?

25 A Concerns about regarding --

1 Q How they were toilet training the kids and treating
2 them in the house?

3 A I brought my concerns to my mom before, yes.

4 Q Do you remember her telling you, I don't want to hear
5 it?

6 A Not her exact words, but I know she just blew it off.

7 Q So you remember her blowing off your concerns?

8 A Correct.

9 Q Did you bring those concerns to her one time? More
10 than one time?

11 A About a couple of times for I can remember.

12 Q And every time she blew you off?

13 A Pretty much.

14 Q And let's set the stage going back to the adoptive
15 period for a second okay because we've been talking a lot about
16 toileting, okay.

17 A Uh-huh.

18 Q When those girls got to your house as foster kids,
19 tell me about Ava. Did she have accidents? When she showed up
20 as a foster kid, was she having accidents in that house?

21 A Not as much, no.

22 Q And isn't it true you told the police that Ava never
23 peed on herself?

24 A I did say that.

25 Q Okay. So as you sit here today, which one was it?

1 Did she never pee on herself, or was it occasionally?

2 A Can I clarify everything?

3 Q Sure. Go ahead.

4 A She, basically, I can't just say like full on peeing,
5 but she did have, like, stains in her underwear type of
6 situation.

7 Q But let's be clear, you unequivocally stated to the
8 police four years ago that Ava never peed on herself?

9 A So from what I physically see, no.

10 Q I mean, you didn't tell the police that once. You
11 told him that twice --

12 MR. HAMNER: Referring to pages 17 and 18, Counsel.

13 BY MR. HAMNER:

14 Q -- right?

15 A Right. When I physically see no -- when I physically
16 have seen her, no, she didn't pee on herself.

17 Q Okay. But once the adoptive period started, you
18 started seeing Ava starting to have accidents?

19 A Yes.

20 Q And she's older at that point?

21 A Yes.

22 Q Because we're moving on in time; right?

23 A Yeah.

24 Q During that foster period, when Anastasia gets to
25 that house, do you remember if she had accidents?

1 A During her foster period?

2 Q Yes.

3 A Yes.

4 Q Okay. What time of day was it?

5 A Morning, night, all the time.

6 Q Isn't it true four years ago --

7 MR. HAMNER: Page 17, Counsel.

8 BY MR. HAMNER:

9 Q -- you told the police that Anastasia did not pee on
10 herself during the day, just at nighttime?

11 A I don't remember saying that but --

12 Q Okay. But you have no reason to dispute that?

13 A Correct.

14 Q Okay. So but to be clear, that's the youngest one;
15 right?

16 A Correct.

17 Q Okay. To be clear, when she starts the adoptive
18 period, you started seeing Anastasia having accidents during
19 the day; right?

20 A To be clear, I've seen it during the day before, but
21 I did see it afterwards too, after the adoption.

22 Q Okay. So I'm just going to, so we're clear, page 17,
23 with respect to Anastasia, you stated, she didn't really pee on
24 herself during the day. It was just at nighttime because I
25 remember that was one of the things that the old foster mom was

1 telling us about. You said that; correct?

2 A Correct.

3 Q Okay. So in that statement to the police, you're not
4 saying, oh, she -- there were times she peed on herself during
5 the day. You did not say that to the police back then?

6 A Correct.

7 MR. HAMNER: And then page 18, Counsel.

8 Let's see. Okay. I'll move on to that.

9 BY MR. HAMNER:

10 Q Okay. Let's talk about Amaya. What do you remember
11 about the frequency of Amaya -- this is the middle child;
12 right?

13 A Correct.

14 Q What do you remember about the frequency of her
15 accidents as a foster kid?

16 A She had accidents here or there, but it wasn't
17 anything like -- it wasn't a lot. I can't remember, but it
18 just basically wasn't --

19 Q But, like, not really being every day?

20 A Correct.

21 Q Generally at night, would that be right or --

22 A I would say more than likely, yeah.

23 Q Okay. But once they kind of go into this adoptive
24 phase, the peeing and the accidents become worse for Amaya from
25 what you could observe?

1 A From what I can observe, yes.

2 Q And from what you could observe, the peeing and the
3 accidents become worse for Anastasia once you're in this
4 adoptive phase?

5 A Correct.

6 Q And to be clear, there's these new rules that are in
7 place?

8 A Correct.

9 Q There's buckets now?

10 A Correct.

11 Q There's timers?

12 A Correct.

13 Q And things are getting worse for all three children?

14 MS. MCAMIS: Objection. Counsel's testifying.

15 Leading.

16 THE COURT: Overruled.

17 BY MR. HAMNER:

18 Q And do you remember things getting worse with these
19 rules in place for all three children?

20 A Correct.

21 Q Danielle, what do you remember about catheters in
22 that house?

23 A Regarding catheters, I just remember it pretty much
24 just being brought up.

25 Q Who brought it up?

1 A By one of the girls that it was threatened upon them.

2 Q Okay. Did you ever see any catheters in the house at
3 any point in time?

4 A I never physically seen it, no.

5 Q Did you ever ask your mother about catheters?

6 A I never asked her.

7 Q Did she ever tell you that she had catheters?

8 A No, she never did as far as my recollection.

9 Q Were you ever aware of who bought catheters?

10 A No.

11 Q Did you ever hear your mother or Dwight threaten to
12 use catheter on the Solander girls?

13 A Not from their -- my mom or Dwight's mouth.

14 Q Okay. Again I want to bring your attention back
15 to -- well, before we get to that, you've said the girls
16 brought up catheters to you?

17 A Uh-huh.

18 Q What did they tell you?

19 A It was more so like I don't want to say word for word
20 because I don't remember exactly, but basically, like, oh, you
21 don't -- like, more so telling the other one don't get in
22 trouble. Mom's going to, you know -- if you pee on yourself,
23 you're going to get a catheter, you know.

24 Q When you heard that, what was your reaction?

25 A It was more so just shocking because they're young,

1 knowing what a catheter is, and I barely kind of knew what that
2 was too.

3 Q I mean, because these kids were pretty little?

4 A Yeah.

5 Q Had you ever heard them ever talk about catheters
6 before?

7 A No.

8 Q These kids running around talking about medical
9 equipment regularly?

10 A No.

11 Q Okay. So now they're whipping out a term like
12 catheter?

13 A Correct.

14 Q Okay. I now need to go back to that statement that
15 you gave -- the interview that you gave the police four years
16 ago.

17 A Correct.

18 Q Isn't it true you told the police that there were
19 catheters in your home?

20 MR. HAMNER: Page 108.

21 THE WITNESS: I did.

22 BY MR. HAMNER:

23 Q You told the police that Janet and Dwight used them
24 on all the girls; correct?

25 A That I saw them use them on all the girls?

1 Q No. That they did use them.

2 A That I said that, correct.

3 Q You told him that you couldn't personally watch it
4 because you just couldn't?

5 A Correct.

6 Q But you also told the police that you heard Janet and
7 Dwight threaten those children with using the catheter on them?

8 A Correct.

9 Q You never said to the police that the children talked
10 to you about it. You told the police you heard it?

11 A Right.

12 Q You remember during these times when you told the
13 police that both Janet and Dwight would go in that bathroom
14 with the girls?

15 A Correct.

16 Q And close the door?

17 A Correct.

18 Q And you could hear them yelling, and when I say them,
19 I'm talking about your mother and Dwight yelling at the girls?

20 A That I said that, correct.

21 Q About peeing, peeing on themselves; correct?

22 A Correct.

23 Q And isn't it true you told the police that the person
24 who bought those catheters was Dwight?

25 A Correct.

1 Q And, in fact, you yourself saw the catheter or a
2 catheter sitting on the counter in that house?

3 A Correct.

4 Q And that you asked your mother, What is this? You
5 told the police that; right?

6 A Correct.

7 Q And your mother responded, Oh, that's a catheter?

8 A Correct.

9 Q Ms. Hinton, that's a lot of details that you provided
10 the police about catheters --

11 A Uh-huh.

12 Q -- you would agree with that; right?

13 A Yes.

14 Q But as you're sitting here today, you're telling us
15 that you don't have -- you told all those things to the police,
16 but now that you sit here today, you don't remember any of
17 those details that I just went over? Like, you don't have an
18 independent memory of anything that we just talked about?

19 A I remember catheters, but as far as those specific
20 words from words, no.

21 Q Okay. Because, I mean, the only thing you've told me
22 today was that it was the girls that talked about it; right?
23 But to be clear, four years ago when your memories were fresh,
24 you never told the police that it was the girls telling you
25 about it; right?

1 A I know I didn't.

2 Q Okay. It's all about the things that you saw;
3 correct?

4 A [Unintelligible] like that my statement everything
5 that I told the police is what I told them that I allegedly
6 saw.

7 Q Everything that you told the police about the things
8 that you either saw with your own two eyes --

9 A Correct.

10 Q -- or heard with your own two ears?

11 A Correct.

12 Q Do you remember anything about inserting a paint
13 stick in the vagina, anything like that?

14 A No, I did not hear about that.

15 Q Okay. Let's talk about shower time.

16 A Okay.

17 Q Okay. Did your parents or your stepdad and your mom
18 time the showers that those little girls took?

19 A Yes.

20 Q Did they kind of do it on a phone or microwave or
21 things like that, with the microwave timer?

22 A Yeah, I would probably say more so on the phone, but
23 microwave too probably, yeah.

24 Q Would Dwight ever kind of check the shower after they
25 were done?

1 A Yes.

2 Q What would he check it with?

3 A From what I remember -- from what I remember, they
4 just told me that he did was with a light.

5 Q And well when you say they did, are you talking about
6 the police?

7 A No. When I told -- when I say, like, Dwight would
8 tell me, like, that they were checking it, yeah.

9 Q Oh, okay.

10 A I'm sorry.

11 Q I wasn't sure when you said that. I apologize.

12 A I apologize. Sorry.

13 Q So Dwight would actually tell you I checked the
14 bathroom with a black light?

15 A Yeah. I can hear him actually telling the girls
16 that. So and I'm hearing it, you know.

17 Q What's he saying?

18 A Basically, like, checking with the light to see if
19 like, you know, if they peed in the bathtub.

20 Q What would happen to them if the black light picked
21 up pee? What would happen to the girls?

22 A I can't even recall because I don't remember the
23 black light ever picking up pee, you know, but --

24 Q Do you remember that being a warning or something
25 Dwight would say to those girls?

1 A Pretty, yeah, pretty much.

2 Q When they would shower, would your mother watch them?

3 A Sometimes.

4 Q When they got out of the shower, how would they dry?

5 A They would either have a towel or air dry.

6 Q Okay. Was a fan ever used?

7 A Not that I ever seen.

8 Q Okay. Page 79 and 80. Isn't it true you told the

9 police that they used a fan to dry off their bodies?

10 A Yes.

11 Q Okay. There were other foster kids in that house; is

12 that right?

13 A Correct.

14 Q Do you remember Autumn and Ivy?

15 A I do.

16 Q A couple of blond girls?

17 A Yes, I do.

18 Q Do you remember there was a bunch of other kids that

19 came in later, Areahia, Demyer, Kaeshia, Novaleih, a little

20 baby? Do you remember those kids?

21 A Yeah, I remember them. Yeah.

22 Q Do you ever remember Autumn and Ivy air drying?

23 A No. I've never seen --

24 Q Do you ever remember them having to use a fan?

25 A No.

1 Q Do you ever remember any of those Diaz-Burnett
2 kids -- Areahia, Kaeshia, Novaleih, Demyer -- ever having to
3 use a fan to dry off their body?

4 A No.

5 Q Okay. Did your mother ever explain to you why the
6 Solander girls, her adoptive children would need to dry with a
7 fan rather than using a towel?

8 A No.

9 Q Did she ever say it was part of some sort of doctor's
10 orders sort of thing, like this is like a recommended treatment
11 or something like that? Anything like that?

12 A No.

13 MS. MCAMIS: Objection. Leading. Foundation.

14 MR. HAMNER: It doesn't suggest the answer.

15 THE COURT: Overruled. It's overruled.

16 She's answered the question. So move on.

17 BY MR. HAMNER:

18 Q What would happen to them if they didn't dry
19 themselves fast enough?

20 A I just know that if they took too long they'd just
21 get yelled at.

22 Q And also popped?

23 A More likely popped if what I can hear because you can
24 kind of hear when somebody gets popped.

25 Q Okay. And the person -- who was doing the popping?

1 A I feel like back and forth Dwight or my mom. They
2 arranged --

3 Q What would happen to any of the kids if they had an
4 accident in the shower?

5 A I would say that if they had an accident they'd get
6 in trouble.

7 Q And what did getting in trouble mean -- what did that
8 mean?

9 A More likely get spanked.

10 Q Do you remember telling the police that Anastasia had
11 an accident and got smacked and hit?

12 A No.

13 MR. HAMNER: Page 80, Counsel.

14 BY MR. HAMNER:

15 Q Any reason to doubt that you said that four years ago
16 to the police?

17 A No. Yeah. I just don't remember that particular
18 time.

19 Q What do you remember about showers they had to take
20 with ice? What do you remember about that?

21 A I just remember that I was -- if I can just explain a
22 little bit --

23 Q Well, you can -- if it's in the context to explain
24 what you remember about it, please do.

25 A Yeah. Yeah. That basically since my room was kind

1 of not too close there, but I can, like, hear the, you know,
2 I'm going to, you know, get, like, you know, the ice if you
3 don't hurry up and everything.

4 Q Who was saying that?

5 A My mom.

6 Q To the girls?

7 A Yes.

8 Q I'm going to get the ice. Did you ever see her load
9 up anything full of ice?

10 A You can probably -- you can hear it.

11 Q No, no, no. Did you see it?

12 A No.

13 Q Okay. Isn't it true you told the police you watched
14 her, your mother put ice in a bucket or a pitcher?

15 A Yes.

16 Q Isn't it true you told the police four years ago that
17 not only that she did it, but you gave him the detail that she
18 got it from the ice machine from the fridge?

19 A Yes.

20 Q Now, you remember hearing things. What would you
21 hear?

22 A The yelling.

23 Q Okay. What else would you hear?

24 A The threatening to put the ice in the tub.

25 Q Ever hear the ice?

1 A Yes.

2 Q Tell us what you remember hearing about the ice.
3 Where would you hear it or how would you hear it?

4 A In the bathroom, but I can just hear it like --

5 Q You could hear, like, ice cubes or something hitting
6 in the bathtub?

7 A Correct.

8 Q Did your mother ever explain to you -- well, let me
9 ask this. Let me show you --

10 MR. HAMNER: Can I approach the witness?

11 Showing opposing counsel what's been marked as
12 State's Proposed 130.

13 May I approach the witness?

14 THE COURT: You may.

15 MR. HAMNER: Let the record reflect I'm showing the
16 witness what's already been marked as State's Proposed 130.

17 BY MR. HAMNER:

18 Q Do you recognize what we're looking at there?

19 A Yes.

20 Q Who's that?

21 A Autumn and Ivy.

22 Q Okay. Is that a fair and accurate depiction of what
23 they looked like when they lived in your house?

24 A Yes.

25 MR. HAMNER: Okay. Permission to admit State's

1 Proposed 130.

2 THE COURT: Any objection?

3 MS. MCAMIS: Submitted.

4 THE COURT: All right. 130 is admitted.

5 (State's Exhibit Number 130 admitted.)

6 BY MR. HAMNER:

7 Q Publishing 130. Do you ever remember Autumn and Ivy
8 having a ice shower?

9 A No.

10 Q Do you ever remember Areahia or Demyer or Kaeshia
11 having an ice shower?

12 A Not that I remember.

13 Q Did your mother ever explain to you why her own
14 adoptive children had an ice shower, but the other ones did
15 not?

16 A No.

17 Q Did your mother ever explain there may have been,
18 like, a doctor's order or a recommendation from a doctor to do
19 a shower like that?

20 A No.

21 Q Let's talk about sleeping time. Where would they
22 sleep?

23 MR. FIGLER: Your Honor, just a point of privilege,
24 I'm not sure what the relevance of the photo being up is.

25 MR. HAMNER: Well, it was up because it was up, but I

1 can take it down.

2 THE COURT: All right.

3 BY MR. HAMNER:

4 Q Let's talk about sleeping, bedtime.

5 A Uh-huh.

6 Q Where do the Solander girls sleep?

7 A Mostly in the loft.

8 Q What did they sleep on in the loft?

9 A I remember cots.

10 Q What else do you remember?

11 A There were boards there.

12 Q Do you remember them sleeping on boards?

13 A I remember, yeah.

14 Q Okay. Publishing what's already been admitted as
15 State's 28. Do you see the board?

16 A I see a board, yes.

17 Q Okay. Is it one of the boards that they slept on?

18 A I would say yes.

19 Q Okay. Please circle it.

20 A Sorry. It's like --

21 MR. HAMNER: Let the record reflect the witness has
22 circled what appears to be some type of board on the far wall,
23 essentially kind of in the center of State's 128.

24 THE COURT: All right.

25 / / /

1 BY MR. HAMNER:

2 Q Do you see the cots?

3 A Yes.

4 Q Would you circle that, please, as well.

5 A Right there.

6 MR. HAMNER: Okay. Let the record reflect the
7 witness has circled what appears to be a cot. It's white on
8 the left-hand side of State's 128.

9 BY MR. HAMNER:

10 Q Did Autumn and Ivy when they lived in the house sleep
11 on a cot?

12 A No.

13 Q Did they sleep on a board?

14 A No.

15 Q Did Areahia sleep on a cot?

16 A No.

17 Q Did she sleep on a board?

18 A No.

19 Q How about Kaeshia or Demyer? Did they ever sleep on
20 cots or boards?

21 A No. And I'm sorry. Areahia did one time on a cot
22 before a couple, a few times, yeah.

23 Q Okay.

24 A But everybody else, no.

25 Q Did she ever sleep on a board?

1 A No.

2 Q Okay. Did your mother ever explain to you why her
3 adoptive children slept on boards or a cot, but, I mean, with
4 the exception of Areahia for those couple of times --

5 A Right.

6 Q -- but did she offer any explanation to you why these
7 other foster kids wouldn't sleep in kind of the same conditions
8 as her own children?

9 A No.

10 Q Did she ever say it might be part of some sort of
11 medical treatment?

12 A No.

13 Q And to be clear, what did Autumn and Ivy get to sleep
14 in?

15 A A bed.

16 Q And the Diaz-Burnett kids, where did they kind of
17 sleep with the exception of the baby, but where did the --

18 A Right.

19 Q They have beds too?

20 A They did, yes.

21 Q They have their own room?

22 A Yes.

23 Q Do you remember what the Solander girls slept on when
24 they were foster kids in your house?

25 A They had beds.

1 Q And to be clear, when you were living there during
2 the foster process, were there people kind of checking in on
3 the foster kids?

4 A Their caseworker.

5 Q Okay. And when the Solander girls became adopted,
6 they didn't have a caseworker anymore?

7 A No.

8 Q So there wasn't anyone coming into the home at that
9 point to check on them?

10 A There were, but not like as often, yeah.

11 Q Not as often, not in that capacity?

12 A Correct. Yes.

13 Q But to be clear, once they became adopted, during
14 that period, they start sleeping on boards or cots?

15 A I would -- I would say -- can I explain that right
16 after they were --

17 Q Well, no. Let me just rephrase the question. Based
18 on what you observed, when they were adopted, there were times
19 they were sleeping on boards and cots?

20 A A year, a couple years later.

21 Q Okay.

22 A Yeah.

23 Q But nevertheless, they are sleeping on boards and
24 cots?

25 A Correct. Correct.

1 Q Do you ever remember seeing Amaya sleeping on those
2 boards and how she would sleep?

3 A I remember -- I remember her sleeping on it, but I
4 just don't know like -- I don't know what you mean by how.

5 MR. HAMNER: Page 86.

6 BY MR. HAMNER:

7 Q Do you remember telling the police that the board was
8 so hard she wouldn't lay flat. So she would curl up in a ball?

9 A I remember saying that.

10 Q Do you remember there being an explanation actually
11 given by your mother about why Ava had to sleep on the boards?

12 A No, I don't remember.

13 MR. HAMNER: I'm at 87, Counsel.

14 BY MR. HAMNER:

15 Q Do you remember telling the police that Ava was
16 placed on the board because she would pee herself?

17 A Yes.

18 Q How many covers did these children get when they
19 slept on these boards?

20 A I can just remember maybe one.

21 Q One cover. Isn't it true you said that these
22 children had no covers?

23 MR. HAMNER: Page 87, Counsel.

24 THE WITNESS: Correct.

25 / / /

1 BY MR. HAMNER:

2 Q Just the board?

3 A Correct.

4 Q Was there a fan blowing on them?

5 A Not that I remember.

6 Q Isn't it true you told the police four years ago --

7 MR. HAMNER: Page 87, Counsel.

8 BY MR. HAMNER:

9 Q -- that a fan would blow on them at night?

10 A Correct.

11 Q On the board? When they slept on this board, a fan
12 was blowing on them?

13 A That I said that correct.

14 Q With no covers?

15 A Correct.

16 Q What do you remember about them getting to wear
17 pajamas? Did they get to wear pajamas when they slept on these
18 boards?

19 A No.

20 Q What did they sleep in?

21 A Their underwear.

22 Q Do you have a memory now of the sleeping conditions
23 of these kids in that loft?

24 A For the most part, I just remember that, yeah, not
25 every little detail about everything.

1 Q But for the most part, the points that we're talking
2 about --

3 A Correct.

4 Q -- you can remember?

5 A Correct.

6 Q Did your mother ever say to them, oh, you get the fan
7 tonight? Do you remember her saying that to the kids?

8 A I could hear yelling, yes.

9 Q Would the yelling involve you're going to get the fan
10 tonight?

11 A From what I remember, yes.

12 Q So would this fan sometimes -- would it blow
13 regardless of the season? Because, I mean, look it gets hot
14 here in Vegas, but would it blow in the wintertime too?

15 A I can't remember every season it blew.

16 Q Do you remember the police asking you, hey, you know,
17 would your mom just do it, like, to make sure they were
18 comfortable or, you know, sometimes it gets hot, or was it done
19 to make them uncomfortable, like, at any time? Do you remember
20 being asked that by the police?

21 A Correct. Yeah.

22 Q And do you remember telling them it was there to make
23 them uncomfortable?

24 MR. HAMNER: Page 88, Counsel.

25 THE WITNESS: Correct.

1 BY MR. HAMNER:

2 Q Let's talk about mealtime. What -- let me go back
3 for a second. Autumn and Ivy, did they sleep only in their
4 underwear?

5 A No.

6 Q Or did they have -- did they get to sleep in pajamas?

7 A Yeah.

8 Q Did they get blankets?

9 A Yes.

10 Q Did they have fans blowing on them?

11 A No, I don't remember.

12 Q Areahia, did she get pajamas?

13 A Yes.

14 Q Did she get blankets?

15 A Yes.

16 Q Did she have fans blowing on her?

17 A No.

18 Q How about Areahia -- or Kaeshia, Demyer and Novaleih,
19 the baby? [Unintelligible] but there were other kids there in
20 the house. Did they get blankets?

21 A Yes.

22 Q Did they get PJs?

23 A Yes.

24 Q Did they get fans blowing on them?

25 A No.

1 Q Okay. Let's talk feeding. What would they get for
2 breakfast, the Solander girls?

3 A Like oatmeal or quinoa.

4 Q Was it like a bowl of it, or how was it served?

5 A It was, for breakfast, it was in a bowl.

6 Q Okay. Do you remember it being blended?

7 A Not the oatmeal, no.

8 Q Page 101, isn't it true you told the police four
9 years ago that breakfast was blended quinoa and oatmeal?

10 A Yes.

11 Q Do you remember if Anastasia had any stomach problems
12 around that time that blended food was being served?

13 A I remember being, like, told and that she did.

14 Q Okay. Isn't it true you told the police that
15 Anastasia had no stomach problems, but your mom gave her the
16 blended food anyway?

17 A Yes.

18 MR. HAMNER: Page 102, Counsel.

19 Q Isn't it true that you generally questioned the need
20 for the blending --

21 A Yeah. And I probably think it was Ava that had the
22 stomach -- I can't remember which one of the girls, but I knew
23 one of them I was told did. I'm sorry.

24 Q It's okay. So you knew your mom -- that your mom had
25 told you that some of the other kids had stomach issues?

1 A Correct.

2 Q Did your mom ever tell you that doctors ruled out
3 stomach issues for these kids at any point?

4 A That they ruled it out?

5 Q Yeah.

6 A No.

7 Q Do you remember her being told that the kids had a
8 twisted bowel, one of the kids had a twisted bowel?

9 A One of them.

10 Q You remember hearing that?

11 A Yes.

12 Q Did you ever -- did your mother ever tell you the
13 doctors ruled that out as a possibility, that there was no
14 twisted bowel?

15 A No.

16 Q Do you ever remember whether or not your mom would
17 withhold meals from them for maybe having an accident?

18 A Vaguely, yes.

19 Q Okay. What do you remember about that?

20 A Maybe, like, like a dinner meal. If they've gotten
21 in trouble, they just no dinner.

22 Q All right. So could that include having an accident
23 like peeing on yourself?

24 A Oh, yes.

25 Q And we're talking kids that are, like, 6 or 7, 8, 9,

1 something like that?

2 A Like 8, 9, yeah.

3 Q Well, Anastasia wasn't 8 or 9, was she?

4 A I honestly don't -- I forgot how old she was. I'm
5 sorry.

6 Q Okay. That's fair. Do you remember whether or not
7 they were timed to eat their meals?

8 A Sometimes, yes.

9 Q What did they get for dinner?

10 A It was blended.

11 Q Do you remember what would get blended?

12 A I don't remember what exactly it was because I was
13 wasn't really there to blend it, but I just remember it was
14 blended.

15 Q Danielle, I want to talk to you now a little bit
16 about whether you ever saw anything involving crawling.

17 A Uh-huh.

18 Q The Solander girls.

19 A Uh-huh.

20 Q Do you remember anything like that from when you were
21 in the house?

22 A Yes.

23 Q Please tell this jury what you saw with your eyes.

24 A Basically if one of them, if they got in trouble,
25 they'd have to, like, crawl on the floor.

1 Q Okay. Did that include Anastasia?

2 A Well, yes.

3 Q Amaya?

4 A Yes.

5 Q And Ava?

6 A Yes.

7 Q Okay. Tell us about the crawling. What would

8 happen?

9 A They would basically have to say, like, you know,

10 because it was regarding if they, like, peed on themselves or

11 something and say, like, they were, like, I'm a baby or

12 whatever.

13 Q So they would have to say I'm a baby?

14 A Uh-huh.

15 Q While they're crawling on the ground?

16 A Something to those lines.

17 Q Do you ever remember Autumn and Ivy being there

18 seeing these things?

19 A I believe those were the foster kids that were there.

20 Q Okay. So you remember when either Ava or Amaya or

21 Anastasia had to crawl around and say I'm a baby; Autumn and

22 Ivy would be there to watch?

23 A Correct.

24 Q Who else would be there?

25 A My stepdad.

1 Q Would your mom be there?

2 A Sometimes.

3 Q Let me ask you this. For the times that -- were
4 there times where your mom and your stepdad were both there?
5 Were there any times like that?

6 A Yes.

7 Q Okay. When that would happen, did you ever see one
8 of them kind of step in and say, you know, stop, let's not do
9 this?

10 A If it was any -- I can't remember. I cannot
11 remember. Yeah, I can't say.

12 Q You don't remember, like, Janet saying, no, we're not
13 going to do this; right?

14 A If I did, she would be the one because Dwight was the
15 one that initiated it.

16 Q To be clear, you've never previously stated to
17 anyone --

18 A Right.

19 Q -- that your mom ever stopped this crawling?

20 A Right. That's why I said I couldn't remember.

21 Q Okay. And vice versa. You never saw Dwight do that
22 at all?

23 A Yeah.

24 Q What would they have to wear when they crawled like
25 this?

1 A Just their underwear.

2 Q Okay. Do you remember them having to put on cloth
3 diapers?

4 A Just their underwear.

5 Q Okay.

6 A When they did the crawling.

7 MR. HAMNER: Referring to page 94, Counsel.

8 BY MR. HAMNER:

9 Q Isn't it true you told the police that they actually
10 had to wear cloth diapers with pins on them?

11 A Yes.

12 Q And the chant, whose idea was it to do the chant?

13 A From what I remember, Dwight's.

14 Q Did he find it amusing?

15 A From what I remember.

16 Q What did they have to do with their hands sometimes
17 when they crawled?

18 A I don't remember [unintelligible].

19 Q Do you ever remember them having to put their thumbs
20 and, like, suck their thumbs, put it in their mouth?

21 A No.

22 MR. HAMNER: Page 95, Counsel.

23 BY MR. HAMNER:

24 Q Isn't it true you told the police four years ago that
25 they would put their thumbs in their mouth while crawling

1 around?

2 A Well, yes.

3 Q Okay. So do you -- now that that was brought up, as
4 you sit here today, do you remember those girls doing that?

5 A Crawling and having one thumb in their mouth while
6 they're crawling?

7 Q Yeah.

8 A No.

9 Q Okay. But that's what you told the police?

10 A Yes. Yeah.

11 Q Okay. What do you ever remember about extra
12 underwear, not the diaper that they have on but would they ever
13 have to wear underwear?

14 A No.

15 Q Okay. Do you ever remember them having to wear
16 soiled underwear on their head?

17 A No.

18 Q Isn't it true --

19 MR. HAMNER: Page 95 through 96, Counsel.

20 BY MR. HAMNER:

21 Q Isn't it true you told the police four years ago that
22 they made the girls put soiled underwear on their heads and do
23 the I'm-a-baby chant?

24 A Yes.

25 Q And do you remember whether or not noticing that

1 sometimes those underwear were the ones that they had had the
2 accident in, and so now they're putting it on their head?

3 A That I stated that?

4 Q Yeah.

5 A Yes.

6 Q Now, as you sit here today, do you remember them
7 having to wear kind of tinkled underwear on their head?

8 MR. FIGLER: Can we approach for just a second?

9 THE COURT: Sure.

10 (Conference at the bench not recorded)

11 BY MR. HAMNER:

12 Q Okay. Referring to the bottom of page 95, continuing
13 on to page 96, isn't it true that you were asked the following:

14 Question, What do you mean?

15 Like their -- their -- like, if it was, like,
16 sometimes it could even, like, a dry, not so much like a dry
17 underwear, but the underwear that has, like, the stains in it
18 or, like, the cloth diaper.

19 Question, That were soiled or clean?

20 They were -- they -- it was never like -- okay. It
21 was never like with, like, poop, but maybe soiled with, like,
22 pee maybe.

23 You remember telling the police that?

24 A Yes.

25 MR. FIGLER: Thank you, Your Honor.

1 BY MR. HAMNER:

2 Q Now, as you sit here today, does that refresh your
3 memory -- as you sit here today, I know you said you remember
4 telling the police that, but as you sit here today now, do you
5 have a memory of these kids with underwear on their head
6 crawling around?

7 A Not crawling around. I don't know if they were
8 soiled, but just standing there with it.

9 Q Well, let's just take it part by part. Do you
10 remember them having to wear underwear on their head?

11 A Yes.

12 Q Do you remember the goo-goo-gaga chant?

13 A Yes.

14 Q Do you remember them crawling?

15 A Yes.

16 Q Do you remember Autumn and Ivy being there?

17 A Yes.

18 Q At times?

19 A Yes. Yeah.

20 Q Do you remember being one or both, either your mom or
21 your stepdad being there at times?

22 A Yes.

23 Q What do you remember about them having to put
24 underwear in their mouth when crawling?

25 A I don't remember them putting it in their mouth and

1 crawling.

2 Q Okay. Isn't it true that you told the police four
3 years ago that there were times they had the underwear in their
4 mouth?

5 A Yes.

6 Q But you didn't know whether it was soiled or not?

7 A Correct.

8 Q Now, as you sit here now, do you have a memory of
9 that underwear actually in the mouth?

10 A Not in the mouth, no.

11 Q Okay. I want to ask you this. When you grew up, did
12 you ever have to put underwear in your mouth?

13 A No.

14 Q Did you ever have to wear underwear on your head?

15 A No.

16 Q Did you ever have to crawl around if you had an
17 accident or got in trouble, crawl around on the floor and say
18 I'm a baby goo goo gaga?

19 A No.

20 Q So and how old are you, Danielle?

21 A I'm 25.

22 Q Okay. And at that time, you're probably what, 17,
23 18, 19, something like that?

24 A Uh-huh.

25 Q So by that point you've lived with your mom for about

1 at a minimum 17 years; right?

2 A Yes.

3 Q Okay. I'm just thinking kind of timeline wise. In
4 all your years living with your mom, prior to the Solander
5 kids, had you ever seen anything like that before in a house
6 that you were living in, crawling around and putting underwear
7 in the mouth or on the head? Anything like that?

8 A No.

9 Q Okay. So this is kind of a first for you. Would
10 that be fair?

11 A Correct. Yeah.

12 Q Okay. So given that it was really a first for you to
13 see that, particularly the underwear in the mouth, do you still
14 sit here today and not really have a memory of a little kid or
15 multiple kids sitting with underwear in their mouth, crawling
16 on the ground?

17 A Not with that --

18 MS. MCAMIS: Objection. Argumentative.

19 THE COURT: Overruled.

20 MS. MCAMIS: And compound.

21 THE COURT: She can answer.

22 THE WITNESS: Not with that. With the head
23 situation -- I'm sorry, not the head situation, the underwear
24 on the head and the walking, yeah. As far as with the
25 underwear in the mouth, I don't know why I said that, but not

1 with that, but everything else, yes.

2 BY MR. HAMNER:

3 Q Okay. Was this used to punish them if they peed on
4 themselves, these sort of treatments?

5 A Yes, I would say it was.

6 Q Did you ever see the Stark girls, Autumn and Ivy,
7 have to do anything like that when they lived in the house?

8 A No.

9 Q Did you ever see Areahia or Kaeshia or Demyer, not
10 Novaleih because she's so little because it's like a baby, but
11 the other three, did you ever see them have to crawl around or
12 do anything like this?

13 A No.

14 Q Did your mother ever explain to you why her children
15 would do this, but these other foster kids would not?

16 A No.

17 Q Did your mother ever explain to you that maybe this
18 was maybe like a treatment recommendation from a doctor maybe
19 to help like a toilet training recommendation from somebody?

20 A No.

21 Q Do you remember a time when the Solander girls went
22 off to a school in Florida?

23 A Yes.

24 Q What do you remember about why the decision -- what
25 do you remember about if your mother communicated to you why

1 she decided to send them to that school?

2 A Once the school was chosen, which school they wanted
3 to go to, it was mainly -- I don't want to say it word for
4 word, but basically in the sense that, you know, after their
5 behaviors and everything, that's why they wanted to send them
6 to a boarding school.

7 Q Did you observe your mother kind of becoming
8 overwhelmed by what was going on in the home?

9 A With everything, yes, I could say.

10 Q As you kind of saw this progression, how were all of
11 those rules really working out in terms of curing potty
12 training issues?

13 MS. MCAMIS: Objection. Relevance.

14 MR. HAMNER: Oh, it's relevant.

15 THE COURT: I'm sorry? You withdrew?

16 MS. MCAMIS: Well, opinion. Improper opinion.

17 MR. HAMNER: It's based on an observation.

18 THE COURT: I'm sorry. I thought you said you
19 withdrew the question.

20 MR. HAMNER: I didn't. I was --

21 THE COURT: State your question.

22 BY MR. HAMNER:

23 Q Based on your observations kind of as time kind of
24 unfolds, how are these rules working out in terms of trying to
25 cure bedwetting or toilet training? How is it going in the

1 house? Is it getting better?

2 THE COURT: Is overruled. She can answer the
3 question.

4 BY MR. HAMNER:

5 Q Is it getting better, the same, or worse?

6 A From my observation, it just didn't, I mean, it just
7 didn't seem to work, I guess.

8 Q Did your mom say anything as to kind of any other
9 reasons why she wanted the girls to kind of go off to this
10 school or why placing them there would be kind of a better
11 option?

12 A It was a -- from what I knew about it, it was a
13 Christian school, so to have liked, you know, I guess, like to
14 get closer to God I would say.

15 Q Were there any concerns about CPS that were relayed
16 to you?

17 A Not told to me, no.

18 Q Okay. Had CPS -- had there been issues going on with
19 people with CPS around that time?

20 A Only one time around that time when they already went
21 off to school, yes, CPS did come when they already came --
22 left.

23 Q Do you remember ever talking to the police about it
24 possibly being kind of a way to kind of maybe not deal with
25 CPS? Do you ever recall anything about that?

1 A I remember saying that, that I thought that.

2 Q Okay. Do you remember there being any cameras in the

3 home?

4 A Yes.

5 Q Where were they?

6 A Near looking out to the kitchen, the front door.

7 Q So one was on the kitchen. Any upstairs?

8 A The back looking out to the loft because the back

9 door was out there too.

10 Q Looking out to the loft?

11 A The loft back door area.

12 Q Okay. So there was at least one on the second level

13 that you remember?

14 A At least one, yeah.

15 Q Any gates in the home?

16 A Not that I remember.

17 Q Did the Solander girls get a chance to go outside a

18 lot?

19 A They probably went outside.

20 Q Do you remember telling -- page 122 -- do you

21 remember telling the police that the only place they would go

22 would be the doctors' appointments?

23 A Yes.

24 Q What did they typically do all day?

25 A For the majority of days, their homework, schoolwork.

1 Q When the things like that crawling and stuff were
2 going around and you could see that, what was kind of the
3 demeanor of the Solander girls when they're having to do that?

4 A As far as with the crawling, they were just -- they
5 did it, but they were kind of, like, sad I would say.

6 Q So you said that they kind of typically did their
7 homework for most of the day?

8 A For most of the days, I mean, yes.

9 Q So where would they sit? Would they sit on the
10 buckets or something different? Where did they typically sit
11 to do their homework?

12 A On the buckets.

13 Q Okay. So when they'd be doing their homework, what
14 would they be doing? Would they be talking? Would they be
15 yelling? Explain kind of what they would do or what you could
16 hear when they were working during the day.

17 A As far as I remember, she would explain to them
18 because each one was a different level, grade level. She would
19 just explain to them, you know, help them out what to do. They
20 may of course ask questions, but, I guess, if you say if I
21 heard any of that, that's maybe what I heard.

22 Q Anything out of the ordinary that you heard kind of
23 during the day if it's like a normal school day from the kids?

24 A About their homework or anything?

25 Q Just in general.

1 A Anything out of a normal day, no, unless they --
2 obviously if they like got in trouble over anything.

3 Q Okay. I mean, were they constantly, like, fighting
4 with each other, or were they for the most part during a
5 homeschool school day doing their homework?

6 A I mean, they would. They would argue and fight with
7 each other and stuff, yeah.

8 Q I mean, look you have siblings; right?

9 A Yeah.

10 Q Okay. Was this kind of just like normal sibling
11 fighting, or was this like knockdown drag out stuff, or was it
12 just kind of, like, fighting between --

13 A Most of the time verbal arguments.

14 Q Okay. So kind of talking back to each other?

15 A Correct.

16 Q Were you seeing a lot of hitting or anything like
17 that between them?

18 A Not a lot. It's happened before, but this wasn't
19 like -- it wasn't like every day I saw them always at each
20 other's throat.

21 Q When you were in the house, did you see, like, severe
22 emotional temper tantrums during kind of like a homeschooling
23 day when they're working on their buckets and their homework?

24 A Only from one, not so much from the other two.

25 Q Okay. Which one was that?

1 A Amaya.

2 MR. HAMNER: Okay. Let me think. Court's
3 indulgence.

4 Okay. At this time the State has no further
5 questions.

6 THE COURT: All right. Thank you, Mr. Hamner.
7 Cross.

8 CROSS-EXAMINATION

9 BY MS. MCAMIS:

10 Q Good afternoon, Ms. Hinton. So I have a few
11 questions for you about the circumstances of that statement
12 that you gave to police; okay?

13 A Okay.

14 Q All right. So you recall giving a statement to
15 police back in March of 2014 approximately?

16 A Correct.

17 Q Okay. And at the time that you gave that statement,
18 you were informed you were under arrest?

19 A Correct.

20 Q In fact, you were handcuffed?

21 A To a table.

22 Q You were handcuffed to a table?

23 A Yes.

24 Q Okay. So you weren't free to move about that room?

25 A Correct.

1 Q So you were inside of a room answering a lot of
2 questions about you and your mother and your stepfather?

3 A Correct.

4 Q Okay. And you weren't free to leave that room?

5 A Correct.

6 Q And you also had been accused of committing crimes?

7 A Correct.

8 Q And you were asked questions about your committing of
9 crimes against the -- your adopted sisters, Ava, Amaya and
10 Anastasia?

11 A Correct.

12 Q Now, I want to ask you about just before you gave
13 that statement. Before you were arrested and taken for that
14 statement, what had you been doing?

15 A I just came back from Utah.

16 Q What were you doing in Utah?

17 A Going -- attempting to join the military. I was
18 going through my physical process as well and everything.

19 Q How did you get back to Las Vegas from Utah?

20 A I flew.

21 Q Are you a nervous flyer?

22 A I don't like flying, yes.

23 Q Do you take any prescription medication?

24 A Yes.

25 Q What prescription medication do you take?

1 A I take Xanax.

2 Q On the day that you gave this statement, had you
3 taken Xanax?

4 A I did.

5 Q Why? And when did you take it? Explain those
6 circumstances.

7 A I was flying back from Utah. I was flying back by
8 myself. I got done with my physical and everything, and I took
9 it prior to flying.

10 Q Okay. And did you take a recommended dose or more
11 than a recommended dose?

12 A It was whatever recommended. I don't remember what
13 it was, like exactly the amount. I think it was either two or
14 one. I can't remember.

15 Q Okay. And the Xanax, how does that impact you?

16 A It just, like, makes me very, very drowsy, sleepy,
17 very lethargic and just like kind of out of it in a way because
18 it calms me down to a point where it's just like I'm out of it
19 pretty much. It calms me down a lot, but it makes me sleepy
20 for sure.

21 Q At the time that you gave your statement to the
22 police in March of 2014, were you, for lack of a better phrase,
23 under the influence of that Xanax? Were you feeling the
24 effects of the Xanax? That's probably a more accurate --

25 A Yes.

1 Q Why do you say that?

2 A Because I definitely was tired, and I just wasn't --
3 I mean, I was freaking out over this situation, and the Xanax
4 was obviously calming me down, and I just was -- I was just out
5 of it pretty much.

6 Q When you say mentally out of it, does that mean that
7 you are being accurate when you are responding to questions?

8 A [No audible response.]

9 Q Do you think that impacted your ability to recall
10 events accurately to police?

11 A I could say yes. You know, I took it, and I don't --
12 I never took it and been in that situation. So I did just say
13 a lot of things.

14 Q Okay. So you've never been arrested before?

15 A No.

16 Q You never had to speak to police about accusations of
17 being a criminal before?

18 A No. I never been on the other side.

19 Q Now, let's talk about how you got here today, okay.
20 You were here after you've entered a guilty plea agreement that
21 the prosecutor talked about?

22 A Correct.

23 Q Okay. Now, as part of your plea agreement, you were
24 actually originally facing more serious charges; isn't that
25 fair to say?

1 A Correct.

2 Q In fact, you were facing two felonies?

3 A Correct.

4 Q And you were facing two felonies that carry prison
5 sentences?

6 A Correct.

7 Q In fact, you were facing two felonies that carried a
8 minimum term of two years and a maximum term of 20 years for a
9 total maximum of 40 years; right?

10 A Correct.

11 Q That's all before this plea was entered. That was
12 your potential exposure?

13 A Correct.

14 Q Okay. So as a result of this plea, you entered into
15 a plea agreement, and you were looking at being sentenced with
16 a gross misdemeanor?

17 A Correct.

18 Q And that gross misdemeanor is punishable by a maximum
19 of jail time of 364 days?

20 A Correct.

21 Q And that's less than a potential 40 years; right?

22 A Correct.

23 Q And there's also a possibility you could be sentenced
24 to no jail time under this plea?

25 A Correct.

1 Q A part of this plea includes a requirement, an
2 agreement that you testify against your mother?

3 A Correct.

4 Q You were asked some questions on direct examination
5 about your mother's employment. I just want to get a little
6 bit more information; okay. How do you know what your mother
7 did for a living?

8 A I don't know exactly her job title. I just been to
9 work with her before.

10 Q So when you were little, she would take you to work?

11 A Yeah, on take your kids to work day. Yeah.

12 Q Okay. So you actually had observations of your own
13 about where she worked?

14 A Yes.

15 Q So when you were little, where did she work?

16 A In Arizona, when I was like little, little, up until
17 eighth grade, she worked at the MEPS in Phoenix, Arizona.

18 Q Okay. And if I recall your testimony on direct
19 examination, that's a military base?

20 A It's, yeah. So it's not on the base, but it's part
21 of, like, you know, because people are in the military uniform
22 work there too. So --

23 Q So it served the military?

24 A Correct. Yeah.

25 Q So and your testimony on direct examination was that

1 she assisted with giving physicals?

2 A Correct.

3 Q So she worked in the nursing field, just very
4 generally?

5 A I would say yes. I just don't know exactly what the
6 title was. I just remember that that's what she did when I
7 went out there.

8 Q Okay. And you knew this because you went to work
9 with her sometimes, and you saw that?

10 A Yes. Not -- to clarify, I never was able to go in a
11 room with the physical, but she just left me, you know,
12 outside, but I seen her give eye exams and stuff and
13 everything.

14 Q Okay. So you've seen her assist in just different
15 medical procedures but in an assistant capacity?

16 A Correct.

17 Q Okay. And then you also were aware of where she
18 worked when she worked here in Las Vegas?

19 A Correct.

20 Q And where did she work?

21 A At Nellis Air Force Base.

22 Q And what did she do at Nellis?

23 A She worked with the drug testing part on Nellis.
24 Yeah, I don't know how to explain it.

25 Q So she had some work in the medical field, just very

1 generally?

2 A Correct.

3 Q Okay. I want to direct your attention to back when
4 you and your mother first started interacting with these
5 adopted Solander girls, and you know what I'm referring to when
6 I say Solander girls?

7 A Correct.

8 Q Ava, Amaya and Anastasia?

9 A Correct.

10 Q Okay. So when you were in high school, your mother
11 got -- your mother and your stepfather wanted to adopt?

12 A Yes.

13 Q That was something that they talked about positively
14 is wanting to adopt?

15 A Correct.

16 Q You were ending high school, and you were on your way
17 out of the house, and they wanted to have their family or grow
18 their family?

19 A Well, I would -- I guess -- I don't know -- are you
20 saying is that what they wanted to do or -- I wouldn't know for
21 sure --

22 Q Okay. And I won't to ask you --

23 A -- but I could take it as such, yeah.

24 Q I won't ask you to speculate, but you knew that they
25 were looking to adopt?

1 A Correct.

2 Q And that they were excited about the prospect of
3 adopting children?

4 A Correct.

5 Q Okay. And so when you learned that the Solander
6 girls, you know, were potentially going to come into your lives
7 and you would meet them, your mother was excited at that time?

8 A I can't, like, remember her exact emotions, but I
9 know she wasn't mad or anything.

10 Q Well, right.

11 A Yeah.

12 Q But at the time that you, you know, you gave your
13 statement to police, you said it was an exciting thing?

14 A Yes.

15 Q Okay. So she was excited?

16 A Yes.

17 Q And it was exciting to actually go out and meet them?

18 A Correct.

19 Q You got to meet them at a park you said?

20 A Correct.

21 Q And so after that, you guys started seeing the
22 Solander girls a little bit more, and they would come over to
23 the house, and then there came a point where they actually
24 moved in?

25 A Correct.

1 Q Okay. Now, at the time that they moved in, they were
2 in foster care; right?

3 A Correct.

4 Q Okay. And you were aware that they were in foster
5 care because they came from an abuse or neglected home
6 originally?

7 A Correct.

8 Q And so they had certain kinds of, for lack of a
9 better phrase, just issues that the Department of Family
10 Services was giving them services for?

11 A Correct.

12 Q So you knew that they -- [unintelligible] I didn't
13 mean to distract you.

14 A Oh, no, you're fine.

15 Q You knew that they were in therapy?

16 A Oh, correct. Yeah.

17 Q You knew that they had some just general mental
18 health issues?

19 A Correct.

20 Q You also knew that from just observing them?

21 A Correct.

22 Q Okay. So I want to direct your attention to
23 something that you testified to. You were asked questions
24 about did they ever throw tantrums, and you said one of them
25 did.

