

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

2 JANET SOLANDER,)

CASE NO. 76228

3 Appellant,)

Electronically Filed
Apr 17 2019 09:19 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

4 vs.)

VOLUME XII

5 THE STATE OF NEVADA,)

6 Respondent.)

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

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

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1 you made, if you paid any money, when you would be leaving and
2 coming back and all of that.

3 JUROR NUMBER 15: Yeah. So it's \$360, and then 200
4 to stay at the lodge there, so whatever, 560.

5 THE COURT: Okay.

6 JUROR NUMBER 15: I'd be leaving Thursday and coming
7 back Friday around 1:00 p.m.

8 THE COURT: Okay. And leaving Thursday?

9 JUROR NUMBER 15: Like 6:30 a.m., first thing in the
10 morning.

11 THE COURT: Okay. And then how much -- have you put
12 down a deposit, or have you --

13 JUROR NUMBER 15: It's already paid for. So I paid
14 for this last February.

15 THE COURT: Okay. And you said you have something
16 with you?

17 JUROR NUMBER 15: Yeah. Like I can just look it up
18 on my phone really quick.

19 THE COURT: Is there any way -- yeah, if you would
20 show that to -- if you'd pull that up on your phone.

21 JUROR NUMBER 15: Yeah. Absolutely.

22 And again, I also wanted to just mention that I
23 don't feel like my trip is more important than the case.

24 THE COURT: Okay.

25 JUROR NUMBER 15: Like I don't feel like this is -nd

1 that's why I didn't raise my hand originally --

2 THE COURT: Okay.

3 JUROR NUMBER 15: -- because I don't feel like that.

4 THE COURT: Okay. So, in other words, you're
5 willing to cancel your trip? What I was wondering is could
6 you reschedule your trip?

7 JUROR NUMBER 15: Oh, yeah, that's another thing, is
8 you can't -- I already called them. You can't -- it's not
9 transferable, I can't get my money back, and I can't switch
10 dates. They're really, really strict about it because they
11 only let 30 people in the campground at a time.

12 THE COURT: Okay. And I'm sorry. You didn't raise
13 your hand about it when we were going through the hardships
14 because why?

15 JUROR NUMBER 15: Because I felt like it wasn't a
16 hardship. Like there were single moms who have children to
17 take care of, and I felt that being like, oh, okay, I have a
18 vacation. You know what I mean?

19 THE COURT: Right. So as you sit here today are you
20 asking us to do what?

21 JUROR NUMBER 15: I guess I'm just asking if there's
22 any way at all that I can go. But if it's going to
23 significantly change things, then I'm going to understand and
24 lose out in the money. You know what I mean.

25 THE COURT: Do you think if I were to write a letter

1 to whoever, the chief of the Hualapai Nation or just whoever
2 is in charge of that on my letterhead saying that you've been
3 selected to serve as a juror and could they accommodate that
4 by allowing you to reschedule your trip or --

5 JUROR NUMBER 15: Yeah.

6 THE COURT: -- or refunding the money or something
7 like that, do you think that that would be productive, to
8 maybe talk to somebody --

9 JUROR NUMBER 15: Yeah, uh-huh.

10 THE COURT: -- there and see if they get a letter
11 from the Court saying, you know, you've been chosen as a juror
12 and we're going through these days, if that would help you.

13 JUROR NUMBER 15: Yeah, definitely. Yeah. Because
14 like I wrote on there -- I'm part of like the little group on
15 like the Internet, and I asked that question, and somebody did
16 get back to me and say, well, that's when you just ask the
17 Judge if you can reschedule your thing. But that was already
18 -- when I already got chosen, you know.

19 THE COURT: Right.

20 JUROR NUMBER 15: And they were like, there's no
21 refunds or anything. But I think that it might be a little
22 bit different maybe if you did write a letter.

23 THE COURT: Okay.

24 JUROR NUMBER 15: And then worst-case scenario is
25 they say no. I'm not going to hold it against anybody. I

1 understand this is just --

2 THE COURT: Okay. Well, why don't you -- if there's

3 somebody you can ask -- otherwise we'll be happy to do the

4 letter basically saying you've been selected as a juror --

5 JUROR NUMBER 15: Okay.

6 THE COURT: -- and to please allow you to reschedule

7 your trip or refund your money or whatever.

8 JUROR NUMBER 15: Okay. So maybe it's a phone call

9 that I might need to make.

10 THE COURT: Or I can make a phone call to whomever,

11 either. But it might be better a phone call or a letter

12 followed up by a phone call or whatever.

13 And then, Kenny, did you see that?

14 Does either side want to look at the juror's phone?

15 MS. BLUTH: No, thank you, Your Honor.

16 MR. FIGLER: Oh, no.

17 MS. McAMIS: It's sufficient for Kenny.

18 THE COURT: Okay. All right.

19 THE MARSHAL: I verified it. It's for March 1st.

20 THE COURT: Does either side have any questions?

21 MR. FIGLER: No, Your Honor.

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

23 THE COURT: All right. So why don't you see if you

24 can find out any more information.

25 JUROR NUMBER 15: Okay.

1 THE COURT: We'll be happy to do up the letter
2 tomorrow morning, mainly because my JEA will be leaving soon.
3 And then we'll figure out maybe on a break where we are.

4 JUROR NUMBER 15: Okay. Thank you, Your Honor. I
5 appreciate it.

6 THE COURT: All right. Thank you. And please don't
7 discuss this issue with the other perspective -- or not the
8 other -- the other actual jurors, and don't discuss what we
9 have just discussed and what's just transpired in the
10 courtroom with the other jurors.

11 All right. Thank you. And we'll see you back
12 tomorrow.

13 JUROR NUMBER 15: Okay. Sounds good.

14 THE COURT: All right. I think that's all we needed
15 to do today, so -- right?

16 MS. McAMIS: Yeah. I don't think we have anything
17 to put on the record outside the presence.

18 THE COURT: All right. We'll see everyone back at
19 9:45.

20 (Court recessed at 4:55 p.m., until the following day,
21 Wednesday, February 28, 2018, at 9:45 a.m.)

22 * * * * *

23

24

25

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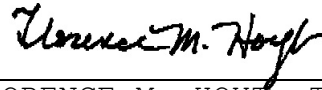
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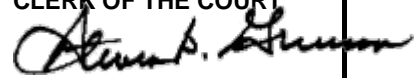
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DATE



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,

Plaintiff,

vs.

JANET SOLANDER,

Defendant.

CASE NO. C299737-3
DEPT NO. XXI

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

JURY TRIAL - DAY 12

WEDNESDAY, FEBRUARY 28, 2018

APPEARANCES:

FOR THE STATE:

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CHRISTOPHER S. HAMNER, ESQ
Chief Deputy District Attorneys

FOR THE DEFENDANT:

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

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

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1 LAS VEGAS, CLARK COUNTY, NEVADA, FEBRUARY 28, 2018, 9:56 A.M.

2 * * * * *

3 (Outside the presence of the jury)

4 THE COURT: All right. On the record. The Court has
5 tried to compare the justice court records with what had
6 already been given. I think these records have already been
7 given, but out of an abundance of caution both sides have
8 requested that the Court give them again. So we're going to go
9 ahead and do that, but I do believe that these records that
10 included interviews with the three Solander girls as well as
11 Autumn and Ivy have been given -- some of this has been after
12 the girls I think we're removed and just the home visits --

13 MS. BLUTH: Yeah. And Ms. McAmis and I had an
14 opportunity to look up there with Your Honor. We believe what
15 Your Honor was looking at is something that we already have,
16 but both sides just out of an abundance of caution would just
17 like another copy just so we can cross reference if that's
18 okay?

19 THE COURT: Right.

20 MS. MCAMIS: That's correct.

21 THE COURT: All right. So we'll give you that. Like
22 I said, it appears to have been given but just out of an
23 abundance of caution --

24 MS. BLUTH: Okay.

25 THE COURT: -- give it again.

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1 Kenny -- I thought it would be better to do it more
2 informally than me telling the jury that we're going into
3 another week because they've been asking Kenny. So I felt like
4 it was better to have Kenny to do it informally than everybody
5 in here start raising their hands. So Kenny's going to mention
6 to them informally that it looks like we're going into next
7 week --

8 MR. HAMNER: He's going on out there right now.

9 THE COURT: -- you know, I said mid to late next
10 week.

11 MS. BLUTH: Okay.

12 MR. HAMNER: That's what I was hearing.

13 THE COURT: What are we -- what do we realistically
14 think?

15 MS. BLUTH: I think late.

16 MR. HAMNER: Next week. End of next week.

17 MS. BLUTH: Yeah.

18 THE COURT: That's what Kenny thought. Can we finish
19 by the end of next week because I need to know before I excuse
20 the gal for her vacation? I did write a letter just asking
21 them to allow her to reschedule her trip; that's all I said, I
22 mean --

23 MS. BLUTH: Right. So --

24 THE COURT: -- I have to be kind of careful because I
25 can't really direct someone I have no jurisdiction over to give

1 her a refund --

2 MS. MCAMIS: Of course.

3 THE COURT: -- or anything like that. So I don't
4 know if the letter will help or not, but before I excuse her we
5 need to obviously know if there are going to be other more
6 serious conflicts because people might have other things
7 scheduled so.

8 MS. BLUTH: Right. I mean, so the issue is Chris and
9 I spoke last night with Ms. McAmis and Mr. Figler about who we
10 have left. So we have the three Solander girls. We have
11 Debbie McClain and Dr. Cetl. We have Josh Bitsko who should be
12 quick; he did the search warrant on the house.

13 THE COURT: Okay.

14 MS. BLUTH: Frances Emery who is the detective but it
15 shouldn't be that long.

16 THE COURT: Do we even need her?

17 MS. BLUTH: We do because she kind of directs the
18 search warrant for the computer doc.

19 THE COURT: Okay. You need somebody for the
20 computers?

21 MS. BLUTH: Yes. And so what I spoke to Dayvid
22 and --

23 THE COURT: And you need Ms. Richardson again?

24 MS. BLUTH: Yeah, she's here right now.

25 MR. HAMNER: She's here.

1 THE COURT: Okay, so can -- is that it then we can
2 have eight or nine --

3 MS. BLUTH: Can we what? Oh, no, Judge, I've still
4 got to talk about some more people; is that what you mean? But
5 wait so there is an individual in California who what happens
6 is they serve a search warrant on Dwight's computer at work --

7 THE COURT: Right.

8 MS. BLUTH: -- so the people at work get their IT guy
9 to do a complete download onto a flash drive --

10 THE COURT: Right.

11 MS. BLUTH: -- they then FedEx it to Frances. So I
12 talked to Dayvid and Caitlyn do I really need to bring in that
13 guy from California --

14 THE COURT: That can they stipulate us to --

15 MS. BLUTH: -- so what Dayvid and Caitlyn said was,
16 if he would write an affidavit that discussed the steps that he
17 did, then they thought as long as those were answered then it
18 would -- that it would be okay. So what I didn't realize is
19 when I was speaking when the detective last night on the phone
20 that a letter did come with a USB, and she's providing me a
21 copy with it that explained exactly what he did. So I'm going
22 to show it to defense.

23 THE COURT: Okay.

24 MS. BLUTH: So that would be one that we can maybe
25 potentially get rid of, but then other than that we have

1 Dr. Stevens, Dr. Bernstein, and Dr. Miletì.

2 THE COURT: What do they add? 'Cause honestly I
3 think some of these witnesses really wound up not adding very
4 much --

5 MS. BLUTH: Well, the problem is that -- and I --

6 THE COURT: -- including the guy, I mean, I didn't
7 think the guy from Florida added really all that, I mean, a lot
8 of this is kind of cumulative.

9 MR. HAMNER: Well --

10 MS. BLUTH: Well, I think the point of the guy from
11 Florida is though is that he didn't --

12 THE COURT: Well, he's, you know, that horse has left
13 the barn so we don't need to --

14 MS. BLUTH: Oh, okay.

15 THE COURT: -- you see what I'm saying? I think some
16 of this is getting pretty cumulative, but who's left?

17 MS. BLUTH: Well, in regards to the doctors I asked
18 Dayvid if there would be some if we didn't call and he said
19 look if you don't call them I'm pointing out that you didn't
20 call them. So, I mean, I can't --

21 MS. MCAMIS: That's correct. He did say that.

22 THE COURT: Okay. All right. So then you have to
23 call them.

24 MS. BLUTH: I don't have a choice. So, yeah.

25 THE COURT: So three more doctors not counting

1 Dr. Cetl --

2 MS. BLUTH: It's four if you count Cetl.

3 THE COURT: Right.

4 MS. BLUTH: And then the three girls.

5 MR. HAMNER: Five (inaudible).

6 MS. BLUTH: And one's coming right now --

7 MR. HAMNER: He's going to be very short.

8 THE COURT: Okay.

9 So, Kenny, did you break the good news to the jury?

10 MS. BLUTH: How did that go, Kenny?

11 THE MARSHAL: Juror No. 5 was the only one that had
12 an issue, but he said he can work around it if need be. He had
13 to leave town on Wednesday for work, but like I said he could
14 probably mingle some things around and work around that.

15 THE COURT: Okay. What did you tell them? Did you
16 tell them mid to late?

17 THE MARSHAL: I told them probably middle of next
18 week, but does anybody have anything until the next week just
19 to cover any issues so.

20 THE COURT: Okay.

21 THE MARSHAL: And then Juror No. 6 she said nothing
22 because they ended up firing her for work because she wouldn't
23 come on the weekend --

24 THE COURT: What?

25 THE MARSHAL: Yeah.

1 MS. BLUTH: Because she wouldn't come on the
2 weekends?

3 THE MARSHAL: Yeah.

4 MS. BLUTH: Can they do that, Judge?

5 MR. HAMNER: I didn't think they could do that.

6 THE COURT: No.

7 MS. BLUTH: Yeah. Wow.

8 THE MARSHAL: Yeah, she said that they fired her
9 because she --

10 THE COURT: Is she upset?

11 THE MARSHAL: She seemed a little upset, but not too
12 emotional about it so.

13 MR. HAMNER: That's Juror No. 6.

14 THE COURT: Ask her if she wants a letter. I can sit
15 and do a --

16 THE MARSHAL: Well, we did the letter for her already
17 saying can you excuse her on the weekend because she has to sit
18 here five days a week we want her to focus --

19 THE COURT: I said I think can you excuse her from
20 all shifts or something --

21 THE MARSHAL: Yeah.

22 MS. BLUTH: Wow.

23 THE COURT: -- through the trial.

24 MS. BLUTH: They are -- that can be big --

25 THE MARSHAL: So since she's not here in court --

1 THE COURT: I mean, ask her if she wants me to send
2 them a letter telling them it's a gross misdemeanor --

3 MS. BLUTH: Yeah.

4 MR. HAMNER: Absolutely.

5 THE COURT: -- to punish somebody.

6 MS. BLUTH: What if she doesn't want to work there
7 anymore -- that's -- I've never heard of someone doing that.
8 Where does she work?

9 THE MARSHAL: I don't remember where she works; I
10 didn't ask, but it was something because she's not in court on
11 Saturday and Sunday so they expected her to be at work.

12 MS. BLUTH: Wow.

13 MS. MCAMIS: So basically work seven days a week.

14 THE MARSHAL: And she said no so they fired her for
15 insubordination.

16 MR. HAMNER: Oh, wow.

17 THE COURT: Find out -- or maybe I should bring her
18 in and talk to her and offer to do another letter or a call
19 them or something like that.

20 MS. BLUTH: Yeah. We'll send them Mark and Dennis.

21 MR. HAMNER: We'll send them Mark and Dennis, we'll
22 take care of it.

23 THE COURT: It is a gross misdemeanor, I mean --

24 MR. HAMNER: I know.

25 MS. BLUTH: That's so offensive to me.

1 MR. HAMNER: That's messed up.

2 MS. BLUTH: Holy cow. Geez Louise you guys.

3 UNIDENTIFIED SPEAKER: Did you say 6?

4 THE MARSHAL: Juror No. 6, yeah.

5 MR. HAMNER: Yeah, I think they're fire me from SVU
6 because I've been here so long.

7 THE COURT: Why don't you talk to her in the hallway
8 and ask her if she wants me to do anything --

9 MS. BLUTH: Well, if anyone's getting fired it's me
10 because I'm the one that's chief deputy and I've been in here
11 so long.

12 THE COURT: -- like send in another letter or call
13 them or.

14 THE MARSHAL: Okay.

15 THE COURT: All right. Other than that are we ready?

16 MS. BLUTH: Yes.

17 MS. MCAMIS: Yes, Your Honor.

18 MR. HAMNER: Yes.

19 THE COURT: Give me two minutes to -- if anyone needs
20 to take a moment do it now.

21 (Pause in the proceedings)

22 (Outside the presence of the jury)

23 MS. BLUTH: -- will be getting called in. So I let
24 Mr. Figler and Ms. McAmis know that Ava -- their name is
25 McClain --

1 THE COURT: Okay.

2 MS. BLUTH: -- Ava McClain will be coming in via
3 transportation from -- I'm forgetting because I don't know this
4 town -- I think it's called Amargosa Valley --

5 THE COURT: Yeah, Amargosa Valley.

6 MS. BLUTH: Okay. And because she was in the custody
7 of Child Haven and the way that that pans out is the following.
8 There was a conversation with Debbie McClain, her mother, let's
9 say on a Thursday, okay. I don't know the dates, but so I can
10 explain this process on, like, a Thursday --

11 THE COURT: Ms. McClain is their prior foster mother?

12 MS. BLUTH: Is their mom now.

13 THE COURT: And now adopted mother?

14 MS. BLUTH: Yes.

15 THE COURT: Okay.

16 MS. BLUTH: Okay. So there was a conversation that
17 Ava had with Debbie about being very upset about a class at
18 school where she felt like the children were being
19 disrespectful and unruly and that she wasn't learning anything.
20 She wasn't getting anything out of the class. The teacher had
21 already been spoken to about this blah, blah, blah. Debbie
22 said, okay, well, you know, I'll go in and talk to her -- talk
23 to him again, but I'm not sure anything's going to happen.

24 So the next day Ava didn't go to that class; she ran
25 away, and Debbie had a consequence, like, if you run away from

1 my home, you don't get to just come back in the door as you go
2 to juvenile hall or whatever they call it and, you know,
3 there's a consequence when you come back.

