## IN THE SUPREME COURT OF THE STATE OF NEVADA



## APPENDIX TO APPELLANT'S OPENING BRIEF

(Appeal from Judgment of Conviction (Jury Trial))

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would you agree that the detail that you gave the police four years ago was probably a lot more details than the things that you can remember as you're sitting here today?

A Correct.
Q Okay. So that was while you were on Xanax?
A Yes.
Q So you giving all those details on Xanax?
A Correct.
Q Okay. Let's turn now to today if we could. There's some questions at the beginning of cross-examination about other kids being in the home. Do you remember whether those kids were exactly foster kids or exchange students, or what do you remember about that?

A From what I can remember, we did actually have exchange students, yeah. Sorry.

Q Oh.
A Then sometimes when we had kids, it was not -- some of them and not so much fostering, but if you take them for like a weekend because, like, a foster parent may be out of town type of thing too.

Q Okay. Okay. So you had exchange kids that wouldn't even be within the realm of family services or anything like that?

A Yeah.
MS. MCAMIS: Objection. Misstates the testimony. JD Reporting, Inc.

She just said they did respite care. THE COURT: Well, he's -- overruled.

BY MR. HAMNER:
Q You just told us that there were exchange students in that house; right?

A Correct.
Q And those exchange students weren't with the Department of Family Services; right?

A Correct.
THE COURT: And then you also had, like, some foster kids on a weekend or something like that?

THE WITNESS: Yes. And only one that fostered, but, yes.

THE COURT: Okay.
THE WITNESS: So it was both.
THE COURT: And that would be so the foster parents could have a break or go on vacation or something like that? THE WITNESS: Sometimes, yeah.

BY MR. HAMNER:
Q So then you were asked on cross-examination about Amaya spilling milk kind of defiantly. Remember that?

A Correct.
Q And you were asked that at one point she stabbed a kid or someone in the house with a pencil or stabbed your mother with a pencil or something along those lines?

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A Like it hit her, yes.
Q Okay. I just want to be clear. With respect to those two things that you observed, was that an explanation as to why your mother would time how long it would take them to pee and poop?

MS. MCAMIS: Objection. Calls for speculation. THE COURT: Sustained. MR. HAMNER: Well -THE COURT: Counsel, approach.
(Conference at the bench not recorded)
THE COURT: All right. The objection is sustained. Counsel can rephrase that question. BY MR. HAMNER:

Q Okay. In response to the spilled milk, did your mother ever say to you that in response to that that's why she decided to time their pee or poop?

A No.
Q In response to the stabbed pencil, did she explain the reason why she was timing how long they were allowed to go to the bathroom or peeing and pooping was because of the pencil stabbing?

A No.
Q With respect to those two kind of discipline issues, did she explain to you or say to you the reason why I make them sit on buckets is because of either the spilled milk or the
pencil stabbing?
A No.
Q Did she ever explain to you with respect to those two issues that the ice showers were because of either the spilled milk, the reason why she made them take an ice shower -- filled the ice was because of spilling milk or a pencil stab?

A No.
Q Did she ever say to you that for the spilled milk or the pencil stab that was her explanation as to and the response as far as this one as to why she would have them use fans to dry off?

A No.
Q Did she ever in response to the spilled milk or stabbing someone with a pencil, did she ever explain to you that the reason why she had them crawl around on the floor either with underwear on their head --

MR. FIGLER: I'm going to object finally. You know, giving some leeway. Argumentative.

THE COURT: Yeah, I think it is getting argumentative.

But beyond that I think it's time to take our evening recess. There's probably quite a bit more, at least more than 10 or 15 minutes of additional questioning for the witness.

MR. HAMNER: Yes.
THE COURT: So we'll go ahead and take our evening

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recess now. It's almost 5:00 o'clock.
And, ladies and gentlemen, the Court has a calendar on various unrelated matters tomorrow morning. So we will reconvene at 10:30, 10:30 tomorrow.

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

And please place your notepads in your chairs and follow the bailiff through the double doors.
(Jury recessed for the evening 4:54 p.m.)
THE COURT: And, Ms. Hinton, do not discuss your
testimony with anyone during the evening recess. Okay.
Scheduling. Is Ms. Hinton going to be first up
tomorrow at 10:30?
MR. HAMNER: Yes. Yes.
THE COURT: Would you do us a favor and just let Mr. Rue know that she's on first at 10:30. MS. BLUTH: Yes. THE COURT: And hopefully he can be here for that. MS. BLUTH: Yes, I will let him know, Judge. JD Reporting, Inc.

THE COURT: Okay.
MS. BLUTH: And then also I just -- not related to Ms. Hinton -- I need to make a record about something. THE COURT: All right. So is Ms. Hinton excused for the day?

MR. HAMNER: Yes.
THE COURT: All right. Ms. Hinton, you're excused and back at 10:30.

THE WITNESS: Okay. All right.
(Pause in the proceedings)
MS. BLUTH: So, Your Honor, we talked a little bit last week about Dr. Mileti, and she's the physician who had had the baby, and we talked about Skype and everything; right? So this afternoon, I mean, it's a constant battle trying to get these doctors in here. So I e-mailed that. There is one specific attorney who represents three of the doctors. I said to him, Hey, I'm still waiting to hear back on you because I had sent an email on Friday, and I hadn't heard anything. And he said, you know, here's the availability of so-and-so. Here's the availability of so-and-so.

But now along with telling me that the doctor is medically unavailable, we are now arguing that we never gave proper service on her. So that's hard for me to believe considering that we have been in constant contact via email and telephone with her office manager and that I've spoken with her JD Reporting, Inc.
attorneys, who they told me have. So the fact that all of their other doctors are under subpoena, but the one that they don't want to bring here is not under subpoena is just laughable to me.

So at this point I'm just asking the Court for them to be present for an order to show cause because of this because this is so outrageously offensive.

THE COURT: Okay. You need to, before I issue the order to show cause though, I don't know if you need to bring your investigator in.

MS. BLUTH: Okay.
THE COURT: Or you need to make a record of what steps were made to procure her attendance.

MS. BLUTH: Can I just have an affidavit done so we don't have to take up court time?

THE COURT: Sure. That's fine. But just, you know, was it fax service, personal service? What kind of service? And then what kind of contact he had.

MS. BLUTH: Okay. I'll do that. I'll have him do that tomorrow morning.

THE COURT: Okay.
MS. BLUTH: Thank you.
THE COURT: And what is she going to testify to?
MR. HAMNER: Your Honor, she, if you give me one second, I just have to get my --

> JD Reporting, Inc.

MS. BLUTH: And I can do a brief synopsis while you're doing that, Chris.

MR. HAMNER: Oh.
MS. BLUTH: You have it. Good.
$\operatorname{MR}$. HAMNER: Yeah, I have it.
So Dr. Mileti is particularly important with respect to Amaya Solander and this issue of a colonoscopy and the bowel issues, and what she ends up being is she's actually the second doctor or the second opinion that Janet Solander goes to get to where the doctor's actually expressing kind of frustration because the barium enema is normal, the colonoscopy is normal, that she's learning about from Amaya that there are timers being used by Ms. Solander, and the doctor makes this assessment of, look, it's not even clear why this is happening, and it's getting much worse, and then she also urges Janet Solander to put Amaya back on a regular diet, not a liquid diet after Sheikh had -- Dr. Sheikh was the prior doctor -- had put her on a three-month diet, and Ms. Solander indicated that she did not want to do that. So those things are all pretty relevant and important for the scope of this.

MS. BLUTH: She's the only doctor that we have documentation of saying, look, there doesn't seem to be anything wrong. Please take this child off this diet. Please quit doing this, this and this.

MR. HAMNER: Right.

MS. BLUTH: And it's actually documented in her records. Now, other doctors will talk about, you know, we didn't find that to be appropriate, but she actually documents I had this conversation. I urged her to please stop this. This was not that healthy.

THE COURT: And this is all in the records?
MR. HAMNER: Yes.
MS. BLUTH: Yeah.
THE COURT: Because if you can't get her here, obviously you can admit the records and have somebody else from her office come in and just read the records that these are, I mean --

MS. BLUTH: Sure. I agree, but I'll put it all in my request for an order to show cause.

THE COURT: Okay. Because, I mean, look, if she won't come in and they show up and she has something from a physician saying, you know, she can't come in, it's medically inappropriate for her, then you may have to use the records and have somebody else, a nurse or some other physician from her practice group come in and just read the records.

MS. BLUTH: Even if she's -- I mean, we're asking for the availability via Skype.

THE COURT: Right.
MS. BLUTH: There's hardly anything she can say about not being able to be available via Skype. I mean, I guess my
issue is is the fact that you are a doctor doesn't mean that you get to do this. Everybody else's lives have been so put aside, and she thinks that they can do this. It's just offensive to the whole process. THE COURT: Look, I'm not -- what is her medical excuse?

MS. BLUTH: It was two lines -- well, no, first it was she's not coming. Well, she has to come. Well, fine, I'll just go get a doctor's note, and literally they sent me a doctor's note that says that she's medically unavailable for eight weeks.

THE COURT: Okay. And then she's already had the baby, right, or she's having the baby?

MS. BLUTH: She had the baby like a month ago.
THE COURT: Okay. And then who is her civil lawyer? MS. BLUTH: Heather Hall.

THE COURT: Do you know what firm? Is it Hall Jaffe and Clayton?

MS. BLUTH: No. No. No. No. No.
THE COURT: Jaffe Clayton --
MS. BLUTH: No, no, no. It's not part of her. She's not one of them. I have it right here. One sec. Carroll, Kelly, Trotter, Franzen, McBride \& Peabody.

THE COURT: Okay. So put something together -MS. BLUTH: I will.

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THE COURT: -- on what the service has been, and we'll see where we are.

MR. FIGLER: I mean, as far as an order to show cause, the defense doesn't have a position with regard to if they're going to try to introduce medical records that suggest misconduct by Ms. Solander, whether or not, and again I don't believe any of it is charged in the document, and certainly that this doctor did not make a report to CPS. I feel that our Sixth Amendment right of confrontation is implicated by introducing the records without being able to cross-examine.

THE COURT: Okay. So you would rather have her here too because the records are going to be --

MR. FIGLER: If they're going to introduce it.
THE COURT: I mean, here's the thing. The records are admissible. So they're trying to get her here. You prefer to get her here.

MR. FIGLER: If the records are coming in, we obviously prefer, not only prefer, but we feel we have a right to cross-examine her. We would ask for potentially a continuance until she is available if she's proven to the Court to the Court's satisfaction that the witness is indeed unavailable.

THE COURT: Well, I don't know why she couldn't appear via Skype. I mean, she could be in her hospital bed and appear via Skype. So --

MS. BLUTH: But I will do that paperwork tomorrow morning.

THE COURT: Okay.
MR. FIGLER: Thank you, Your Honor. We'll see you tomorrow at 10:30.

THE COURT: You might just talk to the lawyer, the civil lawyer and say, you know, we're seeking an order to show cause against --

MS. BLUTH: Oh, I have, Judge.
THE COURT: Oh, okay.
MS. BLUTH: It's -- we -- we are going to need to have someone in between us. You.

THE COURT: Okay.
MR. FIGLER: Do you want me to make my record about the objection to the defense bringing in information about Mr. Blankenfield?

THE COURT: Oh, right.
MR. FIGLER: Or Blankenship rather.
THE COURT: The defense wanted to bring in something, I guess, was previously on a web page that he self-identified as a Satanist and Wiccan. Is that --

MR. FIGLER: Witch.
THE COURT: A witch. I'm sorry. And he had testified in the out-of-the-presence hearing that he took that down from the Internet, and you wanted to --

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MR. FIGLER: Did not disclose.
THE COURT: -- question it, question the witness about that in an attempt to discredit him. State objected. I didn't see what the relevance was. You said it was relevant that he hadn't disclosed that to your client, who wouldn't have maybe chosen that school, but if the jury doesn't know he's a former Satanist and witch, then her not knowing it, I didn't see what the relevance was there.

I mean, if they knew that he was a Satanist and a witch, and she chose him anyway, then you might want to say, oh, well, you never disclosed this, but since they don't know it and she didn't know it, why now should we all know it? Do you see what I'm saying? I mean, it didn't figure into anybody's calculus, and I didn't see that as necessarily bearing on his credibility that he had --

MR. FIGLER: And we'll respectfully disagree with the Court with regard to its bearing on his credibility because we felt that one's prior admitted status as a Satanist and a witch who is now taking care of children would be indicative of someone who -- and who then took it down off the website so that Ms. Solander couldn't have researched that or any other parent for that matter is someone who is exhibiting behavior that would take away from their credibility, and some of the representations made by Mr. Blankenship we are going to challenge his credibility or even his veracity, and that would
suggest support for the defense position.
So we felt that it went to his credibility that someone who would have previously proclaimed something so vital for a parent to know before placing their trust in him was withheld and even removed would go towards his credibility, and that was our position.

THE COURT: Well, I didn't see what was posted. So I didn't -- this is neither here nor there, but I don't know if he really was saying he was a Satanist and a witch, or if he was being metaphoric, that, like, he lived kind of a sinful life prior to, you know, finding God and Jesus and --

MR. FIGLER: Well, I think that --
THE COURT: -- it sounds kind of like a born-again --
MR. FIGLER: -- both he had a bad life before, and then also he did on the -- and that's why we asked for that outside the presence of the jury.

THE COURT: Right. Right.
MR. FIGLER: Because we knew that there might be a challenge to its admissibility. That said, I believe that the witness did admit that he proclaimed in his biography which was online which he took off-line that prior to finding God he was a Satanist and a witch. He used those words.

THE COURT: I don't know that he used the word Satanist, meaning I don't know that he worshiped Satan or if he's meaning that metaphorically, like he was living a sinful JD Reporting, Inc.
life before he embraced Jesus and is now not living a sinful life.

MR. FIGLER: It seemed to be specific words that he chose for his own biography.

THE COURT: All right. In any event, State.
MS. BLUTH: I just felt like it was bad character evidence. I felt like the only reason they were doing that was to make him look bad. I don't see how it's -- I don't see, A, it's relevant that he used to be a Satanist. I don't see how that's relevant.

THE COURT: Well, I'm not sure the word was Satanist that he embraced --

MS. BLUTH: Well --
MR. FIGLER: No. Ms. McAmis read it directly off of his --

THE COURT: All right. So whatever --
MR. FIGLER: -- captured bio.
THE COURT: -- is in the record because I think we're paraphrasing and maybe not quite accurately.

MS. BLUTH: Well, I guess I'm saying whatever his religious beliefs were before I don't think are relevant in any way. The fact that he took that down off his biography, you know, some later date, I think people choose to share certain information on their biographies at different times. Now, if he had made himself out to be something, you know, to the JD Reporting, Inc.

Solanders like I've lived a life of Christianity and then they found that, I do think that that would not be credible because then he's lied and made misrepresentation, but so I just felt like the only reason they were bringing it in was to make him look bad, and that was my objection was relevance.

THE COURT: Yeah. I was taking also -- look, I think he's putting it up there formerly on the Internet because he's saying like I've lived a sinful life, and now I'm living a Christian life, and I can help these girls, these troubled girls who haven't found Jesus. I can help them also turn their lives around and find Jesus, and, you know, like I was a sinner, and now I've found Jesus, just like these other sinners can also be helped. That's kind of how I was taking it.

MR. FIGLER: The specificity they used, we look at it as a material admission which would go towards his credibility. So that was our argument, and Your Honor disagreed.

THE COURT: Like I said, I think he was using it more as, like, a selling point actually, like I understand where they're coming from because I've lived a sinful life and a troubled life. MR. FIGLER: That was our record we made at the bench.

THE COURT: All right. See everyone tomorrow. (Proceedings recessed for the evening 5:08 p.m.) - ono-

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


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TRAN
DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA
CASE NO. C-299737-3

VS.

JANET SOLANDER
DEPT. NO. XXI

Transcript of
Defendant . Proceedings

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE JURY TRIAL - DAY 11 TUESDAY, FEBRUARY 27, 2018

APPEARANCES:

FOR THE STATE: JACQUELINE BLUTH
CHRISTOPHER HAMNER, ESQ. Deputy District Attorneys

FOR THE DEFENDANT:
DAVID J. FIGLER, ESQ. CAITLYN L. McAMIS, ESQ.

COURT RECORDER:
TRANSCRIPTION BY:

SUSIE SCHOFIELD
District Court
FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript produced by transcription service.

LAS VEGAS, NEVADA, TUESDAY, FEBRUARY 27, 2018, 11:16 A.M.

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                (Court was called to order)
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                    (Jury is present)
    THE COURT: All right. Everyone may be seated.
Court is now back in session.
You can be seated, as well.
The record should reflect the presence of the state through the Deputy District Attorneys, the presence of the defendant along with her counsel, the officers of the Court, and the ladies and gentlemen of the jury.

DANIELLE HINTON, STATE'S WITNESS, PREVIOUSLY SWORN
THE COURT: And, Ms. Hinton, you are still under oath. Do you understand that?

THE WITNESS: Yes, ma'am.

THE COURT: All right. I just wanted to clarify something I was a little bit confused about. When did you graduate from high school?

THE WITNESS: In 2011.

THE COURT: All right. So that would have been
what, May or June of 2011?
THE WITNESS: I think it was like June.
[Unintelligible].
THE COURT: And when did you start college? THE WITNESS: That following year. THE COURT: Okay.

THE WITNESS: Oh. Well, that same year. Yeah, so in about August of 2011 .

THE COURT: Okay. And you went to Arizona for college?

THE WITNESS: Correct.

THE COURT: And then when did you leave -- I mean, when did you finish college or stop going to college?

THE WITNESS: It was -- I officially stopped I would say -- I'm sorry, I'm just thinking of the timeline -- like '13, '14.

THE COURT: Okay. So you finished your freshman year. Did you finish your sophomore year?

THE WITNESS: Not completely. As far as creditswise, the way they go, no. Yeah.

THE COURT: Okay. So you spent, what, two years, about, or three years?

THE WITNESS: I would say as much credits that I received, yeah, that's how they would I guess --

THE COURT: Okay. So like datewise when did you --
THE WITNESS: It was the summer. I don't remember exactly what date, yeah.

THE COURT: Okay. And then did you move back home, or did you join the Army, or what did you do then?

THE WITNESS: I went back home. But that was when my process started to join the military, yeah.

THE COURT: Okay.
THE WITNESS: It was a long process, that's why -THE COURT: Okay. Do you remember what year it was when you started the process to join the military?

THE WITNESS: It was the year -- I started the process the year before $I$ was arrested. I was arrested in 2014. I'm sorry. I can't remember the year. But it was like the year before, that's when I started the process.

THE COURT: Okay.

THE WITNESS: And in March of the year when I was arrested was when I finally got to that stage to go to Madison and everything.

THE COURT: Okay. All right. I was a little confused.

THE WITNESS: Yeah. I'm sorry.
THE COURT: All right. Go on, Mr. Hamner.
Redirect.

MR. HAMNER: Thank you very much. REDIRECT EXAMINATION (Continued)

BY MR. HAMNER:

Q There was a question on cross-examination yesterday where you were asked about whether or not a relative, maybe it was a sister, had Von Willebrand disease. Do you remember being asked that question?

A Yes.

Q Okay. And I think you indicated that -- who was it? Was it a sister or a relative? What do you remember?

A I remember it was my sister, one of my sisters.
Q Okay. One of your biological sisters.
A Correct.
Q But let's just be -- to be clear, do you have any biological connection to the Solander girls?

A No, not blood related.
Q Not related by blood or DNA or anything like that?
A Correct.
Q Did you -- when you were kind of -- while this was all kind of going on did you consider the girls like -- just like your biological sisters? I know they were adopted.

A Yes. I would refer to them as such.
Q Okay. You were asked some questions about kind of how your parents were treating -- and I say -- I know Dwight and your mom were treating kind of the girls. I mean, there was a variety of questions on cross-examination. Do you ever remember anything involving your mother and -- like slamming Ava's eye into a counter or anything like that? Were you ever around for anything like that?

A No.
Q You talked about -- also on cross-examination you were asked, your mother -- you were asked something to the effect that, isn't it true your mother took the kids out to go
and do things? Do you remember being asked that on crossexamination?

A Yes.

Q And you remember telling him, yes, she would take them out to do things?

A I believe they asked if I did. So no.
Q Oh. If you did.
A Yes. I'm sorry.
Q Okay. So to be clear, when your mom was kind of with them did they really get to go outside and do stuff?

A Not often, but sometimes.
Q Okay. And isn't it true you had previously stated on direct and you told the police that they really only got to go outside to go to their doctors' appointments?

A Per my statement, yes.
Q Okay. Do you remember that, that that was typically -- as you sit here today do you remember that typically if they did go out it was usually to go to a doctor's appointment?

A Majority of the time, yes.
Q Do you remember on cross-examination yesterday when Counsel asked you a question about the fact that there was a difference in the status between the Solander girls and the Stark girls because the Stark girls we're foster? Do you remember that?

A Yes.
Q And that there were -- you know, the adopted girls were part of your family, and so there was a different set of rules. Do you remember that line of questioning from yesterday?

A Can you repeat that? I'm sorry.
Q Do you remember Counsel essentially saying to you, isn't it true that the Solander girls were part of your family and the Stark girls were foster so there were kind of different rules?

A Yes.

Q And you remember saying, yeah, there were different rules?

A Yes.

Q But I want to ask you this. I mean, you're part of -- you've been part of the Solander family longer than any of those girls; right?

A Yes.

Q Okay. Did you ever get -- were you ever forced to sit on buckets?

A No.
Q Were you ever disciplined with paint sticks?
MS. McAMIS: Objection. Beyond the scope of cross examination, argumentative, relevance.

THE COURT: Counsel, I'll -- she can answer.

BY MR. HAMNER:

Q Were you ever disciplined with paint sticks?
A No.

Q Were you ever given ice showers or having buckets of ice poured on you?

A No.

Q Were you ever denied the use of a towel after you were done showering and having to use like a fan?

A No. THE COURT: Counsel approach. (Off-record bench conference, not recorded)

BY MR. HAMNER:

Q So just to kind of sum up, these things that you've already told us about, the paint sticks, the ice showers, the no towels, the sleeping on boards, the timing of the peeing and the pooping, did any of those things ever happen to you when you were growing up in this family?

A $\quad$ No.

Q You were asked on cross-examination about the da-da noise, and I think you said that it was on the bedroom door; is that right? Do you remember being asked that on crossexamination?

A I remember being asked, yes.
Q Okay. So let me just -- so let's just kind of be clear. The lock was on the bathroom door upstairs; is that
right? Do you remember your parents putting a lock on the bathroom door?

A Not a physical lock, no.
Q Okay. What do you remember them -- how do you remember them locking it?

A I would say that -- I can't remember. But if there was a lock, the bathroom door, like all the doors, have locks on it, like generic locks that came with -- like come with the house kind of thing. But $I$ as far as like locking it at night, $I$ don't remember. But if they were to lock it, that would probably be my guess, because I've never seen like a physical lock.

Q Sure. But let's be clear. You told us on direct and you specifically told the police four years ago, when all this was fresher in your memory, that honestly up until like recently before they went to Florida the bathroom was locked in the middle of the night.

A Uh-huh.

Q That -- it happened; right?
A And that's what I stated, yeah.
Q So they locked the bathroom in some form in that house; right?