1 A Correct.

2 Q Describe what you mean. Who threw tantrums, and what
3 was she doing?

4 A It was Amaya. Amaya threw tantrums. She basically
5 just like lashed out, screamed, and it honestly wasn't
6 particularly to just one person. It could have been an adult,
7 her siblings or anything, but basically if something didn't go
8 her way, she'd start, like, crying and yelling and stuff, and
9 when I state about physicality, because they didn't -- they
10 weren't at each other's throat like that, you know, but she can
11 get physical, it was through, like, to her sisters, and that
12 was part of just her lashing out.

13 Q Okay. How often would she have these tantrums?

14 A I can't remember how many times.

15 Q Was it a lot, a little?

16 A It wasn't a lot, a lot, but it was a significant
17 amount, I think, I believe.

18 Q Okay. It was often enough that you remember it now?

19 A Yeah. More than one time but I just don't know
20 exactly how much.

21 Q Well, in fact you testified just now it was a
22 significant amount. That was your testimony.

23 A Right. But I know it was definitely not just one
24 time.

25 Q Okay. And how long would these tantrums last?

1 A I can't remember. I guess it would depend too.

2 Q Do you have an estimate? I mean, you got to witness
3 these.

4 A I don't know the time. I mean, it could have been 10
5 minutes, 20 minutes, 30.

6 Q Okay. So it could go on for a little while?

7 A I would say yeah. I just don't know exactly like the
8 time of --

9 Q Okay. Now, did she tantrum when she first started
10 living in the home?

11 A Yes.

12 Q Did it continue after she was adopted?

13 A Yes.

14 Q Did it continue after there were rules in place in
15 the home?

16 A Yes.

17 Q Did it continue all the way up until right before
18 they left for Florida?

19 A Yes.

20 Q So Amaya had temper tantrums at times the entire time
21 that she lived in your home?

22 A Yes, [unintelligible].

23 Q And you were someone who actually saw those happen?

24 A When I was there.

25 Q Okay. But when you were there, you saw that, and you

1 saw that over that period of time from when they were -- from
2 when she was a foster child through when she went to Florida?

3 A Correct.

4 Q Okay. Now, you also testified about the other two
5 girls having behaviors. What did you observe them do?

6 A Behaviors, what do you -- like --

7 Q Well, you testified about something like Amaya threw
8 tantrums, and the other girls have their issues.

9 A They, like, other than, like, the peeing and pooping
10 on themselves, like the attitudes here or there, but I don't
11 even know what I meant by issues. The main issue was just like
12 the -- if it was anything, there was mainly like the peeing and
13 pooping.

14 Q Okay. Fair enough. Now, you also talked about how
15 sometimes Amaya would lash out physically against her sisters.
16 What do you mean by that? What did you see?

17 A Some of them -- most -- a lot of times I would say I
18 kind of heard it because I heard, like, the yelling, like oh,
19 she hit me or something. It was only, like, probably, like,
20 probably say, like, one time I can remember that I actually,
21 like, seeing her, like, hit Anastasia, but --

22 Q Okay. You remember seeing it one time, but you
23 remember them yelling?

24 A Right.

25 Q And you remember them yelling more than once?

1 A Correct.

2 Q And you remember them yelling back when they were
3 foster children?

4 A Correct.

5 Q And you remember them yelling after they were
6 adopted?

7 A Yes.

8 Q And you remember them yelling and having fights
9 throughout the entire time that they lived at the Solander
10 home?

11 A Not the entire time, but they --

12 Q Not every day; right?

13 A -- got into it.

14 Yes.

15 Q But sometimes sisters fight?

16 A Yes. Yeah, that's what I would say.

17 Q All right. So they would do that throughout the
18 entire time that they lived there?

19 A Correct.

20 Q Just not every day?

21 A Correct.

22 Q Okay. Now, you were asked about a lot of rules in
23 the home as far as bathroom and eating. So I want to direct
24 your attention kind of to that. Specifically, you were asked
25 about the first floor bathroom, and you were going to explain

1 something. What was the situation with the first floor
2 bathroom?

3 A I don't remember what I was going to explain.

4 Q All right. Well, perhaps this will help. Does the
5 first floor bathroom have a shower, or did it have a shower or
6 a bathtub?

7 A No.

8 Q Okay. So it was set up where it was just a toilet
9 and, like, a vanity?

10 A Yeah, it was like a half bath.

11 Q It was like a half bath, and it was used as a guest
12 bathroom; right?

13 A Correct.

14 Q Okay. So everyone had all of the family bathrooms
15 upstairs?

16 A Correct. You mean a bathroom in each room upstairs?

17 Q Well, just all the other bathrooms that were used by
18 the family members were all upstairs?

19 A Correct.

20 Q Okay. Because this was a two-story home?

21 A Correct.

22 Q And there were no other bathrooms on the first floor?

23 A Correct.

24 Q Okay. And there were two bathrooms upstairs that any
25 of the children could use?

1 A Correct. Yeah, that's right.

2 Q Okay. And you had your own bathroom?

3 A Correct.

4 Q And that was inside your room?

5 A Correct.

6 Q It didn't have access from anywhere outside of your

7 room?

8 A No.

9 Q Okay. Now, you talked about some of the rules and

10 access in the bathroom. When the girls got up in the morning,

11 they started their regular morning routine; right?

12 A Uh --

13 Q They would get up, and they would go to the bathroom

14 on their own and shower?

15 A When? All the time? I don't know.

16 Q I'm asking your observations.

17 A Uh-huh.

18 Q About when Ava, Amaya and Anastasia would get up in

19 the morning to go to the bathroom.

20 A From what I remember, yes.

21 Q They didn't have to ask permission to go then?

22 A Sometimes they did. There were times they did.

23 Q Okay. All right. Well, when they immediately got

24 up, they were able to get up and start taking care of

25 themselves; right?

1 A I can't honestly a hundred percent because I was like
2 either still sleeping in my room or something. So that process
3 could've been on their own, could've not been on their own.

4 Q Okay. So you don't actually know what the rules were
5 specifically?

6 A I guess you could say that, yes.

7 Q Okay. You don't know because you weren't there --
8 you weren't out of your room to observe that?

9 A Correct.

10 Q Okay. So you don't have any information about
11 whether or not their showers in the morning were timed?

12 A Not in the morning, no.

13 Q Okay. And you were in your room and you weren't
14 there to observe when they had breakfast?

15 A No, it was --

16 Q You didn't eat breakfast with them?

17 A No.

18 Q Okay. Because you were in high school originally?

19 A Yes.

20 Q And then you went off to college?

21 A Yes.

22 Q And I think you testified that you were at your
23 friends' houses a lot?

24 A Yeah.

25 Q Okay. So you were in and out of the home; right?

1 A Yes.

2 Q Okay. So you weren't there for every single meal or
3 shower time for these girls?

4 A Correct.

5 Q Okay. So you don't know specifically all of the
6 rules in the home as far as if they had any about the bathroom?

7 A Just from what I heard.

8 Q Just what you heard?

9 A Correct.

10 Q Okay. And specifically what you heard was about the
11 girls' bathroom access when they were homeschooled?

12 A Correct. Yeah.

13 Q Okay. Because the girls were homeschooled, they were
14 on a schedule?

15 A Correct.

16 Q So they would start doing their home school projects
17 in the mornings, and they would end some time, you know,
18 afternoon; right?

19 A Correct.

20 Q Okay. And so they were on a bathroom schedule while
21 they were homeschooled?

22 A Yeah, I guess you could, yeah. I mean, while they
23 were homeschooled, yeah, compared to when they were going to
24 school, school.

25 Q My question to you is just they were on a schedule

1 when they were homeschooled?

2 A Yes.

3 Q And so they had bathroom breaks because they were
4 homeschooled?

5 A I don't know if that was the reason, but, yeah, they
6 did have bathroom breaks because they were homeschooled.

7 Q Okay. And so part of your bathroom breaks that you
8 were describing, the hour and the two hour, that was when they
9 were homeschooled?

10 A Correct. Yeah.

11 Q Okay. Now, I think I'll ask you this. You testified
12 about sometimes the girls were told, yeah, you know, I have to
13 go to the bathroom, okay, go, and other times they were told
14 no. When they were told, no, they were told no, they couldn't
15 go to the bathroom because they just had a bathroom break;
16 right?

17 A That's what was in the statement, yes.

18 Q Okay. Well, that was the rule in the house to your
19 knowledge as far as the homeschool bathroom?

20 A Correct.

21 Q Okay. So it wasn't that they were denied the ability
22 to go to the bathroom the entire time they were doing their
23 homeschooling?

24 A Correct.

25 Q Okay. I want to redirect your attention to Amaya and

1 lashing out. It's fair to say that Amaya had some authority
2 issues; right?

3 A Correct.

4 Q And that that's something you actually disclosed when
5 you made your statement to police?

6 A Correct.

7 Q Because you at that time had a pretty specific
8 recollection that Amaya knew the system; right?

9 A Correct.

10 Q And that she actually knew the system well. Because
11 when she would get into trouble, she would -- she would
12 threaten to call her caseworker and report whatever her mother
13 did --

14 A Correct.

15 Q -- right?

16 A Correct.

17 Q Okay. Meaning that if Amaya didn't like a
18 discipline, she would threaten to call Ms. Heather and make up
19 a story about her mother?

20 A Correct.

21 Q And that's something that she threatened more than
22 once?

23 A Correct.

24 Q Okay. And that's something that you disclosed to
25 police back in March of 2014?

1 A I don't remember saying it, but --

2 Q Okay. Well, I can -- directing you to page 14, I'm
3 going to have you look at your statement. Go ahead and read
4 that silently to yourself. Look up when you're done.

5 A Okay. Yes.

6 Q I'll go ahead and ask you a question.

7 A Okay. Sorry.

8 Q Did that refresh your memory about the statement you
9 gave to police regarding Amaya and her threats to call her
10 caseworker?

11 A Yes.

12 Q Okay. So after reading that, you now recall that you
13 told police that any time -- not any time. That's not fair.
14 You said, When Amaya didn't like a discipline that her mother
15 gave her, Amaya would threaten to call Ms. Heather, her
16 caseworker, and make up a story?

17 A Yes.

18 Q Okay. And that your mother would respond, you know,
19 You can't do that. It's not, like -- don't do this to me?

20 A Of what I can remember, yes. I'm not sure what I
21 said.

22 Q Okay. But you do have a memory that Amaya would
23 threaten to call the caseworker and make up a story if she
24 didn't like a discipline that your mother would impose?

25 A Correct.

1 Q Okay. Now, there were times when everyone got along
2 like a normal family in this house; right?

3 A Correct.

4 Q That you did normal kinds of outings together; right?

5 A Correct.

6 Q Like the girls would go to church with you and your
7 mom; right?

8 A Correct.

9 Q And you went to church more than once with the girls;
10 right?

11 A Correct.

12 Q Church was pretty regular for you guys; right?

13 A Correct.

14 Q Faith is pretty important in your family; is that
15 fair to say?

16 A Yes.

17 Q How often would you go to church with the girls?

18 A I just remember in high school like pretty much every
19 Sunday unless we weren't there I would say, out of town or
20 something, but from what I remember, we went a lot because we
21 knew the pastor and everybody personally.

22 Q Okay. And the girls would be brought along with you,
23 just like a normal family event?

24 A Correct.

25 Q And you went pretty regularly Sundays it sounds like

1 unless you were out of town?

2 A Correct.

3 Q Now, if you were out of town, the girls went along
4 with you guys; right?

5 A Correct.

6 Q And, in fact, you guys went on trips to places like
7 the beach?

8 A Correct.

9 Q And that you guys went to trips like to Disney World?

10 A Correct.

11 Q And the Solander adopted girls came along just like
12 the rest of the family?

13 A Correct.

14 Q And even the foster kids went to Disney World with
15 you guys?

16 A Correct.

17 Q And your older sisters got to go to Disney World?

18 A Correct.

19 Q So your parents had everyone show up to Disney World
20 so the whole family could hang out?

21 A Correct.

22 Q Okay. And that's something you personally observed
23 that the Solander girls got to go to?

24 A Right, because I was there.

25 Q Well, sure.

1 A Yeah.

2 MS. MCAMIS: Court's indulgence.

3 BY MS. MCAMIS:

4 Q Now, you also had -- you did other kinds of family
5 things together, [unintelligible] family pictures; right?

6 A Not that I remember for me.

7 MS. MCAMIS: Okay. Your Honor, can I have something
8 marked as a defense's proposed?

9 THE COURT: Sure. Next in order. I said next in
10 order.

11 BY MS. MCAMIS:

12 Q Danielle, I'm approaching you with what has been
13 marked as Defense's Proposed Exhibit H. I want you to look at
14 this. Do you recognize this to be a photograph?

15 A Yes.

16 Q Do you recognize this to be a photograph with you in
17 it?

18 A Correct.

19 Q Can you point to yourself in it?

20 A Yeah, it's right there.

21 Q Okay. So you recognize that that is a holiday
22 photograph with you and your family; right?

23 A Correct.

24 Q And that also includes the Solander girls?

25 A Correct.

1 Q It is a holiday card that says seasons greetings
2 generally; right?

3 A Correct.

4 Q And that would have been when the Stark children were
5 with you guys?

6 A Correct.

7 Q And you see that they also appear in the photograph
8 with you?

9 A Correct.

10 Q So that would've been holiday time of 2011 -- 2012;
11 correct? Or do you remember it 2011?

12 A I can't remember which year, but I remember taking
13 the photograph, but I don't remember which year. I would have
14 to see, like, if it had a date on it. I'm sorry. But it was
15 around the time obviously Autumn and Ivy were with us.

16 Q All right. And if I suggested to you that the year
17 would've been December of 2011, you would have no reason to
18 dispute that; right?

19 A No. And actually [unintelligible], and I think I had
20 a picture on my phone with that same outfit. So, yeah, I would
21 say that it was the first -- my first freshman year of college.

22 Q Which would have been December of 2011; right?

23 A Correct.

24 MS. MCAMIS: Permission to move this into evidence.

25 THE COURT: Any objection?

1 MR. HAMNER: No, Your Honor.

2 THE COURT: All right. That'll --

3 MS. MCAMIS: Permission to --

4 THE COURT: -- be admitted. You may publish.

5 (Defense Exhibit H admitted)

6 MS. MCAMIS: Thank you. And I apologize for
7 interrupting you.

8 BY MS. MCAMIS:

9 Q Danielle, is this the photograph I had you identify
10 up here at the -- at the bench where you are?

11 A Yes.

12 Q Okay. And you pointed to this as yourself; right?

13 A Correct.

14 Q And you recognize this to be a holiday photo card
15 that your entire family appears in?

16 A Correct.

17 Q So you have your sisters alongside you?

18 A Correct.

19 Q You have one of their husbands alongside the sister?

20 A Correct.

21 Q You see Janet and Dwight together?

22 A Yes.

23 Q Okay. All right. And then you're going to have to
24 help me with all of the kids.

25 A Okay.

1 Q Because there's a bunch of the younger ones. Can
2 you -- who is this?

3 A That's my niece.

4 Q Okay. And then who's this?

5 A That's Amaya.

6 Q Okay. Who's this?

7 A Ava.

8 Q And who is this?

9 A Anastasia.

10 Q Okay. So all of the Solander girls appear in that
11 holiday photo. Who's that?

12 A That's Autumn or Ivy. I forgot which one was which.

13 Q So the other one is on the other --

14 A The other one, yeah.

15 Q So these are the two foster children that lived in
16 the home?

17 A Correct.

18 Q During that time period. And then who's this?

19 A My nephew.

20 Q And then you recognize this to be?

21 A Dwight.

22 Q And this is your mother of course?

23 A Correct.

24 Q Okay. And then this is a season's greetings card
25 that your whole family sent out?

1 A Correct.

2 Q What does it say?

3 A Wishing you the very best this holiday season and
4 throughout the New Year, Hinton-Solander family.

5 Q Okay. So that's an example of you and your adopted
6 sisters doing something together, and they were not treated
7 differently on that occasion?

8 A No.

9 Q So I want to redirect your attention to some of the
10 bathroom issues that have been -- you were asked about. After
11 the girls lived with you -- well, actually let's start -- let's
12 start a step back. Before they moved in, you acknowledge that
13 one of them still wet the bed at night?

14 A Correct.

15 Q And that was the youngest one, Anastasia?

16 A Correct.

17 Q Okay. And so that was behavior that occurred before
18 they even got into the home?

19 A Correct.

20 Q Okay. And the, correct me if I'm wrong, but I
21 believe you said the eldest one, Ava, would have stains on her
22 underwear?

23 A Correct.

24 Q And that happened while she was still a foster child?

25 A Correct.

1 Q So she had that issue prior to moving into your home
2 as well?

3 A Correct.

4 Q And then Amaya had what issues did you say?

5 A I said that she, like, wet the bed, but it wasn't
6 like as often as, like -- it wasn't a lot, like as often as
7 Anastasia, but she did sometimes wet the bed.

8 Q Okay. And that's something that you had knowledge of
9 that she did while she was still a foster child in that home?

10 A Yes, because I was still in high school at this time.

11 Q Okay. So that's a behavior that she came in that
12 predated her moving in?

13 A Correct.

14 Q Okay. Now, at some point your mother tries to impose
15 some rules to stop the bedwetting; right?

16 A Correct.

17 Q Okay. And the girls continue to have accidents?

18 A Correct.

19 Q Okay. What did you observe? What accidents did they
20 have and the frequency?

21 A Peeing and pooping on themselves.

22 Q Okay. Was that all of them or one of them or two of
23 them?

24 A Are you asking like once they were adopted or before?

25 Q After they moved in, at any point after they moved

1 in.

2 A After they moved in, oh. I mean, anytime after they
3 moved in, all of them.

4 Q Okay. And how often would they have those accidents?

5 A It ranged who had them often, more often than not.

6 Q Okay. Was there a time when someone had an accident
7 out at like a bookstore?

8 A Not a bookstore.

9 Q What do you recall the accident to be and how it
10 happened?

11 A When I was still in high school, we were at Walmart,
12 I believe, and Anastasia peed on herself.

13 Q Okay. What happened?

14 A I can't remember if she started crying or not. I
15 don't know, but I just remember she peed on herself, and then
16 we just had to hurry up and go home because, I mean, the pee
17 was on, like, the floor, and, yeah, that was pretty much what
18 happened.

19 Q Okay. So your mother decided to take her home?

20 A Correct.

21 Q To clean her up?

22 A Correct.

23 Q Okay. And then she was put into dry clothes?

24 A Correct.

25 Q Right. Okay. And you said you were still in high

1 school at this point when that happened?

2 A Yes.

3 Q Okay. But you observed that all of the girls had
4 bathroom accidents?

5 A Yes, I remember that.

6 Q Okay. And so your mother would have different rules
7 in the house intended to stop those -- or stop the wetting?
8 Sorry. That was a bad question.

9 A Right. Yes.

10 Q Okay. Now, you testified about different discipline
11 methods that your parents used on the -- on your adopted
12 sisters?

13 A Correct.

14 Q Okay. So they had a whole range of discipline that
15 they actually imposed on them; right?

16 A Correct.

17 Q So that included timeouts?

18 A Correct.

19 Q Okay. And those included timeouts -- how about you
20 tell me. How were those timeouts structured? What happened to
21 the girls? They got in trouble. What was timeout?

22 A Just walked to the wall, and just stand there. I
23 just remember that -- I don't know if it was a PSR worker or
24 somebody told us, like, do it by the minutes that they're -- go
25 by something about their age and something else. I don't know

1 if it was from online or something, but that's basically what
2 they did for timeout, just go to a wall and stand there.

3 Q Okay. So that was something that you and your mother
4 actually learned from someone who was working with the
5 government when the kids were foster children?

6 A Correct.

7 Q Okay. So that was a discipline method that you guys
8 actually then adopted and used in the home?

9 A Correct.

10 Q Okay. And so and you observed different timeouts for
11 the girls; right?

12 A Correct.

13 Q And they weren't made to stand at the wall all day
14 long?

15 A No.

16 Q Okay. In fact, you testified you think it was
17 something based on their age and the minutes?

18 A Something. I just -- I vaguely remember. I don't
19 want to do word for word, but I just remember that it was some
20 type of -- I don't know if it was a PSR caseworker basically,
21 like, brought that idea about how to do timeouts and, like, I
22 guess the appropriate time and stuff.

23 Q So the number of minutes would've corresponded
24 roughly to the age?

25 A Something like that, yeah. I don't remember if

1 that's or if you times it by two. I don't remember. I just
2 remember it was something about the age.

3 Q All right. So these girls weren't sitting or
4 rather -- strike that. These girls weren't standing at the
5 wall for hours on end?

6 A Correct.

7 Q And they weren't standing at the wall for even a
8 single hour on end?

9 A Correct.

10 Q Okay. So it had something to do with either
11 approximately the same number of minutes as their age or even
12 double that?

13 A Correct.

14 Q And so the oldest one would have been 10 or 11?

15 A I can't remember her time. I mean, sorry. I can't
16 remember her age at the time.

17 Q It's roughly they were like 8, 9, 10.

18 A Something like that, yeah.

19 Q So timeouts would not have exceeded 20 minutes or
20 even conservatively a half hour?

21 A Correct.

22 Q Okay. Now, there were other discipline methods that
23 were used in the home; right?

24 A Correct.

25 Q Okay. And you were asked specifically about

1 spanking, but what other methods were used?

2 A Um --

3 Q Is it fair to say things like verbal redirection were
4 used?

5 A Well, yeah, like yelling because I was going to say
6 yelling I guess, yeah.

7 Q Right. Now, when your mother yelled, what was she
8 telling them to do?

9 A I would say it probably just depended on what they
10 got in trouble for.

11 Q Sure. So if the girls were, you know, roughhousing
12 or hitting each other, your mother would yell at them to stop?

13 A Correct.

14 Q If the girls were having accidents, she would tell
15 them you need to rush up and go to the bathroom?

16 A Correct.

17 Q Okay. And sometimes that would come out as a yell?

18 A Correct.

19 Q And that's the same kinds of discipline she imposed
20 with you?

21 A Yeah, yelling.

22 Q All right. So I'm going to direct your attention to
23 the spanking. You testified that Janet also used physical
24 discipline including spanking on the girls.

25 A Correct.

1 Q And that you saw her use like an open hand and spank
2 the girls; right?

3 A Correct.

4 Q On their bottoms?

5 A Correct.

6 Q Okay. And you also testified that she would use a
7 paint stick?

8 A Correct.

9 Q And that a paint stick would also be used to spank
10 and discipline the girls?

11 A Correct.

12 Q Okay. So she used a whole bunch of different kinds
13 of methods and not just paint sticks?

14 A Correct.

15 Q Okay. Now, you also testified that Dwight used paint
16 sticks?

17 A Correct.

18 Q And that it was Dwight who would spank so hard that
19 he broke paint sticks?

20 A I didn't -- I already testified to the police that,
21 yes.

22 Q That was in your statement to the police?

23 A Statement, yeah.

24 Q Right. Okay. So it was Dwight who broke the paint
25 sticks?

1 A Correct.

2 Q In your statement to police, you never said anything
3 about your mother spanking so hard that she broke paint sticks?

4 A Correct.

5 Q Okay. And then in your statement to police, you had
6 one instance where you said you observed blood; right?

7 A Correct.

8 Q Now, your actual statement to police was that Dwight
9 would spank so hard sometimes it would I think you used the
10 word chap the skin?

11 A Correct.

12 Q Okay. And so isn't it more accurate to say that in
13 your statement to police, when you saw blood, you were not sure
14 if it was because of the spanking or if it was because of dry
15 skin?

16 A Correct.

17 Q Okay.

18 THE COURT: Maybe this would be a good time to take
19 our weekend recess.

20 MS. MCAMIS: Oh, I understand, Your Honor. Okay.

21 THE COURT: May I see counsel up here regarding
22 scheduling.

23 (Conference at the bench not recorded)

24 THE COURT: Ladies and gentlemen, we're going to go
25 ahead and take our weekend recess. We will reconvene Monday

1 morning at 9:00 a.m., 9:00 a.m. Monday morning.

2 During the weekend recess, you are reminded that
3 you're not to discuss the case or anything relating to the case
4 with each other or with anyone else. You're not to read, watch
5 or listen to any reports of or 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 do not form or express an opinion on the
9 trial.

10 Please place your notepads in your chairs and follow
11 the bailiff through the double doors. We'll see everyone back
12 on Monday at 9:00 a.m.

13 (Jury recessed for the evening 4:47 p.m.)

14 THE COURT: And during the weekend recess, don't
15 discuss your testimony with anyone, and the State is going to
16 talk to you about if you need accommodations or what have you.
17 Okay. So they'll do that.

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: And, Mr. Rue, I told your client the
20 State is going to talk to her about if she needs help with
21 accommodations over the weekend or flying back or whatever.

22 I don't know if you drove or what.

23 THE WITNESS: Yeah, I drove.

24 THE COURT: So they'll get with you.

25 THE WITNESS: Okay.

1 THE COURT: And figure that out.

2 All right.

3 MS. BLUTH: And, Judge, just, of course, the standard
4 admonishment.

5 THE COURT: I already told her not to discuss her
6 testimony with anyone else during the weekend recess, but that
7 you folks that would be talking to her if any arrangements need
8 to be made.

9 MS. BLUTH: Yes, ma'am. Thank you.

10 THE COURT: So, okay.

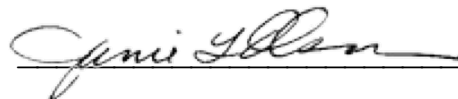
11 (Proceedings recessed for the evening 4:49 p.m.)

12 -oOo-

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

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Janie L. Olsen
Transcriber

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BY MR. HAMNER: [53]

130/14 131/14 136/11
138/22 139/21 142/4
145/24 147/7 148/13
149/10 150/2 151/20
160/21 161/9 162/8
164/4 166/18 167/15
168/9 168/22 170/7
171/5 171/24 173/11
175/3 179/2 179/19
181/1 183/13 184/8
185/9 186/17 188/22
194/17 195/14 197/17
198/6 199/3 200/1
200/9 203/6 203/14
204/1 204/8 206/1
212/8 212/23 213/20
214/11 215/1 218/2
219/22 220/4

BY MS. BLUTH: [27]

4/9 8/13 11/8 12/9
13/21 15/8 16/8 16/22
17/5 17/8 18/19 19/1
22/8 29/14 59/4 60/6
113/14 114/23 116/6
117/9 117/22 118/11
118/23 120/4 125/2
126/15 127/8

BY MS. MCAMIS: [19]

62/2 72/24 73/11 86/15
86/22 87/14 88/14
103/3 103/6 104/2
106/19 107/6 109/15
121/4 128/5 224/9
247/3 247/11 249/8

MR. FIGLER: [79]

11/23 13/5 13/11 13/16
14/9 14/18 16/1 16/4
16/19 17/25 38/5 39/6
41/4 41/8 41/19 41/23
44/18 45/8 45/10 45/15
45/17 45/21 47/1 47/5
47/15 47/22 48/2 48/11
48/13 49/7 49/14 49/22
50/3 50/5 50/19 50/24
51/2 51/10 51/15 51/18
51/20 52/4 52/9 52/20
52/25 53/3 53/11 53/17
53/21 53/24 54/4 54/11
54/20 54/25 55/3 55/7
56/1 56/8 56/11 56/14
56/19 56/23 58/5 58/7
58/17 58/21 88/10
116/3 120/2 125/17
126/23 127/2 145/21
145/23 147/1 167/6
198/23 214/8 214/25

MR. HAMNER: [54]

129/23 130/10 130/12
131/11 138/14 139/15
139/17 139/19 142/3
148/11 151/18 160/13
161/8 164/3 166/17
167/9 168/7 168/21
169/21 169/24 171/3
172/18 172/22 173/17
175/2 179/1 179/18

180/6 183/12 184/7
185/7 188/20 194/14
195/13 197/10 197/15
197/25 198/25 199/21
200/6 203/5 203/13
203/23 204/7 205/24
207/18 212/7 212/22
213/19 219/14 219/17
219/20 224/2 249/1

MS. BLUTH: [85] 3/9
3/20 3/24 4/3 4/5 4/7
8/8 11/6 11/24 12/7
13/9 13/13 13/19 14/10
14/14 15/5 15/7 18/9
18/14 22/3 22/5 22/7
40/1 40/12 40/24 43/15
43/21 43/25 44/9 44/17
45/7 45/9 46/1 46/19
47/4 47/12 47/16 48/21
49/17 49/24 50/4 50/12
51/17 51/19 52/1 52/10
52/15 52/24 53/16
53/19 54/2 54/24 55/8
55/11 55/14 55/16 56/3
56/18 57/6 57/9 57/14
57/19 57/23 58/3 58/20
58/22 61/24 72/18
86/11 86/17 87/4
102/13 103/23 106/16
113/12 118/3 118/5
120/24 122/20 126/14
127/1 128/2 129/14
261/3 261/9

MS. MCAMIS: [40]

11/5 59/25 72/19 86/12
87/5 88/12 106/18
107/2 108/9 109/14
113/9 114/20 116/25
119/24 121/2 122/18
129/13 138/13 138/15
160/10 169/20 171/2
171/9 172/17 173/16
173/18 180/5 186/14
194/13 198/3 217/18
217/20 219/13 219/16
247/2 247/7 248/24
249/3 249/6 259/20

THE CLERK: [3] 3/15
130/4 130/9

THE COURT: [229] 3/4

3/11 3/19 4/6 8/10 11/7
11/25 12/4 13/10 13/14
13/17 13/20 14/11
14/17 14/19 14/23 15/6
16/2 16/6 16/21 16/25
17/2 17/4 17/7 18/2
18/6 18/10 18/15 18/22
22/6 29/11 38/6 38/21
39/4 39/21 40/2 40/22
40/25 41/5 41/17 41/22
43/16 43/20 43/23 44/2
44/10 44/21 45/13
45/16 45/18 45/23
46/18 46/20 47/25 48/3
48/12 49/3 49/8 49/15
49/18 50/14 50/22
50/25 51/3 51/13 52/8
52/11 52/16 52/22 53/1
53/7 53/20 53/23 54/1

54/10 54/15 54/22 55/1
55/5 55/13 55/15 55/21
56/2 56/4 56/9 56/13
56/17 56/20 56/25 57/7
57/13 57/16 57/21
57/24 58/4 58/6 58/15
58/18 58/25 60/2 60/4
61/25 72/20 73/5 86/13
86/20 87/7 87/12 88/11
102/16 102/20 102/25
103/24 106/17 107/3
108/7 108/10 108/24
109/2 109/5 109/7
113/11 114/22 116/4
117/3 117/8 117/13
117/16 117/19 117/21
118/1 118/4 118/6
118/18 120/1 121/1
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123/4 123/7 123/13
123/18 123/21 124/3
124/9 124/12 124/14
124/19 124/24 125/18
125/20 126/11 126/25
127/3 127/7 128/3
129/15 129/25 130/11
131/13 136/2 136/4
136/8 138/16 138/21
139/13 139/18 145/22
147/2 147/4 149/6
149/25 160/11 160/14
162/5 167/8 167/12
169/23 169/25 170/6
171/4 171/11 171/15
171/17 171/19 171/23
172/20 173/7 173/19
173/21 173/24 174/2
174/17 174/25 180/7
180/13 180/16 180/19
180/21 180/24 186/16
194/15 197/14 198/2
198/4 199/2 199/24
214/9 217/19 217/21
219/15 219/18 219/21
220/2 224/6 247/9
248/25 249/2 249/4
259/18 259/21 259/24
260/14 260/19 260/24
261/1 261/5 261/10

THE MARSHAL: [3]
43/19 43/22 55/9

THE WITNESS: [86]
3/18 3/23 4/1 4/4 8/12
12/3 12/5 14/21 14/25
16/24 17/1 17/3 18/5
18/16 18/24 22/4 29/12
39/3 60/3 60/5 72/23
73/7 86/18 86/21 87/9
87/13 102/18 102/22
103/1 103/5 107/4
109/1 109/4 117/7
117/15 117/18 117/20
118/8 118/20 119/25
120/3 123/3 123/5
123/9 123/16 123/19
123/24 124/8 124/11
124/13 124/16 124/23
127/6 130/7 136/3
136/5 136/9 138/20

139/14 139/16 149/8
160/17 162/6 170/3
171/14 171/16 171/18
171/22 172/23 173/9
173/20 173/23 174/1
174/24 180/11 180/14
180/18 180/20 180/23
188/21 203/24 205/25
217/22 260/18 260/23
260/25

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-oOo [1] 261/12

1

10 [14] 10/4 27/18 28/3
36/14 38/9 48/21 58/22
68/22 71/5 112/15
174/3 235/4 256/14
256/17
10-year-old [1] 118/22
101 [1] 207/8
102 [1] 207/18
104 [1] 136/23
108 [1] 188/20
10:43 a.m [1] 38/20
10th [1] 6/19
11 [1] 256/14
11/16 [2] 32/20 32/21
11/19 [1] 34/20
111 [1] 148/14
115 [2] 148/3 148/12
11:04 [1] 58/23
11:22 a.m [1] 58/23
12 [2] 27/17 68/22
122 [1] 221/20
123 [1] 164/3
128 [2] 199/23 200/8
129 [3] 117/23 168/3
168/8

12:00 to [1] 23/12

12:10 [1] 23/12

12:11 p.m [2] 108/23

109/6

130 [6] 197/12 197/16

198/1 198/4 198/5

198/7

14 [1] 244/2

14th [5] 36/24 37/1

60/12 94/15 96/3

15 [2] 34/3 116/22

16 [3] 32/20 32/21

173/10

17 [6] 173/10 183/12

184/7 184/22 216/22

217/1

18 [3] 183/12 185/7

216/23

18th [1] 132/5

19 [2] 34/20 216/23

19th [4] 36/25 37/1

85/2 96/3

1:20 [3] 108/12 108/12

109/1

1:20 and [1] 109/2

1:30 p.m [1] 109/6

2

20 [4] 23/11 228/8

235/5 256/19
20-plus [2] 62/15 121/9
2011 [8] 15/16 16/10
143/20 143/25 248/10
248/11 248/17 248/22
2011-2012 [1] 17/15
2012 [3] 17/15 144/1
248/10
2013 [18] 7/4 7/8 16/16
17/9 62/12 63/23 67/12
68/19 68/22 75/1 80/19
82/10 83/20 85/3 94/15
96/3 104/10 144/1

2014 [7] 132/12 141/10

143/20 144/1 224/15

226/22 243/25

2018 [6] 1/14 3/1

131/23 132/4 132/6

132/9

20th [2] 36/10 132/12

23 [2] 1/14 3/1

24/7 [1] 143/8

25 [3] 34/21 130/17

216/21

25th [1] 131/23

28 [1] 199/15

2:58 p.m [1] 174/15

3

30 [5] 165/7 165/10

165/19 165/20 235/5

30-plus [2] 5/3 62/7

31st [1] 7/8

364 [1] 228/19

3:05 [1] 174/4

3:16 p.m [1] 174/15

3:30 to [1] 21/3

3:35 [1] 21/3

4

4-year-old [1] 92/23

40 [2] 228/9 228/21

4:00 to [1] 28/3

4:10 [1] 28/3

4:15 in [1] 69/12

4:47 p.m [1] 260/13

4:49 p.m [1] 261/11

4th [1] 7/11

5

50 [1] 54/16

51 [2] 168/23 168/24

52 [1] 168/23

5th [1] 9/12

6

6 and [1] 161/15

65 [2] 161/8 163/12

69 [1] 151/19

7

70 [2] 151/18 151/21

72 [2] 165/13 166/17

76 [2] 142/3 144/19

77 [2] 142/3 142/7

79 [1] 193/8

7th [15] 19/25 67/12

67/15 67/18 68/21

69/11 69/12 75/1 76/21

2198

7 7th... [6] 77/16 80/19 82/10 83/20 96/3 104/10	159/12 159/16 159/21 182/19 182/20 183/18 183/25 184/18 185/15 185/16 185/24 186/3 252/17 252/19 253/4 254/4 257/14 accommodations [2] 260/16 260/21 accompanying [1] 7/10 accomplish [1] 45/2 according [1] 25/11 accounting [1] 130/19 accurate [11] 21/3 23/13 23/16 27/20 28/4 34/21 70/9 197/22 226/24 227/7 259/12 accurately [1] 227/10 accusations [1] 227/16 accused [1] 225/6 acknowledge [1] 251/12 acted [1] 114/24 acting [1] 74/15 action [4] 88/2 110/25 111/25 112/23 actions [5] 37/22 48/10 110/8 110/17 155/1 actual [8] 9/2 14/2 47/7 59/24 80/8 112/7 122/4 259/8 actually [70] 7/16 9/16 17/22 38/6 41/6 45/21 49/24 61/16 64/11 65/15 66/12 67/1 67/18 69/18 71/24 74/6 74/9 75/4 76/18 77/13 79/12 80/20 80/24 81/21 85/1 85/8 88/24 89/13 95/14 97/1 98/5 99/22 100/13 103/5 104/8 104/14 105/25 106/21 106/25 108/7 112/14 112/15 122/3 125/3 139/17 151/10 152/11 153/25 160/9 163/24 164/21 192/13 192/15 203/10 212/9 216/9 227/24 229/12 232/17 232/23 235/23 236/20 240/4 243/4 243/10 248/19 251/11 254/15 255/4 255/8 ADAIR [1] 1/12 add [3] 40/11 44/21 58/19 adding [1] 179/12 additional [5] 76/17 107/10 128/3 129/15 129/17 adequate [3] 40/6 49/20 97/13 administering [1] 134/13 admissible [1] 52/14 admit [2] 52/17 197/25 admitted [9] 2/15 2/16 148/2 168/4 198/4 198/5 199/14 249/4	249/5 admitting [1] 44/22 admonishment [1] 261/4 adopt [3] 231/11 231/14 231/25 adopted [35] 9/21 10/3 15/18 16/18 25/24 28/22 29/2 30/17 32/14 35/13 35/17 66/2 67/18 70/17 116/21 122/15 136/19 137/2 156/5 157/9 158/7 172/2 175/13 202/5 202/13 202/18 225/9 231/5 235/12 237/6 246/11 251/5 252/24 254/11 255/8 adopting [1] 232/3 adoption [11] 137/7 138/12 138/18 138/18 140/13 140/21 140/24 141/8 141/9 155/25 184/21 adoptive [28] 10/1 10/6 20/5 25/22 27/9 28/17 28/21 31/14 42/3 65/23 75/2 99/9 119/3 123/17 138/8 147/21 155/24 157/8 163/3 171/8 182/14 183/17 184/17 185/23 186/4 194/6 198/14 201/3 adult [1] 234/6 advised [1] 133/6 advocate [2] 106/7 106/7 advocating [3] 95/15 95/21 99/13 affect [1] 29/23 affiliated [1] 135/19 afraid [10] 140/22 140/25 141/3 141/6 141/23 142/14 142/20 142/20 143/4 164/13 after [50] 5/16 7/5 8/19 15/16 15/23 22/16 22/17 27/7 34/25 37/7 57/12 65/14 65/14 68/19 70/5 76/21 81/25 85/5 85/9 85/15 89/12 92/3 92/6 92/17 96/22 96/25 101/19 109/18 110/3 112/18 138/18 142/12 143/6 157/16 162/19 184/21 191/24 202/16 219/4 227/20 232/21 235/12 235/14 237/5 244/12 251/10 252/25 252/25 253/2 253/2 afternoon [6] 69/13 130/15 174/2 174/5 224/10 241/18 afterwards [1] 184/21 again [22] 32/25 34/18 34/24 35/1 35/5 49/7 51/8 54/4 63/17 92/18 94/14 111/25 115/15	120/15 126/5 140/2 144/14 144/19 162/24 164/16 166/17 187/14 against [4] 15/23 225/9 229/2 236/15 age [10] 27/15 79/19 80/2 161/3 254/25 255/17 255/24 256/2 256/11 256/16 aged [2] 75/22 75/25 agency [4] 32/19 47/9 113/25 125/4 ages [1] 27/16 ago [37] 5/8 118/5 132/11 141/16 142/1 142/13 142/18 143/1 143/8 143/15 145/10 147/12 151/9 153/22 154/13 155/3 155/8 155/14 159/4 161/7 162/14 165/9 166/2 166/7 181/13 181/17 183/8 184/6 188/16 190/23 195/15 196/16 204/6 207/9 212/24 213/21 216/3 agree [5] 96/6 141/18 169/17 180/2 190/12 agreed [2] 57/23 133/10 agreement [6] 131/25 132/1 227/20 227/23 228/15 229/2 ahead [6] 108/11 148/9 183/3 244/3 244/6 259/25 air [4] 134/11 193/5 193/22 230/21 alarm [11] 84/16 93/24 95/12 179/12 179/20 179/24 181/3 181/5 181/14 181/19 181/21 alert [1] 179/21 all [151] 3/4 3/19 4/3 7/3 7/13 8/3 11/23 19/15 20/9 23/5 32/12 32/16 34/1 40/8 41/20 42/11 43/13 43/16 45/1 46/8 47/16 47/16 47/17 48/17 50/8 50/8 50/9 51/21 51/25 52/25 53/12 53/13 53/24 53/25 56/6 56/7 56/14 56/16 58/25 61/25 63/5 63/17 63/22 66/8 67/1 67/9 67/24 72/15 74/14 74/20 74/25 77/12 77/13 79/12 80/1 85/5 85/9 87/5 88/12 90/12 92/18 93/2 94/4 97/3 100/2 101/14 102/12 104/3 105/3 106/21 108/13 108/25 109/4 109/5 109/7 109/16 109/18 110/3 110/13 112/3 112/13 113/6 113/7 113/7 113/11 121/1 122/23 122/25 124/4 124/24 125/15	126/8 129/17 129/20 129/25 135/8 135/8 137/3 141/10 147/4 149/1 149/2 156/12 157/11 161/4 168/16 168/17 168/19 170/14 173/21 174/17 174/25 184/5 186/13 186/19 188/24 188/25 190/15 191/2 198/4 199/2 199/24 208/22 211/22 217/4 219/10 221/24 224/6 224/14 228/11 235/17 237/17 238/4 238/14 238/17 238/18 239/15 239/23 241/5 248/16 249/2 249/23 249/24 250/10 252/22 253/3 254/3 255/13 256/3 257/22 261/2 allegation [11] 10/2 13/7 26/10 41/1 41/2 43/6 43/8 63/19 71/5 107/8 112/16 allegations [9] 10/1 23/24 24/6 37/9 43/5 47/2 66/2 67/6 110/1 allegedly [1] 191/5 allowed [10] 7/18 7/20 12/17 43/12 57/10 157/17 158/9 159/11 159/25 180/17 almost [1] 164/18 alone [2] 72/16 72/21 along [8] 58/11 89/24 92/22 177/22 245/1 245/22 246/3 246/11 alongside [2] 249/17 249/19 already [14] 24/25 25/2 59/12 63/22 66/1 148/2 166/25 168/3 197/16 199/14 220/20 220/21 258/20 261/5 also [53] 8/19 10/19 10/22 11/2 13/11 14/6 15/1 15/2 15/3 17/14 36/20 36/20 39/18 44/5 49/14 53/25 62/22 63/1 78/14 80/1 82/8 90/20 92/2 92/11 93/4 97/23 98/18 100/9 101/14 125/25 127/10 127/21 143/3 151/19 161/2 169/7 171/20 179/11 189/6 194/22 225/6 228/23 230/17 233/20 236/4 236/14 247/4 247/24 248/7 257/23 258/6 258/9 258/15 although [2] 9/25 75/24 always [4] 46/13 164/11 173/5 223/19 Am [1] 62/3 Amaya [42] 15/18 15/23 27/10 27/18 30/6 31/17 66/5 68/22 70/13 71/14 75/2 112/14 2199
---	---	---	--	--