4 So fast forward, like, either the next day or the day
5 after that Amaya, who is the middle child, is very involved in
6 school sports so she's on the flag football team. Debbie goes
7 to all her games. After the game Debbie went to get Amaya in
8 the car, and Amaya said can we give one of my friends a ride
9 home. And Debbie's like, yeah, of course, who is it? And she
10 said it's Ava, and Debbie said, no, there are consequences for
11 Ava's actions. Ava ran away from home. She has to go tell the
12 school police and they will take her blah, blah, blah, right.

13 So then Amaya says I'm not leaving my sister out here
14 by herself, and then Debbie said, well, then there will be
15 consequences for your actions as well. Amaya, get in the car.
16 And Amaya would not leave Ava and so --

17 THE COURT: So now where are they? Are they down on
18 east Bonanza --

19 MS. BLUTH: They're at school.

20 THE COURT: Oh, they're at the school at this point?

21 MS. BLUTH: Yeah.

22 THE COURT: Okay.

23 MS. BLUTH: I think that that's where -- I know that
24 they were at the game; so I don't know if the game is at their
25 school or at another school --

1 THE COURT: Okay. So they're at school --

2 MS. BLUTH: -- but I believe they were at their
3 school because Ava was there.

4 THE COURT: And now these kids are all high school
5 age by this time?

6 MS. BLUTH: The oldest two.

7 THE COURT: Okay.

8 MS. BLUTH: So Debbie said, okay, and so Debbie said
9 there are two school police officers; you let them know the
10 situation, and so Debbie drove off. School police called --
11 Ava and Amaya do what they're told. They go tell school
12 police, and school police calls Debbie, like, you need to come
13 pick them up, and Debbie said, no, Ava ran away, Amaya has made
14 this decision. There are consequences for their actions. I'm
15 not going to come pick them up.

16 So the school police doesn't believe that this rises
17 to juvenile delinquency so they call Child Haven. Child Haven
18 calls -- or CPS calls Debbie. Debbie says the same thing and
19 CPS is, like, well, you're not going to, you know, keep one and
20 have, you know, tell the other two and Debbie was, like, well,
21 yes, I am because the little one didn't do anything, and so she
22 guesses, like, well we have to take her too, so they came and
23 got Anastasia.

24 Okay. So at this point in time Amaya is home,
25 Anastasia is home, but Ava is going to this group home in

1 Amoroso --

2 THE COURT: Amargosa.

3 MS. BLUTH: -- Amargosa Valley. And so she will be
4 being transported --

5 THE COURT: And that's the little one now?

6 MS. BLUTH: That's the oldest one.

7 THE COURT: Okay.

8 MS. BLUTH: The one who ran away.

9 THE COURT: The one who started the whole thing?

10 MS. BLUTH: Yes. And so, you know, this is very
11 upsetting for the sisters obviously because they -- there are
12 times where they don't get along, but, like, you know it's the
13 situation where you can talk crap about your sister, but nobody
14 else can talk --

15 THE COURT: Right. Exactly.

16 MS. BLUTH: -- crap about your sisters. So they are
17 very upset right now. So I let defense know about this issue.
18 Obviously I also let them know that I would be making an
19 oral -- making an oral motion in limine to preclude any of this
20 from coming in. I don't think it's relevant in any way how
21 they're behaving, you know, four years afterwards. I mean, it
22 doesn't have anything -- how is it probative to explain what
23 Janet did or didn't do to them during that time period. And
24 obviously I know they are going to make a motion --

25 THE COURT: Right. They're going to say well,

1 there -- wasn't there talk -- hasn't there been some evidence
2 about somebody wanting to run away or talking about running
3 away?

4 MS. MCAMIS: That's correct.

5 MS. BLUTH: Yeah. So anyways, I mean, I -- so Your
6 Honor's saying that because they talked about running away
7 or --

8 THE COURT: Well, no, I'm just saying I'm assuming
9 that's what Ms. McAmis is going to bring up that there was, you
10 know, I mean, the issue of the behavior. If it's relevant to
11 anybody, the only child it would even be relevant to is the
12 oldest child --

13 MS. BLUTH: Sure.

14 THE COURT: -- I don't think it's at all relevant to
15 the middle child who's just siding with her sister --

16 MS. BLUTH: Right.

17 THE COURT: -- but if it is at all relevant --

18 MR. FIGLER: If it bears out, I mean, I appreciate --

19 THE COURT: -- I would say the only relevance could
20 be to the older child who disobeyed Ms. McClain by running
21 away, I guess, being truant at school.

22 MR. FIGLER: But I appreciate that Ms. Bluth's
23 representations to the Court seemed to stem all from
24 Ms. McClain, and there may be a very different story from CPS.
25 There may be a different story from the school officer. So

1 there may be a very different story from this group home. I
2 don't know, and I don't know that Ms. Bluth knows. She's
3 accepting the representations of Ms. McClain. I think that
4 somebody needs to sort through it to see if that is a fair
5 representation.

6 THE COURT: Well, let me just say this. If
7 Ms. McClain did something wrong in this whole picture, that's
8 completely irrelevant --

9 MR. FIGLER: Well --

10 THE COURT: -- if Ms. McClain has been abusive or
11 negligent or anything like that, I don't know if that's where
12 you're going with your comments, then I think that's completely
13 irrelevant.

14 MR. FIGLER: Well, let's just focus that Ms. McClain
15 is a material witness to the State --

16 THE COURT: Oh, right.

17 MR. FIGLER: -- with regard to her representation as
18 well and her credibility with regard and we presume she's going
19 to testify these are normal, healthy girls and everything is
20 fine and there's no problems and all sorts of stuff, 'cause
21 that is what was represented in the opening.

22 Now, you know the defense has been trying to without
23 any success to get any sort of postpartum records other than
24 Dr. Cetl is the last set of records essentially that we have.
25 Although we now have from the gastroenterologist, we have some

1 records of Amaya's continued --

2 -- Amaya?

3 MS. MCAMIS: Yeah, (inaudible).

4 MR. FIGLER: -- or was it Ava?

5 MS. MCAMIS: Amaya.

6 MR. FIGLER: -- Amaya continued doctor treatments in
7 2015, but we have nothing on behavioral, nothing on
8 psychological, nothing on anything else that would suggest that
9 these girls are exaggerating or not being truthful with regard
10 to the allegations especially as they relate to the sexual
11 assault --

12 THE COURT: Right. I mean --

13 MR. FIGLER: -- so everything is kind of in play, and
14 if there is something that exposes a behavioral acting out or
15 some admissions of some sort I don't know because all we have
16 right now is Ms. Bluth reporting to us what Ms. McClain is
17 reporting to her.

18 THE COURT: Right.

19 MS. BLUTH: So but I want to be clear. Never have I
20 ever said that these children were behaviorally okay after they
21 came back, no, no, no. I've never seen any records about it.
22 What I did say is they don't have toileting issues or wellness
23 issues --

24 THE COURT: Now, I do know there was in the records
25 which everybody got, there were issues -- toileting issues with

1 one of the children dating way before --

2 MR. FIGLER: Actually a couple dating way before.

3 THE COURT: Way -- well, way dating --

4 MS. BLUTH: 2008.

5 THE COURT: -- dating before even placement --

6 MR. FIGLER: Two years before.

7 THE COURT: -- with the --

8 MR. FIGLER: Solanders.

9 THE COURT: -- Solanders that was given to you --

10 MR. FIGLER: Right.

11 THE COURT: -- and then the other thing was
12 behavioral issues with whichever the one with behavioral
13 problems --

14 MR. FIGLER: Amaya.

15 MS. BLUTH: Amaya.

16 THE COURT: -- is going to the grandmother and you
17 got that. And that was --

18 MR. FIGLER: Right. Right. And that I think has
19 come out --

20 THE COURT: -- new that I -- it may have been in the
21 records I looked in three years ago, but that jumped out at me
22 and you got that.

23 MS. BLUTH: Right.

24 MR. FIGLER: Yeah.

25 MS. BLUTH: But what I'm saying I'm talking about

1 after they get taken out with --

2 THE COURT: No. No. Well, I think -- look, if, I
3 mean just generally look. If these girls have ongoing
4 behavioral issues that are probative in some way or that bear
5 on their credibility and likelihood of exaggeration because
6 that's going to be the defense, like sure --

7 MS. BLUTH: Sure.

8 THE COURT: -- there was some discipline, but they're
9 exaggerating. They're certainly exaggerating the paint stick,
10 I mean, they have to get rid of the paint stick claim and then
11 somehow explain the catheter --

12 MR. FIGLER: Right.

13 MS. BLUTH: Right. So --

14 THE COURT: -- I mean, I think that's really the big
15 issue for the defense.

16 MR. FIGLER: Hundred percent.

17 THE COURT: And so if there's something to suggest
18 these girls exaggerate or are untruthful in some way --

19 MS. BLUTH: Right.

20 THE COURT: -- they're entitled to that. Right now
21 the only issue may be on the older girl, the running away, the
22 disobedience. I don't see anything on the middle child. Look,
23 if there are CPS records, is that where you're going with this,
24 Ms. Bluth? Try to get the most recent CPS records relating to
25 this incident and the girls removal from Ms. McClain. Is that

1 where you're going?

2 MR. FIGLER: That's what we've been presented with
3 so --

4 THE COURT: Okay.

5 MR. FIGLER: -- of course we have to follow up on
6 that. Hundred percent.

7 THE COURT: All right. So, you know, maybe in all of
8 the time we have for you, you can see if your investigator can
9 reach out to CPS and get those records --

10 MS. BLUTH: Sure. I'll contact the --

11 THE COURT: -- for my in-camera review --

12 MR. FIGLER: Yeah.

13 THE COURT: -- and just see what's up with that if
14 there's anything else in those. I think that's where
15 Mr. Figler was going. So maybe you can text your investigator
16 something like that. Let's get --

17 MS. BLUTH: I'll just send an e-mail out.

18 THE COURT: All right. Let's get started.

19 (Pause in the proceedings)

20 (Jury entering 10:20 a.m.)

21 THE COURT: All right. Court is now back in session.
22 The record should reflect the presence of the State through the
23 deputy district attorneys, the presence of the defendant along
24 with her counsel, the officers of the court, and the ladies and
25 gentlemen of the jury.

1 And, State, you may call your next witness.

2 MR. HAMNER: State's going to call Dr. Michael Nyarko
3 to the stand or Nyarko.

4 THE COURT: And, Doctor, just follow my bailiff right
5 up here by me, please.

6 **MICHAEL NYARKO**

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

9 THE CLERK: Thank you. Please have a seat. State
10 and spell your first and last name for the record.

11 THE WITNESS: First name is Michael, M-i-c-h-a-e-l.
12 Last name Nyarko, N-y-a-r-k-o.

13 THE COURT: All right. Thank you.

14 And, Mr. Hamner, you may proceed.

15 MR. HAMNER: Thank you.

16 DIRECT EXAMINATION

17 BY MR. HAMNER:

18 Q Could you please explain to the jury what you do for
19 living, sir.

20 A I'm a pediatrician and that's what I do for living.

21 Q Okay. Could you tell us a little bit about your
22 educational degrees, how you got your medical degrees, where
23 did you study?

24 A Study in University of Ghana Medical School in
25 Africa, and did my residency in New York at Our Lady of Mercy

1 Hospital.

2 Q When did you get your medical degree, what year?

3 A 1977.

4 Q And when did you do your residency?

5 A '79 to '82.

6 Q How long have you been practicing medicine in the
7 United States?

8 A For the past 36 years.

9 Q Has it all been --

10 THE COURT: I'm sorry, how many years?

11 THE WITNESS: Thirty-six.

12 THE COURT: All right. And, Doctor, like all of the
13 other doctors who've been testifying in this case, you have a
14 quiet voice. We're lawyers so we all have loud voices. If you
15 can kind of try to talk towards that microphone there --

16 THE WITNESS: Oh, okay.

17 THE COURT: -- thank you because we need to make sure
18 that all the jurors can hear you.

19 THE WITNESS: Hear it, okay.

20 THE COURT: All right. Thank you.

21 Go ahead, Mr. Hamner.

22 MR. HAMNER: Thank you very much.

23 BY MR. HAMNER:

24 Q And, Doctor, you said you've been practicing medicine
25 for 36 years. What states have you practiced medicine here?

1 A New York and Nevada.

2 Q When did you come to Nevada?

3 A I had a better offer.

4 Q Okay. And then what year, what year did you come

5 here?

6 A Oh, what year. 1999.

7 Q Okay. And your specialty is what again?

8 A Pediatrics.

9 Q All right. And the entire time you've been

10 practicing for 36 years it's focused with pediatrics?

11 A With pediatrics.

12 Q Now, are you kind of a general pediatrician, or do

13 you have a particular specialty?

14 A General pediatrician.

15 Q Okay. I want to turn your attention to a couple of

16 kids I think you may have seen. Do you remember seeing a child

17 by the name of Jocelyn Ramirez?

18 A I don't recall, but I've been made aware of the

19 patient --

20 Q Okay.

21 A -- and I have notes on him.

22 Q Okay. So do you remember -- you remember reviewing

23 some of your prior records from years past related to a child

24 by the name of Jocelyn Ramirez?

25 A That's right.

1 Q Okay. And let me do this -- and typically when you
2 see a patient, Doctor, during the course of your treatment do
3 you not only kind of review your own notes, but if that same
4 patient happened to see maybe another doctor in your practice
5 group, do you review those notes as well?

6 A Yes, we do.

7 Q And why is that important for you to do that?

8 A It's good for continuation of care so that you know
9 what happened previously when he was checked in the office, and
10 what the child has at the present time that he sees you in the
11 office.

12 Q Okay. Excuse me. As part of your work do you also
13 sometimes receive reports or records from other physicians
14 who've seen that same child either before you started seeing
15 them or after or maybe even during the middle of your
16 treatment?

17 A Yes, I do. You have to send your examination report
18 on such a child. One is a referral, a specialist like a
19 gastroenterologist or a neurologist, will send you a report.
20 And sometimes when the child is being moved from one
21 pediatrician's office to the other because of whatever the
22 reasons that office practice will send the report.

23 Q Okay. So I want to first talk about Jocelyn Ramirez.
24 Now, was that a child with the date of birth of October 21st
25 of 2001, and if you're not sure, I can show some records to

1 help refresh your memory?

2 A No. I've refresh my memory on that already and, yes,
3 that was a child who was seen by me.

4 Q Okay. Do you remember whether or not she came in for
5 a visit on December 30, 2010?

6 A Again, I've reviewed it and yes, I do recall that.

7 Q Okay. Do you remember why she was coming in to see
8 you on that visit?

9 A That visit was a well-check visit. However we found
10 some issues with her.

11 Q Okay. And typically when you say issues, is that
12 kind of complaints being raised or some sort of --

13 A A complaint, yeah.

14 Q Okay. And one thing that's important because they're
15 kind of recording us is that I need you to let me finish my
16 answer before you answer as it gets jumbled.

17 What was being recorded as possible issues with
18 Jocelyn?

19 A Constipation and a UTI.

20 Q And was there -- and to be clear, who would be the
21 source of kind of reporting the symptomology?

22 A The parent or the caregiver.

23 Q Okay. For this child Jocelyn, do you remember
24 receiving any records prior from, like, another pediatrician
25 prior to seeing Jocelyn?

1 A No, I don't recall that.

2 Q So after you had kind of listened to some of the
3 symptomology, what was kind of the plan, to do what with her?

4 A To try to regulate her bowel movement and doing so we
5 treated her with MiraLAX.

6 Q Okay. Did you order a set of labs also to take a
7 look --

8 A Right to --

9 Q -- and why did you do that?

10 A For the child's general health well-being.

11 Q Okay. And do you recall reviewing -- recall what
12 those results were?

13 A They were all normal.

14 Q They were all what?

15 A Normal.

16 Q Normal?

17 A Normal. No, abnormality.

18 Q After that do recall whether or not a doctor by the
19 name of Dr. Kawan saw Jocelyn who was later renamed -- given
20 the name Ava Solander?

21 A Yes. Dr. Kawan saw this child also.

22 Q Is Dr. Kawan in your practice group or in your
23 medical group?

24 A She used to, but not anymore.

25 Q But let me set the time frame. In August of 2011 was

1 Dr. Kawan with your medical group?

2 A Yes.

3 Q So it would have been not out of the ordinary for her
4 to possibly see this child during that time frame?

5 A No, it would not.

6 Q And for the course of your treatment, would you have
7 reviewed her records as well?

8 A Definitely. When they come in we look at the
9 previous account.

10 Q Do you recall what the chief kind of complaint was at
11 that time?

12 A Again, constipation was the main and then --

13 Q Well, and let me -- if I --

14 A -- a question of burning on urination.

15 Q Okay. Well, let me at least approach with those
16 records to see that helps refresh your memory. Referring to
17 August 1st, 2011.

18 Let the record reflect I'm showing medical records
19 August 1st, 2011.

20 Doctor, I want you to take a look at that. Take a
21 look at this area here and let me know when your memory is
22 refreshed as to what was being complained of at that time.

23 A Vaginal complaints --

24 Q Okay. What was it --

25 A -- on the labia.

1 Q So there was, like, a lesion or a bump or something
2 like that?

3 A On the labia --

4 Q Now -- I'm sorry.

5 A Also drainage from the bump.

6 Q Okay. Doctor, previous when you had seen Ava slash
7 Jocelyn, when you saw her she was Jocelyn, were there any
8 reported diagnoses that the child had? Like, any prior
9 illnesses that the mother or the guardian was reporting to you?

10 A Well, the parent made me aware the child was also
11 receiving Risperdal for psychiatrics.

12 Q Okay. But no specific medical diagnoses?

13 A No.

14 Q Okay. When this child comes to see Dr. Kawan in
15 August 2011, is there any reported diagnoses for this
16 particular child?

17 A According to here the labia had pus coming out, but
18 resolving. Which means the parent must have indicated that it
19 was getting better.

20 Q No, I'm not talking about symptomology. I'm talking
21 about did this parent report to you that the child had a recent
22 medical diagnosis? Is that indicated somewhere in that note?