A Faintly remember that it would have been locked, yes, sometimes.

Q Okay. But you clearly remember telling the police
that?

A I -- that was my statement, yeah.
Q Okay. So you -- looking back, your memory's fuzzy. But you clearly remember telling the police that?

A I know I told the police that, yes.
Q Okay. You're not saying that you made that up, are you?

A Correct. I'm admitting that I told the police, of course, you know.

Q Okay. And it was at a time when your memory was fresher?

A Correct.
Q And then there was apparently a bedroom door that had an additional chime or alarm on it that went da-da?

MS. McAMIS: Objection. Misstates the testimony.
She didn't say "additional."
THE COURT: State your question.
BY MR. HAMNER:
Q I mean, it -- and so there was an additional alarm on a bedroom door that went da-da when someone was opening it?

THE COURT: She can -- were there two alarms, a bathroom alarm and a bedroom door alarm?

THE WITNESS: [Unintelligible].
BY MR. HAMNER:
Q Okay. I'm sorry. That wasn't -- if my question's
unclear, that's not correct. THE COURT: Okay.

BY MR. HAMNER:

Q So what's clear is that you remember talking about there's a lock on the bathroom door; right?

A That I talked about, yes.
Q And then with respect to a bedroom door you said there was an alarm on that door. THE COURT: So it wouldn't be additional. MR. HAMNER: Correct. THE COURT: I think that was the objection. MR. HAMNER: Yes.

THE COURT: That implied there were two alarms, so that's sustained. So there's one alarm? THE WITNESS: That I talked about, yes. THE COURT: Okay. All right. That clarifies that. Go on.

BY MR. HAMNER:
Q Okay. So for some time where there may have been a bedroom they were staying in, that thing had an alarm, plus there was a lock on a bathroom door?

A If I got your question right, I don't remember ever thing about a bathroom door -- I mean a bedroom lock.

Q All right. Well, let's do this. So as you sit here
today do you remember there being an alarm on the bathroom door, or an alarm being on the bedroom door, or you're not sure?

A I'm not sure.
MR. HAMNER: All right. I'm just going to refer to page 92, counsel.

Let the record reflect I'm showing a portion of the witness's statement. BY MR. HAMNER:

Q I want you to take a look at this whole answer here and let me know if that refreshes your memory about what you had said to the police four years ago.

A Right here; right?
Q Uh-huh.
A Okay. Yeah.
Q Okay. Does that refresh your memory at the very least about what you told the police?

A Yes.
Q Okay. So help us out here. When you were talking about -- when you were speaking about -- the to police about an alarm what door is the alarm on?

A I was speaking to police about a bathroom door.
Q Okay. So at one point you remember at the very least there's a lock on the bathroom door and you told the police the bathroom door also had an alarm with like a da-da 12

A Yes.

Q Okay. So to say that there was an alarm on a bedroom door would be incorrect. Your statement is about there's actually an alarm on the bathroom door?

A Correct.

Q And that's what you said on direct examination; is that right? If you remember.

A I don't remember.
Q Okay. You were asked questions on cross-examination about the fact that you didn't see with your own eyes the actual pouring of ice on any of the children in a bathroom; correct?

A Correct.

Q Okay. But, to be clear, you did see your mother filling up pitchers or buckets with ice from the downstairs kitchen ice machine; right?

A I did state that.
Q Okay. You did hear what you believe to be ice clattering up against either the bathtub or the shower from the wall of your bedroom?

A Correct
Q And that's because it's a thin wall and you share -your bedroom wall shares it with that bathroom?

A Correct.

Q And you did indicate that that was done to punish them for having an accident.

A Are you asking if I like stated that --
Q Yes. Well, you stated it to the police, that that was done to punish them if they had an accident.

A Correct.

Q And you have a memory of that; is that right?

A That I stated that.

Q Yeah. Do you have a memory of them kind of punishing them for having an accident by doing this ice thing with the showers as you sit here today?

A I've not physically seen it, but, yes, I know -yeah.

Q And I understand that you didn't see it with your own two eyes.

A Right.
Q The things I want to be clear about is as you sit here today you remember your mom going down and filling up buckets of ice.

MS. McAMIS: Objection. Asked and answered.
THE WITNESS: Correct.

THE COURT: Overruled.

BY MR. HAMNER:

Q You remember hearing -- when you sat in your room hearing what you believed to be ice hitting up against the
wall or the bathtub or something along those lines?

A Correct.

Q And you remember it being done as kind of a punishment if they had an accident?

A Correct.

Q You were asked some questions about the sleeping situation and about how much clothing they got to wear. I think you said there were some times that they got to sleep in pajamas. Is that right?

A Correct.

Q Tell me this. Do you remember whether or not the chance to wear pajamas would be kind of like a reward if they didn't have an accident for a couple of days?

A I would say that it was kind of in those lines, yes.
Q Okay. And do you remember telling the police that, that, you know, if they maybe went like two days without peeing on themselves they would get a chance to maybe have some pajamas or a blanket?

A Yes.

Q On cross-examination you indicated that you never saw Dwight spank the children. Do you remember saying that on cross-examination?

A No.

Q Okay. So I just want to be clear. Do you remember seeing Dwight spank the children?

A Yes.

Q Do you remember seeing Dwight spank the children with paint sticks?

A No. Or, I'm sorry. Can I -- I remember seeing him spank them with paint sticks, but never breaking the paint stick.

MR. HAMNER: Okay. Court's indulgence.
BY MR. HAMNER:
Q Do you remember telling the police that you saw them, both of them, hit the children with the paint sticks, all three of them, being all three Solander children?

A Yes.

Q Okay. So as you -- you remember telling the police that?

A That $I$ seen them hit the kids with the paint sticks, yes.

Q And by them I mean Dwight and Janet.
A Correct.
Q Okay. But as you sit here today you're not clear as to whether that happened? Or you are clear?

A I'm clear that that happened, that they spanked them.

Q What parts are you not clear with, about the breaking part?

A The breaking, yeah. I thought that's what you were
asking me.
Q Oh. And I apologize. And I may have gotten confused, too.

Do you remember -- and just for clarification, you did tell the police that Dwight would spank them and it would actually end up breaking because he spanked them so hard he would end up having to go buy more? You did tell the police that; right?

A Yes.
Q Okay. And that was at a time when your memory was fresher; right? Because that was four years ago.

A Correct.
Q So, Danielle, as you sit here today are you saying you don't have a memory of Dwight hitting a child so hard that these paint sticks were breaking?

A Not breaking, no.
Q Okay. But you don't deny that you said that four years ago?

A Correct.
Q Okay. And to be clear, you were telling -- when you talked to the police you were telling them about the things you remembered seeing; right?

A Correct.
Q You weren't like lying to the police, were you?
A I said a lot of things that $I$ don't $--I$ don't even
-- I'm not saying a hundred percent I probably wasn't lying, but it was just -- I don't know, I -- not a hundred percent lying to the police.

Q Were you partially lying to the police?
A I said certain things that I wasn't physically there to see, and that was what the police asked, if -- what I seen.

Q Which things are those?
A Like, for example, one in my police report

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regarding --
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Q The police report. I want to talk about your statement. Just your statement.

A Statement. That's what I meant, my statement.
Q What things are you now saying that you didn't see with your own two eyes but must have learned some other way?

A Like the ice bucket. I heard it more so than saw it like being poured.

Q Oh. But let's talk about that for a second. You do remember that you actually told the police, I didn't see the pouring of the ice on the children? You do know that you told the police that; right?

A Oh. I didn't know. I'm sorry.
Q Yeah, you did.
A Okay.
Q And what you told the police, and tell me if you remember this, you actually told the police, I didn't see it
with my eyes, but I saw my mom fill up the pitchers with ice and I saw -- I heard the ice clattering up against the walls because I could hear it through my wall. Those are the things that you told the police.

A Okay. I don't believe I did, yes.
Q So in that situation you weren't actually lying to the police, because those are the things as you sit here today you remember, you didn't see it with your two eyes, but you remember hearing the ice and seeing your mom fill up the buckets.

A Correct.

Q Okay. What other things do you think that you were telling the police that you saw with your eyes but you must have heard or learned about through some other way?

A The insertion of the catheter.
Q Okay. Well, do you recall that you actually told the police you never saw catheters inserted in the kids?

A Right. Or even saw a catheter.
Q Oh. Okay. So let's talk -- let's turn to that. How did you learn about the catheters?

A Through the girls.
Q Just the girls. Okay. What did the girls tell you?
A It was more so --
MS. McAMIS: Objection. Asked and answered.
MR. HAMNER: I think this is --

THE COURT: Overruled.

BY MR. HAMNER:

Q What did these girls tell you?
A It was more so of a overhearing of them telling each other of basically, you know, better not pee on yourself or Mom's going to get the catheter, or maybe they said Dwight's going to get the -- I don't know who they said would, or you'll get a catheter.

Q Okay. How long do you think you talked to the police on that day?

A I can't remember.

Q You would agree that your statement is about 131 pages long? Would that be fair?

A Correct.

Q In fact -- and let me see if this helps refresh your memory. Referring to page 1 and page 131.

MR. HAMNER: Let the record reflect I'm showing the witness a portion of her statement. BY MR. HAMNER:

Q I want you to take a look at page 1. I want you to just read this section right here and let me know if that helps refresh your memory about what time the interview started.

A Yeah. Is that military time?
Q It's military time.

THE COURT: Just read it quietly to yourself.

BY MR. HAMNER:

Q Does that help refresh your memory as to what time it started?

A Kinda, yeah.
Q Okay. So what time did the interview start?
A $20: 11$ hours.

Q Okay. So in military time that would be 8:11.
A Okay.

Q Is that right?
A Yeah.

Q You take the 12 and subtract -- okay. I want you to take a look at this page here and let me know if that refreshes your memory about when the interview ended.

A It doesn't like -- it says when it ended, but I really wouldn't know --

Q Do you have any other reason to doubt that time?

A No.

Q Okay. Did that help at least refresh generally about around what time that was?

A 22:54 would be 10:54.

Q 10:54. So you start that interview at 8:11 at night and you end at 10:54 in the evening. That's a three-hour interview, essentially; right?

A Yes.

Q So for three hours at any point in time over three hours do you ever tell the police that it was the girls who told you about the catheters?

A No.
Q During the three hours at any point do you tell these police officers who are interviewing you that it was the girls who described the threats and that you never saw anything with your own two eyes? Did you ever say that at any point to the police in three hours?

A That I never saw anything with my own two eyes and if the --

Q Yes. Related to the catheters.
A No.
Q Okay. I mean, you would agree that's a fairly
lengthy amount of time to be able to talk about your observations; right?

A Correct.
Q And you did during this interview tell the police at times when the girls would tell you about things, like the girls said this to me or that? I mean, there are times where you relay times that the girls were talking to you. You shared those times with the police.

A Correct.
Q But at no point do you share the girls talking -that they're the sole source of information about the
catheters?

A Correct.

Q Okay. And here's the thing. You would agree you've said repeatedly through your examination that your memory is far fresher four years ago than it at any point during the time you've been testifying here today? Would you agree with that?

A Relatively speaking, yes.
Q Well, I mean, you've said it a number of times, haven't you?

A Right.
Q But now as you sit here today you're saying that, oh, it's actually the only source of information came from the girls?

A That I'm saying today, yes.

Q Yeah. Okay. And let's be clear.
MR. HAMNER: Referring to page 108, counsel.
BY MR. HAMNER:
Q You specifically told the police that there were catheters in your home.

A Correct.

Q You specifically told the police -- when asked what they were used for you said they were used on the girls.

A Correct.

Q You specifically said it was done as kind of a 23
punishment because of kind of holding the pee.
A Correct.
Q You've said the reason why you didn't actually see them use the catheter --

MR. HAMNER: Page 109, counsel.
BY MR. HAMNER:
Q -- is that, "I never -- because I chose not to. I mean, uh, it was -- it was disgusting."

A Correct.
Q You told the police that -- when asked, how did you know about it, and you stated, "Because I heard they -- that's what they would threaten them with."

A Correct.
Q And you don't bring up the girls at that point, do you?

A No.
Q You told them that you remembered Dwight and Janet going into these bathrooms with the door -- into the bathroom and closing the door?

A Correct.
Q You told them that you remember hearing them yell at the girls --

MS. McAMIS: Objection. Asked and answered.
MR. HAMNER: It hasn't. This portion has not.
THE COURT: All right. Overruled.

BY MR. HAMNER:
Q -- and that they were lecturing them about urinating?

A Correct.
Q And to be clear, you didn't say that the girls told you that. You told them that you heard that.

A Correct.
Q And then you told the police that you specifically saw a catheter on the counter of the house.

A Correct.
Q And that you specifically asked your mother, what is that; and her response was, oh, that's a catheter.

A Correct.
Q You even explained that you believe from your understanding that Dwight was the one who purchased them.

A Correct.
Q You would agree that those are different details than the ones you just told us in terms of your source of knowledge from the girls; right?

A Correct.
Q And this was relayed at a time when your memory was far fresher than it is now?

A Four years ago, yes.
Q You were asked on cross-examination about when the allegations or the arrests were -- the charges were coming up 25
and kind of interactions you were having kind of with Dwight or your mom about these allegations at the -- do you remember kind of talking about that near the end of cross?

A Yes.
Q Do you remember what Dwight told you to say?
A I don't remember what he told me exactly to say. MR. HAMNER: Okay. Page 115, counsel. BY MR. HAMNER:

Q Isn't it true -- top of page 115. Isn't it true that you told the police that Dwight said to you, all you say is just like, you know, you don't remember, like remember or whatever?

A Correct.
Q Okay. You remember telling the police that?
A I remember seeing that in my statement, yes, I told him.

Q Okay. You don't have any reason to doubt that particular statement, do you?

A No.
Q Was there -- in relation to these kind of discipline measures was ever a time that you remember you kind of interjecting and trying to stop your mom from doing these things?

A Maybe like when they got spanked a couple times I would say -- a few times -- I can't remember how many.

Q And what was your mom's reaction to that?
A Just brushed it off nonchalant like, whatever, you know.

MR. HAMNER: Okay. Court's indulgence. (Pause in the proceedings)

BY MR. HAMNER:

Q Why did you -- with respect to that kind of intervening, why did you decide to do that?

A Sometimes I just -- if I like remember, I was just, kind of getting spanked just for like peeing on yourself, to me I was just like it shouldn't -- like it was ridiculous sometimes, in my opinion.

Q And I want to kind of touch on this topic again that was brought up on cross-examination about you being on Zanax, okay. You remember you had said that you were -- on crossexamination that you were on Zanax at the time that you spoke to the police?

A Correct.

Q Okay. Are you saying that because you took Zanax you don't -- what you were telling the police are not the things that you remember? Is that what you were trying to say about taking the Zanax, or was it for some other reason?

A Me being on Zanax, it was -- as far as with the police statement it was -- it's not that $I$ could have been in the right state of mind. I'm not going to say I deny
anything, but there's certain stuff like, you know -- I feel like would have remembered the police statement even more had I not even been on -- what $I$ would have said.

Q Okay. So if I'm hearing you correctly, and just tell me if $I^{\prime} m$ wrong, are you saying that fact that you may have had Zanax back then as affected your ability now to remember the specifics of what you provided?

MS. McAMIS: Objection. Misstates the testimony. MR. HAMNER: I'm just seeking clarification. THE COURT: Well, he's trying to clarify.

Overruled. The witness can say, no, that's not what I'm saying.

Is that what you're saying? That was the question. THE WITNESS: Part of it -- part of it, too. But then at the time -- it's hard to say, because I can't talk for the time that $I$ was actually on the Zanax and speaking with them, because so much happened leading up to it, too, that could have made me like say -- starting stuff time could have said, too. But $I$ feel like it's a combination of a lot of things.

BY MR. HAMNER:

Q Okay. We need to be kind of clear about this, though. You took the Zanax to help you with your anxiety; is that right?

A Correct. For flying.

Q Does that -- does it help calm you down?
A It does help me. It helps -- that's one of the things it helps do.

Q Does it -- and how long have you taken Zanax for?
A I can't remember when $I$ was prescribed it, but it's only when $I f l y$ that $I$ take it. I don't take it like during normal days.

Q Does it cause to invent things out of thin air when you're on Zanax?

A I started speaking as if I'm kind of -- because what my sister and my mom told me, as if I'm like half sleeping, if that's the way -- like speaking and talking in your -- it sounds like, because $I$ say stuff like [inaudible].

Q But you don't -- you don't remember really being sleepy when meeting with the police; right?

A I was. But I'm not going to make that an excuse. I was --

Q Did you fall asleep during the interview?
A Not -- I would say probably not during the interview.

Q What time did you take your Zanax that day?

A It was -- I can't remember the time, but it was right before $I$ boarded the plane coming from Utah.

Q Okay. So was that a morning flight?
A It was an afternoon flight.

Q Afternoon flight. How long was the flight?
A I can't remember how long. But it's a short -- it's not a long flight.

Q Okay. So then you land here in Vegas. And then what happened?

A I was picked up by my mom and my stepdad.
Q Okay. And then where'd you go after that?
A Straight home.
Q Any kind of sleepy issues at that point?
A I was on my way to go to sleep, and that's when everything started.

Q Okay. So what time do you arrive? You said it was an afternoon flight but it was short. When do you arrive?

A It was sometime in the afternoon. It was still -- I can remember it was still light outside.

Q It was still light outside.
A Right. But $I$ just don't remember the exact time.
Q Okay. So it's still light outside, and this
interview is done in March; is that right?
A Correct.
Q Okay. So it's still kind of beginning of spring.

A Yeah.
Q And then so you go home. And do you go to sleep at that point, or are you still awake?

A I don't have time to.

Q Okay. And then ultimately by 10:00 o'clock at night you sit down and have an interview?

A Around 8:00 or 10:00. That's what I said on the statement.

Q I'm sorry. 8:00 o'clock at night.
A Correct.

Q All right. So about 8:00 o'clock at night. So you took your medicine in the afternoon.

A Uh-huh.
Q And then by nighttime maybe -- I mean, do you remember if it was like 1:00 o'clock in the afternoon, 2:00 $o^{\prime} c l o c k$ in the afternoon, 12:00?

A I can't remember. But $I$ know it had to have been after 1:00 or 2:00, because $I$ was still at Mets that day finishing my physical and everything.

Q Okay. So the medicine's been in your system for about six hours at the time you meet with the police.

MR. FIGLER: Objection, Your Honor. Misstates -- I mean, there's estimations here, so stating that as a fact would be improper.

MR. HAMNER: I can -- I can estimate. So I'll
rephrase.
THE COURT: All right.
BY MR. HAMNER:
Q So if it's around 2:00 o'clock, the medicine may
have been in your system for around six hours, because you're doing an 8:00 o'clock interview; right?

A Correct. But I don't know the time, though.
Q At any point during the three-hour interview do you fall asleep?

A Not -- from what I remember, not during the interview. I would say no.

Q Okay. At any point in the three-hour interview do you remember the police having to kind of wake you up or get your attention back because you're dozing off?

A I don't believe so.
Q Any point in time during the three-hour interview do you ask to take a break because you're so sleepy?

A I don't believe so, no.
Q At any point in time do you say to the police, you know, I really am having a hard time understanding the questions that you're asking me? Do you ever say anything like that?

A Not to my knowledge.
Q And as you look back, I mean, you don't remember having any difficulty understanding the basic questions that they were asking you; is that right?

A Not to my knowledge, no.
Q You didn't have any difficulty in relaying an answer, as you sit here today as far as you remember?

A Not that -- to my knowledge, no.

Q And to be clear, your memory was fresher than it is now?

MR. FIGLER: Objection. Asked and asked and
asked --
MR. HAMNER: Withdrawn.

THE COURT: Is that it, Counsel?

MR. HAMNER: Yes, Your Honor.

THE COURT: Ms. McAmis, anything else?

MS. McAMIS: Yes.
RECROSS-EXAMINATION
BY MS. McAMIS:

Q Mr. Hamner repeatedly asked about your memory being fresher that evening, so let's go over that evening when you gave that statement in March of 2014.

You were the subject of a three-hour interview from police.

A Correct.

Q And it was at nighttime, beginning around 8:11 at night.

A Correct.

Q And that had been 8:11 at night after you'd been up all day?

A Correct.

Q You'd been up all day travelling between Nevada and 33

Utah; correct?
A Not all day travelling, but, yeah, I was travelling, correct.

Q Okay. And that was part of what you did during the day?

A Correct.
Q You also had a physical during the day?
A Correct.
Q Okay. And this three-hour time period that you were subject to the interview doesn't include the transportation time; right?

A Correct.
Q Doesn't include the time that you were handcuffed and moved into a room and had to wait to start the questioning; correct?

A Correct.
Q Okay. And during this three-hour interview period you didn't have any bathroom breaks; correct?

A Correct.
Q You didn't have any food breaks; correct?
A Correct.
Q And you weren't allowed to leave. You were under arrest and handcuffed to a table; correct?

A Correct.
Q And you had taken Zanax earlier that day; correct?

A Correct.

Q And you only take the Zanax when you fly; correct?
A Correct.

Q So you don't have this built-up, long-term exposure
to Zanax; correct?
A Correct.
Q Okay. Now, you were asked questions about when you landed approximately that day after landing at the airport. And you said that Janet and Dwight picked you up.

A Correct.

Q And that they were going to take you home.
A Correct.
Q And you didn't have time to actually sleep before the interview with police.

A Correct.
Q And you didn't have time to actually take a break at all or relax.

A Correct.
Q Okay. Now, you were asked a series of questions about the catheter, your knowledge of any kind of catheter in the home; correct?

A Correct.
Q You already testified on all of your -- just all of your previous testimony about what you actually remember; correct?

A Correct.

Q Okay. And so that was different than what you provided in your statement to police after you'd been the subject of an interview for three hours at night after travelling and being on Zanax; correct?

A Correct.

Q Okay. And you never actually observed Janet or even Dwight go in and actually insert a catheter into any one of the -- of your sisters; correct?

A Correct.
Q Okay. Now, you were asked questions generally about on the way to the police interview in March of 2014 and if there was any discussion basically of the allegations. And I think you remember me asking those questions, as well; right?

A Correct.

Q And it was your testimony that you only heard of allegations just to you; correct?

A Correct.
Q But isn't it true you actually told police that you talked about the allegations and your mom said, well, we don't even own paintbrushes, and there was confusion about paintbrushes as part of the allegations.

A Correct.
Q Okay. And the paintbrushes or paint sticks were an allegation as to you; correct?

A Correct.
Q So in that conversation in the car there was more of a discussion beyond just what you were alleged to have done; correct?

A I don't remember if it was in the car or if -- what the discussion. But --

Q But you remember there was a discussion?
A Yes.

Q And in that discussion there was conversation about the allegations beyond just what you were alleged to have done?

A As far as with me $I$ remember that, but what $I$ told the police, I obviously probably said more.

Q And you told police that your mom said, we don't even own paintbrushes?

A Correct.

Q Because of the -- and you said because the stuff, the accusations they were telling me and it included as to Janet and Dwight's allegations.

A Correct.
Q Okay. When you lived at the Solander home, when you were home this was not a torture house; correct?