<p>A</p> <p>Amaya... [30] 136/22 137/13 140/25 152/19 153/3 185/10 185/11 185/24 203/1 210/3 210/20 224/1 225/9 231/8 234/4 234/4 235/20 236/7 236/15 239/18 242/25 243/1 243/8 243/17 244/9 244/14 244/15 244/22 250/5 252/4</p> <p>Ambiguous [1] 138/13</p> <p>Amended [1] 41/13</p> <p>amiss [1] 79/9</p> <p>amount [7] 15/25 40/15 82/23 173/14 226/13 234/17 234/22</p> <p>amusing [1] 212/14</p> <p>Anastasia [47] 25/25 26/4 26/5 28/14 30/1 30/2 30/15 31/1 31/15 66/5 71/25 72/4 74/6 75/2 107/22 112/15 116/19 116/22 136/22 137/12 141/3 150/25 151/3 151/10 152/3 152/19 162/22 163/15 183/24 184/9 184/18 184/23 186/3 195/10 207/11 207/15 209/3 210/1 210/21 225/10 231/8 236/21 239/18 250/9 251/15 252/7 253/12</p> <p>Anastasia's [1] 163/7</p> <p>Anderson [16] 10/16 17/18 18/14 18/15 18/16 18/20 25/1 105/4 105/10 105/12 119/12 120/12 121/5 126/17 127/19 127/24</p> <p>announced [1] 20/7</p> <p>annoying [3] 181/14 181/17 181/21</p> <p>another [10] 31/25 32/8 41/4 51/4 85/2 111/25 125/20 125/22 125/25 126/1</p> <p>answer [37] 8/10 8/11 12/1 12/2 16/14 16/23 55/25 59/12 64/18 70/24 74/2 76/7 76/11 77/8 84/9 101/20 114/8 122/1 127/16 142/9 144/20 145/3 147/8 151/22 160/14 164/7 164/9 165/16 166/16 166/20 171/4 171/15 172/19 172/20 194/14 217/21 220/2</p> <p>answered [4] 103/23 114/25 171/2 194/16</p> <p>answering [1] 225/1</p> <p>answers [4] 37/23 68/4 71/12 142/7</p> <p>any [120] 5/24 6/23 14/12 15/9 25/14 25/19</p>	<p>26/9 28/16 28/17 28/18 28/18 28/22 30/11 30/24 31/11 34/8 38/2 38/13 38/14 38/15 40/2 41/12 41/15 42/15 44/5 44/8 44/8 45/3 46/1 46/4 47/2 49/8 50/19 52/2 52/13 53/9 54/19 54/22 55/24 57/10 57/15 58/9 58/11 66/22 68/19 70/17 70/17 72/16 76/7 76/7 79/10 81/13 84/16 86/17 87/18 93/24 95/12 106/13 107/18 108/4 108/16 108/17 108/18 111/14 111/15 112/14 116/14 116/22 117/2 121/1 122/12 122/21 128/3 128/12 129/15 135/4 135/7 138/16 140/6 141/5 143/14 152/14 154/3 168/4 170/22 174/8 174/10 174/11 176/25 187/2 187/3 190/16 194/1 195/3 195/15 198/2 201/6 205/19 207/11 208/3 211/5 211/10 220/8 220/15 221/2 221/7 221/15 222/21 225/23 238/24 240/10 241/6 244/13 244/13 248/25 252/25 260/5 260/6 260/7 261/7</p> <p>anybody [4] 38/23 68/12 108/25 158/21</p> <p>anymore [4] 25/3 91/9 93/5 202/6</p> <p>anyone [14] 38/12 43/13 56/12 86/13 108/15 124/20 129/19 137/22 174/7 202/8 211/17 260/4 260/15 261/6</p> <p>anything [61] 30/20 31/6 38/11 40/9 40/11 44/11 44/15 45/2 46/3 46/23 51/14 53/14 55/24 56/9 57/6 57/8 73/5 77/4 79/9 91/15 101/22 108/14 110/4 122/19 126/1 127/24 131/19 135/10 139/5 145/2 145/3 145/17 146/6 148/3 157/5 157/21 174/6 185/17 190/18 191/12 191/13 194/11 196/9 209/16 209/20 217/5 217/7 218/7 218/12 220/8 220/25 222/22 222/24 223/1 223/2 223/16 232/9 234/7 236/12 259/2 260/3</p> <p>anytime [1] 253/2</p> <p>anyway [3] 45/24 107/13 207/16</p> <p>anywhere [2] 26/3</p>	<p>239/6</p> <p>apologize [10] 12/18 28/21 34/13 37/6 59/12 88/10 143/24 192/11 192/12 249/6</p> <p>appear [5] 140/22 140/25 140/25 248/7 250/10</p> <p>APPEARANCES [1] 1/16</p> <p>appeared [2] 30/18 80/2</p> <p>appears [5] 98/22 117/4 199/22 200/7 249/15</p> <p>applied [1] 63/6</p> <p>apply [2] 67/1 67/5</p> <p>applying [1] 134/21</p> <p>appointed [2] 45/12 45/12</p> <p>appointment [2] 25/12 25/13</p> <p>appointments [3] 60/20 100/6 221/22</p> <p>approach [14] 16/1 26/23 38/5 41/5 41/7 56/24 116/3 125/18 147/1 149/25 167/12 197/10 197/13 214/8</p> <p>approaching [1] 247/12</p> <p>appropriate [14] 40/4 49/6 68/8 96/12 96/14 98/23 98/25 99/2 99/5 103/17 104/6 112/25 113/4 255/22</p> <p>appropriately [1] 78/21</p> <p>approximately [3] 62/11 224/15 256/11</p> <p>are [110] 4/3 4/10 4/21 6/1 6/12 7/18 7/18 7/25 9/11 11/20 13/13 18/3 19/4 19/25 23/24 23/24 31/24 33/4 35/21 38/10 39/1 40/8 41/17 42/7 42/23 43/24 44/19 47/8 47/14 52/20 53/5 55/4 55/16 56/18 57/7 58/22 62/23 64/2 64/20 64/21 67/5 67/6 67/7 69/4 69/13 69/14 69/25 81/10 81/16 87/15 88/4 88/7 90/21 91/12 95/17 95/20 96/11 99/2 102/16 103/15 103/17 106/1 108/13 109/11 110/16 110/17 111/25 113/16 113/21 118/12 119/21 120/3 120/5 120/8 125/24 125/25 126/6 129/20 130/16 130/20 135/4 136/24 136/25 137/3 146/12 150/16 160/7 172/14 172/15 173/21 174/22 175/10 177/12 177/22 186/6 186/13 192/5 202/23 208/25 216/20 219/24 225/21 227/7</p>	<p>227/7 229/21 231/19 249/10 250/15 252/24 260/2</p> <p>area [11] 31/10 35/15 43/23 68/25 69/1 80/21 117/5 117/13 117/14 151/3 221/11</p> <p>Areahia [74] 10/11 10/25 25/9 25/10 25/11 26/10 27/6 33/10 33/12 34/2 34/3 34/6 34/8 35/1 37/25 38/2 46/2 52/2 52/3 53/8 53/11 56/14 85/18 85/22 86/10 86/16 86/20 86/23 87/6 87/8 87/9 87/15 87/18 88/15 88/19 88/22 88/23 89/3 89/8 89/10 89/16 89/21 89/24 90/15 91/17 91/24 92/2 92/11 92/17 92/22 93/13 93/20 98/12 98/22 99/19 107/2 107/3 107/4 115/19 115/20 115/20 116/8 116/11 129/8 129/8 193/19 194/2 198/10 200/15 200/21 201/4 206/12 206/18 218/9</p> <p>Areahia's [5] 57/17 86/5 89/14 89/15 101/3</p> <p>Arelia [1] 107/1</p> <p>argue [3] 42/25 43/1 223/6</p> <p>argued [1] 45/22</p> <p>argument [2] 145/14 146/21</p> <p>argumentative [5] 106/16 160/10 169/20 169/23 217/18</p> <p>arguments [1] 223/13</p> <p>Arizona [7] 130/24 134/4 134/8 135/11 135/15 229/16 229/17</p> <p>arms [2] 31/12 31/13</p> <p>around [27] 6/11 48/24 97/1 97/3 97/4 107/5 116/19 132/12 135/8 144/7 153/7 172/24 178/15 188/8 207/12 210/21 213/1 215/6 215/7 216/16 216/17 217/6 218/11 220/19 220/20 222/2 248/15</p> <p>arranged [1] 195/2</p> <p>arrangements [1] 261/7</p> <p>arrest [1] 224/18</p> <p>arrested [3] 132/14 225/13 227/14</p> <p>arrived [2] 77/25 104/11</p> <p>article [2] 21/25 131/7</p> <p>arts [1] 92/12</p> <p>as [181] 3/13 3/14 4/11 4/19 7/11 7/25 7/25 8/2 8/20 8/22 8/23 8/23 9/1 9/1 9/4 10/1 10/23</p>	<p>10/23 13/14 14/4 14/4 15/11 15/11 15/21 16/15 19/18 20/16 22/13 22/13 23/22 32/3 32/3 32/11 32/14 32/14 33/6 33/6 33/8 33/8 35/23 35/23 39/12 40/6 40/20 41/23 42/4 42/14 42/18 42/23 44/4 45/14 46/24 47/6 59/20 60/12 60/17 60/21 64/17 66/2 68/17 68/17 73/20 74/11 81/8 81/8 82/21 83/14 84/19 94/8 98/17 100/7 100/14 102/13 102/22 102/23 105/16 105/20 106/6 109/24 119/12 122/7 122/7 123/2 124/5 124/21 125/11 125/22 126/11 129/5 130/2 130/3 131/25 134/25 135/2 135/2 136/10 136/10 136/13 138/4 138/7 138/8 139/7 139/7 147/5 148/2 151/5 153/23 154/12 155/17 157/6 157/20 159/12 159/21 159/21 160/17 160/17 164/6 164/10 167/6 169/10 170/8 170/22 172/4 172/5 172/13 173/8 181/2 182/18 182/20 182/21 182/25 185/15 187/8 187/8 190/14 190/19 190/19 197/11 197/16 199/14 200/4 201/8 202/10 202/11 208/13 213/3 214/6 215/2 215/3 215/4 216/8 217/24 217/24 219/10 219/23 220/8 222/4 222/4 222/17 222/17 225/18 227/23 228/14 231/23 237/23 237/23 238/11 241/6 241/6 242/19 242/19 247/8 247/13 249/12 252/2 252/6 252/6 252/6 252/6 256/11 257/17</p> <p>ask [41] 6/18 8/3 8/8 12/15 20/9 23/5 26/23 32/10 36/12 36/15 42/21 43/13 50/16 52/16 54/15 55/5 55/5 55/13 55/23 77/7 113/22 114/7 126/3 134/9 144/14 153/11 161/24 164/15 170/14 171/20 187/5 197/9 211/3 216/11 222/20 225/12 231/22 231/24 239/21 242/11 244/6</p> <p>asked [58] 11/24 14/15 18/18 21/13 21/13 22/11 28/13 28/14 31/7 42/17 56/24 57/12 58/10 70/11 71/11 73/8</p> <p>2200</p>
---	--	--	--	---

<p>A</p> <p>asked... [42] 73/18 75/18 75/21 76/2 80/16 82/19 103/7 103/9 103/23 105/3 115/6 119/11 120/18 121/5 121/6 121/7 121/16 122/2 125/13 128/6 143/3 145/1 164/15 166/13 166/22 166/24 166/25 168/24 169/4 171/2 179/8 187/6 190/4 205/20 214/13 225/8 229/4 233/23 237/22 237/24 251/10 256/25</p> <p>asking [16] 35/9 48/12 55/21 56/21 60/7 72/19 79/5 104/3 104/5 114/6 156/25 158/1 166/11 205/16 239/16 252/24</p> <p>asks [1] 124/19</p> <p>aspect [1] 36/1</p> <p>ass [1] 47/6</p> <p>assess [3] 21/9 62/22 103/9</p> <p>assessment [5] 43/14 60/17 96/21 110/13 111/2</p> <p>assessments [2] 60/21 100/7</p> <p>assigned [14] 5/16 7/5 9/12 10/13 10/15 17/20 17/21 32/1 32/8 63/23 64/21 65/15 105/17 105/18</p> <p>assignment [1] 64/25</p> <p>assist [2] 26/15 230/14</p> <p>assistance [2] 72/16 72/22</p> <p>assistant [1] 230/15</p> <p>assisted [2] 134/17 230/1</p> <p>Assumes [2] 126/24 171/9</p> <p>assuming [1] 18/7</p> <p>ASVAB [2] 135/25 136/3</p> <p>at [233] 6/22 9/11 11/10 11/18 15/9 15/11 15/15 15/24 16/3 16/9 16/12 18/1 18/8 18/12 18/16 19/21 20/3 20/4 23/10 25/11 27/8 27/13 27/15 28/7 28/16 28/16 29/22 31/1 31/1 31/3 31/10 31/12 31/13 31/18 32/10 32/16 33/13 33/14 33/15 33/20 39/6 39/20 39/24 40/7 41/15 44/7 44/24 45/5 45/11 49/25 51/13 53/3 53/16 53/19 53/20 53/24 55/9 57/2 57/3 57/4 57/5 57/6 57/8 60/10 61/18 62/10 62/14 62/14 64/20 65/2 65/3 67/14 67/17 67/24</p>	<p>68/22 69/12 70/4 70/9 79/8 79/19 79/24 79/25 80/8 83/4 87/15 87/25 88/24 89/6 90/10 94/14 94/17 96/20 97/3 98/18 101/19 104/1 105/16 108/25 109/1 114/3 114/5 115/5 115/7 115/8 115/10 116/5 117/4 118/9 121/8 122/10 122/11 122/23 122/24 123/6 123/11 125/15 125/19 126/5 126/7 126/10 130/20 132/9 132/14 133/2 133/13 133/18 134/2 134/5 134/7 135/1 135/8 135/16 135/24 136/10 136/24 137/21 138/1 138/7 140/20 141/19 142/5 142/5 142/6 143/7 144/19 146/12 146/12 146/13 147/3 150/1 151/21 151/22 153/4 154/6 156/10 156/21 161/4 162/15 163/23 167/14 173/10 174/4 175/8 175/10 175/21 175/21 175/22 176/6 177/2 177/6 177/15 178/22 179/5 179/11 180/10 181/6 183/20 184/10 184/24 185/21 187/2 189/19 194/21 197/18 202/8 203/13 204/9 205/19 208/3 211/22 214/10 215/18 215/21 216/22 217/1 221/12 221/14 223/19 224/4 224/17 226/21 228/15 229/17 230/21 230/22 232/7 232/12 232/19 233/1 234/10 235/20 237/9 240/22 243/7 244/3 247/13 249/10 249/10 251/13 252/10 252/14 252/25 253/7 253/11 254/1 255/13 256/4 256/7 256/16 257/12 259/23 260/1 260/12</p> <p>attached [6] 124/5 124/9 124/13 124/18 125/3 125/10</p> <p>attachment [1] 124/15</p> <p>attempt [1] 33/12</p> <p>attempted [1] 33/14</p> <p>attempting [1] 225/17</p> <p>attended [2] 80/4 90/18</p> <p>attending [1] 32/23</p> <p>attention [9] 7/4 104/7 187/14 231/3 233/22 237/24 242/25 251/9 257/22</p> <p>attentive [1] 84/19</p> <p>ATTEST [1] 261/13</p> <p>attitudes [1] 236/10</p>	<p>Attorneys [1] 1/18</p> <p>audible [4] 133/20 177/20 181/15 227/8</p> <p>audio [1] 261/14</p> <p>audio/video [1] 261/14</p> <p>August [1] 16/10</p> <p>authenticating [3] 42/14 52/20 53/2</p> <p>authority [4] 112/22 128/9 128/12 243/1</p> <p>authorized [2] 110/17 112/1</p> <p>autistic [1] 11/3</p> <p>Autumn [15] 2/16 17/15 193/14 193/22 197/21 198/7 200/10 201/13 206/3 210/17 210/21 215/16 218/6 248/15 250/12</p> <p>Ava [36] 27/10 27/17 30/7 31/17 66/5 68/22 70/13 71/14 75/2 112/14 136/22 137/7 140/20 145/13 145/15 146/5 146/11 147/14 147/15 162/22 163/7 163/15 182/19 182/22 183/8 183/18 203/11 203/15 207/21 210/5 210/20 225/9 231/8 239/18 250/7 251/21</p> <p>Avenue [1] 133/17</p> <p>average [1] 80/2</p> <p>aware [22] 17/17 19/3 19/4 19/16 54/16 54/18 59/5 59/10 74/10 86/9 87/15 120/18 124/6 126/21 127/3 135/4 136/15 136/17 173/21 187/9 230/17 233/4</p> <p>away [7] 36/21 68/1 144/23 145/5 145/5 175/15 177/2</p> <hr/> <p>B</p> <p>baby [17] 11/3 11/10 101/10 104/8 104/16 104/23 104/23 143/23 193/20 201/17 206/19 210/11 210/13 210/21 213/23 216/18 218/10</p> <p>baby's [1] 101/11</p> <p>bachelor's [1] 5/5</p> <p>back [49] 3/4 7/4 33/22 33/25 34/7 35/1 50/7 55/18 55/18 58/25 61/17 80/9 94/14 109/1 109/7 126/8 126/22 137/6 156/3 156/17 156/18 158/23 174/17 175/4 175/6 175/16 177/6 178/21 182/14 185/5 187/14 188/14 195/1 206/2 221/8 221/8 221/11 223/14 224/15 225/15 225/19 226/7 226/7 231/3 237/2 243/25 251/12 260/11 260/21</p>	<p>background [2] 5/2 95/5</p> <p>backs [1] 31/21</p> <p>bad [5] 47/8 111/2 160/4 163/17 254/8</p> <p>bailiff [5] 38/19 108/22 129/21 174/14 260/11</p> <p>bald [4] 31/5 31/15 74/6 107/23</p> <p>ball [1] 203/8</p> <p>bare [3] 149/6 149/18 149/21</p> <p>barely [1] 188/1</p> <p>base [6] 30/20 134/11 134/12 229/19 229/20 230/21</p> <p>based [25] 61/21 66/8 68/8 84/24 87/5 88/9 89/14 100/13 110/13 112/13 113/6 138/14 140/19 140/20 140/24 141/5 141/12 154/22 173/12 173/13 173/17 202/17 219/17 219/23 255/17</p> <p>basic [3] 49/19 135/21 136/6</p> <p>basically [18] 129/9 135/20 136/5 136/6 146/3 172/25 183/4 185/18 187/20 192/18 195/25 209/24 210/9 219/4 234/4 234/7 255/1 255/20</p> <p>basis [2] 54/13 129/10</p> <p>bath [3] 26/14 238/10 238/11</p> <p>bathe [1] 36/14</p> <p>bathing [1] 26/16</p> <p>bathroom [96] 21/10 21/18 29/5 29/15 29/20 31/3 43/21 46/10 48/22 49/5 49/8 49/9 72/5 72/9 72/15 78/15 78/18 139/12 139/25 140/3 140/5 140/6 156/20 157/6 157/10 157/13 157/17 157/22 158/2 158/3 158/4 158/9 158/22 159/11 159/25 160/4 160/8 162/10 162/15 162/16 162/20 162/23 162/25 163/6 163/7 163/13 164/15 164/22 164/22 166/9 166/19 166/25 169/8 169/12 175/6 178/7 179/4 179/12 179/25 180/1 180/9 180/10 180/12 180/13 180/15 180/17 180/21 180/22 181/3 189/13 192/14 197/4 237/23 237/25 238/2 238/5 238/12 238/16 239/2 239/10 239/13 239/19 241/6 241/11 241/20 242/3 242/6 242/7 242/13 242/15 242/15 242/19</p>	<p>242/22 251/10 254/4 257/15</p> <p>bathrooms [8] 157/4 178/21 178/21 178/22 238/14 238/17 238/22 238/24</p> <p>bathtub [3] 192/19 197/6 238/6</p> <p>be [135] 3/15 6/5 6/7 6/7 6/8 8/8 9/15 12/1 12/5 13/8 14/12 18/18 19/21 20/1 21/3 23/13 23/16 26/1 27/20 28/4 28/24 30/5 30/18 34/21 35/9 35/14 35/22 41/8 43/10 43/12 51/9 51/20 53/1 59/18 75/5 75/24 76/23 77/1 77/9 79/16 80/2 81/18 88/7 93/15 94/25 96/14 96/15 98/22 101/3 101/18 107/7 108/7 108/11 109/1 110/7 110/9 116/21 117/4 120/19 122/3 123/22 128/7 129/19 130/4 134/18 140/22 140/25 140/25 142/20 149/1 149/21 150/3 150/6 150/7 150/10 150/10 150/13 150/14 150/17 153/16 154/14 161/7 161/10 161/16 163/20 164/14 165/17 166/5 166/5 170/23 175/16 175/18 175/25 177/12 179/9 180/2 181/2 181/17 183/7 184/14 184/17 184/20 185/21 186/6 190/23 199/22 200/7 201/10 201/13 202/1 202/13 210/22 210/24 211/1 211/14 211/16 217/10 220/10 221/22 222/13 222/14 222/14 222/14 228/23 245/22 247/14 247/16 249/4 249/14 250/20 253/9 258/9 259/18 261/7 261/8</p> <p>beach [1] 246/7</p> <p>beauty [1] 54/3</p> <p>became [4] 86/9 157/9 202/5 202/13</p> <p>because [146] 6/10 9/19 9/24 22/25 26/4 26/14 27/5 32/21 34/15 35/21 41/11 44/15 45/9 45/10 45/11 45/19 45/23 46/13 47/12 47/14 47/18 48/15 48/25 50/22 50/24 52/4 52/17 54/6 54/9 54/12 55/1 55/3 55/17 56/20 57/13 57/14 57/17 57/21 58/10 61/15 61/16 63/11 65/8 66/11 68/16 69/14 70/4 71/2 71/4 72/3 73/8 73/20</p> <p>2201</p>
---	---	---	---	--

<p>B</p> <p>because... [94] 74/23 75/4 77/4 77/9 78/12 79/16 80/8 80/11 83/14 84/19 85/22 87/2 90/4 92/5 94/1 98/12 101/18 105/14 105/25 106/14 114/9 119/3 119/14 119/15 120/16 123/14 123/19 123/25 127/12 127/19 133/2 143/7 145/4 146/8 146/22 147/15 153/25 155/21 161/3 161/11 162/15 163/1 164/13 164/18 164/18 166/20 169/7 173/9 176/4 182/15 183/22 184/24 187/20 187/25 188/3 189/4 190/21 192/22 194/23 198/25 203/16 205/13 209/12 210/10 211/14 218/10 218/10 221/8 222/18 226/17 227/2 229/21 230/8 233/5 234/9 236/18 238/20 240/1 240/7 240/18 241/13 242/3 242/6 242/15 243/7 243/10 245/20 246/24 250/1 252/10 253/16 257/5 259/14 259/14</p> <p>become [3] 39/19 185/24 186/3</p> <p>becoming [5] 58/14 162/21 163/17 163/17 219/7</p> <p>bed [6] 83/21 178/16 201/15 251/13 252/5 252/7</p> <p>bedroom [1] 140/9</p> <p>beds [3] 140/11 201/19 201/25</p> <p>bedtime [2] 178/15 199/4</p> <p>bedwetting [2] 219/25 252/15</p> <p>been [85] 3/13 4/13 4/14 4/15 5/3 7/6 15/16 15/22 17/10 17/14 17/21 24/17 25/2 37/3 37/13 41/3 42/12 45/12 48/6 50/25 52/13 55/21 59/7 62/7 62/11 66/2 66/5 66/9 66/11 68/11 68/12 69/21 70/5 70/8 72/11 72/13 72/15 73/12 74/15 79/14 80/25 81/6 85/22 86/3 86/24 87/2 96/11 99/23 118/21 119/19 123/11 126/17 127/4 127/5 127/13 129/9 130/2 132/14 148/2 168/4 175/5 175/13 182/15 197/11 197/16 198/17 199/14 220/18 225/6 225/14 227/12 227/14</p>	<p>227/18 229/8 234/6 235/4 240/3 240/3 247/12 248/4 248/10 248/17 248/22 251/10 256/14</p> <p>before [38] 1/12 3/21 4/25 17/10 30/21 65/16 105/16 116/1 121/21 121/23 129/15 131/19 133/6 135/21 136/5 138/18 160/19 163/1 167/20 171/17 179/25 182/3 184/20 187/15 188/6 200/22 217/5 223/18 225/12 225/13 227/14 227/17 228/11 229/9 235/17 251/12 251/17 252/24</p> <p>beg [1] 94/22</p> <p>began [3] 104/13 104/14 104/15</p> <p>beginning [3] 126/6 156/21 172/24</p> <p>behalf [5] 95/15 95/21 99/13 106/7 129/8</p> <p>behaved [2] 28/24 144/11</p> <p>behaving [1] 47/19</p> <p>behavior [8] 28/6 83/15 88/9 99/1 100/10 110/24 251/17 252/11</p> <p>behavioral [3] 28/18 80/25 100/17</p> <p>behaviors [4] 93/9 219/5 236/5 236/6</p> <p>behind [5] 3/22 116/23 117/5 151/10 152/9</p> <p>being [71] 3/13 6/11 10/24 11/16 11/21 13/3 38/2 41/16 44/19 49/12 53/8 59/9 61/4 62/20 62/22 69/9 69/19 74/21 87/18 96/11 97/17 97/19 104/6 112/4 113/17 116/8 116/15 116/15 118/9 119/12 122/8 122/12 122/15 123/22 130/2 139/1 139/24 142/18 147/5 155/5 156/5 159/24 162/22 164/18 167/9 167/10 169/1 178/22 178/22 178/24 181/3 181/5 185/19 186/24 192/24 198/24 203/10 205/20 207/6 207/12 207/13 208/7 210/17 215/16 215/20 215/21 220/24 221/2 227/7 227/17 228/15</p> <p>belief [4] 48/7 48/9 48/9 48/13</p> <p>believe [16] 17/15 20/23 25/25 27/6 44/16 84/22 105/22 107/22 132/24 141/22 154/13 172/6 210/19 234/17 251/21 253/12</p> <p>believed [1] 61/4</p>	<p>believing [1] 162/9</p> <p>bench [16] 16/3 39/7 39/20 40/7 104/1 116/5 122/23 122/24 125/19 126/10 147/3 150/1 167/14 214/10 249/10 259/23</p> <p>bent [3] 150/5 150/6 150/7</p> <p>best [1] 251/3</p> <p>better [8] 77/10 80/21 163/8 220/1 220/5 220/10 226/22 233/9</p> <p>between [17] 14/3 26/18 37/1 60/24 83/11 98/22 138/11 138/17 143/20 143/25 146/16 146/22 158/2 158/5 162/10 223/12 223/17</p> <p>bevy [1] 41/25</p> <p>beyond [3] 48/19 103/4 103/7</p> <p>big [5] 51/1 154/18 154/21 155/1 155/7</p> <p>bio [4] 9/21 26/19 42/5 46/5</p> <p>biological [4] 10/20 14/2 82/3 89/6</p> <p>birth [3] 27/5 127/18 127/22</p> <p>bit [17] 3/25 5/1 5/8 14/11 42/20 65/15 66/12 134/9 140/13 146/2 150/5 160/20 175/5 195/22 209/15 229/6 232/22</p> <p>black [3] 192/14 192/20 192/23</p> <p>blankets [3] 206/8 206/14 206/20</p> <p>bleeding [1] 152/9</p> <p>blend [1] 209/13</p> <p>blended [7] 207/6 207/9 207/12 207/16 209/10 209/11 209/14</p> <p>blending [1] 207/20</p> <p>blew [4] 146/20 182/6 182/12 205/15</p> <p>blond [1] 193/16</p> <p>blood [24] 33/20 55/19 55/20 57/24 86/6 86/10 86/19 86/24 87/19 93/21 94/2 101/3 115/20 115/23 115/24 115/25 116/12 116/16 150/25 151/3 151/10 151/13 259/6 259/13</p> <p>blow [3] 204/9 205/12 205/14</p> <p>blowing [6] 182/7 204/4 204/12 206/10 206/16 206/24</p> <p>blue [2] 26/24 137/5</p> <p>BLUTH [18] 1/17 2/5 2/7 2/9 15/6 16/6 18/7 18/13 40/6 40/11 44/22 45/2 45/25 59/2 122/19 124/24 126/13 127/7</p> <p>board [11] 199/15</p>	<p>199/16 199/22 200/13 200/17 200/25 203/7 203/16 204/2 204/11 204/11</p> <p>boarding [1] 219/6</p> <p>boards [12] 199/11 199/12 199/17 200/20 201/3 202/14 202/19 202/23 203/2 203/11 203/19 204/18</p> <p>bodies [3] 150/16 158/16 193/9</p> <p>bodily [1] 48/20</p> <p>body [18] 30/24 30/25 93/12 93/16 106/20 106/21 106/23 107/11 114/5 116/18 117/1 117/6 117/14 149/1 150/17 152/20 152/25 194/3</p> <p>bonded [1] 100/10</p> <p>bookstore [2] 253/7 253/8</p> <p>both [17] 35/22 53/21 59/6 59/17 115/20 116/11 120/18 120/21 126/17 126/21 128/21 148/23 148/24 163/20 189/13 211/4 215/20</p> <p>bother [1] 46/23</p> <p>bothering [2] 44/7 44/14</p> <p>bottom [6] 56/10 118/9 142/6 142/6 168/8 214/12</p> <p>bottoms [2] 31/22 258/4</p> <p>bought [2] 187/9 189/24</p> <p>bowel [3] 208/8 208/8 208/14</p> <p>bowl [2] 207/4 207/5</p> <p>box [1] 26/24</p> <p>boy [1] 28/20</p> <p>break [18] 41/6 41/7 58/6 108/8 108/11 108/12 108/13 108/25 153/20 163/13 164/15 166/25 174/2 174/5 175/16 176/1 176/8 242/15</p> <p>breakfast [5] 207/2 207/5 207/9 240/14 240/16</p> <p>breaking [1] 153/25</p> <p>breaks [7] 162/15 162/16 164/6 175/18 242/3 242/6 242/7</p> <p>brief [3] 38/10 38/21 88/13</p> <p>briefly [1] 121/2</p> <p>bring [6] 50/7 50/17 119/1 125/15 182/9 187/14</p> <p>bringing [2] 51/7 181/23</p> <p>brings [1] 50/7</p> <p>broke [3] 258/19 258/24 259/3</p>	<p>broken [2] 99/20 129/9</p> <p>brought [9] 46/5 179/7 182/3 186/24 186/25 187/16 213/3 245/22 255/21</p> <p>brown [1] 82/14</p> <p>bruise [1] 40/19</p> <p>bruises [4] 15/25 16/11 39/24 40/15</p> <p>BSR [1] 61/15</p> <p>BST [6] 61/8 61/15 80/11 97/24 98/2 124/22</p> <p>bucket [11] 117/24 118/7 118/15 168/8 168/25 169/5 169/5 169/18 170/9 171/13 196/14</p> <p>buckets [16] 41/1 139/9 139/24 167/16 167/23 168/4 168/10 168/19 169/11 170/1 170/12 170/23 186/9 222/10 222/12 223/23</p> <p>bunch [5] 82/19 121/13 193/18 250/1 258/12</p> <p>Burnett [12] 5/20 17/10 30/11 32/14 42/3 77/20 77/23 82/3 94/21 100/2 194/1 201/16</p> <p>Burnett's [1] 95/4</p> <p>business [1] 36/21</p> <p>but [248] 4/19 4/24 5/20 6/18 6/20 7/16 7/20 9/7 9/9 9/23 12/1 13/9 18/20 19/7 22/13 23/8 23/20 25/1 28/11 28/15 30/11 31/10 33/23 34/11 37/22 39/23 40/3 40/16 40/20 41/7 41/23 42/9 42/25 44/5 44/13 44/18 45/11 45/18 47/6 48/3 48/9 49/15 50/14 50/19 51/1 51/10 52/1 52/8 52/13 52/16 53/20 53/21 53/24 54/2 54/8 54/13 55/8 55/14 56/5 56/25 57/9 58/7 60/10 61/3 61/14 63/13 66/19 66/21 70/20 76/24 77/2 77/10 79/22 81/24 82/23 83/23 84/11 84/12 86/3 87/15 88/8 89/16 90/10 91/4 91/9 91/15 92/23 93/2 93/5 93/9 95/16 99/13 102/3 103/2 103/9 106/25 107/10 108/2 110/16 111/25 112/10 112/22 113/3 113/25 115/1 118/10 118/21 120/18 122/1 123/11 124/6 124/8 124/17 125/23 126/6 132/5 134/16 134/18 142/9 142/19 143/14 143/25 144/4 145/5 146/3 146/4 146/21 149/8 149/17</p> <p>2202</p>
---	--	--	---	---

<p>B</p> <p>but... [119] 150/8 151/6 151/9 154/25 155/9 155/10 156/13 157/21 159/18 160/18 163/13 164/17 165/17 166/22 166/22 167/10 169/14 170/8 173/5 175/6 175/20 175/22 176/6 176/20 177/10 177/22 181/2 181/9 181/19 182/6 183/5 183/7 183/17 184/11 184/12 184/14 184/20 185/16 185/17 185/19 185/23 187/20 189/6 190/14 190/16 190/19 190/23 191/22 192/23 196/1 196/17 197/4 198/14 198/25 200/24 201/3 201/6 201/17 202/10 202/13 202/23 203/3 205/1 205/14 206/19 207/15 207/22 209/13 213/9 213/12 214/17 214/21 215/4 215/8 216/6 217/25 218/1 218/10 218/15 219/4 222/5 222/20 223/18 226/19 229/20 230/11 230/12 230/15 231/23 231/24 232/8 232/12 234/7 234/10 234/16 234/19 234/23 235/25 236/10 236/21 236/22 237/11 237/15 242/5 244/1 244/22 245/20 248/12 248/13 248/14 251/20 252/5 252/7 253/15 254/3 255/1 255/19 257/1 261/6</p> <p>butt [7] 149/4 149/5 149/6 149/7 149/18 149/21 153/1</p> <p>buy [1] 154/1</p>	<p>calming [1] 227/4 calms [2] 226/18 226/19</p> <p>came [25] 15/12 22/13 31/3 33/21 35/1 49/10 49/11 62/10 63/25 64/11 65/11 85/15 89/19 95/4 96/21 107/7 172/25 173/8 193/19 220/21 225/15 232/23 233/5 246/11 252/11</p> <p>cameras [1] 221/2</p> <p>can [101] 3/21 5/1 5/20 6/10 6/20 8/2 9/1 12/1 12/2 16/1 16/23 19/10 19/14 19/15 21/25 35/22 38/5 38/22 42/25 45/13 46/3 49/24 50/7 50/16 50/19 52/11 52/16 55/13 55/23 56/6 57/3 110/24 111/6 111/9 114/8 115/13 116/3 121/6 124/24 128/25 132/24 133/23 137/4 139/17 140/1 140/23 142/14 144/18 147/1 148/8 156/16 156/23 157/15 157/20 158/3 159/14 159/15 159/17 160/14 160/17 160/25 162/24 164/15 166/1 167/25 169/15 169/24 170/17 171/4 171/14 171/15 172/15 172/20 178/10 182/11 183/2 186/1 192/15 194/23 194/23 195/21 195/23 196/1 196/10 196/10 197/4 197/10 199/1 202/15 203/20 205/4 214/8 217/21 220/2 234/10 236/20 244/2 244/20 247/7 247/19 250/1</p> <p>can't [47] 16/13 31/20 31/20 32/2 35/14 50/17 51/9 52/17 59/18 76/14 76/25 76/25 101/24 102/23 102/23 103/2 105/19 106/25 126/5 134/15 139/4 146/4 162/4 162/20 162/25 163/6 163/10 168/12 170/13 175/19 183/4 185/17 192/22 205/15 207/22 211/10 211/11 226/14 232/8 234/14 235/1 240/1 244/19 248/12 253/14 256/15 256/15</p> <p>cannot [2] 11/21 211/10</p> <p>capacity [8] 60/19 62/7 100/5 103/9 103/14 136/13 202/11 230/15</p> <p>card [3] 248/1 249/14 250/24</p> <p>care [12] 80/19 81/11 95/17 96/11 105/23</p>	<p>110/10 143/22 144/8 155/21 233/2 233/5 239/24</p> <p>caregiver [3] 75/5 79/9 79/13</p> <p>caregivers [1] 97/20 caregivers' [2] 64/3 65/8</p> <p>carried [1] 228/7 carry [1] 228/4</p> <p>case [63] 1/7 6/22 10/15 17/20 17/23 19/19 25/3 35/9 38/11 38/11 38/13 38/14 40/7 42/12 45/6 45/19 45/20 45/20 46/23 48/24 48/24 49/2 49/14 49/23 51/4 51/6 52/18 56/15 60/12 63/7 63/23 64/25 65/15 66/23 67/2 89/14 105/17 108/14 108/14 108/16 108/17 111/17 111/18 112/9 113/4 119/15 126/7 126/18 128/10 128/17 129/6 129/19 131/20 132/1 174/6 174/7 174/9 174/10 260/3 260/3 260/5 260/6 261/15</p> <p>cases [8] 19/14 45/22 115/7 115/9 115/11 128/8 128/8 128/22</p> <p>caseworker [16] 10/15 17/19 17/21 24/18 105/5 105/7 126/17 128/18 128/19 202/4 202/6 243/12 244/10 244/16 244/23 255/20</p> <p>caseworkers [1] 128/9</p> <p>categorization [1] 13/6</p> <p>catheter [8] 187/12 187/23 188/1 188/12 189/7 190/1 190/2 190/7</p> <p>catheters [12] 186/21 186/23 187/2 187/5 187/7 187/9 187/16 188/5 188/19 189/24 190/10 190/19</p> <p>cause [3] 66/21 73/13 92/19</p> <p>caused [3] 84/14 93/23 95/12</p> <p>causes [1] 53/14 causing [3] 48/20 101/3 173/24</p> <p>cautioned [1] 126/5</p> <p>center [2] 168/8 199/23</p> <p>certain [10] 13/23 19/11 19/11 22/16 100/24 110/16 114/15 163/1 163/6 233/8</p> <p>certify [1] 261/13</p> <p>chair [18] 25/18 25/21 28/13 28/15 70/21 71/9 71/12 71/12 71/15 71/19 112/19 118/8 118/13 123/2 123/8 123/14 123/19 123/22</p>	<p>chairs [14] 10/4 11/16 11/17 25/16 36/14 38/18 70/11 70/13 70/18 108/21 112/15 112/17 174/13 260/10</p> <p>chance [5] 110/24 124/20 155/10 178/1 221/17</p> <p>changing [3] 29/7 29/18 72/13</p> <p>chant [4] 212/12 212/12 213/23 215/12</p> <p>chap [1] 259/10</p> <p>characterization [1] 126/24</p> <p>charge [5] 39/9 49/14 49/22 50/3 131/20</p> <p>charges [4] 47/7 109/24 112/4 227/24</p> <p>check [18] 5/24 6/15 15/9 34/16 46/23 56/6 56/7 56/9 91/12 93/12 116/18 117/1 117/6 117/14 154/9 191/24 192/2 202/9</p> <p>checked [3] 11/16 116/24 192/13</p> <p>checking [5] 11/13 47/17 192/8 192/18 202/2</p> <p>checks [6] 30/24 30/25 106/20 106/21 106/23 107/11</p> <p>chief [6] 1/18 45/6 45/19 51/4 51/6 52/18</p> <p>child [49] 4/24 5/4 5/9 15/1 15/18 15/23 15/24 16/12 20/5 20/17 25/9 27/6 29/2 30/25 32/23 40/13 40/18 48/19 49/10 49/12 54/9 63/2 63/14 73/6 76/25 79/23 81/19 82/21 83/4 84/5 86/18 87/11 89/18 89/19 96/13 101/18 107/20 118/22 119/22 121/6 127/13 129/11 129/12 169/18 170/9 185/11 236/2 251/24 252/9</p> <p>child's [1] 15/1</p> <p>children [185] 5/14 5/20 6/1 6/2 6/4 6/12 8/18 9/19 9/21 9/22 9/24 10/1 10/3 10/11 10/20 11/16 11/17 11/20 13/2 15/4 16/18 17/10 17/14 20/4 25/14 25/19 26/19 27/9 28/17 28/21 28/22 30/11 30/17 31/14 32/14 32/14 34/25 35/13 35/17 35/22 36/14 37/13 37/14 37/16 42/3 42/3 42/4 42/11 42/18 42/24 43/7 43/13 44/23 45/3 46/16 50/8 53/18 60/14 60/19 60/24 61/8 61/17 62/18 62/20</p>	<p>62/23 63/19 64/2 64/3 64/4 64/10 65/7 65/9 65/21 65/23 66/3 67/18 68/1 68/5 68/7 69/13 69/18 69/21 70/6 70/12 70/12 70/17 70/17 70/18 71/5 75/6 75/8 76/18 77/1 77/13 77/19 77/23 80/18 80/18 81/10 82/17 83/8 83/12 84/7 85/16 86/12 94/21 94/22 95/3 95/15 95/17 95/22 96/19 96/23 97/13 97/23 98/10 98/18 99/1 99/9 99/14 100/5 100/9 100/25 101/15 102/10 102/21 103/18 104/7 106/7 106/7 106/21 107/19 108/4 109/21 109/21 110/21 113/16 113/23 113/25 116/1 116/21 119/8 119/9 119/17 120/8 120/15 120/19 121/8 121/9 121/14 123/5 123/17 125/16 127/12 127/25 139/1 139/3 147/25 152/14 152/16 157/9 158/7 165/7 165/10 171/1 171/8 171/11 179/5 186/13 186/19 189/7 189/9 194/6 198/14 201/3 201/8 203/18 203/22 218/14 232/3 237/3 238/25 248/4 250/15 255/5</p> <p>children's [14] 10/19 10/23 11/13 14/7 14/20 16/16 17/19 37/12 41/18 54/17 96/10 103/15 119/13 154/9</p> <p>chiming [1] 180/3</p> <p>choose [3] 19/17 136/6 146/11</p> <p>chosen [1] 219/2</p> <p>Christian [1] 220/13</p> <p>Christmas [4] 175/16 175/16 175/18 176/1</p> <p>CHRISTOPHER [1] 1/18</p> <p>church [4] 245/6 245/9 245/12 245/17</p> <p>circle [4] 148/8 168/6 199/19 200/4</p> <p>circled [4] 148/12 168/8 199/22 200/7</p> <p>circumstances [5] 112/9 127/3 146/1 224/11 226/6</p> <p>claim [4] 50/23 51/8 53/10 55/2</p> <p>claimed [1] 39/10</p> <p>clarification [2] 67/10 177/1</p> <p>clarified [1] 160/20</p> <p>clarify [6] 105/9 169/25 180/11 180/25 183/2 230/10</p> <p>2203</p>
---	---	--	---	--

<p>C</p> <p>clarifying [1] 97/9</p> <p>CLARK [8] 1/2 3/1 4/11 4/13 4/14 4/18 130/22 133/18</p> <p>classes [1] 111/7</p> <p>clean [10] 26/14 29/18 34/15 78/25 83/24 91/12 93/15 123/25 214/19 253/21</p> <p>cleaning [8] 26/14 29/12 29/15 29/16 72/11 73/3 79/16 123/12</p> <p>clear [24] 12/19 13/8 56/11 57/13 57/16 57/19 58/1 72/8 149/1 163/20 175/25 177/12 181/2 183/7 184/14 184/17 184/20 184/22 186/6 190/23 201/13 202/1 202/13 211/16</p> <p>clearer [1] 141/18</p> <p>clearly [1] 57/25</p> <p>click [1] 124/14</p> <p>client [3] 44/18 48/15 260/19</p> <p>clients [1] 42/23</p> <p>Clinical [1] 4/23</p> <p>clock [1] 91/2</p> <p>close [5] 70/5 123/15 127/25 189/16 196/1</p> <p>closed [1] 60/12</p> <p>closer [2] 3/25 220/14</p> <p>cloth [3] 212/2 212/10 214/18</p> <p>clothed [1] 149/6</p> <p>clothes [6] 29/7 29/18 29/19 72/13 107/4 253/23</p> <p>clothing [3] 21/25 97/13 131/8</p> <p>collecting [1] 109/18</p> <p>collectively [1] 138/4</p> <p>college [7] 130/21 175/8 175/11 175/15 177/2 240/20 248/21</p> <p>colon [1] 50/2</p> <p>colonel [2] 136/13 136/16</p> <p>colonoscopies [1] 50/1</p> <p>come [21] 6/19 19/15 31/25 36/18 43/24 50/6 51/23 52/22 61/17 80/9 80/21 145/2 175/16 176/8 176/10 176/12 176/15 220/21 232/6 232/22 257/17</p> <p>comes [7] 5/16 5/22 5/23 6/15 7/8 7/10 50/15</p> <p>comfortable [1] 205/18</p> <p>coming [14] 29/5 29/19 40/8 45/4 48/17 55/11 55/11 55/17 61/16 64/17 72/4 94/22 163/15 202/8</p>	<p>command [1] 21/10</p> <p>commentaries [4] 38/13 108/16 174/9 260/5</p> <p>comments [2] 26/9 161/22</p> <p>commit [1] 131/21</p> <p>committed [1] 16/17</p> <p>committing [2] 225/6 225/8</p> <p>common [1] 124/4</p> <p>communicated [1] 218/25</p> <p>communicating [1] 62/23</p> <p>communication [2] 14/3 53/17</p> <p>compare [1] 30/21</p> <p>compared [1] 241/23</p> <p>complained [1] 84/5</p> <p>complaint [3] 47/2 47/15 50/9</p> <p>complete [2] 109/17 165/11</p> <p>completed [2] 110/3 110/14</p> <p>completely [4] 42/23 79/17 79/22 79/25</p> <p>completing [1] 165/7</p> <p>complicated [2] 57/22 58/1</p> <p>complies [3] 125/8 148/10 152/1</p> <p>compound [2] 114/20 217/20</p> <p>computer [2] 124/10 136/9</p> <p>concern [18] 13/6 13/14 13/23 15/2 26/17 35/4 64/2 74/23 87/18 87/20 96/8 100/24 110/20 112/6 116/12 116/14 119/1 125/15</p> <p>concerned [9] 8/1 54/8 56/21 123/21 123/24 126/16 126/19 126/19 170/12</p> <p>concerning [4] 13/16 13/18 73/5 76/7</p> <p>concerns [54] 10/10 10/12 10/14 10/17 10/18 10/19 10/22 10/23 11/9 11/10 11/12 11/15 11/19 11/20 13/2 14/6 14/12 14/14 14/19 14/23 14/25 15/2 15/3 15/14 22/20 23/25 24/6 25/8 32/13 35/7 36/17 59/16 65/8 89/14 89/15 96/4 96/8 96/10 96/18 96/19 96/20 96/22 96/25 97/6 103/2 115/19 120/21 161/2 181/23 181/25 182/3 182/7 182/9 220/15</p> <p>conclusion [6] 51/16 51/24 60/18 61/21 85/15 138/15</p> <p>condition [1] 15/1</p>	<p>conditions [5] 41/18 41/19 80/17 201/7 204/22</p> <p>conduct [3] 15/9 104/6 131/21</p> <p>conducting [2] 72/3 111/16</p> <p>confer [1] 126/1</p> <p>Conference [11] 16/3 104/1 116/5 122/24 125/19 126/10 147/3 150/1 167/14 214/10 259/23</p> <p>confidential [2] 7/25 89/4</p> <p>confidentiality [1] 127/12</p> <p>confronted [1] 71/18</p> <p>conscientious [1] 73/20</p> <p>conservatively [1] 256/20</p> <p>consider [1] 48/5</p> <p>considering [1] 73/3</p> <p>consistent [2] 93/7 94/4</p> <p>conspiracy [1] 131/21</p> <p>constantly [1] 223/3</p> <p>constipated [1] 49/12</p> <p>consultation [1] 112/24</p> <p>consulting [1] 110/9</p> <p>contact [20] 6/2 6/2 6/4 17/18 17/22 18/20 19/20 20/12 20/20 21/2 61/14 61/19 75/2 75/8 77/12 77/13 85/18 102/20 105/18 114/15</p> <p>contacted [4] 35/25 59/7 61/13 105/4</p> <p>contacting [1] 105/10</p> <p>context [4] 90/12 151/19 151/24 195/23</p> <p>continually [3] 39/8 39/11 54/14</p> <p>continue [4] 235/12 235/14 235/17 252/17</p> <p>continued [1] 13/6</p> <p>continuing [4] 43/11 142/7 147/5 214/12</p> <p>contrary [1] 51/22</p> <p>control [3] 46/14 81/3 101/8</p> <p>conversation [5] 23/6 23/9 36/23 82/5 90/14</p> <p>conviction [1] 47/10</p> <p>convincing [2] 57/19 58/2</p> <p>copacetic [1] 40/10</p> <p>copy [1] 12/10</p> <p>correct [276]</p> <p>corrective [9] 88/2 88/3 88/9 110/8 110/16 110/23 110/24 111/25 112/23</p> <p>correctly [9] 44/4 44/12 54/11 62/4 79/14 88/23 131/12 145/8 261/13</p>	<p>corresponded [1] 255/23</p> <p>corroborate [2] 53/15 55/3</p> <p>cot [5] 200/7 200/11 200/15 200/21 201/3</p> <p>cots [6] 199/9 200/2 200/20 202/14 202/19 202/24</p> <p>could [69] 6/7 6/7 6/8 12/13 21/9 22/11 36/4 37/4 39/23 45/16 77/7 77/10 87/22 87/25 88/7 96/15 99/19 105/9 111/17 118/21 122/6 122/7 124/14 125/6 125/11 125/13 130/15 131/7 140/3 140/5 140/21 141/22 143/6 144/16 150/7 150/20 151/12 151/24 152/11 152/12 154/25 156/20 156/21 157/5 157/5 157/9 157/13 162/10 164/17 185/25 186/2 189/18 197/5 205/8 208/22 214/16 219/9 222/2 222/15 227/11 228/23 231/23 234/6 235/4 235/6 238/25 240/6 241/22 246/20</p> <p>could've [2] 240/3 240/3</p> <p>couldn't [11] 57/17 111/18 127/16 161/20 169/10 171/12 179/5 189/3 189/4 211/20 242/14</p> <p>counsel [29] 3/6 45/12 55/9 103/25 109/9 122/23 125/18 142/3 149/25 151/19 164/3 167/12 174/19 179/1 179/18 183/12 184/7 185/7 195/13 197/11 203/13 203/23 204/7 205/24 207/18 212/7 212/22 213/19 259/21</p> <p>Counsel's [1] 186/14</p> <p>counseling [2] 80/5 95/8</p> <p>counselors [1] 42/2</p> <p>counter [2] 51/20 190/2</p> <p>COUNTY [8] 1/2 3/1 4/11 4/13 4/14 4/19 130/22 133/18</p> <p>couple [6] 122/25 182/11 193/16 200/22 201/4 202/20</p> <p>course [14] 5/18 19/20 21/16 68/15 68/16 75/13 109/11 124/3 127/17 137/1 171/19 222/20 250/22 261/3</p> <p>court [19] 1/2 1/12 1/24 3/4 3/6 8/3 40/3 45/16 45/22 57/16 58/9 58/25 109/7 109/9</p>	<p>111/18 112/11 174/17 174/19 174/20</p> <p>Court's [7] 12/7 40/17 88/10 113/9 168/21 224/2 247/2</p> <p>courtroom [6] 21/23 54/5 111/20 111/21 129/21 131/5</p> <p>cover [1] 203/21</p> <p>covers [3] 203/18 203/22 204/14</p> <p>CPS [43] 5/12 5/13 6/19 9/23 15/23 16/11 24/21 24/23 39/9 40/8 43/7 44/5 44/18 46/13 46/18 46/22 47/9 47/13 50/15 50/18 57/2 59/8 63/14 65/7 65/20 65/22 66/2 66/15 73/20 83/16 105/21 106/1 106/3 106/6 106/13 115/14 127/4 128/10 220/15 220/18 220/19 220/21 220/25</p> <p>crafts [1] 92/12</p> <p>crawl [5] 209/25 210/21 216/16 216/17 218/11</p> <p>crawled [2] 211/24 212/17</p> <p>crawling [17] 209/16 210/7 210/15 211/19 212/6 212/25 213/5 213/6 215/6 215/7 215/14 215/24 216/1 217/6 217/15 222/1 222/4</p> <p>created [1] 49/9</p> <p>crime [1] 48/1</p> <p>crimes [2] 225/6 225/9</p> <p>criminal [5] 43/9 111/20 112/4 112/8 227/17</p> <p>cross [12] 2/6 2/13 50/13 50/15 51/7 57/11 58/11 61/25 62/1 109/13 224/7 224/8</p> <p>cross-examination [9] 2/6 2/13 50/13 50/15 51/7 57/11 62/1 109/13 224/8</p> <p>crying [2] 234/8 253/14</p> <p>cubes [1] 197/5</p> <p>cumulatively [1] 82/23</p> <p>cure [1] 219/25</p> <p>curing [1] 219/11</p> <p>curl [1] 203/8</p> <p>curly [1] 82/14</p> <p>currently [4] 6/25 25/19 61/8 132/3</p> <p>cut [1] 152/9</p> <p>D</p> <p>D-a-n-i-e-l-l-e [1] 130/8</p> <p>dad [1] 90/16</p> <p>dah [6] 179/21 179/21 179/22 179/22 181/10 181/10</p> <p>daily [1] 61/18</p> <p>2204</p>
--	--	--	---	--