23 A No.

24 Q Doctor, if you could take a look at this line here
25 and tell me if that refreshes your memory.

1 A Oh, okay.

2 Q Does that refresh your memory if there was a reported
3 recent diagnosis?

4 A Yeah.

5 Q And what would that diagnosis be in August of 2011?

6 A It says Crohn's disease.

7 Q Crohn's?

8 A Yeah.

9 Q And the time this child was seen by Dr. Kawan is
10 August of 2011; is that right?

11 A Yeah.

12 Q Do you later receive a medical report of a
13 colonoscopy performed by a Dr. Christopher Rhee?

14 A No. I didn't get that.

15 Q Okay. Would it help refresh your memory to possibly
16 see --

17 A I'll have to took a look, yeah.

18 Q Okay.

19 MS. MCAMIS: Date on that, please?

20 MR. HAMNER: It's October 14th, 2011.

21 BY MR. HAMNER:

22 Q Why don't you take a look at that and see if you were
23 the recipient of some fax records and if they came from a
24 Dr. Rhee and what the procedure was. Let me know when your
25 memory's refreshed.

1 Doctor, does that help refresh your memory whether or
2 not you received some -- a medical report from a Dr. Rhee?

3 A Rhee. Not quite.

4 Q Well, would it -- would there be any reason for if
5 records had been requested for your office why that report
6 would be in there?

7 MS. MCAMIS: Well, objection. It assumes facts not
8 in evidence.

9 THE COURT: State your question.

10 BY MR. HAMNER:

11 Q I said if there were records requested from your
12 office, would there be any reason why those records would be in
13 this particular patient file?

14 A Well, a record --

15 Q I can rephrase that --

16 THE COURT: Yeah. Rephrase that. I'm not sure that
17 makes a lot of --

18 BY MR. HAMNER:

19 Q Isn't it true, Doctor, that on this -- this is -- the
20 first page is a fax cover sheet; right?

21 A Right.

22 Q Isn't it true that the recipient is Michael Nyarko?

23 A That's true.

24 Q Okay. And the date is October 14th, 2014?

25 A That is true.

1 Q And isn't on the second page it refers to a procedure
2 that was conducted on October 14th, 2011?

3 A That is correct.

4 Q And the physician noted is a Dr. Rhee?

5 A Yeah.

6 Q And the procedure's noted as a colonoscopy --

7 A Colonoscopy.

8 Q -- and an endoscopy?

9 A Yes.

10 Q And a video endoscopy capsule?

11 A Yes.

12 Q Okay. So you don't have an independent memory of it,
13 but it appears that the --

14 A Right. It had my name in the file.

15 Q Okay. This child was ultimately referred to some
16 type of GI doctor kind of going forward; is that right?

17 A Gastroenterology, yeah.

18 Q Okay. So let's move on to a different child. Do you
19 remember having an opportunity to examine a child by the name
20 of Jaqueline Ramirez on December 30, 2010?

21 A I reviewed the chart and it says I did see the kid.

22 Q Okay. And that was the child with the date of birth
23 of January 25th, 2003?

24 A Right.

25 Q Do you remember what the purpose of that initial

1 visit was for?

2 A Initial visit was for a well check.

3 Q Okay. Were there any complaints being raised at that
4 time during the well visit?

5 A The question of bowel movement according to the
6 record.

7 Q Okay. Were there some complaints of burning in the
8 urine as well?

9 A Burning on urination.

10 Q Okay. Did you make an assessment of dysuria and
11 constipation at that time?

12 A Yes.

13 Q And kind of going forward what was the plan? Did you
14 order kind of another lab analysis? What did you do?

15 A That was to give her something to take care of the
16 constipation and also a urine analysis and urine culture for
17 possible UTI.

18 Q Okay. Do you recall whether or not this same child
19 was seen about a month later by Dr. Kawan on January 27th,
20 2011?

21 A Yes.

22 Q Were the kind of reported symptoms similar?

23 A Similar symptoms, yeah.

24 Q Okay. Were there indications that the child was also
25 dealing with enuresis during the daytime?

1 A Not in Dr. Kawan's notes.

2 Q Okay. Would it help refresh your memory to maybe
3 take a look?

4 A Yeah.

5 Q Okay. Referring to January 27, 2011.

6 A Okay. So it reports enuresis.

7 Q Okay. And again the sources, I mean, it's -- well,
8 you weren't there at the meeting, but typically if the patients
9 when they come in with -- children when they come in with their
10 parents, parents are generally reporting the symptomology?

11 A The symptoms --

12 MS. MCAMIS: Objection. Calls for speculation.

13 THE COURT: State your question.

14 BY MR. HAMNER:

15 Q I just said typically in your experience when
16 patients -- children come in with their parents, their parents
17 tend to report the symptomology?

18 A Yes. The parents give the symptomology --

19 THE COURT: As opposed to the child?

20 THE WITNESS: As opposed to the child.

21 THE COURT: Okay.

22 THE WITNESS: However with adolescents and teenagers
23 they do their own talking.

24 BY MR. HAMNER:

25 Q And at this time this child was eight years old?

1 A Yes.

2 Q Were there recommendations for a urinalysis or labs
3 done on the urine?

4 A Yes. Urinalysis and urine culture.

5 Q Do you recall what the results of that urinalysis
6 was?

7 A No, I don't.

8 Q Okay. Would it help --

9 A On review it showed normal analysis.

10 Q Okay. And referring would it just help to refresh
11 your memory to take a look?

12 A Yeah, completely normal.

13 Q Do you recall receiving some records with respect to
14 this child from a prior pediatrician, a Dr. Stevens, about
15 prior visits this child had maybe with her?

16 A Another pediatrician, okay, I don't.

17 Q You don't, okay. Is it out of the ordinary though
18 for you to have potentially have pediatrician records from
19 another pediatrician in your patient's file?

20 A Not out of the ordinary it happens.

21 Q Okay. Do you recall receiving kind of subsequent to
22 these visits a kind of imaging report done on this child's
23 abdomen from a --

24 A Yes.

25 Q Okay. And do you remember what the results were if

1 they were normal, unremarkable, irregular?

2 A Generally normal but had some fecal material in
3 there.

4 Q Do you recall seeing this child in February of 2011?

5 A Yes, I reviewed the notes.

6 Q Was there any -- aside from the constipation issue
7 was there any other additional reported information about what
8 might -- what started to happen with the child?

9 A Not that I recall.

10 Q Do you recall, like, being reported that the child
11 began to soil themselves?

12 A Oh, yeah. That was a complaint, and for that reason
13 she was sent to a gastroenterologist.

14 Q Okay. So on February 11th --

15 THE COURT: And, Doctor, I'm going to have to remind
16 you to speak more into the microphone.

17 THE WITNESS: Oh, okay.

18 BY MR. HAMNER:

19 Q Do you recall referring this to -- okay, you made a
20 decision to refer this child to a gastroenterologist?

21 A Yes.

22 Q And that was on February 11, 2011?

23 A Yes.

24 Q Do you recall receiving a radiology report in March
25 of 2011 with respect to this child?

1 A Yes.

2 Q Do you remember whether -- what the results were that
3 bearing that --

4 A Generally normal but had stool accumulation in there.

5 Q Okay. And was that a barium enema that was being
6 performed at that time?

7 A No.

8 Q Would it help refresh your memory to maybe see those
9 records, Doctor?

10 A Yes.

11 Q Referring to March 9th, 2011.

12 A Yep. So it was a barium enema.

13 Q And who was the doctor that performed that?

14 A Dr. Sheikh.

15 Q Is that someone who would normally -- a GI doctor
16 that you would normally refer children to?

17 A Yes, we do.

18 Q Okay. And was the result normal, abnormal, what do
19 you remember about the --

20 A With this it showed the stool's in there, but nothing
21 abnormal.

22 Q Okay. So nothing, like, structurally wrong but
23 there's still some --

24 A No, stool accumulation.

25 Q -- fecal matter. I want to turn your attention to a

1 third child. Do you recall examining a child by the name of
2 Yarely Ramirez again on December 30, 2010?

3 A Yes.

4 Q Okay. She had a date of birth of July 25th, 2004.
5 Do you recall if that was her birthday?

6 A Yeah. I review, yeah.

7 Q What was the purpose of that visit?

8 A I'll have to see the notes first.

9 MR. HAMNER: Okay. Referring to December 30th of
10 2010, Counsel.

11 MS. MCAMIS: Uh-huh.

12 BY MR. HAMNER:

13 Q You can keep that up there.

14 A Okay.

15 Q Does that refresh your memory? Why did that child
16 come in on that day?

17 A On that day the child was scheduled for a well check.

18 Q Okay. And any issues being reported at that time
19 with respect to this particular child?

20 A The caregiver indicated that the child was on
21 Risperdal medication --

22 Q Okay.

23 A -- and being seen by the psychiatrist.

24 Q Okay. Indicating doing well in school, nothing out
25 of the ordinary really?

1 A Right.

2 MR. HAMNER: Okay. I have no further questions for
3 this witness.

4 THE COURT: All right.

5 Cross.

6 MS. MCAMIS: Yeah. Thank you.

7 Court's indulgence.

8 CROSS-EXAMINATION

9 BY MS. MCAMIS:

10 Q Good morning, Dr. Nyarko.

11 A Morning.

12 Q All right. So I have a few questions for you.

13 Ready?

14 A Yes.

15 Q I'm happy to give you just a moment like you gave me
16 if you need a sip of that water.

17 Okay. All right. So, Dr. Nyarko, you acted as the
18 pediatrician for the girls that came to be known as Ava, Amaya,
19 and Anastasia Solander between December 30, 2010, and you
20 continued that pediatrician service through March of 2013;
21 correct?

22 A Yes.

23 Q So your first visit with all three of the girls for a
24 general wellness check was on December 30th of 2010?

25 A Yes.

1 Q Okay. And at that time they were known by their
2 previous names and that's what you were asked about on their
3 previous names. So if I can just kind of clear that up to make
4 sure I have that. You saw Yarely on that day who came to be
5 known as Anastasia and that was the youngest child; right?

6 A Yeah.

7 Q Okay. And you also saw Jaqueline who came to be
8 known as Amaya and that would have been the middle child;
9 right?

10 A Yes.

11 Q And then you also saw on that same day for another
12 wellness check Jocelyn, the eldest child, who became to be
13 known as Ava; right?

14 A Yes.

15 Q Okay. So and they were brought in by their foster
16 mother at that time Mrs. Solander; correct?

17 A Yes.

18 Q Okay. So on December 30th of 2010, you did a
19 checkup on Ava and you collected a history from both Ava and
20 Janet at that time; right?

21 A Right.

22 Q And generally as a pediatrician you collect history
23 from the parent and the child to the extent the child wants to
24 participate; right?

25 A Yes.

1 Q Okay. And so Janet reported at the time Ava was
2 doing well in school?

3 A Yes.

4 Q And that's something you documented in your notes?

5 A Yes.

6 Q And the only complaint for Ava was that she had some
7 hard stools and a possible UTI; right?

8 A Yes. Yes.

9 Q Thank you. And a UTI is a urinary tract infection?

10 A Tract infection, yeah.

11 Q So at that visit you actually assessed Ava as having
12 constipation?

13 A Yes.

14 Q So you ran a lab the next day on December 31st of
15 2010, to rule out anything that might medically be contributing
16 to that; right?

17 A Yes.

18 Q Okay. And you were able to find -- I'll ask it this
19 way. And nothing abnormal came back from the lab?

20 A No.

21 Q Okay. But nevertheless the child was still having an
22 issue with a potential just a discomfort because of the
23 possible UTI and also constipation?

24 A Yes.

25 Q Okay. So Janet Solander, the adoptive mother,

1 brought Ava back to you on March 11th of 2011, with a fever and
2 sore throat; right?

3 A I'll have to see it in the notes.

4 Q Okay. And if you would I -- oh, I'm sorry I have
5 permission to approach. All right. So going to direct your
6 attention to a note that you entered on March 11th of 2011 --

7 MR. HAMNER: That's correct.

8 MS. MCAMIS: Okay.

9 BY MS. MCAMIS:

10 Q And if I can have you just review your notes and
11 after you've looked at --

12 A Oh, okay --

13 Q -- that, please look up and let me know when you're
14 done so I can ask you more questions.

15 A -- this is Dr. Blank's notes --

16 Q Okay.

17 A -- one of my partners.

18 Q Okay. And Dr. Blank is someone who at the time
19 worked with you at that Desert Pediatrics office; correct?

20 A Yes, uh-huh. Yeah, correct.

21 Q And so that's something like just like when Dr. Kawan
22 made notes and saw the girls --

23 A That's correct.

24 Q -- someone else in your practice would have also
25 perhaps stepped in with you; right?

1 A That's right.

2 Q Okay. And so that's another incident where Ava was
3 brought back to the same pediatrician's office for just a
4 complaint of fever; right?

5 A Yes, fever and a sore throat.

6 Q Fever and a sore throat, of course. And that is
7 something as a parent she's obligated to do if her child is not
8 feeling well --

9 A Uh-huh.

10 Q -- she takes the child to the pediatrician; right?

11 A Yeah.

12 Q There's nothing out of the ordinary about that?

13 A Not at all.

14 Q Okay. So let me ask you. When Ava comes in for,
15 like, these physical wellness checkups on December 30th of
16 2010, and again on March 11th of 2011, a physical examination
17 would have been done for her; right?

18 A Yes. Yes.

19 Q That would have been done by you or the doctor who is
20 at the practice?

21 A Right. At the practice, yes.

22 Q Okay. And if I could just very politely ask you, we
23 have to take turns talking because of the recording. So if you
24 could just bear with me and let me finish asking my question
25 before you answer.

1 A Thank you.

2 Q Thank you. So on those physical examinations you
3 observed no recent or fresh injuries to Ava on either of those
4 dates; right?

5 A Yes.

6 Q And had there been an observation of recent or fresh
7 injuries on Ava, that would have been documented in the notes;
8 correct?

9 A Yes, it would have.

10 Q And you are a mandatory reporter; correct?

11 A Yes.

12 Q So you would have had a legal obligation to report
13 any recent or fresh injuries that you observed on that child;
14 right?

15 A Yes.

16 Q And even if you only had just a suspicion of child
17 abuse or neglect by a parent or a caregiver you have a legal
18 obligation at that time to report it?

19 A Yes.

20 Q Okay. And so you made no report to CPS or law
21 enforcement after either of those office visits on December
22 30th and then on March 11th; correct?

23 A Yes.

24 Q Okay. I want to turn your attention then to --
25 please excuse me -- Amaya, the middle child, and again you had

1 an office visit with Amaya on December 30th of 2010?

2 A Yes.

3 Q And this was your first visit with Amaya; right?

4 A Yes.

5 Q She had been brought in by her foster mother at the
6 time, Janet?

7 A Yes.

8 Q Okay. And again on December 30th of 2010, you did
9 a checkup of Amaya?

10 A Yes.

11 Q Okay. And so you collected history from both Amaya
12 and Janet at that time?

13 A Yes.

14 Q Janet reported Amaya was doing well in school?

15 A Yes.

16 Q But it was reported to you that she experienced a
17 burning on urination?

18 A Yes.

19 Q Okay. And also that she reported hard stooling;
20 right?

21 A Yes.

22 Q You were asked questions on direct examination about,
23 well, the historian's the parent. The child's present in the
24 room; right?

25 A Yes.

1 Q And both Amaya and Ava and even Anastasia the
2 youngest they were all verbal at that time; right?

3 A Yes.

4 Q So they had the ability to say if that's not true
5 they could've said -- spoken up; right?

6 A Yes.

7 Q Okay. And they didn't speak up to dispute anything
8 that their mother was reporting; right?

9 A No.

10 Q Okay. Now, you documented on that December 30th
11 wellness checkup of Amaya that she had been reported to be
12 seeing a psychiatrist and prescribed Risperdal?

13 A Yes.

14 Q Okay. And then you also saw Amaya again for an
15 office visit on February 11th of 2011; right?

16 A Yes.

17 Q Okay. And that was for a complaint of chronic
18 constipation; correct?

19 A Yes.

20 Q Okay. And then there was also documentation that
21 Amaya had begun to soil herself?

22 A Yes.

23 Q Okay. And these were again all reported by the
24 caregiver, but the child was present and the child was verbal
25 at that time; right?

1 A Yes.

2 Q Okay. And she wasn't disputing any of this?

3 A No.

4 Q And in fact she confirmed her stomach issues to you,
5 and you prescribed MiraLAX and a gastroenterology follow-up?

6 A Yes.

7 Q Or you recommended that, it's probably more accurate
8 to say you recommended a gastroenterology follow-up?

9 A Yes. That's right.

10 Q Okay. All right. Now, you were asked questions
11 specifically as to Amaya seeing Dr. Kawan on January 27th of
12 2011; do you recall those questions?

13 A Yes.

14 Q Okay. And so -- bear with me just a moment, please,
15 Doctor. I actually want to redirect your attention. I
16 misspoke on the dates, so I apologize.

17 I want to redirect your attention to Ava, the oldest.
18 There was questions to you about an August 1st of 2011,
19 office visit between Ava and Dr. Kawan, so I'm going to ask you
20 questions about that. There was a report of a bump on the
21 labia and that it was pussy and draining and painful; correct?

22 A Yes.

23 Q And so Janet had actually brought in Ava based on a
24 disclosure that she had been sexually abused in the past,
25 correct?

1 A Yes.

2 Q And it was discussed with mom that it was unlikely to
3 be a sexually transmitted disease, but to just let the office
4 know if it reoccurred, correct?

5 A Yes.

6 Q So Janet brought in a child disclosing that she had
7 been sexually abused at least three years in the past I just
8 wanted to check up on that to rule out any possible sexually
9 transmitted disease, correct?

10 A Yes.

11 Q Okay. All right. Now, Doctor, if I could return
12 your attention to Amaya. And back in February of 2011 it was
13 reported to you that Amaya had been in the emergency room due
14 to the chronic constipation issue.

15 A Yes.

16 Q Okay. And so you actually assessed her as having
17 encopresis; correct?

18 A Yes.

19 Q What is encopresis? Explain that to the jury.

20 A It's a condition of chronic constipation which over
21 the years turn your stools to be really hard, and the new
22 stools that form and come down the bowel, the child doesn't
23 feel it, and it seeps around the hard stools, and they're not
24 aware of soiling themselves either.