MR. HAMNER: Objection. Argumentative.
BY MS. McAMIS:
Q This was not a home -- I'll ask it this way. This
was not a home where the girls were beaten every day?
A No.
Q Okay. You didn't observe the girls air drying every day after showers?

A No.
Q You didn't observe the girls sitting on buckets every day?

A Correct.
Q You didn't observe anything to do with buckets of ice poured every day?

A Correct.
Q You didn't observe spankings with paint sticks every day?

A Correct.
Q Okay. What was a typical day like in the home with you and your sisters?

A To be honest, I was -- when I'm home I was like in my room like 95 percent of the time. If I would say the times that I came out they did schoolwork --

Q Okay.
A -- during a typical day. And then pretty much morning until like afternoon, and then after that probably read or depending on if they, you know, been good, no fighting or anything, they can like play with each other. But that's pretty much what $I$ remember when I'm actually there, because

I'm -- to be like honest, I really was either in my room or out like with my friends. I wasn't. I did not hang around too much with them or anybody.

Q Okay. Danielle -- or, actually, I apologize. That's very informal. Ms. Hinton, isn't it true that four years ago you were in fear about what you were being accused of?

A Correct.
Q And you had no idea what was going to happen to you at that time when you spoke to police?

A Correct. I just had an idea.
Q But you didn't know for sure what was going to happen?

A No.
Q And when the police interviewed you they were very serious; right?

A To my knowledge, correct.
Q Okay. Well, they weren't laughing. It wasn't joking around; right?

A No.
Q Okay. And had you ever been handcuffed by police before?

A Never.
Q Okay. But today you know you're facing a gross misdemeanor for disturbing the peace -- or actually, I believe
it's attempt disturbing the peace. Apologize for misspeaking.
But back then you had no idea how hard law enforcement was
going to come after you?

A Correct.

Q Okay. Now, no one is saying that you were lying at the time, but isn't it true that some of your answers were affected by your own personal fear at that time when you were interviewing with police?

A Correct.

Q Okay. And, Ms. Hinton, I just want to follow up. You were asked questions about the different rules and if pant sticks were ever used when you were growing up. Your mom was a full-time mom -- or full-time working mom; right?

A Correct.
Q When you were growing up.
A Correct.

Q She worked at the military bases?
A Correct.

Q Okay. And she was a single mom for a good chunk of your childhood; right?

A Correct.

Q So discipline actually came from your grandma; correct?

A Correct.

Q And your grandma, how did she discipline you?

A She would -- we call it like a switch off the tree. MS. BLUTH: Objection as to relevance, Your Honor. MS. McAMIS: They brought it up.

MS. BLUTH: About how the grandma -- how the grandma disciplined her?

MS. McAMIS: They asked how discipline was in the
home when she was growing up.
MS. BLUTH: In regards to her mother. What the -THE COURT: Counsel approach.
(Off-record bench conference, not recorded)
BY MS. McAMIS:
Q And finally, Ms. Hinton, I wanted to ask you -- Mr. Hamner asked you about the girls not going out very often and that the girls were taken to doctor appointments.

A Correct
Q You knew that your mother was taking the girls when they didn't feel good for doctor appointments?

A Correct.

Q But she also took to them to other outings, like church; isn't that correct?

A Correct.

MS. McAMIS: Okay. Pass the witness.
THE COURT: Anything else, Mr. Hamner?
MR. HAMNER: Just very brief.

BY MR. HAMNER:

Q You were asked these questions about the interview having happening at 8:00 o'clock at night. Remember that on the [unintelligible] cross?

A Correct.

Q Okay. At the time you were a college student? At the time you were being interviewed you were a college student?

A I wasn't in college anymore, yeah.
Q Okay. How old were you at that time?
A Twenty, twenty -- I think it was twenty-one. Yeah.
I was twenty-one, yeah.
Q You were around 21 years of age.
A Correct.
Q Was your bedtime around 8:00 p.m. as a 21-year-old?

A $\quad$ No.

Q Okay. You went to bed probably a little bit later than that?

A Whenever I wanted to.
Q Okay. How late would you normally go to bed around that time?

A Depends how tired I am.
Q Did you go to bed at around 11:00?
A It depends. Sometimes I went to bed at like 2:00 in
the morning, sometimes 11:00 at night. So it depends.
Q Okay. And then you were asked these questions about, well, you didn't see this particular type of discipline every day, this one every day, this one every day. I'm not going to go through each one. But you remember being asked questions like that?

A Correct.
Q You told us about a lot of different things you saw in the house.

A Correct.
Q These things were, though, happening in the house; right?

A What I said -- stated on here, yeah.
Q Yeah. The buckets, the timing, the -- I mean, I'm not going to go through every single one. But you remember talking about all these things that you had been seeing?

MS. McAMIS: Objection. Compound.
MR. HAMNER: I mean, I can go one by one, if --
THE COURT: Okay. State your question.
BY MR. HAMNER:

Q Okay. My question is with respect to the idea that let's say spanking didn't happen every single day, but you did see spanking happen?

A Correct.
Q It happened more than once?

A Correct.

Q Would you say it happened a lot?

A Often, yes.
Q Okay. You saw -- you talked about hearing the ice bucket, the ice showers and seeing -- that happened in the house?

A Correct.

Q Happened more than once?
A Correct.

Q Okay. You saw the boards that the kids slept on; right?

A Correct.

Q They slept on those -- you saw that? That happened? They did sleep on those boards?

A Correct.
Q At times without pajamas?
A Correct.
Q With a fan blowing on them?
A I didn't see --
Q Well, you remember telling the police?
A Correct, yeah.

Q And that happened more than once?

A Correct.
Q You remember telling the police about catheters; right?

A That I told them, yes.
Q And that there were threats being made in the bathroom about -- lectures about peeing; right?

A Correct.

Q And that you asked your mom about the catheter you saw on the counter; right?

A Yes. What I told the police [inaudible].
Q Did you hear that more than once?
A I --

Q Those sort of instances up in the bathroom with talking about peeing and the catheters, did you hear or see that more than once?

A Don't remember if I --

Q Okay. You talked about crawling around -- the kids crawling around on their hands and knees with either underwear in their mouth or on their head?

MR. FIGLER: Objection. Misstates.
THE COURT: I think that's sustained.
MR. HAMNER: She testified to it.

THE COURT: Clarify that.
BY MR. HAMNER:

Q Okay. You testified that the Solander girls at times would crawl on their hands and knees.

A Correct.

Q Sometimes they had underwear on their head?

A Correct.

Q Sometimes they had underwear in their mouth?
A Correct.

Q Okay. So these things happened more than once?
A That was what I testified. What I said here on the stand I said that $I$ only remember that one time ever happening.

Q All right. Okay. But that sort of thing happened in the house?

A What I stated here, yeah.
Q You talked about the buckets.
A Correct.
Q The buckets -- the kids sat on those buckets more than one time in that house; right?

A Correct.

Q I mean, that was kind of where they sat and did their homework; right?

A Correct.

Q And every day they'd do their homework on these buckets once the buckets were introduced; right?

A Correct.
Q Okay. So that happened more than once. You testified about seeing your mom and Dwight hit them with paint sticks.

A Correct.

Q And that happened more than once?
A Correct.
Q And you saw those things happen?
A Correct.
MR. HAMNER: Okay. No further questions.
THE COURT: Anything else, Ms. McAmis?
MS. McAMIS: I do have --
FURTHER RECROSS-EXAMINATION
BY MS. McAMIS:
Q Ms. Hinton, you gave a number of statements in your statement to police, but you made some statements about things that you didn't actually physically see with your own two eyes; right?

A Correct.
MS. McAMIS: Okay. Nothing further.
THE COURT: Anything else based on that, Mr. Hamner?
MR. HAMNER: No, Your Honor.
THE COURT: Do we have any juror questions for this
witness?
All right. I'll see counsel at the bench.
(Pause in the proceedings)
THE COURT: All right. We have a juror question here. A juror asks, "How was the Zanax prescribed? If you recall, how many hours did you take it, and what were the dosing directions?"

THE WITNESS: I can't remember exactly the dosage or how many hours it lasted between time, but it was prescribed, and specifically $I$ know it stated before flying.

THE COURT: Okay. So it was just as needed. You
didn't take every day.
THE WITNESS: Correct.
THE COURT: All right. And do you remember what the strength was of the Zanax? THE WITNESS: I'm sorry, I don't. I don't remember. THE COURT: All right. Mr. Hamner, any followup? MR. HAMNER: No, Your Honor. THE COURT: Ms. McAmis? MS. McAMIS: No. THE COURT: Any additional juror questions for the witness?

All right, ma'am. I see no other questions. Thank you for your testimony. Please don't discuss your testimony with anyone else, and you are excused. Thank you and you are [unintelligible] your counsel. And you are excused. All right. May $I$ see counsel at the bench, please. (Off-record bench conference, not recorded) THE COURT: Next witness. MR. HAMNER: The State's going to call Aya Orenick.

AYA ORENICK, STATE'S WITNESS, SWORN

THE CLERK: Thank you. Please have a seat and state and spell both your first and last name for our record.

THE WITNESS: Sure. Aya Orenick. A-Y-A, last name
$\mathrm{O}-\mathrm{R}-\mathrm{E}-\mathrm{N}-\mathrm{I}-\mathrm{C}-\mathrm{K}$.
THE COURT: All right. Thank you.
Mr. Hamner, you may proceed.
MR. HAMNER: Thank you very much.
DIRECT EXAMINATION

BY MR. HAMNER:

Q Good morning. Could you explain to the jury what you do for a living.

A Pardon?
Q Could you explain to the jury what you do for a living.

A Yes. I am a family service specialist at Clark County Department of Family Services. I work as a permanency worker to deal with children placed out of home or to be reunified.

Q All right. And is that kind of as a part of CPS? Or is that different?

A My job would be after CPS complete investigation I will continue as a ongoing worker.

Q Okay. If you could, just explain a little bit about your educational background.

A Yes. Initially I graduated university in Japan, and I pursued the social work, so I came to UNLV in Las Vegas here.

Q All right. Did you work anywhere else prior to working with the Department of Family Services?

A Yes. When I graduated with a Bachelors in social work I started Catholic Charity Refugee and Migration Services. Then I went on to Foundation for Independent Tomorrow, which is another nonprofit organization. Then I went to Nevada State Welfare. Then about nine years ago I joined Department of Family Services.

Q If you could explain to the jury what's the role of a permanency worker.

A Our goal is to ensure permanency, safety and well being to children, you know, in custody, which means -permanency means you would determine what would be the best permanent option for the children. It could be reunification with a parent, adoption, or long-term foster care if the permanent connection is there but not to the point that adoption can happen.

Q At the time who was your supervisor?
A Laura Hammack.
Q Are you familiar with someone by the name of Janet Solander?

A Yes.

Q Do you see Janet here in the courtroom today?
A Yes.
Q Could you point out where she is in the courtroom and describe an article of clothing that she's wearing.

A She is sitting there with the white top and wearing glasses.

MR. HAMNER: Let the record reflect the witness has identified the defendant.

THE COURT: It will.
BY MR. HAMNER:
Q How did you become -- or how did you meet Janet?
A Once the case was transferred from another ongoing worker to my caseload and those children were placed in Ms. Janet's home.

Q Do you remember the name of any of the children?
A The case was Diaz-Burnett case, and Areahia, Demyer, Novaleih, and Kaeshia were the children.

Q Who was the worker that you took over for?
A The worker's name is Gail Anderson.
Q Okay. So after Gail left, got switched --
A Yes.
Q -- you kind of took over that same role?
A Yes.
Q And so you and Gail were performing essentially the same function?

A Yes.

Q All right. I want to ask a little bit about your role in permanency. When you take over a case are you instructed by anyone kind of higher up the food chain to review any unity notes of any prior kids who have been placed in the home of a potential foster family?

A No.
Q Okay. Did Laura Hammack when you took over instruct you to review unity notes of any prior children who were in the home of Ms. Solander prior to placing the Diaz -- prior to taking over the Diaz-Burnett case?

A No, she did not.
Q Has there been any explanation from the higher ups as to why you wouldn't review notes like that before taking over a case?

A No explanation or no instruction to do so or not to do so.

Q Okay. You mentioned that one of your jobs as a permanency worker is to kind of ensure the safety of kids. You said something to that effect.

A Yes.
Q Would you -- you've reviewed unit notes before during the course of your job; is that right?

A Own case, yes.
Q Just let's say you take over a case. You've
reviewed unity notes maybe for those particular kids or that particular foster family as it relates to those kids; right?

A Yes.
Q Have you for the purpose of your job and your kind of mission statement have you found those unity notes helpful, to review them to get an understanding of what's going on?

A Yes.
Q Would you find it helpful to review the unity notes of all kids placed in a foster home? Would that be helpful for you to perform your job?

MR. FIGLER: Can we approach, Your Honor?
(Off-record bench conference, not recorded)
THE COURT: Rephrase.
MR. HAMNER: Thank you.
BY MR. HAMNER:
Q So, Ms. Orenick, why don't you review these other unity notes for the -- potentially to see if there's any other kids -- why don't you ever review those notes as part of your job?

A Be honest, I never thought -- say if I have a children in one home and there's another worker already having the home so those two cases in one home and there is a issue, I would reach out to the worker [unintelligible] have a children in the home. However, some of the foster parents has been doing twenty-eight years, you know, five or ten years.

It's, you know, really not feasible for us to review all the case notes for all the children or the placement in the history.

Q The switch from Gail to yourself.
A Yes.

Q Does that happen often, kind of a permanency worker switch mid case?

MS. McAMIS: Objection. Relevance. THE COURT: You can answer. I'm not sure it's
relevant. Is that something that --
MS. McAMIS: Well, objection. Foundation.
MR. HAMNER: The foundation's been laid.
THE COURT: Well, is that a typical thing to have happen if the worker is switched in the middle of the case? THE WITNESS: Unless the worker is leaving the position, it's not so often. BY MR. HAMNER:

Q Do you know -- was it explained to you the reason why Gail was no longer working with the Solanders?

MS. McAMIS: Objection. Relevance and hearsay. THE COURT: Sustained. It's hearsay. MR. HAMNER: Well, it doesn't go -- it goes to the effect on the listener.

THE COURT: Was it relevant to or did you try to find out why you were replacing another permanency worker?

THE WITNESS: Other worker we were assigned the case, it still -- there is not much for me to say when they -is that the question?

THE COURT: Was that -- right. Was that something -- was it important to you to find out why you were replacing this other worker?

THE WITNESS: For this case it was, yes. BY MR. HAMNER:

Q So tell us why. What was your understanding as to why Gail was switched out?

MS. McAMIS: Your Honor, can we approach?
(Off-record bench conference, not recorded)
BY MR. HAMNER:
Q Ms. Orenick --
A Yes.
Q Without getting into any particular statements, based off of what you learned about why there was a switch did you do anything different kind of going forward, or was there things that you made a point to do kind of going forward based off of learning the reasons why Gail was moved off the case?

A The only thing I did was try not to influence in either party, so just kind of start fresh.

Q Okay. Would you interact -- who would you interact with when dealing with the kids as far as kind of the foster parents?

A Depending on the cases, both foster parents if they are available.

Q And I'm specifically -- I'm sorry. Let me rephrase -- let me be a little more specific. With respect to the

Diaz-Burnett kids --
A Yes.

Q -- who were you interacting with as far as guardians?

A Both Ms. Janet and her husband, Mr. Dwight.
Q How was dealing with Janet?
MS. McAMIS: Objection. Vague. Foundation.
THE COURT: Can you answer that question, or do you feel like you don't really --

THE WITNESS: Just need more specific.

BY MR. HAMNER:
Q Sure. How were your interactions with Janet when you had to work with her?

A I did not see any issue.
Q Okay. What's the time period that you worked with the Solanders?

A I would say November -- mid November of 2013 to February of 2014 .

Q Did you have any contact with the Diaz-Burnett kids during that time period?

A Yes.

Q How many times did you have contact with them?
A I would say three or four times.
Q Okay. Did you ever see -- did you ever see the Solander girls when you went to see -- go over to the Solander house?

A No, I haven't.
Q Did Janet -- did you ever ask where they were?
A I believe the first visit I did in November I was aware there was another children -- well, they're adopted children, so I asked.

Q And do you remember around what time period this was?

A It was my first visit, so end of November, November 19th or something.

Q When you asked -- and who did you ask?
A I could not remember. The visit both Ms. Janet and Mr. Dwight was home.

Q So one of the two talked to you about it?
A Yes.

Q What did one of the two tell you about where they were in November of 2013?

A They told me that they were visiting relatives in midwest.

Q Was there any mention of a school in Florida?
A No.

Q Based on your interactions was there one parent who made more decisions than the other, or what was that kind of dynamic like from what you could see based on your observations?

A Probably Ms. Janet makes more of like day-to-day decisions, but Mr. Dwight is also involved in the children's day-to-day lives.

Q How did Janet describe Kaeshia's behavior?
A She whines a lot.
Q Okay.
THE COURT: She what? THE WITNESS: Whines. Like whiny. THE COURT: Oh. Whines a lot. Okay. THE WITNESS: Yes.

THE COURT: And you have a quiet voice, too. We have a lot of quiet voices in trial, so just be aware to try to speak into the microphone so that all of the jurors can hear you.

THE WITNESS: Okay.
(Pause in the proceedings)
BY MR. HAMNER:
Q How did she describe Demyer's behavior?
A I believe both are whining a lot and occasionally
throw a tantrum.
Q Tantrums?

A Uh-huh.

MS. McAMIS: Your Honor, can we approach, please? THE COURT: Sure.

BY MR. HAMNER:

Q Are you familiar with a -- kind of a therapy company called Legacy?

A I heard of the name, yes.
Q Okay. Are you familiar with a company called Shining Star?

A Yes.

Q Okay. They kind of do basic skills training work, things like that?

A Yes.

Q Were you the DFS, the permanency worker in place when there was a transition from Legacy to Shining Star?

A The transition was already prepared for me when I was taking over the case.

Q Okay. So when you were there -- when you were there Shining Star was kind of starting their work?

A Ready to start, yes.
Q Were you aware of -- and without getting into any specifics, but were you aware of any complaints being raised by Legacy prior to this, prior to you kind of coming on? Were you informed that they were complaining about the Solanders?

A Yes.

Q Okay. When you take over and Shining Star moves in do you remember some of the people that worked for Shining Star? Well, let me ask you this. Does the name -THE COURT: Do you mean that worked -MR. HAMNER: Yeah. With these particular kids. THE COURT: -- with these particular children? MR. HAMNER: And I can be specific.

BY MR. HAMNER:

Q Do the names Riley Lewis or Jennifer Dowing ring a bell?

A Riley does.
Q Riley rings a bell?
A Yeah.
Q When you were working there, without getting into the specifics, are you made aware of complaints being made by Shining Star with respect to the Solanders?

A Yes.

Q When you receive these complaints do you kind of report things to higher ups, or are they made aware -- are supervisors being made aware of this?

A When the service provider such as Shining Star is mandated reporter, so if they make a concern, they would report to our intake Hot Line and the information would be provided to the assigned worker and respective supervisor.

Q Okay.

A So we all become aware.

Q What did Janet tell you she did for a living?
A She reported she was a nurse.
Q Did Janet ever discuss with you any health concerns with respect to Areahia?

A Yes.
Q What did she tell you about Areahia?
A She had a concern that she might have a diabetic.
Q Did you ever ask Janet for medical paperwork with respect to Areahia?

MS. McAMIS: Objection. Our comments at the bench. THE COURT: Overruled. Did you ever ask for medical backup paperwork?

THE WITNESS: Yes.

BY MR. HAMNER:
Q After reviewing that paperwork -- and you don't have to get into the specifics --

MR. HAMNER: Well, Your Honor, can I just approach real briefly so we don't have another objection?

THE COURT: Okay.
(Off-record bench conference, not recorded)
BY MR. HAMNER:
Q Did you review the medical paperwork?
A Yes.
Q Okay. After reviewing what was contained in that
paperwork did you kind of talk to Janet about what you just read?

A I mentioned that there's no backup information that Areahia has diabetes.

Q And what is Janet's response when you tell her, based on what I'm reading here there's no indication there's diabetes? What is Janet's response at that point?

A I don't recall specific, but I did not see she was pursuing it.

Q Okay. Do you remember any indication that Janet said she would kind of switch how she was having Areahia eat, that maybe there was a like a meal or a meal plan regarding diabetes and that she would change that up?

A Yes.

Q Okay.
A Areahia had -- excuse me.
Q Go ahead. No. Areahia --
A Areahia had specific diet.
Q In relation to a belief that there may be diabetes?
A Yes.
Q Okay. And then after confronting her with what you read in the paperwork she then indicated to you that she actually would stop doing that particular diet?

A Yes.

MR. HAMNER: I have no further questions at this
time.

THE COURT: Cross?

CROSS-EXAMINATION

BY MS. McAMIS:
Q Ms. Orenick?
A Orenick, yes.
Q Ms. Orenick, you were the permanency worker for the Diaz-Burnett foster sibling group after Gail Anderson?

A Yes.
Q So you would have made your first home visit on November 19th, 2013?

A Yes.
Q And that would have been a home visit to the Solander home; correct?

A Yes.
Q Okay. And then when you make your home visits you interact with each of the children in the home?

A Right.
Q Do you interview them, ask them questions about how they're doing and how they like it there?

A Right. Depending on the age of the child.
Q Sure.
A Yes.
Q Depending on the age of the child. But even if the child is like a baby, you still have contact, face-to-face
contact with that child?

A Yes.

Q And you do things like body checks?
A Yes.

Q Okay. And so when you went into the home on November 19th, 2013, you documented that all of the first children appeared happy and that they liked being there.

A Yes.

Q You documented there were plenty of age-appropriate toys for them.

A Yes.

Q When you followed up with Ms. Solander about how the children were doing she reported, there's no pending medical issues on Kaeshia and Demyer?

A Yes.

Q Okay. And that when they needed their behaviors to be redirected time out was working?

A Yes.

Q You documented no safety concerns in this home?
A Correct.

Q Okay. Now, you were asked questions about your interactions with Janet concerning Areahia, the eldest first child of that home, Areahia Diaz?

A Yes.
Q Okay. Now, to your knowledge, Dr. Dewan was
actually treating Areahia?

A I believe so.

Q Okay. And, to your knowledge, Dr. Dewan had determined Areahia to be clinically obese?

MR. HAMNER: Objection. Hearsay.
THE WITNESS: I cannot recall.

BY MS. MCAMIS:

Q Okay. But, to your knowledge, you physically saw Areahia?

A Yeah.

Q You observed that child, so you knew that she was a
larger child?
A Yes.

Q And that she was being seen by Dr. Dewan?

A Yes.
Q And that Dr. Dewan made certain assessments and was screening her for possible --

MR. HAMNER: Can we approach briefly?
THE COURT: Sure.
(Off-record bench conference, not recorded)

BY MS. McAMIS:

Q Ms. Orenick, did you discuss Areahia Diaz's weight issue with Janet?

A Yes.

Q Okay. And what was that discussion?

A Ms. Janet at that time had advised me that, you know, she's watching how she eats to make sure she eats healthy way.

Q Okay. Did she also discuss like taking Areahia on walks and trying to get her to be a little more physically active?