D	125/24 126/9	Diaz's [1] 53/11	244/2	document [5] 20/16
damaging [1] 99/1	demeanor [4] 29/21	Diaz-Burnett [11] 5/20	disagree [1] 58/14	20/19 27/15 98/8
dance [1] 160/5	114/11 114/12 222/3	17/10 30/11 32/14	disagrees [1] 58/9	122/14
dancing [6] 159/2	Demyer [21] 10/11	77/20 77/23 82/3 94/21	disciplinary [2] 14/4	documentation [12]
159/7 159/7 159/21	20/10 20/12 20/23	100/2 194/1 201/16	37/20	30/12 38/2 41/15 41/17
160/16 160/18	20/23 21/6 22/15 77/17	Diaz-Burnett's [1] 95/4	discipline [18] 10/18	42/1 42/1 42/9 44/5
danger [1] 111/16	77/19 77/24 78/20 80/1	did [376]	15/17 47/18 47/22	44/8 46/2 53/5 99/23
Danielle [12] 43/25	80/20 81/24 93/4	didn't [109] 9/6 15/20	47/24 90/23 127/17	documented [37]
129/23 130/1 130/7	193/19 194/2 198/10	19/8 22/24 30/14 31/11	147/22 243/18 244/14	59/22 60/2 64/6 64/7
131/19 148/7 175/4	200/19 206/18 218/9	34/15 38/4 39/22 40/16	244/24 254/10 254/14	64/15 68/13 69/6 70/2
186/21 209/15 216/20	den [1] 78/2	40/22 45/10 45/11 46/3	255/7 256/22 257/19	70/4 76/10 77/17 78/11
247/12 249/9	denied [2] 90/10	46/23 46/24 49/8 49/11	257/24 258/10	78/14 78/24 79/12 80/4
date [4] 40/13 40/18	242/21	50/17 51/13 52/1 53/16	disciplined [2] 139/1	80/24 81/21 82/11
82/11 248/14	dentist [2] 15/24 16/12	53/19 53/20 53/24	155/20	82/13 85/6 85/12 92/17
daughter [3] 25/24	dentist's [1] 39/24	55/14 55/17 56/6 56/7	disclose [3] 34/8 90/3	93/18 96/4 96/6 96/22
36/13 119/3	deny [1] 170/4	56/9 57/2 57/3 57/4	91/7	96/25 100/4 100/9
daughters [2] 20/5	denying [1] 155/13	57/5 57/6 57/7 58/1	disclosed [14] 74/9	103/1 103/21 104/25
25/22	department [9] 5/13	60/1 60/4 60/5 61/14	86/23 90/7 90/20 90/23	105/22 107/15 107/25
day [49] 1/13 10/5 23/1	25/5 81/9 89/13 94/23	67/23 68/1 68/4 70/16	91/1 91/11 92/2 92/22	122/11
25/7 30/24 32/20 34/18	128/13 128/15 128/21	71/25 74/23 75/1 76/24	93/1 93/4 94/1 243/4	documents [5] 41/25
36/15 48/21 61/16	233/9	77/2 77/4 82/6 84/20	243/24	42/10 42/17 51/25
70/16 71/6 82/10 83/18	depend [1] 235/1	85/1 85/23 91/15 93/16	disclosing [1] 74/14	124/5
84/1 84/24 85/5 85/18	depended [1] 257/9	96/5 97/3 101/7 101/18	disclosure [3] 84/12	does [35] 4/18 4/20
86/3 112/15 114/18	depends [3] 79/21	101/22 102/9 102/22	90/12 91/16	9/18 12/23 12/24 27/1
143/7 175/22 176/3	79/22 112/9	105/9 105/23 106/14	disclosures [9] 68/9	27/2 29/24 31/25 32/6
177/19 177/23 178/3	depicted [2] 117/13	110/6 115/10 117/7	81/13 81/16 87/5 89/4	32/11 32/25 36/7 36/8
178/3 184/4 184/10	118/1	119/1 120/11 120/13	89/5 92/18 94/20 95/10	41/12 42/17 47/1 55/17
184/19 184/20 184/24	depiction [1] 197/22	120/16 121/24 127/19	disconnect [1] 47/8	68/18 91/9 91/12 95/16
185/5 185/19 221/24	DEPT [1] 1/7	142/24 146/7 146/19	discuss [21] 13/3	125/9 132/6 133/4
222/7 222/16 222/23	Deputy [1] 1/18	147/13 164/13 170/4	13/22 22/9 22/15 22/15	135/17 142/13 144/22
222/23 223/1 223/5	describe [4] 21/25 28/6	172/4 173/5 176/20	24/13 24/20 25/4 26/17	152/2 152/5 215/2
223/19 223/23 226/2	131/7 234/2	176/25 177/10 180/12	32/25 35/8 37/15 38/11	226/15 227/6 238/4
229/11 237/12 237/20	describing [1] 242/8	180/21 183/10 183/16	91/7 108/14 108/24	251/2
255/13	description [1] 114/17	184/23 191/1 194/18	129/18 174/6 260/3	doesn't [13] 3/22 45/2
days [6] 76/2 177/15	detail [5] 39/13 56/5	202/6 216/6 219/20	260/15 261/5	45/2 45/23 48/10 50/24
177/25 221/25 222/8	134/16 196/17 204/25	220/6 220/7 233/12	discussed [7] 19/2	66/18 66/22 74/3
228/19	detailed [2] 8/20 82/16	234/7 234/9 239/6	22/17 37/19 42/12	128/25 142/17 172/18
DAYVID [1] 1/21	details [2] 190/9	239/21 240/16 243/17	89/12 98/13 120/21	194/14
DCS [1] 10/15	190/17	244/14 244/24 258/20	discussing [5] 11/13	doing [48] 4/15 22/9
deal [3] 45/9 55/8	determination [1]	dietary [1] 49/16	43/24 44/2 90/13	27/12 27/13 28/8 28/11
220/24	83/15	difference [14] 50/20	109/16	31/24 39/17 43/8 44/6
dealt [1] 101/3	determine [3] 113/16	50/23 50/24 51/25 53/9	dishes [1] 29/10	44/11 46/18 59/5 68/25
Debbie [1] 137/22	114/3 115/8	54/23 66/18 66/22	dishonest [4] 74/21	69/1 69/13 70/14 72/15
deceitful [1] 74/21	developing [2] 81/10	138/10 138/16 144/10	122/9 122/12 122/16	72/21 73/22 75/19
December [8] 36/23	81/19	144/24 158/2 158/5	Disney [4] 246/9	75/22 79/14 80/14
37/1 60/12 62/12 94/14	developmentally [1]	different [24] 5/8 5/9	246/14 246/17 246/19	80/20 89/22 92/12
96/3 248/17 248/22	101/11	17/21 19/15 48/16 51/7	disorderly [1] 131/21	103/21 106/20 107/10
decided [4] 34/25	Dewan [1] 55/11	52/13 52/19 68/2 85/16	disposition [1] 6/25	123/10 135/14 136/12
146/15 219/1 253/19	DFS [6] 24/14 24/18	88/16 111/23 121/14	dispute [3] 53/14	159/1 160/4 160/16
decision [5] 109/20	25/8 32/16 43/8 127/4	127/11 140/16 145/7	184/12 248/18	172/16 194/25 213/4
128/16 128/21 146/22	diabetes [5] 46/2 54/12	171/3 222/10 222/18	disputes [1] 58/8	222/13 222/14 223/5
218/24	55/19 57/17 58/10	230/14 254/6 254/10	disrepair [1] 96/17	225/14 225/16 234/3
deemed [2] 68/8 113/3	diabetic [14] 10/24	255/10 258/12	dissatisfaction [1]	241/16 242/22 251/6
defendant [7] 1/10	15/1 37/25 38/3 52/2	differently [2] 110/4	82/2	don't [151] 7/15 7/19
1/20 3/6 22/5 109/9	52/3 52/4 52/7 54/3	251/7	distract [1] 233/13	7/22 8/6 12/3 12/4 12/5
131/12 174/19	54/4 54/13 116/1 116/8	digestively [1] 49/20	DISTRICT [3] 1/2 1/12	13/14 16/13 19/12
defense [17] 2/16 39/7	116/15	dining [1] 77/25	1/18	27/16 28/2 32/21 36/3
40/7 41/10 42/10 43/10	diagnoses [2] 53/12	dinner [3] 208/20	disturbed [1] 53/3	38/16 38/23 43/24
43/12 46/13 46/15	58/11	208/21 209/9	dizzy [2] 33/21 87/10	44/24 45/4 45/19 45/20
46/15 48/16 48/25 49/1	diagnosis [1] 55/19	diplomas [3] 135/7	do [278]	46/8 46/9 50/10 50/14
49/1 57/11 58/8 249/5	diaper [3] 21/7 213/12	135/7 135/10	doctor [11] 50/13 54/5	52/6 54/15 58/18 64/18
defense's [3] 126/11	214/18	direct [21] 2/5 2/12 4/8	86/9 86/19 86/23 87/16	64/18 66/14 81/13
247/8 247/13	diapers [2] 212/3	59/2 72/8 80/7 82/20	94/2 97/21 101/4	81/14 84/11 91/18
definitely [4] 40/16	212/10	104/7 105/3 114/16	198/18 218/18	102/3 102/14 102/14
52/24 227/2 234/23	Diaz [16] 5/20 17/10	130/13 156/22 156/24	doctor's [2] 194/9	105/10 108/19 118/9
definition [1] 48/5	30/11 32/14 53/8 56/14	175/1 229/4 229/18	198/18	118/16 119/19 126/3
degree [2] 5/5 5/5	56/24 77/20 77/23 82/3	229/25 231/3 233/22	doctors [4] 42/2	128/9 128/11 129/3
deliberation [3] 125/21	94/21 95/4 100/2 107/1	237/23 257/22	124/21 208/2 208/13	129/18 132/8 132/20
	194/1 201/16	directing [2] 8/11	doctors' [1] 221/22	134/16 135/2 135/18

<p>D</p> <p>don't... [98] 136/14 137/17 139/23 141/12 142/9 143/14 143/25 144/3 145/16 146/6 147/16 147/17 148/8 151/6 155/16 158/20 159/15 161/5 161/23 162/4 162/5 162/6 162/12 164/2 165/12 168/2 168/17 168/20 169/7 170/10 173/2 173/19 174/1 174/10 174/11 177/21 178/11 179/13 180/7 181/2 181/5 181/19 181/22 181/24 182/4 184/11 187/19 187/20 187/21 187/21 190/15 190/16 190/17 192/22 195/17 196/3 203/4 203/4 203/12 206/11 209/4 209/12 211/12 212/18 215/7 215/25 217/25 219/3 225/22 226/12 227/11 229/8 230/5 230/24 231/19 234/19 235/4 235/7 236/10 238/3 239/15 240/4 240/7 240/10 241/5 242/5 244/1 244/19 248/13 253/15 254/23 254/25 255/18 255/20 255/25 256/1 260/14 260/22</p> <p>done [18] 5/4 12/15 12/21 19/21 26/25 30/24 35/22 37/7 41/16 56/2 61/5 94/11 116/18 135/22 191/25 205/18 226/8 244/4</p> <p>door [12] 57/11 58/9 58/13 179/12 179/25 180/1 180/3 181/4 189/16 221/6 221/9 221/11</p> <p>doors [4] 38/19 108/22 174/14 260/11</p> <p>dose [2] 226/10 226/11</p> <p>dot [1] 137/8</p> <p>double [6] 38/19 46/23 108/22 174/14 256/12 260/11</p> <p>doubt [5] 48/19 142/23 143/14 154/3 195/15</p> <p>down [12] 23/8 23/23 27/22 34/20 70/12 126/2 149/11 150/18 199/1 226/18 226/19 227/4</p> <p>downstairs [3] 27/12 27/14 171/12</p> <p>Dr. [1] 55/11</p> <p>Dr. Dewan [1] 55/11</p> <p>drag [1] 223/11</p> <p>dress [1] 137/8</p> <p>dressed [2] 78/24 83/24</p>	<p>dressings [1] 79/17</p> <p>drop [1] 80/14</p> <p>drove [2] 260/22 260/23</p> <p>drowsy [1] 226/16</p> <p>drug [5] 134/12 134/13 134/17 134/23 230/23</p> <p>dry [11] 150/22 193/4 193/5 193/9 194/3 194/6 194/18 214/16 214/16 253/23 259/14</p> <p>drying [1] 193/22</p> <p>dually [1] 35/22</p> <p>duly [2] 3/13 130/2</p> <p>during [43] 7/4 15/4 17/15 21/16 23/14 25/15 34/23 38/10 38/21 91/9 108/13 108/25 124/3 125/23 132/16 133/12 140/24 141/3 143/7 147/21 156/25 160/3 174/5 177/17 179/9 183/24 184/1 184/10 184/18 184/20 184/24 185/4 189/12 202/1 202/13 222/16 222/23 223/4 223/22 250/18 260/2 260/14 261/6</p> <p>duties [1] 4/22</p> <p>duty [2] 106/6 106/9</p> <p>Dwight [40] 15/22 16/18 131/15 137/6 138/11 141/6 141/23 142/15 147/22 148/24 153/11 153/12 153/24 154/12 163/20 164/23 172/8 173/4 173/12 179/4 179/11 187/11 188/23 189/7 189/13 189/19 189/24 191/24 192/7 192/13 192/25 195/1 211/14 211/21 249/21 250/21 258/15 258/18 258/24 259/8</p> <p>Dwight's [3] 47/13 187/13 212/13</p> <p>E</p> <p>each [23] 20/17 20/17 38/12 55/10 75/15 82/21 85/16 96/2 96/22 99/3 108/15 165/15 172/6 174/7 222/18 223/4 223/7 223/14 223/19 234/10 238/16 257/12 260/4</p> <p>ear [2] 116/23 117/5</p> <p>earlier [3] 22/19 110/8 156/24</p> <p>Early [1] 161/24</p> <p>ears [4] 31/2 31/16 116/19 191/10</p> <p>eat [4] 76/5 92/15 209/7 240/16</p> <p>eating [3] 46/9 48/25 237/23</p> <p>education [1] 5/2</p> <p>educational [4] 10/7</p>	<p>14/7 37/12 37/17</p> <p>effect [3] 24/11 167/10 167/10</p> <p>effective [1] 39/17</p> <p>effects [1] 226/24</p> <p>eighth [1] 229/17</p> <p>either [28] 6/7 24/14 25/15 31/21 40/23 47/11 53/14 64/11 67/4 87/2 95/20 112/23 119/12 119/14 126/21 127/4 148/1 161/16 164/13 164/23 173/4 191/8 193/5 210/20 215/20 226/13 240/2 256/10</p> <p>eldest [1] 251/21</p> <p>electricity [1] 97/11</p> <p>element [2] 47/23 48/1</p> <p>elements [2] 41/13 47/10</p> <p>else [20] 9/22 38/12 38/23 44/11 46/3 108/15 108/25 122/19 129/14 129/19 130/23 174/7 196/23 199/10 200/24 210/24 218/1 254/25 260/4 261/6</p> <p>emotion [2] 29/25 170/13</p> <p>emotional [1] 223/22</p> <p>emotionally [1] 103/16</p> <p>emotions [1] 232/8</p> <p>employed [3] 4/10 4/11 62/7</p> <p>employment [3] 81/8 121/11 229/5</p> <p>encouraged [2] 78/14 78/17</p> <p>end [7] 54/8 137/13 153/24 153/25 241/17 256/5 256/8</p> <p>ended [2] 11/24 164/17</p> <p>ending [1] 231/16</p> <p>enforcing [1] 163/21</p> <p>engage [1] 42/16</p> <p>engaging [1] 41/11</p> <p>enlargement [1] 148/16</p> <p>enough [13] 38/9 52/6 58/17 66/24 84/10 88/6 88/8 118/22 165/17 174/3 194/19 234/18 236/14</p> <p>ensue [2] 146/22 147/17</p> <p>ensuing [1] 147/8</p> <p>ensure [1] 5/14</p> <p>ensuring [2] 60/19 100/5</p> <p>enter [1] 131/23</p> <p>entered [9] 64/20 64/21 68/21 69/11 71/8 82/21 227/20 228/11 228/14</p> <p>entire [13] 39/22 40/12 42/17 46/12 48/24 48/24 49/2 235/20 237/9 237/11 237/18</p>	<p>242/22 249/15</p> <p>entirely [1] 37/10</p> <p>entirety [3] 43/12 50/6 50/8</p> <p>entitled [1] 261/14</p> <p>entity [1] 128/12</p> <p>entries [2] 54/16 55/25</p> <p>entry [3] 70/24 74/21 76/8</p> <p>environment [4] 96/12 96/14 113/23 123/25</p> <p>environmental [1] 96/18</p> <p>equipment [1] 188/9</p> <p>ESQ [4] 1/17 1/18 1/20 1/21</p> <p>essentially [4] 141/8 146/21 177/18 199/23</p> <p>estimate [1] 235/2</p> <p>even [17] 40/22 49/4 50/9 51/21 52/15 83/23 111/17 112/4 115/3 192/22 214/16 236/11 246/14 251/18 256/7 256/11 256/20</p> <p>evening [2] 260/13 261/11</p> <p>event [1] 245/23</p> <p>events [3] 22/16 141/19 227/10</p> <p>ever [80] 59/11 123/1 127/24 135/4 135/7 136/15 139/2 139/5 139/8 139/11 139/24 141/12 145/2 145/13 150/25 152/14 152/23 153/20 154/9 158/13 159/16 159/20 171/11 179/24 181/5 181/23 187/2 187/5 187/7 187/9 187/11 188/5 188/5 191/24 192/23 193/6 193/7 193/22 193/24 194/1 194/2 194/5 194/9 196/8 196/25 197/8 198/7 198/10 198/13 198/17 200/19 200/25 201/2 201/10 203/1 205/6 208/2 208/12 208/12 208/16 209/16 210/17 211/7 211/19 212/19 213/11 213/12 213/15 216/12 216/14 216/16 217/5 218/6 218/9 218/11 218/14 218/17 220/23 220/25 233/24</p> <p>every [13] 90/18 175/22 177/22 177/23 182/12 185/19 204/25 205/15 223/19 237/12 237/20 241/2 245/18</p> <p>everybody [5] 49/19 55/10 174/3 200/24 245/21</p> <p>everyone [9] 7/23 89/25 100/1 125/21 129/7 238/14 245/1 246/19 260/11</p>	<p>everyone's [1] 77/22</p> <p>everything [20] 40/9 40/10 41/22 44/6 44/15 46/8 134/15 180/14 180/15 183/2 191/4 191/7 196/3 204/25 218/1 219/5 219/9 225/18 226/8 230/13</p> <p>everything's [1] 64/21</p> <p>evidence [6] 52/6 58/2 112/14 127/1 171/10 248/24</p> <p>evidentiary [2] 41/24 52/5</p> <p>exact [6] 50/1 113/18 157/21 157/23 182/6 232/8</p> <p>exactly [16] 46/19 97/25 103/20 119/19 134/16 135/3 135/18 143/25 173/3 187/20 209/12 226/13 229/8 230/5 234/20 235/7</p> <p>exaggerates [1] 47/6</p> <p>exaggerating [4] 13/23 14/7 14/15 53/6</p> <p>examination [31] 2/5 2/6 2/7 2/8 2/9 2/10 2/12 2/13 4/8 50/13 50/15 51/7 57/11 59/3 62/1 72/8 80/8 82/20 105/4 109/13 113/13 114/16 121/3 125/1 128/4 130/13 175/1 224/8 229/4 229/19 229/25</p> <p>examine [1] 117/14</p> <p>examined [1] 117/16</p> <p>example [2] 111/7 251/5</p> <p>exams [1] 230/12</p> <p>exceeded [1] 256/19</p> <p>exception [2] 201/4 201/17</p> <p>exceptional [5] 10/9 64/3 64/10 65/9 75/6</p> <p>excited [3] 232/2 232/7 232/15</p> <p>exciting [2] 232/13 232/17</p> <p>excludable [1] 58/13</p> <p>excuse [4] 69/3 129/16 157/7 165/22</p> <p>excused [2] 39/1 129/20</p> <p>Exhibit [3] 198/5 247/13 249/5</p> <p>EXHIBITS [2] 2/15 2/16</p> <p>exist [6] 43/1 43/2 50/11 51/22 53/25 54/2</p> <p>existed [1] 9/9</p> <p>exits [1] 38/22</p> <p>expected [1] 79/19</p> <p>experience [9] 62/15 62/17 63/5 63/6 63/22 73/21 105/20 113/7 121/13</p> <p>experienced [1] 94/8</p> <p>explain [26] 5/1 6/20 2206</p>
---	---	--	--	---

E explain... [24] 29/4 84/19 170/25 171/6 171/14 171/14 178/10 194/5 195/21 195/23 197/8 198/13 198/17 201/2 202/15 218/14 218/17 222/15 222/17 222/19 226/5 230/24 237/25 238/3 explained [3] 119/2 119/5 123/7 explanation [4] 124/1 170/22 201/6 203/10 exposure [1] 228/12 express [4] 38/16 108/19 174/11 260/8 expressed [2] 82/2 100/23 expression [1] 114/6 extended [1] 164/11 extra [1] 213/11 eye [2] 114/15 230/12 eyes [3] 140/14 191/8 209/23	250/25 251/4 fan [11] 193/6 193/9 193/24 194/3 194/7 204/4 204/9 204/11 205/6 205/9 205/12 fans [3] 206/10 206/16 206/24 far [22] 7/25 9/1 10/23 14/4 15/11 68/17 102/22 122/7 135/2 136/10 139/7 159/21 160/17 187/8 190/19 199/22 217/24 222/4 222/17 237/23 241/6 242/19 fast [1] 194/19 father [1] 90/5 FEBRUARY [6] 1/14 3/1 15/16 16/16 17/9 17/9 FEBRUARY 23 [1] 3/1 fecal [1] 50/1 feeding [1] 207/1 feel [6] 41/10 83/23 84/20 85/23 158/22 195/1 feeling [2] 83/21 226/23 feels [2] 33/3 89/25 feet [1] 150/13 fellow [1] 108/22 felonies [3] 228/2 228/4 228/7 felt [7] 24/13 39/18 40/3 40/25 57/25 89/10 161/11 fever [2] 84/5 101/7 fevers [1] 84/7 few [8] 14/15 23/5 32/5 173/1 173/2 173/3 200/22 224/10 fidgiting [1] 158/23 field [3] 5/25 230/3 230/25 fight [7] 92/23 146/21 147/8 147/17 147/17 223/6 237/15 fighting [3] 223/3 223/11 223/12 fight [1] 237/8 FIGLER [6] 1/21 51/3 52/11 53/23 55/23 171/19 figure [2] 113/20 261/1 filed [1] 112/4 finalized [1] 141/9 find [4] 18/22 73/5 112/14 212/14 finding [3] 99/22 109/23 112/8 fine [8] 39/4 40/10 102/1 114/22 138/5 147/15 170/18 233/14 finger [1] 148/7 finish [2] 109/2 165/7 fired [1] 13/7 first [37] 3/13 3/16 6/1 6/14 7/13 19/17 19/19 20/6 22/13 33/14 39/6	43/16 71/22 110/20 112/19 113/24 130/2 130/5 130/7 137/14 162/24 165/8 170/16 171/7 172/24 173/7 173/21 217/9 217/12 231/4 235/9 237/25 238/1 238/5 238/22 248/21 248/21 five [2] 58/21 83/4 flag [3] 66/16 68/16 69/16 flags [1] 81/14 flat [3] 29/23 150/8 203/8 flew [1] 225/20 flooding [1] 166/3 floor [17] 71/22 90/8 112/19 150/8 150/8 150/11 150/13 150/14 170/16 171/7 209/25 216/17 237/25 238/1 238/5 238/22 253/17 Florida [3] 218/22 235/18 236/2 flyer [1] 225/21 flying [5] 225/22 226/7 226/7 226/9 260/21 focus [2] 155/23 156/5 focusing [1] 83/3 folks [1] 261/7 follow [14] 2/9 2/10 38/18 42/4 48/11 95/21 108/21 124/24 125/1 128/4 129/21 143/3 174/13 260/10 follow-up [6] 2/9 2/10 95/21 125/1 128/4 143/3 followed [1] 33/25 following [4] 161/7 166/13 166/14 214/13 follows [2] 3/14 130/3 food [6] 48/23 50/4 96/16 96/17 207/12 207/16 Force [2] 134/11 230/21 forgot [2] 209/4 250/12 form [4] 38/16 108/19 174/11 260/8 forth [3] 112/16 158/23 195/1 forthcoming [1] 115/2 forward [1] 40/18 forwarded [1] 9/4 foster [118] 8/18 9/19 9/24 10/6 10/11 10/13 11/2 11/13 11/18 11/21 13/23 14/3 14/6 17/14 20/4 20/5 21/14 21/20 23/24 27/6 28/14 30/25 33/3 33/16 33/21 35/21 36/13 37/11 37/15 42/3 60/18 64/1 64/2 64/10 65/7 65/21 69/3 70/18 75/6 75/8 77/12 77/19 77/23 78/17 79/13 80/18 81/11 81/18	83/12 84/4 84/18 85/8 89/25 90/20 91/8 91/11 92/15 94/21 95/15 95/17 95/19 98/19 100/4 102/9 102/18 103/10 104/7 105/23 109/21 110/9 123/16 127/11 127/12 127/13 127/22 128/8 138/1 138/7 138/11 138/23 139/2 139/8 139/11 139/23 140/2 140/6 140/8 140/11 140/17 155/21 156/18 156/19 157/1 157/4 157/6 173/8 182/18 182/20 183/24 184/1 184/25 185/15 193/11 201/7 201/24 202/2 202/3 210/19 218/15 233/2 233/4 236/2 237/3 246/14 250/15 251/24 252/9 255/5 fostered [1] 136/19 fosters [1] 163/2 found [9] 50/1 54/24 73/7 73/7 109/23 155/19 156/7 156/8 181/16 Foundation [2] 11/5 194/13 four [45] 4/24 5/7 9/5 59/19 59/22 63/15 70/18 99/23 100/1 124/5 124/6 132/11 141/16 142/1 142/12 142/18 143/1 143/15 145/10 147/12 151/9 153/22 155/3 155/8 155/14 159/4 161/7 162/13 163/12 165/9 166/2 166/7 181/13 181/17 183/8 184/6 188/15 190/23 195/15 196/16 204/6 207/8 212/24 213/21 216/2 four-page [5] 9/5 59/19 59/22 124/5 124/6 frame [3] 162/4 162/7 175/7 frankly [1] 42/4 fraud [1] 43/2 freaking [2] 47/20 227/3 free [2] 224/24 225/4 freely [2] 67/20 157/9 frequency [3] 185/11 185/14 252/20 fresh [6] 70/8 107/18 108/2 159/5 165/10 190/23 fresher [5] 143/1 143/15 145/11 153/23 155/4 freshman [1] 248/21 FRIDAY [1] 1/14 fridge [1] 196/18 friends [1] 176/4 friends' [2] 176/6	240/23 front [2] 91/2 221/6 frustration [1] 90/13 full [10] 3/16 130/19 144/19 153/2 175/25 176/15 176/22 176/24 183/4 196/9 full-time [4] 175/25 176/15 176/22 176/24 function [2] 49/20 112/10 further [11] 61/24 63/3 71/11 73/13 75/4 120/24 122/18 128/2 129/13 131/20 224/4 future [2] 25/6 56/12
F face [6] 44/7 68/7 68/8 75/15 75/16 153/3 facial [1] 114/5 facilities [1] 135/24 facing [4] 227/24 228/2 228/4 228/7 fact [26] 37/15 43/4 61/4 67/4 72/3 72/7 73/6 81/16 84/18 95/14 99/22 102/7 109/23 110/23 112/6 128/12 146/17 152/8 154/14 190/1 224/20 228/2 228/7 234/21 246/6 255/16 factor [1] 173/14 factors [1] 114/3 facts [2] 126/24 171/9 fainting [1] 87/3 fair [22] 20/1 58/17 66/24 75/24 82/23 84/10 88/6 88/8 106/15 107/7 112/6 117/19 169/21 197/22 209/6 217/10 227/25 236/14 243/1 244/13 245/15 257/3 Faith [1] 245/14 fall [2] 7/4 62/11 false [1] 37/10 familiar [2] 64/24 81/19 family [33] 4/11 4/12 4/23 17/22 19/20 24/18 25/5 78/6 81/9 89/13 92/15 94/23 111/21 112/10 113/24 128/13 128/15 231/17 231/18 233/9 238/14 238/18 245/2 245/14 245/23 246/12 246/20 247/4 247/5 247/22 249/15				G gaga [2] 215/12 216/18 Gail [14] 10/16 17/18 17/23 18/14 18/15 18/16 18/20 25/1 105/4 105/10 105/12 119/12 120/12 126/17 gained [1] 125/11 garage [1] 167/19 gates [1] 221/15 gathered [1] 113/6 gave [25] 43/7 54/7 74/2 114/17 122/6 124/1 141/15 145/23 146/8 146/18 147/12 173/1 173/4 188/15 188/15 196/17 207/15 224/12 224/17 225/12 226/2 226/21 232/12 244/9 244/15 general [6] 4/16 5/21 83/10 95/18 222/25 233/17 generally [11] 5/18 89/21 92/11 93/9 128/8 133/13 185/21 207/19 230/4 231/1 248/2 gentlemen [7] 3/7 38/8 108/10 109/10 174/5 174/20 259/24 get [73] 3/21 5/19 8/6 29/1 33/9 40/16 47/9 51/13 52/6 52/18 54/12 57/10 57/17 64/25 101/7 113/20 114/14 124/19 127/19 131/19 135/21 147/24 149/2 150/4 150/23 154/21 156/10 156/11 158/25 159/1 159/7 159/18 164/8 165/24 166/4 166/6 166/11 166/15 166/22 178/16 187/15 187/21 187/23 194/21 195/5 195/9 196/2 196/8 201/13 203/18 204/17 205/6 205/9 206/6 206/8 206/12 206/14 206/20 206/22 206/24 207/1 209/9 209/11 220/14 221/17 225/19 229/5 234/11 2207

<p>G</p> <p>get... [5] 239/13 239/18 239/24 243/11 260/24</p> <p>gets [9] 27/7 87/9 87/10 89/24 92/22 183/24 194/24 205/13 205/18</p> <p>getting [17] 11/25 24/14 57/15 127/20 145/14 159/21 161/2 161/11 161/12 163/8 163/8 186/13 186/18 195/7 204/16 220/1 220/5</p> <p>girl [2] 82/14 124/2</p> <p>girls [108] 46/4 46/7 46/11 48/7 56/21 69/4 71/14 75/2 114/17 114/24 121/17 122/15 123/9 123/15 123/15 136/18 136/21 137/2 137/14 138/2 138/4 138/7 138/11 138/17 140/9 140/16 140/19 141/6 141/23 144/11 145/2 146/11 147/12 147/21 148/20 149/2 149/2 168/12 168/16 168/19 169/6 173/7 173/13 175/10 177/12 178/1 180/16 182/18 187/1 187/12 187/15 188/24 188/25 189/14 189/19 190/22 190/24 191/18 192/15 192/21 192/25 193/16 194/6 196/6 199/6 201/23 202/5 207/2 207/22 209/18 213/4 213/22 218/6 218/21 220/9 221/17 222/3 231/5 231/6 232/6 232/22 236/5 236/8 239/10 241/3 241/13 242/12 245/6 245/9 245/17 245/22 246/3 246/11 246/23 247/24 250/10 251/11 252/17 254/3 254/21 255/11 256/3 256/4 257/11 257/14 257/24 258/2 258/10</p> <p>girls' [1] 241/11</p> <p>give [14] 110/24 126/4 128/25 142/24 146/8 146/15 146/23 147/13 147/15 147/15 151/24 173/2 173/13 230/12</p> <p>given [4] 49/10 66/12 203/11 217/12</p> <p>giving [6] 68/5 114/8 145/18 224/14 230/1 233/10</p> <p>glasses [3] 22/4 137/7 137/13</p> <p>gloves [15] 29/7 29/8 29/9 29/9 29/11 29/12 29/13 31/7 31/8 72/25 73/6 73/9 73/25 74/3</p>	<p>74/11</p> <p>glucose [7] 86/10 86/19 86/25 87/19 94/2 107/5 116/12</p> <p>go [98] 5/25 6/13 15/6 19/23 20/19 26/5 43/21 46/3 46/10 48/16 48/22 56/4 56/6 63/17 63/18 66/24 67/6 76/25 78/2 78/14 78/18 90/15 92/14 108/10 110/19 120/11 125/21 125/24 127/7 135/20 135/21 136/6 137/3 138/21 139/25 143/21 144/2 146/4 146/5 148/9 156/3 156/17 156/20 156/21 156/21 157/8 157/17 157/22 158/2 158/9 159/11 159/25 160/4 161/25 162/25 163/6 163/7 164/22 164/23 165/6 166/11 175/15 178/11 178/16 180/9 180/22 181/5 183/3 185/23 188/14 189/13 206/2 219/3 220/9 221/17 221/21 230/10 232/17 234/7 235/6 239/13 239/19 239/21 242/13 242/13 242/15 242/22 244/3 244/6 245/6 245/17 246/17 246/23 253/16 254/24 255/2 257/15 259/24</p> <p>God [1] 220/14</p> <p>goes [1] 23/19</p> <p>going [77] 3/24 5/19 9/15 11/22 13/5 17/25 21/17 26/23 30/4 30/8 34/8 36/25 38/8 41/8 42/16 42/21 43/20 45/18 46/9 49/25 50/5 56/4 57/4 57/10 61/9 61/11 61/14 61/15 66/16 67/5 68/17 73/24 77/23 79/16 84/20 98/10 108/10 116/7 126/23 127/21 129/23 130/20 134/5 136/23 139/12 155/23 156/18 162/10 166/9 166/19 167/6 170/4 182/14 184/22 187/22 187/23 196/2 196/8 205/9 211/13 219/8 219/25 220/18 222/2 225/17 225/18 232/6 237/25 238/3 241/23 244/3 249/23 257/5 257/22 259/24 260/15 260/20</p> <p>gone [3] 43/19 84/1 85/22</p> <p>goo [4] 215/12 215/12 216/18 216/18</p> <p>goo-goo-gaga [1] 215/12</p> <p>good [12] 4/3 4/10</p>	<p>38/7 62/3 83/24 84/20 85/23 91/4 108/7 130/15 224/10 259/18</p> <p>goodbye [1] 147/13</p> <p>gosh [1] 52/10</p> <p>gospel [1] 46/24</p> <p>got [44] 5/13 13/7 18/22 30/21 34/1 37/7 51/21 52/8 65/14 65/14 69/18 71/12 71/19 91/1 105/24 143/6 146/5 146/6 146/10 147/14 147/22 150/22 164/21 182/18 193/4 195/11 196/18 209/24 216/17 223/2 226/8 227/19 231/11 232/19 235/2 237/13 239/10 239/23 245/1 246/17 246/23 251/18 254/21 257/10</p> <p>gotten [2] 76/7 208/20</p> <p>government [2] 51/12 255/5</p> <p>grab [1] 139/17</p> <p>Grace [1] 46/11</p> <p>grade [2] 222/18 229/17</p> <p>grandbaby [1] 143/22</p> <p>grandfather [1] 91/2</p> <p>grandparents [2] 30/8 35/20</p> <p>granted [1] 39/15</p> <p>great [2] 39/13 50/3</p> <p>greatly [1] 37/14</p> <p>greetings [2] 248/1 250/24</p> <p>grew [1] 216/11</p> <p>gross [2] 228/16 228/18</p> <p>ground [3] 65/16 210/15 217/16</p> <p>group [10] 77/20 77/24 79/19 80/4 82/4 84/1 95/4 99/23 100/1 137/9</p> <p>grow [1] 231/17</p> <p>growth [1] 100/17</p> <p>guess [16] 15/3 33/21 123/14 150/19 169/6 173/19 177/1 220/7 220/13 222/20 231/19 235/1 240/6 241/22 255/22 257/6</p> <p>guest [1] 238/11</p> <p>guilty [2] 131/20 227/20</p> <p>guys [8] 232/21 245/12 246/4 246/6 246/9 246/15 248/5 255/7</p> <hr/> <p>H</p> <p>H-i-n-t-o-n [1] 130/8</p> <p>had [256] 7/6 7/16 10/13 10/14 15/16 15/22 17/14 17/21 19/5 19/7 21/2 21/15 22/20 24/2 24/17 24/20 24/23 25/1 25/4 25/7 25/12 25/23 27/4 29/5 29/7 29/18 29/23 29/23 30/3</p>	<p>30/15 31/2 31/5 31/7 31/8 31/20 32/16 33/20 33/23 34/13 34/13 34/13 34/14 36/20 37/3 37/4 37/13 37/14 37/19 39/7 39/10 39/15 39/16 39/19 40/8 40/15 40/23 41/4 43/21 46/2 46/4 46/4 47/19 49/4 50/25 51/25 52/12 52/13 53/8 53/13 54/5 55/20 57/25 58/4 59/7 61/3 61/15 61/17 62/14 63/17 63/22 64/10 65/15 66/2 66/9 66/11 68/11 68/12 71/21 71/24 72/8 72/8 72/11 72/13 72/15 73/9 74/6 74/10 74/15 75/8 76/13 76/17 79/13 80/8 80/9 80/21 80/24 80/25 81/6 83/7 83/10 84/1 84/5 84/22 85/18 85/22 86/3 86/9 86/23 87/2 87/18 88/24 89/3 89/10 89/16 91/5 91/20 91/24 93/8 93/9 93/20 94/1 94/1 94/7 94/14 94/22 95/21 96/19 97/13 97/16 97/23 97/24 99/20 100/24 102/20 104/20 104/25 115/6 115/20 116/15 116/18 118/25 119/3 119/17 119/19 120/16 120/18 120/21 121/21 122/8 123/11 124/2 124/17 126/17 126/21 127/4 127/5 127/13 129/8 129/9 132/14 134/20 135/4 143/23 145/4 146/5 151/3 151/10 155/10 156/19 159/20 160/4 160/23 164/5 165/7 165/10 166/24 166/25 168/14 168/19 176/5 179/24 179/24 180/11 180/12 180/13 181/9 183/25 185/16 187/7 188/5 195/3 195/5 195/10 195/19 198/14 201/25 203/11 203/22 207/11 207/15 207/21 207/24 207/25 208/7 208/8 210/21 212/10 214/1 214/1 216/3 216/16 217/5 220/18 220/18 225/6 225/14 226/2 227/16 229/12 230/25 233/8 233/17 235/20 238/14 239/2 240/14 241/6 242/3 242/15 243/1 243/7 246/19 247/4 248/14 248/19 249/9 252/1 252/4 252/8 253/5 253/6 253/16 254/3 254/14 256/10 259/5</p> <p>had BST [1] 97/24</p>	<p>hair [6] 31/2 31/9 74/4 82/14 107/21 107/23</p> <p>half [8] 23/10 23/11 151/19 177/3 177/4 238/10 238/11 256/20</p> <p>HAMNER [5] 1/18 2/12 43/25 174/25 224/6</p> <p>hand [6] 44/25 148/1 149/19 152/22 200/8 258/1</p> <p>handcuffed [2] 224/20 224/22</p> <p>hands [4] 150/10 150/10 150/14 212/16</p> <p>hang [1] 246/20</p> <p>hanging [1] 135/8</p> <p>happen [10] 150/20 153/15 156/7 192/20 192/21 194/18 195/3 210/8 211/7 235/23</p> <p>happened [10] 146/16 154/13 155/21 223/18 251/24 253/10 253/13 253/18 254/1 254/20</p> <p>happening [6] 13/3 97/21 97/22 156/25 157/18 179/13</p> <p>happens [1] 126/19</p> <p>happy [2] 18/17 69/25</p> <p>hard [5] 153/25 203/8 258/18 259/3 259/9</p> <p>harm [1] 48/20</p> <p>has [29] 21/15 22/12 22/17 22/18 41/9 41/10 42/10 45/11 47/13 47/15 48/18 56/12 71/15 76/23 77/1 82/14 91/2 100/10 114/9 121/7 131/9 131/11 148/11 168/7 199/21 200/7 214/17 224/4 247/12</p> <p>hat [1] 137/6</p> <p>have [223] 4/13 4/15 5/5 6/13 6/24 8/4 12/7 12/18 17/9 18/3 19/11 22/23 22/25 23/2 23/8 23/23 26/9 26/25 27/22 30/20 31/19 31/24 32/5 36/5 37/16 39/22 39/24 41/2 42/12 42/15 42/19 44/22 45/2 45/4 45/7 45/11 45/18 45/19 45/20 46/3 46/9 46/9 46/11 47/10 48/6 48/16 49/8 49/17 49/20 49/20 50/19 50/20 50/22 50/25 51/23 52/2 53/9 54/19 54/22 57/24 58/21 60/18 62/6 63/5 65/2 66/12 66/18 66/23 66/24 68/13 69/21 70/5 70/8 72/25 73/12 74/16 74/17 74/18 74/23 75/15 76/10 76/18 77/9 81/21 83/15 84/7 87/22 87/25 88/23 91/19 93/16 94/8 94/11 99/19 99/23 100/4 100/9</p> <p>2208</p>
--	---	--	---	---

H have... [126] 105/12 105/18 105/22 109/1 110/19 111/3 111/12 112/22 116/1 116/14 117/1 117/10 117/17 118/5 118/21 118/24 120/5 120/8 121/13 121/24 122/11 122/21 122/25 124/8 125/11 125/13 126/2 128/9 132/17 134/21 134/23 136/9 139/8 140/11 142/9 142/23 143/14 146/17 146/19 149/14 152/9 154/3 157/17 157/21 158/22 159/12 160/18 162/4 162/6 164/17 164/17 167/23 170/10 171/20 172/4 172/15 175/13 177/25 181/3 182/19 183/5 183/16 183/18 184/12 190/15 190/17 193/5 198/17 201/19 201/21 202/6 204/22 206/6 206/10 206/16 209/25 210/9 210/13 211/24 212/16 213/12 213/13 215/5 216/8 216/12 216/14 216/16 217/14 218/7 218/11 220/13 223/8 224/10 231/17 234/6 234/13 235/2 235/4 236/8 238/5 238/5 239/6 239/21 240/10 242/6 242/12 244/3 244/22 247/7 248/4 248/13 248/17 248/22 249/17 249/19 249/23 251/10 251/21 252/17 252/20 253/4 254/6 256/14 256/19 260/16 261/13 having [35] 3/13 53/18 53/21 71/25 75/1 98/8 98/15 99/16 112/19 127/24 130/2 132/11 149/11 154/1 159/16 181/24 182/20 184/18 193/24 194/2 198/8 198/11 208/17 208/22 212/2 212/19 213/5 213/15 214/7 215/10 215/23 222/3 236/5 237/8 257/14 he [64] 21/6 21/8 21/9 21/13 21/15 21/15 21/18 21/19 22/9 22/11 22/11 22/12 22/15 22/15 22/17 22/18 22/18 36/11 36/12 36/15 36/17 37/4 37/7 37/8 37/9 37/10 37/11 37/13 37/15 37/18 37/19 37/19 37/24 37/25 38/1 38/2 55/13 55/17 78/5 78/11 78/12	78/14 78/15 78/17 78/20 78/24 79/5 80/4 80/21 80/24 80/25 81/2 94/20 94/22 94/24 95/2 126/3 153/16 153/25 192/2 192/4 192/17 212/14 258/19 He's [1] 55/11 head [11] 107/23 213/16 214/2 214/7 215/5 215/10 216/14 217/7 217/22 217/23 217/24 heads [1] 213/22 health [9] 5/4 14/8 25/13 30/4 41/19 42/11 42/19 123/22 233/18 hear [20] 46/7 181/24 182/4 187/11 189/18 191/14 192/15 194/23 194/24 196/1 196/10 196/21 196/23 196/25 197/3 197/3 197/4 197/5 205/8 222/16 heard [15] 95/24 162/5 187/24 188/5 189/6 189/10 191/10 222/21 222/21 222/22 236/18 236/18 241/7 241/8 241/10 hearing [7] 52/5 93/8 179/13 192/16 196/20 197/2 208/10 hearings [1] 41/24 hearsay [5] 18/1 39/8 39/22 40/17 127/2 Heather [2] 243/18 244/15 height [1] 80/2 held [1] 58/4 help [24] 12/10 12/23 27/1 32/6 36/7 46/15 132/22 133/4 135/23 141/25 142/13 144/8 144/15 144/22 149/23 151/15 151/24 152/2 152/5 218/19 222/19 238/4 249/24 260/20 helped [2] 26/13 169/14 helps [1] 151/25 her [222] 3/6 8/3 8/8 8/19 15/4 15/18 15/24 18/17 18/18 18/22 18/22 21/21 22/11 22/13 22/24 22/25 23/10 24/4 24/6 24/10 24/18 25/8 25/12 25/12 25/22 26/13 26/13 26/15 26/17 27/7 29/7 29/18 29/21 30/2 31/2 31/8 31/15 32/23 32/24 33/13 33/14 33/14 33/15 33/20 33/22 33/22 33/24 34/3 34/11 34/13 34/14 34/16 34/21 34/24 35/1 35/3 35/5 36/18 43/24 43/24 44/2 44/19 46/17 47/5	47/8 47/12 47/13 48/5 48/10 49/5 52/16 52/17 53/7 53/7 54/6 54/15 55/21 55/23 59/11 59/14 59/17 59/19 61/14 64/2 68/4 71/16 71/22 72/13 72/25 74/4 80/17 80/17 80/19 84/2 84/5 85/20 85/25 86/1 86/7 86/10 86/19 86/19 86/24 86/24 88/16 88/24 89/3 89/25 89/25 90/4 90/8 90/13 90/15 90/20 90/21 91/7 91/11 91/12 92/2 92/3 92/6 92/15 92/15 92/23 92/23 93/1 93/15 93/21 94/2 98/13 99/20 101/7 104/11 104/13 104/20 105/24 105/24 106/25 107/4 107/23 107/23 109/9 116/11 116/19 116/23 119/7 119/14 119/14 120/16 120/17 129/9 131/4 131/7 136/14 138/14 143/22 145/18 145/23 146/8 146/8 146/15 146/18 151/10 152/9 153/3 155/1 155/1 171/7 173/17 174/19 182/4 182/6 182/7 182/9 183/5 183/16 184/1 185/14 187/6 194/6 196/8 196/14 198/13 201/2 201/8 203/3 205/7 206/16 207/15 208/7 218/14 229/8 229/9 230/9 230/12 230/14 232/8 234/7 234/8 234/11 234/12 236/15 236/21 243/12 243/12 243/19 244/9 244/9 244/14 244/15 244/15 251/21 252/12 253/19 253/21 256/15 256/16 258/1 260/20 261/5 261/5 261/7 here [43] 4/18 6/19 12/13 32/11 32/15 44/14 44/18 45/1 123/1 125/7 130/22 131/4 133/18 134/10 135/5 139/15 142/5 142/7 151/5 151/21 155/17 169/10 170/8 176/14 181/2 182/25 185/16 190/14 190/16 205/14 213/4 214/6 215/2 215/3 215/4 216/8 217/14 227/19 227/20 230/18 236/10 249/10 259/21 here's [3] 42/9 45/9 55/8 hereby [1] 261/13 herself [21] 26/14 26/15 29/6 34/15 72/11 72/23 73/3 90/4 90/8	90/10 91/9 182/23 183/1 183/8 183/16 184/10 184/24 185/4 203/16 253/12 253/15 hesitancy [1] 121/19 hesitant [6] 28/11 114/6 114/8 114/13 114/14 115/1 hey [6] 52/12 54/12 158/2 158/3 172/13 205/16 hi [1] 78/22 hide [1] 68/1 high [12] 55/19 115/23 118/22 173/2 176/5 231/10 231/16 240/18 245/18 252/10 253/11 253/25 highlighted [1] 32/10 him [18] 20/14 20/24 20/25 21/3 21/16 21/16 36/12 37/5 78/2 79/2 79/3 79/5 79/9 82/6 183/11 189/3 192/15 196/17 himself [2] 78/12 79/17 Hinton [8] 129/24 130/1 130/8 167/7 174/22 190/9 224/10 251/4 Hinton-Solander [1] 251/4 his [12] 21/17 22/12 22/17 37/16 78/15 78/18 79/10 80/2 80/5 81/5 81/25 93/4 history [8] 5/25 6/16 6/22 15/10 16/10 54/21 65/20 65/22 hit [17] 41/1 139/2 139/5 148/20 149/2 149/17 150/24 152/14 152/16 152/21 152/25 153/12 156/11 165/24 195/11 236/19 236/21 hitting [4] 153/16 197/5 223/16 257/12 hold [12] 4/21 4/23 157/17 158/10 158/14 159/12 159/19 160/1 161/16 161/20 163/21 179/9 holding [4] 158/13 161/25 166/20 167/4 holiday [6] 247/21 248/1 248/10 249/14 250/11 251/3 home [145] 6/1 6/8 6/13 9/20 9/24 10/18 11/22 13/3 17/11 17/14 19/21 19/23 20/3 20/4 20/21 21/1 22/14 23/7 23/15 25/14 25/17 25/22 27/8 27/9 27/11 28/7 28/16 33/22 34/9 37/7 37/14 40/5 40/8 46/5 46/13 60/14 61/16 61/17 61/22 65/16 65/21 65/23 67/11	67/11 67/14 67/17 68/9 68/17 68/21 69/1 69/22 69/25 72/3 72/4 74/25 75/9 75/19 76/14 76/21 80/9 80/19 80/22 80/25 82/8 82/17 82/24 83/1 85/2 85/9 85/16 85/22 86/1 86/17 88/1 89/22 89/25 89/25 90/15 90/24 91/25 92/12 94/22 95/25 96/2 96/23 97/1 97/3 97/6 98/3 98/18 99/24 103/17 104/8 106/11 106/22 109/19 110/5 110/19 112/14 117/25 118/2 118/6 124/21 127/20 141/19 144/7 153/7 167/20 167/21 173/8 175/16 175/16 176/3 176/8 176/9 176/10 176/12 176/15 177/6 177/15 177/18 177/23 188/19 202/8 219/8 221/3 221/15 233/5 235/10 235/15 235/21 237/10 237/23 238/20 240/25 241/6 241/16 250/16 251/18 252/1 252/9 253/16 253/19 255/8 256/23 homemade [1] 118/18 homes [2] 5/15 63/18 homeschool [2] 223/5 242/19 homeschooled [15] 6/12 10/5 69/4 69/9 69/14 69/19 177/13 241/11 241/13 241/21 241/23 242/1 242/4 242/6 242/9 homeschooling [3] 69/14 223/22 242/23 homework [15] 27/12 27/14 28/8 28/12 69/14 70/14 123/6 123/11 221/25 222/7 222/11 222/13 222/24 223/5 223/23 honed [1] 58/12 honest [8] 12/5 35/14 59/18 62/23 113/17 142/20 161/10 165/17 honestly [4] 145/4 209/4 234/5 240/1 Honor [41] 3/9 8/3 8/8 11/23 12/8 13/5 14/9 14/18 16/1 16/4 16/19 17/25 22/3 38/5 39/6 39/15 41/23 41/24 45/17 48/11 52/5 54/11 57/20 102/13 108/9 113/12 116/3 122/20 125/17 126/23 129/14 130/10 147/1 167/6 175/2 198/23 214/25 247/7 249/1 259/20 260/18 Honor's [1] 39/20 2209
--	---	--	--	---