25 Q I see. And so based on all of these disclosures you

1 referred her to a gastroenterologist for follow up?

2 A Yes.

3 Q And then at that February visit you today wellness
4 check, like a body check of Amaya at that time?

5 A Yes.

6 Q And you did not document or observe any recent or
7 fresh like nonaccidental injuries; right?

8 A Yes.

9 Q Okay. And had you observed that you would have
10 documented it and that would have been something that you would
11 have been legally obligated to report; correct?

12 A Yes.

13 Q And after that visit both with Amaya on December
14 30th and also in February of 2011 you had no reason to make
15 any CPS referral; correct?

16 A Correct.

17 Q Okay. Then you saw Amaya again on March 22nd,
18 2013, for another office visit; right?

19 A Yes.

20 Q Okay. And you documented at that time Amaya had been
21 prescribed, and you're going to have to bear with me on the
22 pronunciation, Levothyroxide (phonetic) and Levetirace
23 (phonetic)?

24 A I see. All right. Yeah.

25 Q Did you say I see?

1 A Yes.

2 Q Okay, do you need to --

3 THE COURT: Do need to look at your record -- I'm
4 sorry, to refresh your memory about those drugs?

5 THE WITNESS: Yeah, let me take a look at that.

6 MS. MCAMIS: Of course, thank you.

7 BY MS. MCAMIS:

8 Q Dr. Nyarko, I'd like you to take a look at this and
9 note March 22nd, 2013, just please read that to yourself
10 because I -- if you could --

11 A This is Dr. Blank's notes.

12 Q Okay. Again that's another doctor that was in the
13 same practice as you?

14 A That's right.

15 Q And so Mrs. Solander was returning to the same
16 practice with the same child for a follow-up?

17 A Yes. You -- oh, up there the medication.

18 Q Okay. And after reviewing that note you said that
19 it's documented in the medication section that Amaya was
20 reported to have two prescriptions --

21 A Yes.

22 Q -- and they were for Levothyroxine and Levetiracetam;
23 correct?

24 A Yes.

25 Q Okay. And one of those medications is for

1 antiseizure activity; it's like an anticonvulsant; right?

2 A Right. Right.

3 Q And then the other one has to do with, like,
4 hyperthyroidism; correct?

5 A Right. For hyperthyroidism.

6 Q And those are prescriptions that only doctor can get;
7 they're not over the counter?

8 A No. They're not over the counter.

9 Q Okay. And it was -- okay, and so on that March
10 22nd, 2013, visit Amaya complained of -- well, it was just a
11 follow-up visit, and Amaya had complained of vaginal pain when
12 she wiped; correct?

13 A Yes.

14 Q And this was the same child who had a history of
15 chronic constipation and a potential UTI; correct?

16 A Correct.

17 Q Okay. So you assessed her as having -- or actually
18 that's not correct. Dr. Blank assessed her as having vaginitis
19 based on the complaints and prescribed Nystatin Cream?

20 A Yes.

21 Q Okay. And in that note that I had you read there's
22 no documentation that there was observation of any recent or
23 fresh nonaccidental injury on Amaya, correct?

24 A No. Correct.

25 Q Okay. And Dr. Blank would have been -- excuse me, a

1 mandated reporter just like you?

2 A Yes.

3 Q Okay. So turning to the last child you saw
4 Anastasia, that was formally known as Yarely, for a regular
5 checkup on December 30, 2010?

6 A Yes.

7 Q And just like her sisters, Anastasia was still in
8 foster care at this time?

9 A Yes.

10 Q Okay. And Janet reported that Anastasia was also
11 doing well in school?

12 A Yes.

13 Q And neither Anastasia or Janet had any significant
14 complaints at that December 30th office visit, correct?

15 A Correct.

16 Q But it was disclosed to you that Anastasia had been
17 seeing a psychiatrist and also prescribed Risperdal?

18 A Yes.

19 Q Okay. And based on all of your examinations and
20 observations on the December 30th date you noted that
21 Anastasia was doing well?

22 A Yes.

23 Q And your only recommendation was for a vision follow
24 up, correct?

25 A Yes.

1 Q Okay. But there was a note of -- actually, let me
2 ask you this. Based on your conversations and examinations
3 with Anastasia on that day you requested a CT scan of the
4 abdomen to rule out any stomach issues as to Anastasia; right?

5 A Not that I recall.

6 Q You don't recall that? Okay.

7 If I could approach.

8 All right. Doctor, if I could just have you approach
9 or excuse me, review this as I approach with this record from
10 January 24th, 2011, and I would ask you to review that to
11 refresh your memory, and then also confirm that you were CC'd
12 in receipt of that.

13 A And I was CC'd.

14 Q Okay. Now, did reviewing that Redrock Radiology
15 report dated January 24, 2011, refresh your memory on any scan
16 or CT scan that was done as to Anastasia, the youngest child?

17 A Yes.

18 Q And you did confirm you were CC'd on that meaning
19 copied so you received this?

20 A That's right.

21 Q Okay. And it does say, the document reflects a
22 history of incontinence as to Anastasia?

23 A Yes.

24 Q And the findings were that the stool distribution now
25 appears normal?

1 A Yes.

2 Q Okay. And then based on your interactions with
3 Anastasia and Janet on December 30, 2010, again, you didn't
4 have any reason to make a CPS referral, correct?

5 A Correct.

6 Q You didn't document or note or observe any recent or
7 fresh injuries of, like, a nonaccidental nature as to
8 Anastasia?

9 A Yes.

10 Q Okay. Had you seen anything as to any of the girls
11 on any of the visits you would have reported it; correct?

12 A Yes.

13 Q Okay.

14 MS. MCAMIS: I have no further questions.

15 THE COURT: All right. Any redirect?

16 MR. HAMNER: Yes, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. HAMNER:

19 Q Doctor, you remember being asked on cross-examination
20 that through all these visits none of the "childs" reported
21 anything different than what the mother was reporting; do
22 remember being asked that?

23 A Yes.

24 Q But to be clear, when this visit was happening was
25 the child in the same room with the parent the whole time of

1 the visit?

2 A Yes.

3 Q Did you ever separate this -- any of these children
4 from their mother to talk to them privately?

5 A No.

6 Q You were asked some questions about, you know, some
7 of these visits that you did. When you do a well visit, I'm
8 just curious, do you check the entire body from head to toe?

9 A Yes, we do that.

10 Q Okay.

11 A Except the genital area unless there is a question.

12 Q Would you check the -- would you check the buttocks,
13 the bare buttocks?

14 A Yes. Yes.

15 Q Okay. So I want to set a timeline on this. These
16 visits that you did for Ava were in 2011, correct? That was
17 the oldest, Jocelyn, I believe.

18 A Yes.

19 Q Okay. You did not see this child through the entire
20 year of 2012, did you?

21 A No.

22 Q You did not see this child for the entire year of
23 2013, did you?

24 A No.

25 Q And you did not see this child in 2014, did you?

1 A No.

2 Q Okay. When Amaya came to see you in December of
3 2011, you did not see this child in 2012 the whole year?

4 A That's correct.

5 Q You did see the child once in 2013 for seizures;
6 right?

7 A Yes.

8 Q Now, when a child comes in complaining of seizures,
9 do you do a full body check if that's what the complaint is
10 versus a well visit?

11 A Yes, we check on that.

12 Q Okay. And you didn't note anything when you did that
13 one check?

14 A No.

15 Q Okay. And then you did not see this child in all of
16 2014?

17 A Yes.

18 Q Anastasia you didn't see that -- that visit that you
19 had with her was in 2011; is that right?

20 A Yeah, that's right.

21 Q So you didn't see her in 2012?

22 A No.

23 Q You didn't see her in 2013?

24 A No.

25 Q And you didn't see her in 2014?

1 A No.

2 Q You were shown a document about -- from January 24th,
3 2011, regarding Yarely Ramirez --

4 That's Anastasia, correct?

5 MS. BLUTH: Yes.

6 MS. MCAMIS: Yes.

7 MR. HAMNER: Okay.

8 BY MR. HAMNER:

9 Q -- Anastasia indicating that the stool distribution
10 now appeared normal; do you remember kind of saying that?

11 A Yes. I just saw that.

12 Q Did the findings ever indicate there were any bowel
13 distentions? And if you need to look, I can show it to you.

14 A No. It reports of not -- the report has not
15 distended written.

16 Q So there were no bowel distention. Were there any
17 suspicious calcifications?

18 A No.

19 Q Was there any spine abnormality?

20 A No.

21 Q When you did this well visit, when you do kind of a
22 well visit, would you actually pull up a child's underwear and
23 examine their buttocks their bare skin of their buttocks?

24 A No, unless their mother brings up an issue there.

25 Q Okay. So for these well checks when you're checking

1 the body that's not something you would do, you wouldn't lift
2 up the underwear?

3 A No. No, we don't do that.

4 Q Okay. So even when you saw these children and 2011
5 and then that one visit in 2013 with Amaya you did not lift up
6 their underwear to check?

7 A No.

8 Q There were a lot of questions you remember being
9 asked about the presence of stool in these children -- in
10 various children's abdomen and some of the symptomology about
11 stool being there, do you remember that on cross-examination?

12 A Yes.

13 Q Doctor, can the type of foods that a child eats maybe
14 affect their level of constipation?

15 A Yeah, it can affect it.

16 Q How about water?

17 A Water can also do that in severely dehydrated form.

18 Q So if water is withheld, can that be a potential risk
19 to a child being severely constipated?

20 A Potentially it's -- yeah, it can contribute to it.

21 Q Okay. Thank you.

22 MR. HAMNER: No further questions.

23 THE COURT: Anything else, Ms. McAmis?

24 MS. MCAMIS: Yes.

25 Actually pass the witness.

1 THE COURT: I'm sorry, nothing else?

2 MS. MCAMIS: Nothing else.

3 THE COURT: Do you have any juror questions for this
4 witness?

5 All right, Doctor, I see no additional questions.
6 Thank you for your testimony. You are excused at this time.

7 THE WITNESS: Thank you very much.

8 MS. BLUTH: May we approach, Your Honor?

9 THE COURT: Sure.

10 And just follow the bailiff from the courtroom.
11 Thank you, Doctor.

12 (Conference at the bench not recorded)

13 THE COURT: We're going to take a brief recess, just
14 about 10 minutes, put us right around 11:20.

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

23 If you'd all place your notepads in your chairs and
24 follow Kenny through the double doors. We'll see you back in
25 10 minutes.

1 (Proceedings recessed 11:12 a.m. to 11:23 a.m.)
2 THE COURT: Kenny, bring them in.
3 THE MARSHAL: Oh, sorry. I didn't hear you.
4 (Jury entering 11:25 a.m.)
5 THE COURT: All right. Court is now back in session.
6 And the State may call its next witness.
7 MS. BLUTH: Thank you, Your Honor.
8 The State would call Heather Richardson to the stand,
9 and I believe she's on cross-examination.
10 THE COURT: All right.
11 And, ma'am, just remain standing facing our court
12 clerk.
13 **HEATHER RICHARDSON**
14 [having been called as a witness and being first duly sworn,
15 testified as follows:]
16 THE CLERK: Thank you. Please have a seat. State
17 and spell your first and last name for the record.
18 THE WITNESS: Heather Richardson. H-e-a-t-h-e-r,
19 R-i-c-h-a-r-d-s-o-n.
20 THE COURT: All right. Thank you.
21 And I believe we interrupted Ms. McAmis's
22 cross-examination.
23 So, Ms. McAmis, you may proceed.
24 MS. MCAMIS: Thank you, Your Honor.
25 / / /

1 question you.

2 THE WITNESS: Okay.

3 MS. BLUTH: Yeah. I'll --

4 THE WITNESS: I was in the middle of being shown
5 pictures by Ms. Bluth.

6 THE COURT: Maybe in the last few days --

7 MS. BLUTH: Oh, that is right. I was in the middle
8 of showing the pictures.

9 MS. MCAMIS: Yeah. Definitely.

10 MS. BLUTH: Yeah.

11 THE COURT: We can let Ms. -- either Ms. Bluth can
12 take over now or Ms. McAmis can recross based on what was
13 already asked by Ms. Bluth and then Ms. Bluth will have another
14 opportunity.

15 MS. BLUTH: Yeah. I'm fine with how we're doing it.
16 It --

17 THE COURT: So counsel's pleasure. So, Ms. McAmis,
18 why don't you -- and that way things may be a little bit
19 fresher in our minds.

20 THE WITNESS: Okay.

21 THE COURT: Maybe, Ms. McAmis, you could do your
22 recross based on what's already been asked, and then we'll go
23 back to Ms. Bluth.

24 THE WITNESS: Okay.

25 MS. MCAMIS: Okay. Fair enough.

1 Thank you for that clarification.

2 THE WITNESS: Sorry.

3 MS. MCAMIS: Don't be sorry.

4 THE WITNESS: Okay.

5 BY MS. MCAMIS:

6 Q But you do generally recall you were asked questions
7 on redirect examination from Ms. Bluth about the H.O.P.E.
8 Counseling notes as to the youngest child?

9 A I do.

10 Q Okay. So I want to direct your attention to that.
11 And specifically were asked questions about -- Anastasia was
12 having I think what you called boundary issues with her
13 therapist?

14 A Yes.

15 Q Okay. Now, when I asked you questions about
16 Anastasia putting her hands on the therapist's neck it was --
17 it was about an incident where she actually physically
18 contacted the therapist around the neck? She made physical
19 contact; right?

20 A Yes.

21 Q So isn't it true that on August 12th of 2009,
22 during that incident the therapist noted Anastasia was
23 overreactive on this day, crying with little triggers or
24 unknown triggers?

25 A I don't recall exactly what's --

1 Q Would reviewing that note just refresh --

2 A Yes.

3 Q Okay. I'm going to direct your attention to August
4 12th, 2009, H.O.P.E. Counseling notes specifically the
5 response section. I'd ask you to read that silently to
6 yourself and look up when you've been refreshed.

7 A Okay.

8 Q Okay. Now, did reviewing this note refresh your
9 memory on the therapy note entry on August 12, 2009, about that
10 contact between Anastasia and her therapist?

11 A Yes, it did.

12 Q Okay. And so isn't it true that on August 12th of
13 2009, the therapist noted Anastasia was, quote, Overreactive on
14 this day crying with little triggers or unknown triggers?

15 A Yes.

16 Q And that on that same day Anastasia, quote, Showed
17 anger towards this therapist by making an angry face and
18 grabbing this therapist on the neck?

19 A Yes.

20 THE COURT: And just to be clear who is the
21 therapist?

22 THE WITNESS: The therapist is the therapist at
23 H.O.P.E. Counseling.

24 THE COURT: All right.

25 / / /

1 BY MS. MCAMIS:

2 Q And on that same day that therapist noted that she
3 had to actually redirect Anastasia to draw a picture after
4 that?

5 A Yes.

6 Q Okay. The note does say the Anastasia grabbed the
7 therapist by the neck and it was not a hugging incident;
8 correct?

9 A It's -- yeah. It says around the neck.

10 Q Okay. Because did the -- the therapist noted that
11 when Anastasia was grabbing this therapist on the neck
12 Anastasia was making an angry face?

13 A Yes.

14 Q Okay. Now, in that same note the therapist
15 documented that Anastasia began to cry when her sister stated
16 that her aunt never spanked her and that the sister lied
17 because she was mad at her aunt?

18 A Yes.

19 Q Okay. And in that same note the foster mother who's
20 not Janet reported that Anastasia was taking on her other
21 sister's old behaviors by hitting, kicking, and staying angry
22 for a long time?

23 A Yes.

24 Q Now, I want to direct your attention to the testimony
25 provided about the Solanders generally asking for the PSR or

1 psychosocial rehabilitation services to cease upon the three
2 year old's placement in the home; do you remember testifying to
3 that?

4 A Yes.

5 Q Okay. Now, as a permanency worker for the Department
6 of Family Services, you are required to do or provide the six
7 month periodic court reports to the family court to document
8 how the girls are doing; correct?

9 A Yes.

10 Q And you did so for the three Solander girls while you
11 were their assigned permanency worker; correct?

12 A Yes.

13 Q Okay. So you prepared a court report on
14 January 20th, 2009, where you reported to the Court that you
15 had a concern about the biological grandparents willingness to
16 adopt all three girls?

17 A Yes.

18 Q And the grandparents' concerns were financial
19 constraints, the girls' behavioral concerns, and then the
20 grandparents' space limitations in their housing?

21 A That's correct.

22 Q And in response to those concerns you held several
23 CFTs?

24 A Yes.

25 Q Okay. And a CFT just as a reminder for our jury, is

1 a Child and Family Team meeting; right?

2 A Yes, that's correct.

3 Q Okay. And so the CFTs were held to address the
4 grandparents' concerns including behavioral concerns and then
5 that's when a referral was made for the girls to have therapy
6 at H.O.P.E. Counseling; correct?

7 A We immediately put the -- made the referral for
8 H.O.P.E. Counseling. The CFTs were to address the other
9 concerns.

10 Q Okay. But there was a referral for H.O.P.E.
11 Counseling based on at least some of the behavioral concerns
12 that had been articulated?

13 A Yes. Based on their reports I made the referral
14 immediately upon my case assignment.

15 Q Okay. And then you reported all of that to the
16 Court?

17 A Yes.

18 Q And again that was all before the Solanders ever came
19 into Ava, Amaya, and Anastasia's lives?

20 A Yes. That's back in October of 2008 I made that
21 referral.

22 Q Right. Now, and that would have been late October
23 approximately two to three months before that January 2009
24 court report that you had to generate?

25 A That's correct.

1 Q Okay. Now, in that same January 20th, 2009, court
2 report you documented reports by the grandmother and the
3 paternal aunt that Ava and Amaya may have experienced sexually
4 inappropriate touching by their mother's boyfriend?

5 A Yes, that's correct.

6 Q Okay. You also documented in your court report that
7 all three girls, quote, fought excessively with each other
8 becoming physical at times; correct?

9 A That was what was reported to me that --

10 Q Okay. And that was something you actually documented
11 and provided to the Court in your report?

12 A Yes.

13 Q Okay. And again, the girls were referred for
14 H.O.P.E. Counseling to deal with all of these, just therapy
15 needs?