A I do not remember.
Q Okay. But you do know that Janet was trying to feed her healthy foods --

A Yes.
Q -- regarding the weight issue?
A Yes.
Q Okay. Now, you were asked questions about the transition from Legacy to Shining Star for the foster children, so I want to direct your attention to that.

You were familiar with Areahia's concern with a therapist; correct?

A From Legacy?
Q Yes. Areahia's concern with the therapist at Legacy. Thank you.

A That is something Areahia shared with me, yes.
Q Okay. And that's something that you discussed at your first home visit on November 19th of 2013?

A Yes.

Q Okay. And so when you were discussing Areahia's
issues with the therapist you gave her four different options to choose from; correct?

A Yes.

Q Okay. So you said -- you gave her the option of changing her foster home placement and the therapist; right?

A Yes.

Q You gave her an option of no change in placement or the therapist; right?

A Yes.
Q You also gave her an option of change placement but keep the same therapist, Lori Wells; right?

A Yes.

Q And then you also have the final option of keep the placement but change the therapist.

A Yes.
Q And so after giving all of these four options Areahia said that she wanted to stay at the current placement but change her therapist?

A That's what she told me, yes.
Q Okay. And then after that meeting ultimately Areahia's therapist was changed?

A Yes.
Q And so it was no longer Lori Wells; correct?
A Correct.

Q And you actually sent an email to Legacy, including

Lori Wells, that the decision to change the therapist was based on the best interests of the children?

A Yes.

Q Is that a yes?
A Yes.

Q Oh. Okay. You're just so soft, and I'm a little hard of hearing.

And the issue is that Areahia felt betrayed by her therapist's disclosure of things that they had talked about just confidentially in therapy and that was going back to Areahia's biological mom at visits?

A Yes.
Q Okay. Now, when you were meeting with the Solanders about the Diaz-Burnett children you confirmed that the Solanders were not an adoptive resource for the Diaz-Burnett children; correct?

A Yes.

Q Okay. And you testified on direct examination that you made a number of home visits to the Solander home; correct?

A I did -- I stated I made a three to four contacts. I did not say home visit.

Q Three to four contacts.
A Yes.
Q Okay. But you did make multiple home visits, at

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least --
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A Twice, I believe.
Q Twice. Okay. And so the second home visit would have been February 14th, 2014?

A Yes.

Q And Janet was actually out of town on that day?
A Correct.

Q Dwight was in the home with the children?
A Yes.

Q And so you met up with the children. They were about to leave on some trip; right?

A Yes. And I believe he mentioned that trip was cancelled, so they did not -- they ended up not going.

Q Okay. But you had gone over because they had anticipated going on a trip and it was time for you to just make a home visit?

A Correct.

Q Okay. And so you interviewed all of the children again?

A Right.
Q Made face-to-face contact with each of them individually?

A Yes.

Q There was no barrier to that contact? You were able to talk to the children without disruption by any foster
parent?

A Right.

Q And, again, Janet wasn't home?
A Correct.

Q She didn't have access to the children on that day?
A Yes.

Q And so you asked questions about how the children had been behaving; correct?

A Yes.
Q And Dwight reported that Kaeshia threw a temper tantrum earlier in the morning?

A Yes. Prior to me coming, yes.
Q Prior to you coming. And when you inquired why, Kaeshia reported that she missed her mommy?

A Yes.
Q And that when you went -- that when she said this you said, who did you mean, and Kaeshia confirmed that she missed her foster mother?

A Correct.
Q Okay. Now, you also interviewed Areahia one on one at this home visit on February 14th, 2014; correct?

A Yes.
Q And she talked about what she'd been doing in school to prepare for the Valentine's Day; correct?

A Yes.

Q And in art class specifically there was an assignment to make a Valentine's Day card for someone she cares about?

A Yes.

Q And you asked her about that assignment, and she informed you she picked her --

MR. HAMNER: Hearsay.
THE COURT: She can answer.
Did you determine who the Valentine card was for?

THE WITNESS: Areahia shared she made one for Ms.

Janet.
BY MS. McAMIS:

Q Okay. And so based on all of your observations in the home on that day there were no reported concerns; correct?

A In the home, no.

Q There was no safety concerns; right?
A Correct.

Q It was an appropriate home for all the foster children?

A Yes.

Q And if you had any safety concerns or any observations that, you know, were a red flag to you, you would have documented that; correct?

A In a case note, yes.
Q Okay. And if there's nothing in your case notes
that reflects any problem with any of the home visits to the Solander home or contacts with the Diaz-Burnett children, that would have been in your unity notes; correct?

A Correct.

Q Okay. And so there's none of those kind of notes in your unity notes; correct?

A Correct.

Q Okay. And then when you did make your home visit with Areahia you discussed how discipline was in the home; correct?

A Yes.

Q And Areahia confirmed that time outs were used?

A Correct.

Q Okay. And she didn't actually receive time outs very often; right?

A Correct.

Q So she disclosed that she didn't get in trouble very often?

A Right.
Q Okay. And when you made your home visit, the last home visit, you actually observed what Areahia ate for lunch; correct?

A I am not sure.
Q Okay. If your unity notes indicated that you observed her eating a lunch of -- Court's indulgence -- a
lunch of sandwich, carrots, and pretzels, you have no reason to dispute that; right?

A No.

Q Because your unit notes are kept close in time to when you make the home visits; right?

A Right.
Q So they're entered when it's all fresh in your mind?
A Yes. MS. McAMIS: Okay. Court's indulgence.
(Pause in the proceedings)
MS. McAMIS: Okay. No further questions. THE COURT: Anything else, Mr. Hamner, redirect? MR. HAMNER: Just very, very briefly. Very briefly. REDIRECT EXAMINATION

BY MR. HAMNER:
Q The cross-examination question about you had nothing in your unity notes that you documented regarding suspected problems or anything like that, remember being asked that on cross?

A Yes.
Q Okay. To be clear, your unity notes revealed there were complaints from Legacy and Lori Wells about the Solanders, as well as complaints from Shining Star about the Solanders?

MS. McAMIS: Objection. Foundation. That predates
her --

MR. HAMNER: I can lay a foundation. THE COURT: I think that's been covered.

MR. HAMNER: Yeah.
BY MR. HAMNER:

Q I mean, there were complaints from Legacy about the Solanders?

A Yes.

MS. McAMIS: Objection. Asked and answered.
THE COURT: Well, she answered it before, but she can answer it again.

And were there -- the second part of Mr. Hamner's questions was were there also complaints from Legacy. THE WITNESS: Yes.

THE COURT: But you yourself didn't observe anything that gave you concern to put in the unit notes; is that correct?

THE WITNESS: Correct. Correct.
THE COURT: Okay.
THE WITNESS: The case notes for home visit is what
I observe during the visit or during the contact with the children, and that day there was nothing impending or immediate danger observed.

MR. HAMNER: Thank you. No further questions. THE COURT: Do we have any juror questions for the
witness?

All right. I see no additional questions. Thank you for your testimony. Please don't discuss your testimony with anyone else who may be a witness in this case. Thank you, ma'am, and you are excused. And just follow the bailiff.

Ladies and gentlemen, we're going to go ahead and take our lunchtime recess. It's now almost 12:50. We'll be in recess for the lunch break until 1:50.

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

Please leave your note pads in your chairs and follow the bailiff through the double doors. We'll see everybody back at 1:50.
(Jurors recessed at 12:51 p.m.)

MS. BLUTH: Judge, I have some representations to make about our next witness, if I could, please.

THE COURT: All right. So Laura Hammack is the supervisor for both Gail Anderson and Aya Orenick. She's very involved in this case. A few Fridays ago -- well, honestly I
don't know how many Fridays ago it was, but it was before the trial started -- I pretrialed her and I explained to her that she would be a necessary witness and that she would be needed to testify.

A couple of days after that I received an email that said she would be needing -- or she was going to have knee surgery and she would be on FLMA. And she said that she would need about 72 hours to recuperate after her knee surgery, which I said I could work with her on that.

Right after that I received another email that stated something to the effect of she believed that it was due to her emotional well being or her physical well being that it was not in her best interest to testify, and I explained to her that that -- this was not an invitation, that this was a subpoena. She then stated to me that she would be on FMLA. I stated that FMLA absolves her from work, does not absolve her from her subpoena.

She went and had her surgery. That was on last Wednesday, so I let her know that her testimony would probably be Monday or Tuesday and let her know via email. When she wasn't responding to the email I received her personal cell number and I texted her, "You might not be seeing my emails because you're on FMLA, but your testimony will probably be Tuesday or Wednesday."

She emailed me back, stating that she had spoken to
her attorney about being on FMLA and if $I$ could reach out --
MR. FIGLER: Who's her attorney?
MS. BLUTH: Her attorney would be Amity Dorman, who
is a representative on the civil side.
THE COURT: It's interesting that she considers Ms.
Dorman to be her attorney.
MS. BLUTH: Well, I think that that's who they deal
with for -- I guess I should say she didn't -- I'm using the
word "attorney."
THE COURT: Oh. Okay.
MS. BLUTH: She just said, I spoke with Amity
regards the subpoena and FMLA.
THE COURT: Okay. Because, to be clear, Ms. Dorman
represents, what -- I know she's a DA.
MR. FIGLER: She's a Clark County District Attorney
who's over in the Family Division.
THE COURT: Okay.
MS. BLUTH: But she's the one we deal with with
subpoenas and records and things, so --
THE COURT: So she would be in what, the
Abuse/Neglect Detail?
MS. BLUTH: Yeah, I think so. But she --
THE COURT: Because she used to be in the Juvenile
Delinquency side, so --
MS. BLUTH: Her exact words, Your Honor, were can
you please talk to Amity, as I discussed my FMLA leave with her before I left.

THE COURT: Okay.
MS. BLUTH: And that's when I said being on FMLA does not absolve you from court, it absolves you from going to work.

This morning at 9:05 I received a text message that said, "Good morning. I consulted my doctor, and I will not be mobile for seven to ten more days as it's a detriment to my health. I'm in the process of emailing you this doctor's letter."

And to be quite frank, I wrote her back, "You're playing games. We will be doing -- we will be doing your testimony via Skype, then. I'm not what this is about. Please have your computer ready by 1:00 p.m."

She just said, "No, it's not about that. I cannot walk." Anyways, I said, "We can get you a wheelchair. She said, $I$ can get down there, $I$ just can't walk that far." I said, "We'll get you a wheelchair and it won't be a big deal."

At 11:30, in the middle of whatever witness, she wrote, "I am choosing to testify via Skype. Please advise further direction." And I said, "No. You already said you'd be here in person, I've already made arrangements for a wheelchair. You cannot keep flip-flopping like this. This is inappropriate. And if you're not here by 2:00 o'clock, I will
be asking for a warrant for your arrest."

Because this is absolutely insane that this person is behaving this way. I mean, she's known about this testimony now for a month.

THE COURT: My suggestion would be this. Why don't you call Ms. Dorman and have Ms. Dorman contact her and tell her -- my only -- before you do that, my only question is -obviously you'll have -- I'm assuming you have somebody from BWAC who's prepared to, what, meet her somewhere with the wheelchair. Where would she be parking?

MS. BLUTH: I believe that she would be being driven and that someone will be picking her up curbside. If not -and I can explain to her I'm happy to have someone go and get her.

THE COURT: Right. You can send your investigator for her, and that say she could be -- because I don't know where the witnesses can park, and she still might have to get from the parking place to --

MS. BLUTH: Sure.

THE COURT: -- because there's no handicap parking that's close anyway; right? I mean, it's still -- you'd have to get across the street or somewhere.

MS. BLUTH: Right. The point in all this is, A, I didn't want you to be surprised at 2:00 o'clock when this, you know, came in. I didn't want the jury to be waiting outside.

But also is that $I$-- I mean, I'm left -- I'm put in a position here where $I$ really don't know what else to do. I mean, I've been dealing with this for days.

THE COURT: My suggestion would be to contact Ms.

Dorman --
MS. BLUTH: And I have via email.

THE COURT: -- and have her reach out. And then if
the issue is like where would she park and how would she get from her vehicle to the front door or wherever they're going to meet her with the wheelchair, you may have to send an investigator or cab or something like that --

MS. BLUTH: Sure.
THE COURT: -- to pick her up so that she can be dropped off in the front where somebody can meet her with a wheelchair. I'm just saying I don't know what the issue is, if she had somebody to drive her or if she didn't or she's worried about parking or whatever. Clearly there's not good communication between you and the witness. I'm not blaming you, I'm saying clearly --

MS. BLUTH: No, I know. I mean, I think that there has been very, very clear communication on my part, but I -THE COURT: Right. I'm just saying like, you know, is the problem -- the problem probably is she doesn't want to show up.

MS. BLUTH: Absolutely.

THE COURT: But, again, you know, to the extent she has had surgery and there maybe valid concerns with, you know, her mobility, make sure that there's somebody in place to pick her up if that's what she wants and drop her off in the front where somebody's waiting a wheelchair to push her up here. MS. BLUTH: Okay.

THE COURT: And I know the defense doesn't have a dog in this particular fight.

MR. FIGLER: Although, you know, it is starting to become problematic and concerning to the defendant that you have government witnesses who are also represented by the government who are refusing to testify or seemingly refusing to testify, and any other communications that might be existing with regard to why or what's going on, and we're in the dark. So, I mean, if there are communications between this witness, Ms. Hammack, and others in CPS or Ms. Dorman about this case in particular or brought particular concerns or something like that, I feel like the defense should be -have all this disclosed to it, and we don't have anything if it exists.

THE COURT: Well, to be clear, Ms. Bluth, you've disclosed all of your communications?

MS. BLUTH: In regards to her coming up?
THE COURT: Well, in regards to any communications you've had with this witness.

MS. BLUTH: Well, $I$ haven't disclosed any of my pretrial information.

THE COURT: Okay. So you did pretrial her, as you said.

MS. BLUTH: Yeah, I pretrialed her, and I'm trying to think if there's been any other communication via email or --

THE COURT: Right. Because, although Ms. Dorman has that role, $I$ don't see Ms. Dorman as this woman's attorney for the purpose of privileged communication. So if she's disclosed something that's exculpatory in any way, I think there is an obligation, just to be clear, for Ms. Dorman to disclose that to you and then to the rest of us.

MS. BLUTH: Sure.
THE COURT: Like I said, I don't see Ms. Dorman as her attorney for the purpose of attorney-client privilege.

MS. BLUTH: And I want to be real clear, Judge, and
I read the text message. It was my word when I said "attorney," and that was a bad word. She's an attorney. But she said specifically, I spoke to Amity.

THE COURT: Right.
MS. BLUTH: So I just want to be clear.
THE COURT: Yeah. I mean, I got -- whatever. Okay. So if there is anything that's exculpatory in any way, then Ms. Dorman has a duty to disclose that to you.

MS. BLUTH: And I'll inform her of that. I am not aware of anything exculpatory, and, if I was, I would absolutely hand it to the defense. This is purely I can't get a witness here.

MR. FIGLER: Thank you, Your Honor.
THE COURT: All right. Let's go to lunch. Let's do it.
(Court recessed at 1:00 p.m., until 1:58 p.m.)
(Jury is not present)
THE COURT: So on the record before the lunch break Ms. Bluth had expressed concerns with getting the CPS supervisor here, and so you had some contact with her and I guess Ms. Dorman from the Abuse/Neglect Detail; is that right?

MS. BLUTH: With Ms. Duffy, who is Ms. Dorman's superior.

THE COURT: Okay.
MS. BLUTH: And so in regards to speaking with Ms. Hammack, Ms. Laura Hammack, my investigator spoke with her, as did our BWAC representative, and she stated that she was not coming. And then she said it would be a detriment to her health. And she wrote -- she sent a doctor's note.

THE COURT: And, for the record, this wasn't heart surgery or something or brain surgery. It was orthopedic surgery, is that --

MS. BLUTH: It was a right knee arthroscopy.

THE COURT: Okay.
MS. BLUTH: And the doctor's note said that she is not able to do any prolonged walking, standing, or climbing, and asked us to postpone -- "Please postpone her summons for seven to ten days until she recovers enough to be able to walk without pain and discomfort." Which she told me that she would be able to here. I called the doctor and spoke with his nurse Megan on my lunch break, and she said there's absolutely no reason why she wouldn't be able to come here if we picked her up and wheeled her up here and she sat down. There would be absolutely no reason for her not to be present to testify.

We called Ms. Hammack back and explained that to her. She stated that she wasn't coming. She did send me an email representing that she's gone to her union over this.

THE COURT: That's the SECIU?

MS. BLUTH: Yes. And then that if I wanted her, that I could get via Skype.

THE COURT: All right. So the witness is willing to appear via Skype, but obviously you wouldn't have had that set up because you anticipated that she would be appearing today. MS. BLUTH: Right. And the first time she told me she'd be doing Skype was today via text message or email, I can't remember. I believe it was at 11:30, and she was supposed to be here at 1:00, so -THE COURT: Okay. Now, do we have other witnesses
for today?
MS. BLUTH: We have Dr. Rhee, who is here right now. And I foresee him being a little bit. And then Christina Day, who was BS2 worker who observed some things with the DiazBurnett kids, but, more importantly, the Solander girls.

THE COURT: Okay.
MS. BLUTH: So those two witnesses are lined up.
THE COURT: All right. Well, let's get started and we'll then decide what to do.

MS. BLUTH: Sounds good.
THE COURT: Sounds like we can probably at least go
till 4:00 o'clock; is that --
MS. BLUTH: Yeah. And, I mean, I can email court -not exhibits. What would you call the staff that help with the electronics and things?

THE COURT: Oh. JAVS.
MS. BLUTH: I can email them and -THE COURT: Would it be JAVS, Susie? THE COURT RECORDER: IT.

MS. BLUTH: IT. Sorry. I can email them. They're usually really good about being able to set up Skypke quickly, if that's what Your Honor's ruling is. But you just let me know, and I'll --

THE COURT: Okay. Well, I was going to say -- I mean, if we -- if the witnesses that are here they'd probably
take us till 4:00 anyway, so if we have to break early, that's okay. I'm reluctant, frankly, to issue a material witness warrant for this individual if she's willing to appear by way of Skype. Before I did that $I$ would be issuing some kind of order compelling her appearance and then giving her a chance to appear. And then if she didn't appear, like an order to show cause before --

MS. BLUTH: Sure.
THE COURT: That would be the way in this situation I'd prefer to go, not just issue a warrant for her arrest. MS. BLUTH: Understood. And if that is Your Honor's ruling, then if $I$ could just contact IT and see if they could set that up today for 4:00 o'clock.

THE COURT: Okay.
MS. BLUTH: So that way we could just keep it moving and not have an early --

THE COURT: Okay. That's fine. And then, if not,
if we have to break early, that's fine, too.
MS. BLUTH: Okay. Perfect. Thank you.
THE COURT: All right. Everybody ready, then?
MS. BLUTH: I'll let Mr. Hamner know.

THE COURT: Oh. And then I guess we need the jury.

I was going to say bring in the witness, but I guess we'd better have a jury.

MS. McAMIS: What witness?

THE COURT: What?
MS. McAMIS: What witness?
(Pause in the proceedings)
(Jury reconvened at 2:03 p.m.)
THE COURT: All right. Court is now back in
session. The record should reflect the presence of the State, the presence of the defendant and her counsel, the officers of the court, and the ladies and gentlemen of the jury.

And is the State ready to call its next witness?
MR. HAMNER: The State calls Dr. Christopher [sic]

Rhee to the stand.

THE COURT: All right.
CHRIS RHEE, M.D., STATE'S WITNESS, SWORN

THE CLERK: Thank you. Please have a seat. State
and spell both your first and last name.
THE WITNESS: First name Chris, C-H-R-I-S, last name
Rhee, $\mathrm{R}-\mathrm{H}-\mathrm{E}-\mathrm{E}$.
THE COURT: All right. Thank you.
Mr. Hamner.
MR. HAMNER: Thank you very much. DIRECT EXAMINATION

BY MR. HAMNER:
Q Sir, could you please tell the jury what you do for a living.

A I'm a pediatric gastroenterologist.

Q Okay. How long have you been practicing medicine, Doctor?

A I guess since 2004 .
Q Okay. Could you tell us a little bit about your educational background, where you got your degrees, where you did your residency.

A I went to Chicago Medical School for four years. After that $I$ went to a pediatric residency for another three years. After that it was a fellowship at -- in pediatric gastroenterology at UCLA for another three years. And then after completing that I've been in private practice here in Las Vegas.

Q Okay. Now, back in 2011, specifically beginning in September of 2011, were you treating a child by the name of Ava Solander?

A Yes.

Q Okay. Do you remember what the kind of chief complaint was that this child was kind of being brought in for?

A Yeah. I was seeing her for abdominal pain, also having blood in the stools, as well as history of weight loss.

Q Okay. And do you remember who brought the child in?
A According to my notes, it was the mom or I guess the adoptive mother.

Q Okay. Now, at that time -- so there was reporting
blood in the stool. And what were the other kind of complaints? I'm sorry.

A Abdominal pain, blood in stools, as well as weight loss or poor weight gain.

Q Was there a reporting of Von Willebrand's disease at that point in time?

A I was told she did have Von Willebrand's.
Q And when you made that kind of notation in your notes was that something that was being reported by the parent, or were you hearing that from someone else?

A From the parent.
Q Now, do you remember at this time if there were other doctors -- you're a gastroenterologist; right?

A Correct.
Q First, before we get to any more specifics, tell this jury what gastroenterology is.

A So it's treating patients, pediatric patients with any GI disorders, so stomach aches -- well, the complaints that she had, the problems with stomach aches, it could be diarrhea, the blood in the stools, anything where you have to evaluate the GI tract.

Q And so it's kind of focusing on the passage of solid foods through the system. Would that be right?

A Yes.
Q Does it include urine, or is that the urologist?

A No. It's more urology.
Q Okay. So at that time were you familiar with the fact that there was maybe another doctor kind of dealing with GI issues, the two of you were kind of working the resolve a couple of pending GI issues?

A Another GI doctor in --
Q Bernstein? Do you remember a guy named Bernstein working on it?

A Yeah. Well, he's a hematologist.
Q Okay. So let me rephrase that, then. Were you aware that Dr. Bernstein was dealing with a potential blood concern with respect to the same patient?

A Yes, I -- yeah. I knew that she was also seeing him for the concerns of bleeding issues.

Q Okay. Had you reviewed some of his records --
MR. FIGLER: Your Honor, can we just hold a second? I just want to make sure all the jurors are here. I don't see all the jurors. I just want to --

THE COURT: Oh. Yeah. My clerk keeps saying that, too. We're missing a juror. No, we're not. All right. All jurors are accounted for. You may proceed. BY MR. HAMNER:

Q Okay. At times in terms of kind of treating Ava did you kind of review maybe some of the prior kind of reports of that nature with respect to her?

A From Dr. Bernstein?
Q Dr. Bernstein.

A No.

Q Okay. So if $I$ had reviewed -- so basically all the reports with respect to --

And if you could explain for the jury, what is Von Willebrand's disease?

A Von Willebrand's disease is a bleeding disorder, so you're more prone to easy bleeding or bruising.

Q Is it kind of like a lesser form of hemophilia?
A Yes, I think you can say that. Where it's not as severe.

Q Okay. So would it be accurate, then, to say that with respect to any notations that you made in your record with respect to Von Willebrand's disease that was solely coming from a parent reporting to you the medical status of Ava at that point?