H HONORABLE [1] 1/12 hope [2] 81/18 81/20 horrible [1] 104/4 hospital [3] 6/1 6/8 53/9 hospitalization [4] 49/12 49/17 54/18 54/20 hospitalizations [1] 49/25 host [3] 37/16 111/6 111/12 hot [2] 205/13 205/18 hotline [15] 7/6 7/17 8/23 8/25 16/11 31/25 32/13 35/4 40/16 59/6 75/5 125/4 125/7 125/10 125/13 hour [10] 23/11 23/11 162/11 162/16 163/24 164/6 242/8 242/8 256/8 256/20 hours [11] 10/5 36/15 48/21 48/22 48/23 71/5 112/15 163/24 164/12 164/17 256/5 house [60] 20/19 33/25 34/7 35/1 42/5 46/10 83/11 86/13 94/14 114/18 133/3 133/14 133/16 133/21 133/22 134/2 135/8 136/19 138/7 138/8 140/5 144/11 144/12 145/4 157/18 162/1 167/16 170/15 170/15 170/25 171/25 172/25 175/7 175/10 175/22 176/6 178/16 179/24 182/2 182/18 182/20 183/25 186/22 187/2 190/2 193/11 197/23 200/10 201/24 206/20 209/21 217/5 218/7 220/1 223/21 231/17 232/23 242/18 245/2 254/7 houses [1] 240/23 how [86] 4/10 4/13 4/15 20/23 21/12 22/9 23/6 27/25 28/2 28/6 34/1 40/20 47/1 47/6 47/19 47/20 50/22 75/18 75/21 76/2 81/6 81/10 81/19 83/11 83/11 89/22 90/23 96/14 98/18 114/17 114/24 119/19 121/6 130/15 133/21 133/21 138/10 139/24 140/15 144/11 144/22 145/14 147/22 155/19 160/24 161/20 164/23 168/12 172/9 172/15 172/21 173/3 173/12 175/18 176/22 177/2 182/1 193/4 197/3 200/19 203/2 203/4 203/18	206/18 207/4 209/4 216/20 219/10 219/24 219/25 225/19 226/15 227/19 229/6 230/24 234/13 234/14 234/20 234/25 236/14 245/17 253/4 253/9 254/19 254/20 255/21 hug [12] 145/17 145/18 145/23 146/8 146/8 146/11 146/15 146/18 146/23 147/13 147/14 147/15 huh [18] 32/15 137/15 138/25 141/11 158/6 164/7 168/15 177/9 178/20 182/17 187/17 190/11 199/5 209/17 209/19 210/14 216/24 239/17 human [1] 5/6 hundred [1] 240/1 hundreds [2] 42/1 42/10 hungry [1] 15/19 hurry [2] 196/3 253/16 hurt [2] 84/5 84/8 husband [1] 25/12 husbands [1] 249/19 hypoglycemic [1] 54/10	244/2 244/20 247/12 248/14 251/20 257/22 I've [9] 4/14 5/3 5/4 76/18 121/23 167/19 167/19 184/20 193/23 ice [13] 195/20 196/2 196/8 196/9 196/14 196/18 196/24 196/25 197/2 197/5 198/8 198/11 198/14 idea [2] 212/12 255/21 identification [1] 22/5 identified [5] 60/14 73/15 74/10 76/18 131/12 identify [1] 249/9 identifying [1] 81/5 if [226] 5/24 6/15 6/23 6/23 6/25 7/1 7/1 8/8 9/21 12/10 12/13 12/18 14/19 22/11 23/6 23/12 26/3 26/24 28/3 36/4 39/1 40/25 42/21 44/24 45/2 45/19 48/13 48/15 49/4 49/8 49/9 50/5 50/15 50/17 50/20 51/4 51/8 51/21 52/12 52/18 53/8 53/11 53/20 54/1 55/5 55/17 55/18 56/7 56/11 56/25 57/2 60/2 60/2 60/4 60/7 62/22 63/3 63/13 66/11 66/15 66/17 66/19 66/20 66/22 67/6 68/11 68/12 69/11 72/7 74/14 75/22 76/7 77/7 77/10 79/9 79/9 87/18 91/1 91/19 94/7 94/11 95/19 97/16 97/20 97/21 102/5 104/25 105/9 105/11 106/3 107/15 110/11 110/12 110/19 110/23 111/2 111/14 111/15 111/16 112/23 113/16 113/17 113/21 114/3 114/6 114/7 114/7 114/8 114/13 114/14 114/14 114/14 115/7 117/10 118/16 119/21 122/12 124/2 125/6 125/21 126/2 126/5 129/3 132/6 132/23 135/4 136/15 136/23 137/3 138/3 138/3 139/17 139/24 141/25 142/8 142/9 142/14 144/16 146/6 147/21 148/7 148/9 151/21 151/22 151/24 154/12 155/19 156/3 156/7 156/20 157/6 158/12 158/21 159/7 159/20 160/3 162/5 164/12 165/23 165/24 166/3 166/22 166/22 166/24 166/24 168/17 172/10 172/10 173/3 173/19 173/19 180/9 183/25 187/22 192/18 192/19	192/20 194/18 194/20 194/23 195/3 195/5 195/21 195/23 196/2 207/11 208/20 209/24 209/24 210/10 211/10 211/14 214/15 215/7 216/16 218/3 218/25 222/20 222/20 222/23 223/2 229/18 234/7 236/12 241/6 242/5 243/17 244/23 246/3 248/14 248/16 251/20 253/14 254/23 255/1 255/20 255/25 256/1 257/11 257/14 259/14 259/14 260/16 260/20 260/22 261/7 ill [5] 46/14 47/14 48/15 48/15 48/17 illegally [1] 43/7 illegitimate [1] 48/13 illness [1] 30/13 image [1] 169/17 immediately [1] 239/23 impact [8] 39/18 40/3 44/13 44/13 51/25 102/10 180/21 226/15 impacted [2] 101/19 227/9 impeaching [2] 14/10 14/16 impeachment [1] 14/18 impeding [1] 33/4 implant [1] 93/21 implication [3] 39/12 41/20 51/23 import [3] 43/17 44/3 46/21 important [1] 245/14 impose [2] 244/24 252/14 imposed [2] 254/15 257/19 impression [2] 43/2 154/21 improper [3] 14/18 39/13 219/16 improperly [1] 43/7 improved [2] 37/14 100/11 improvement [1] 80/25 improving [2] 81/6 93/10 in [640] inappropriate [1] 111/3 INC [1] 1/25 include [4] 4/18 156/15 208/22 210/1 included [3] 9/2 254/17 254/19 includes [6] 62/17 62/20 62/22 63/1 229/1 247/24 including [6] 50/9 94/21 106/11 109/19 109/19 257/24 inconsistent [1] 94/7	increased [1] 163/24 indeed [2] 42/1 42/18 independent [8] 38/15 79/24 108/18 170/10 174/10 181/3 190/18 260/7 independently [1] 79/17 indicate [1] 40/5 indicated [1] 39/16 individual [5] 7/13 13/22 59/16 82/20 83/7 individually [2] 68/7 75/13 individuals [3] 39/10 120/19 120/21 indulgence [7] 12/7 88/10 88/13 113/9 168/21 224/3 247/2 ineffective [1] 47/9 influence [1] 226/23 inform [1] 23/23 information [30] 7/2 8/23 8/23 9/1 9/2 9/14 9/16 15/13 32/22 39/8 39/12 41/13 42/13 43/5 43/7 51/5 51/6 54/7 71/19 81/22 94/5 94/7 109/18 113/6 115/2 115/13 120/12 122/6 229/6 240/10 information-only [1] 7/2 informed [1] 224/18 inherently [2] 69/8 73/2 initial [8] 33/8 65/11 67/11 67/14 67/17 68/9 88/24 150/24 initially [5] 35/7 63/25 85/20 94/22 136/18 initiated [1] 211/15 injuries [2] 107/18 108/2 inpatient [1] 26/7 input [3] 129/1 129/4 129/8 inquiry [2] 63/3 73/13 inquisition [1] 46/22 inserting [1] 191/12 inside [4] 167/20 180/4 225/1 239/4 inspect [1] 79/8 inspecting [1] 91/16 inspections [1] 109/20 instance [1] 259/6 institutional [4] 9/16 9/25 15/12 115/15 instruct [2] 110/4 112/18 instructed [1] 16/6 instruction [1] 47/25 intact [2] 153/18 153/19 intake [3] 5/13 32/11 125/13 intend [1] 40/22 intended [1] 254/7 interact [1] 98/19
---	--	--	--	--

I	105/11 109/18 110/3 110/14 111/16 115/14 121/9 124/4	141/8 145/8 146/2 147/4 147/6 148/5 148/16 148/19 148/19 149/15 158/1 159/23 160/12 160/14 163/8 163/14 163/21 166/17 167/13 168/14 169/5 169/15 172/12 174/3 174/17 177/1 180/7 185/11 188/1 190/4 191/5 193/11 194/10 197/22 198/4 198/24 199/17 217/9 219/25 220/1 220/2 220/5 228/18 231/14 231/20 241/25 245/14 245/14 247/21 248/1 249/9 250/2 250/8 250/13 250/22 250/24 257/3 260/15 260/20	132/9 136/5 136/9 138/3 155/16 161/15 164/12 167/9 167/10 168/3 169/21 169/21 169/23 172/18 173/3 178/16 180/6 191/2 194/15 195/23 199/20 200/7 207/24 218/10 219/14 219/17 222/23 223/18 226/18 229/20 229/20 229/20 243/1 244/19 247/20 256/17	26/23 26/23 26/24 26/25 32/3 32/4 38/8 38/9 38/22 38/23 40/12 40/18 41/5 41/7 44/6 44/16 44/21 53/3 53/7 56/11 56/25 57/14 58/5 58/7 58/8 61/17 71/8 75/1 76/25 77/7 77/10 77/22 79/19 79/19 80/9 81/5 83/3 83/10 83/21 86/10 89/15 100/1 100/23 110/21 110/23 111/23 113/22 114/17 115/5 115/13 121/2 124/14 124/16 125/6 126/2 126/4 127/17 128/8 129/20 133/13 134/13 134/23 138/18 138/23 139/15 140/20 142/9 142/19 142/21 143/8 144/2 146/5 146/7 146/7 146/19 147/9 150/8 150/8 150/22 151/18 151/19 151/21 153/2 155/16 155/23 155/25 156/5 157/9 158/3 158/8 158/20 158/20 159/18 160/13 160/18 161/7 161/10 164/13 166/4 166/11 166/25 168/13 169/14 171/14 172/2 172/10 172/25 173/6 175/19 182/6 183/4 184/10 184/22 184/24 185/18 186/23 186/24 187/25 189/4 190/17 190/18 192/4 194/20 194/20 195/17 195/21 195/21 197/4 198/23 202/17 203/4 203/20 204/2 204/24 205/17 208/21 209/13 212/1 212/4 214/8 215/8 215/9 217/3 220/6 220/6 222/4 222/19 222/25 223/10 223/12 225/12 225/15 226/16 226/17 226/18 227/2 227/4 227/4 227/12 229/5 229/8 230/3 230/5 230/6 230/11 230/14 230/25 233/9 233/17 233/20 234/5 234/6 234/12 234/19 234/21 234/23 235/7 236/11 237/20 238/8 238/17 241/7 241/8 241/25 242/15 245/18 245/23 246/11 253/15 253/16 254/22 254/22 254/23 255/2 255/18 255/19 256/1 257/9 258/13 261/3	
interacted [2] 80/11 83/12	investigations [3] 15/13 32/12 35/22	investigator [16] 8/22 35/25 45/4 45/10 45/11 57/2 63/15 73/21 83/14 94/8 105/21 106/1 106/4 106/6 106/14 125/11	its [2] 3/8 129/22	justification [1] 47/22	
interacting [3] 78/20 79/3 231/4	involve [1] 205/9	involved [1] 113/1	itself [2] 58/16 125/3	justify [1] 42/6	
interaction [3] 98/25 99/3 138/17	involving [3] 5/20 145/17 209/16	irrelevant [1] 147/6	Ivy [15] 2/16 17/15 193/14 193/22 197/21 198/7 200/10 201/13 206/3 210/17 210/22 215/16 218/6 248/15 250/12	K	
interactions [1] 98/22	is [246] 3/4 3/8 5/17 6/4 6/9 6/15 6/18 6/20 7/13 7/20 8/4 9/12 9/14 9/22 10/16 10/17 11/22 13/7 13/9 13/10 14/11 15/25 16/4 16/6 17/11 18/7 18/11 18/13 19/8 19/10 19/14 19/15 19/17 19/19 22/20 26/1 27/10 27/17 27/18 32/4 32/20 32/25 35/23 36/18 36/21 38/6 38/9 39/13 40/7 40/9 40/10 41/8 41/20 41/20 41/20 41/22 41/25 42/9 42/16 42/21 43/2 43/3 43/8 43/9 43/10 43/17 43/20 43/25 44/3 44/8 44/13 44/14 44/14 44/18 44/19 46/6 46/6 46/6 46/8 46/11 46/13 46/13 46/15 46/22 47/8 47/19 47/20 47/20 47/22 47/23 47/25 48/3 48/4 48/14 48/14 48/14 48/15 48/16 48/18 48/23 48/25 49/1 49/5 49/12 49/12 49/22 50/3 50/5 50/7 50/10 50/13 51/2 51/5 51/11 51/11 53/5 53/13 53/21 54/13 55/10 55/11 55/19 55/25 56/11 56/15 57/10 57/19 58/8 58/25 60/14 60/21 63/2 64/13 64/14 66/16 69/13 71/15 74/20 77/13 79/16 81/10 81/19 86/20 87/21 96/12 100/1 102/1 102/7 102/8 103/14 103/17 105/20 109/7 110/20 112/6 112/7 112/10 114/17 114/20 115/25 117/19 121/6 124/4 125/4 126/7 126/11 127/2 127/2 128/13 128/16 128/21 129/23 132/3 133/1 133/7 135/1 135/3 136/8 137/4 137/5 137/6 137/7 137/9 137/10 137/12 137/13 139/13	isn't [40] 46/18 48/5 49/10 52/2 52/3 68/13 142/17 145/1 147/11 153/22 155/3 159/4 162/13 166/2 166/13 168/18 169/4 178/25 179/3 179/7 182/22 184/6 188/18 189/23 193/8 196/13 196/16 203/21 204/6 207/8 207/14 207/19 212/9 212/24 213/18 213/21 214/13 216/2 227/24 259/12	J	JACQUELINE [1] 1/17	Kaeshia [18] 10/11
interested [1] 18/3	irrelevant [1] 147/6	issue [28] 6/24 26/4 32/22 40/19 40/19 42/8 52/19 57/25 57/25 76/14 88/24 89/3 101/2 110/20 123/23 154/15 154/18 154/18 154/18 154/19 154/21 154/25 155/1 155/7 173/22 173/25 236/11 252/1	jail [2] 228/19 228/24	2211	
interesting [1] 45/22	is [246] 3/4 3/8 5/17 6/4 6/9 6/15 6/18 6/20 7/13 7/20 8/4 9/12 9/14 9/22 10/16 10/17 11/22 13/7 13/9 13/10 14/11 15/25 16/4 16/6 17/11 18/7 18/11 18/13 19/8 19/10 19/14 19/15 19/17 19/19 22/20 26/1 27/10 27/17 27/18 32/4 32/20 32/25 35/23 36/18 36/21 38/6 38/9 39/13 40/7 40/9 40/10 41/8 41/20 41/20 41/20 41/22 41/25 42/9 42/16 42/21 43/2 43/3 43/8 43/9 43/10 43/17 43/20 43/25 44/3 44/8 44/13 44/14 44/14 44/18 44/19 46/6 46/6 46/6 46/8 46/11 46/13 46/13 46/15 46/22 47/8 47/19 47/20 47/20 47/22 47/23 47/25 48/3 48/4 48/14 48/14 48/14 48/15 48/16 48/18 48/23 48/25 49/1 49/5 49/12 49/12 49/22 50/3 50/5 50/7 50/10 50/13 51/2 51/5 51/11 51/11 53/5 53/13 53/21 54/13 55/10 55/11 55/19 55/25 56/11 56/15 57/10 57/19 58/8 58/25 60/14 60/21 63/2 64/13 64/14 66/16 69/13 71/15 74/20 77/13 79/16 81/10 81/19 86/20 87/21 96/12 100/1 102/1 102/7 102/8 103/14 103/17 105/20 109/7 110/20 112/6 112/7 112/10 114/17 114/20 115/25 117/19 121/6 124/4 125/4 126/7 126/11 127/2 127/2 128/13 128/16 128/21 129/23 132/3 133/1 133/7 135/1 135/3 136/8 137/4 137/5 137/6 137/7 137/9 137/10 137/12 137/13 139/13	issues [45] 6/23 10/6 10/13 10/14 10/19 10/23 11/15 14/3 14/4 15/2 22/10 28/18 30/4 35/6 35/21 36/13 42/7 42/19 42/24 46/4 46/5 46/7 46/11 49/5 49/9 49/9 52/2 53/18 54/6 60/23 60/24 87/19 87/20 127/23 207/25 208/3 219/12 220/18 233/9 233/18 236/8 236/11 243/2 251/10 252/4	JANET [48] 1/9 15/16 15/22 16/17 21/22 22/9 23/3 23/6 23/7 23/22 24/2 25/1 25/4 25/19 30/1 31/6 34/4 34/11 34/18 34/23 36/24 47/3 57/12 67/23 68/11 68/18 115/20 116/11 119/5 127/24 130/25 131/12 140/22 141/1 141/3 141/23 145/14 148/24 163/20 173/13 179/3 179/11 188/23 189/6 189/13 211/12 249/21 257/23		
interfere [3] 67/23 68/11 68/13	involve [1] 205/9	it [543]	JD [1] 1/25		
interfered [1] 68/18	involved [1] 113/1	it's [73] 5/16 5/23 7/15 7/25 9/23 16/19 20/20 32/15 41/16 44/11 45/15 48/13 49/2 49/19 51/24 55/23 57/16 66/17 66/20 66/22 77/9 79/19 83/3 87/5 103/1 103/7 105/22 111/25 112/23 113/16 114/8 114/9 114/22 123/14 128/15 131/4 132/6	job [17] 4/22 5/11 46/18 63/11 105/20 106/3 113/16 135/2 136/6 136/7 136/12 136/12 175/25 176/16 176/22 176/24 229/8		
interject [1] 68/4	involving [3] 5/20 145/17 209/16	issues [45] 6/23 10/6 10/13 10/14 10/19 10/23 11/15 14/3 14/4 15/2 22/10 28/18 30/4 35/6 35/21 36/13 42/7 42/19 42/24 46/4 46/5 46/7 46/11 49/5 49/9 49/9 52/2 53/18 54/6 60/23 60/24 87/19 87/20 127/23 207/25 208/3 219/12 220/18 233/9 233/18 236/8 236/11 243/2 251/10 252/4	jobs [1] 44/6		
Internet [4] 38/15 108/18 174/11 260/7	is [246] 3/4 3/8 5/17 6/4 6/9 6/15 6/18 6/20 7/13 7/20 8/4 9/12 9/14 9/22 10/16 10/17 11/22 13/7 13/9 13/10 14/11 15/25 16/4 16/6 17/11 18/7 18/11 18/13 19/8 19/10 19/14 19/15 19/17 19/19 22/20 26/1 27/10 27/17 27/18 32/4 32/20 32/25 35/23 36/18 36/21 38/6 38/9 39/13 40/7 40/9 40/10 41/8 41/20 41/20 41/20 41/22 41/25 42/9 42/16 42/21 43/2 43/3 43/8 43/9 43/10 43/17 43/20 43/25 44/3 44/8 44/13 44/14 44/14 44/18 44/19 46/6 46/6 46/6 46/8 46/11 46/13 46/13 46/15 46/22 47/8 47/19 47/20 47/20 47/22 47/23 47/25 48/3 48/4 48/14 48/14 48/14 48/15 48/16 48/18 48/23 48/25 49/1 49/5 49/12 49/12 49/22 50/3 50/5 50/7 50/10 50/13 51/2 51/5 51/11 51/11 53/5 53/13 53/21 54/13 55/10 55/11 55/19 55/25 56/11 56/15 57/10 57/19 58/8 58/25 60/14 60/21 63/2 64/13 64/14 66/16 69/13 71/15 74/20 77/13 79/16 81/10 81/19 86/20 87/21 96/12 100/1 102/1 102/7 102/8 103/14 103/17 105/20 109/7 110/20 112/6 112/7 112/10 114/17 114/20 115/25 117/19 121/6 124/4 125/4 126/7 126/11 127/2 127/2 128/13 128/16 128/21 129/23 132/3 133/1 133/7 135/1 135/3 136/8 137/4 137/5 137/6 137/7 137/9 137/10 137/12 137/13 139/13	issue [28] 6/24 26/4 32/22 40/19 40/19 42/8 52/19 57/25 57/25 76/14 88/24 89/3 101/2 110/20 123/23 154/15 154/18 154/18 154/18 154/19 154/21 154/25 155/1 155/7 173/22 173/25 236/11 252/1	join [1] 225/17		
interrupt [1] 68/2	irrelevant [1] 147/6	it's [73] 5/16 5/23 7/15 7/25 9/23 16/19 20/20 32/15 41/16 44/11 45/15 48/13 49/2 49/19 51/24 55/23 57/16 66/17 66/20 66/22 77/9 79/19 83/3 87/5 103/1 103/7 105/22 111/25 112/23 113/16 114/8 114/9 114/22 123/14 128/15 131/4 132/6	JUDGE [8] 1/12 3/20 4/5 11/24 13/19 43/19 137/7 261/3		
interrupting [1] 249/7	is [246] 3/4 3/8 5/17 6/4 6/9 6/15 6/18 6/20 7/13 7/20 8/4 9/12 9/14 9/22 10/16 10/17 11/22 13/7 13/9 13/10 14/11 15/25 16/4 16/6 17/11 18/7 18/11 18/13 19/8 19/10 19/14 19/15 19/17 19/19 22/20 26/1 27/10 27/17 27/18 32/4 32/20 32/25 35/23 36/18 36/21 38/6 38/9 39/13 40/7 40/9 40/10 41/8 41/20 41/20 41/20 41/22 41/25 42/9 42/16 42/21 43/2 43/3 43/8 43/9 43/10 43/17 43/20 43/25 44/3 44/8 44/13 44/14 44/14 44/18 44/19 46/6 46/6 46/6 46/8 46/11 46/13 46/13 46/15 46/22 47/8 47/19 47/20 47/20 47/22 47/23 47/25 48/3 48/4 48/14 48/14 48/14 48/15 48/16 48/18 48/23 48/25 49/1 49/5 49/12 49/12 49/22 50/3 50/5 50/7 50/10 50/13 51/2 51/5 51/11 51/11 53/5 53/13 53/21 54/13 55/10 55/11 55/19 55/25 56/11 56/15 57/10 57/19 58/8 58/25 60/14 60/21 63/2 64/13 64/14 66/16 69/13 71/15 74/20 77/13 79/16 81/10 81/19 86/20 87/21 96/12 100/1 102/1 102/7 102/8 103/14 103/17 105/20 109/7 110/20 112/6 112/7 112/10 114/17 114/20 115/25 117/19 121/6 124/4 125/4 126/7 126/11 127/2 127/2 128/13 128/16 128/21 129/23 132/3 133/1 133/7 135/1 135/3 136/8 137/4 137/5 137/6 137/7 137/9 137/10 137/12 137/13 139/13	issues [45] 6/23 10/6 10/13 10/14 10/19 10/23 11/15 14/3 14/4 15/2 22/10 28/18 30/4 35/6 35/21 36/13 42/7 42/19 42/24 46/4 46/5 46/7 46/11 49/5 49/9 49/9 52/2 53/18 54/6 60/23 60/24 87/19 87/20 127/23 207/25 208/3 219/12 220/18 233/9 233/18 236/8 236/11 243/2 251/10 252/4	juror [5] 122/21 122/25 123/1 124/19 129/15		
interval [1] 163/23	involve [1] 205/9	it [543]	jurors [1] 126/7		
intervals [2] 162/10 162/20	involved [1] 113/1	it's [73] 5/16 5/23 7/15 7/25 9/23 16/19 20/20 32/15 41/16 44/11 45/15 48/13 49/2 49/19 51/24 55/23 57/16 66/17 66/20 66/22 77/9 79/19 83/3 87/5 103/1 103/7 105/22 111/25 112/23 113/16 114/8 114/9 114/22 123/14 128/15 131/4 132/6	jump [2] 175/4 175/6		
interview [17] 20/18 22/25 34/4 37/5 62/20 63/18 67/20 94/13 94/17 113/22 132/12 132/16 132/23 141/15 142/1 144/16 188/15	irrelevant [1] 147/6	it's [73] 5/16 5/23 7/15 7/25 9/23 16/19 20/20 32/15 41/16 44/11 45/15 48/13 49/2 49/19 51/24 55/23 57/16 66/17 66/20 66/22 77/9 79/19 83/3 87/5 103/1 103/7 105/22 111/25 112/23 113/16 114/8 114/9 114/22 123/14 128/15 131/4 132/6	juror [5] 122/21 122/25 123/1 124/19 129/15		
interviewed [8] 34/18 34/25 67/18 68/7 70/6 86/12 121/22 142/18	involve [1] 205/9	it's [73] 5/16 5/23 7/15 7/25 9/23 16/19 20/20 32/15 41/16 44/11 45/15 48/13 49/2 49/19 51/24 55/23 57/16 66/17 66/20 66/22 77/9 79/19 83/3 87/5 103/1 103/7 105/22 111/25 112/23 113/16 114/8 114/9 114/22 123/14 128/15 131/4 132/6	just [215] 3/21 3/22 3/24 5/1 5/18 5/21 9/8 9/23 12/1 12/13 12/14 12/18 12/21 13/5 21/25		
interviewing [3] 74/13 75/1 92/17	involved [1] 113/1	it's [73] 5/16 5/23 7/15 7/25 9/23 16/19 20/20 32/15 41/16 44/11 45/15 48/13 49/2 49/19 51/24 55/23 57/16 66/17 66/20 66/22 77/9 79/19 83/3 87/5 103/1 103/7 105/22 111/25 112/23 113/16 114/8 114/9 114/22 123/14 128/15 131/4 132/6	just [215] 3/21 3/22 3/24 5/1 5/18 5/21 9/8 9/23 12/1 12/13 12/14 12/18 12/21 13/5 21/25		
interviews [3] 36/18 100/13 109/19	irrelevant [1] 147/6	it's [73] 5/16 5/23 7/15 7/25 9/23 16/19 20/20 32/15 41/16 44/11 45/15 48/13 49/2 49/19 51/24 55/23 57/16 66/17 66/20 66/22 77/9 79/19 83/3 87/5 103/1 103/7 105/22 111/25 112/23 113/16 114/8 114/9 114/22 123/14 128/15 131/4 132/6			
into [59] 5/19 7/6 7/17 9/15 19/9 23/19 24/7 31/25 32/19 40/5 40/15 40/16 42/8 47/8 47/9 50/9 52/7 52/8 52/18 54/12 56/4 56/6 56/6 57/10 57/15 57/17 63/18 64/21 65/16 67/11 68/1 68/4 70/24 76/8 78/2 91/1 94/22 97/1 110/19 131/19 135/20 136/6 136/19 145/14 163/5 163/9 163/15 164/					

<p>K</p> <p>Kaeshia... [17] 22/23 22/24 82/8 82/11 83/21 84/19 84/20 84/24 92/24 93/1 101/6 193/19 194/2 198/10 200/19 206/18 218/9 keep [4] 43/18 74/3 106/3 139/13 keeps [1] 41/14 Kenny [1] 43/18 kid [4] 146/23 182/20 185/15 217/14 kids [77] 11/18 46/3 46/14 47/14 48/25 49/1 49/4 69/9 80/9 85/8 93/8 100/2 100/19 111/15 113/21 127/22 138/7 138/8 139/2 139/8 139/11 139/23 140/6 140/8 140/11 144/8 144/23 153/12 156/19 157/4 157/6 157/19 158/12 158/13 159/10 159/11 160/3 160/8 164/21 172/1 172/2 172/2 172/3 173/8 177/19 178/19 182/1 182/18 188/3 188/8 193/11 193/18 193/20 194/2 195/3 201/7 201/16 201/24 202/3 204/23 205/7 206/19 207/25 208/3 208/7 208/8 208/25 210/19 215/5 217/5 217/15 218/15 222/23 229/11 246/14 249/24 255/5 kind [109] 23/22 28/10 29/8 29/10 29/12 29/17 29/19 29/22 73/9 77/22 81/13 113/20 113/23 115/1 131/19 134/21 134/21 134/25 135/23 136/2 139/22 139/22 141/9 143/20 143/21 143/23 145/13 146/16 146/19 146/21 148/19 150/6 150/16 150/18 151/6 152/9 154/19 155/5 155/5 155/7 155/10 156/20 156/25 157/4 157/5 157/21 158/7 158/13 158/13 158/18 158/21 158/23 160/4 160/9 160/19 161/2 161/19 161/24 162/9 162/21 163/17 164/16 164/21 167/4 172/12 172/13 175/4 175/6 177/21 178/16 179/7 179/8 179/21 179/22 185/23 188/1 191/20 191/24 194/24 195/25 199/23 201/7 201/16 202/2 211/8 214/7 217/3 217/9</p>	<p>219/7 219/10 219/23 219/23 220/8 220/9 220/10 220/24 220/24 222/2 222/5 222/6 222/15 222/22 223/10 223/12 223/14 223/22 226/17 236/18 237/24 kinds [7] 111/9 121/14 233/8 245/4 247/4 257/19 258/12 kitchen [17] 29/11 68/25 69/1 70/21 123/2 123/6 123/8 123/14 123/22 167/22 167/24 168/10 169/12 169/19 170/10 221/6 221/7 knew [29] 9/9 15/24 18/8 18/11 61/12 61/14 65/20 65/22 66/1 66/8 80/11 89/16 95/3 98/10 98/12 99/8 188/1 207/22 207/24 220/12 230/8 231/24 233/12 233/15 233/17 233/20 243/8 243/10 245/21 knockdown [1] 223/11 know [185] 6/20 6/24 7/19 7/20 7/22 8/4 8/16 12/21 15/19 17/13 17/23 18/6 18/7 18/16 18/18 23/6 23/7 24/2 24/6 27/25 28/11 28/13 29/12 29/13 29/18 30/10 30/20 38/6 39/24 40/7 40/9 40/24 41/1 44/24 49/10 49/11 49/15 52/4 53/24 53/25 54/5 54/16 55/15 58/7 58/18 60/2 62/22 63/1 66/20 66/21 73/9 74/13 77/7 77/10 78/8 81/8 81/10 81/14 83/3 83/23 84/11 87/7 96/17 99/20 101/22 102/5 102/14 102/14 103/18 105/23 109/19 110/20 113/22 114/1 114/6 114/7 114/25 115/1 115/6 115/11 119/12 119/19 119/19 123/1 126/2 127/20 129/3 130/25 131/15 132/25 134/16 135/2 135/2 135/6 135/18 136/10 136/14 137/17 139/7 142/8 142/9 143/7 145/6 146/6 147/15 147/16 147/18 157/23 158/2 158/22 159/5 159/7 160/15 161/14 161/15 161/17 162/5 165/14 166/3 169/7 171/12 173/19 173/24 173/25 175/5 175/7 179/8 181/10 182/6 187/22 187/23 191/1 192/16 192/19 192/23 194/20 196/1 196/2 196/2 203/4 203/4 205/16</p>	<p>205/18 210/9 211/8 215/3 215/7 216/6 217/25 219/4 220/13 222/19 227/11 229/6 229/8 229/21 230/5 230/11 230/24 231/5 231/19 231/20 232/6 232/9 232/12 234/10 234/19 234/23 235/4 235/7 236/11 239/15 240/4 240/7 241/5 241/17 242/5 242/12 244/18 253/15 254/23 254/25 255/20 257/11 260/22 knowing [1] 188/1 knowledge [10] 80/8 94/8 117/2 117/2 153/21 159/3 170/19 170/21 242/19 252/8 knowledge of [1] 117/2 knows [3] 41/23 41/24 49/19</p> <hr/> <p>L</p> <p>lack [6] 46/21 46/22 49/18 51/6 226/22 233/8 ladies [7] 3/7 38/8 108/10 109/10 174/5 174/20 259/24 language [4] 64/9 64/10 65/11 114/5 LAS [3] 2/18 225/19 230/18 lash [1] 236/15 lashed [1] 234/5 lashing [2] 234/12 243/1 last [12] 3/16 35/15 36/24 56/23 58/7 91/5 124/25 125/6 130/5 130/8 166/21 234/25 late [3] 27/6 102/24 144/1 later [3] 138/7 193/19 202/20 lay [1] 203/8 laying [1] 150/8 lazy [3] 106/1 106/3 106/13 leading [10] 11/5 11/23 11/25 14/9 14/11 141/9 172/17 172/18 186/15 194/13 learn [3] 15/21 17/13 158/9 learned [4] 18/4 18/11 232/5 255/4 least [8] 23/10 49/25 62/14 87/15 132/9 177/6 221/12 221/14 leave [8] 43/1 46/10 92/6 146/3 146/9 175/8 175/11 225/4 leaving [2] 33/15 33/19 left [9] 48/21 109/16 137/3 143/21 144/11</p>	<p>200/8 220/22 230/11 235/18 left-hand [1] 200/8 Legacy [8] 61/11 61/19 80/5 80/9 88/24 92/8 95/7 98/9 legal [2] 40/20 138/15 legitimate [2] 48/6 48/9 legitimately [1] 49/4 legs [3] 31/12 31/13 150/6 less [3] 172/10 175/20 228/21 let [31] 12/21 24/2 32/20 44/21 45/23 48/22 57/4 126/6 131/11 132/25 139/15 139/19 139/22 139/22 142/7 142/9 144/14 148/11 153/11 161/24 168/7 170/14 197/8 197/9 197/15 199/21 200/6 202/17 206/2 211/3 224/2 let's [26] 32/19 48/11 54/4 54/12 62/14 67/10 105/25 138/23 140/19 142/20 164/21 174/2 182/14 183/7 185/8 185/10 191/15 198/21 199/4 206/2 207/1 211/8 215/9 227/19 251/11 251/11 lethargic [1] 226/17 letter [24] 7/10 8/20 8/24 9/1 9/2 9/5 9/6 9/9 59/20 59/22 60/5 60/7 60/8 60/10 124/5 124/7 124/8 124/17 124/17 125/3 125/5 125/10 125/12 125/14 level [4] 67/5 221/12 222/18 222/18 levels [6] 86/7 86/10 86/19 86/25 94/2 116/12 licenses [1] 135/5 licensing [2] 35/23 36/1 lieu [1] 171/13 lieutenant [2] 136/13 136/16 light [6] 43/4 192/4 192/14 192/18 192/20 192/23 lights [1] 96/15 like [306] liked [1] 220/13 likely [3] 185/22 194/23 195/9 likes [4] 89/25 92/12 92/12 92/14 limit [1] 162/15 limited [2] 172/5 172/7 line [19] 12/13 12/14 39/7 39/13 40/3 41/9 41/11 42/16 42/22 43/4 43/11 44/19 45/22 48/11 53/4 56/10 56/23</p>	<p>125/6 147/5 lines [2] 58/11 210/16 liquids [2] 49/18 49/21 list [3] 32/11 45/10 114/21 listed [1] 47/2 listen [5] 38/13 108/16 129/4 174/8 260/5 listener [1] 167/11 listing [1] 11/6 literally [4] 147/16 164/23 165/18 180/3 little [42] 3/25 5/1 11/25 14/11 28/20 35/15 42/20 65/15 66/12 66/21 71/21 77/8 82/13 88/18 134/9 140/13 146/2 150/5 154/15 156/8 158/20 160/20 169/18 169/23 170/8 175/5 188/3 191/18 193/19 195/22 204/25 209/15 217/14 218/10 229/5 229/10 229/15 229/16 229/16 232/22 234/15 235/6 live [6] 16/16 124/21 130/22 130/24 133/21 135/11 live-in [1] 16/16 lived [15] 135/14 138/7 138/8 170/15 170/15 179/24 197/23 200/10 216/25 218/7 235/21 237/9 237/18 250/15 251/11 lives [1] 232/6 living [15] 34/6 130/18 133/13 133/22 134/2 134/3 135/8 144/7 153/7 175/7 202/1 217/4 217/6 229/7 235/10 illegitimate [1] 48/9 load [1] 196/8 lock [1] 179/4 locked [5] 178/22 178/22 178/24 180/9 180/21 loft [6] 199/7 199/8 204/23 221/8 221/10 221/11 long [28] 4/13 4/15 23/6 27/25 28/2 31/19 34/1 118/5 119/18 119/19 119/22 133/21 133/22 137/12 139/25 154/13 160/24 161/16 164/18 164/23 165/17 165/23 165/25 175/18 176/10 194/20 234/25 255/14 longer [5] 17/20 23/14 95/20 119/15 164/8 look [56] 5/24 6/22 12/14 15/9 19/9 26/24 31/1 31/1 31/3 31/12 31/21 32/4 32/10 41/14 45/1 45/5 48/6 49/4 2212</p>
--	---	---	---	--

<p>L</p> <p>look... [38] 49/9 51/13 51/21 53/16 53/19 53/20 53/24 54/6 56/25 57/2 57/3 57/4 57/4 57/5 57/6 57/8 60/10 97/3 98/18 114/3 114/5 115/10 117/4 126/7 132/24 136/23 142/5 142/6 144/18 144/19 151/21 151/22 159/24 205/13 223/8 244/3 244/4 247/13</p> <p>looked [12] 15/11 30/21 31/13 31/18 44/24 55/18 97/1 97/4 97/6 115/7 115/8 197/23</p> <p>looking [12] 9/11 9/15 15/15 16/9 31/10 136/24 197/18 221/6 221/8 221/10 228/15 231/25</p> <p>looks [1] 36/23</p> <p>looped [1] 41/9</p> <p>looping [2] 39/8 41/14</p> <p>Lori [18] 8/14 8/15 10/14 13/22 32/25 35/9 37/20 65/12 89/1 89/3 89/5 89/10 89/14 89/17 90/13 120/14 124/6 126/16</p> <p>lost [3] 89/10 89/17 118/5</p> <p>lot [29] 73/21 87/10 121/13 134/19 143/5 145/11 153/23 159/6 166/4 176/7 177/25 178/18 182/15 185/17 190/9 221/18 223/16 223/18 225/1 226/19 227/13 234/15 234/16 234/16 236/17 237/22 240/23 245/20 252/6</p> <p>loud [1] 12/17</p> <p>low [8] 55/20 86/6 101/3 115/20 115/24 115/25 116/12 116/16</p> <p>lunch [5] 108/8 108/11 108/12 108/13 108/25</p> <p>lying [5] 53/6 74/16 113/17 113/21 121/6</p>	<p>94/20 97/10 98/21 99/22 109/20 109/23 143/15 181/14 213/22 243/5 255/13 261/8</p> <p>main [2] 60/23 236/11</p> <p>mainly [2] 219/3 236/12</p> <p>majority [2] 176/3 221/25</p> <p>make [39] 6/1 6/2 6/4 8/2 17/18 20/12 20/20 32/21 41/12 45/13 47/1 47/6 50/24 57/14 63/1 63/3 66/18 66/22 75/8 79/5 83/15 88/22 91/8 91/12 99/16 101/2 101/7 101/11 101/15 106/14 148/9 162/23 179/21 205/17 205/19 205/22 243/18 244/16 244/23</p> <p>makes [7] 7/13 43/5 46/6 128/15 128/21 226/16 226/19</p> <p>making [16] 5/25 19/20 36/14 41/22 44/13 47/8 47/9 82/16 85/15 104/4 112/8 128/7 143/11 147/18 163/20 165/21</p> <p>malicious [1] 24/12</p> <p>mandated [1] 15/17</p> <p>manner [1] 41/16</p> <p>many [7] 111/3 168/13 172/15 176/22 177/2 203/18 234/14</p> <p>March [7] 132/3 132/6 132/9 132/12 224/15 226/22 243/25</p> <p>mark [1] 148/9</p> <p>marked [4] 197/11 197/16 247/8 247/13</p> <p>marking [1] 116/23</p> <p>marks [4] 150/25 151/3 151/10 152/9</p> <p>maroon [1] 22/2</p> <p>master's [1] 5/5</p> <p>matter [7] 38/14 45/23 50/2 51/4 108/17 174/9 260/6</p> <p>maximum [3] 228/8 228/9 228/18</p> <p>may [32] 4/5 12/7 13/19 13/20 18/3 22/3 42/8 48/6 52/22 53/1 59/2 66/21 75/5 80/22 80/25 87/10 92/23 93/5 103/25 108/7 109/12 111/10 129/19 129/22 130/11 174/25 197/13 197/14 198/17 222/20 249/4 259/21</p> <p>maybe [20] 133/23 134/1 143/21 143/25 144/1 144/1 158/14 164/16 175/21 203/20 208/17 208/20 214/21 214/22 218/17 218/18 218/18 220/24 222/21 259/18</p>	<p>MCAMIS [11] 1/20 2/6 2/8 2/10 2/13 58/10 109/12 113/15 115/6 128/3 171/20</p> <p>McClain [1] 137/23</p> <p>me [76] 5/7 5/21 6/20 12/21 21/16 22/12 28/10 29/4 29/22 30/3 32/20 44/21 63/13 69/3 70/1 74/12 84/21 87/9 87/11 89/18 94/24 95/2 97/9 99/10 99/12 99/15 99/18 100/18 102/11 102/14 102/19 102/19 104/15 115/5 123/19 127/19 129/11 132/25 137/1 137/6 139/15 139/19 139/22 139/22 142/8 142/9 144/14 153/11 157/7 161/24 165/22 170/14 171/25 182/19 190/21 192/4 192/8 197/8 197/9 202/17 206/2 211/3 220/17 224/2 226/16 226/18 226/19 226/19 227/4 230/11 236/19 244/19 247/6 249/24 251/20 254/20</p> <p>meal [2] 208/20 241/2</p> <p>meals [2] 208/17 209/7</p> <p>mealtime [1] 206/2</p> <p>mealtimes [1] 178/5</p> <p>mean [59] 9/18 13/14 28/21 29/24 45/18 48/8 49/3 49/9 49/19 53/1 53/20 56/25 66/20 96/9 96/10 115/10 119/21 120/2 122/11 123/13 136/4 138/16 142/19 145/7 157/14 159/20 166/5 169/6 169/17 172/12 177/21 178/11 180/2 183/10 188/3 190/21 195/7 195/8 201/3 203/4 205/13 214/14 220/6 222/8 223/3 223/6 223/8 227/3 227/6 233/13 234/2 235/2 235/4 236/16 238/16 241/22 253/2 253/16 256/15</p> <p>meaning [6] 79/13 87/22 87/25 97/20 99/2 243/17</p> <p>means [2] 75/15 98/25</p> <p>meant [2] 178/15 236/11</p> <p>measures [1] 109/17</p> <p>medical [38] 10/23 14/7 14/13 14/20 30/11 41/18 41/19 42/11 42/19 42/24 43/12 44/23 44/25 44/25 45/3 50/6 50/8 51/5 51/6 51/21 53/12 54/17 55/24 55/25 56/5 58/11 60/20 80/18 96/11 97/16 97/19 100/6</p>	<p>103/17 135/25 188/8 201/11 230/15 230/25</p> <p>medically [1] 87/19</p> <p>medication [2] 225/23 225/25</p> <p>medium [8] 38/16 108/19 154/18 154/20 154/20 154/24 174/11 260/8</p> <p>meet [9] 33/10 33/13 33/14 64/3 65/9 75/6 232/7 232/17 232/19</p> <p>meeting [8] 10/7 21/6 25/1 25/5 25/7 78/3 79/10 103/16</p> <p>members [1] 238/18</p> <p>memorable [1] 169/17</p> <p>memories [2] 143/15 190/23</p> <p>memory [28] 133/1 133/4 141/18 141/25 142/10 142/13 143/1 144/22 145/10 146/2 151/25 152/2 152/5 153/22 155/4 159/5 165/10 170/8 170/10 181/3 190/18 204/22 215/3 215/5 216/8 217/14 244/8 244/22</p> <p>mental [13] 5/4 10/7 14/8 25/12 30/4 30/12 37/12 37/16 41/19 42/11 42/19 42/24 233/17</p> <p>mentally [4] 48/15 48/15 48/17 227/6</p> <p>mentioned [3] 86/18 86/20 127/13</p> <p>MEPS [4] 135/16 135/21 136/10 229/17</p> <p>merited [1] 77/4</p> <p>met [8] 68/22 75/15 82/8 97/17 97/19 121/21 137/14 137/18</p> <p>method [1] 255/7</p> <p>methods [4] 254/11 256/22 257/1 258/13</p> <p>microwave [3] 191/20 191/21 191/23</p> <p>middle [7] 15/18 15/23 16/12 137/12 148/12 179/4 185/11</p> <p>might [7] 41/2 42/20 73/12 96/14 117/17 154/14 201/10</p> <p>military [6] 134/17 135/21 225/17 229/19 229/21 229/23</p> <p>mind [5] 26/24 70/8 73/10 118/5 138/3</p> <p>mindful [1] 12/1</p> <p>minimize [2] 40/2 40/23</p> <p>minimum [4] 59/8 175/21 217/1 228/8</p> <p>minute [5] 46/10 157/24 165/19 166/21 177/22</p> <p>minutes [17] 23/11</p>	<p>28/3 34/3 34/21 38/9 58/21 82/20 83/4 83/5 174/3 235/5 235/5 254/24 255/17 255/23 256/11 256/19</p> <p>Miranda [1] 132/16</p> <p>misdemeanor [2] 228/16 228/18</p> <p>misrepresenting [1] 42/23</p> <p>missing [3] 31/2 82/3 107/23</p> <p>misspoke [1] 132/6</p> <p>misstating [1] 53/6</p> <p>misunderstanding [1] 97/8</p> <p>mom [56] 90/16 131/3 131/4 134/9 135/9 135/11 137/1 137/5 139/2 140/16 143/5 143/21 144/11 144/23 145/5 145/5 145/14 145/17 146/16 146/17 146/22 147/12 147/17 147/18 147/22 148/22 153/4 156/8 159/1 159/1 159/24 161/16 161/19 172/8 173/4 181/24 182/3 184/25 187/13 191/17 195/1 196/5 205/17 207/15 207/24 207/24 208/2 208/16 211/1 211/4 211/19 215/20 216/25 217/4 220/8 245/7</p> <p>mom's [4] 133/14 136/19 161/21 187/22</p> <p>moment [5] 5/18 8/3 141/9 146/12 151/7</p> <p>Monday [3] 259/25 260/1 260/12</p> <p>monitor [8] 86/6 86/10 86/24 93/21 101/7 107/5 107/5 136/24</p> <p>monitoring [1] 94/2</p> <p>month [3] 36/25 100/21 175/20</p> <p>months [5] 17/10 37/14 99/24 100/11 119/20</p> <p>more [47] 14/12 39/19 39/21 39/23 41/12 47/1 50/25 51/9 54/8 56/5 66/12 66/21 69/22 73/18 88/15 89/21 92/11 94/9 118/18 120/12 153/1 154/1 158/1 159/5 165/18 172/10 172/13 173/5 182/9 185/22 187/19 187/21 187/25 191/22 194/23 195/9 226/10 226/24 227/24 229/6 232/22 234/19 236/25 243/21 245/9 253/5 259/12</p> <p>morning [11] 4/10 38/7 62/3 184/5 239/10 239/11 239/19 240/11</p>
<p>M</p> <p>ma'am [15] 8/10 38/21 39/1 59/1 108/24 109/5 109/11 117/3 117/4 126/14 129/17 129/20 130/15 174/24 261/9</p> <p>machine [1] 196/18</p> <p>mad [2] 147/14 232/9</p> <p>made [36] 7/17 13/7 16/10 17/22 18/20 41/4 41/20 50/19 50/22 51/24 53/9 54/19 54/22 61/21 65/7 66/2 67/7 67/11 70/23 70/24 73/15 76/8 89/4 93/20</p>				<p>2213</p>