16 A Correct.

17 Q Okay. Now, you provided the Court with another court
18 update on the girls' progress and status in foster care for a
19 hearing held June 16th, 2009?

20 A Yes.

21 Q Okay. And you again documented having multiple CFTs
22 because of the grandparents' reluctance to adopt the girls?

23 A Yes.

24 Q Okay. In fact, because the grandmother requested
25 that she keep placement of Ava and Amaya only because Yarely

1 was, quote, too wild to handle?

2 A Yes, she referred to her as a wild child.

3 Q Okay. And in June of 2009 the girls had been in
4 H.O.P.E. Counseling for approximately eight months; correct?

5 A Yes, at that time eight months.

6 Q Okay.

7 A Yes. Sorry. Doing the math.

8 Q I appreciate that that's why I always ask for help on
9 the math, but it would have been eight months by that time
10 because they began in October and this was June that you were
11 doing the court report; right?

12 A Yes, that's correct.

13 Q Okay. And you reported to the Court that the girls
14 had been moved into a treatment foster home as of March 2,
15 2009?

16 A Yes, that's correct.

17 Q So they were no longer living with grandparents?

18 A Yes, that's correct.

19 Q And since moving to that foster home, again, not
20 Janet's home, you reported to the Court that the children had
21 been observed to act out sexually?

22 A Yes, two of them had.

23 Q Okay. Well, in fact, you reported that Ava, excuse
24 me, strike that. You reported that Amaya has been observed
25 touching the genitals of Anastasia?

1 A That's correct.

2 Q You also reported that on another occasion Ava was
3 observed touching Anastasia's genitals?

4 A I think that's what you just said.

5 Q No. I said that the first one you reported was Amaya
6 and Anastasia.

7 A Okay. Yes, Ava -- there was one incident of Ava and
8 then there was another, sorry, the court reports are written
9 with the other, the birth names. So there was one incident of
10 Ava touching Anastasia's and then there was another incident of
11 Amaya touching also Anastasia.

12 Q Right. So that was all three of the girls?

13 A Yes. So and just to be clear Anastasia had not
14 touched anyone.

15 Q It was the two older that had been --

16 A Touched the youngest.

17 Q -- at separate times touched the youngest?

18 A Yes, that's correct.

19 Q Okay. And that was in Debbie McClain's foster home?

20 A That's correct.

21 Q Okay. And so you reported that, quote, intense
22 services have been put into place to assist children and foster
23 parents regarding this sexually acting out; correct?

24 A Yes.

25 Q Okay. And in that court report you documented that

1 it was the girls who disclosed witnessing their mother having
2 an abortion and assisting with her -- assisting her with,
3 quote, disposing of the fetus?

4 A Yes.

5 Q Okay. And in that same court report from June
6 of 2009 you documented during the reporting period, meaning the
7 previous six months, that's what a reporting period is; right?

8 A That's correct.

9 Q Okay. And so you documented during the reporting
10 period Amaya has quote shoplifted from a store during this
11 period and was found to have stolen money from her sibling;
12 correct?

13 A Yes.

14 Q Okay. And you documented in June of 2009 the girls
15 had continued receiving individual therapy?

16 A Yes.

17 Q And you also reported that the girls were receiving
18 PSR, again the Psychosocial Rehabilitation Services, because
19 that service works with the family intensely and provides
20 caregiver education on how to best address the emotional needs
21 of the children?

22 A Yes, that's correct.

23 Q Okay. And you also documented that all three girls
24 received BST, Basic Skills Training, to learn about, quote,
25 being a productive member of the home?

1 A Yes.

2 Q All right. And so you provided the Court with
3 another periodic report that you filed for a Court hearing on
4 December 15th of 2009; correct?

5 A Yes.

6 Q Okay. And you documented to the Court for that
7 hearing that initially one family, not the Solanders, was
8 identified as a potential adoptive resource, but it didn't work
9 out because they could not meet the children's, quote, special
10 needs?

11 A Right. There was a meeting held and the children
12 never knew about this family. The team reviewed their
13 adoptive -- their home study and decided at that time that
14 based on that preliminary review that they would not be a good
15 fit.

16 Q Right. So at that time you again were looking for an
17 adoptive resource. There was a consideration of one; it was
18 not the Solanders, but the determination was that they were not
19 a good fit because they could not meet the children's, quote,
20 special needs; correct?

21 A That's correct.

22 Q Now, during this December 2009 and previous six month
23 reporting period you documented that each of the girls have
24 struggled with their feelings because of the inconsistent
25 contact by their paternal grandmother and paternal aunt?

1 A Yes.

2 Q Okay. And between July of 2009 and October of 2009
3 the grandmother and aunt only visited the girls one time?

4 A Yes.

5 Q All right. And so at this December 2009 court report
6 you documented that the girls had been attending therapy on a
7 weekly basis, but the therapist had changed?

8 A Yes.

9 Q Okay. And you reported that the children had
10 attended H.O.P.E. Counseling between October of 2008 through
11 November of 2009, but that the team noted there was little
12 progress with the children?

13 A Yes.

14 Q Okay. And so it was determined that a change in
15 therapist was needed, and a change was actually made so that
16 the girls could actually show some progress that they had not
17 actually previously shown at H.O.P.E?

18 A Yes.

19 Q Okay. And then you documented that at this time the
20 girls continue to receive PSR services to work on socially
21 appropriate behavior and boundaries?

22 A Yes.

23 Q And you also updated the Court on the children's
24 medical needs?

25 A Yes.

1 Q Specifically you documented how Ava was having right
2 knee pain?

3 A Yes.

4 Q And that she was taken to a doctor who recommended
5 that she control her weight and have physical therapy?

6 A Yes.

7 Q And then her diet was adjusted by the doctor's
8 recommendation to assist with controlling Ava's weight?

9 A Yes.

10 Q And then Ava's weight actually went down, and she no
11 longer had knee pain?

12 A Yes.

13 Q And that was done at Debbie McClain's home not
14 Janet's?

15 A Yes.

16 Q And in that same report to the Court you documented
17 that Anastasia had nighttime enuresis?

18 A Yes.

19 Q And again at that time Anastasia was living in Debbie
20 McClain's home not Janet Solander's?

21 A Yes.

22 Q And then you documented in that December of 2009
23 court report that due to the sexualized behaviors of Jaqueline,
24 who later became Amaya, the foster mother has to provide a
25 higher lever of supervision with the children?

1 A Yes.

2 Q Okay. And so as their case worker you kept working
3 on their case and then you had to prepare another court report
4 for a hearing on June 22nd, 2010; correct?

5 A Yes.

6 Q And in that report you documented that all three
7 girls were placed in a, quote, higher level of care foster home
8 from March 2009 through June 2010?

9 A Yes.

10 Q And that was Debbie McClain's foster home?

11 A Yes.

12 Q And in your court report in June of 2010, the
13 Solanders had been identified as an adoptive resource for all
14 three girls?

15 A Yes.

16 Q And, in fact, they went back to a, excuse me, Ohio
17 for a Solander family reunion?

18 A Yes, with Ms. Solander's family.

19 Q Okay. And you documented that at that time the girls
20 had continued receiving individual therapy, PSR and BST
21 services?

22 A Yes.

23 Q And you documented at that time in the June 2010
24 reporting period that the girls were continuing to work on
25 socially appropriate behavior, improving self-esteem,

1 self-control, and boundaries?

2 A Yes.

3 Q And you documented that services would continue in
4 the new adoptive home?

5 A Yes.

6 Q And you also documented that Anastasia, the youngest
7 one, continued to have some bedwetting?

8 A Yes.

9 Q And that in the six months previous to the June 2010
10 report Anastasia wet the bed on a daily basis?

11 A Yes.

12 Q But that as more recently she had gone as long as
13 three weeks without a bedwetting accident?

14 A Yes.

15 Q So she had still had the bedwetting issue it just was
16 no longer daily?

17 A Right.

18 Q Okay. All right. Now, finally you prepared a court
19 report for the court hearing on December 21st of 2010, so I
20 want to direct your attention to that.

21 A Okay.

22 Q By that time all three of the girls had been living
23 in the Solander home for approximately six months, right?

24 A Yes.

25 Q Okay. And you reported that Amaya struggled

1 academically?

2 A Yes.

3 Q Okay. And you reported that the foster parents were
4 active with school administration to work on improving Amaya's
5 grades?

6 A Yes.

7 Q They even requested an IEP?

8 A Yes.

9 Q Can you explain, what's an IEP?

10 A It's an Individualized Education Plan where you
11 request to -- specifically it begins by requesting testing for
12 the child to identify if they have any learning disorders that
13 are preventing them from being successful in the classroom.
14 And then from there you would develop a plan to ensure that the
15 child is successful in the classroom whether it's through
16 special education needs, through testing accommodations or
17 whatever that might be. It's individualized hence the
18 beginning of the word; so they'd requested that testing
19 commence.

20 Q Okay. And so if a child has an educational issue or
21 need requesting an IEP can be helpful for the child's future
22 educational success?

23 A That's correct.

24 Q Okay. And Anastasia, the youngest, had trouble at
25 school with reading, correct?

1 A Yes. That's what the Solanders reported once she had
2 been moved into that home.

3 Q And Anastasia initially -- well, all of the girls,
4 but specifically Anastasia spoke a lot of Spanish when she
5 first came into the foster care system, correct?

6 A Yes. That was their primary language.

7 Q Right. Okay. So she just had some trouble in
8 reading when she was doing English reading at that time period?

9 A That's correct. Initially when she came into foster
10 care she was in ESL, English as your second language program,
11 and in her initial school and then in the second school. So it
12 was looked at when they moved into the Solanders' home whether
13 that needed to continue.

14 Q Right. And then Janet and Dwight requested an IEP
15 for her as well just to see if there's any potential issue?

16 A That's correct.

17 Q So you documented that the foster parents are, quote,
18 vocal advocates for the children's education?

19 A Yes. They were in frequent contact with the school
20 and the school administration.

21 Q And you identified them as vocal advocates?

22 A Yes.

23 Q And you reported that the foster parents review of
24 the children or actually, strike that. My question is you
25 reported that the foster parents reviewed the children's school

1 work with them on a daily basis and participated in completion
2 of their homework?

3 A Yes. They were with them frequently, the daily.

4 Q And that's something you documented and provided to
5 the Court?

6 A Yes.

7 Q Okay. And that was a positive observation?

8 A Yes. They were actively involved in their homework.

9 Q Okay. And then you documented that there were some
10 difficulties for the girls and the foster parents adjusting to
11 the new home?

12 A Yes.

13 Q And you documented that the foster parents had
14 different expectations for the adopted children based on their
15 experiences in raising their natural children?

16 A Yes.

17 Q Okay. And you, excuse me, you reported that the
18 foster parents disclosed increased negative behaviors in the
19 children particularly Amaya?

20 A Yes.

21 Q It was reported to you that Amaya was physically
22 aggressive and defiant?

23 A Yes.

24 Q It was reported to you that Anastasia's bedwetting
25 increased, and she began wetting the bed daily again at least

1 initially in that adjustment period?

2 A Yes.

3 Q And then it was reported to you that Ava became
4 distraught and feared her siblings behavior might jeopardize
5 her desire for permanency with this Solanders?

6 A Yes.

7 Q Okay. So you put in PSR, BST, and family therapy and
8 family preservation services enter the home to assist with the
9 transition?

10 A Yes.

11 Q And after you did that, Janet and Dwight reported to
12 you a, quote, dramatic improvement in the behavior of the
13 children and that they demonstrated a commitment to the
14 children?

15 A Yes.

16 Q You documented that the foster parents were, quote,
17 open to suggestions and training on the differences in dealing
18 with children who have been abused and neglected versus their
19 experiences in raising their own natural children?

20 A Yes.

21 Q Okay. And the Solanders told you that Stepping Stone
22 services, that was one of the services you implemented, have
23 been instrumental in supporting the placement and the
24 children's emotional well-being?

25 A Yes. That was the service provider they requested

1 that I put in place.

2 Q Right. And the Solanders told you that that service
3 provider had been instrumental in supporting the placement in
4 the children's ongoing emotional well-being?

5 A Yes.

6 Q Okay. And so you observed that the three girls and
7 Janet and Dwight were all bonded to each other and eager to
8 finalize the adoption?

9 A Yes.

10 Q And that Ava was bonded enough to the foster family,
11 the prospective adoptive family in fact that she disclosed to
12 Janet that she had been sexually abused in a former foster home
13 in 2008?

14 A Yes.

15 Q And Janet reported this disclosure to you, to the CPS
16 hotline and Metro abuse and neglect?

17 A Yes.

18 Q So you reported to the Court that after Janet
19 reported this past abuse to you that Ava was scheduled to go to
20 the Southern Nevada Children's Assessment Center to identify
21 the perpetrator in a photo lineup?

22 A Yes.

23 Q And you documented that during this report by Ava,
24 this disclosure from Ava, that the foster parents had been
25 emotionally supportive and partnered with Stepping Stones to

1 assist her through the emotional time?

2 A Yes.

3 Q And you documented to the Court that Ava was assessed
4 by a psychiatrist after having unstable moods?

5 A Yes.

6 Q And you documented that the psychiatrist placed Ava,
7 excuse me, that's incorrect. You documented that the
8 psychiatrist placed Amaya on Risperdal for 1-milligram
9 prescription?

10 A Yes. That's correct.

11 Q So this was medical treatment Amaya received in
12 Janet's care and it was medically documented?

13 A Yes.

14 Q You documented that Anastasia was also seen by a
15 psychiatrist and prescribed Risperdal in the amount of
16 .25 milligrams?

17 A You said Anastasia; right?

18 Q I did say Anastasia.

19 A Okay. Sorry. Yes.

20 Q And this was medical treatment Anastasia received in
21 Janet's care and it was medically documented?

22 A Yes.

23 Q Okay. And you actually put in your report that the
24 dose of Risperdal had improved Anastasia's behaviors
25 dramatically?

1 A Yes. That's what the behaviors had been reported to
2 me as improving dramatically, yes.

3 Q And that's what you reported to the Court?

4 A Yes.

5 Q And you're not going to report to the Court in
6 knowingly inaccurate information or misleading information;
7 right?

8 A No.

9 Q No. Okay. And then you documented in your report
10 that Anastasia, quote, has had no further incidences of eating
11 out of the garbage can and has improved concentration levels?

12 A Yes.

13 Q Now, you documented that Anastasia continued to have
14 daytime wetting accidents, but she was under the care of a
15 urologist?

16 A Did you say daytime or nighttime?

17 Q Daytime.

18 A She didn't have daytime, nighttime.

19 Q Okay.

20 MS. MCAMIS: Court's indulgence.

21 BY MS. MCAMIS:

22 Q Now, you prepared a court report in this matter for
23 the December 21st, 2010, hearing; correct?

24 A Yes.

25 Q And in that report you would have documented the

1 information contemporaneous or shortly after so it was fresher
2 in your mind at that time; correct?

3 A Yes.

4 MS. MCAMIS: Okay. I need to direct your attention
5 to page 6 of that report.

6 MS. BLUTH: Okay.

7 BY MS. MCAMIS:

8 Q And if I could redirect your attention to this
9 highlighted passage about Yarely and the behavior --

10 A Thank you.

11 Q -- thank you.

12 A Okay.

13 Q And did that refresh your memory about what you
14 entered in the report?

15 A Yes.

16 Q Okay. And that -- in that report you entered the
17 language, She no longer has daytime wetting accidents, correct?

18 A Yes.

19 Q Okay.

20 A She no longer has daytime wetting accidents.

21 Q And also that she was under the care of a urologist?

22 A Yes.

23 Q And you reported that Anastasia was prescribed
24 Polyglycol and Detrol LA for her bladder control problems?

25 A Yes.

1 Q And that was medical documentation that you received
2 while Anastasia was in Janet's care?

3 A Yes.

4 Q Okay. Now, while in Solanders' care Ava was having
5 orthopedic issues again with her leg that was assessed as being
6 caused by her being overweight?

7 A That had begun at Ms. McClain's home, so that was
8 medical -- medically documented through the transition.

9 Q Right. And my question was again she was having that
10 leg issue --

11 A Yeah.

12 Q -- while she was Janet so it had returned?

13 A Yes.

14 Q And you documented that since being in Solanders'
15 home the Solanders developed a healthy diet for Ava to support
16 her growth, correct?

17 A Yes.

18 Q And that in the previous six months Ava had lost
19 15 pounds?

20 A Yes.

21 Q And in your report you noted how the pediatrician
22 reports Ava is now at a healthy weight based on the change in
23 diet in the Solanders' home?

24 A Yes.

25 Q Okay. And you also reported that she had, she

1 meaning Ava, had a urinary tract infection, but that was being
2 treated with antibiotics?

3 A Yes.

4 Q And so in your final report to the Court you reported
5 no safety concerns to the Court and confirmed that the goal
6 continued to be finalizing the adoption, correct?

7 A Yes.

8 Q Okay.

9 MS. MCAMIS: Court's indulgence. Okay.

10 Pass the witness.

11 THE COURT: All right.

12 Ms. Bluth?

13 MS. BLUTH: Yes, Judge, thank you.

14 Could I have the Court's indulgence for one second --

15 THE COURT: Sure.

16 MS. BLUTH: -- Judge, I'm looking for something.

17 FURTHER REDIRECT EXAMINATION

18 BY MS. BLUTH:

19 Q Okay. Remind me of the date the children went into
20 the Solander care?

21 A They began June 2nd of 2010. They began a trip
22 actually so they weren't actually physically in their home. It
23 lasted for a week. If I recall correctly, they returned on
24 approximately June 10th, 2010 --

25 Q Okay.

1 A -- but the placement initiated June 2nd, 2010, is
2 when we consider the placement date.

3 Q Okay. Understood. So I want to ask you a quick
4 question because you talked about a meeting where I think that
5 is it a HART meeting or what's the H-A-R-T part?

6 A Yes. The acronym stands for Homestretch Adoption
7 Resource Team meeting.

8 Q Got it. So in one of those meetings you guys thought
9 you had had a foster home, but decided that the children had
10 special needs that that foster home couldn't really handle
11 with -- handle?