A That's correct.

Q It was not predicated on you actually reviewing another doctor's records to evaluate the status of that particular --

A No.
Q As far as you remember. Okay. So when this child came to you do you remember if this child had a series of GI tests that had already been performed prior to meeting you?

A Yes. Because she had initially been seen by a previous doctor in our practice, and he's no longer there.

Q Who was that?
A Dr. Dezenberg. She was initially seen by him, and he had done some testing, including endoscopy, which was negative. And then because he had left our practice, then she started seeing me.

Q Okay. What is an endoscopy?
A An endoscopy is basically where you take a fiberoptic camera to evaluate your GI tract, so you go down the mouth to look inside the throat, stomach, and the first part of the small bowel, and then also -- well, with her it also included a colonoscopy, meaning the same thing, but just from below.

Q Okay. So essentially -- so did Dr. Dezenberg perform -- he performed and endoscopy. Did he also perform a colonoscopy on this --

A Yes, he did.
Q Okay. What were the results of those two tests?
A From his notes it was negative for --
Q So no abnormalities?
A Right.
Q And when you're -- and when you're doing these type of tests are you visually looking for kind of physical abnormalities or things along those lines?

A Yes.

Q Okay. Would that also, for example, include kind of twisting in bowels, things like that?

A Not so much the twisting. You're evaluating the lining of the bowels and the GI tract that you can't see on just routine imaging like $C T$ scans or x-rays.

Q Okay. Was a UGI performed? If you need any help refreshing your recollection, I can --

A I can't recall. I'd have to look at --
Q Would it refresh your to see your records from September 12th, 2011?

A Sure.
Q Okay.
THE COURT: Can everybody hear the witness okay?
MR. HAMNER: Let the record reflect I'm just showing the witness his notes from September 12th, 2011. BY MR. HAMNER:

Q Why don't you take a look at this paragraph here.
A Yes.
Q And let me know if that refreshes your memories about whether a UGI was performed or any other --

A Yes. So --
Q Once your memory's refreshed let me know, and I'll re-ask you the question. Just take a look at and read through that paragraph there.

A Okay.
Q And I can just leave that up there, but let's just move it over here for a second. If you need to refer to it, just let me know, for a particular topic.

So was a UGI performed?
A Yes.

Q And what was the result of that test?

A That was negative.

Q What is a UGI?
A It's an upper GI with small bowel follow-through series. So that's a radiologic study where they have you drink contrast to outline the lining of the bowel, and then you take x-ray pictures in real time.

Q Was a Meckel's scan performed?
A Yes. That one -- yeah. In September of 2011.

Q What was the result of that?
A And that one was negative.
Q What is a Meckel's scan?
A A Meckel's scan is specifically looking for a Meckel's diverticulum, which can be also a cause of bleeding, which was the concern. So basically Meckel's diverticulum is basically where you have a remnant along the bowels and sometimes it will present with bleeding.

Q When you say remnant, is that like old food or something like that?

A No. Sorry. It's like a congenital defect. It almost looks like an appendix, like a little diverticulum. And 2 percent of the population has this, and most of the time it's not symptomatic. But in some people it will be because it contains a little bit of gastric or stomach mucosa, which produces acid and then it ulcerates and it'll present with bleeding.

Q At that time, Doctor, were you aware of a possible marker that might be suggestive of a disease called Crohn's disease?

A Yes. She did have what we call like a IBD panel that had elevated titers.

Q What does IBD stand for?
A Inflammatory bowel disease.
Q And what is that?
A It's basically where you get -- it's almost like an autoimmune disorder of the bowel, so kind of like how people have arthritis, where your immune system attacks the joints, it's similar in the sense where your immune system is hyperactive and it attacks your bowels.

Q Okay. Now, at this point there were a couple markers that were suggestive of it; is that right?

A Correct.
Q What were these markers?
A So one of the tests that you can do to evaluate for
inflammatory bowel disease is this IBD panel. And so it's specifically looking for different titers, which is what we call ASCA titers. It's anti-Saccharomyces cerevisiae antibodies.

Q What is that?
A When they come back --
THE COURT: You guys all spell that to put in your notes. Is this a --

THE WITNESS: Don't ask me to spell it.
THE COURT: Is this a blood test?

THE WITNESS: It's a blood test. It's an antibody
titer. So when it comes back elevated it kind of makes you
-- it's suggestive of Crohn's disease, but it's not a diagnostic test.

BY MR. HAMNER:
Q Okay. So it doesn't actually diagnose you with Crohn's --

A No.
Q -- it's just suggestive. So, Doctor, what sort of tests are ideally good for trying to identify if someone has Crohn's disease.

A So if you're worried or suspecting Crohn's disease, you start off with some lab work. Not necessarily this IBD panel, but actually just looking at blood markers to see if urea anemic, see if you have elevated -- to look for elevated
inflammatory markers. If you have low protein counts, that would suggest that. You can do stool testing to look to see if there's any blood in the stools. You can also check inflammatory markers in the stool on stool testing, what we call fecal calprotectin or looking for white blood cells. Ultimately if your suspicion is high enough and to confirm the diagnosis it would mean doing the endoscopy.

Q So the things that you were talking about before, the scope through the mouth, things like that?

A Right. Right.
THE COURT: And, I'm sorry to interrupt.
We know it's hot in the jury section, and just to let you folks know, the bailiff is talking and there's someone in the County trying to get the temperature lowered. So sorry to interrupt.

MR. HAMNER: No, it's no problem.
BY MR. HAMNER:

Q So, Doctor, what was your plan -- after meeting with this child in September 12th, 2012, what was your plan kind of going forward? What did you decide to do?

A Right. So when $I$ saw her for the first time, despite the negative testing I was still concerned just because she I was relayed that the patient was still continuing to complain of abdominal pain and also still had the blood in the stools in significant amounts. And so even
though the initial testing like the endoscopy was negative, what I had scheduled for was a repeat scope. But in order to evaluate her entire small bowel just in case she had kind of a more atypical presentation of Crohn's where it might not be involved in the colon where you can see on a colonoscopy or from above. You have a whole lot of small bowel in between which is not reachable by endoscopy. So that's when -- so that's why I scheduled for a video capsule endoscopy, which is where you drop a pill with a camera in it and as it tumbles through it takes pictures of your small bowel.

Q Okay. So you included doing an endoscopy with a biopsy; is that right?

A Right.
Q You included doing a colonoscopy with a biopsy?
A Right.
Q Plus the video capsule?
A Right. At the time, yeah, we dropped that video capsule, as well. THE COURT: Did you do a physical exam of the child? THE WITNESS: Yes. THE COURT: And what was the results of that? THE WITNESS: According to my notes, there really wasn't anything striking about her.

BY MR. HAMNER:
Q Nothing stood out?

A Yeah.

Q Okay. So --
A And then also I ordered some additional labs at that time, as well, looking for -- again, to see if she is anemic, checking those inflammatory markers.

Q Okay. On October 14, 2011, do you perform these procedures, the endoscopy, the colonoscopy, and the video capsule endoscopy? Did you do that on that day?

A I'm sorry. What day was that?
Q October 14th, 2011.
A I believe so.
Q Okay. What were the results?
A They were essentially negative, normal.
Q For all three?
A Correct. And the video capsule.
Q Nothing abnormal, nothing remarkable?
A Correct.

Q On November 10th, 2011, do you receive a medical imaging report with respect to a CT scan of the abdomen and the pelvis that you did?

A Yes.
Q Okay. And was that a potential part of your plan when you initially kind of saw her on September 12 th?

A I believe it was afterwards. MR. HAMNER: If I could just approach.

THE WITNESS: Because I talked about -- I said, "Continue --" well, yeah, I did think about it at that time. I didn't order it during that visit. BY MR. HAMNER:

Q Okay. But ultimately subsequently you noted that you would consider potentially doing it on September 12 th. And ultimately, by November loth, you had performed one of the CT scans?

A Yes.

Q Okay. What is a CT scan?
A A CT scan is a radiologic study. Boy, I don't even -- I'm not a radiologist, but it's basically just to get a better look in the abdomen, more than just in $x$-rays, to not only evaluate the bowels itself indirectly, but also looking at the solid organs.

Q And was the result -- was there anything of significance or anything remarkable from those results?

A No. I believe that study was negative.
Q Okay. Do you have a -- do you at some point decide to conduct a celiac disease panel?

A Yes, she did have a celiac panel done.
Q And was that performed on January 24 th -- or at least the results of that, were those reported on January 24th, 2012?

A I'd have to see.

MR. HAMNER: Okay. If I could refer him to this 1/24/12 report.

Let the record reflect I'm showing the witness a lab report to refresh his recollection.

BY MR. HAMNER:
Q Take a look up here. Let me know if that helps refresh your memory, a quick look at it.

A Yeah. So the celiac panel was done on January 24th, 2012.

Q And when you do that celiac panel --
MR. HAMNER: If I could just approach, Your Honor.
THE COURT: You can move freely.
BY MR. HAMNER:
Q With respect to this area here and these tests what is the top portion testing for? ICA, what is that?

A This test, it's basically, again, you're looking for specific antibody titers. So if you do have celiac disease, you're going to have these elevated antibody testing.

Q Are those the same, similar antibodies that you would have with respect to Crohn's disease?

A No.
Q Okay. So it's totally different.
A It's entirely different.
Q Okay. How did that celiac disease panel go?
A It was negative.

Q Okay. So she didn't have celiac disease.
A No.

Q Okay. Do you receive a medical imaging report of kind of -- of her abdomen in February, about a month later or at least two or three weeks later, on February 17th, 2012? Do you recall whether you did or not

A What scan it was?
Q It was supine abdomen 1 view. Would it help refresh your memory to maybe take a look --

A Yeah. I believe it was just suggestive of constipation.

Q Okay. You have a recollection at least from the constipation perspective?

MR. HAMNER: Let the record reflect I'm showing the witness a medical imaging report. BY MR. HAMNER:

Q Let me know if that refreshes your memory, at least if you received that imaging report around that time.

A That's correct, yeah. So this was done on February 17th, 2012, and --

Q And what did the $x$-ray reveal?
A And it was essentially negative except for the large volume of stool consistent with constipation.

Q Okay. But no other abnormal findings?
A $\quad$ No.

Q Okay. Do you see this child for a kind of followup visit on December 28th, 2012?

A I believe so. I'd have to see my records.
Q Okay. That's fine.
MR. HAMNER: Just referring to 12/28/12
Let the record reflect I'm showing the doctor his notes from a followup visit. BY MR. HAMNER:

Q Does that help refresh your recollection that you saw the patient on that date, December 28th, 2012?

A Yes.
Q Okay. What were the results of the physical examination?

A So at that time again there wasn't anything remarkable about her TM.

Q Okay. So anything -- kind of going forward nothing out of the ordinary to note on this followup?

A You mean on her complaints in general?
Q Just, I mean, was the symptomology kind of still the same?

A Yes. So it sounded like -- I believe this visit it had been a while, because the prior visit was back almost a year ago. So I was seeing her after she had kind of lost to followup, and supposedly I was told she did well for a period of time since the last visit until she started having similar
symptoms again maybe -- it says here maybe two months prior, and she was still losing weight, having the abdominal pain again, and also seeing some of the blood in the stools.

Q In I haven't asked you this yet, but I know you've had a number of visits with this girl; right? At any point in time is anyone reporting, whether it's the child or the mother, anything about how toileting goes on in the house or anything like that?

A No.

Q Is there any reporting about the frequency of going to the bathroom in the house or anything like that, other than reporting, you know, that there may be constipation or sometimes blood in the stool?

A Well, I asked -- because with the abdominal pain and the blood in the stools I did ask how often she has a bowel movement, and it was reportedly soft and up to three times a day.

Q Okay. Do you recall receiving a medical imaging report on January 10 th, 2013 , regarding an abdominal CT scan? And it may have been with respect to one that was performed in November of 2011.

A I'm sorry. One was -- you're asking about what date?

Q Do you remember receiving a medical imaging report related to a CT scan conducted in November of 2011?

A I believe so. I think it's the one --
Q Would it help to at least take a look?
MR. HAMNER: Let the record reflect I'm showing the witness to refresh recollection a medical imaging report. BY MR. HAMNER:

Q Decrease, does that help refresh your memory if you received a report --

A So this is actually different from the CT scan. This is an MRI study of the abdomen.

Q Oh. And so tell us what do you do -- what's the purpose of the MRI?

A So the MRI -- actually, what $I$ was interested -- the reason why I'd ordered this study was to better -- to delineate the small bowel even better than the CT scan. So it's where you use the MRI they have a special protocol to evaluate the bowel specifically, rather than looking at the organs. And so it's called an MR enterography study. But, interestingly, I don't think they actually did the protocol. I think what happened was that this radiology center, they just ordered it as an MRI, a routine MRI of the abdomen. So -- which is would be very similar to a CT scan.

Q So from the review of this was everything normal, was it abnormal?

A Right. So, yeah, everything was normal aside from, again, mention of some constipation.

Q Do you see Ava for a followup on January 25th, 2013? Do you recall?

A I believe so, but I'd have to look at my notes.
Q Would it help to refresh your memory?
A Yeah.
MR. HAMNER: Let the record reflect I'm showing the doctor a set of his notes. BY MR. HAMNER:

Q Take a look and let me know if that refreshes your memory as to whether or not you saw this child on January 25th, 2013?

A That's correct.
Q Did you conduct a physical exam on that day?
A Yes.
Q Was it normal, abnormal?
A It was essentially normal, though the one thing I did mention in my notes is that she's kind of appearing poorly nourished. That would be the only thing.

Q Okay. Was there any report or discussion about the meals that she was having, what foods she was consuming at this time?

A She was eating, but we did not talk specifically about meals.

Q Okay. Was there any report or discussion of anything involving a liquid diet?

A No.

Q What was the kind of plan for her in January of 2013 after this visit? What did you want her to do or take?

A So she was still having the symptoms. At this point I was obviously concerned about constipation, and that can certainly be a cause of the bleeding if you have like an anal fissure. So at that time I'd recommended actually doing a bowel clean-out to flush her out using high doses of a stool softener and then continuing on a maintenance regimen of that.

Q And what's that stool softener called?
A It's called Miralax.
Q Okay. So how long did you recommend that she take Miralax for?

A Until the next visit.

Q Okay. Do you recall the next visit being about eight months later, in September of 2013?

A I believe so. I'd have to --
Q Okay. Would it help refresh your memory to see the records?

MR. HAMNER: Let the record reflect I'm showing the witness his progress notes. BY MR. HAMNER:

Q Does this help refresh your memory as to whether or not that child came in eight months later, in September of 2013?

A That's correct.

Q Okay. Still the same kind of symptoms, the constipation being reported?

A Yes. Even though she was going three, four times a day, it was small amounts.

Q What was discussed about her weight level or gaining weight?

A Right. I was concerned at that time because it looked she hadn't gained any weight since the prior visit. It almost looked as if -- I put in my notes -- the what had plateaued since she was nine and a half years old, and she was eleven years old at that time.

Q So it had plateaued after two years?
A Correct.

Q Was there an indication of how much weight she had lost?

A I think at this visit it was no weight gain. So it's just --

Q Do you remember anything being reported, a 36-pound weight loss?

MS. McAMIS: Objection. Calls for speculation. And leading.

THE COURT: I don't think it's speculative. I mean, if he remembers. If he doesn't remember -MS. McAMIS: Well, it's leading.

BY MR. HAMNER:
Q Do you have a notation --
A Well, I have a notation here when -- from -- the mother had stated that the patient had had a 36-pound weight loss.

THE COURT: So you didn't independently verify that.
It was -- that was history provided by the parent?
THE WITNESS: No. Again, it was, right, past
history. Correct.
BY MR. HAMNER:
Q At this point is there anything being reported by the mother about what sort of meals this child's having?

A No.
Q The frequency of the meals?
A No.
Q The type of food that's being consumed?
A No. The only thing, it says her appetite was normal and she eats well. And we had tried to supplement her diet with Ensure.

Q Why did you want -- you and your practice group, or it was being reported that she --

A It was being reported.
Q Okay. And Ensure is one of those high-protein shakes or high-calorie shakes?

A Right.

Q Any discussion about a liquid diet?

A No.

Q Did you make any recommendations that she be placed on a liquid diet --

A No.

Q -- at any point in time that you saw her?
A No.

Q Were you still seeking to try to find a workup for the Crohn's disease at this point?

A It was still in the back of my mind just for the sake of due diligence. So I had ordered what we had talked about before, like some of the stool testing to look for any evidence of inflammation or blood in the stools, as well as bloodwork.

Q All right. Did you ever order an IBD diagnostic?
A Yes. That was one of the tests.
Q What is an IBD diagnostic?
A It goes back to what we were talking about previously of what -- an IBD panel. So it's kind of a more elaborate form of that. It's done at a independent lab, at Prometheus Lab in San Diego, where they have a series of markers, including specific antibodies, some genetic markers, and inflammatory markers to evaluate for inflammatory bowel disease.

Q And to be clear, when you ordered this IBD
diagnostic you had not yet diagnosed this child with Crohn's disease?

A No, I had not.

Q It was just that there were some markers that may be suggestive of it?

A Correct.

Q Do you recall receiving the result of that $I B D$ diagnostic on October 22nd, 2013?

A Yes.

Q Okay. What was the result of that diagnostic?
A The results of that test were negative.
Q Was it negative for Crohn's disease?
A Yes, it's negative.
Q Was it negative for ulcerative colitis?
A Correct.

Q You also mentioned doing that additional step of examining kind of the fecal -- the stool.

A Yes.

Q Do you remember receiving results from that test in October of 2013?

A Yes.

Q And what were the results of the stool?
A That was negative, as well.
Q So, Doctor, to be clear, all of the endoscopies, colonoscopies were negative for this kid either for you or the
prior doctor that than the stuff?
A Correct.
Q And the IBD diagnostic panel was negative for Crohn's disease?

A Correct.
Q And the fecal samples and CT scans, the MRIs were all negative?

A Yes.
MR. HAMNER: No further questions at this time.
THE COURT: All right. Cross
CROSS-EXAMINATION
BY MS. MCAMIS:
Q Dr. Rhee, good afternoon.
Now, Ms. Solander brought Ava Solander to you for treatment; correct?

A Correct.
Q She came to your office and said -- or, actually, I'll ask it this way. She came to your office for help because her daughter was complaining of abdominal pain; correct?

A Correct.
Q And she also had complaints of weight loss; correct?
A That's correct.
Q And so she was concerned that she was not thriving as a child?

A Correct.

Q And also there was blood in the stool at times?

A Yes.

Q And that she had bouts of constipation?
A I'd have to -- not -- I don't believe it was
initially. Maybe later on.
Q Okay. So later on she would describe to you different symptoms as they came up and came to you looking for help at least diagnosing or possible treatment to help her daughter; correct?

A Correct.

Q Okay. And she went to a number of visits; correct?
A Yes, that's correct.

Q All right. So you were asked specifically about a number of different dates. So, if you would, we count together there was -- actually, before she even saw you Ava Solander was a patient of the clinic that you were working at; correct?

A That's correct.

Q Okay. And she'd been referred over to that clinic from her regular pediatrician; correct?

A I believe so.
Q And that was Dr. Nyarko, Michael Nyarko?
A I don't know who the referring physician was.
Q Okay. But you would have noted any kind of referral
source on your notes that you kept; correct?

A That's correct. In our records. It'd be in our records, yeah.

THE COURT: Doctor, your voice gets quiet. Just keep your voice up and the microphone is that there. BY MS. MCAMIS:

Q Okay. And if I could, I would direct you to look at a note that you took or entered on September 6th, 2013. And you put down "Reason for visit and referral"; correct?

A That's correct.
Q Okay. And so that referral does say referred by Michael Nyarko, M.D.; correct?

A That's correct.

Q Okay. So you went through a number of visits beginning with Ava on September 12th, 2011; correct?

A That's correct.
Q You had another visit or at least point of contact on October 14th, 2011?

A I don't recall that specific date. MS. McAMIS: Okay. And if I could approach. THE COURT: You can move freely. MS. McAMIS: Thank you.

BY MS. McAMIS:

Q There was a procedure done on October 14, 2011; right?

A That's correct.

Q And did reviewing that note refresh your memory on that contact with Ava?

A Yes.

Q Okay. So that was another visit. That was the second visit. And you saw her again for a followup on December 1st of 2011?

A I believe so. If I can see my notes. MS. McAMIS: Perhaps we could shortcut this a little bit.

THE COURT: Maybe so you don't have to keep walking back and forth you can just go over there with the records. THE WITNESS: Yeah. I don't remember the specific date, but probably. BY MS. McAMIS:

Q All right.
THE COURT: Fair to say, Doctor, you don't remember the exact dates of each visit?

THE WITNESS: Right.
BY MS. McAMIS:
Q All right. So we already went through the September and the October visit. Pardon me. Okay. So I'd asked you about a December -- the December 1st, 2011, visit.

A That's correct.

Q Okay. And then you did some celiac testing on

January 24 th of 2012 , the next month later; correct?

A That's correct. That's what we went over, yeah.
Q Okay. So now we're up to five visits at this point; correct?

A That's correct.

Q Okay. And --
A Well, although this -- I don't know if this is necessarily a visit, it's just when she went to get her labs drawn. So that's when the labs are drawn.

Q Okay. So there's a definite followup from your office, because labs were drawn at least.

A Right.
Q Okay. And then you also -- all right. And then you had another followup on November 10th of 2011. That was when one of the abdominal CT scans was done; correct?

A Well, this is -- again, this is when she had the CT scan, but it's not a followup with me. She would have gone into a radiology center and gotten the scan done.

Q Right. So that was a scan pursuant to her visit with you. It was your recommendation that she have that CT scan done?

A Correct.
Q And that scan was done on that date that appears on the top of the form, November 10 th of 2011.

A That's correct.

Q Okay. So that's another point of contact with your office or at least under the direction of your office.

A Uh-huh.
Q And then she, meaning Ava, had another followup visit December 28th of 2012. That would have been an inperson visit.

A Yes, in our office December 28th, 2012.
Q Okay. And then following up again, you ordered another -- that was the one that you talked about in January of 2013. You go to January 10th, 2013.

A A followup.
Q I think MRI that you had discussed on direct examination.

A Right. So the MRI was done January 10th, 2013. But, again, it was done at the radiology center.

Q Right. It was done at the radiology center pursuant to your instruction; right?

A That's correct.
Q Okay. And then there was another followup visit in your office again just following up on all of these complaints that the patient had on January 25th of 2013; correct?

A January 25th, 2013. That's correct.
Q Okay. So that's the date that I indicated and asked about, and that was correct.

A Uh-huh.

Q Okay. So -- and then we'd already talked about the earlier ones. So you met with Ava Solander, fair to say, a number of times.

A That's correct.

Q And at least six of those contacts were office visits; correct?

A I believe so. Somewhere around that number.

Q Okay. Well, we just went through them. So we had six office visits and approximately -- labs drawn on one day, a CT scan on another day, and an MRI on a third final day, the three additional contacts that were pursuant to meetings with you for followup.

A I didn't have contact with her during those times, though.

Q Right. But there were contacts with Ava in medical offices --

A Correct.

Q -- following up -- and if I could ask you, Doctor -I know you're being really responsive to my questions, but we have a record here, so we have to actually take turns talking. Otherwise --

A Sure.