M	174/25 224/6	227/5 234/20 245/18 253/17	103/19 125/21 260/20	not [297]
morning... [3] 240/12 260/1 260/1	Mr. Nelson [1] 36/9	muddy [1] 47/3	negative [2] 57/1 58/22	notable [2] 180/3 180/5
mornings [1] 241/17	Mr. or [1] 43/6	multiple [1] 217/15	negatively [2] 101/18 102/10	notated [2] 32/16 117/10
most [14] 70/8 174/19 175/21 175/24 176/4 176/6 176/23 204/24 205/1 222/7 222/8 223/4 223/13 236/17	Mr. Rue [1] 260/19	multitasking [1] 83/1	neglect [9] 16/17 40/19 40/23 43/9 49/22 63/19 111/18 112/7 112/8	note [6] 69/11 70/20 71/8 73/15 88/23 93/20
Mostly [1] 199/7	Mr. Solander [3] 36/21 37/3 94/18	my [59] 19/19 44/18 46/1 48/14 52/10 69/4 73/10 77/8 102/1 102/6 114/16 115/1 118/3 118/5 131/3 131/18 137/1 137/5 143/4 143/5 145/5 145/5 146/2 147/8 147/12 147/17 147/18 152/22 153/21 154/23 159/3 161/16 165/5 169/16 170/3 170/13 170/19 170/21 172/8 173/4 180/15 182/3 182/3 187/8 187/13 191/4 195/1 195/25 196/5 210/25 220/6 225/18 226/8 240/2 241/25 248/20 248/21 250/3 250/19	neglected [1] 233/5	noted [6] 74/16 74/17 74/18 77/16 91/19 147/6
mother [64] 21/14 21/20 27/5 27/7 28/14 90/5 91/8 91/11 92/3 92/6 123/16 123/17 138/10 142/15 146/11 154/9 154/16 154/22 160/22 161/3 164/22 167/3 170/22 179/8 181/24 187/5 187/11 189/19 190/4 190/7 193/2 194/5 196/14 197/8 198/13 198/17 201/2 203/11 205/6 208/12 218/14 218/17 218/25 219/7 225/2 229/2 229/6 231/4 231/10 231/11 232/7 243/12 243/19 244/14 244/18 244/24 250/22 252/14 253/19 254/6 255/3 257/7 257/12 259/3	Mrs. [26] 33/18 43/6 69/4 71/18 73/8 74/3 74/9 74/14 74/21 78/3 78/18 79/13 80/17 80/20 83/12 85/25 91/8 91/16 93/8 100/10 104/19 104/23 105/23 110/4 112/19 123/13	myriad [1] 10/22	negligence [1] 43/9	notepads [5] 38/18 108/21 126/8 174/13 260/10
mother's [2] 154/25 229/5	Mrs. Solander [26] 33/18 43/6 69/4 71/18 73/8 74/3 74/9 74/14 74/21 78/3 78/18 79/13 80/17 80/20 83/12 85/25 91/8 91/16 93/8 100/10 104/19 104/23 105/23 110/4 112/19 123/13	myself [1] 226/8	neighbor [1] 126/3	notes [16] 64/7 65/3 65/18 66/15 68/14 68/18 70/25 74/20 85/13 91/22 122/14 125/20 125/22 125/25 126/6 126/7
motion [2] 39/15 50/7	Ms [14] 2/5 2/6 2/7 2/8 2/9 2/10 2/13 4/10 18/7 40/6 62/3 109/12 127/7 128/6		Nellis [4] 134/11 230/21 230/22 230/23	nothing [20] 31/14 46/16 47/10 47/20 61/24 69/8 69/16 73/2 78/8 84/12 92/18 93/23 99/7 104/22 120/24 122/18 128/2 129/14 153/17 167/25
motivation [2] 48/14 48/14	Ms. [42] 8/19 14/4 15/3 15/6 16/6 16/9 18/13 21/23 25/11 40/11 44/22 45/2 45/25 58/10 59/2 77/12 88/15 98/22 104/3 109/16 113/15 115/6 116/7 120/16 120/25 121/5 122/19 124/24 126/13 127/14 127/15 127/19 127/24 128/3 167/7 167/7 171/20 174/22 190/9 224/10 243/18 244/15	N	NEVADA [7] 1/2 1/6 3/1 130/21 133/19 134/10 135/5	notice [2] 45/14 138/16
motive [7] 47/7 47/25 48/3 48/4 48/4 48/6 48/10	Ms. Anderson [3] 121/5 127/19 127/24	N-o-n-a [1] 3/18	never [37] 18/20 18/22 44/24 52/14 52/15 52/17 56/5 59/19 61/3 91/24 112/17 121/21 121/23 125/5 152/24 153/2 160/15 173/5 182/22 183/1 183/8 187/4 187/6 187/8 189/9 190/24 193/23 211/16 211/21 214/20 214/21 227/12 227/14 227/16 227/18 230/10 259/2	noticed [4] 28/19 29/23 31/2 31/15
mouth [14] 187/13 212/20 212/25 213/5 215/24 215/25 216/4 216/9 216/10 216/12 217/7 217/13 217/15 217/25	Ms. Bluth [11] 15/6 16/6 18/13 40/11 44/22 45/2 45/25 59/2 122/19 124/24 126/13	name [15] 3/16 3/17 7/16 7/19 7/19 21/21 35/25 105/23 107/1 130/5 130/7 130/8 130/25 131/15 137/22	nevertheless [1] 202/23	notices [1] 95/19
move [8] 3/24 107/4 110/20 158/18 185/8 194/16 224/24 248/24	Ms. Heather [2] 243/18 244/15	named [1] 56/15	new [14] 24/21 24/23 32/1 33/9 35/3 35/3 105/17 105/23 129/10 134/20 135/20 171/7 186/6 251/4	noticing [2] 163/14 213/25
moved [8] 40/21 232/24 233/1 251/12 252/25 252/25 253/2 253/3	Ms. Hinton [4] 167/7 174/22 190/9 224/10	nanny [7] 13/7 16/16 16/25 19/4 144/7 144/12 153/7	next [7] 3/8 25/7 83/4 129/22 137/6 247/9 247/9	Novaleih [9] 10/11 11/3 11/9 104/8 104/10 193/19 194/2 206/18 218/10
movies [1] 92/14	Ms. McAmis [5] 58/10 113/15 115/6 128/3 171/20	natural [1] 102/21	nicely [1] 90/21	November [25] 7/11 9/12 19/25 36/9 36/24 37/1 62/11 63/23 67/12 67/15 67/18 68/19 68/21 69/11 69/12 74/25 76/21 77/16 80/19 82/10 83/20 85/2 96/3 96/3 104/10
moving [6] 57/7 72/4 153/11 183/22 252/1 252/12	Ms. Ocloo [7] 16/9 77/12 88/15 104/3 109/16 116/7 120/25	Naturally [1] 63/9	niece [1] 250/3	November 2013 [1] 68/19
Mr [1] 2/12	Ms. Solander [5] 21/23 25/11 98/22 127/15 167/7	nature [1] 47/23	night [9] 143/7 178/23 179/4 179/9 180/10 184/5 185/21 204/9 251/13	now [125] 3/4 4/14 4/21 4/23 5/7 6/14 7/3 7/13 8/22 9/14 10/10 15/9 23/22 27/16 29/1 31/24 33/9 34/18 35/8 35/14 35/21 36/20 41/7 41/9 41/10 42/8 42/24 43/23 45/12 49/10 50/5 54/9 54/13 58/22 58/25 59/16 60/23 62/6 62/8 63/13 63/25 67/7 68/11 69/18 70/11 74/13 74/25 77/22 77/24 78/14 80/16 82/8 82/11 83/20 85/1 88/15 90/3 90/15 91/7 94/13 98/17 99/8 100/23 104/3 106/20 107/1 107/7 109/7 111/6 111/20 112/3 115/9 119/17 121/7 121/16 130/18 130/19 132/11 141/15 141/19 151/6 155/17 155/23 157/8 158/4
Mr. [15] 36/9 36/21 37/3 43/6 43/25 51/3 52/11 53/23 55/23 94/18 100/10 171/19 174/25 224/6 260/19	Ms. Wells [5] 8/19 14/4 15/3 120/16 127/14	need [20] 51/20 58/6 58/18 63/3 110/23 111/10 150/3 157/23 158/2 158/4 158/4 159/25 180/12 180/20 188/14 194/6 207/19 257/15 260/16 261/7	nighttime [4] 179/5 181/6 184/10 184/24	2214
Mr. and [1] 100/10	much [28] 20/23 32/3 40/23 80/20 88/12 90/8 93/5 123/25 130/12 157/20 157/20 166/9 166/19 172/5 173/3 173/12 175/2 182/13 182/21 186/23 193/1 214/16 223/24 226/19	needed [13] 24/19 39/2 41/6 95/7 97/20 97/21 156/20 157/6 157/22 158/9 160/8 170/23 180/9	none [6] 41/20 43/5 49/22 76/21 95/10 95/10	
Mr. Figler [5] 51/3 52/11 53/23 55/23 171/19		needs [19] 10/7 10/9 37/12 64/4 64/10 65/9 75/6 79/10 81/6 88/16 96/11 97/16 97/19 103/15 103/16 103/17	normal [11] 49/10 49/13 99/3 99/4 118/13 222/23 223/1 223/10 245/2 245/4 245/23	
Mr. Hamner [3] 43/25			normally [1] 6/18	

<p>N</p> <p>now... [40] 159/25 174/17 181/19 181/21 186/9 188/11 188/14 190/16 196/20 204/22 209/15 213/3 214/2 214/6 215/2 215/4 216/8 216/8 225/12 227/19 227/23 233/1 234/18 234/21 235/9 236/4 236/14 237/22 239/9 242/11 244/12 245/1 246/3 247/4 252/14 254/10 256/22 257/7 258/15 259/8</p> <p>nowhere [2] 68/17 122/14</p> <p>number [15] 43/17 44/4 88/4 88/7 94/20 105/24 163/13 163/13 172/10 172/11 173/3 173/4 198/5 255/23 256/11</p> <p>Number 1 [3] 43/17 172/11 173/3</p> <p>Number 2 [3] 163/13 172/10 173/4</p> <p>number one [1] 44/4</p> <p>numbers [1] 19/15</p> <p>numerous [2] 41/10 41/25</p> <p>nurse [2] 44/10 135/1</p> <p>nursing [3] 135/4 135/7 230/3</p>	<p>84/24 85/5 85/10 85/16 98/21 112/13 113/7 138/14 140/19 140/20 140/24 141/5 154/22 173/12 173/13 173/17 219/23 229/12 239/16</p> <p>observe [13] 15/3 83/15 117/7 140/21 140/23 185/25 186/1 186/2 219/7 236/5 240/8 240/14 252/19</p> <p>observed [31] 17/2 17/7 20/25 21/16 72/4 72/25 74/6 77/17 77/24 78/2 80/1 83/21 93/12 93/15 96/4 98/5 100/17 104/10 104/24 104/25 117/6 117/10 133/13 141/2 141/4 141/7 202/18 246/22 254/3 255/10 259/6</p> <p>observing [2] 79/2 233/20</p> <p>obviously [5] 59/1 146/7 223/2 227/4 248/15</p> <p>occasion [1] 251/7</p> <p>occasionally [1] 183/1</p> <p>occasions [1] 59/17</p> <p>occurred [2] 91/20 251/17</p> <p>Ocloo [13] 3/10 3/12 3/18 4/10 16/9 62/3 77/12 88/15 104/3 109/16 116/7 120/25 128/6</p> <p>October [1] 7/8</p> <p>odor [1] 93/16</p> <p>off [20] 25/2 80/14 89/14 109/16 133/21 133/23 146/20 155/6 164/6 172/14 181/5 182/6 182/7 182/12 193/9 194/3 218/22 220/9 220/21 240/20</p> <p>offense [1] 47/23</p> <p>offer [2] 170/22 201/6</p> <p>offered [3] 121/16 167/9 167/10</p> <p>office [2] 39/24 45/12</p> <p>officer [1] 8/2</p> <p>officers [4] 3/6 109/9 174/19 174/20</p> <p>often [11] 22/13 202/10 202/11 234/13 234/18 245/17 252/6 252/6 253/4 253/5 253/5</p> <p>oftentimes [1] 112/3</p> <p>oh [24] 12/17 28/22 43/25 52/10 97/5 124/12 124/12 144/18 153/11 162/6 164/17 173/20 185/4 187/20 190/7 192/9 205/6 208/24 219/14 233/14 233/16 236/18 253/2 259/20</p> <p>Ohio [1] 143/21</p> <p>okay [554]</p>	<p>old [16] 11/10 11/18 11/18 20/10 28/19 37/20 77/17 79/16 92/23 118/22 130/16 160/24 161/20 184/25 209/4 216/20</p> <p>older [7] 11/1 27/6 27/10 32/23 71/14 183/20 246/17</p> <p>oldest [8] 15/1 20/5 25/9 30/25 106/25 107/1 127/13 256/14</p> <p>Olsen [1] 261/18</p> <p>on [338]</p> <p>once [15] 5/22 92/9 162/16 163/8 164/14 183/10 183/17 185/23 186/3 202/13 219/2 236/25 243/22 245/9 252/24</p> <p>one [119] 6/14 9/4 10/23 11/1 11/12 11/17 11/20 13/2 14/6 15/20 16/24 22/19 25/17 25/22 30/3 33/17 42/25 44/4 45/11 47/11 55/9 55/19 55/19 56/15 60/23 61/16 71/8 71/15 71/21 71/25 75/24 77/19 80/8 83/4 83/7 83/7 86/17 96/22 107/20 110/7 112/20 113/15 115/3 115/14 116/14 118/18 123/15 125/20 125/22 125/25 126/1 134/18 137/9 137/10 140/20 152/23 153/3 163/14 163/24 164/6 164/12 164/14 164/14 165/15 168/5 168/5 168/12 172/12 176/17 176/18 176/24 177/1 177/8 180/3 182/9 182/10 182/25 184/14 184/25 187/1 187/21 199/17 200/21 203/20 203/21 207/22 207/23 208/8 208/9 209/24 211/7 211/14 211/15 213/5 215/20 220/20 221/7 221/12 221/14 222/18 223/24 223/25 226/14 233/24 234/6 234/19 234/23 236/20 236/22 249/19 250/12 250/13 250/14 251/13 251/15 251/21 252/22 256/14 259/6</p> <p>one's [1] 159/25</p> <p>one-on-one [1] 83/7</p> <p>ones [7] 19/7 19/8 115/16 177/10 198/14 214/1 250/1</p> <p>ongoing [2] 24/17 37/3</p> <p>online [2] 130/21 255/1</p> <p>only [25] 7/2 14/15 19/10 19/14 28/19 31/14 32/22 75/24 94/13 107/20 115/14</p>	<p>128/12 143/6 152/17 165/10 171/15 172/15 176/24 190/21 196/17 206/3 220/20 221/21 223/24 236/19</p> <p>oOo [1] 261/12</p> <p>open [6] 11/24 14/12 62/23 128/10 180/4 258/1</p> <p>open-ended [1] 11/24</p> <p>opened [3] 57/11 58/9 58/12</p> <p>opinion [8] 38/16 108/19 154/23 154/24 174/12 219/16 219/16 260/8</p> <p>opportunities [1] 178/18</p> <p>opportunity [8] 22/23 22/25 23/2 27/22 33/10 33/23 145/5 171/20</p> <p>opposing [1] 197/11</p> <p>option [1] 220/11</p> <p>options [2] 111/3 111/12</p> <p>or [320]</p> <p>orange [9] 36/4 117/24 118/9 118/15 118/16 118/21 168/8 169/18 170/9</p> <p>order [7] 8/9 49/19 63/17 83/15 198/18 247/9 247/10</p> <p>orders [1] 194/10</p> <p>ordinary [4] 78/8 92/19 99/7 222/22</p> <p>oriented [1] 77/22</p> <p>original [3] 35/6 50/7 114/16</p> <p>originally [3] 227/24 233/6 240/18</p> <p>other [60] 4/19 19/7 31/10 38/12 38/15 42/15 54/8 55/10 55/22 83/10 99/3 108/2 108/15 108/18 111/9 113/1 116/15 119/8 119/8 119/9 123/9 126/6 146/11 147/12 149/17 174/7 174/11 176/20 176/25 177/10 187/21 193/11 193/18 198/14 201/7 206/19 207/25 218/11 218/15 220/8 223/4 223/7 223/14 223/24 227/18 236/4 236/8 236/9 238/17 238/22 242/13 247/4 250/13 250/13 250/14 256/22 257/1 257/12 260/4 260/7</p> <p>other's [2] 223/20 234/10</p> <p>otherwise [1] 58/13</p> <p>our [23] 5/13 7/17 7/22 7/25 16/4 38/7 38/21 39/11 42/23 43/10 45/10 46/6 46/6 46/11 46/15 49/1 50/7 108/8</p>	<p>108/11 108/25 174/2 259/19 259/25</p> <p>out [96] 5/14 5/25 6/9 12/17 18/22 19/23 29/5 29/20 31/3 31/9 32/12 36/9 37/4 40/7 40/20 42/9 46/5 46/14 49/10 49/11 53/5 57/1 57/1 57/2 57/9 59/11 59/14 59/17 60/12 63/18 63/18 65/16 71/4 72/5 73/10 74/4 78/8 81/2 87/2 87/10 87/20 92/14 92/18 98/2 99/7 101/7 113/21 119/12 119/13 120/16 131/7 144/2 146/4 146/5 146/23 153/2 153/4 161/20 176/9 188/11 193/4 208/2 208/4 208/13 219/11 219/24 221/6 221/8 221/9 221/10 222/19 222/22 223/1 223/11 226/17 226/18 227/3 227/4 227/6 230/7 231/17 232/17 234/5 234/12 236/15 240/8 240/25 243/1 245/19 246/1 246/3 246/20 250/25 253/7 257/17 261/1</p> <p>outfit [1] 248/20</p> <p>outings [1] 245/4</p> <p>outside [6] 120/11 120/15 221/17 221/19 230/12 239/6</p> <p>over [17] 31/2 31/15 53/13 55/10 100/11 100/21 108/22 112/10 136/24 137/3 150/5 190/17 223/2 227/3 232/22 236/1 260/21</p> <p>overruled [16] 11/7 16/21 18/2 72/20 103/24 114/22 120/1 145/22 147/4 160/11 171/4 186/16 194/15 194/15 217/19 220/2</p> <p>overstated [1] 42/25</p> <p>overwhelmed [1] 219/8</p> <p>own [20] 21/17 22/12 36/14 52/23 63/2 68/4 78/15 78/18 140/14 180/13 191/8 191/10 198/13 201/8 201/21 229/12 239/2 239/14 240/3 240/3</p> <hr/> <p>P</p> <p>p.m [7] 108/23 109/6 109/6 174/15 174/15 260/13 261/11</p> <p>page [42] 9/5 59/19 59/22 100/2 124/5 124/6 132/25 142/3 142/6 142/7 144/19 151/18 151/19 151/21 151/25 161/8 163/12 2215</p>
---	---	---	---	---

P	parenting [3] 111/2 111/3 111/7 parents [49] 6/3 6/11 10/6 10/7 10/13 10/20 11/2 11/13 11/21 13/23 14/2 14/3 14/6 22/18 22/21 26/19 32/24 33/4 33/6 42/5 60/18 60/20 69/24 81/25 82/3 89/6 90/21 98/19 100/4 100/6 101/19 101/24 102/9 102/21 103/10 110/23 111/6 111/14 127/11 127/18 127/22 128/8 128/8 138/17 143/5 156/7 191/17 246/19 254/11 park [2] 137/21 232/19 part [50] 9/4 15/21 16/5 16/6 16/15 19/18 20/16 21/13 23/23 32/11 33/8 33/8 39/15 39/16 40/7 44/12 44/13 48/7 60/17 71/4 81/8 82/5 90/14 98/17 113/16 125/22 129/9 131/25 132/23 134/12 149/1 152/20 152/20 162/24 165/8 175/24 176/6 194/9 201/10 204/24 205/1 215/9 215/9 223/4 227/23 229/1 229/20 230/23 234/12 242/7 particular [3] 121/17 140/5 195/17 particularly [4] 13/15 129/3 217/13 234/6 parties [1] 113/1 pass [2] 87/10 113/10 passed [1] 166/25 passing [2] 87/2 87/19 passport [5] 53/12 54/17 55/24 55/25 56/5 past [5] 5/24 6/22 15/10 67/5 100/11 pastor [1] 245/21 pause [3] 4/2 66/12 139/20 pauses [2] 162/10 162/19 pee [35] 154/10 158/10 158/14 158/14 159/2 159/6 159/7 159/12 159/19 159/21 160/5 160/9 160/16 160/18 161/16 161/21 161/25 164/24 165/6 166/3 166/4 166/11 166/16 167/4 179/9 183/1 183/16 184/9 184/23 187/22 192/21 192/23 203/16 214/22 253/16 peed [9] 165/23 182/23 183/8 185/4 192/19 210/10 218/3 253/12 253/15 peeing [14] 161/14 162/21 163/16 165/20 165/24 183/4 185/24 186/2 189/21 189/21 208/23 236/9 236/12 252/21 people [7] 128/7 134/17 135/20 136/25 202/2 220/19 229/21 per [5] 61/10 61/11 125/10 165/5 169/16 percent [1] 240/1 perfectly [2] 125/23 170/18 perhaps [1] 238/4 period [39] 7/4 25/15 36/25 100/21 119/18 119/22 138/2 138/6 138/11 138/12 138/23 140/2 140/14 140/17 140/21 140/25 141/3 141/8 144/5 147/21 155/24 155/25 156/18 157/1 157/8 157/15 157/16 157/21 158/1 163/1 163/6 182/15 183/17 183/24 184/1 184/18 202/14 236/1 250/18 periods [1] 177/17 permanency [4] 10/15 110/9 119/13 119/21 permission [4] 197/25 239/21 248/24 249/3 person [19] 6/19 20/17 37/7 38/13 42/7 47/8 105/17 105/18 108/16 120/14 124/20 145/7 164/14 164/15 174/9 189/23 194/25 234/6 260/5 personal [1] 117/2 personally [3] 189/3 245/21 246/22 perspective [2] 120/11 120/15 petty [2] 154/19 154/24 phase [2] 185/24 186/4 Phoenix [1] 229/17 phone [6] 8/19 37/7 124/20 191/20 191/22 248/20 photo [12] 2/16 117/4 117/4 117/13 117/24 118/1 118/6 136/24 148/17 198/24 249/14 250/11 photograph [7] 169/1 247/14 247/16 247/22 248/7 248/13 249/9 phrase [2] 226/22 233/9 phrasing [3] 16/20 39/18 126/12 physical [12] 10/7 15/17 15/22 37/12 37/16 107/8 158/16 225/18 226/8 230/11 234/11 257/23 physicality [1] 234/9 physically [11] 79/2 91/17 96/12 97/1 103/16 177/21 183/9 183/15 183/15 187/4 236/15 physicals [4] 135/22 135/23 135/25 230/1 pick [1] 104/20 picked [4] 33/22 85/25 104/23 192/20 picking [1] 192/23 picture [2] 168/25 248/20 pictures [1] 247/5 pieces [1] 172/15 pink [1] 36/5 pins [1] 212/10 pitcher [1] 196/14 PJs [1] 206/22 place [14] 6/9 34/5 38/18 95/1 108/21 112/3 163/5 163/9 174/13 186/7 186/19 221/21 235/14 260/10 placed [4] 7/6 17/10 41/10 203/16 placement [2] 76/15 85/9 placements [1] 5/15 places [1] 246/6 placing [1] 220/10 plaid [2] 137/5 137/5 Plaintiff [1] 1/7 plan [1] 163/15 playing [1] 77/24 playpen [1] 104/11 Playtex [2] 29/9 29/9 plea [9] 131/23 131/25 227/20 227/23 228/11 228/14 228/15 228/24 229/1 plead [1] 131/20 please [25] 3/15 3/16 21/25 35/15 38/16 38/18 108/19 108/21 108/24 122/23 125/7 126/13 129/18 130/4 130/5 151/17 168/6 174/11 174/13 195/24 199/19 200/4 209/23 260/8 260/10 plus [4] 5/3 62/7 62/15 121/9 point [34] 18/1 28/16 32/16 40/4 40/17 51/9 51/11 51/18 57/1 57/2 57/9 105/16 121/8 122/10 122/12 131/7 138/8 161/12 161/20 175/8 175/13 179/11 183/20 187/3 198/23 202/9 208/3 216/25 226/18 232/23 247/19 252/14 252/25 254/1 pointed [3] 40/6 57/1 249/12 points [3] 160/22 163/23 205/1 police [112] 132/12 141/16 141/21 142/13 142/18 142/19 142/24 143/12 143/16 144/17 147/11 147/19 149/20 151/2 151/6 151/9 152/6 152/8 153/24 154/1 154/4 155/4 155/8 155/13 159/4 159/8 161/6 161/17 162/13 162/17 163/12 163/18 164/1 164/2 164/19 165/2 165/4 165/9 165/21 166/2 166/7 166/14 167/1 168/18 169/1 169/8 169/15 170/1 178/25 179/3 179/15 181/9 181/11 181/16 182/22 183/8 183/10 184/9 185/3 185/5 188/15 188/18 188/23 189/6 189/9 189/10 189/13 189/23 190/5 190/10 190/15 190/24 191/5 191/7 192/6 193/9 195/10 195/16 196/13 196/16 203/7 203/15 204/6 205/16 205/20 207/8 207/14 212/9 212/24 213/9 213/21 214/23 215/4 216/2 220/23 221/21 224/12 224/15 226/22 227/10 227/16 232/13 243/5 243/25 244/9 244/13 258/20 258/22 259/2 259/5 259/8 259/13 polka [1] 137/8 poop [5] 154/10 154/15 159/13 164/24 214/21 pooping [7] 92/2 163/16 165/19 165/25 236/9 236/13 252/21 poops [1] 93/1 pop [2] 153/1 153/2 popped [3] 194/22 194/23 194/24 popping [1] 194/25 portable [4] 91/25 118/8 118/10 118/12 portion [5] 32/10 142/1 142/7 144/16 151/16 position [9] 4/21 4/23 5/8 5/9 41/11 46/6 46/6 150/3 150/5 positive [3] 57/3 80/24 100/17 positively [1] 231/13 possibility [2] 208/13 228/23 possible [2] 54/6 69/13 possibly [2] 57/24 220/24 potential [5] 40/2 87/19 110/7 228/12 228/21 potentially [1] 232/6 pots [3] 25/16 48/21 71/5 potty [37] 10/4 11/16 11/17 22/16 25/15 2216
----------	--

<p>P</p> <p>potty... [32] 25/18 25/21 28/13 28/15 36/14 70/11 70/13 70/18 70/20 71/9 71/11 71/12 71/15 71/15 71/19 80/21 81/5 81/25 91/25 101/15 112/15 112/17 112/19 118/8 118/13 123/2 123/8 123/14 123/19 123/22 162/21 219/11</p> <p>practice [1] 95/18 practices [1] 14/5 predated [1] 252/12 prediabetes [1] 54/7 prefer [1] 6/9 preferential [1] 6/5 prejudice [1] 53/4 prejudicial [5] 13/18 39/18 39/19 40/2 43/3 preparation [1] 40/6 prescription [2] 225/23 225/25</p> <p>presence [6] 3/3 3/5 58/24 109/8 174/16 174/18</p> <p>present [5] 20/3 20/4 20/6 43/12 49/25</p> <p>presenting [1] 39/11 pretty [17] 49/19 82/13 139/19 169/17 182/13 186/23 188/3 193/1 193/1 226/19 227/5 243/7 245/12 245/14 245/18 245/25 253/17</p> <p>prevented [1] 43/11 previous [14] 6/23 6/25 15/12 19/8 32/12 105/7 115/7 115/9 119/13 126/16 126/17 148/17 151/22 151/25</p> <p>previously [8] 142/24 147/9 149/20 151/2 156/17 165/1 168/18 211/16</p> <p>prior [10] 16/9 18/12 39/9 41/24 54/21 66/1 135/11 217/4 226/9 252/1</p> <p>prison [1] 228/4 private [1] 6/11 privilege [1] 198/23 privy [2] 8/22 8/25 probably [17] 23/10 152/17 162/14 165/18 165/19 165/20 177/6 191/22 191/23 196/10 207/21 216/22 221/19 226/24 236/19 236/20 257/9</p> <p>probative [3] 39/19 41/12 47/1</p> <p>problem [4] 49/16 68/17 74/10 74/11 problematic [3] 73/3 76/10 104/22 problems [10] 24/17</p>	<p>30/4 37/17 46/9 46/9 47/16 47/17 98/13 207/11 207/15</p> <p>procedure [1] 124/4 procedures [1] 230/15 proceed [4] 4/5 13/19 130/10 130/11</p> <p>proceedings [8] 1/9 4/2 58/23 109/6 139/20 174/15 261/11 261/14</p> <p>process [6] 125/23 172/21 172/23 202/2 225/18 240/2</p> <p>professionals [1] 125/16</p> <p>program [3] 26/6 26/8 30/5</p> <p>progress [2] 101/11 163/10</p> <p>progressing [1] 81/10 progression [1] 219/10</p> <p>projects [1] 241/16 pronouncing [1] 62/3 proper [1] 37/20 properly [7] 21/18 26/14 26/15 34/15 49/20 91/9 91/13</p> <p>proposed [7] 116/22 117/23 197/12 197/16 198/1 247/8 247/13</p> <p>prosecutor [1] 227/21 prospect [1] 232/2 protect [1] 106/6 protective [8] 4/24 5/10 60/19 63/14 100/5 103/9 103/14 103/18</p> <p>prove [1] 58/1 proven [1] 48/18 provide [5] 30/10 30/11 37/22 38/2 48/10</p> <p>provided [1] 190/9 providing [3] 60/25 103/15 103/18</p> <p>PSR [6] 61/8 80/12 97/24 98/2 254/23 255/20</p> <p>PST [1] 61/15 psychiatric [3] 25/12 30/4 30/12</p> <p>publish [2] 136/23 249/4</p> <p>Publishing [3] 148/14 198/7 199/14</p> <p>pull [9] 11/18 21/7 21/8 21/14 21/15 22/11 78/12 93/5 149/11</p> <p>pull-up [7] 21/7 21/8 21/14 21/15 22/11 78/12 93/5</p> <p>pull-ups [1] 11/18 pulling [3] 31/8 74/4 172/14</p> <p>punish [1] 218/3 punishable [1] 228/18 purely [1] 53/5 purpleish [1] 131/10 purportedly [1] 17/7 purse [1] 3/21 pushed [1] 126/21</p>	<p>put [21] 3/21 23/19 29/18 45/5 94/25 95/16 105/25 163/5 163/9 174/4 179/20 196/14 196/24 212/2 212/19 212/20 212/25 213/22 215/23 216/12 253/23</p> <p>puts [2] 23/18 23/20 putting [3] 214/2 215/25 217/6</p> <hr/> <p>Q</p> <p>qualified [1] 136/7 question [65] 8/11 8/11 11/24 12/1 12/2 12/15 14/13 16/20 18/13 26/25 36/5 40/3 42/17 43/13 43/17 44/3 46/1 49/5 52/16 55/6 58/10 64/13 64/14 64/19 66/14 73/8 102/1 102/6 105/3 106/15 114/7 114/7 123/2 126/2 126/3 126/12 126/13 138/19 142/5 143/3 145/2 147/8 155/16 164/5 164/8 164/10 165/8 165/14 166/15 166/22 169/22 170/14 171/3 171/15 172/20 194/16 202/17 214/14 214/19 219/19 219/21 220/3 241/25 244/6 254/8</p> <p>questioned [1] 207/19 questioning [14] 39/7 39/14 40/4 40/5 41/9 41/12 42/16 42/22 43/5 43/11 44/20 53/4 56/23 175/1</p> <p>questions [46] 20/9 23/5 32/5 39/19 41/16 56/20 68/5 73/18 75/18 75/21 77/8 79/5 80/16 82/19 104/4 104/5 115/1 115/6 119/11 121/5 121/7 121/7 121/16 122/1 122/4 122/21 123/1 124/25 126/1 127/16 128/3 128/6 129/13 129/15 129/17 147/5 166/14 171/21 222/20 224/5 224/11 225/2 225/8 227/7 229/4 233/23</p> <p>quick [3] 12/15 26/25 38/9</p> <p>quiet [8] 28/20 28/25 29/22 114/25 115/2 121/17 121/20 139/13</p> <p>quinoa [2] 207/3 207/9 quite [2] 42/3 119/17 quote [1] 39/17</p> <hr/> <p>R</p> <p>rainbow [1] 150/18 raise [1] 66/16 raises [1] 69/16 Ramirez [1] 46/4</p>	<p>random [1] 134/23 range [1] 254/14 ranged [1] 253/5 ranking [1] 136/14 rather [4] 13/11 39/15 194/7 256/4</p> <p>RC [1] 36/1 reach [6] 36/9 59/11 59/14 59/17 120/16 146/23</p> <p>reaching [2] 119/12 119/13</p> <p>reacted [1] 114/17 reaction [4] 146/17 146/19 161/21 187/24</p> <p>reactions [1] 154/25 read [20] 12/13 12/14 12/17 12/18 24/10 26/23 32/3 36/4 38/12 39/22 51/25 108/15 125/6 132/16 145/7 145/7 151/21 174/8 244/3 260/4</p> <p>reading [5] 24/5 40/12 40/13 142/12 244/12</p> <p>ready [3] 3/8 77/8 178/16</p> <p>real [1] 115/2 really [23] 7/15 22/24 29/25 45/21 53/3 58/18 146/19 155/23 158/9 160/8 162/14 167/5 178/15 181/14 181/17 181/19 181/21 184/23 185/19 209/13 217/12 217/14 219/11</p> <p>reask [1] 139/22 reason [14] 19/8 60/17 76/18 84/22 94/11 122/8 142/23 143/14 146/7 154/3 184/12 195/15 242/5 248/17</p> <p>reasonable [2] 42/7 48/19</p> <p>reasons [1] 220/9 reassigned [1] 89/13 rebuttal [3] 45/8 45/15 45/20</p> <p>recall [25] 49/11 132/11 132/20 139/4 140/1 141/21 143/13 146/10 146/25 149/20 151/2 151/6 157/20 160/25 161/1 161/17 166/1 170/3 192/22 220/25 224/14 227/9 229/18 244/12 253/9</p> <p>receive [3] 7/5 60/19 100/5</p> <p>received [4] 9/8 17/20 59/23 105/16</p> <p>receiving [3] 24/19 49/12 94/5</p> <p>recent [2] 107/18 108/2 recess [10] 38/7 38/9 38/10 38/21 108/11 259/19 259/25 260/2 260/14 261/6</p> <p>recessed [7] 38/20</p>	<p>58/23 108/23 109/6 174/15 260/13 261/11 recognize [9] 136/25 148/3 168/4 197/18 247/14 247/16 247/21 249/14 250/20</p> <p>recollection [13] 12/11 12/23 27/1 32/4 32/6 36/7 132/23 142/8 144/16 149/23 151/15 187/8 243/8</p> <p>recommend [3] 76/14 109/20 110/21</p> <p>recommendation [3] 198/18 218/18 218/19</p> <p>recommended [8] 85/8 86/9 86/24 88/1 194/10 226/10 226/11 226/12</p> <p>recommending [1] 88/8</p> <p>reconvene [1] 259/25 record [21] 3/5 3/17 22/3 50/16 50/16 52/6 53/8 53/8 56/11 57/9 58/15 109/8 130/6 131/11 147/6 148/11 168/7 174/18 197/15 199/21 200/6</p> <p>recorded [13] 1/24 16/3 77/9 104/1 116/5 122/24 125/19 126/10 147/3 150/1 167/14 214/10 259/23</p> <p>RECORDER [1] 1/24 records [21] 7/25 8/4 9/11 19/25 42/11 43/13 44/23 44/25 44/25 45/3 46/21 46/21 46/22 50/6 50/8 50/10 50/17 50/21 51/22 52/12 66/9</p> <p>recross [3] 2/8 121/1 121/3</p> <p>Recross-Examination [2] 2/8 121/3 recruits [1] 134/20 red [5] 66/16 68/16 69/16 81/14 150/23</p> <p>redirect [6] 2/7 54/15 113/11 113/13 242/25 251/9</p> <p>redirection [1] 257/3 refer [7] 111/6 111/9 111/17 111/17 125/22 138/3 149/24</p> <p>referral [5] 65/7 65/11 66/15 83/16 107/7</p> <p>referred [1] 141/25 referring [19] 102/15 132/25 142/3 144/14 144/19 146/12 151/18 154/6 161/8 164/3 164/5 165/13 168/23 172/2 179/1 183/12 212/7 214/12 231/5</p> <p>reflect [11] 3/5 22/3 68/18 109/8 131/11 148/11 168/7 174/18 197/15 199/21 200/6</p> <p>refresh [19] 12/11 2217</p>
---	--	--	--	--

R	17/23 18/18 35/9 76/19 120/19 126/18 127/5 128/7 128/16 repeat [2] 156/23 162/24 repeated [1] 41/15 rephrase [4] 16/7 116/7 126/13 202/17 report [49] 6/24 7/17 8/25 9/3 9/8 9/23 9/25 10/10 11/12 12/10 16/16 16/25 19/4 20/16 21/2 21/13 23/12 24/4 24/8 24/10 27/17 28/3 30/17 32/11 35/2 35/3 35/5 35/6 39/23 40/13 40/14 55/22 55/22 55/22 59/23 59/24 60/8 64/1 64/9 64/16 120/17 124/9 124/16 124/18 125/4 125/4 125/7 127/11 243/12 reportable [2] 76/10 87/20 reported [18] 9/14 11/2 22/20 32/8 32/13 65/6 80/20 84/4 86/5 88/22 88/23 89/16 89/24 91/4 92/5 102/1 102/3 102/8 reporter [6] 7/15 7/16 7/22 15/17 33/1 40/13 reporting [3] 1/25 13/22 100/16 reports [22] 5/13 6/23 6/25 7/2 10/12 11/12 15/12 19/2 19/11 19/11 19/16 32/16 33/3 38/13 39/11 56/22 59/7 64/20 108/16 124/5 174/8 260/5 representation [1] 8/2 request [4] 43/10 77/2 92/19 129/10 requested [2] 24/20 24/23 requesting [1] 44/15 requests [2] 126/22 128/7 required [2] 10/4 11/17 requirement [1] 229/1 research [5] 38/15 66/21 108/18 174/10 260/7 residence [1] 180/4 residential [1] 26/8 resource [1] 99/9 respect [1] 184/23 respectfully [2] 58/8 58/14 respond [2] 79/6 244/18 responded [4] 78/21 143/4 169/7 190/7 responding [1] 227/7 response [9] 24/7 49/5 104/6 104/19 123/4 133/20 177/20 181/15 227/8 responsive [1] 122/3	rest [9] 14/16 21/17 22/12 38/22 39/2 40/16 43/22 123/25 246/12 restrictions [1] 140/3 result [1] 228/14 resume [3] 59/2 109/12 175/1 returned [2] 37/4 37/8 review [12] 41/25 42/17 43/14 50/17 56/12 60/1 65/18 66/8 124/4 124/6 142/21 155/10 reviewed [9] 5/23 24/4 35/5 35/6 50/15 50/16 50/20 51/1 65/2 reviewing [3] 64/25 143/8 170/3 revolves [1] 48/24 right [230] 3/4 3/19 4/3 4/21 7/3 7/24 9/7 9/12 12/13 17/11 18/9 20/9 23/5 34/1 35/23 36/18 36/21 40/1 40/22 41/22 43/23 43/23 44/9 44/17 46/18 48/2 52/25 54/11 54/25 55/3 55/18 56/1 56/8 57/21 58/3 58/5 58/25 61/25 62/12 62/18 62/20 63/3 63/4 63/9 63/15 63/20 63/21 64/4 64/22 64/25 65/9 65/18 66/6 66/13 67/9 67/15 67/21 68/16 68/23 69/4 70/6 71/2 74/21 74/25 75/11 76/3 76/8 77/12 77/25 79/3 79/20 80/1 82/6 83/5 85/6 88/12 93/21 95/19 99/1 99/16 100/25 102/6 104/3 104/17 105/3 106/7 106/15 109/4 109/5 109/7 110/8 111/10 111/21 112/4 113/11 116/23 121/1 121/11 121/22 121/24 121/25 122/10 122/23 122/25 123/13 124/24 125/4 125/6 129/17 129/20 129/25 130/18 130/19 131/9 132/7 132/17 133/2 133/7 135/1 137/4 137/6 137/7 139/16 141/17 145/8 147/4 147/16 149/15 153/13 155/12 155/15 156/22 157/25 159/25 160/5 160/6 163/21 168/14 169/15 174/4 174/17 174/25 175/8 175/23 176/1 176/21 177/8 177/13 177/15 179/22 181/4 183/14 183/15 183/22 184/15 184/19 185/12 185/21 189/11 190/5 190/12 190/22 190/25 193/12 198/4 199/2 199/24 200/5	201/5 201/18 202/15 208/22 211/13 211/18 211/20 217/1 223/8 224/6 224/14 228/9 228/21 232/10 233/2 234/23 235/17 236/24 237/12 237/17 238/4 238/12 239/1 239/11 239/23 239/25 240/25 241/18 242/16 243/2 243/8 243/15 245/2 245/4 245/7 245/10 245/12 246/4 246/24 247/5 247/20 247/22 248/2 248/16 248/18 248/22 249/2 249/12 249/23 252/15 253/25 254/9 254/15 255/11 256/3 256/23 257/7 257/22 258/2 258/24 259/6 261/2 rights [4] 44/19 132/17 133/7 133/9 ring [1] 81/13 role [3] 4/22 5/11 23/23 room [25] 21/17 22/12 34/7 38/22 39/2 43/22 77/25 78/6 125/21 125/24 126/9 180/11 180/15 195/25 201/21 224/24 225/1 225/4 230/11 238/16 239/4 239/7 240/2 240/8 240/13 rooms [1] 68/2 roughhousing [1] 257/11 roughly [2] 255/24 256/17 routine [2] 178/3 239/11 rubber [1] 29/13 Rue [1] 260/19 rule [7] 45/16 162/25 163/2 163/8 163/21 167/4 242/18 ruled [5] 52/5 54/12 208/2 208/4 208/13 ruler [1] 48/20 rules [18] 156/19 157/4 157/12 158/8 161/25 162/19 163/5 186/6 186/19 219/11 219/24 235/14 237/22 239/9 240/4 241/6 252/15 254/6 ruling [2] 39/20 40/17 running [4] 83/11 86/6 97/10 188/8 rush [1] 257/15	14/14 19/4 24/11 24/25 25/9 26/22 28/12 32/20 34/14 36/17 37/6 37/10 39/1 39/22 40/14 40/18 40/25 46/20 49/3 52/18 54/5 57/17 57/20 58/12 60/1 67/14 73/24 75/5 78/21 91/24 105/9 105/16 116/25 118/6 123/9 124/17 127/15 133/9 139/23 143/1 143/4 153/23 156/19 159/24 162/6 163/1 164/12 166/3 166/14 167/7 179/8 185/1 187/15 189/2 189/9 189/20 192/11 195/15 203/21 204/13 211/20 215/3 217/25 219/18 222/6 232/13 232/19 233/24 244/14 244/21 247/9 251/21 252/5 253/25 259/2 259/6 same [28] 6/24 15/13 15/13 15/23 16/12 16/20 31/17 34/18 35/5 35/6 35/7 50/1 51/23 63/6 67/1 67/5 71/19 79/8 82/10 90/12 100/2 114/9 148/16 201/7 220/5 248/20 256/11 257/19 sat [4] 34/20 169/6 169/6 169/11 Saturday [3] 90/4 90/18 92/9 saw [45] 15/24 16/11 22/24 52/14 52/15 52/17 53/12 56/5 60/7 68/25 73/12 104/8 104/13 104/14 104/15 104/19 107/5 107/18 107/20 112/17 115/9 118/8 118/8 125/5 132/23 144/10 153/12 156/25 170/12 188/25 190/1 191/2 191/6 191/8 209/16 209/23 211/21 219/10 223/19 230/9 235/23 235/25 236/1 258/1 259/13 say [108] 7/15 7/19 19/10 19/14 19/15 24/5 24/16 25/14 25/24 26/12 26/21 27/3 28/25 31/6 34/1 35/11 37/9 44/7 44/7 50/19 54/2 57/10 58/8 62/14 76/17 91/15 96/9 96/10 102/16 102/23 102/23 104/5 112/6 114/9 118/3 118/12 125/9 127/24 141/20 145/2 147/13 149/9 154/19 155/12 160/19 161/19 161/20 163/22 164/13 170/4 172/13 173/4 176/6 176/23 176/23 181/24 182/24 183/4 2218
----------	--	---	--	---