12 A That's correct.

13 Q What are the special needs that you're referring to?

14 A So in that particular meeting that adoptive resource
15 had some -- had some ideas about children that didn't align
16 with children in foster care. They believed some very -- they
17 had some very rigid beliefs --

18 MS. MCAMIS: Objection. Narrative at this point and
19 relevance.

20 MS. BLUTH: Asking at that point why wasn't it a good
21 fit or?

22 THE COURT: Overruled.

23 THE WITNESS: Yeah, they had some very rigid beliefs
24 that just don't align with all children in foster care. So it
25 wasn't necessarily that these children had special needs; it

1 was that they wouldn't have aligned with any children in foster
2 care. They wouldn't have been a good fit and adoption with
3 children that were abused and neglected.

4 THE COURT: So a nonabused, neglected child in foster
5 care could have been placed with them?

6 THE WITNESS: Well, all of our children are abused
7 and neglected.

8 THE COURT: Right. So I guess my question is why did
9 you refer then to the children as the ones having special needs
10 as opposed to referring to the potential adoptive resource as
11 not being suitable for children in foster care?

12 THE WITNESS: Because when we -- when we're writing
13 these reports to the Court we have to be very careful about
14 foster parents have the right to confidentiality, and so
15 writing certain things about a foster parent in a court report
16 we have to be very cautious of the language that we use. And
17 so we can't use their names. We can't use certain identifying
18 factors about them.

19 So in writing that, putting out there that a foster
20 parent just isn't a good -- they're just not a good candidate
21 period for anyone, and saying that to the Court it just it
22 really, it really was a moot issue. Because there potentially
23 could be an infant that came in that was a nonsubstance exposed
24 infant that just got abandoned. Say a safe haven baby, that
25 they might be a good fit for, but any child that's been abused,

1 neglected, abandoned they wouldn't be a good fit for. So that
2 family could potentially be a good fit for an infant like that,
3 but not any child that's ever been abused or neglected.

4 THE COURT: All right.

5 Go on, Ms. Bluth.

6 MS. BLUTH: Okay. Thank you.

7 BY MS. BLUTH:

8 Q So I just want to clear up because I remember where
9 we were at in my redirect when we stopped. I had shown you the
10 photos and then we had discussed some weight loss of Ava.

11 A I can't recall discussing the weight loss; I just
12 remember the photos. I just remember being shown some
13 photos --

14 Q Okay.

15 A -- and leaving.

16 Q Okay. So and then we started -- I think the
17 weight-loss conversation was what brought us to the fact that
18 you write these court reports every six months. And so I'm
19 going to reference a few of those, and you provided us with the
20 reports that you wrote in regards to the three Solander girls.

21 A Yes.

22 Q And just because I think it's easier to stay on the
23 same track, I recognize that they -- in these court records --
24 in the court reports that you wrote they're referred to as
25 their biological names, that they were born with --

1 A Right.

2 Q -- but I'm going to stick with Ava the oldest, Amaya
3 the middle, and Anastasia the youngest so I think it's easiest
4 for all of us to stay on the same page, okay?

5 A I agree.

6 Q All right. So I want to ask you a few questions
7 about these reports. In these reports that you're making it
8 discusses kind of where the children are at, like, emotionally
9 and in therapy; is that right?

10 A That's correct.

11 Q Also educationwise where they're at?

12 A Yes.

13 Q And then medically and any dental work discusses
14 where they're at in that regard?

15 A Yes.

16 Q All right. So I want to kind of go chronologically
17 if you don't mind. And I'm going to go up there with you so we
18 don't have to keep walking back -- I don't have to keep walking
19 back and forth.

20 A Yes.

21 Q And so I'm going to ask you specifics as to these.
22 So if you need to refresh your recollection let me know.

23 A Okay.

24 Q So in regards to January 20th of 2009, do you
25 remember the children's educational well-being off the top of

1 your head?

2 A Pretty closely, I mean, in general.

3 Q Okay. How was -- see I almost started with their bio
4 names. Amaya was in the first grade at that point in time. Do
5 you remember in regards to how she was doing in regards to
6 schooling?

7 A Not -- not in specifics.

8 Q Okay.

9 A I would have to refresh my memory.

10 Q All right. So actually I'm going to ask you first
11 about it was Ava that was in first grade. And if you could
12 just read the educational part, and I'll have some questions.

13 A Are we going one child at a time?

14 Q Why don't you read all three --

15 A Okay.

16 Q -- and then I'll --

17 A Okay.

18 Q Okay. And how were -- let's start by age, so how was
19 Ava doing in regards to school?

20 A She was receiving passing grades and she was on
21 target to pass first grade.

22 Q Okay. Any reports about, like, negative behaviors at
23 school or anything they couldn't handle?

24 A No. No reports of negative behaviors at school, no.

25 Q Okay. And then what about the middle child, Amaya?

1 A Amaya was on target also to pass kindergarten with
2 all passing grades.

3 Q And then any reports for bad behavior or anything
4 going on at school that was worrisome?

5 A No, there was never any behavioral reports from
6 school.

7 Q And what was going on with Anastasia? She was too
8 little to go to school so she was just, like, in a preschool
9 or?

10 A Yeah. She was in daycare and so she -- there was no
11 concerns.

12 Q Okay. And then at the end of that in regards to the
13 medical and dental issues, do you have an independent
14 recollection?

15 A No.

16 Q Okay. I'm going to show you that little period if
17 you wouldn't mind.

18 A Okay.

19 Q Any medical issues?

20 A No, there's no serious medical issues Jaqueline --
21 sorry, Amaya was observed -- I had observed her to have a
22 wandering eye, and so I had made a recommendation that she see
23 an optometrist.

24 Q Okay. And then in regards to the next one you do is
25 June 16th of, 2009. At that time are the girls, and when I

1 say girls I'm talking about Ava and Amaya, anything going on at
2 school, any behaviors that the teachers are saying that they
3 can't handle?

4 A No. They never had any behaviors in school
5 throughout the life of the case that I had them.

6 Q Okay. So I can go through each of these and there's
7 nothing in these reports that say, hey, these girls are out of
8 control at school, anything like that?

9 A No.

10 Q Overall are they doing pretty well in school?

11 A Yes.

12 Q In regards to all of the medical issues -- well, I
13 think with the medical issues I need to go one by one if you
14 don't mind. So I'm going to ask for June 16th of 2009, if
15 you could just read the medical dental, and then I'll have a
16 few questions for you.

17 A Okay.

18 Q Okay. What's going on with the children medically?

19 A Anastasia had an incident having her -- where her
20 earring went in she had an infection just at the side of her
21 earring, and she had an incident of having ringworm. Other
22 than that Jaqueline did need glasses for her wondering eye.

23 Q And that would be Amaya?

24 A I'm sorry. Yes, Amaya.

25 Q And so other than those two things the girls aren't

1 having any, like, digestive issues or anything like that?

2 A No.

3 Q Okay. And now I want to move to June 16th of 2009.

4 I want to ask you now same thing about their medical. Is there
5 anything of note going on there?

6 A At that time that's when Ava had the first incident
7 of having the knee pain where it was recommended that her
8 weight be controlled --

9 Q Okay.

10 A -- and that she have physical therapy as well. And
11 that service had been put in place and that had resolved. And
12 additionally that Anastasia had her nighttime enuresis, and she
13 had been considered to be placed that the pediatrician
14 discussed having a prescription for DD VAP which is a
15 prescription for a medication that has to do -- to help control
16 bedwetting. But the pediatrician had cautioned against it due
17 to the side effects.

18 Q Okay. So besides those things no other health
19 issues?

20 A No.

21 Q No problems of, you know, eating a specific diet or
22 anything like that?

23 A No.

24 Q And besides the bed -- or the bedwetting by Anastasia
25 no other toileting issues by any of the other girls?

1 A No.

2 Q Okay. So now I'm going to move into your report on
3 June 22nd of 2010, and on to December 21st of 2010. By now
4 the girls are with Solanders?

5 A Yeah. The first report they had met the Solanders
6 and are visiting. The second report is when they lived with
7 them.

8 Q Okay. So in regards to the medical and dental on the
9 June 22nd, I want you to look at that, and I'm going to have
10 some questions in regards to the medical and dental.

11 A Okay.

12 Q Okay. In regards to June -- in regards to this, what
13 is it said in regards to Anastasia's bedwetting?

14 A It's decreased dramatically.

15 Q And how long has she gone without having an accident?

16 A Three weeks.

17 Q Any other health -- any other health issues with any
18 of the girls?

19 A No, just a report of Amaya wearing glasses.

20 Q Now the children have -- this report is December 21st
21 of 2010. So Amaya, Anastasia, and Ava have been with the
22 Solanders for six months?

23 A Yes.

24 Q And there's a section here in regards to emotional
25 counseling where you discussed that the girls have had a

1 difficult time with the transition into the Solander home; is
2 that correct?

3 A That's correct.

4 Q And in regards to Anastasia, the last time you wrote
5 you said that there had been -- she had gone three weeks
6 without having an accident. In this report six months later,
7 do you remember what you're saying about Anastasia's bedwetting
8 and daytime wetting issues?

9 A Yes.

10 Q And what -- what was happening?

11 A It was being reported that she had been wetting
12 regularly and that it had increased to the point where that she
13 was now having daytime wetting which was completely new.

14 Q Okay. Were the foster parents also complaining about
15 Anastasia eating out of the garbage?

16 A Yes.

17 MS. MCAMIS: Objection. Argumentative. They
18 disclosed. There's no indications there was a complaint.

19 THE COURT: Overruled.

20 BY MS. BLUTH:

21 Q Did they discuss with you that Anastasia was
22 eating -- had episodes of eating out of the garbage both at
23 home and in public?

24 A Yes.

25 Q And in regards to Ava, what was happening with Ava?

1 A And with Ava, Ava was upset that she was afraid that
2 these complaints about her sisters that it was going to lead to
3 her being removed from the Solanders' home.

4 Q And did you state that she had become withdrawn and
5 quiet?

6 A Yes.

7 Q In your report do you discuss the foster parents
8 expressing a level of stress that this was causing them?

9 A Yes.

10 Q So is it after this where -- is it during this kind
11 of time period where you offer the wraparound services and
12 offer help to the Solanders?

13 A Yes.

14 Q And then if you could look at the last thing, if you
15 could look at the medical and dental in regards to the three
16 girls now in December of 2010.

17 A Okay.

18 Q Okay. And what's going on with Ava, Amaya, and
19 Anastasia medically?

20 A So Ava going back off my previous report, it's saying
21 that those -- the pain in her leg has resolved and that she has
22 no ongoing medical concerns at this time. With Amaya that
23 Amaya has no medical concerns at all.

24 And then with Anastasia that it's reported that she
25 bruises easily and the concerns about her -- her urology issues

1 as far as the wetting episodes, and that she now is having
2 blood testing due to the concerns of being reported about her
3 bruising easily. Those blood test results were pending and
4 that she had been referred to a urologist due to the
5 bedwetting, and that she's on the Polyglycol and then another
6 medication for that. And that she's seeing a urologist at that
7 time.

8 Q And then who is reporting that she -- that Anastasia
9 was bruising easily?

10 A Mrs. Solander.

11 Q Was there any conversation about how she was
12 bruising, like, was she bumping into things, or how she was
13 getting the bruises?

14 A No. She just reported that she was bruising easily.
15 But I had not identified any bruises during my body checks.

16 Q And in regards to Ava you had documented that in the
17 past six months Ava had lost 15 pounds?

18 A Yes.

19 Q The Solanders -- and Ms. McAmis had asked you some
20 questions about this, but the Solanders had -- or not the
21 Solanders, but both Amaya and Anastasia had been seen by a
22 psychiatrist and then put on Risperdal, low doses of Risperdal;
23 correct?

24 A Yes.

25 Q But had either of these children been on that

1 medication with Debbie McClain?

2 A No.

3 Q And what was the purpose of the Risperdal if you
4 know?

5 MS. MCAMIS: Objection. It calls for a medical
6 conclusion, purpose of Risperdal.

7 MS. BLUTH: No, it's in --

8 THE COURT: If you know why she was prescribed the
9 Risperdal?

10 THE WITNESS: Mood changes.

11 BY MS. BLUTH:

12 Q Okay. And who was reporting that their mood needed
13 to be stabilized or changed?

14 A Both Mr. and Mrs. Solander.

15 Q Okay. And then my last question to you is last time
16 you were here we had talked about some photos that a CPS worker
17 had taken in 2008, do you remember those questions?

18 A Yes.

19 Q And just correct me if I'm wrong, but there had been
20 a report that, I think it was one of the aunts, in 2008 had hit
21 Anastasia with a belt; is that right?

22 A I believe it was the paternal grandmother.

23 Q Okay, the paternal grandmother. Thank you. And in
24 the -- you had an opportunity to look through those reports; is
25 that right?

1 A I did.

2 Q Now, were photos taken of the entire body of the
3 child or just the injury on the ankle?

4 A Just the injury.

5 Q On the ankle?

6 A Yes. I'm sorry. On the ankle, yes.

7 Q Okay. So there's no documented photographs of, like,
8 the children had to tell, I guess is my point?

9 A No.

10 MS. MCAMIS: Objection. Asked and answered.

11 MS. BLUTH: It's my question.

12 THE COURT: Overrule. I'm sorry, overruled.

13 BY MS. BLUTH:

14 Q Is my question?

15 A Yes. The photo -- the documentation states that the
16 photograph is of the injury to the ankle.

17 Q Okay.

18 MS. BLUTH: I don't have anything else, Your Honor.
19 thank you.

20 THE COURT: Ms. McAmis, any follow-up?

21 MS. MCAMIS: Court's indulgence.

22 No. Thank you. Pass the witness.

23 THE COURT: Do we have any juror questions for this
24 witness, any juror questions?

25 All right. Ma'am, I see no additional questions.

1 Thank you for your testimony. Please do not discuss your
2 testimony with anyone else who may be a witness in this matter.
3 Thank you. And you are excused.

4 THE WITNESS: Okay.

5 THE COURT: And the State may call its next witness.

6 MR. HAMNER: State's going to call Joshua Bitsko to
7 the stand.

8 THE MARSHAL: What was the last name, Mr. Hamner?

9 MR. HAMNER: Bitsko. Sergeant Joshua Bitsko.

10 THE COURT: Yes, right up here by me. And then just
11 remain standing facing the lady right here who will administer
12 the oath to you.

13 **JOSHUA BITSKO**

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

16 THE CLERK: Thank you. Please have a seat. State
17 and spell your first and last name for the record.

18 THE WITNESS: Joshua, J-o-s-h-u-a, Bitsko,
19 B-i-t-s-k-o.

20 THE COURT: Thank you.

21 Mr. Hamner, you may proceed.

22 MR. HAMNER: Thank you very much.

23 DIRECT EXAMINATION

24 BY MR. HAMNER:

25 Q Sir, could you explain to the jury what you do for

1 living.

2 A I'm a sergeant with the Las Vegas Metropolitan Police
3 Department.

4 Q And how long have you been with -- excuse me, the Las
5 Vegas Metropolitan Police Department?

6 A 17 years.

7 Q What detail are you currently assigned to?

8 A I'm currently the training sergeant for the K-9
9 section.

10 Q Prior to that where were you?

11 A I was a detective sergeant in our abuse and neglect
12 section.

13 Q Okay. And from what years were you in that section?

14 A I think 2000 -- beginning of 2013 to the end of 2014.

15 Q Were you involved with the obtaining or the execution
16 of a search warrant for an address of 9500 Wakashan Avenue, Las
17 Vegas, Nevada in March of 2014?

18 A Yes, I was.

19 Q Was that warrant obtained on March 19th of that
20 year?

21 A Yes.

22 Q And was the warrant executed on March 20th of that
23 year?

24 A Yes.

25 Q Who led kind of the execution of the warrant?

1 A Well, as a supervisor it's my job to oversee the
2 execution of the warrant. Our SWAT team served the warrant,
3 but then when it comes to the searching and collecting evidence
4 and ensuring that all policies and procedures are followed
5 that's my job as a supervisor.

6 Q Okay. At that time was Janet Solander present at the
7 house?

8 A I believe they were or they had just arrived and were
9 taken into custody.

10 Q Well, let me see if this helps refresh your memory.

11 A Because I know we served the warrant or when we
12 drafted the warrant we believed they were in Ohio, but when we
13 served it I believe they were taken into custody then.

14 Q On that date.

15 A Correct.

16 Q Tell us a little bit about just kind of procedurally
17 how you go about kind of that process. What do you do kind of
18 in the beginning if you're executing a warrant on a residence?

19 A Well, the first thing once we render it safe and that
20 was the SWAT team's job in that -- this specific scenario. We
21 go in and I ensure that certain jobs are assigned during the
22 service of the search warrant. You have -- the case agent is
23 either there to conduct interviews with suspects if they're
24 taken into custody. Then we have different detectives that,
25 you know, I delegate as searchers. So if you're going to be

1 searching for evidence, we have a list of evidence we're going
2 to be searching for. And then we have other -- like, if
3 somebody's going to be a scribe, it's going to write down
4 wherever each item is found especially when there's an
5 extensive amount of evidence that can be located inside a
6 residence that we're searching.

7 Q In this case was a case agent Frances Emery present,
8 Detective Frances Emery present?

9 A Initially, but then she went to conduct interviews
10 with the suspects that were taken into custody.

11 Q Okay. Do you have other detectives in abuse and
12 neglect specialist with you on that day?

13 A Yes, I did.

14 Q And did you also have kind of an assigned kind of
15 recorder of the evidence that you found present that day?

16 A Yes.

17 Q Was there a seat member of CSI present that day?

18 A Yes, there was.

19 Q And why -- why did you have someone from CSI there?

20 A Because as we're serving the search warrant, we're
21 going to photograph if they record where evidence is located,
22 record the scene prior to searching, and then we also record
23 the scene after we leave to ensure that, you know, we didn't
24 unduly damage the structure. We photograph anything that we
25 may have disturbed while we're searching because we're going

1 through drawers, depending on, you know, what evidence that
2 were looking for, and we want to photograph the nature of the
3 house not only before we search, but after we search as well.

4 Q Okay. So when you enter the house kind how do you go
5 from -- just walk us through, I mean, let me ask you this. Is
6 this house one level or two levels?