Q When we talk over each other it doesn't come out right. But thank you.

All right. So you had a number of office visits
with Ava Solander.
A That's correct.
Q Okay. And in all of those office visits with Ava Solander you actually got to physically interact with her; correct?

A Yes.
Q You got to ask her questions?
A Yes.
Q You got to look at her?
A Correct.
Q You got to visually inspect her?
A Yes.
Q Okay. Now, had you seen anything like fresh or recent injuries, you would have documented that in your notes; correct?

A That's correct.
Q Okay. And your notes don't have any documentation of recent or fresh injuries as to Ava that you observed in between all of your contacts with her?

A That's correct.
Q Okay. And you're a mandatory reporter; correct?
A That's correct.
Q So you understand that even if you have a suspicion, just a mere suspicion of child abuse or neglect you have an obligation under the law to report that to CPS or law
enforcement; correct?

A Yes.
Q And between all of your visits with Ava Solander, including when Janet brought her in, you made no CPS referrals or calls to law enforcement; correct?

A No, I did not.
Q Okay. And had you done so, you would have documented that; correct?

A That's correct.

Q Okay. Now, one of Ava Solander's complaints -- or actually I'll phrase it this way. One of Janet's concerns when Ava was coming in was that she wasn't gaining weight?

A Yes, that's correct.
Q Okay. And so there were actually efforts by Janet to put her on Pediasure, and she reported that to you?

A I believe so.
Q And you would have documented that in your notes?
A Yes.

Q Okay. And so if suggested to you that one of your notes actually does confirm that she was on Pediasure would you have any reason to dispute that?

A No.
Q And in fact if $I$ said that it was documented on December $28 t h$ of 2012 that the mother reported Ava was now losing weight despite giving Pediasure BID, would that sound
accurate to you?
A Correct.

Q And what's BID in medical?

A Twice a day.
Q Okay. But the concern was she was still losing weight despite having that additional Pediasure?

A Yes.

Q And what is the purpose of giving a child Pediasure?
A To give extra calories in a formula form.
Q Okay. And so even as late as December 28th, 2012, Ms. Solander was again returning to you, the same doctor who'd been seeing her, and reporting a concern about still no weight gain?

A Yes.

Q Okay. And at that same December 28th, 2012, visit she again brought in Ava, who confirmed that she was having streaks of blood mixed in her stool at least since October?

A Yes.
Q Okay. And so that's concerning to you as a doctor, isn't it?

A Yes.

Q It's a reason to investigate; right?

A That's correct.
Q It's a reason to investigate and order different kinds of testing; right?

A Yes.

Q And that's what you did.
A Correct.
Q Because you wanted to rule out a whole bunch of different things that it could have possibly been?

A Yes.
Q Okay. Now, you were asked about different potential diagnoses that you were screening or testing Ava Solander for. I want to direct your attention to that.

You had noted in your just contacts with Ava Solander in your notes that there were $I$ think you called them titers or markers that were positive or suggestive of Crohn's disease.

A That's correct.
Q Okay. And so you don't make that note lightly; correct?

A No.

Q No. So if there's actual medical documentation suggesting that there may be Crohn's disease, you make a note of that; right?

A That's correct.
Q And that's why you conducted additional testing; correct?

A Correct.
Q And then when you were finding these markers where
there may be a possible need for further exploration, that's a conversation you have with the parent, isn't it?

A Yes.

Q So you would have discussed with Ms. Solander, the parent, I did these tests on Ava, there's -- I did a test and there's something that's suggestive of Crohn's disease?

A That's correct.

Q So that's language you would have given to her and she would have asked you questions about; right?

A Yes.

Q Okay. She didn't come in and suggest that Ava had Crohn's disease all on her own; right?

A No.
Q No. She came in and reported that Ava had blood in her stool and was not gaining weight and that was her concern?

A That's correct.
Q Okay. Now, despite the fact that Ava has weight issues, you actually were able to document and follow up on her just weight gains or losses or plateaus; correct?

A Correct.

Q Okay. And so when you were doing that you actually asked questions about like the child's eating; right?

A That's correct.
Q Okay. And you documented on September 6th of 2013 -- and this is after you'd had several visits with Ava;

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correct?
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A Yes.

Q So at this point you documented "Appetite normal and eats well"; correct?

A That's correct.

Q And you also documented that in this additional time frame, this September 6th, 2013, visit, that Ava was on Ensure BID for the past month?

A Yes.

Q And the BID, again, is?
A It's twice a day.
Q Thank you.
When you were trying to rule out or confirm potential diagnoses for Ava you identified a number of different tests that you performed. So I want to direct your attention to that. You did a CT scan; correct?

A That's correct.

Q You did lab work, meaning drew blood and looked at what the blood was saying; right?

A Yes.
Q You also did -- you suggested something, but they ended up doing an MRI.

A That's correct.

Q The MRI still gave you additional information and imaging about what this child's colon looked like?

A Yes.
Q So it was still helpful. It was something that you gathered more information about.

A That's correct.
Q Okay. So all of these tests were ordered by you; correct?

A Yes.

Q And let me ask you this. At some point Janet Solander started describing that she was trying to figure out what to do to help this child; right?

A I don't recall.
Q More specifically, on the September 6th, 2013, visit she disclosed to you that she was considering sending Ava to out-of-state boarding school due to behavioral issues; right?

A That's correct.
Q Okay. So that was something that she explained to you as a possible corrective action she was trying to take in the home; right?

A Yes.
Q Okay. And based on that September 6th, 2013, interaction and disclosure by Ms. Solander that didn't raise any red flags for you as far as your mandatory reporter duty; correct?

A No.

Q Because sometimes there are parents who come in to 125
you and explain they have problems in the home, they're coming to your office to ask for help; right?

A Correct.
Q And on their own they also take other kinds of corrective behaviors -- or corrective actions for their children's behaviors; correct?

A Yes.

Q Now, through all of these visits dating back to 2011 and continuing through 2013 Ava still had on-and-off issues of blood in her stool; correct?

A There was a short period where maybe she did find, but, yeah, for the most part she continued to have blood in the stools.

Q Okay. So that was just recurring on and off throughout the entire time that you were treating with her?

A Yes.
Q Okay. And you did a number of like -- or you ordered, rather, you didn't do them --

A No, I did them. Well, not the first one, but the second time it was.

Q Okay. And you actually physically did the endoscopy?

A That's correct.
Q Okay. And you're skilled and of course trained to do an endoscopy; right?

A Correct.

Q Okay. So if there was anything unusual about your inspection of Ava's body at that time for the endoscopy, it's something you would have noted in your records; correct?

A That's correct.

Q Okay. And at that time that you performed the endoscopy there was no notation or record of any recent or fresh injury that you saw on her body?

A On her body, no.

MS. McAMIS: Court's indulgence.

BY MS. McAMIS:

Q And, again, as a mandatory reporter had you seen any recent or fresh injuries when you were performing that endoscopy anything that stood out to you, you would have documented that; right?

A That's correct.
Q You are actually under law required to make a CPS referral or report to law enforcement if you see anything reportable; correct?

A Yes.
Q And when I say reportable, it can be something just as minor as a suspicion of child abuse or neglect; right?

A Yes.

Q And then through all of the imaging studies that were performed for Ava, again, dating back to 2011 and
continuing through your treatment through 2013, it was confirmed that Ava had recurring constipation; correct?

A Towards the end she did have, yeah, there was a reported history of constipation.

Q Okay. And when the imaging and the different studies were done it was confirmed that there were amounts of fecal matter in the colon; right?

A That's correct.

Q And there were certain impressions made such as on January 10th of 2013 there's marked fecal loading of the colon; correct?

A Yes.

Q And that's not the only time that it was noted on January 2013; correct? I can ask it this way.

A Yeah.
Q There was also an observation of fecal material throughout the colon observed pursuant to the CT of the abdomen on November 10th, 2011?

A Right. It was noted on -- I'm actually referring to the $x-r a y$.

Q Would this help you, Doctor?
A There was a moderate of amount of fecal material, yeah, throughout.

Q And so that's a second time that that imaging was done and that was actually reported and confirmed?

A That's correct.

Q Okay. And when you have these office encounters with Ava you actually talked to Ava; right?

A Yes.

Q And she confirmed that she did have abdominal pain because of an ongoing stomach issue?

A Yes.

Q She was the one who confirmed facts of pain?
A Yes.

Q So you didn't only have contact with Janet Solander about what was going on with Ava?

A No.
Q Okay. And there was nothing -- there was never a time when Janet was trying to interfere with your ability to speak or have contact with Ava?

A No.

Q Okay. And if there was something suspicious or there was a problem with the parent's behavior, you would have noted it; correct? If it rose to a level where you didn't think you were able to get an accurate diagnosis or assessment of this child, you would have noted it; right?

A Yes.

Q And you would have done something additional to be able to treat this patient; right?

A That's correct.

MS. McAMIS: Okay. Court's indulgence. BY MS. McAMIS:

Q And if I could just ask you one final question. When I approached with you -- and if you don't mind, I'll do that again -- I just wanted to have you review these records to make sure that they are fair and accurate of all of the records that you made and generated in this case and also collected as a result of the different imaging studies. So if I could have you just briefly look at that.

A Okay.
Q You don't have to read word for word. Do these appear to be generally the same as the records that were presented to you by Mr. Hamner?

A Yes, these are -- these look like it's the same records.

Q Okay. And they seem fair and accurate depictions of the records that were maintained by your office pursuant to your treatment and evaluations of Ava Solander?

A That's correct.
MS. McAMIS: Okay. I have no further questions. THE COURT: All right. Mr. Hamner, any redirect?

MR. HAMNER: Thank you.
REDIRECT EXAMINATION
BY MR. HAMNER:
Q So you remember those questions -- well, I'll wait.

So when Counsel asked you about Janet not interfering with you speaking Ava, do you remember those questions? Remember she's saying, well, Janet didn't interfere when you were trying to talk to her daughter; right?

A Right.
Q Janet was in the room, though; right?
A Yes.
Q So you didn't take Ava off to the side to have a private talk with her?

A No.
Q Her mother was right in the room?
A Right. We have the parent in the room.
Q She wasn't reporting anything to you, anything out of the ordinary; right? Ava wasn't reporting --

A Who, Ava?
Q Ava wasn't reporting to you with her mother right in the room that anything out of the ordinary was happening?

A Aside from her complaints.
Q Okay. You were asked on cross-examination about the fact that Janet had relayed to you at some meeting that she was going to send her daughter potentially to a school in Florida as a corrective measure?

A That's correct.
Q Okay. And I think she kind of followed up and said so there were some corrective matters that she talked to you
about, you know, the Florida school being an example. Do you remember being asked that on cross-examination?

A Well, the only thing I was told is the patient's being sent to a boarding school.

Q No. But do you remember the question on crossexamination where she said, so she was disclosing to you a corrective measure that she was considering, sending her daughter to Florida?

A Yes.
Q Okay. How many corrective measures did Janet tell you about the things she did when the child was inside the home?

A None.
Q You were also asked on cross-examination about the child still kind of reported chronic constipation during the time that you saw. Despite all the negative tests there's still a complaint about constipation. In that vein, Doctor, can nutrition play a factor in whether a child is constipated?

A Sure. Sometimes if you're not eating a healthy diet or you're restricting -- they're not taking adequate fluid intake.

Q Oh. Adequate fluid? That's a factor?
A Yes.

Q Why is that?
A Your bowels need fluid, and so if you're on the
dehydrated side, you're going to be at risk of developing constipation.

Q Doctor, if you have children with constipation issues, would you recommend to the parent or the child that they be restricting their water intake?

A No. It's generally the opposite.
MR. HAMNER: No further questions.
MS. McAMIS: Brief recross.
THE COURT: Sure.

## RECROSS-EXAMINATION

BY MS. McAMIS:
Q Dr. Rhee, you testified that you performed a colonoscopy on Ava; correct?

A That's correct.
Q So that would have been a procedure where Janet Solander was not present for; correct?

A For the actual procedure you mean?
Q Yeah.
A That's correct. Parents aren't present during the actual procedure.

Q Okay. I mean, you were still able to talk to Ava even when her mother wasn't present, then?

A I could have. But I don't know if I did.
Q Okay. But you could have?
A Yes.

Q So if you had any concerns, you would have been able to have Ava one on one speak to you?

A Yeah, maybe a few minutes before she's sedated.
Q Okay. But if you needed to, you could have delayed sedation if there was a problem or concern?

A Yeah, that's correct.
Q Or a disclosure.
A That's correct.
Q Okay. You were asked questions about nutrition and how that could potentially impact constipation and generally liquid diets. You would agree that a liquid diet and blended food diet is different; correct?

A You're asking if liquid versus a blended food diet is different? Yeah, that's correct.

Q Okay. So if a patient is having a blended meal of rice, beans, and ground meat, that's different than a liquid diet?

A That's correct.
MS. McAMIS: Okay. No further questions.
THE COURT: Anything else, Mr. Hamner?
MR. HAMNER: No, Your Honor.
THE COURT: Do we have any juror questions for this
witness?
All right. I'll see counsel at the bench, please.
(Off-record bench conference, not recorded)

THE COURT: We have essentially the same question from two jurors. A juror asks, "Blood in stools was mentioned a lot. Was the blood in stools just reported, or was that observed through a test that was done?"

THE WITNESS: It was just all reported. So there was a stool test, I think, that we checked for blood, and that was negative.

THE COURT: Okay. All right. Those were the same question.

Any followup, Mr. Hamner?
MR. HAMNER: No, Your Honor.
THE COURT: Any followup, Ms. McAmis?
MS. McAMIS: Court's brief indulgence, please. FURTHER RECROSS-EXAMINATION

BY MS. McAMIS:

Q You were asked about this reporting of blood in the stool. When that was reported to you the child did not dispute that there was blood in the stool; correct?

A No.

MS. McAMIS: Okay. Nothing further.
FURTHER REDIRECT EXAMINATION

BY MR. HAMNER:

Q Mom was present?

A Yes.

Q The mom was present for that, and she didn't deny
it?

A Yes. That's correct.

MR. HAMNER: Okay. No further questions.
THE COURT: Any additional juror questions for the witness?

All right. Doctor, $I$ see no additional questions.
Thank you for your testimony. You are excused at this time. Thank you.

And the State may call its next witness.
MS. BLUTH: May we approach via scheduling -- about scheduling?
(Off-record bench conference, not recorded)
THE COURT: Ladies and gentlemen, we're going to go ahead and take our afternoon recess while we set up for the next witness. During the brief recess you're reminded you're not to discuss the case or anything relating to the case with each other or with anyone else. You're not to read, watch, or listen to any reports of or commentaries on the case, person, or subject matter relating to the case. Do not do any independent research by way of the Internet or any other medium. Please don't form or express an opinion on the case. We'll just take 10 minutes. That should give them enough time to set up for the next witness.

All right. Note pads in your chairs, please. And follow the bailiff through the double doors.

THE COURT: All right. Who's left in the case?
MS. BLUTH: Let me just do it off memory. I believe we have two doctors left -- well, three if you count Cetl.

THE COURT: Right.
MS. BLUTH: Then you have the detective who did the search warrant on the home; the detective that did the search warrant on the computer or on the flash drive; Francis Emery, who's the detective of the case; Yvette Gonzalez, who is the CPS investigator who did the majority of the investigation; the three girls; and Debbie McClain, their mom. I think that that's it. And then besides the girls and Dr. Cetl I don't -I think everything else would be pretty quick.

THE COURT: Who were the other two doctors, the one we talked about --

MS. BLUTH: And then the -- oh. Sorry. Both
pediatricians. They saw Dr. Michael Nyarko, and Dr. Alfonsa Stephen, so I forgot --

MR. HAMNER: Did you mention Bernstein?
MS. BLUTH: No.
MR. HAMNER: We need Bernstein for the [inaudible].
Sorry.
THE COURT: So what's that, 12?
MS. BLUTH: About, yeah.
THE COURT: Okay.

MS. BLUTH: We're going to have --
THE COURT: Let's question Juror Number 15 at some
point before --
MS. BLUTH: Okay. How many juror questions were
there? I wasn't in here. Was it --
MR. HAMNER: Just two.
THE COURT: Oh. There were two, but it was the same question.

MS. BLUTH: Oh.
THE COURT: And we'll question her because she keeps talking to the bailiff.

THE MARSHAL: She wanted me to let you know, too, that she doesn't believe her situation is more important than this case, and that's why she didn't raise her hand when you asked for any hardships or anything like that. She just -she thought the case would be over by now, and she doesn't want to be out $\$ 500$.

THE COURT: Well, I don't blame her. But in terms of tomorrow $I$ have a civil matter on in the morning, so $I$ was thinking -- that's at 9:30. It's probably going to take about 10 minutes, so we'll start at 9:45.

MS. BLUTH: Sounds good.
(Court recessed at 3:06 p.m., until 3:12 p.m.)
(Jury is not present)
THE COURT: The clerk was asked by Mr. Figler to get
the exhibits from Justice Court, and she got this envelope. Here are the Justice Court exhibits, which obviously anybody can look at.

MR. FIGLER: May I review them?
THE COURT: Yeah, sure. But in this larger envelope was a packet of documents that said, "In Camera, Sealed." Now, as you know, I had asked the clerk earlier to get the CPS documents that I've either given or not given, and there was nothing that we hadn't given. So I don't know. This isn't Jill's handwriting. In -- well, that's just the case. So were any CPS records given in Justice Court? Yes, they were. These were sent to looks like Diana Sullivan.

MR. FIGLER: She was the JP who bound over the case.
THE COURT: Right. So I don't know if these are the -- I'm assuming these are the same records that I would have gotten. These are the records that came up from Justice Court, and all it says is "In Camera, Documents Sealed." And there's an email that went to Diana Sullivan. So I'm guessing she would have reviewed these records. And she didn't distribute them to anybody. She must have just reviewed them and put them in a sealed envelope. I don't know. So I'm going to --

MR. FIGLER: That'd be our request, is for -THE COURT: -- review them now. I assume it would be whatever I already reviewed and gave to you folks, but I
can't be sure until I review them. Anyway, I just want to put on the record this just was now opened. I guess on the break my clerk just came and said, what's this, and, like I said, I didn't know about these. So --

MR. FIGLER: About how many pages are there, Your
Honor?
THE COURT: Looks like 44. So, as I said, I assume these are the same records that you've already gotten, but I'll compare them with the records that I distributed to make sure they're the same, and then obviously, if they're different and discoverable, you will be getting them. So I just wanted to make a record of that. Like I said, these were sealed by Justice Court, so --

MS. BLUTH: I just -- I can't help have -- I know you guys weren't there. I just don't -- I don't have an independent recollection, you know, what was -- what, if anything, was given at Justice Court. I just don't remember so long ago.

THE COURT: Right. I mean, there's an email here to Diana Sullivan that says, "Here are the records for the incamera review."

MS. BLUTH: Who's the email from?
THE COURT: Stephanie Westbay.
MS. BLUTH: Oh. That's her -- that's her clerk.
THE COURT: And then it's an email from you to

Stephanie Westbay, "Here are the records."
MS. BLUTH: Oh. Okay. There you go.

MR. FIGLER: We'll find out.
THE COURT: All right. Are we --
MS. BLUTH: We are connected.
THE COURT: Should we move the monitor, Kenny? Do you think that'll --
(Pause in the proceedings)
MR. FIGLER: Your Honor, just for the record, I mean, defense wasn't consulted on it. I know it's the Court's call. We always prefer to have witnesses live and present so that the jury can observe their demeanor, their body language, et cetera. We submit it to the Court as far as what you feel is appropriate given the circumstances that have been related to you by the State.

THE COURT: Thank you. I would just note you weren't consulted. But you didn't make an objection, either, and I figured this was better than arresting the witness.
(Pause in the proceedings)
THE COURT: All right. Everybody ready?
MS. BLUTH: Yes, Your Honor.

MS. McAMIS: Yes, Your Honor.
(Pause in the proceedings)
THE COURT: Do you want me to tell the jury that the witness refused to come to court? I'm not inclined to
cover for her, frankly, and say that she was unable to come to court.

MS. BLUTH: I do. I do want you to say that.
THE COURT: Mr. Figler, would you prefer if I inform the jury that the witness was unwilling to come to court? Otherwise I'm just going to say, we have a witness appearing via video conferencing or something like that. Like I said, I'm not going to cover for her and say she's medically unavailable or anything like that.

MR. FIGLER: I think that it wouldn't be improper to make inquiry of the witness as to why she is not in the courtroom to give context to it. And whatever the witness says may or may not require additional questioning by either side.

THE COURT: All right. Well, either side is free to question her, then, on that topic.

MR. HAMNER: I think it's fair game.
MR. FIGLER: I mean, that seems to be the most equitable way, because $I$ don't think we should allow these refusemanship about --

THE COURT: That's what I'm saying. I'm not going to play any gamesmanship and cover for her and say she's medically unavailable to come to court or anything like that. That's what I'm saying. Typically if somebody really were medically unavailable, I might say that. But in this case I'm
not going to say it.

MR. FIGLER: The Court's not convinced of the veracity of the complaint.

THE COURT: Exactly. So -- oh. I see her now. There she is. She's on my video.

MS. HAMMACK: I can hear you.
THE COURT: Okay. Very good. Can you -- what can you see?

MS. HAMMACK: I can see the courtroom. The last time I just couldn't hear the conversation.

THE COURT: All right. So you understand that when I explain to the jury I'm not going to say you're medically unavailable. My understanding is, just so you know what we were talking about, that Ms. Bluth indicated that her understanding was that you had orthoscopic surgery on your knee and that, while you weren't able to walk or to climb stairs, you would be medically able to come to court. And her office had indicated that they made a ride available for you and would have had a staff person waiting downstairs here at the Regional Justice Center to pick you up in a wheelchair and wheel you up here to court. So my understanding is that was offered to you and you declined that. Is that correct?

MS. HAMMACK: I have a medical document from my document asking for this to be delayed, as it would impede my healing and [unintelligible] less than six days.

THE COURT: All right. Ma'am, my question was were you offered a ride here and to be met by a member of the District Attorney's Office staff downstairs with a wheelchair.

MS. HAMMACK: I was offered to be met with a wheelchair at the curb, yes.

THE COURT: And I believe that they also offered you a ride here. Is that correct?

MS. HAMMACK: No, that's not correct.
THE COURT: Ms. Bluth?
MS. BLUTH: It was my understanding that when we tried calling at lunch to see if the ride was the issue, like if Ms. Hammack actually needed a ride, that my investigator and/or Beatrice from the VWAC program called and received her voicemail, so we were unable to offer her a ride. But we did discuss the wheelchair, and I've already discussed with Your Honor I did call the doctor's office and speak with the nurse, Megan, about the doctor's note, and they stated that there was nothing impeding her ability to come down here and testify as long as she would not be standing for a prolonged period of time.

THE COURT: All right. And obviously, ma'am, as a witness you would be sitting down when you testify. For that reason, I don't mean to disparage you in any way, but I am not convinced that your failure to appear here as a live witness was medically necessary. The State requested a material
witness warrant, which $I$ declined to issue and am allowing you to appear via Skype. However, just to be clear, I was not persuaded that it was medically necessary for you to not appear, meaning that you were medically precluded from appearing if they provided transportation as well as a wheelchair. So that's the record. And it was no way meant as a disparagement to you, but I'm certainly not going to inform the jury of something which $I$ don't necessarily believe to be the case. So the lawyers will be allowed to question you, if they choose, on why you're not physically present in the courtroom. And that's where we are.