S	205/15 251/3	42/14 52/20 53/2	34/11 34/13 34/14	217/23 217/23 227/3
say... [50] 185/5	season's [1] 250/24	send [2] 219/1 219/5	178/11 180/15 191/15	227/12 238/1
185/22 187/19 189/18	seasons [1] 248/1	sending [2] 26/3 30/6	191/24 193/2 193/4	situations [1] 80/18
191/22 192/5 192/7	seat [5] 117/24 118/25	sends [1] 8/20	195/4 198/8 198/11	six [3] 4/14 49/25
192/25 194/9 195/5	168/25 169/18 170/9	senior [1] 4/12	198/14 198/19 238/5	145/6
199/18 201/10 202/15	seated [2] 3/15 130/4	sense [1] 219/4	238/5 239/14 241/3	skill [1] 63/17
205/6 210/9 210/11	seats [3] 168/1 168/2	sent [2] 30/5 250/25	showering [3] 26/16	skills [1] 94/8
210/13 210/21 211/8	170/2	sentence [1] 14/16	47/17 178/9	skin [3] 150/21 259/10
211/11 216/17 218/5	second [10] 35/15	sentenced [2] 228/15	showers [5] 91/9	259/15
219/3 219/9 220/8	134/10 138/24 153/12	228/23	178/13 191/18 195/19	sleep [18] 140/9
220/14 222/5 222/20	171/7 175/5 182/15	sentences [1] 228/5	240/11	198/22 199/6 199/8
227/1 227/6 227/11	206/3 214/8 221/12	sentencing [1] 132/3	showing [6] 19/10	200/10 200/13 200/15
227/12 227/25 230/5	seconds [5] 143/8	series [1] 124/25	19/25 117/23 148/2	200/17 200/19 200/25
231/6 235/7 236/17	165/7 165/10 165/19	serious [2] 53/18	197/11 197/15	201/7 201/13 201/17
236/20 237/16 240/6	165/20	227/24	shown [4] 60/18 100/4	203/2 203/11 204/20
243/1 245/15 245/19	secrecy [1] 143/6	seriously [1] 106/9	168/24 169/1	206/3 206/6
248/21 251/2 252/4	section [1] 151/21	served [3] 207/4	shows [9] 101/19	sleeping [10] 198/21
257/3 257/5 257/9	see [96] 6/15 6/22 9/6	207/12 229/23	101/22 101/25 102/2	199/4 199/12 202/14
259/12	13/14 15/15 15/20	service [2] 113/24	102/3 102/9 102/9	202/19 202/23 203/1
saying [31] 7/18 39/23	16/10 16/15 16/24	129/4	102/23 102/23	203/3 204/22 240/2
42/7 48/7 48/8 51/21	16/25 19/10 21/23	services [27] 4/11 4/12	sibling [7] 77/20 77/24	sleepy [2] 226/16
52/1 52/2 52/3 55/18	22/24 28/17 28/18	4/24 4/24 5/3 5/6 5/10	82/4 95/4 99/23 100/1	226/19
56/25 60/13 95/20	28/22 29/1 29/4 31/11	18/17 25/5 61/9 63/14	223/10	sleeves [2] 31/19
114/10 120/5 120/8	32/20 53/21 55/14	81/9 89/13 94/23 94/23	siblings [6] 80/5 84/2	137/13
155/16 157/23 164/19	55/16 55/17 55/21	94/25 95/7 95/17 95/20	92/15 92/23 223/8	slept [6] 199/17 201/3
168/20 172/14 184/11	55/22 55/22 55/23	97/22 97/24 111/10	234/7	201/23 203/19 204/11
185/4 192/17 196/4	55/24 60/4 60/5 60/8	127/20 128/13 128/15	sic [1] 121/5	204/17
203/9 205/7 211/12	61/19 67/6 70/17 72/21	233/10 233/10	sick [7] 22/25 33/20	slow [2] 77/8 88/19
221/1 231/20 244/1	77/4 79/9 103/25	session [4] 3/4 58/25	47/18 48/8 48/25 49/1	smacked [1] 195/11
says [5] 23/12 27/17	107/24 111/2 111/15	109/7 174/17	101/6	small [2] 154/18
102/14 125/10 248/1	112/23 116/22 117/23	sessions [3] 15/4 33/6	side [4] 18/22 93/21	154/20
scarring [1] 116/23	118/2 118/7 118/10	83/7	200/8 227/18	smiling [1] 78/21
scenarios [1] 158/5	122/23 129/17 131/4	set [5] 63/17 112/16	significant [3] 77/13	so [365]
schedule [3] 241/14	135/7 138/10 140/14	132/3 182/14 238/8	234/16 234/22	social [5] 4/15 5/3 62/7
241/20 241/25	140/15 141/22 144/16	setting [1] 6/5	silent [1] 132/17	62/15 62/17
scheduled [3] 26/5	148/8 148/14 150/20	seven [10] 37/14 83/5	silently [1] 244/4	soiled [6] 213/16
60/21 100/7	151/12 151/15 152/12	96/23 99/24 100/11	simply [1] 158/8	213/22 214/19 214/21
scheduling [1] 259/22	154/25 158/12 158/13	100/21 106/21 107/19	since [11] 18/3 18/11	215/8 216/6
SCHOFIELD [1] 1/24	168/4 168/5 168/5	108/4 119/20	37/13 43/24 44/2 56/5	soiling [1] 173/22
school [43] 6/7 6/10	176/4 178/1 178/18	seven-month [1]	80/21 80/25 172/24	SOLANDER [92] 1/9
28/12 33/14 33/15	183/9 183/15 184/21	100/21	176/5 195/25	15/18 15/23 16/17
33/15 33/19 33/20	185/8 187/2 192/18	several [2] 15/12 85/15	single [5] 43/6 70/20	16/18 21/22 21/23
44/10 69/1 75/22 75/22	196/8 196/11 199/15	severe [3] 30/3 30/12	71/9 241/2 256/8	25/11 33/18 36/21 37/3
75/25 85/20 85/25 86/3	199/16 200/2 211/7	223/21	sister [6] 92/23 119/10	43/6 46/7 56/21 69/4
90/10 130/19 130/20	217/13 218/6 218/9	severity [1] 42/8	123/10 123/20 143/22	71/18 73/8 74/3 74/9
134/5 134/7 173/2	218/11 222/2 223/21	shape [3] 150/16	249/19	74/14 74/21 78/3 78/18
176/5 218/22 219/1	236/16 248/7 248/14	150/17 150/18	sisters [8] 225/9	79/13 80/17 80/20
219/2 219/2 219/6	249/21 259/21 260/11	share [4] 7/22 125/20	234/11 236/15 237/15	83/12 85/9 85/25 86/13
220/10 220/13 220/21	seeing [16] 40/9 61/21	125/25 126/6	246/17 249/17 251/6	90/24 91/8 91/16 93/8
222/23 223/5 231/10	86/24 87/16 141/13	shared [1] 89/5	254/12	94/18 95/24 98/22
231/16 240/18 241/16	141/13 150/25 167/17	she [396]	sit [30] 10/4 11/17	100/10 104/19 104/23
241/24 241/24 245/18	183/18 184/18 203/1	she'd [2] 134/18 234/8	23/23 27/22 33/23	105/23 107/20 110/4
252/10 253/11 254/1	210/18 223/16 232/21	she's [18] 11/6 22/1	36/14 45/1 70/13	112/19 114/17 114/24
school-aged [2] 75/22	236/21 236/22	22/2 43/19 43/23 48/17	118/22 139/8 151/5	116/19 116/22 119/5
75/25	seeking [1] 160/13	48/17 54/2 57/1 91/4	155/17 168/13 168/14	119/9 121/17 122/15
schools [1] 63/18	seem [2] 28/24 220/7	91/24 104/16 131/8	168/19 169/10 170/8	123/13 124/21 127/15
schoolwork [1] 221/25	seemed [1] 84/18	131/9 137/8 183/20	181/2 182/25 190/16	130/25 131/12 131/15
scoot [1] 139/15	seen [21] 39/10 39/24	194/16 218/10	213/4 214/6 215/2	138/4 138/6 138/11
scope [1] 47/23	40/15 52/12 53/8 93/9	shocking [1] 187/25	215/3 215/4 216/8	138/17 140/8 140/16
scream [1] 104/16	94/7 107/15 117/17	shoes [1] 97/14	217/14 222/9 222/9	147/21 149/2 167/7
screamed [1] 234/5	121/23 151/3 167/19	shortly [1] 70/5	222/10	172/3 175/10 177/12
screaming [6] 28/18	167/19 183/16 184/20	should [5] 3/5 60/14	sitting [16] 20/22 23/8	180/16 187/12 194/6
28/22 104/13 104/14	187/4 193/7 193/23	109/8 174/18 179/9	25/15 25/17 25/20 41/1	199/6 201/23 202/5
104/15 104/20	217/5 230/12 230/14	show [8] 30/12 44/5	70/12 71/5 112/15	207/2 209/18 217/4
screen [1] 148/8	seeping [1] 151/13	52/11 53/7 158/19	126/8 169/18 170/9	218/21 221/17 222/3
screened [1] 40/20	seeps [1] 152/11	168/3 197/9 246/19	190/2 190/14 217/15	231/5 231/6 232/5
scrutiny [1] 67/6	self [3] 42/14 52/20	showed [4] 12/10	256/3	232/22 237/9 246/11
season [3] 205/13	53/2	29/25 121/19 182/19	situation [9] 14/13	246/23 247/24 250/10
	self-authenticating [3]	shower [19] 26/10	14/20 146/3 183/6	251/4

<p>S</p> <p>Solander's [1] 126/22</p> <p>Solanders [29] 18/17 22/21 26/18 30/22 32/13 36/13 42/6 42/18 44/7 44/16 46/4 46/24 53/5 54/7 60/25 64/12 99/9 100/14 100/16 100/23 102/17 102/18 103/21 104/6 119/20 120/5 120/18 127/10 128/7</p> <p>Solanders' [4] 48/7 53/17 61/7 120/22</p> <p>solution [1] 74/11</p> <p>some [52] 5/19 10/1 11/19 14/25 15/11 20/9 31/2 31/5 35/5 35/6 42/7 42/19 46/4 46/5 49/4 52/22 54/6 54/13 80/16 83/7 89/4 98/13 100/24 101/19 103/1 115/13 119/11 121/19 126/22 136/18 151/24 154/14 160/13 163/23 175/8 177/1 179/11 194/9 199/22 201/10 207/25 229/4 230/25 233/17 236/17 239/9 241/17 243/1 251/9 252/14 252/15 255/19</p> <p>somebody [6] 45/5 164/12 166/24 194/24 218/19 254/24</p> <p>somehow [3] 43/9 47/7 58/12</p> <p>someone [9] 7/16 35/23 106/14 114/9 130/25 131/15 235/23 253/6 255/4</p> <p>someone's [1] 9/21</p> <p>something [75] 9/22 24/11 46/16 48/3 48/4 58/11 64/6 64/24 66/15 67/4 68/13 68/17 73/9 73/12 73/20 74/17 80/7 81/9 83/14 85/12 86/18 91/19 93/18 94/9 98/5 101/21 103/12 103/20 105/20 107/15 107/16 118/20 118/21 124/10 127/17 134/14 134/21 154/4 159/2 169/25 175/6 180/3 192/24 194/11 197/5 209/1 210/11 210/16 216/23 222/10 231/13 233/23 234/7 236/7 236/19 238/1 240/2 243/4 243/21 243/24 245/20 246/22 247/7 251/6 252/8 254/25 254/25 255/1 255/3 255/17 255/18 255/25 256/2 256/10 256/18</p> <p>sometimes [52] 19/14 21/15 22/12 26/13 26/15 35/22 78/12</p>	<p>81/24 82/2 84/7 84/9 87/10 88/18 93/1 93/8 104/16 112/5 113/25 114/1 114/1 114/8 126/20 134/18 138/3 148/22 149/14 153/15 156/13 156/14 158/8 160/3 162/9 164/14 166/5 166/6 173/1 193/3 205/12 205/18 209/8 211/2 212/16 214/1 214/16 230/9 236/15 237/15 239/22 242/12 252/7 257/17 259/9</p> <p>somewhat [1] 115/1</p> <p>somewhere [1] 130/22</p> <p>soothe [1] 104/23</p> <p>sorry [31] 27/12 49/13 60/7 70/23 97/7 97/8 102/13 115/8 117/3 132/5 139/14 139/16 156/23 160/20 162/6 162/24 165/8 180/24 192/10 192/12 199/20 200/21 207/23 209/5 217/23 219/15 219/18 244/7 248/14 254/8 256/15</p> <p>sort [5] 150/3 194/9 194/10 201/10 218/4</p> <p>sound [5] 132/7 179/22 181/10 181/14 181/17</p> <p>sounded [1] 95/14</p> <p>sounds [1] 245/25</p> <p>source [3] 7/15 7/16 7/22</p> <p>Southern [1] 130/21</p> <p>spank [6] 147/25 153/24 258/1 258/9 258/18 259/9</p> <p>spanked [5] 147/24 149/21 150/4 165/24 195/9</p> <p>spanking [8] 153/2 153/2 166/6 257/1 257/23 257/24 259/3 259/14</p> <p>spanks [1] 153/25</p> <p>speak [18] 6/6 11/21 18/23 20/14 20/17 22/23 23/2 27/23 27/25 34/2 34/24 59/11 69/18 113/17 115/4 124/20 133/10 227/16</p> <p>speaking [9] 23/22 34/23 36/12 55/10 62/18 77/11 119/14 145/13 156/18</p> <p>speaks [1] 58/15</p> <p>specialist [1] 4/12</p> <p>specific [13] 5/11 23/18 25/15 41/1 41/2 47/10 82/16 93/20 98/21 99/22 128/7 190/19 243/7</p> <p>specifically [15] 39/21 41/14 58/9 67/11 74/2 77/16 83/20 98/12</p>	<p>99/11 168/24 237/24 240/5 241/5 241/10 256/25</p> <p>specifics [1] 5/19</p> <p>spectrum [1] 54/8</p> <p>speculate [1] 231/24</p> <p>speculation [6] 59/25 72/18 86/11 87/4 119/24 173/16</p> <p>spell [1] 130/5</p> <p>spelling [1] 3/16</p> <p>spend [2] 76/2 177/15</p> <p>spending [1] 56/16</p> <p>spent [2] 20/24 82/23</p> <p>spoke [11] 28/10 28/11 30/2 36/20 36/24 61/3 96/22 113/15 133/6 155/3 169/2</p> <p>spoken [1] 65/3</p> <p>spot [1] 74/7</p> <p>spots [3] 31/5 31/15 107/23</p> <p>spring [1] 176/8</p> <p>stack [4] 44/25 50/20 51/1 52/12</p> <p>staff [2] 76/13 77/1</p> <p>staffed [3] 64/21 76/23 87/22</p> <p>staffing [5] 19/19 77/2 87/25 88/8 92/19</p> <p>stage [1] 182/14</p> <p>stains [13] 154/10 154/10 154/14 154/15 155/6 155/19 156/8 161/2 161/13 173/15 183/5 214/17 251/21</p> <p>stamped [1] 69/12</p> <p>stand [6] 91/2 129/24 135/17 254/22 255/2 255/13</p> <p>standard [1] 261/3</p> <p>standards [1] 67/1</p> <p>standing [4] 20/23 215/8 256/4 256/7</p> <p>stands [1] 135/18</p> <p>stared [2] 29/22 115/5</p> <p>Stark [4] 17/15 42/4 218/6 248/4</p> <p>start [11] 21/3 140/14 140/15 158/12 158/17 202/14 234/8 239/24 241/16 251/11 251/12</p> <p>started [26] 3/21 31/24 113/24 155/5 155/5 155/6 159/7 161/11 162/21 163/2 163/14 163/15 163/16 163/17 164/6 164/16 172/24 173/7 183/17 183/18 184/18 231/4 232/21 235/9 239/11 253/14</p> <p>starting [2] 159/11 183/18</p> <p>starts [2] 12/14 184/17</p> <p>state [51] 1/6 1/17 2/3 3/5 3/8 3/9 3/16 25/19 26/3 30/6 34/11 35/17 37/11 37/25 39/8 39/16 41/9 41/11 41/14 41/16</p>	<p>42/8 42/16 42/21 42/22 43/10 44/4 44/12 45/13 48/18 50/5 50/10 51/2 51/11 51/23 53/21 54/13 56/21 58/12 109/8 121/7 129/22 129/23 130/5 134/8 174/18 181/6 219/21 224/4 234/9 260/15 260/20</p> <p>STATE'S [19] 2/15 48/8 52/9 52/23 116/22 117/23 136/23 148/2 148/12 148/14 168/3 168/8 197/12 197/16 197/25 198/5 199/15 199/23 200/8</p> <p>stated [35] 11/2 22/19 24/3 24/8 24/17 25/7 25/21 25/22 26/5 26/13 27/4 27/8 28/14 30/8 30/17 31/7 31/8 35/19 37/13 59/19 60/18 115/19 116/18 119/8 119/9 142/18 147/11 155/4 164/5 169/5 172/25 183/7 184/23 211/16 214/3</p> <p>statement [35] 39/22 47/12 47/13 142/24 143/16 144/15 147/18 151/16 155/11 165/5 165/21 167/12 169/16 170/4 185/3 188/14 191/4 224/11 224/14 224/17 225/13 225/14 226/2 226/21 232/13 242/17 243/5 244/3 244/8 258/22 258/23 259/2 259/5 259/8 259/13</p> <p>statements [5] 47/13 80/17 116/14 120/17 143/11</p> <p>states [5] 4/19 21/2 28/3 34/20 36/17</p> <p>stating [3] 15/19 146/25 149/20</p> <p>stature [1] 30/18</p> <p>stay [1] 153/18</p> <p>stayed [1] 180/14</p> <p>step [12] 6/21 75/4 76/17 105/12 107/10 110/11 110/14 111/17 111/25 113/3 211/8 251/12</p> <p>stepdad [7] 139/2 140/15 156/8 191/17 210/25 211/4 215/21</p> <p>stepfather [5] 131/18 137/1 143/5 225/2 231/11</p> <p>steps [6] 5/21 76/22 88/4 88/7 109/17 112/3</p> <p>stick [13] 41/2 148/1 148/6 148/8 148/12 148/15 148/16 148/19 148/22 149/9 191/13 258/7 258/9</p>	<p>sticks [13] 139/5 149/3 152/23 153/12 153/15 153/18 154/7 156/15 258/13 258/16 258/19 258/25 259/3</p> <p>still [27] 37/3 55/13 58/8 59/1 66/18 66/23 66/24 67/5 69/13 90/15 91/17 92/8 99/13 100/23 109/11 136/10 173/10 174/22 176/6 217/13 240/2 251/13 251/24 252/9 252/10 253/11 253/25</p> <p>stomach [7] 84/5 93/21 207/11 207/15 207/22 207/25 208/3</p> <p>stomachs [1] 84/8</p> <p>stood [1] 73/10</p> <p>stop [14] 21/4 31/8 42/22 47/19 75/1 85/1 104/20 112/19 162/3 211/8 252/15 254/7 254/7 257/12</p> <p>stopped [1] 211/19</p> <p>story [6] 18/23 52/4 238/20 243/19 244/16 244/23</p> <p>straight [2] 150/6 150/7</p> <p>street [1] 133/16</p> <p>strike [3] 69/3 104/4 256/4</p> <p>striking [1] 15/18</p> <p>struck [1] 48/19</p> <p>structured [1] 254/20</p> <p>struggling [1] 158/14</p> <p>stuff [11] 44/13 52/7 54/12 145/7 175/6 222/1 223/7 223/11 230/12 234/8 255/22</p> <p>stupid [2] 161/12 161/13</p> <p>subbed [1] 66/22</p> <p>subject [5] 8/17 38/14 108/17 174/9 260/6</p> <p>submitted [2] 126/7 198/3</p> <p>substance [1] 5/4</p> <p>substantial [1] 48/20</p> <p>substantiated [7] 7/1 50/25 66/11 66/16 66/17 66/20 115/11</p> <p>successfully [3] 159/19 162/22 163/8</p> <p>such [3] 124/5 124/21 231/23</p> <p>suck [1] 212/20</p> <p>sucks [1] 163/14</p> <p>sudden [1] 46/8</p> <p>sufficient [4] 60/19 100/5 171/1 171/7</p> <p>sugar [15] 33/20 55/20 55/20 57/24 86/6 86/7 86/19 93/21 101/3 115/21 115/23 115/24 115/25 116/12 116/16</p> <p>suggest [9] 42/18 43/1 44/4 50/6 51/11 110/17</p> <p>2220</p>
--	--	--	---	--

<p>S</p> <p>suggest... [3] 112/22 172/18 194/14</p> <p>suggested [2] 27/4 248/16</p> <p>suggesting [3] 50/10 51/2 110/24</p> <p>suggestion [2] 41/15 106/13</p> <p>suggestions [1] 111/15</p> <p>suggests [4] 47/7 49/13 49/15 53/4</p> <p>summarize [2] 39/23 45/5</p> <p>summer [4] 176/12 176/14 176/17 176/18</p> <p>summers [7] 176/15 176/20 176/22 176/23 177/6 177/8 177/17</p> <p>Sunday [1] 245/19</p> <p>Sundays [1] 245/25</p> <p>supervisor [11] 5/24 19/20 65/3 65/6 76/13 76/23 87/23 88/1 92/20 110/10 113/1</p> <p>support [2] 24/14 24/19</p> <p>Supreme [1] 45/22</p> <p>sure [51] 3/23 4/1 8/2 12/12 16/2 27/16 32/21 38/6 38/23 57/14 66/25 67/3 69/15 76/24 79/5 88/3 88/11 88/22 91/8 91/12 97/10 99/16 101/2 101/7 101/11 101/15 104/4 112/10 113/18 116/4 122/11 129/2 129/6 139/18 147/2 156/24 162/25 170/5 172/3 183/3 192/11 198/24 205/17 214/9 226/20 231/21 244/20 246/25 247/9 257/11 259/13</p> <p>surrebuttal [2] 45/19 45/20</p> <p>SUSIE [1] 1/24</p> <p>suspect [1] 122/8</p> <p>suspend [1] 26/18</p> <p>suspending [1] 27/5</p> <p>suspicious [2] 73/2 74/15</p> <p>sustained [8] 16/5 39/16 53/13 106/17 126/11 126/25 167/8 180/8</p> <p>sweater [1] 131/10</p> <p>sworn [2] 3/13 130/2</p> <p>system [2] 243/8 243/10</p>	<p>38/8 42/8 42/20 76/17 77/9 77/10 108/7 108/11 111/17 112/1 112/3 113/4 134/21 134/24 136/10 139/25 140/20 143/22 144/8 148/7 162/10 174/2 178/13 195/19 199/1 215/9 225/23 225/25 226/1 226/5 226/10 229/10 229/11 231/23 253/19 259/18 259/25</p> <p>taken [8] 25/2 25/12 76/22 88/7 96/11 105/12 225/13 226/3</p> <p>taking [8] 33/22 44/6 60/25 60/25 95/20 172/14 239/24 248/12</p> <p>talk [24] 6/10 23/7 35/1 35/2 35/3 38/23 54/4 67/10 77/7 88/18 138/23 140/13 164/21 185/10 188/5 191/15 198/21 199/4 206/2 207/1 209/15 227/19 260/16 260/20</p> <p>talked [19] 19/7 23/10 77/13 88/15 88/19 89/21 96/19 127/10 142/12 144/15 153/10 153/10 189/9 190/18 190/22 227/21 231/13 236/14 239/9</p> <p>talking [27] 21/16 34/6 41/17 44/10 44/11 56/14 59/7 68/2 99/2 102/16 110/8 118/12 140/2 141/21 151/5 161/3 175/5 182/15 188/8 189/19 192/5 205/1 208/25 220/23 222/14 223/14 261/7</p> <p>tall [1] 139/19</p> <p>tallest [2] 137/9 137/10</p> <p>tantrum [1] 235/9</p> <p>tantrums [10] 28/18 28/23 223/22 233/24 234/2 234/4 234/13 234/25 235/20 236/8</p> <p>task [1] 103/7</p> <p>tasked [1] 73/22</p> <p>teacher [1] 44/11</p> <p>teachers [1] 124/21</p> <p>television [1] 78/3</p> <p>tell [41] 24/9 30/1 37/19 44/16 49/24 81/24 86/13 87/8 113/25 114/8 117/5 121/6 122/7 123/13 123/15 130/15 133/12 137/4 145/20 145/25 151/9 155/13 156/3 160/22 161/14 165/4 171/11 171/25 182/19 183/10 187/7 187/18 192/8 192/13 197/2 208/2 208/12 209/23 210/7 254/20 257/14</p> <p>telling [48] 63/2 81/2</p>	<p>114/2 114/4 151/2 151/12 154/1 155/7 157/3 159/8 160/7 161/1 161/1 161/6 161/17 162/17 163/11 163/18 164/1 164/2 165/1 165/6 165/9 167/1 167/3 169/8 169/15 170/1 179/15 179/20 181/9 181/10 181/16 182/4 185/1 187/21 190/14 190/24 192/15 195/10 203/7 203/15 205/22 214/23 215/4 221/20 221/21 257/8</p> <p>tells [1] 136/7</p> <p>temper [2] 223/22 235/20</p> <p>term [3] 188/11 228/8 228/8</p> <p>terminate [2] 22/21 26/18</p> <p>terms [7] 40/20 139/12 140/15 162/20 162/22 219/11 219/24</p> <p>test [5] 134/13 134/18 134/21 136/6 136/8</p> <p>testified [18] 3/14 62/6 63/13 80/7 106/20 130/3 233/23 234/21 236/4 236/7 240/22 242/11 254/10 255/16 257/23 258/6 258/15 258/20</p> <p>testify [4] 54/5 101/24 132/1 229/2</p> <p>testifying [2] 120/2 186/14</p> <p>testimony [15] 38/23 44/2 46/7 72/7 108/25 115/10 121/17 129/18 129/19 160/15 229/18 229/25 234/22 260/15 261/6</p> <p>testing [4] 86/10 134/12 136/2 230/23</p> <p>tests [1] 134/23</p> <p>Texas [2] 26/6 30/5</p> <p>than [24] 23/14 31/10 39/19 41/12 51/7 69/22 95/20 140/16 141/19 153/1 165/18 175/20 176/25 182/10 185/22 194/7 226/11 228/21 234/19 236/9 236/25 243/21 245/9 253/5</p> <p>Thank [41] 3/9 3/15 3/19 3/20 3/24 4/7 5/7 8/16 13/17 15/5 15/7 22/7 39/6 45/17 61/24 62/6 67/9 67/17 77/11 88/12 88/18 97/8 97/9 109/5 109/14 113/12 120/25 122/20 128/2 129/14 129/18 129/20 130/4 130/9 130/12 175/2 214/25 224/6 249/6 260/18 261/9</p>	<p>that [1301]</p> <p>That'll [2] 174/4 249/2</p> <p>that's [138] 8/16 11/7 11/23 14/16 14/18 18/18 21/15 27/17 32/3 39/4 39/21 41/6 42/25 46/20 48/8 49/13 49/24 50/12 51/4 51/6 51/18 52/2 52/19 54/3 56/9 57/13 58/4 62/23 63/5 64/6 64/24 66/16 68/16 68/16 70/1 70/2 71/2 71/25 73/20 73/21 74/12 81/9 83/14 83/18 84/21 85/12 87/20 89/18 91/19 91/22 92/8 93/18 94/24 95/2 95/16 95/17 95/21 95/24 98/5 99/1 99/18 100/2 100/13 100/18 101/21 102/1 102/11 102/18 103/1 103/4 103/5 103/12 103/20 103/22 104/4 106/15 106/17 107/5 111/20 111/20 113/3 114/24 118/1 125/23 126/25 127/1 129/11 129/12 133/2 133/5 138/5 138/18 143/5 144/4 147/16 154/3 155/12 160/19 163/15 167/8 169/17 171/3 171/17 176/5 178/15 180/2 180/3 180/7 184/14 190/7 190/9 209/6 211/20 213/9 219/5 222/21 226/24 228/11 228/21 229/19 230/6 237/16 239/1 242/17 243/4 243/21 243/24 244/13 246/22 250/3 250/5 250/12 251/5 252/8 252/11 255/1 256/1 257/19</p> <p>their [151] 5/15 5/15 10/7 10/9 13/13 14/14 27/12 27/13 27/15 27/16 28/6 28/8 28/11 28/12 30/8 31/21 31/21 32/13 33/6 35/19 36/13 36/14 37/13 42/5 42/5 42/6 44/6 45/13 46/5 46/15 46/18 48/25 50/14 51/5 51/18 60/20 68/25 69/1 69/24 70/14 76/2 84/7 93/9 95/15 99/2 99/16 100/6 100/10 103/16 103/18 104/6 114/11 114/12 119/9 123/5 123/10 123/10 123/11 123/20 128/25 129/4 134/17 138/1 148/1 149/1 149/4 149/5 149/8 149/11 149/14 149/18 149/19 149/21 150/6 150/10 150/10 150/13 150/13 150/16 150/17</p>	<p>150/20 152/25 153/1 154/15 155/19 156/8 158/10 158/14 158/14 158/16 159/12 159/13 159/19 160/22 161/3 173/15 177/15 178/3 187/13 193/9 194/3 201/21 202/4 204/21 206/3 209/7 212/1 212/4 212/16 212/19 212/20 212/20 212/25 212/25 213/5 213/16 213/22 214/2 214/7 214/15 214/15 215/5 215/10 215/24 215/25 216/3 217/15 219/4 221/25 222/6 222/11 222/13 222/24 223/5 223/23 223/23 231/17 231/18 236/8 239/11 239/14 240/3 240/3 240/11 241/16 242/22 249/19 254/25 255/17 256/11 258/4</p> <p>themselves [3] 163/16 210/10 236/10</p> <p>them [166] 6/6 6/10 27/23 27/23 28/1 28/13 31/18 33/25 42/5 42/9 44/16 45/1 45/5 45/5 46/8 46/15 46/24 47/19 47/21 48/21 48/22 50/16 52/14 52/15 52/17 52/22 53/16 53/19 53/20 53/24 60/25 60/25 61/1 67/20 68/2 68/25 75/15 75/18 75/21 75/24 76/2 77/14 110/24 111/9 112/17 114/7 114/9 119/10 121/22 121/23 122/2 126/21 133/10 133/12 137/18 138/3 139/5 139/25 140/20 147/23 149/11 149/11 149/17 151/12 152/13 152/21 153/16 153/24 156/5 156/7 159/15 161/14 163/21 164/13 164/23 165/6 166/20 167/17 167/19 167/19 168/12 168/14 173/1 173/2 173/4 177/22 178/12 178/24 179/20 179/21 182/2 187/1 188/5 188/23 188/25 188/25 189/1 189/7 189/18 189/18 191/5 192/20 193/2 193/21 193/24 194/18 199/12 202/9 204/4 204/9 204/12 204/16 205/6 205/19 205/22 205/23 206/10 206/24 207/23 208/9 208/17 209/24 211/8 212/2 212/10 212/19 213/15 214/6 215/10 215/14 215/23 215/25 218/3 218/11 219/1</p> <p>2221</p>
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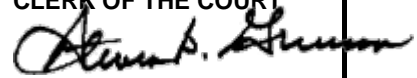
T	17/14 17/21 19/8 20/6 20/20 20/25 23/20 24/17 25/9 25/17 25/18 25/21 27/9 27/11 27/13 28/15 28/15 29/6 30/10 30/24 31/13 32/17 32/18 33/15 35/21 40/21 41/20 41/25 42/7 42/9 42/9 42/23 43/19 43/20 43/25 44/4 44/8 46/1 46/16 47/7 47/20 52/5 52/6 53/4 53/5 53/13 53/14 54/6 54/13 55/18 55/19 60/8 60/13 60/24 63/19 65/20 65/22 66/1 67/22 70/12 70/20 71/4 71/4 71/8 73/7 74/20 75/4 79/9 85/2 88/4 88/7 88/8 91/16 94/11 96/18 97/10 101/15 102/2 102/3 102/8 104/22 105/17 107/8 108/2 108/22 110/16 118/10 119/2 119/3 123/5 123/11 127/21 127/22 129/6 129/8 131/9 131/25 135/14 137/7 138/2 138/6 139/24 140/3 141/9 143/20 144/7 144/23 146/7 148/3 148/14 149/17 153/7 154/14 155/19 156/19 157/4 157/12 158/8 159/5 159/24 160/7 163/2 167/25 170/16 170/23 173/22 175/22 175/22 176/20 176/23 177/18 178/13 181/5 185/4 185/16 188/18 193/11 193/18 196/1 197/18 198/17 199/11 199/11 200/5 202/1 202/2 202/8 202/10 202/18 203/10 204/4 205/22 206/19 206/19 208/13 209/13 210/17 210/19 210/22 210/24 211/1 211/4 211/4 211/5 215/8 215/16 215/21 216/3 220/10 220/15 220/18 221/2 221/9 221/12 229/22 230/7 232/23 235/14 235/24 235/25 236/10 236/12 237/18 238/22 238/24 239/22 240/7 240/14 241/2 245/1 245/19 246/24 247/20 253/6 254/22 255/2 256/22	186/11 228/23 250/1 these [86] 10/20 15/3 23/24 23/24 30/12 40/8 41/15 42/18 44/8 46/3 46/14 46/16 47/14 47/14 48/17 48/25 49/1 50/10 51/21 51/25 53/18 61/4 64/20 67/6 73/25 76/18 81/13 81/16 82/17 92/18 95/3 96/2 99/9 100/19 102/21 103/10 112/3 116/1 120/15 127/22 140/19 149/2 153/23 159/10 159/10 160/4 160/8 160/23 161/24 162/9 162/19 162/19 164/21 165/10 168/10 169/11 171/1 171/6 177/17 178/1 178/19 186/6 186/18 188/3 188/8 189/12 201/6 203/18 203/19 203/21 204/17 204/23 208/3 210/18 215/5 218/4 218/15 219/24 231/4 234/13 234/25 235/3 241/3 250/15 256/3 256/4 they [481] they'd [7] 135/24 159/7 177/15 194/20 195/5 209/25 222/13 they'll [3] 109/2 260/17 260/24 they're [42] 40/9 44/6 44/13 44/15 47/9 47/18 52/13 75/18 75/21 81/11 81/14 103/16 111/16 113/17 114/1 114/3 114/6 114/7 114/10 114/13 114/14 134/20 136/7 139/1 141/9 145/6 160/4 160/16 161/13 161/15 161/15 163/16 172/12 172/14 187/25 188/11 210/15 213/6 214/2 222/3 223/23 254/24 they've [2] 96/11 208/20 thin [1] 30/18 thing [19] 7/2 19/10 19/14 19/17 19/19 28/19 31/14 42/10 42/25 50/1 58/7 114/10 158/21 163/14 163/15 177/1 190/21 194/10 232/13 things [49] 6/14 13/24 14/1 22/19 29/6 29/17 29/19 43/16 44/8 47/6 47/6 47/14 48/17 56/6 56/7 57/1 57/3 61/4 79/12 96/18 100/24 111/7 113/15 114/15 114/21 127/20 133/13 140/14 140/15 156/25 157/18 158/25 161/19	162/21 163/12 172/12 184/25 186/13 186/18 190/15 191/2 191/7 191/21 196/20 210/18 222/1 227/13 247/5 257/3 think [42] 11/25 14/12 24/25 40/6 43/16 43/20 44/1 44/3 44/11 44/12 45/2 45/15 46/21 50/14 52/20 57/13 57/16 58/15 139/23 142/19 143/21 146/5 147/16 156/17 156/21 165/18 167/8 169/21 169/21 173/14 175/20 180/7 207/21 224/2 226/13 227/9 234/17 240/22 242/11 248/19 255/16 259/9 thinking [1] 217/3 thinks [2] 49/4 126/3 third [1] 29/1 Thirty [1] 4/17 this [166] 3/25 12/13 13/7 13/9 13/10 18/1 18/10 20/7 20/8 24/25 26/4 31/24 38/6 40/5 40/7 40/14 41/9 42/12 42/15 42/15 42/16 42/22 43/2 43/4 44/21 46/23 47/19 47/19 48/23 49/14 49/22 50/9 50/20 51/1 52/12 53/4 53/7 53/8 53/10 54/5 54/12 55/21 55/22 56/12 56/16 57/4 57/10 60/12 62/10 62/11 63/7 63/23 63/25 64/9 64/9 65/14 65/15 68/19 71/18 72/15 74/10 74/14 82/24 86/20 89/12 90/12 92/5 96/21 106/1 106/11 107/7 108/7 109/18 111/17 112/13 113/4 117/1 117/23 118/7 118/20 121/8 122/21 129/6 129/19 131/20 132/1 136/24 139/15 141/3 142/5 142/8 144/14 144/19 147/5 148/19 148/19 151/21 151/25 155/21 160/7 161/24 163/21 165/2 166/17 167/4 167/4 170/14 172/15 175/7 185/11 185/23 186/3 190/4 194/10 197/9 204/11 205/12 209/23 211/3 211/9 211/13 211/19 211/25 216/11 217/9 218/3 218/12 218/15 218/17 219/10 220/9 223/10 223/11 223/18 224/4 226/2 227/3 228/11 228/14 228/24 229/1 230/8 238/4 238/20 242/11 244/19	245/2 247/14 247/14 247/16 248/24 249/9 249/12 249/14 250/2 250/4 250/6 250/8 250/18 250/20 250/22 250/24 251/3 252/10 254/1 259/18 thorough [1] 44/14 those [86] 6/9 8/4 11/19 14/1 14/23 15/2 15/15 19/2 19/7 19/8 19/9 19/16 27/9 36/17 39/10 42/17 47/11 50/9 56/22 58/11 66/8 75/8 76/22 85/10 89/5 95/10 96/17 96/23 97/25 98/2 115/10 115/18 116/14 119/17 120/19 120/21 128/22 135/24 136/21 137/14 138/2 141/5 141/22 143/11 144/11 144/23 145/6 145/25 152/23 153/12 157/18 160/1 160/3 161/19 163/5 168/19 170/23 172/12 173/13 176/14 177/8 177/19 182/9 182/18 189/7 189/24 190/15 190/17 190/19 191/18 192/25 193/20 194/1 201/4 203/1 210/16 210/19 213/4 214/1 219/11 226/5 235/23 253/4 254/7 254/19 254/20 though [6] 6/9 83/23 144/3 160/19 167/25 179/16 thought [11] 74/15 89/4 95/20 122/12 122/15 132/5 160/23 167/3 167/7 219/18 221/1 threaten [6] 187/11 189/7 243/12 243/18 244/15 244/23 threatened [2] 187/1 243/21 threatening [1] 196/24 threats [3] 60/13 85/6 244/9 three [22] 17/10 19/2 27/11 64/1 64/2 65/7 69/22 137/1 141/5 149/2 149/2 168/16 168/17 168/19 175/19 175/21 177/3 177/5 177/6 186/13 186/19 218/11 threw [3] 234/2 234/4 236/7 throat [2] 223/20 234/10 through [27] 5/13 5/21 38/19 42/6 45/1 48/16 50/18 51/7 52/14 52/17 52/23 53/11 57/11 62/12 80/5 90/8 108/22 113/24 115/16 151/13 2222
----------	--	--	--	--

T	254/19 254/20 255/10 255/21 256/19 timer [1] 191/21 timers [1] 186/11 times [30] 20/16 23/18 41/10 59/8 149/17 159/6 159/24 160/1 160/3 160/7 160/23 182/11 185/4 189/12 200/22 201/4 202/18 211/3 211/4 211/5 215/18 215/21 216/3 234/14 235/20 236/17 239/22 242/13 245/1 256/1 timing [2] 23/16 34/20 tinkle [1] 154/14 tinkled [1] 214/7 tired [2] 87/10 227/2 title [3] 135/2 229/8 230/6 today [18] 21/23 45/12 131/4 151/5 169/10 170/8 181/2 182/25 190/14 190/16 190/22 213/4 214/6 215/2 215/3 215/4 217/14 227/19 toddlers [1] 118/13 together [4] 245/4 247/5 249/21 251/6 toilet [24] 117/24 118/9 118/10 118/12 118/25 168/1 168/2 168/25 169/18 170/2 170/9 170/16 171/12 171/25 172/4 172/5 172/10 172/13 172/15 173/14 182/1 218/19 219/25 238/8 toileting [8] 10/19 11/15 15/2 22/10 47/16 47/18 48/24 182/16 toilets [4] 170/20 170/25 171/1 171/6 told [102] 11/21 13/3 17/24 21/14 22/12 30/3 42/19 46/24 69/4 69/21 69/24 70/1 70/13 71/14 74/12 84/21 87/7 87/9 87/11 88/18 89/12 89/18 90/7 92/11 94/24 95/2 99/10 99/11 99/12 99/15 99/18 100/18 102/11 102/14 102/19 102/19 114/9 116/8 116/11 123/7 123/19 127/9 127/19 129/11 129/12 152/6 152/8 152/13 153/23 154/4 156/17 156/21 159/4 162/13 166/2 166/7 168/18 178/25 179/3 182/22 183/11 184/9 188/18 188/23 189/3 189/6 189/10 189/12 189/23 190/5 190/15 190/21 190/24 191/5 191/5 191/7 192/4	192/7 193/8 196/13 196/16 204/6 207/8 207/13 207/14 207/23 207/25 208/7 212/9 212/24 213/9 213/21 216/2 220/17 242/12 242/13 242/14 242/14 244/13 254/24 260/19 261/5 tonight [2] 205/7 205/10 too [26] 57/21 58/1 127/25 134/15 134/19 151/22 151/24 155/22 157/20 160/23 164/13 165/23 165/25 166/9 166/19 176/4 184/21 188/2 191/23 194/20 196/1 201/19 205/14 221/9 229/22 235/1 took [17] 34/4 41/7 46/23 61/7 86/1 89/13 94/25 106/9 109/17 119/7 164/23 165/25 191/18 194/20 226/8 227/11 227/12 top [2] 22/2 167/23 topic [2] 142/8 143/18 topics [1] 153/23 total [3] 20/25 23/14 228/9 touch [3] 148/7 148/9 173/6 touched [1] 173/5 touching [3] 150/11 150/13 150/14 touchy [1] 8/16 towards [2] 16/18 29/21 towel [2] 193/5 194/7 town [10] 37/4 143/21 144/2 146/4 146/5 153/5 176/9 245/19 246/1 246/3 track [2] 86/7 101/12 traditional [1] 4/22 training [15] 5/2 22/16 80/21 81/6 81/25 101/15 113/20 113/24 118/13 135/21 162/21 182/1 218/19 219/12 219/25 TRAN [1] 1/1 transcribed [2] 1/25 261/14 Transcriber [1] 261/18 TRANSCRIPT [1] 1/9 transferred [1] 4/25 transportation [3] 97/20 97/21 97/23 transporting [1] 97/24 traumas [1] 53/13 traumatized [1] 127/13 treat [1] 47/19 treated [3] 87/19 138/11 251/6 treating [3] 140/16 145/15 182/1 treatment [9] 26/6 26/7	26/8 30/5 54/20 120/22 194/10 201/11 218/18 treatments [2] 53/12 218/4 tremendous [2] 15/25 40/15 trial [7] 1/13 38/17 44/18 108/20 125/23 174/12 260/9 tries [1] 252/14 trips [2] 246/6 246/9 trouble [26] 8/6 91/1 143/6 146/6 146/10 147/22 159/1 159/8 159/18 159/21 161/2 161/12 166/6 166/11 166/15 166/23 187/22 195/6 195/7 208/21 209/24 216/17 223/2 243/11 254/21 257/10 troubled [1] 95/4 true [38] 24/8 26/22 39/12 39/13 67/7 103/5 142/17 145/1 147/11 153/22 155/3 159/4 162/13 166/2 166/13 168/18 169/4 178/25 179/3 179/7 182/22 184/6 188/18 189/23 193/8 196/13 196/16 203/21 204/6 207/8 207/14 207/19 212/9 212/24 213/18 213/21 214/13 216/2 truly [1] 261/13 trust [4] 89/10 89/17 99/20 129/9 truth [5] 63/3 113/25 114/2 114/4 167/10 try [7] 67/23 68/1 68/4 77/9 111/3 113/22 146/22 trying [9] 26/18 46/15 51/11 68/11 68/12 135/20 159/12 159/23 219/24 tub [1] 196/24 turn [2] 7/3 77/23 turned [1] 161/11 turns [2] 77/9 77/10 TV [2] 78/5 78/5 twice [1] 183/11 twisted [3] 208/8 208/8 208/14 two [50] 17/14 20/5 27/9 27/10 27/13 27/15 28/8 43/16 50/1 70/12 71/14 116/14 119/9 123/9 125/15 133/24 134/1 140/14 143/8 146/11 147/12 152/17 152/18 158/5 163/24 164/12 164/17 175/19 175/19 175/20 175/21 177/3 177/3 177/4 177/5 191/8 191/10 223/24 226/13 228/2 228/4 228/7 228/8 236/4 238/20 238/24	242/8 250/15 252/22 256/1 two-story [1] 238/20 twofold [4] 43/17 44/3 44/12 46/22 type [8] 7/2 15/13 48/16 131/10 158/21 183/5 199/22 255/20 types [2] 96/17 110/16 typically [3] 221/24 222/6 222/10
U	Uh [19] 32/15 137/15 138/25 141/11 158/6 164/7 168/15 177/9 178/20 182/17 187/17 190/11 199/5 209/17 209/19 210/14 216/24 239/12 239/17 Uh-huh [18] 32/15 137/15 138/25 141/11 158/6 164/7 168/15 177/9 178/20 182/17 187/17 190/11 199/5 209/17 209/19 210/14 216/24 239/17 ultimately [1] 136/19 Um [1] 257/2 unannounced [2] 20/7 20/8 unaware [2] 115/17 115/18 uncomfortable [2] 205/19 205/23 under [9] 59/1 64/1 109/11 127/3 158/8 174/22 224/18 226/23 228/24 underpants [1] 173/22 understand [12] 47/3 47/5 64/19 66/14 67/9 72/7 99/8 108/9 158/5 159/23 174/23 259/20 understood [3] 17/24 40/17 133/9 underwear [44] 11/14 11/16 34/16 47/17 91/12 91/17 91/17 149/8 149/8 149/14 151/13 152/12 154/9 154/15 155/6 155/19 156/9 173/15 183/5 204/21 206/4 212/1 212/4 213/12 213/13 213/16 213/22 214/1 214/7 214/17 214/17 215/5 215/10 215/24 216/3 216/9 216/12 216/14 217/6 217/13 217/15 217/23 217/25 251/22 unequivocally [1] 183/7 unfair [2] 41/11 43/10 unfairly [1] 42/22 unfolds [1] 219/24 uniform [1] 229/21 unintelligible [15] 2223			