7 A It's a two-story.

8 Q Okay. Do you start on the first level and then go up
9 to the second level; how does that work?

10 A Yeah, well, from, you know, from the street there's a
11 front door. You go in the front door there's a little foyer
12 area, to the right a dining area. Beyond that is a kitchen on
13 the right and then on the left you have a living room. There's
14 stairs on the left and a entrance to the garage and a small,
15 like, utility closet that you keep, like, in my house we keep
16 coats in there. And then there's stairs upstairs to a loft
17 area and bedrooms.

18 Q All right. During the course of your collection of
19 evidence, was there any kind of paperwork or books found?

20 A Yeah, we found two books that were authored by one of
21 the suspects.

22 Q Who is that?

23 A Janet Solander.

24 Q Okay.

25 A And then we found miscellaneous paperwork in both

1 Dwight and Janet Solander and then I believe the daughter as
2 well. And --

3 Q Did it kind of, like, was it in their name or
4 addressed to them; is that what you mean by that?

5 A Yeah, we had their name. So when we do a search
6 warrant, you know, to provide a nexus between the suspects and
7 the location, we find -- we look for paperwork that has names
8 and addresses so we can identify who's actually living in the
9 residence when we serve that search warrant.

10 Q Do you remember where those books were located?

11 A In the living room area.

12 Q And were the -- was the other kind of paperwork where
13 they found kind of other parts of the house or?

14 A Yeah, I believe there was some paperwork found in the
15 foyer area like on little maybe on the table a side table. And
16 then paperwork found throughout.

17 Q Okay. Was there any kind of -- of, like, diabetic
18 medical testing equipment found?

19 A There was.

20 Q Okay. Where -- what part of the house was that found
21 in?

22 A I believe one piece of diabetic equipment was found
23 in the kitchen and then there were other in the master bedroom.

24 Q Do you remember what those items were?

25 A I know lancets were found upstairs, a tester

1 upstairs. I can't speak to what or not speak, but I don't
2 remember exactly what was found in the kitchen as far as what
3 piece of diabetic medical equipment was found downstairs.

4 Q Okay. Were -- and just to be clear for all these
5 items were you having your CSA or CSI agent kind of taking
6 photographs as you're kind of finding these things?

7 A Yeah. Before we move them, when we find something
8 that we identify as evidence that was listed on the search
9 warrant, I would direct the CSI or another detective to
10 photograph it before we move it to show it undisturbed before
11 we started moving any items.

12 Q Were there any kind of, like, wood objects or sticks
13 found at some point in the house?

14 A Yeah. We found three paint stirring sticks from Home
15 Depot which were listed on the search warrant, one of the items
16 we were looking for.

17 Q In what parts of the house were they found?

18 A There was one in the laundry room upstairs in a
19 cabinet. There was one in the garage, and one in the living
20 room.

21 Q When you -- and you remember seeing those items;
22 right?

23 A I do.

24 Q When you saw those items did any of them have any
25 dried paint on them?

1 A I did not see any dried paint; they were clean.

2 Q When you walked through the house -- let's say when
3 you walked the living room, you said one of the sticks was
4 found there, did there appear to be a painting project going on
5 in house?

6 A No, there did not.

7 Q Did you smell the smell of fresh paint?

8 A No.

9 Q When you went up to the laundry room was there a
10 painting project going on up there from what you could observe?

11 A No, not from what I could see.

12 Q Did you smell any fresh paint?

13 A No.

14 Q When you went into the garage, did there appear to be
15 any kind of painting project going on in there?

16 A No active painting project in the garage.

17 Q Did you smell any fresh paint?

18 A No.

19 Q If I could approach -- let me ask you this. When you
20 found these items that you've described, just kind of described
21 to us, were these items all collected and impounded into
22 evidence?

23 A Yes.

24 Q Were they impounded into evidence under Event No.
25 1403041293?

1 A Yes.

2 Q Okay.

3 MR. HAMNER: If I could approach. The State's
4 Proposed Exhibit 100.

5 Let the record reflect I'm showing the witness --
6 thank you very much, thanks for the clue.

7 THE COURT: Oh.

8 MR. HAMNER: Let the record reflect I'm showing the
9 witness what's been marked as State's Proposed Exhibit 100.
10 BY MR. HAMNER:

11 Q Sir, do you recognize what we're looking at here?

12 A Well, this is an evidence bag with a tag on it that
13 articulates what's inside.

14 Q Okay. Was it -- do you see an event number on this?

15 A Yes, I do.

16 Q Okay. Why do you put on event number on that bag?

17 A To track evidence and so we can show which case it
18 belongs to.

19 Q Okay. Was it -- is it -- is the event number that
20 you had just told us about, is that the same event number
21 that's on there?

22 A Yes, it is.

23 Q Is there a date on this bag?

24 A Yes, there is.

25 Q Is it -- what date is on there?

1 A 3-20-2014.

2 Q Is that the date of the execution of the warrant?

3 A It is.

4 Q Okay. Do you see -- is there a signature of an
5 impounding employee of the Las Vegas Metropolitan Police
6 Department?

7 A Yes, Lauren McHale.

8 Q Okay. Was that the person that you had assigned, I
9 know you said you gave everybody different roles, was
10 Ms. McHale is she an officer -- what is her role in --

11 A She is an investigative specialist. So on some very
12 difficult investigations she'll come and she'll assist us with,
13 you know, documenting evidence as my detectives are searching
14 and locating.

15 Q Was she assigned the task to kind of bag the evidence
16 and kind of impound it in these bags and seal them off?

17 A Yes, she was.

18 Q Okay. And is that her signature there?

19 A It is.

20 Q Okay. If we could open up this bag and see.

21 A I feel it in there. No pressure.

22 THE CLERK: Do you need gloves or anything?

23 THE WITNESS: No. It's just, like, stapled inside
24 the folds of the bag. Maybe I can open it from the other side.
25 I think I have it. Ta da.

1 BY MR. HAMNER:

2 Q Do you recognize what we're looking at here?

3 A Yes. We have three paint stirring sticks.

4 Q Okay. Where do you recognize them from?

5 A The service of the search warrant.

6 Q Okay. So these are kind of a fair and accurate
7 depiction of what some of the sticks looked like that you
8 found?

9 A Yes.

10 Q Do you remember what part of the home these
11 particular ones were found in?

12 A I would have to look at the pictures to remind me. I
13 believe one of these big ones was the one found in the laundry
14 room upstairs specifically.

15 Q Okay. And let me ask you this. Is there a
16 description that at least helps provide some location as to
17 where these items were found that helps refresh your memory?

18 A Yes. Here it says wood stick Home Depot found in
19 storage closet on the first floor, wood stick with Home Depot
20 found in laundry room on second floor, wood stick with Home
21 Depot found in front living room. It just doesn't say
22 specifically which stick was found where because they're --

23 Q But these are kind of fair and accurate
24 representations of what you remember when you impounded them;
25 right?

1 A Yes.

2 Q Okay.

3 MR. HAMNER: I'm going to ask at least at this time
4 that each one of the sticks be marked as State's Proposed
5 Exhibits 100 A, B and C. And at this time we're going to ask
6 that State's Proposed Exhibit 100 and 100 A, B and C be
7 admitted.

8 THE COURT: Any objection?

9 MR. FIGLER: We'll submit it, Your Honor.

10 THE COURT: All right. Those will all be admitted.

11 (State's Exhibit Number 100A-C admitted.)

12 MR. HAMNER: Permission to publish?

13 THE COURT: You may.

14 BY MR. HAMNER:

15 Q This is one of the larger sticks, Sergeant?

16 A Yes.

17 THE COURT: And for the record that's going to be 100
18 A, B, or C?

19 MR. HAMNER: 100 A.

20 THE COURT: Let's make that bigger one A and then --

21 MR. HAMNER: I think these are approximately the same
22 size --

23 THE COURT: Are they the same?

24 THE WITNESS: Yep.

25 MR. HAMNER: -- but we'll mark that one as A.

1 THE COURT: All right. Those will be A and B. We're
2 going to give them to the clerk.

3 MR. HAMNER: I apologize, Your Honor.

4 THE COURT: Those will be A and B and then --

5 MR. HAMNER: Publishing 100 C.

6 THE COURT: All right.

7 BY MR. HAMNER:

8 Q And to be clear one of those larger ones is actually
9 noted as being found in the living room of the house?

10 A Okay, yes.

11 Q Is that --

12 A I would have to look at the picture --

13 THE COURT: If you don't remember just --

14 THE WITNESS: Yeah, I would have to look at the
15 picture because we did photograph them in place, so I would be
16 able to look at them and tell you exactly which one is found
17 where.

18 MR. HAMNER: I'm going to ask to approach -- approach
19 with State's Proposed 95.

20 THE COURT: All right. You can move freely.

21 MR. HAMNER: Let the record reflect I'm showing
22 proposing -- proposing, just kidding, the witness State's
23 Proposed 95.

24 BY MR. HAMNER:

25 Q You remember discussing -- collecting some kind of,

1 like, diabetic medical equipment, testing equipment things like
2 that?

3 A Yes.

4 Q Okay. I want you to take a look at State's Proposed
5 95. What are you looking at there?

6 A There's two boxes of OneTouch Lancets, one --

7 Q I meant -- I meant just this physiological --

8 A Okay. Yeah, it's an evidence bag with a tag on the
9 front of it.

10 Q Does it have the same date of the execution of the
11 warrant that we discussed?

12 A It does.

13 Q Does it have the same event number?

14 A It does.

15 Q Does it have -- whose signature is on there as the
16 impounding representative of the evidence?

17 A Laurie McHale.

18 Q Okay. And based off the bag what is generally being
19 described as being contained in this bag?

20 A Two boxes of OneTouch lancets, OneTouch Ultra mini
21 monitor, and two boxes of 50 each of OneTouch ultra blue test
22 strips.

23 Q And you remember seeing those items inside this home?

24 A Yes.

25 Q Okay. If you could open this bag, please.

1 MR. FIGLER: Your Honor, if it makes things easier
2 for the State on this witness, the defense is going to
3 accommodate. The defense has looked at each and every one of
4 these packages. We'll submit for the State's convenience the
5 admission --

6 THE COURT: Okay.

7 MR. FIGLER: -- there's none that jump out as having
8 any particular articulable objections so if that assists them.

9 THE COURT: All right.

10 MS. BLUTH: Thank you.

11 MR. HAMNER: Definitely. Thank you.

12 THE COURT: So for the record again which exhibit is
13 he opening?

14 MR. HAMNER: It's going to be 95. State's Proposed
15 95 --

16 THE COURT: All right.

17 MR. HAMNER: -- there's going to be multiple items in
18 it so we'll have to --

19 THE COURT: So no objection to the admission of 95
20 and contents?

21 MR. FIGLER: We'll submit on that one --

22 THE COURT: Okay.

23 MR. FIGLER: -- as we will on the others that the
24 State intends to move.

25 THE COURT: All right. So 95 and contents will be

1 admitted.

2 (State's Exhibit Number 95A-E admitted.)

3 THE COURT: Did you want those marked separately,
4 Mr. Hamner?

5 MR. HAMNER: We can do whatever -- whatever the
6 pleasure is of the Court. If the Court prefers to have each
7 one of them individually -- okay. That's fine.

8 Then permission to publish State's 95 to the jury.

9 THE COURT: All right. And for the record, Sergeant,
10 what did you remove from State's 95?

11 THE WITNESS: Okay. I removed lancets that were
12 described on the front, Ultra Blue test strips, two boxes of
13 lancets, two boxes of test strips, and the Ultra mini monitor.

14 THE COURT: All right.

15 MR. HAMNER: Okay. And if I could just actually
16 publish this on the overhead.

17 THE COURT: All right. And for the record you're
18 talking about one of the --

19 MR. HAMNER: One set of the lancets.

20 THE COURT: All right. Now it has to be switched
21 over.

22 MR. HAMNER: It's on at least on the --

23 THE COURT: No, no it's the --

24 THE COURT RECORDER: It's okay. It's on.

25 THE COURT: There we go.

1 BY MR. HAMNER:

2 Q Can you read the name on that?

3 A Yes. It's Janet Hinton Solander.

4 Q Okay. Do you see any names of anyone else other than
5 Janet Hinton Solander for these particular lancets?

6 A No, I do not.

7 Q Okay. And who's the doctor that's noted as being the
8 prescribing doctor?

9 A Ostrowsky.

10 Q Okay. Where were these items found in the house?

11 A I'd have to -- I'd have to look at the officer's
12 report. It doesn't say on here where they're specifically
13 found. I believe in the bedroom upstairs.

14 Q Well, let's, I mean, there are multiple bedrooms,
15 right?

16 A Correct.

17 Q Okay.

18 MR. HAMNER: Just referring -- approaching the
19 witness with the officer's report.

20 THE WITNESS: Okay.

21 BY MR. HAMNER:

22 Q Referring to page 3. Why don't you look in this area
23 right here and let me know if that refreshes your memory as to
24 the location?

25 A Yes. They were located in the upstairs master

1 bathroom.

2 Q Okay. So in the master bath?

3 A Correct.

4 Q So not in any of the other guest rooms?

5 A No.

6 Q Not in any of the other rooms in the house?

7 A No.

8 MS. BLUTH: I just --

9 MR. HAMNER: Approaching with what's already been
10 admitted as State's 93.

11 MR. FIGLER: Okay.

12 MR. HAMNER: I'll just do the other screen.

13 Let the record reflect I'm showing the witness
14 State's 93.

15 BY MR. HAMNER:

16 Q If you could open that up, sir.

17 A Okay.

18 Q Okay. And what's that?

19 A A kitchen timer.

20 Q Okay. And where was that found?

21 A In the kitchen.

22 Q Okay.

23 THE COURT: No objection to or submitted on 93 and
24 contents?

25 MR. FIGLER: That's correct, Your Honor.

1 THE COURT: All right. So we can admit 93 and
2 contents.

3 (State's Exhibit Number 93 admitted)

4 THE WITNESS: And it's a small black vinyl bag.

5 BY MR. HAMNER:

6 Q Okay. Can you open that bag?

7 A Yes.

8 Q Okay. So inside what is that or can you tell me what
9 that is?

10 A Yeah, it's consistent with a diabetes monitor, a
11 blood glucose monitor.

12 Q Okay. Can you see -- can you take one other --

13 A And then there appears to be a certificate from
14 Department of Family Services.

15 Q Addressed and given to whom?

16 A Janet and the Dwight Solander.

17 Q And does it have an address on there?

18 A Yes, it does.

19 Q And what's the address?

20 A 9500 Wakashan Avenue.

21 Q Okay.

22 MR. HAMNER: Just publishing the timer to the jury.

23 THE COURT: All right.

24 MR. HAMNER: I'm just -- maybe --

25 THE COURT: Yeah. I think --

1 MR. HAMNER: -- maybe 93.

2 THE COURT: All right. We'll make 93 and contents
3 the timer will be A, the test kit will be B, and the
4 certificate will be C.

5 THE CLERK: That's what I have.

6 THE COURT: All right. And then for the record --
7 Did we do that on --

8 MR. HAMNER: We did not but --

9 THE COURT: Okay. Yeah, we did.

10 UNIDENTIFIED SPEAKER: It's 95.

11 THE COURT: So 95 C --

12 MR. HAMNER: What did you do them as?

13 THE COURT: -- is the OneTouch kit --

14 MR. HAMNER: Yeah, so 95 C is the OneTouch kit.

15 THE CLERK: A and B are the lancets and D and E
16 are --

17 THE COURT: The test strips.

18 THE CLERK: -- strips, yes.

19 MR. HAMNER: Test strips.

20 THE COURT: All right.

21 MR. HAMNER: Again approaching with State's 94.

22 BY MR. HAMNER:

23 Q Sir, if you could open this, please.

24 A (Witness complies.)

25 MR. FIGLER: Your Honor, a number of documents have

1 been brought out. Do you have any objection to myself
2 approaching the witness stand just so I can --

3 THE COURT: I do not.

4 MR. FIGLER: Thank you, Your Honor.

5 THE WITNESS: Do you want me to pull that out?

6 MR. HAMNER: No, let's not.

7 Can we just approach real quick on this?

8 THE COURT: Sure.

9 (Conference at the bench not recorded)

10 BY MR. HAMNER:

11 Q Okay. So for the record what is this?

12 A Home Depot stirring paint stick.

13 Q And this is State's 94 F.

14 A Okay.

15 Q And what are we looking at in this?

16 A We have e-mails about the book --

17 Q You don't -- I mean, you don't have to get into the
18 stuff until it's been admitted.

19 A Okay.

20 Q This is essentially?

21 A Documents.

22 Q Okay. And these are 94 A. And what is this?

23 A A handwritten note.

24 Q And this is going to be marked as 94 D. This also --
25 this second page also a part of the handwritten note?

1 A Yes.

2 Q Okay. And these, what are these?

3 A Those are two books that we located -- same copy or
4 the same book. Two copies of the same book.

5 Q Okay.

6 MR. HAMNER: And just permission to publish?

7 THE COURT: Sure.

8 MR. HAMNER: And this is going to be for the record.
9 These two books are 94 C.

10 THE COURT: And those will all be admitted.

11 (State's Exhibit Number 94 A-F admitted)

12 BY MR. HAMNER:

13 Q What are we looking at in these three?

14 A Paperwork from the Department of Family Services.

15 Q Okay. And this is going to be marked as 94 A.

16 THE COURT: Counsel approach again.

17 (Conference at the bench not recorded)

18 MR. HAMNER: I believe it's going to be this.

19 MR. FIGLER: Yeah. Okay.

20 MR. HAMNER: So that's A.

21 MR. FIGLER: Although, Chris --

22 (Conference at the bench not recorded)

23 BY MR. HAMNER:

24 Q And then what is -- what is this?

25 A A folder with a divider.

1 Q Okay. And this is going to be for the record 94 B.
2 Last bag. And (inaudible) it's good. I'll take
3 those if you're done. Thank you.

4 So you mentioned that there were photographs taken as
5 you were doing this; correct?

6 A Yes, sir.

7 MR. HAMNER: Okay. Sure. No problem.

8 MR. FIGLER: Chris, can I thumb through whatever
9 you're going to put in?

10 MR. HAMNER: Sure.

11 (Pause in the proceedings)

12 MR. HAMNER: Okay.

13 Your Honor, I think there's at least an agreement
14 between parties that we would agree to the admission of the
15 marked State's Proposed Exhibits 131 through, if you'd bear
16 with me, 176.