MS. HAMMACK: So, what, I'm not supposed to --
THE COURT: I'm sorry?
MS. HAMMACK: So what is my answer supposed to be if I believe that was the doctor's note that, that it wasn't in my best interest to come there.

THE COURT: Ma'am, all I'm saying is I'm allowing you to appear via Skype. However, I'm not convinced that other arrangements couldn't have been made. I can only rely on what was represented to me by Ms. Bluth here in open court and on the record. I'm unaware of what your position is other than she did make the Court aware of the letter from your doctor, as well as the fact that she had contacted your doctor's office regarding whether or not, you know, you could come with $I$ believe a wheelchair or something like that.

MS. BLUTH: And I do have a copy of the doctor's note, Your Honor. At any point in time defense counsel or Your Honor wants to look at it, and the number for the office is attached. That's the number that I called this afternoon and spoke to Nurse Megan.

THE COURT: All right. And we should probably make that a Court's exhibit for the record. Ms. Bluth, if you could make a copy for your own record, and then it will be made a Court's exhibit.

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    All right. If there is nothing else preliminarily
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-- yes.

MS. BLUTH: May I just move the -- what is that thing called, the --

THE COURT: The screen?
MS. BLUTH: No. The podium right there. Because I can't see her from here.

THE COURT: Sure. That's fine.
And then there is a little bit of a delay between her speaking. I can see her lips moving, the witness's lips moving, and then the sound that we're hearing. So hopefully that will speed up.
(Jury reconvened at 3:25 p.m.)
THE COURT: All right. Court is now back in session. The record should reflect the presence of the State through the Deputy District Attorneys, the presence of the
defendant and her counsel, the officers of the court, and the ladies and gentlemen of the jury.

And, ladies and gentlemen, as I told you before we took our break, the next witness is appearing here via Skype, and you can all see her on the monitor.

And, ma'am, if you would please stand up, our court clerk will administer the oath to you. Are you able to stand up?

MS. HAMMACK: Yes.
THE COURT: All right. And please raise your right hand.

LAURA HAMMACK, STATE'S WITNESS, SWORN
THE CLERK: Okay. Please have a seat. Please state and spell both your first and last name for the record.

THE WITNESS: My name is Laura Hammack, first name L-A-U-R-A, last name Hammack, H-A-M-M-A-C-K.

THE COURT: All right. Thank you.
Ms. Bluth, you may proceed.
MS. BLUTH: Thank you, Judge.
DIRECT EXAMINATION
BY MS. BLUTH:
Q Ms. Hammack, how are you employed?
A I'm a Department of Family Services supervisor.
Q Okay. And how long have you been with the Department of Family Services?

A Approximately eight years.
Q Okay. And can you give us a little bit of a background in regards to your training and education before you came to DFS.

A I have a Bachelors degree in housing and worked for the State of Nevada [unintelligible], psychiatric caseworker working with mostly risk children [unintelligible].

Q Okay. I'm sorry. We lost you there for a second. Could you just start over and --

THE COURT: Okay. I'm sorry. Can the jury hear the witness? Can everybody hear? All right.

And can you say again -- we lost you after you said you have a degree in psychology.

THE WITNESS: I also worked for the State of Nevada DCFS as a psychiatric caseworker and worked directly with children in foster care and we worked toward reunification, and we worked with DFS and the courts to assist families in being reunified. I was also a PSR worker, which is a psychosocial rehabilitation worker. I think that's -- that's all.

BY MS. BLUTH:
Q Okay. Now, right now you stated you are a supervisor. Can you explain to me what type of supervisor you are.

A Currently?

Q Yes.
A Currently I supervise the Medical Case Management Unit.

Q And what does that mean?
A That means that $I$ supervise the staff that actually transports children to and from their medical appointments and all of their medical documentation.

Q Okay. And turning your attention back to 2013, what was your position then?

A In June of 2013 I had received a promotion to a permanency supervisor, which means supervising staff that are responsible for children in ongoing care in foster care.

Q When you said you received a promotion, what position were you working in directly before that?

A I was a senior [unintelligible] specialist and [unintelligible].

Q Okay.
A Which is the foster homes.
Q Okay. So before you were a supervisor in the permanency had you ever done any permanency work?

A No, I had not.
Q Had you done any -- besides licensing, working in the licensing division, had you had any prior CPS history?

A No.
Q Now, previously we had heard testimony from an
individual by the name of Gail Anderson, and then earlier today an individual by the name of Aya Orenick. Are those two people permanency workers that work under you?

A Yes.
Q So basically what I'm trying to say is you were their supervisor.

A Yes.

Q And were you their supervisor while they were caseworkers for children that we refer to as the Dias-Burnett children?

A Yes.
Q And I'm just going to say the names of those children just to make sure we're on the same page. That would be -- the oldest child would be Areahia Diaz, and then her younger siblings chronologically would be Kaeshia Burnett, Demyer Burnett, and Novaleih Burnett; is that right?

A Yes.
Q Can you please describe the difference of your role in regards to those children versus Gail and Aya's role.

A A caseworker's role [unintelligible] continue all contact with the children, the parent, and anyone that visited with the children on a regular basis to monitor their well being, including educational, medical, emotional, and also to work toward the permanency goal, whether it is reunification, adoption or other planned permanency.

The supervisor's role is to monitor what interaction that the caseworker has with the family and how the case is moving along toward the permanency goal and to assure that the caseworker is following all of the guidelines set for DFS.

Q Okay. Now, in your position in regards to these children did you have contact with the children themselves?

A Yes. I have met them, yes.
Q And did you have contact with the foster parents, as well?

A Yes.

Q And what were those individuals' names?
A Janet Solander and Dwight -- I'm sorry. I can't remember his last name.

Q Okay. But to your knowledge were those two individuals married?

A Yes, they were.
Q Okay. And then did you have contact with either, you know, therapists or EST workers that worked in the home, as well?

A Yes, I did.

Q And when I say, you know -- when I'm talking about clinicians, one of those -- did you have contact with an individual by name of Lori Wells?

A Yes.

Q As the supervisor do you have access to records 151
regarding the foster parents' history within the Department of Family Services?

A No.

Q So as a supervisor there's no database that you can look into to see if these foster parents have had other children in the home or if there have been any other issues?

A No. We have a screen that we can check if -- that shows if other children were in the home, but that's all.

Q And so what prohibits you from looking into other records if there are any?

A If not relevant to the permanency case currently, then we have different departments that are responsible if there is concern with foster parents.

Q Okay. So I want to ask you a few followup questions to those answers.

So my first question is not whether it's relevant in your mind, but do you physically have access to those? Can you go into a database and look up those records?

A I don't -- no, I don't have access to look at complaints -- oh. I'm sorry, yes, I -- it's all associated with the children more than the foster parents. One can look at past complaints on children, but not on foster parents.

Q Okay. So if these -- let's say these foster parents, if there were other complaints or calls in, you could reference those?

A On the foster parent? No.
Q Then what were you saying that you could just access?

A I said that there's a screen that just shows you their name and date, the children in the home, and that's all.

Q Okay. So let's say on the screen you see something that brings you concern, you see that there was some type of, you know, event that you want to look into. Are you saying that you cannot access those records at all?

A Not to my knowledge, no.
Q Okay. But the permanency workers that work underneath you could access them?

A I wasn't aware that they could access that.
Q You also said that doing so would not be relevant to your job. Was that your statement?

A It was.
Q Okay. You and the individuals that work below you as your permanency workers, your guys' entire goal is to make sure these children's needs are being met and that they're protected; correct?

A Yes.
Q So how is not relevant to make sure that they're in a home that you deem as safe?

MS. McAMIS: Objection. Argumentative.
THE COURT: Overruled. You can answer the question.

The question is why wouldn't that be relevant.
THE WITNESS: Yes. Thank you. Because we have different departments. We have Investigations, we have Licensing Investigations, and also [unintelligible] investigations. We have different departments that do different things. And our goal is to, yes, ensure the children are safe where they are. However, if there's an investigation for a child, it's called in, and another department deals with that. BY MS. BLUTH:

Q Okay. So -- and I don't want to -- I'm not talking about the Solanders right now. I just want to take a step back and we're just talking about in general.

So if you are the supervisor of a case and you -you know, you receive new children in your permanency worker is working on them and you pull them up and you see that there's six, seven, eight, nine cases that have been opened for investigations but unsubstantiated, you don't consider that relevant in determining, okay, these children are in the right place?

MS. McAMIS: Objection. Improper hypothetical.
THE COURT: Overruled. If she can answer.
THE WITNESS: I rely on our other -- our sister units to either substantiate or not substantiate. Therefore, if it's unsubstantiated, that's what $I$-- that's what I look
at.
BY MS. BLUTH:

Q Okay. So therefore you just look at whether it was substantiated, unsubstantiated, and move along?

A Yes.

Q Now, if there are issues that come up within a case, so let's say a permanency worker is having issues with either the children in the home or the foster parent, how do you get involved in that situation?

A I talk with my staff. You know, we have one-on-one meetings frequently on the needs of the case, and then we discuss the concerns that arise in each case --

Q Okay.
A -- and address them as they come.
Q So if there are no issues that are going on, would you then only need like once monthly?

A At least once monthly, yes.
Q And then if it's wrought with issues, you would meet however many times in a month you deem necessary?

MS. McAMIS: Objection. Wrought?

THE WITNESS: Yes.
MS. BLUTH: Well, if there's several issues --

THE COURT: If there's -- all right. She said yes. You can go on.
/ /

BY MS. BLUTH:
Q Okay. Now, I want to turn your attention now to 2013 and early 2014 in regards to the Diaz-Burnett children I was asking you about. The first permanency worker that was working under your supervision with these children was who?

A Gail Anderson.
Q Okay. And how involved were you in this specific case when Gail Anderson was the permanency worker?

A I would say I was highly involved.
Q I'm sorry. Did you say highly involved?
A Yes.
Q Okay. And why was that?
A Because of the concerns that were brought to my attention, and if it needed more attention than just what the caseworker could give.

Q Okay. And so by the concerns -- so because of the concerns, you started getting more involved in the case?

A Yes.
Q And were those concerns by the foster parents, by the permanency worker? What were concerns are you referring to?

A It initially started with the permanency worker [unintelligible] concerns.

Q Okay. And what were those?
A The children -- those particular -- think about it?

Q Yes.

A Okay. There's concerns about their eating, their toileting, there's concerns about -- there's a lot of [unintelligible] issues. There were concerns about diagnoses that weren't there. Those were the biggest concerns that came up.

Q Did your involvement -- did you become very involved once these diagnosis issues started happening?

A Once we started questioning, that's what started it, yes.

Q Okay. And when you say questioning, did you in fact question?

A Yes.

Q And who did you question?
A Ms. Solander.
Q And that would be Janet?

A Yes.

Q And what did you question her about?
A About the nursing degree or license that she was pretending to have.

Q Okay. And how did you present either your question or your concern to her?

A She [unintelligible] she was a registered nurse. I remember the wording. However, I did state to her that the child is being seen by a medical professional and that is the
professional's diagnosis that we go by.

Q And which child were you talking about?
A Areahia.

Q And what did Janet tell you about Areahia, her
medical diagnosis?
A Diabetes.
Q And I apologize. I want to -- I need to back up. When I use the term "medical diagnosis," was Janet telling you that that's what the doctors were saying, or that's what Janet was saying?

A That's where it was becoming confusing, because once you would ask that question, did this come from a doctor, you would never really get a straight answer. And that's when it came in that she was a registered nurse.

Q Okay. And did you ever ask like for documentation of her nursing or any followup questions?

A Yes, I did.
Q And what was -- what did you ask, and what was her response?

A I asked if there was a medical diagnosis from the doctor. The response was a very roundabout answer. It was never a clear yes or a no. Which resulted in us getting information from -- directly from the doctor.

Q Okay. And then in regards to the nursing degree did you ask for any documentation in regards to that, or ask any
followup questions in regards to that?
A I did not.

Q Okay. In your supervisory role how was Janet to deal with when you had these types of interactions?

A She would -- she presented as having a lot of clinical -- a lot of clinical language, [unintelligible] very educated, very assertive and insistent even when -- like the day when the diagnosis part came up, even when it was brought up that there was no diagnosis. She wouldn't hear that. The conversation would be redirected about something else. MS. McAMIS: Objection. Nonresponsive at this point.

THE COURT: Overruled.

BY MS. BLUTH:

Q So when you would have conversations with her and confront her with either an opinion or diagnosis that was inconsistent in what she was telling you, that would be her reaction?

A Yes.

Q When -- were there situations when Gail Anderson would have to tell Janet or Dwight no or get in a situation where she wouldn't be able to do what they wanted?

A Yes.

Q And what would happen then?
A That's when the Solanders -- one of them would call
me.
Q Okay. And how would you communicate with them?

A It started with -- by phone, and then in order to keep track of conversations and keep records I used email, and we used [unintelligible], and then there was a contradiction of information, so then we started including Janet's email and Dwight's email on everything that we communicated with.

Q Okay. And were there ever situations where you told them no or they didn't like your answer to their issues or questions?

MS. McAMIS: Objection. Vague.
THE WITNESS: Yes.
THE COURT: Overruled.

BY MS. BLUTH:
Q And what would happen in that situation?
A They asked to speak with my manager, and then met with her.

Q Okay. What is an ombudsman?
A An ombudsman is in place for the County for citizens to call if they are having any challenges with the department or any kind of County entity in order to address their problems or concerns.

Q Did Janet or Dwight ever go to the ombudsman in regards to issues with you?

A Yes.

Q And the ombudsman, what is his or her name?
A I think it was Tissa Evans at the time.

Q And how many times, if more than one, were you contacted by the ombudsman regarding the Solanders?

A I'm going to say a minimum of six times. THE COURT: Can you say the ombudsman's name again. We didn't catch that.

THE WITNESS: Tissa Evans. MS. BLUTH: T-I-S-S-A Evans. THE COURT: Oh. Thank you. MS. BLUTH: You're welcome.

BY MS. BLUTH:

Q How often were you and Gail staffing this case together?

A Every day.

Q Daily?
A Yes. I'd say at minimum four times a week out of a five-day week.

Q Okay. Did you ever have to staff this case with people above you?

A Yes.

Q And how many times would you say that was happening in either a week or a month, whichever would be more accurate?

A Three to four times a month.
Q Okay. Now, I want to ask you about some specific --
some specific issues. Was there an issue about Kaeshia having gauze or something in her stomach?

A Yes. There was something that came up about that, yes.

Q Okay. And because of those abdominal issues was Kaeshia in the hospital for a period of time?

A Yes.
Q Did you have to get involved in regard to that stay?
A I was involved --
Q And let's start --
A Yes.
Q That's okay. Let me be more specific, because I don't think that was a very good question.

Did you have to get involved in regards to specific directives that a dentist had given about Kaeshia, what she could eat or drink?

A Yes, I did.
Q Can you explain your involvement in that regard.
A That she was -- the child was admitted and the Solanders were upset that they were giving her -- if I remember correctly, it was soda, and it was very bad for her teeth. And they had stated that the dentist had given her a strict diet, and they were very upset about that with the facility, and they brought that complaint to me. So I contacted the dentist to get the documentation before I
followed up, and on that documentation it was the regular advisement that they give every child after a cleaning or an exam. There was no special diet or restrictions on that documentation from that dentist.

Q Okay. And did you have a conversation with the Solanders saying, look, there's no directive, it's just kind of a list of dos and don'ts you want to do with children?

A Yes, I did.
Q And what was their response, if any?
A They were not happy with that response. They still -- even though the documentation was there, they were not responsive.

MS. McAMIS: Objection as to vague.
THE COURT: Overruled. Now, did you meet in person with both Solanders to discuss the issue with what the dentist had recommended or not recommended?

THE WITNESS: That was over the phone.
THE COURT: Okay. Were both Mr. and Mrs. Solander on the phone, or just one of the Solanders, or who were you talking to?

THE WITNESS: I don't recall which one it was.
THE COURT: Okay. But it was just one; is that correct?

THE WITNESS: My practice was after every conversation that $I$ included everybody on the same email to
prevent any miscommunication, so I do believe that I would have emailed after that.

THE COURT: Okay.
BY MS. BLUTH:
Q Now, is there another conversation, moving on to Areahia, where Janet contacts you letting you know that she believes Areahia needs to go to the Intensive Care Unit?

A Yes.
Q And what were the circumstances surrounding that?
A It was something to do with her blood sugar being so low and she had passed out or -- it was during the day.

Q And at that point in time was Areahia at school?
A $\quad$ She was.
Q And so what response or, you know, what advice, if any, did you give?

A That was part of my continuing -- I was getting that call during the middle of the day, and my first thought is, well, isn't Areahia in school -- I mean Kaeshia, pardon me, is in school. So I checked to see if she was in school, and then the school said was fine. The two didn't connect, was what I was hearing from Janet and then what the school had told me about her condition at school.

Q Okay. Did you have any issues or concerns with what the foster parents were discussing with you in regards to either children's medical or educational needs?

A Yes.

Q And because of those issues and concerns what did you do?

A Upon the initial concerns I kept looking into [unintelligible] about the documentation from the doctors, I had -- you know, to have confirmation that the diagnoses were in fact [unintelligible] the child, as that's our primary goal. And educationwise I checked to see if there was any kind -- if there were some issues going on about her being separated from the other children at lunch.

Can you repeat that question again, please.
Q Yeah. I was just asking -- you know, I had asked you if you had concerns in regards the Solanders' reaction to medical and education needs of the children, like what they were stating. I asked you if you had issues or concerns without, and you said yes. And so I asked you, because of those concerns what did you do?

A So -- well, I followed up with the school, I followed up with the medical providers, I followed up with Dwight and Janet in regards to their concerns. And the documentation was not supporting their verbal concerns.

Q And how did Janet respond when you have these conversations with her?

A As if $I$ wasn't presenting factual information as it still existed, the information that $I$ had received from the
doctor.

Q Now, at the point in time when you're the supervisor just over Gail -- I'll get to Aya in a second, but when you're the supervisor Gail are you aware of the investigations that were opened against the Solanders in regards to the DiazBurnett children while Gail was their permanency worker?

A Yes, I was.

Q Did any of those investigators that were investigating those specific cases reach out to you during their investigation?

A Maybe once.
Q Do you -- would you remember the name of the investigator?

A Maybe.
Q Okay. What's the name that comes to mind?
A It was a female. I don't recall her name.
Q Okay. Now, you previously discussed -- I mean, you had some concerns, well.

A Yes.
Q Did you ever go to the home?

A No.

Q Did you make contact with the children?
A Yes.

Q And which children?
A All of -- all three of them actually came to the
office with the Solanders and their adult daughter.
Q And what was the purpose of them coming there?
A For a family -- a child and family team meeting.
Q And what was the purpose of that child and family team meeting?

A It was to discuss some of the concerns in issues that the Solanders were expressing about their interaction with Gail and just to overall review the permanency goals for the children.

Q Okay. In that meeting did either -- well, yeah, did Janet or Dwight discuss any issues or frustrations they were having with the foster children?

A They consistently expressed issues they were having with the children.

Q And what were those issues?
A At that time I do believe it had something to do with [unintelligible] or bathroom issues, meaning that they were either defecating or urinating on themselves.

Q Okay. Would you -- was toileting something that was being constantly discussed between you and the Solanders?

A It was a continual topic, yes.
Q Now, as supervisor do you review photos taken during safety checks in the system?

A Yes.
Q And there were some photos taken in this case in

September of 2013. Do you know what I'm referencing?
A Yes, I do.

Q And in those photos the jury's already seen, in one photo there's a bucket with a toilet seat lid on it.

A Yes.

Q And in another there's either like a cot and a board next to it. Do you know the two that I'm referencing?

A Yes.

Q Those were taken in September of 2013; is that correct?

A Yes.

Q And that is while you were the supervisor?
A Yes.

Q But did not view those photos; correct?
A I did not.
Q Could you explain why or how that happened?
A Gail Anderson and another permanency supervisor went out to that home that day, and they took the pictures together, they reviewed it together, and I was reassured that the other supervisor had reviewed everything and there was no concern. So therefore I didn't look at the pictures.

Q Okay. So, I mean, sometime after the case that we're here on now, that we're talking about came about, you've seen those pictures?

A Yes.

Q I want to ask you a few questions about Lori Wells, who was the clinician working with the Diaz-Burnett children. You already stated that you knew her; is that right?

A Yes.
Q Were you aware of the amount of times she had contacted Gail Anderson in regards to her concerns about the Diaz-Burnett children?

A I don't know at what great length, but I know when it got to me it was a definitely a huge concern.

Q Okay. How many times would you say that she emailed you regarding her concerns?

A Ms. Wells?
Q Yes.
A I think I had more verbal conversations with her.
Q Okay.
A I would say two or three different times at least.
Q On the phone, or in emails?
A On the phone two or three different times, and then also in an email, as well.

Q Okay. Now, if there were nine documented emails to you and/or Gail Anderson from Lori Wells, would you have any reason to refute that?

A No.
Q Were you aware of the four-page letter that Ms. Wells had sent to both you and Gail Anderson on November 4th?

A Yes.
Q And when you received that letter what did you do?
A I actually spoke with Lori before she wrote that letter, because she was describing what was occurring.

Q Okay.
A And I actually requested it in writing.
Q Okay.
A And I -- and she gave it to me the next day. And I presented it to my management, and I followed my directions that $I$ was given.

Q And what were the directions that were given?
A Just to call it in to the Hot Line.
Q Okay. So the children's treating clinician emailed that letter to you. Did she email it to you?

A Yes, she did.
Q And then you go to upper management with it?
A Yes, I did.
Q And so their response was to for you to tell Lori to call it in to the Hot Line?

A Well, I actually asked Lori if she called it in to the Hot Line, but they told -- my management told me to call it into the Hot Line.

Q Okay. But Lori had already called it in; is that right?

MS. McAMIS: Objection. Misstates the testimony.

THE WITNESS: If she knows.

Do you know whether Lori Wells had already called it in to Hot Line?

THE WITNESS: I do recall asking her if she did, and
think that at the time she had said no.
BY MS. BLUTH:

Q Okay. And so then --

A But I had asked her to.

Q Okay. And then obviously you're aware that an investigation was opened pursuant to that call?

A Yes.

Q Now, shortly after that -- well, actually let me back up.

We've had testimony that both Gail Anderson and Lori Wells were taken off the case at different times. Who was taken off the case first, so I can be clear?

A Gail Anderson.

Q Okay. And why -- whose decision was it to take Gail off the case?

A That was management's decision.
MR. FIGLER: Your Honor, I don't know if that's responsive.

THE COURT: You mean --
MR. FIGLER: Management? I mean, that's an ambiguous answer.

THE COURT: Yeah. Who in management?
THE WITNESS: Management -- my manager was Leah
Stromberg, and she gave me direction that she met with the Solanders and she and management made the decision to take Gail off the case.

THE COURT: And when you testified that you reported the letter to management, is it $M$. Stromberg that you reported or you showed that letter to?

THE WITNESS: Yes.

THE COURT: Did you show it to anybody else in management?