<p>U</p> <p>unintelligible... [15] 16/13 48/18 50/9 91/23 138/20 163/13 176/19 180/20 191/4 206/19 212/18 233/12 235/22 247/5 248/19</p> <p>Unity [25] 5/24 6/15 6/18 6/20 15/9 15/11 19/11 20/20 23/19 64/7 64/22 65/3 65/18 66/15 68/14 68/18 69/11 70/24 73/16 74/16 74/20 76/8 85/12 91/22 122/14</p> <p>unless [5] 87/7 117/16 223/1 245/19 246/1</p> <p>unsubbed [1] 66/22</p> <p>unsubstantiated [15] 7/1 39/9 50/23 51/8 51/9 51/24 52/13 55/1 60/13 66/9 66/17 67/4 115/9 115/12 115/15</p> <p>unsubstantiation [4] 51/10 51/15 53/10 109/24</p> <p>until [6] 108/12 125/24 126/7 166/21 229/16 235/17</p> <p>untruths [1] 24/12</p> <p>up [78] 2/9 2/10 12/14 21/7 21/8 21/14 21/15 22/11 26/24 29/6 29/6 29/17 29/19 32/4 33/22 36/18 41/21 41/22 44/13 46/6 47/6 48/17 55/18 72/11 73/3 78/12 85/25 93/5 95/21 104/20 104/23 109/2 123/1 123/12 124/24 125/1 128/4 139/13 139/15 141/10 143/3 145/13 153/24 153/25 164/17 179/7 182/19 186/24 186/25 187/16 192/21 192/23 196/3 196/9 198/24 198/25 198/25 203/8 213/3 216/11 229/16 235/17 238/8 239/10 239/13 239/18 239/24 239/24 243/18 244/4 244/16 244/23 246/19 249/10 253/16 253/21 257/15 259/21</p> <p>upon [3] 43/3 122/6 187/1</p> <p>ups [1] 11/18</p> <p>upset [2] 27/7 89/8</p> <p>upside [1] 150/18</p> <p>upstairs [12] 29/1 115/3 123/12 123/20 170/20 171/12 178/22 221/7 238/15 238/16 238/18 238/24</p> <p>upwards [1] 162/11</p> <p>urinated [1] 29/5</p> <p>urinating [3] 90/10</p>	<p>165/7 165/11</p> <p>us [19] 45/1 50/7 58/14 117/5 126/4 137/4 145/20 145/25 156/17 156/21 157/3 158/19 174/4 185/1 190/14 197/2 210/7 248/15 254/24</p> <p>usage [1] 171/25</p> <p>use [44] 21/7 21/9 21/18 21/20 22/12 25/16 38/22 39/2 91/24 112/20 118/13 124/2 140/3 140/5 147/25 148/20 148/22 152/21 152/23 157/5 157/5 157/9 157/13 157/15 158/3 158/4 158/22 159/25 160/8 162/20 169/11 171/12 172/5 172/6 179/5 180/17 187/12 188/25 189/1 193/24 194/3 238/25 258/1 258/6</p> <p>used [22] 15/25 91/8 135/11 168/11 169/5 169/6 188/23 193/6 193/9 218/3 238/11 238/17 254/11 255/8 256/23 257/1 257/4 257/23 258/9 258/12 258/15 259/9</p> <p>using [4] 15/17 169/7 189/7 194/7</p> <p>usually [5] 6/10 91/4 119/22 119/25 120/3</p> <p>Utah [4] 225/15 225/16 225/19 226/7</p> <p>V</p> <p>vagina [1] 191/13</p> <p>vague [2] 146/2 180/5 255/18</p> <p>vaguely [2] 208/18</p> <p>VALERIE [1] 1/12</p> <p>validity [1] 51/10</p> <p>value [1] 44/7</p> <p>vanity [1] 238/9</p> <p>various [1] 4/19</p> <p>VEGAS [5] 3/1 176/5 205/14 225/19 230/18</p> <p>verbal [2] 223/13 257/3</p> <p>verify [2] 46/25 103/2</p> <p>versa [1] 211/21</p> <p>versus [2] 53/6 158/3</p> <p>very [24] 28/19 29/22 41/11 70/5 70/5 72/8 81/18 82/13 82/16 84/18 95/4 106/9 106/15 114/25 121/2 130/12 132/9 175/2 226/16 226/16 226/17 230/3 230/25 251/3</p> <p>vestibule [1] 43/18</p> <p>vice [1] 211/21</p> <p>victim's [1] 56/15</p> <p>video [1] 261/14</p> <p>viewed [1] 59/19</p> <p>viewing [1] 16/13</p>	<p>violated [1] 44/19</p> <p>visit [14] 5/25 67/11 67/14 67/17 72/4 74/25 76/21 77/6 80/19 85/2 90/4 92/3 92/6 112/18</p> <p>visitation [7] 10/20 14/2 32/23 32/24 33/4 127/21 127/23</p> <p>visitations [2] 26/18 89/6</p> <p>visiting [1] 92/8</p> <p>visits [15] 22/17 22/21 27/5 27/7 60/20 61/1 80/9 81/25 82/3 90/18 92/9 96/2 100/6 101/19 127/18</p> <p>visual [1] 107/22</p> <p>visually [1] 79/8</p> <p>voice [3] 25/8 139/13 139/13</p> <p>W</p> <p>wait [6] 12/17 37/4 38/22 158/4 160/23 164/17</p> <p>waiting [1] 159/16</p> <p>Wakashan [3] 133/17 133/18 134/2</p> <p>walk [3] 5/7 5/21 158/3</p> <p>walked [2] 70/16 254/22</p> <p>walking [1] 217/24</p> <p>wall [6] 199/22 254/22 255/2 255/13 256/5 256/7</p> <p>Walmart [1] 253/11</p> <p>want [65] 6/5 7/3 8/6 13/8 18/6 18/7 20/9 21/7 23/5 25/16 32/4 32/21 40/11 43/24 47/3 47/5 51/5 52/18 53/7 55/5 56/7 57/1 57/2 57/9 57/14 58/7 82/6 88/22 90/4 92/6 101/18 102/9 104/7 125/22 134/9 140/13 142/5 142/6 147/13 147/17 151/22 156/3 156/17 157/8 160/19 168/3 169/25 175/4 175/6 181/24 182/4 187/14 187/19 209/15 216/11 219/3 225/12 229/5 231/3 233/22 237/23 242/25 247/13 251/9 255/19</p> <p>wanted [17] 41/5 90/15 101/2 101/6 101/10 101/14 127/11 127/21 157/10 172/5 180/24 219/2 219/5 220/9 231/11 231/17 231/20</p> <p>wanting [2] 22/21 231/14</p> <p>wants [2] 81/9 123/1</p> <p>warning [1] 192/24</p> <p>was [622]</p> <p>wash [1] 29/10</p> <p>washed [2] 91/8 91/12</p>	<p>wasn't [40] 12/19 25/9 40/12 44/5 46/2 54/18 57/14 83/21 94/13 106/15 119/14 123/24 124/12 124/14 134/25 162/14 164/16 165/16 165/16 165/16 165/17 165/17 165/18 167/4 185/16 185/17 185/18 192/11 202/8 209/3 209/13 223/18 223/19 227/2 232/9 234/5 234/16 242/21 252/5 252/6</p> <p>watch [11] 38/12 78/2 92/14 108/15 134/18 143/22 174/8 189/3 193/2 210/22 260/4</p> <p>watched [5] 34/13 34/14 34/14 143/7 196/13</p> <p>watching [5] 26/10 34/11 36/13 78/5 172/13</p> <p>water [4] 48/23 50/4 96/15 97/10</p> <p>way [22] 38/15 47/19 51/22 62/23 68/19 74/15 99/19 104/5 104/22 106/1 108/18 127/21 137/3 141/10 157/22 174/10 220/24 226/17 231/16 234/8 235/17 260/7</p> <p>ways [1] 53/22</p> <p>we [78] 6/19 7/15 7/22 8/3 8/4 16/1 18/3 18/6 19/11 19/12 23/19 29/10 35/1 38/4 38/5 41/4 41/10 42/14 43/24 45/10 45/11 45/15 46/3 46/15 47/19 48/16 49/10 50/7 51/20 52/4 52/6 52/9 53/24 53/25 54/5 54/5 54/8 55/16 57/7 57/10 58/5 58/9 58/12 58/13 58/18 58/21 58/22 77/8 77/10 95/16 95/16 109/16 109/16 116/3 118/12 122/21 122/25 131/19 136/24 137/2 137/3 144/14 146/3 146/4 146/8 147/1 153/10 153/10 176/9 187/15 190/18 214/8 245/19 245/20 245/20 253/11 253/16 259/25</p> <p>we'd [1] 42/21</p> <p>We'll [2] 108/11 260/11</p> <p>we're [16] 38/8 44/2 56/2 56/4 56/14 56/15 108/10 141/5 160/16 183/22 184/22 197/18 205/1 208/25 211/12 259/24</p> <p>we've [4] 45/22 59/7 175/5 182/15</p> <p>weak [2] 33/21 87/9</p>	<p>wear [10] 93/5 204/16 204/17 211/24 212/10 213/13 213/15 214/7 215/10 216/14</p> <p>wearing [9] 21/7 21/8 22/1 22/2 22/11 73/6 78/11 86/6 131/8</p> <p>wears [1] 74/3</p> <p>weekend [6] 259/19 259/25 260/2 260/14 260/21 261/6</p> <p>weekends [1] 176/10</p> <p>weeks [6] 145/6 175/19 175/19 175/20 175/21 175/21</p> <p>weight [2] 54/6 80/2</p> <p>welcome [1] 81/16</p> <p>welfare [1] 5/5</p> <p>well [120] 4/19 5/23 6/22 7/11 7/15 8/20 8/23 10/1 12/3 14/11 14/25 17/7 18/2 19/19 23/19 23/24 25/21 28/24 31/1 32/14 33/6 33/8 35/23 37/3 42/4 44/7 45/13 45/15 45/21 45/23 49/7 49/17 50/14 51/2 52/11 52/22 53/23 54/1 54/4 54/15 54/18 55/13 56/17 58/15 59/9 59/20 59/25 61/8 62/14 66/15 66/17 72/19 73/5 73/7 76/23 83/21 86/12 89/18 91/19 95/16 100/14 101/21 103/4 104/16 105/16 105/25 113/22 113/23 114/5 114/20 114/22 116/25 117/3 118/6 118/12 119/2 122/11 123/9 127/1 127/10 127/17 129/5 140/7 154/12 161/16 161/24 167/12 172/20 173/18 173/21 178/11 180/6 180/7 187/15 192/5 195/23 197/8 198/25 200/4 202/17 209/3 210/2 213/2 215/9 219/16 225/18 231/19 232/10 234/21 236/7 238/4 238/17 239/23 242/18 243/10 244/2 246/25 251/11 252/2 257/5</p> <p>well-being [1] 59/9</p> <p>Wellness [1] 98/9</p> <p>Wells [24] 8/14 8/15 8/19 10/14 13/22 14/4 15/3 32/25 35/9 37/20 61/19 65/12 89/1 89/3 89/5 89/10 89/14 89/17 90/13 120/14 120/16 124/7 126/17 127/14</p> <p>went [40] 5/14 20/6 25/17 40/5 53/11 56/6 61/16 65/16 75/4 85/2 85/20 85/22 94/14 113/23 115/16 121/21 134/16 143/6 143/23</p> <p>2224</p>
--	--	---	--	---

<p>W</p> <p>went... [21] 146/17 164/10 176/4 176/5 176/9 181/10 190/17 218/21 220/20 221/19 230/7 230/8 236/2 240/20 245/9 245/20 245/25 246/3 246/6 246/9 246/14</p> <p>were [397]</p> <p>weren't [26] 19/3 44/6 48/8 49/1 57/10 61/4 115/2 134/2 150/7 156/19 157/4 158/8 159/11 160/7 224/24 225/4 234/10 240/7 240/8 240/13 241/2 245/19 255/13 256/3 256/4 256/7</p> <p>wet [7] 90/3 90/7 160/15 160/18 251/13 252/5 252/7</p> <p>wets [3] 78/12 93/1 93/4</p> <p>wetting [1] 254/7</p> <p>what [295]</p> <p>what's [12] 36/4 48/20 51/9 73/24 96/8 135/19 136/4 148/2 192/17 197/11 197/16 199/14</p> <p>whatever [17] 25/16 41/2 46/24 51/5 54/16 54/22 66/21 68/5 101/2 127/18 129/4 146/20 173/6 210/12 226/12 243/12 260/21</p> <p>when [246] 6/4 6/12 6/15 12/14 12/21 15/18 17/20 17/21 18/9 20/19 21/6 21/20 22/13 23/8 24/10 25/17 25/18 26/24 29/1 30/2 31/2 32/4 33/14 34/4 35/1 35/21 37/8 46/5 50/23 63/6 63/22 63/25 64/25 67/6 68/2 68/21 70/11 70/16 71/11 71/18 72/3 74/13 77/25 78/20 78/21 79/2 83/1 84/7 94/21 96/9 96/10 101/6 101/10 102/14 102/16 104/11 104/13 104/14 104/15 105/16 106/11 107/5 107/7 109/16 113/17 113/24 114/1 115/7 115/8 115/25 116/23 117/6 117/14 118/12 121/6 123/10 125/21 132/25 134/2 134/10 134/16 134/20 135/14 136/12 137/16 139/1 139/1 139/8 139/11 139/23 140/6 140/8 140/11 142/17 143/1 143/4 143/15 144/2 144/11 144/23 145/1 145/3 145/4 145/5 145/10 146/10</p>	<p>146/16 150/3 153/4 153/15 153/22 153/24 155/3 155/4 155/21 156/18 156/19 157/3 157/8 157/12 158/7 159/5 159/10 160/8 160/15 161/19 162/3 163/1 163/2 163/5 163/12 163/14 163/16 164/21 165/9 166/4 166/13 166/24 167/23 168/10 168/24 169/1 169/4 170/12 170/15 170/15 172/2 172/24 173/7 173/9 175/7 175/15 175/15 175/22 176/14 177/17 178/13 178/16 179/7 180/3 182/18 182/19 183/15 183/15 183/24 184/17 187/24 189/12 189/18 190/23 192/5 192/7 192/7 192/11 193/2 193/4 194/24 197/23 200/10 201/23 202/1 202/5 202/18 203/18 204/11 204/17 209/20 210/20 211/7 211/24 212/6 212/17 215/24 216/11 218/7 218/21 220/20 220/21 222/1 222/3 222/13 222/16 223/21 223/23 226/5 227/6 227/7 229/10 229/15 229/16 230/6 230/18 231/3 231/5 231/10 232/5 234/9 235/9 235/24 235/25 236/1 236/2 236/2 237/2 239/10 239/15 239/18 239/23 240/14 241/11 241/23 242/1 242/8 242/14 243/4 243/11 244/4 244/14 245/1 248/4 253/6 253/11 254/1 255/5 257/7 259/13</p> <p>whenever [1] 157/10</p> <p>where [57] 19/4 25/10 26/3 30/6 33/12 34/4 35/13 35/17 50/1 56/23 63/19 130/20 134/3 135/20 136/5 137/18 137/20 138/2 138/6 140/3 143/20 146/3 146/4 149/17 150/10 152/25 153/10 156/20 157/15 157/16 158/8 159/6 159/10 159/24 160/22 161/12 162/20 167/18 172/12 197/3 198/21 199/6 201/16 201/17 211/4 221/5 222/9 222/10 226/18 229/13 229/15 230/17 230/20 232/23 238/8 249/10 259/6</p> <p>Whereabouts [1] 167/21</p>	<p>wherever [1] 6/1</p> <p>whether [33] 21/9 24/13 24/20 25/4 25/19 35/8 37/19 40/18 48/6 48/9 49/3 60/23 60/24 63/2 72/21 105/4 112/8 115/7 115/11 117/5 123/21 128/16 132/20 141/22 142/14 144/10 144/23 208/16 209/6 209/16 213/25 216/6 240/11</p> <p>which [26] 6/5 20/17 25/24 26/1 33/17 40/15 41/10 45/22 49/11 50/3 51/22 78/15 117/4 127/4 152/16 152/18 157/13 182/25 207/22 219/2 223/25 248/12 248/13 248/22 250/12 250/12</p> <p>whichever [1] 21/7</p> <p>while [25] 23/8 27/8 28/6 28/16 31/24 39/17 45/1 70/14 78/3 81/11 91/17 92/8 94/25 123/10 133/13 159/16 161/25 210/15 212/25 213/5 235/6 241/20 241/22 251/24 252/9</p> <p>whipping [1] 188/11</p> <p>white [2] 137/12 200/7</p> <p>who [57] 7/13 7/13 7/20 8/4 13/7 15/24 20/3 20/10 20/20 23/18 23/20 25/23 36/1 36/21 39/10 42/12 47/6 52/14 54/5 56/15 59/6 61/3 68/22 68/22 80/14 82/14 95/17 99/20 102/14 106/14 115/3 120/14 123/7 123/7 127/9 128/15 129/19 136/24 136/24 137/4 137/4 137/25 172/7 186/25 187/9 189/24 194/25 196/4 210/24 234/2 235/23 250/2 250/8 253/5 255/4 258/18 258/24</p> <p>who she [1] 102/14</p> <p>who's [8] 120/2 131/2 131/17 197/20 250/4 250/6 250/11 250/18</p> <p>whole [11] 52/4 82/19 111/6 111/12 114/21 177/17 177/18 246/20 250/25 254/14 258/12</p> <p>whom [1] 61/10</p> <p>whose [2] 28/13 212/12</p> <p>why [48] 6/20 14/16 17/23 21/13 21/15 22/11 31/7 33/19 34/23 41/6 45/4 46/20 48/18 54/15 55/16 59/17 59/18 73/8 84/20 87/8 120/11 123/2 123/8 133/5 143/5 148/8</p>	<p>155/12 160/19 170/22 170/25 171/6 171/11 176/6 194/5 198/13 201/2 201/6 203/11 211/20 217/25 218/14 218/24 218/25 219/5 220/9 220/10 226/5 227/1</p> <p>wide [1] 58/12</p> <p>wiggle [3] 158/21 159/2 160/5</p> <p>wiggling [1] 159/18</p> <p>wild [1] 81/2</p> <p>will [10] 3/15 22/6 46/7 77/9 113/25 130/4 131/13 171/20 238/4 259/25</p> <p>windows [4] 157/12 157/13 157/14 159/10</p> <p>wintertime [1] 205/14</p> <p>wiping [3] 29/6 29/17 29/19</p> <p>wise [1] 217/3</p> <p>Wishing [1] 251/3</p> <p>Withdrawn [1] 106/18</p> <p>withdrew [2] 219/15 219/19</p> <p>withhold [2] 48/23 208/17</p> <p>Withholding [1] 50/4</p> <p>without [8] 6/11 40/6 44/7 44/10 72/16 72/22 98/8 112/4</p> <p>witness [30] 3/8 3/13 8/9 42/15 42/15 42/15 43/18 45/1 51/8 52/14 113/10 117/1 122/22 125/8 129/16 129/19 129/22 130/2 131/11 148/10 148/11 152/1 160/14 168/7 197/10 197/13 197/16 199/21 200/7 235/2</p> <p>witnesses [4] 2/3 50/10 51/8 52/23</p> <p>won't [4] 47/19 114/1 231/22 231/24</p> <p>word [14] 13/6 13/14 15/24 21/7 21/20 61/7 119/7 187/19 187/19 219/3 219/4 255/19 255/19 259/10</p> <p>words [7] 24/9 37/16 113/18 121/19 182/6 190/20 190/20</p> <p>work [24] 4/15 4/18 28/12 62/15 62/17 65/16 66/12 69/1 115/25 134/16 170/16 170/20 172/21 176/22 176/24 220/7 229/9 229/10 229/11 229/15 229/22 230/8 230/20 230/25</p> <p>worked [16] 90/23 116/1 119/17 121/8 121/9 134/11 134/11 135/16 170/18 177/8 229/13 229/17 230/3</p>	<p>230/18 230/18 230/23</p> <p>worker [15] 15/24 16/11 18/12 24/21 24/23 40/5 50/18 62/7 63/14 105/24 110/10 119/13 127/4 127/5 254/23</p> <p>workers [8] 40/8 44/5 61/16 61/21 80/12 98/2 119/21 124/22</p> <p>working [18] 18/10 36/1 88/19 120/14 121/13 125/16 134/10 134/25 171/1 171/6 175/25 176/15 177/18 219/11 219/24 222/16 223/23 255/4</p> <p>World [4] 246/9 246/14 246/17 246/19</p> <p>worry [1] 132/8</p> <p>worse [7] 162/21 163/8 185/24 186/3 186/13 186/18 220/5</p> <p>would [271]</p> <p>would've [16] 51/24 62/11 66/5 75/18 75/21 76/2 76/8 76/13 76/17 95/7 104/25 107/15 117/10 248/10 248/17 255/23</p> <p>wouldn't [11] 23/16 26/24 48/22 74/16 115/3 115/11 161/16 166/5 201/7 203/8 231/20</p> <p>write [1] 126/2</p> <p>writer [2] 22/20 32/11</p> <p>writing [2] 59/8 59/22</p> <p>written [2] 124/17 136/8</p> <p>wrong [8] 46/16 46/17 47/20 49/24 50/2 63/13 69/8 251/20</p> <p>wrote [1] 59/20</p> <tr> <td colspan="5">X</td></tr> <tr> <td colspan="5"> <p>Xanax [6] 226/1 226/3 226/15 226/23 226/24 227/3</p> <p>XXI [1] 1/7</p> </td></tr> <tr> <td colspan="5">Y</td></tr> <tr> <td colspan="5"> <p>yeah [106] 12/5 14/14 28/9 32/21 58/22 66/20 72/23 74/19 106/17 126/25 132/8 132/24 133/2 133/5 135/25 136/10 137/5 143/10 144/2 152/7 154/5 154/13 155/12 155/18 156/1 158/24 160/2 164/20 166/20 166/24 167/8 168/5 170/3 172/22 174/1 178/13 180/14 180/14 181/7 183/23 185/22 188/4 191/22 191/23 192/8 192/15 193/1 193/21 193/21 195/17 195/25</p> <p>2225</p> </td></tr>	X					<p>Xanax [6] 226/1 226/3 226/15 226/23 226/24 227/3</p> <p>XXI [1] 1/7</p>					Y					<p>yeah [106] 12/5 14/14 28/9 32/21 58/22 66/20 72/23 74/19 106/17 126/25 132/8 132/24 133/2 133/5 135/25 136/10 137/5 143/10 144/2 152/7 154/5 154/13 155/12 155/18 156/1 158/24 160/2 164/20 166/20 166/24 167/8 168/5 170/3 172/22 174/1 178/13 180/14 180/14 181/7 183/23 185/22 188/4 191/22 191/23 192/8 192/15 193/1 193/21 193/21 195/17 195/25</p> <p>2225</p>				
X																								
<p>Xanax [6] 226/1 226/3 226/15 226/23 226/24 227/3</p> <p>XXI [1] 1/7</p>																								
Y																								
<p>yeah [106] 12/5 14/14 28/9 32/21 58/22 66/20 72/23 74/19 106/17 126/25 132/8 132/24 133/2 133/5 135/25 136/10 137/5 143/10 144/2 152/7 154/5 154/13 155/12 155/18 156/1 158/24 160/2 164/20 166/20 166/24 167/8 168/5 170/3 172/22 174/1 178/13 180/14 180/14 181/7 183/23 185/22 188/4 191/22 191/23 192/8 192/15 193/1 193/21 193/21 195/17 195/25</p> <p>2225</p>																								

Y yeah... [55] 195/25 199/13 200/22 202/10 202/22 204/24 205/21 206/7 207/21 208/5 209/2 211/11 211/23 213/7 213/10 214/4 215/19 217/11 217/24 221/14 223/7 223/9 229/11 229/11 229/20 229/24 230/24 231/23 232/11 233/16 234/19 235/7 237/16 238/10 239/1 240/24 241/12 241/22 241/22 241/23 242/5 242/10 242/12 247/1 247/20 248/20 250/14 253/17 255/25 256/18 257/5 257/6 257/21 258/23 260/23 year [20] 11/10 11/18 11/18 17/16 20/10 28/19 77/17 79/16 92/23 118/22 133/23 143/24 144/3 176/24 202/20 248/12 248/13 248/16 248/21 251/4 years [56] 4/14 4/17 4/24 5/4 5/7 53/13 62/8 62/15 63/15 69/22 121/9 132/11 134/1 135/8 141/16 142/1 142/13 142/18 143/1 143/15 145/10 147/12 151/9 153/22 155/3 155/8 155/14 159/4 161/7 162/13 163/12 165/9 166/2 166/7 177/2 177/5 181/13 181/17 183/8 184/6 188/15 190/23 195/15 196/16 202/20 204/6 207/9 212/24 213/21 216/3 217/1 217/4 228/8 228/8 228/9 228/21 yell [2] 257/12 257/17 yelled [3] 156/10 194/21 257/7 yelling [16] 189/18 189/19 196/22 205/8 205/9 222/15 234/8 236/18 236/23 236/25 237/2 237/5 237/8 257/5 257/6 257/21 yes [616] yesterday [1] 49/11 yet [1] 142/9 you [1599] you'd [4] 76/7 107/15 169/17 175/16 you're [49] 6/19 11/25 12/15 12/17 12/21 23/8 26/25 32/1 38/11 38/12 45/18 59/1 63/1 64/24 77/8 108/14 108/15 112/8 126/8 136/15 139/19 155/13 157/16	161/14 172/2 174/6 174/6 174/8 175/7 175/22 175/22 175/25 176/3 177/18 177/18 177/21 178/15 185/3 186/3 187/23 190/14 190/14 205/9 216/22 233/14 244/4 249/23 260/3 260/4 you've [13] 18/11 51/21 55/21 121/9 155/10 168/18 187/15 190/21 211/16 216/25 227/14 227/20 230/14 young [1] 187/25 younger [2] 124/2 250/1 youngest [10] 26/1 71/15 71/25 101/10 112/20 115/3 116/21 119/3 184/14 251/15 your [406] yours [1] 143/22 yourself [8] 12/18 98/6 187/22 190/1 208/23 244/4 247/19 249/12			
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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 10

MONDAY, FEBRUARY 26, 2018

APPEARANCES:

FOR THE STATE:

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

FOR THE DEFENDANT:

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

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

I N D E X
W I T N E S S E S

WITNESSES FOR THE STATE:

ASHEESH DEWAN

Direct Examination by Mr. Hamner	5
Cross-Examination by Mr. Figler	54
Redirect Examination by Mr. Hamner	79
Recross-Examination by Mr. Figler	100
Further Redirect Examination by Mr. Hamner	105

STEVEN BLANKENSHIP

Direct Examination by Ms. Bluth	110
Cross-Examination by Ms. McAmis	146
Voir Dire Examination by Ms. McAmis	169
Voir Dire Examination by Ms. Bluth	174
Voir Dire Examination by Ms. McAmis	176
Continued Cross-Examination by Ms. McAmis	180
Redirect Examination by Ms. Bluth	189
Recross-Examination by Ms. McAmis	194
Follow-Up Examination by Ms. Bluth	197

ROSHAN RAJA

Direct Examination by Mr. Hamner	198
Cross-Examination by Ms. McAmis	223
Redirect Examination by Mr. Hamner	238
Follow-Up Examination by Ms. McAmis	244

DANIELLE HINTON

Continued Cross-Examination by Ms. McAmis	250
Redirect Examination by Mr. Hamner	274

E X H I B I T S

STATE'S EXHIBITS ADMITTED:

1	Photo - Anastasia Solander	115
32	Photo - Ava Solander	116
48	Photo - Amaya Solander	116
177-179	About Ava, Amaya and Anastasia printouts	138

E X H I B I T S

DEFENSE EXHIBITS ADMITTED:

I	Copy of doctor's note	78
J	Letter, 11/14/13, school	154
K-M	Doctor's note for Ava, Amaya & Anastasia	156

1 LAS VEGAS, CLARK COUNTY, NEVADA, FEBRUARY 26, 2018, 9:23 A.M.

2 * * * * *

3 (In the presence of the jury)

4 THE COURT: All right. Court is now back in session.
5 The record should reflect the presence of the State through
6 Mr. Hamner, the presence of the defendant and her counsel --
7 Mr. Figler and Ms. McAmis -- the officers of the court, and the
8 ladies and gentlemen of the jury.

9 And if we need some new notepads -- is that -- okay.
10 Kenny will get that in a minute.

11 And, Mr. Hamner, my understanding is you're calling a
12 witness out of order to accommodate that person's schedule; is
13 that right?

14 MR. HAMNER: That is correct, Your Honor.

15 THE COURT: All right. Ladies and gentlemen, as you
16 will recall, when we took our weekend recess, we were in the
17 middle of, I believe, it was cross-examination of another
18 witness. In order to accommodate the schedule of the next
19 witness who I understand is a physician, that witness will be
20 called out of order.

21 Once again, you're reminded that the order in which
22 the testimony comes in is of no importance. You need to keep
23 an open mind until you've heard everything in the case,
24 including the arguments.

25 All right. Mr. Hamner, please call your witness.

1 MR. HAMNER: Thank you very much. The State is going
2 to call Dr. Asheesh Dewan to the stand.

3 **ASHEESH DEWAN**

4 [having been called as a witness and being first duly sworn,
5 testified as follows:]

6 THE CLERK: Thank you. Please have a seat. State
7 and spell both your first and last name for the record.

8 THE WITNESS: Asheesh Dewan. A-s-h-e-e-s-h. Last
9 name Dewan, D-e-w-a-n.

10 THE COURT: All right. Thank you.

11 Mr. Hamner, you may proceed.

12 MR. HAMNER: Thank you very much.

13 **DIRECT EXAMINATION**

14 BY MR. HAMNER:

15 Q Sir, if you could, explain to the jury what you do
16 for a living.

17 A I'm a pediatric endocrinologist.

18 Q And how long have you been practicing medicine?

19 A About 20 years.

20 Q And where did you get your degree from?

21 A I did my training at St. George's University School
22 of Medicine. I did my residency training at University of
23 Oklahoma and then did my endocrinology fellowship at University
24 of California, San Diego.

25 Q How long have you been practicing here in Clark

1 County?

2 A About 11 years.

3 Q Okay. Are you part of a medical group or --

4 A I have an independent practice.

5 Q Okay. And what's the name of that practice?

6 A It used to be called, The PEDS, The Pediatric
7 Endocrinology Diabetic Specialist, and we have now changed it
8 to The DOCS, the Diabetes Obesity Clinical Specialists.

9 Q Okay. If you could, describe to the jury what
10 endocrinology means.

11 A Endocrinology is the study of hormones. So the body
12 has hormone signals where they can send chemicals, you know,
13 from one part to another, and sometimes they can be a little
14 bit off, and so we fix that.

15 Q All right. And I know you mentioned a couple of
16 times being a pediatric endocrinologist. Is your focus with
17 children?

18 A Correct.

19 Q I want to turn your attention to a series of patients
20 that you saw over different periods of time, but before I get
21 to that, are you familiar with the name Janet Solander?

22 A Just in reference to this.

23 Q Okay. Well, did you have a patient by the name of
24 Amaya Solander?

25 A Yes.

1 Q Okay. Now, Doctor, as you kind of sit here today, do
2 you have an independent memory of kind of meeting Amaya
3 whenever you met her?

4 A From 2014, not particularly.

5 Q And I think this actually happened in 2012 with
6 respect to about of January of 2012. So you don't
7 independently remember that; right?

8 A No.

9 Q But, Doctor, when you meet, on average, how many
10 patients do you usually meet a day?

11 A I see 50 patients a day, six days a week.

12 Q Okay. So you see a lot of patients, and this was six
13 years ago. But when you are meeting with a patient, is there
14 some sort of kind of note taking and record taking system
15 that's happening?

16 A So the way I run the clinic is I have a laptop. I
17 have an electronic medical record system. So I put down the
18 laptop, and as the patient is talking, I'll type. So whatever
19 information they say, I just type it out in flow of
20 consciousness.

21 Q Okay. So you keep contemporaneous records as you're
22 seeing your patients?

23 A I type in realtime.

24 Q Okay. In preparation for your testimony today, have
25 you reviewed your medical records and your entries with respect

1 to Amaya Solander?

2 A Yes.

3 Q Okay. Additionally, did you review your medical
4 records with respect to an Anastasia Solander?

5 A Correct.

6 Q Did you also review your medical record entries with
7 respect to an Areahia Diaz?

8 A Yes.

9 Q Okay. Well, I want to focus first on Amaya, and I
10 want to turn your attention to January 20th, 2012. Do you
11 remember what the primary complaint or concern was from Amaya's
12 parent at that time?

13 A Is it possible to see the note?

14 Q Sure. If it helps refresh your memory, I can hand it
15 to you. I'm just referring to the January 20th, 2012.

16 MR. HAMNER: And may I approach the -- I know we
17 don't need to. Sorry.

18 Let the record reflect I'm going to show the witness
19 some of his notes.

20 BY MR. HAMNER:

21 Q So why don't you at least take a look here, read it
22 silently.

23 A Okay.

24 Q And I will look at it and then ask you questions
25 based off of it. Okay.

1 A [Witness complies]

2 Q So what was kind of the chief concern of her parent
3 at the time?

4 A The chief concern was for the thyroid.

5 Q Okay. At that --

6 THE COURT: Was the what?

7 THE WITNESS: Thyroid, the thyroid gland.

8 THE COURT: Okay. I know. I couldn't hear you. You
9 have a quiet voice, and you have to project all the way to the
10 lady in the back corner.

11 THE WITNESS: I'm actually screaming right now.

12 THE COURT: Okay. Well, and I'm whispering. Imagine
13 that.

14 And, Doctor, that black box is the microphone. So
15 we're going to put that on the telephone book, and that way
16 it'll be closer to you and hopefully easier.

17 THE WITNESS: Okay.

18 THE COURT: Oh, perfect. Thank you so much. All
19 right.

20 BY MR. HAMNER:

21 Q So you mentioned thyroid. What is the general
22 function of the thyroid in the human body?

23 A The thyroid gland has its fingers in many things. So
24 it's easier to just relate to what the symptoms would be if
25 it's dysfunctional. So you would have cold intolerance. You

1 would feel cold when other people don't feel cold. You will
2 have problems with concentration. You will have constipation
3 problems. Everything in your body slows down. Your hair
4 growth slows down, becomes dry and crinkly. You get dry
5 patches of skin on your body. You get myxedema. There's many
6 effects throughout the body. In a developing child, you can
7 get a stunting of the growth, and you can develop delays.

8 Q All right. Was she brought in by her mother Janet
9 Solander at that time?

10 A I don't remember exactly who brought her in.

11 Q Okay. By name or do you remember it at least being a
12 parent?

13 A A parent, if it's foster or whom it was, I don't
14 know.

15 Q You just remember her being brought in by a guardian.
16 Let me ask you do you remember if it was a male or a female?

17 A I don't remember.

18 Q Okay. But you do remember it being in the time
19 frame. It was January 20th, 2012?

20 A If I wrote in my note, Mother says, then it would be
21 a female.

22 Q Okay. Well, let's just kind of focus on what was
23 being reported. Were there concerns about the energy level of
24 this child Amaya at that time?

25 A I'd have to look at the note again.

1 MR. HAMNER: We're just going to leave this entry up
2 there for him.

3 THE COURT: That's fine.

4 MR. HAMNER: To make it easier.

5 BY MR. HAMNER:

6 Q Here you go, sir.

7 A How many people have low thyroid after I described
8 it?

9 Q Let me ask you a question. Then if you need to
10 refresh your memory, you can look. Were there reports from
11 whoever brought in this child that there was lethargy or being
12 tired being one of the complaints?

13 A Yes.

14 Q Okay. How about constipation?

15 A It was a concern.

16 Q All right. Was there any mention regarding the
17 status of Amaya's colon?

18 A It was mentioned that she had a twisted colon and
19 that she was constipated.

20 Q All right. Now, Doctor, at this time from what you
21 can kind of review, were there any notations that you took down
22 about what doctor actually was reported as making that
23 diagnosis of a twisted colon?

24 A There was no specific mention of a doctor.

25 Q Okay. Was there a year in which it was reported that

1 this diagnosis was made?

2 A No.

3 Q Okay. Did you -- from what you can tell from your
4 entries, were there any other GI issues that were being
5 reported, either speaking from the patient or anywhere, when
6 you did this examination of the patient?

7 A No.

8 Q Okay. Doctor, when you examine a patient, are there
9 sometimes times where you will make a notation about maybe the
10 mood, the affect, the demeanor of the actual patient while
11 sitting in the room with the patient?

12 A I have been known to do so.

13 Q Okay. So if a patient is being disruptive or
14 difficult, would that be something you might note?

15 A If it was clinically relevant, then I would be sure
16 to put it in, but if the child is just being rambunctious, I
17 would not.

18 Q Okay. Do you have any notes regarding any disruptive
19 behavior by Amaya when meeting with you on January 20th?

20 A No.

21 Q Okay. What was the kind of determination that you
22 made? What was the kind of plan going forward? What were you
23 going to do?

24 A So there were symptoms of clinical hypothyroidism.
25 So we said that we would check the blood work, and so because

1 we're busy and I don't like to bring patients back, take time
2 off from work, take kids out of school to just have me tell
3 them their labs are normal, I asked them to call a week after
4 the blood is drawn so we can just on the phone talk about plan
5 if we need to do anything.

6 Q Okay. And so to be clear, so the plan was to kind of
7 maybe run some blood tests, see what you're seeing there and
8 then work forward from there?

9 A Uh-huh.

10 Q At that point on January 20th, was an actual
11 diagnosis of hypothyroidism made on January 20th, 2012?

12 A There was no diagnosis of hypothyroid, just that
13 there were symptoms of it that we would check.

14 Q Okay. And the source is whoever was bringing in the
15 child?

16 A From the symptoms that were described.

17 Q So you then run a set of labs. Would it help refresh
18 your memory in terms of those labs if you had a chance to see
19 them in front of you?

20 A Sure.

21 MR. HAMNER: Okay. And I'm just referring to these
22 date, time, January 20th, 2012, collection that the report is
23 in, the 24th of January.

24 Let the record reflect I'm just refreshing his
25 recollection with a set of labs that were analyzed on January

1 24th.

2 BY MR. HAMNER:

3 Q Do you see those labs, Doctor?

4 A Yes.

5 Q Okay. Was there -- from reviewing those labs, was
6 the date on those labs, essentially the analysis done four days
7 later on January 24th, 2012?

8 A The blood work was done on the 20th, same day.

9 Q Okay. So the blood work was collected, but
10 essentially the report is generated four days later. Would
11 that be right?

12 A Correct.

13 Q Okay. Was there anything abnormal that you saw from
14 the blood work?

15 A So we were looking for common signs of thyroid
16 disease, and the antibodies for an autoimmune thyroid disorder
17 were negative, and the thyroid hormone level itself was a
18 healthy 1.64 with the normal range being up to 1.67, and the
19 signal from the brain, the TSH, was 4.89, which was mildly
20 elevated by .05 with the upper range of normal being 4.84.

21 Q Okay.

22 A So with the child being clinically symptomatic like
23 this, then it would not be unusual to give a low dose thyroid
24 hormone replacement and see how they clinically do.

25 Q So at this point -- and is that what you did? You

1 gave a low dose to Amaya?

2 A So we prescribed 25 microgram tablet, which is a low
3 dose?

4 Q And what's that medicine called?

5 A It would be levothyroxine or the generic Synthroid
6 would be a brand name.

7 Q And to be clear, was the basis, was your basis to
8 make a decision to give that low dose of Synthroid predicated
9 more on the reported symptoms that you're having from the
10 guardian or what you're actually seeing in these blood tests?

11 MS. MCAMIS: Objection. Argumentative.

12 THE WITNESS: It was a combination of both.

13 MS. MCAMIS: Leading.

14 THE COURT: Well, overruled. He can answer.

15 THE WITNESS: So the blood work indicated that the
16 body was hypothyroid, that the body did want some thyroid
17 replacement, and the clinical symptoms were there. So we
18 followed what the body said.

19 BY MR. HAMNER:

20 Q And you mentioned that it was normal though from the
21 blood work in a variety of areas other than one portion; right?
22 Is that --

23 A Three out of four were normal, but the brain was
24 saying it was abnormal.

25 Q Okay. But how big of an elevation was that?

1 A It was extremely mild.

2 Q Okay. Have you ever heard of what's called a placebo
3 dose?

4 A Yes.

5 Q Okay. Explain that to the jury.

6 A So sometimes there is a perception that I need to
7 have something or I need to treat something. So you can give a
8 low dose of the medicine where it does no harm, but the patient
9 feels that they are taking something for it, and they
10 clinically improve.

11 Q Okay. Was the amount given to this child, you know,
12 higher than, lower than, equal to a placebo dose that you might
13 give in some situations?

14 MR. FIGLER: Can we approach for moment, Your Honor.

15 THE WITNESS: So this is a dose --

16 THE COURT: Oh, I'm sorry. There's been an
17 objection. So --

18 THE WITNESS: I didn't hear him say objection.
19 Sorry.

20 THE COURT: Well, he didn't. He said approach, which
21 is --

22 MR. FIGLER: Our fancy way of object.

23 (Conference at the bench not recorded)

24 THE COURT: The objection was sustained.

25 Mr. Hamner, you need to rephrase your question.

1 MR. HAMNER: Sure.

2 BY MR. HAMNER:

3 Q Doctor, did you provide this as a placebo dose in
4 this case?

5 A So I had biochemical reasons to give it, and I gave a
6 low dose which we'll often use as a placebo dose. This is a
7 dose we give newborn babies.

8 Q Okay. I want to turn your attention to March 19th,
9 2014. Did you see Amaya again at that point?

10 A Yes.

11 Q Would it help refresh your memory if you --

12 A Sure.

13 Q Okay. Certainly. Referring to March 19th, 2014.

14 MR. HAMNER: And let the record reflect I am showing
15 the witness to refresh his recollection his records from March
16 19th, 2014.

17 BY MR. HAMNER:

18 Q Sir, take a look at that. Does that refresh your
19 recollection as to whether or not you saw Amaya on March
20 19th, 2014?

21 A Yes, I did.

22 Q Okay. So essentially that's about two years and two
23 months after this first visit in January of 2012?

24 A Correct.

25 Q Okay. At this time, Doctor, what is she being

1 brought in for at that point?

2 A So she was in CPS custody. So most likely there was
3 some record that she was on thyroid medicine, and so they were
4 bringing her in to kind of touch base and check in on the
5 thyroid.

6 Q Because you had kind of put this low dose of
7 Synthroid that she had been presumably taking since you ordered
8 it?

9 A So we had put this low dose of Synthroid. The
10 prescriptions are written good for one year. This was more
11 than one year out. So sometimes people call in and ask for
12 refills, but she showed up again. Or other doctors will
13 prescribe it or renew it.

14 Q So to be clear, when you met with this child on March
15 19th, 2014, was she exhibiting any signs of hypothyroidism?

16 A She was not giving any clinical signs of
17 hypothyroidism, but again she was noncompliant, meaning
18 sometimes taking it, sometimes not.

19 Q Okay. But to be clear, so you have a patient that's
20 not even sometimes taking these medications; is that right?

21 A So if the person is not taking it sometimes,
22 sometimes taking it, clinically having no issues clinically
23 from it, biochemically from two years ago, it was on the border
24 of really not treating at all. So you would not, which we did,
25 behoove us to stop the medication and recheck the biochemical

1 parameters and clinical parameters in three weeks to a month.

2 Q So she wasn't showing any of those signs. So she
3 wasn't having any heat or cold intolerance issues?

4 A No.

5 Q Any hair or skin issues?

6 A No constipation issues, nothing.

7 Q How about concentration problems?

8 A It wasn't reported.

9 Q Okay. So when you reviewed the symptoms, were
10 they -- what was the result of kind of review? Were they
11 negative when you were kind of reviewing everything?

12 A It seemed like the child may have returned back to
13 baseline.

14 Q A physical exam conducted at that time?

15 A It was negative.

16 Q And so at this point, do you make a determination as
17 to whether or not this child still needs to take at least at
18 this point in time this low dosage of Synthroid?

19 A We decided that we did not need it.

20 Q Okay. And that you would essentially reassess in a
21 couple of weeks or something like that?

22 A So you would treat -- you can treat a child, a
23 patient clinically, how they feel and biochemically. So we had
24 no clinical indications that we needed treatment or the
25 treatment was working, and so if we have a chance to come off,

1 see how they're doing and then biochemically see what the body
2 responds.

3 Q All right. And, Doctor, let me ask you this. Can
4 there be -- can nutrition play a role in how your thyroid
5 functions normally?

6 A No.

7 Q No, it cannot. So what are the causes of kind of an
8 irregular thyroid?

9 A You can have a virus that can come, suppress the
10 thyroid gland so it doesn't properly secrete thyroid hormone.
11 You can have an autoimmune response where the body starts to
12 destroy its own thyroid gland. You can have an iodine overload
13 where you take too much iodine or salt, and it can suppress
14 thyroid hormone synthesis.

15 Q And based on kind of your review of everything that
16 was reported, everything you were testing, none of those three
17 things were present with respect to this child?

18 A We were negative for autoimmune disease. Iodine
19 overload you would have low thyroid hormone, which we did not
20 have, and for a virus, it could be a transient state. Normal
21 thyroid hormone, high TSH, there's a lag that comes from the
22 thyroid hormone in TSH. I can draw a picture for you if you
23 want, but --

24 Q No, that's okay. So, Doctor, I want to turn your
25 attention then to Anastasia Solander. Do you recall meeting

1 this patient in April of 2011, or would it help to refresh your
2 records -- refresh to see your records?

3 A I'll never say, no, to refreshing.

4 Q Okay. Fair enough.

5 MR. HAMNER: Let the record reflect I'm just showing
6 opposing counsel progress notes from April 26th, 2011.

7 Let the record reflect I'm showing the witness --

8 And additionally I'm going to refer to also a
9 nutritionist's note.

10 Let the record reflect I'm showing the witness
11 progress notes from April 26, 2011, as well as from a
12 nutritionist within his office on the same date.

13 BY MR. HAMNER:

14 Q Doctor, do you recall now whether you saw Anastasia
15 Solander on April 26, 2011?

16 A Yes, we did.

17 Q Okay. What was the primary concern of whomever,
18 whatever guardian brought in Anastasia at this time?

19 A So the referral was made for failure to thrive or
20 excessive weight loss.

21 Q Okay. So this child is losing a lot of weight?

22 A Uh-huh.

23 Q Was it reported about how much weight this child lost
24 back in April of 2011?

25 A The child had lost 10 pounds over the past six

1 months.

2 Q Okay. Was there -- did someone report kind of
3 whether or not this child bruises at all or something along
4 those lines?

5 A It was mentioned that she bruises easily on her legs.

6 Q Did this person who brought -- and by the way, if you
7 can tell, is there any indication, do you have any memory of
8 who brought this person in, or is it again probably some sort
9 of guardian?

10 A A guardian.

11 Q Okay. Did the person who brought this person in
12 whether or not Anastasia was seeing any other doctors around
13 this time or had seen any doctors at this time?

14 A It was mentioned to us that she was seeing a
15 urologist.

16 Q Okay. Were you provided from this person who
17 reported or at least did your notes jot down what the results
18 or conclusions were from that urologist?

19 A The only thing we have is that she had a small
20 bladder.

21 Q Okay. So was there ever any notations that you took
22 down that indicated that there were no structural defects to
23 the child's colon or kidney or bladder at that time?

24 A There was no note of a structural defect. Small
25 bladder can be subjective but not a defect.

1 Q Okay. But to be clear, if those things had been
2 reported to you, would those be things that you would put down
3 in your contemporaneous notes?

4 A Yes. Again, these are written as a flow of
5 consciousness because this is the objective data where the
6 patient talks about it where you're not supposed to intervene.
7 So this is just the patient talking.

8 Q Okay. Was there any reporting about the frequency of
9 her urination?

10 A So there is.

11 Q Okay. And what was reported?

12 A That she was urinating a lot of time. She wets
13 herself a lot, having nocturia, which is where you wake up in
14 the night to go pee as versus enuresis which is where you wet
15 yourself in your bed. So you had nocturia, which means you are
16 not having bedwetting, but nighttime wasn't really an issue.
17 It was more of a daytime issue. The volume of the urination
18 was large, larger than the intake of her liquids.

19 Q Okay. Let me ask you this. Was there anything that
20 was reported to you about the manner in which there may be any
21 toilet training methods happening in the home? Was that ever
22 being reported, or do you have any notes to that effect?

23 A No, I don't.

24 Q As far as let's talk about just eating breakfast.
25 How many breakfasts are being reported that Anastasia has at

1 this time?

2 A That she had two breakfasts.

3 Q Okay. Was there any discussion about whether or not
4 this child was taking food from other children?

5 A So it was mentioned that she was taking sugar foods
6 from other children.

7 Q Was there any discussion reported about the amount of
8 liquid that this child was consuming?

9 A We have noted that she was taking 36 ounces a day.

10 Q Which included what sort of liquids?

11 A Of milk and water, and in addition there would also
12 be one can of PediaSure.

13 Q Was there any discussion about any sort of, like,
14 medication that she was taking to help her with her bowel
15 movements?

16 A There was a mention of taking MiraLAX.

17 Q Did this child -- what was her energy level like as
18 far as what you had noted?

19 A She has a good energy.

20 Q Okay. What did the patient say with respect to
21 concentration or constipation issues?

22 A No problems with either one.

23 Q Okay. Did the person who came in report any medical
24 conditions with any of her other siblings?

25 A That one biological sister had a blood disorder, and