THE WITNESS: I did send it to a Hot Line, as well, but that's not management.

THE COURT: Okay. So it was just Ms. Stromberg; is that right?

THE WITNESS: Yes.
THE COURT: Okay. Go on, Ms. Bluth.
MS. BLUTH: Thank you.
BY MS. BLUTH:

Q If you know, is there a reason why you as a supervisor in CPS who already knows everything, you know, about these issues has to start from square one and call the Hot Line like any other person?

MS. McAMIS: Objection. Misstates the testimony. She's a permanency worker, not CPS.

THE COURT: Oh. As permanency worker supervisor. MS. McAMIS: Supervisor.

THE COURT: Right. I think she said she's a --

MS. McAMIS: She said CPS.
MS. BLUTH: Yes.
MS. McAMIS: She's DFS.
THE COURT: You said CPS. Just rephrase to say DFS supervisor. BY MS. BLUTH:

Q Do you want me to re-ask that, or do you know what I was saying?

A I do understand. It's been our practice that if a new investigation needed to be initiated, then that -- there is -- you can call the Hot Line, and then the investigator makes the decision whether it's to be opened for an ongoing investigation or [unintelligible].

Q Okay.
A Not the [unintelligible].
Q As Gail Anderson's supervisor did you feel like the job she was performing with the Solanders was adequate?

MS. McAMIS: Objection. Relevance.
MS. BLUTH: She's the supervisor.
MS. McAMIS: Well, and vouching.
THE COURT: Overruled. I don't think it's vouching. You can answer.

THE WITNESS: I do believe that Gail was doing the best that she could with the family. BY MS. BLUTH:

Q Okay. Now, in regards to Lori Wells, shortly after Lori Wells writes that letter is she also taken off the case?

A It was -- it wasn't shortly. How that came about is that after Ms. Orenick took over the case she took extensive time to meet with the children and particularly Areahia was very upset that Lori, Ms. Wells, the therapist, had divulged some information about her [unintelligible] to the other children, and she had reported to Ms. Orenick that she would no longer -- you know, she didn't trust her and she wouldn't confide in her. So I --

Q To be --
A I'm sorry.

Q Sorry. Let me --
A Okay.
Q To the other children, or to her biological parents?
A I can't -- she was just upset that it was revealed to other people.

Q Okay. And so the decision was made to take Lori off the case?

A Yes. And start with a different therapist.
Q And that was actually -- if you remember, I believe that was on November 20th. So that would be about two weeks
after the letter?

A Okay. Yes.
Q Now, that decision to take Lori off of the case, whose decision was that?

A That decision was made between myself and Ms. Orenick, and she had consulted with Areahia about how she felt about her current therapist. And we thought that it was best for Areahia to have, you know, a different start with a new therapist that she could trust, who would feel [unintelligible].

Q Had the Solanders requested that Lori be taken off these children's case, as well?

A Yes.

Q In the numerous amount of emails and telephone conversations you had with Lori Wells was she advocating for the Diaz-Burnett children?

A Yes.

Q Now, the Diaz-Burnett children are the Solanders' foster children, not their biological children; correct?

A Correct.
Q So if there were the amount of issues that you have discussed that you had or that were being called in to the Hot Line, why couldn't they have just been removed?

MS. McAMIS: Objection. Assumes facts not in evidence. Also relevance.

THE COURT: Yeah, that was -- that's sustained as to the phrasing. I think the better question is if there were concerns why couldn't you as the permanency worker's supervisor have removed --

Any objection to that question?
MR. FIGLER: Yeah. The objection is that if they were substantiated concerns versus investigated. So it opens up facts not in evidence. And it actually misstates the evidence.

MS. BLUTH: No. I'm talking about her concerns. I'm not talking about --

THE COURT: If you had concerns, could you just have removed the children from that home?

THE WITNESS: No, I could not.
BY MS. BLUTH:
Q And so what can you do?
A I have to express my concerns and provide as much supporting evidence to management as possible. However, that make that decision.

Q So what, if anything, did you do about your concerns?

A I discussed it with my immediate manager multiple times. I looked -- I was highly involved in the case in inquiring more about the medical needs, if they were in fact factual, the needs were true. I was in communication with Ms.

Wells. I did take her concerns serious as much as to ask her to document that -- you know, what she had reported. I shared it with my management multiple times, and I -- and I -- I was advised what I could do.

Q Okay. When you went to your upper management did you feel like you were being heard?

A No.
MS. McAMIS: Objection. Vague. Who in management?
MS. BLUTH: The same management she's been --
THE COURT: Well, Ms. Stromberg.
MR. FIGLER: Is it Ms. Stromberg? Then refer to her as such.

THE COURT: I believe Ms. Stromberg's the only person she mentioned.

Did you feel like she was heeding or listening to your concerns?

THE WITNESS: No.
BY MS. BLUTH:
Q Because you felt like you weren't being listened to did you call it in to another department?

A In an attempt to be heard part of our practice is if you have licensing complaints you can also call [unintelligible]. So I did make a couple more calls about licensing violations upon the foster home, hoping to get more eyes on the home.

Q At some point did you leave for a period of time on FMLA?

A Yes, I did.

Q And when was that?

A It was in January of 2014. And I returned in March of 2014.

Q Okay. So in January when you leave do you still have these concerns that you had already told to upper management?

A Yes.

Q Did you relay those to -- well, let me -- strike that.

Was an individual going to be taking over your workload while you were gone?

A I just left. I had an accident, so I didn't know who was doing what.

Q Okay. But at any point while you were gone did you let the other person who would be taking over know what was going on?

A No one has contact when you're on FMLA, so I wasn't contacted.

Q But I'm asking did you contact --
A I'm sorry. I don't recall.
Q Were the Solanders an adoptive resource home?
A I thought they were, yes.

MR. FIGLER: Your Honor, can we approach?
THE COURT: Sure.
(Off-record bench conference, not recorded)

THE COURT: All right. Ladies and gentlemen, we're just going to take another just 10 -minute recess. During the brief recess you are reminded you're not to discuss the case or anything relating to the case with each other or with anyone else. You're not to read, watch, or listen to any reports of or commentaries on the case, person, or subject matter relating to the case. Do not do any independent research by way of the Internet or any other medium. And please don't form or express an opinion on the trial.

Please place your note pads in your chairs and follow the bailiff through the double doors.
(Jury recessed at 4:20 p.m.)
THE COURT: Ms. Hammack, can you hear me?
THE WITNESS: Yes.

THE COURT: We excused the jury, so we're now in session out of the presence of the jury, and we needed to clarify something.

So, Ms. Bluth, can you ask your question.
BY MS. BLUTH:
Q Yeah. So, Ms. Hammack, before we went up to the bench I asked you if the Solanders were an adoptive resources.

A Yes.

Q And when you say that -- when I use that term and when you say yes what do you mean?

A I mean that each family is welcomed in as a possible adoptive resource for these children.

Q Okay. And what makes them qualify as an adoptive resource or not?

A They -- usually they tell us.
Q So in your communications with Janet or Dwight was it communicated to you that at one point they would have been a potential adoptive resource for the Diaz-Burnett children?

MR. FIGLER: Foundation.
THE COURT: She can answer, and then we'll find out
where she --

THE WITNESS: Yes.

BY MS. BLUTH:
Q And who was that conversation with?
A I thought it was during that CFT meeting that we
had --

Q Okay.
A -- with the Solanders.

Q Okay. And do you remember if one said it or both said it, Janet or Dwight?

A I don't recall which. I just recall that it was said out loud with both of them in the room.

Q Okay. And then in regards to -- if a family is an
adoptive resource, does the Department deal with them differently, or are certain red flags overlooked if they are an adoptive resource versus a non-adoptive resource?

A We do make more effort when it comes to an adoptive resource to make sure that the children are able to receive permanency.

THE COURT: What do you mean you make more -- what does that mean?

THE WITNESS: Meaning that if they -- if we knew that this family was going to adopt the children and they were having some problems with medical or educational, we would make sure that -- you know, that we were doing everything that we could do to help make sure that those issues are resolved so that it wouldn't disrupt a possible adoption.

THE COURT: And that's because it makes sense to work with parents who are going to be adopting the children, as opposed to somebody who's going to foster them for another three or four months; is that the rationale there?

THE WITNESS: Yes, it is.
THE COURT: Ms. Bluth, any followup?
MR. FIGLER: May I have permission --

THE COURT: Mr. Figler from the defense is going to ask you some questions.
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## VOIR DIRE EXAMINATION

BY MR. FIGLER:

Q Ms. Hammack, in your testimony just now you stated that during one of the CFTs that you believe that one of the Solanders announced that they were willing to become an adoptive resource. Is that your testimony?

A That was what $I$ recall hearing.
Q Do you remember when that CFT was?

A It was probably July of 2013.

Q All right. Would that have been documented in any note in unity or any other place?

A I think -- if it's not in there, it's not in there.
THE COURT: I think Mr. -- I'm sorry, Mr. Figler, but $I$ think the question is if they had indicated that they were going to be an adoptive resource, is that something that would have been placed in the unity note?

THE WITNESS: Only if someone chose to write it in there.

THE COURT: Okay. So that wouldn't be something that as a matter of protocol you would put in the unity note automatically?

THE WITNESS: No. It is something that we would put in a [unintelligible] report.

THE COURT: In the what?

THE WITNESS: In a court report.

THE COURT: Oh. Okay.

BY MR. FIGLER:

Q Do you know if any court reports were prepared in this particular case?

A They were prepared, yes.
Q And would it have been Gail Anderson at that time of July 2013 who would have made those court reports?

A The court reports are completed every six months, so I don't -- I don't think one would have been due until maybe -- if it's every six months and the children came in [unintelligible] was about May 2013.

Q Okay. Now, it hadn't even been a month that the Diaz-Burnett children were in the foster care of the Solanders by July of 2013; is that right? Or approximately a month?

A I don't have exact dates, but, yes, that sounds about right.

Q So why in the world would you be already talking about adoptive resource? Isn't reunification with the family the primary concern of your agency at that time?

A We always ask what the -- if the foster parent -actually, we don't always ask, but it can be expressed by the foster parent, or it can be asked. But, yes, our primary goal is always reunification in the beginning of the case.

Q Okay. And then as of November 20th, 2013, isn't it true that you wrote personally in the unity note that the
current foster report -- I'm sorry, that the current foster parents are reporting they are still not an adoptive resource? Didn't you write that in the unity note?

A In November, yes.
Q Okay. And so when you use the word "still" that suggests that prior to that they were also not an adoptive resource; isn't that true?

A In October or September or August, yes.
Q Okay. So, to your recollection, the only time that it was mentioned that they may be an adoptive resource is one month after they were placed; correct?

A Correct.
Q And that is not documented anywhere in any unity note; correct? To your knowledge?

A To my knowledge, no.
Q But when they said that they could not be an adoptive resource, that was placed in the unity note; correct?

A If you're telling me that's what's in there.
Q Okay.
THE COURT: All right. I don't need to hear any more. I think Mr. Figler -- I don't see it as tied in. They weren't an adoptive resource, correct, for the Stark girls?

MS. BLUTH: No. THE COURT: Okay. So that would have no relevance
at all to what was going on when the Stark girls were in the home, because they were not an adoptive resource then, and I think, you know, maybe they were an adoptive resource for a month, but, as Mr. Figler has documented, the only notes we have say they were "still" not an adoptive resource. So I don't see it as relevant, and Mr. Figler's objection's sustained.

MR. FIGLER: Thank you, Your Honor.
THE COURT: Kenny, can you bring them in.
(Pause in the proceedings)
(Jury reconvened at 4:30 p.m.)
THE COURT: All right. Court is now back in
session. And, ma'am, of course you are still under oath. MS. McAMIS: Your Honor, we'd move to strike the last response.

THE COURT: All right. That's sustained. The jury will disregard the last question and answer.

And, Ms. Bluth, you may resume your direct examination

MS. BLUTH: I'll pass the witness, Your Honor.
THE COURT: All right. Cross.

MS. McAMIS: Yes. Thank you, Your Honor.

CROSS-EXAMINATION
BY MS. MCAMIS:
Q Good afternoon, Ms. Hammack. Can you hear me okay?

A Yes, thank you.
Q Okay. Now, you were asked questions on direct examination about your June 2013 promotion to permanency supervisor. I want to direct your attention to that. So even though you were not [unintelligible] employed as like a permanency worker in Department of Family Services, you still had a lot of casework experience. Is that fair to say?

A I did have experience, yes.
Q I'm so sorry. Could you repeat that --
A Yes, I did.
Q Okay. Thank you. And that experience included working with children; correct?

A Yes.

Q And it included working with children and their psychiatric needs. Is that also fair to say?

A Yes.
Q Okay. And in your function as working for the State of Nevada as a psychiatric caseworker you were also working towards reunification or permanency for those children; correct?

A Yes.
Q So similar or analogous types of work experience like a permanency worker does; correct?

A About the same amount of responsibility, yes.
Q Okay. So same amount of responsibility. And,
similarly, same amount of contact with the children; right?
A Probably a little bit more.
Q Okay. Probably a little bit more. So when you were evaluated for this promotion it was based on all of that past work where you had very frequent contact with the children in your psychiatric caseworker position?

A Yes.
Q Okay.
A And I don't think that I had [unintelligible] Masters in organizational management, as well.

Q Oh. Okay. Thank you. I appreciate that. And that's something that you had at the time you were promoted; correct?

A Yes, it was.
Q Okay. All right. So you were asked a series of questions about your supervision of Gail Anderson and Aya Orenick on the Diaz-Burnett foster children. So I want to direct your attention to that.

As part of your duties as supervisor when conflicts arose you had to address them; right?

A Correct.
Q And there are conflicts that arise sometimes in cases where a foster parents who deal with foster children and service providers; right?

A Yes.

Q And that's something that as supervisor you have experience in handling; right?

A Yes.
Q And the Solanders are not the only people who've ever come to a supervisor with a concern about a service provider for the foster children; right?

A No, they're not.
Q Okay. Now, when the Solanders had approached you about their concern they were advocating on behalf of their foster children; right?

A I agree that they think they were, yes.
Q Okay. And that's something that you would at least expect a foster parent children do with the children who your government agency places in their care; right?

A Yes.
Q The foster parents are tasked with meeting their -these children's educational, emotional, and/or medical needs?

A Yes.

Q And that's something that they reach out to the Department of Family Services and work together collaboratively with you and the permanency workers to achieve; right?

A Yes.

Q Okay. So there were some concerns that came up from Lori Wells. I want to direct your attention to that. Isn't
it accurate to say that Lori Wells contacted you -- or contacted the Department, rather, after Dwight went in to the office and had an in-person conversation with Lori Wells?

A I don't recall if that was the first time, but I do remember that time.

Q Okay. There was a specific time where Lori Wells contacted both you and Gail Anderson at the time to report that she was upset about how Dwight had come into the office; correct?

A Yes.

Q And that was an interaction where Dwight came into the office, and not Janet; correct?

A To my memory, yes.
Q Okay. All right. And then when that issue is reported to you from Lori Wells the concern of the Department was the foster parent Dwight's reaction to Areahia when she expressed anger or frustration; correct?

A Can you reference which time we're talking about?
Q Yes. All right. So if $I$ informed you that according to a unity note entered by you on November 13 of 2013 that you documented foster parent Dwight -- you were advised that foster parent Dwight said it was an unacceptable expression of anger for Areahia to slam her notebook down on the table.

A Yes. I do recall that, yes.

Q Okay. And that's something that you documented in unity notes?

A Yes, it is.
Q Okay. And when you document things in unity notes contemporaneous or very shortly after these kinds of encounters happen; right?

A Yes.
Q They're still fresh in your mind when you're writing this for accuracy purposes; right?

A Correct.
Q Okay. And it was the therapist's concern that Dwight had, and your quote was "unrealistic set of expectations for these children"; correct?

A Yes. If that's what $I$ wrote, yes.
Q Okay. So Ms. Wells's report when she reached out to you on November 13th, 2013, specifically as to Dwight and his set of unrealistic expectations for the children; correct?

A Yes.
Q Okay. Now, you were asked questions on direct examination about a time when you were interacting with Lori Wells and there was a question about how a CPS request for investigation came from her. So I want to direct your attention to your unity note that would have been entered it looks like October 31st, 2013. It was the therapist that reported to you that the in-home services provider, a PSR
worker specifically, reported seeing the adoptive children in the home sitting on portable toilets in the living room; correct?

A If that's what $I$ wrote, true, yes.
Q Okay. And your unity note further states, "This worker," meaning you, "asked if a report was called in, and the therapist reported no." Correct?

A True. Yes.
Q And so it was your instruction, then, for her to call that in; correct?

A Yes.
Q And then pursuant to your instruction Lori followed that; correct?

A As far as $I$ know, yes.
Q Okay. And at the time that she was reaching out to you she had not actually made a CPS referral based on the PSR's observation that was disclosed to her?

A When I asked she said no.
Q Okay. Right. When she asked -- or when you asked she said no. All right.

Ms. Hammack, as you continued to supervise this case the foster parents expressed additional concerns about the therapist not acting professionally or ethically with respect to her obligations to Areahia; correct?

A Can you be more specific?

Q Sure. As late as November 16th, 2013, the foster parents were calling the Department of Familiar Services to express that they did not want Lori Wells to continue because Areahia had concerns over the disclosure of confidential therapy information; right?

A Yes.
Q Okay. And so there was a decision to have Lori Wells removed from the case; correct?

A Yes.
Q Okay. And that decision was made by you and the worker at the time, Aya Orenick; correct?

A Yes.

Q Okay. And that was a decision made based on the best interest of Areahia; correct?

A Yes.

Q And also based on the interest in pursuing reunification with Areahia's biological family?

A Yes.

Q Because therapy would be -- strike that.
This is a decision for the best interest of Areahia based on the idea that she would be reunified with home basically?

A With her biological parents, yes.
Q Okay. And so any decision that you made was to avoid any barrier to the reunification; correct?

A Yes.
Q And so a barrier to reunification would be any kind of conflict between or dispute or disagreement between foster parents and the therapist; correct?

A More so a child [unintelligible]. It's more about the child, I would say.

Q Okay. So the decision was more about the child's interest and not the foster parents' request; right?

A Correct.
Q Okay. Now, Ms. Hammack, you were asked questions about the issue of the dentist followup when Kaeshia Burnett was admitted to the Monte Vista Hospital, so I'm going to direct your attention to that time period. As a supervisor you were aware that the Diaz-Burnett [unintelligible] had -at least particularly the younger one, had significant dental issues; correct?

A I don't know if I would call it significant. I just know that they were having dental issues and they had been seen by a dentist.

Q Well, in fact they had brown, decaying teeth and that's why they had to be seen by a dentist; correct?

A I would have to look at documentation. I just know that the dentist [unintelligible].

Q Well, and you're also -- to your knowledge, Kaeshia also had dental surgery scheduled for shortly after her
hospital visit; correct?

A I don't -- I don't recall that.

Q Okay. So if it's document in the unity notes as far at least the permanency worker that Kaeshia had dental surgery scheduled for later in the month, the same month that she was in the hospital, you would have no reason to dispute that; correct?

A I would not.
Q Okay. And it was for a dental surgery that she needed caps on the brown, decaying teeth. You would have no reason to dispute that if that's what was documented in the unity notes?

A No, I would not.
Q Okay. And so when the -- you don't recall which one, but one of the Solanders spoke with you over the phone and they were upset that the child patient had been given soda you understand that they were again trying to meet the needs of a child who had dental surgery scheduled later in the month?

A Yes. And that's why I had followed up with the documentation from the dentist.

Q Okay. And gave you the dentist's information; correct?

A I don't recall how I got it, but I got it, yes.
Q Okay. There was no issue in getting that
documentation from the dentist; correct?

A No.

Q Okay. Ms. Hammack, you were asked questions relating to documenting your concerns and then you left for a period on FMLA. I want to direct your attention to that time period.

You testified that no one reached out to you about any of your concerns for that you documented about the DiazBurnett children; correct?

A Correct.

Q But as a supervisor you'd already entered your unity notes documenting all of your conversations about the DiazBurnett children; correct?

A Yes. And/or had conversations, yes.
Q And you would have also documented any reported concerns to you from any service providers; correct?

A Yes.

Q And you would have also documented any observations or concerns that you had about the foster parents; correct?

A Yes.

Q So that's something that you do as a supervisor, is enter those notes contemporaneously as the issues come up; correct?

A Yes.

Q So the unity notes already documented all of the
information for anyone who was taking over for you while you were out on FMLA; correct?

A To my knowledge, yes.
Q Well, you personally entered the unity notes, so, to your knowledge, you had those unity notes already entered; correct?

A Yes.
Q Okay. There was no gap in information?
A No, not to my knowledge.
Q Okay. Now, you testified about staffing any of your concerns with your immediate upper management. And you identified Ms. Stromberg as part of that upper management. Who else did you consider and consult with in upper management?

A Actually that was my manager at the time, so that was who I consulted.

Q Okay. Correct me if I'm wrong, but I understood that you said that at times you also staffed with upper management even above Ms. Stromberg. Was there anyone else that you ever staff with about any concerns?

A I don't -- it's like [unintelligible] that was past her I'd [unintelligible], because I'd only collaborate with her above me.

Q Okay. I appreciate that clarification. MS. McAMIS: Court's indulgence.
(Pause in the proceedings)
MS. McAMIS: Pass the witness.
THE COURT: Any redirect?
MS. BLUTH: No, Your Honor. Thank you.
THE COURT: Any juror questions for this witness?
All right. I see no hands. All right. Ma'am,
thank you for your testimony. There don't appear to be any additional questions. You are excused at this time.

THE WITNESS: Thank you.
THE COURT: And shall we take our evening recess? Ladies and gentlemen, we're going to go ahead and take our evening recess. The Court has an unrelated civil matter in the morning, so for that reason we'll reconvene at 9:45. 9:45 tomorrow.

During the evening recess you're reminded that you're not to discuss the case or anything relating to the case with each other or with anyone else. You're not to read, watch, or listen to any reports of or commentaries on the case, person, or subject matter relating to the case. Don't do any independent research by way of the Internet or any other medium. Please don't form or express an opinion on the trial. Before I excuse you I'll see the bailiff at the bench.
(Pause in the proceedings)

THE COURT: Please place your note pads in your chairs and follow the bailiff through the double doors. We'll see everyone back at 9:45 tomorrow.

I'll see counsel at the bench, please.
(Jury recessed at 4:48 p.m.)
(Off-record bench conference, not recorded)
THE COURT: It's almost good evening. The reason I
brought you in by yourself is because apparently you mentioned something to my bailiff that you had prepaid some kind of trip or something like that. So can you tell me what's going on with that.

JUROR NUMBER 15: Yeah. So it's just an Indian reservation that you have to put a bid in for, and I actually did that about a year ago before $I$ knew anything about jury duty. So that's pretty much what it is.

THE COURT: What is -- is it a trip, or what is it?
JUROR NUMBER 15: Yeah. It's -- you go into the Grand Canyon and just check out like their tribes and everything. That's pretty much what it is.

THE COURT: Okay. And is it with the Hualapai Indians?

JUROR NUMBER 15: The Hualapai? Yeah, yeah, yeah. Yes, it's the Hualapai.

THE COURT: Okay. And then when -- how much did you -- can you tell me more about it, what kind of arrangements