17 THE COURT: No objection?

18 MR. FIGLER: We'll submit all of them. And for the
19 sake of efficiency I don't think that the State needs to go
20 through each and every photo. The photos all do appear to be
21 the photos that was taken by Metro police on the date --

22 THE COURT: Of the search warrant.

23 MR. FIGLER: -- that the sergeant is testifying.
24 Correct.

25 THE COURT: All right. Those will all be admitted.

1 (State's Exhibit Numbers 131-176 admitted)

2 MR. HAMNER: Okay. Permission to publish a few?

3 THE COURT: Sure.

4 MR. HAMNER: Thank you very much.

5 BY MR. HAMNER:

6 Q Starting was State's 131. What are we looking at
7 here in this photograph?

8 A That's the residence of which we served the search
9 warrant.

10 Q Okay. Publishing 133. What are we looking at here?

11 A The front door standing from basically the hallway
12 between the kitchen and the living room.

13 Q Okay. Publishing 135. Do you recognize what this
14 area is here?

15 A It appears to be like the -- I don't think it's a
16 living room, but when you go in directly to the right before
17 you get to the dining room.

18 Q So it's kind of like a sitting room?

19 A Correct.

20 Q Okay. Publishing 139. What we looking at kind of
21 there? I can try to zoom in the house.

22 A I mean, it's the downstairs area by the living room
23 and the kitchen. I can't say specifically where it's at in the
24 house.

25 Q Let me ask you this question. Do you remember when

1 you were going through doing a search warrant there being,
2 like, cameras, like, cameras sitting somewhere in the house?

3 A There was wiring and cameras, correct. That -- it
4 appeared that at one time they had surveillance inside the
5 house, but it had been taken down prior to the service of the
6 search warrant.

7 Q I want -- and to be clear, the Solanders were present
8 by the time you arrived?

9 A Yes.

10 Q Okay. I want to show you up close 139. Do you
11 happen to see any of that wiring with the camera stuff in
12 State's 135?

13 A It appears next to this toolbox that there's wiring
14 and -- oh, no, I apologize. There's a small little -- little
15 table -- side table -- end table and underneath it there's a
16 drill and cameras and wiring.

17 Q Okay. I'm going to now publish 139. You're going to
18 see it up on that screen. I want you to circle for this jury
19 what you just described. Where did you just see that?

20 A Circle it on the screen?

21 Q Yes, please.

22 So right next to it, next to the cameras was a drill?

23 A Yes.

24 Q Okay. And let the record reflect the witness in
25 State's 139 has circled what appears to be some black

1 equipment. There does appear to be a drill right next to a
2 little table with an angel on it just to the right of center in
3 State's 139.

4 THE COURT: Okay.

5 MR. HAMNER: Publishing 148.

6 Thank you, Your Honor, for clearing that.

7 BY MR. HAMNER:

8 Q What are we looking at there?

9 A Those are the two copies of the book that we took out
10 of the evidence bag a few minutes ago.

11 Q And that's kind of as they were found; is that right?

12 A Correct.

13 Q Publishing 149. What are we kind of looking at
14 there?

15 A The stairs area to go upstairs.

16 Q Okay. Publishing 152, State's 152. Where are we in
17 the house at this point?

18 A There's like an upstairs hallway, slash, loft area
19 that leads to the bedrooms.

20 Q Okay. I want to show you, publish 154, State's 154.
21 What are we looking at here?

22 A I think -- I believe at the end of the hallway and
23 the loft area there was an area that was made to be a bedroom.

24 Q Okay. Was it -- did it appear to be an adult's room
25 a kid's room?

1 A A kid's room.

2 Q Okay. So that was one of the bedrooms that you saw?

3 A Correct.

4 Q Publishing 155. Where's that?

5 A I believe one of the bedrooms upstairs, another one

6 of the kid's rooms.

7 Q Publishing 159.

8 A I believe this was Danielle's room.

9 Q Okay. Publishing 161. What are we looking at there?

10 A Those are Home Depot paint buckets that were located

11 in the garage.

12 Q How many did you find in there?

13 A Well, there's three in this picture. I distinctly

14 remember finding them in the garage; I can't say if there were

15 more that weren't pictured here.

16 Q Okay. Publishing 162. What are we looking at there?

17 A That's the paint stir stick, the one that I was -- I

18 believe was found upstairs in the laundry room. I think

19 there's a cabinet that's above the -- above the washer and

20 dryer and that was located inside there.

21 Q Okay. Publishing 114.

22 A That's the paint stick, stir stick that was located

23 in the -- I think these racks were in the downstairs utility

24 closet area.

25 Q Publishing 115.

1 A The paint stick located in the living room.

2 Q Okay. Publishing State's 166. What are we seeing
3 there?

4 A A fan and a, like, a toddler gate.

5 Q What part of the house was that located in, that fan?

6 A Upstairs.

7 Q Okay. Was it in a particular bedroom or in the loft?

8 A I don't recall specifically.

9 Q Publishing 167. What are we looking at there?

10 A Those are more fans, two more fans.

11 Q Where were they found?

12 A Upstairs.

13 Q Publishing 171. What are we looking at there?

14 A In -- as I said, the loft area had been converted, it
15 has, like, a cot and a TV and that's what that is.

16 Q Publishing 175.

17 A The kitchen timer that was located in the kitchen.

18 MR. HAMNER: Court's indulgence.

19 All right. At this time I have no further questions
20 for the witness.

21 THE COURT: All right. Thank you.

22 Cross.

23 MR. HAMNER: Dayvid, did you want any of these
24 photographs? I'll leave the ones at least that I showed --

25 MR. FIGLER: Yeah, thank you.

1 MR. HAMNER: -- and then I'll give you the other pile
2 of the ones that we didn't use.

3 THE COURT: Okay.

4 CROSS-EXAMINATION

5 BY MR. FIGLER:

6 Q Sergeant Bitsko?

7 A Yes, sir.

8 Q All right. Just a few questions. Just procedurally
9 in order for someone to get a search warrant there needs to be
10 an application for a search warrant; isn't that correct?

11 A Correct.

12 Q Okay. And you weren't the person who created the
13 application for the search warrant in this case, were you?

14 A No. Generally the supervisor approves it.

15 Q Okay. So this would have been Frances Emery who's
16 another detective over at Metro?

17 A Yes.

18 Q Okay. So when they do an application for a search
19 warrant -- have you done an application for a search warrant in
20 your professional capacity?

21 A Yes, I have.

22 Q Okay. So you know that when you do an application
23 for a search warrant you set forth certain facts or suspicions
24 that may exist before you can get a search warrant; isn't that
25 correct?

1 A Yes.

2 Q Okay. And presumably you saw the application
3 affidavit for the search warrant in this case as well?

4 A Yes.

5 Q Okay. But you didn't independently verify any of the
6 facts or information presented in the search warrant; isn't
7 that correct?

8 A Part of policy is I review case documents that are
9 alongside the search warrant and ensure that the information
10 listed in it is accurate.

11 Q Okay. And you remember doing that with this case?

12 A I do.

13 Q Okay. And what documents did you review to verify
14 the veracity of the information in the search warrant?

15 A Well, I would have looked at the entire case file.

16 Q The entire case file?

17 A Correct.

18 Q And what did that consist of?

19 A Interviews, associated documents, CPS reports, items
20 of that such.

21 Q Oh, so you looked at all those things; you recall
22 that?

23 A I looked at them. I don't specifically -- so there's
24 a process that I do when I review a search warrant; I'm going
25 to look at all that. Can I tell you specifically which or

1 which specific documents I've looked at on a 4-year-old search
2 warrant, I can't.

3 Q Okay. So you don't have independent recollection of
4 which documents you would have reviewed?

5 A No. I just know that I would look at the case file
6 before I approved the search warrant.

7 Q Okay. So then you went to go execute the search
8 warrant and you said that was in March of 2014; correct?

9 A Correct.

10 Q Okay. And you knew at that time with the exception
11 of Danielle and the Solanders that there were no other children
12 living in the home at that time; correct?

13 A Correct.

14 Q Okay. No adopted children, no foster children were
15 in the home at that time; correct?

16 A No.

17 Q Okay. Now, the photos that you took, are they all
18 taken before any officer touches things, or do you start to
19 look around a little bit and then at some point the photo
20 process begins?

21 A Well, generally we take overalls before anything's
22 touched.

23 Q Okay. Were any of the photos that were shown to you
24 by the State overalls presearch versus postsearch or can you
25 even tell me at this point?

1 A I believe there's a mix of them.

2 Q Okay. So some of the photos that we may have looked
3 at where things are moved around that might have been touched
4 by a CSI or a Metro officer there's no -- there's no video that
5 gives us a timeline of all of what was touched when?

6 A No. We didn't take a video.

7 Q Okay. Now, we use the word evidence a lot and I just
8 want to make sure because that's a term professionals like you
9 use, professionals like the prosecutor, professionals like
10 myself and Ms. McAmis, but perhaps the jury doesn't understand.
11 Evidence just means another word for items that may be in
12 support of an alleged offense; correct?

13 A Correct.

14 Q Okay. They may have no value with regard to an
15 alleged offense; isn't that correct?

16 A I wouldn't -- I don't know if I would define that as
17 evidence.

18 Q Okay. But it's an item that's taken into evidence;
19 correct?

20 A An item listed on a search warrant, yes.

21 Q Okay. And it may turn out that it has no evidentiary
22 value meaning it doesn't prove something; correct?

23 A Correct.

24 Q Okay. And, in fact, it may even prove that something
25 didn't happen or that an allegation is incorrect; isn't that

1 true?

2 A Yes.

3 Q Okay. So evidence when it comes down to it is pretty
4 much a neutral word. It could mean it happened, it didn't
5 happen; it could support that it happened, it didn't happen or
6 none of the above; right?

7 A I don't understand what you're asking me.

8 Q Items impounded, just because they're impounded
9 doesn't mean that a crime was committed; isn't that correct?

10 A The items impounded --

11 MR. HAMNER: Calls for a legal conclusion.

12 THE COURT: What's your objection?

13 MR. HAMNER: Calls for a legal conclusion.

14 THE COURT: Well, according to his -- according to
15 your use of the term.

16 THE WITNESS: We're going to impound items that we
17 listed on the search warrant.

18 BY MR. FIGLER:

19 Q That you listed on the search warrant, okay. So if
20 you listed on a search warrant a paint stick and you found a
21 paint stick, you list it as evidence; correct?

22 A Correct.

23 Q Okay. It does not mean because you found a paint
24 stick that child abuse with substantial bodily harm occurred --
25 that it's not one for one; right?

1 A Once again I don't understand what you're asking
2 specifically.

3 Q Okay. Let's just go through it this way then. Did
4 you find in your search warrant looking for paint sticks a
5 single broken paint stick?

6 A No.

7 Q Okay. Did you find in your search a single paint
8 stick that had any blood on it?

9 A No, not that I know of.

10 Q Did you find a single paint stick that had any
11 biomaterial on it?

12 A No.

13 Q Okay. If you had found any of those things, they
14 would have been noted and taken into evidence; correct?

15 A Correct.

16 Q Okay. Did you find a single new or used catheter in
17 your search?

18 A No.

19 Q Did you announce your search that you were coming
20 over? Did you call the Solanders and say we'll be over there
21 in 15 minutes?

22 A No, we did not.

23 Q Okay. In fact, you used a SWAT team to essentially
24 take the house and secure the house; isn't that correct?

25 A What's called a surround and callout search warrant;

1 correct.

2 Q Okay. And you'd never been to that house before?

3 A Correct.

4 Q Okay. All right. Now let's talk a little bit about
5 the search warrant itself. Do you have a copy of that with
6 you?

7 A I do not.

8 Q Okay. I think I do. I've got the application, the
9 affidavit not the actual --

10 MR. FIGLER: Court's indulgence.

11 THE COURT: Uh-huh.

12 MR. FIGLER: Oh, there it is. It snuck in between my
13 book.

14 May I have this marked, Your Honor, Proposed Defense
15 Exhibit, the search warrant itself?

16 THE COURT: The warrant not the application?

17 MR. FIGLER: Not the application.

18 THE COURT: Oh, sure.

19 BY MR. FIGLER:

20 Q Sergeant, does that appear to be the search warrant
21 that you were given to execute at the Solander home in March
22 of 2014?

23 A Yes, sir.

24 Q Okay. Can you tell me what number -- Item No. 9 is
25 on the search warrant that the police were given when they went

1 into the Solander home?

2 A A book titled, Foster Care How to Fix This Corrupted
3 System.

4 Q Okay. And it was Detective Emery who advanced that
5 that should be one of the items on the search warrant?

6 A Yes.

7 Q Okay. So that would have been before March 2014
8 execution of the search warrant, correct?

9 A Yes.

10 Q Okay. So that wasn't something that happened to be
11 found; it was something specifically that you put in the search
12 warrant to seize in the Solander home?

13 A Something Detective Emery put in the search warrant.

14 Q Fair enough. And not only did you seize copies of
15 the book entitled Foster Care How to Fix This Corrupted
16 System -- and I'm showing you now what's been marked as State's
17 Exhibit 94 A and 94 B, you also seized quite a bit of paperwork
18 related to that book Foster Care and How to Fix a Corrupted
19 System; isn't that correct?

20 A Yes.

21 Q Okay. Now, the search warrant doesn't say seize all
22 correspondence with the publisher related to this book, does
23 it?

24 A May I see it?

25 Q Yeah.

1 A Okay. Not specifically for the book, but there is a
2 section in the search warrant itself Article 11 --

3 Q Okay.

4 A If I could read it?

5 Q Sure. If you read it to yourself before you talk
6 about it you can read it, and I'll ask you a question about it.

7 A Okay.

8 Q Okay. Does that specifically say that you should get
9 all the correspondence to the publisher and information about
10 the publication of the book specifically in your search
11 warrant?

12 A No, it just lists papers, items, items that may show
13 a motive for the perpetrator.

14 Q Okay. And so you decided that that would fit within
15 your search warrant request; correct?

16 A Yes.

17 Q Okay. Have you reviewed any of these documents?

18 A The detective would have.

19 Q Okay. So I'm guessing by your last answer that once
20 the search warrant was executed and all these items were bagged
21 and taken by your officers that you didn't have any further
22 involvement with this particular case; is that correct?

23 A Well, I then would have reviewed the arrest report as
24 well.

25 Q Okay.

1 A To ensure there was probable cause and elements of
2 the crime.

3 Q Okay. And that would have been based on the
4 allegations made perhaps in the interviews that were taken; is
5 that correct?

6 A Correct.

7 Q Okay. All right.

8 MR. FIGLER: And I'm just going to have a couple
9 additional photos marked --

10 THE CLERK: How many?

11 MR. FIGLER: I'm not sure yet, it turned out to be
12 redundant. So that one, that one, that one. No, that one was
13 theirs, sorry.

14 THE COURT: While Mr. Figler's up here, maybe counsel
15 can all approach.

16 (Conference at the bench not recorded)

17 BY MR. FIGLER:

18 Q Oh, just one last point and I'm going to show you
19 some photos and then I'm going to be done with you.

20 A Yes, sir.

21 Q All right. There was an Exhibit 93, I think. It had
22 a kitchen timer that you found in the kitchen. There was a
23 blood glucose monitor, and there was CPS paperwork; do you
24 remember that exhibit?

25 A Yes, I do.

1 Q Was it all in a bag?

2 A Yes, it was.

3 Q Sometimes items are randomly placed in a bag just to
4 get them out; in other words, it doesn't necessarily mean they
5 were all found in exactly the same location; isn't that true?

6 A Correct.

7 Q Okay. And if I told you that the officer's report
8 suggested that the 93 C which was the family services document,
9 was not found in the kitchen or with the blood glucose monitor
10 but was found in the living room, would that be something that
11 would make sense to you or as --

12 A I would have to refer to what the officer's report
13 said.

14 Q Okay. Would you prefer to do that right now and I
15 can just kind of --

16 A I can if you want to bring it up.

17 Q Sure. And I'm just going to direct your attention --
18 does this appear to be your officer's report or a officer's
19 report that was generated with regard to and approved by you in
20 this particular case?

21 A Yes, it does.

22 Q Okay. I'm going to refer you to page 3. Does this
23 kinda list items that were taken by the -- by the police into
24 evidence and where they might have been found?

25 A Uh-huh.

1 Q Okay. So if I can just direct your attention to Item
2 16; does that appear to be the DFS paperwork in the name of
3 Janet and Dwight Solander?

4 A Yes.

5 Q Okay. Does that reflect your recollection as to what
6 part of the house that was found in?

7 A Well, that part of that was DFS paperwork in the name
8 of Dwight and Janet Solander located in the living room.

9 Q Okay. So it's not out of the ordinary or shocking or
10 surprising that a bag that had something from the kitchen was
11 also in the bag that had something from the living room;
12 correct?

13 A Correct.

14 Q Okay. I just wanted to make sure that it doesn't
15 implicate that they were all together, that they could very
16 well have been in different spaces as it indicates in your
17 officer report; correct?

18 A In Detective Emery's officer report that I approved.

19 Q That you approved?

20 A Correct.

21 Q Thank you. All right. I'm just going to show you a
22 few photos. I believe the State is stipulating that these were
23 actually taken by the search warrant to --

24 THE COURT: No objection --

25 MR. HAMNER: No, no --

1 THE COURT: -- to the admission of those and that's
2 defense exhibits --

3 THE CLERK: O through W.

4 MR. FIGLER: O through W.

5 THE COURT: O through W are admitted at this time.
6 You can publish.

7 MR. FIGLER: Thank you.

8 (Defense's Exhibit O-W admitted)

9 BY MR. FIGLER:

10 Q So what I'm showing you right now is --

11 THE COURT: It's kind of on its side, there you go.

12 MR. FIGLER: Okay.

13 BY MR. FIGLER:

14 Q Does that appear to be yet another photo of the
15 foster care book?

16 A Correct.

17 Q Okay. I'm showing you now what's been -- that was O.
18 This is Defense Exhibit P. Does that appear to be an e-mail
19 relating to the publication of the book that we've been talking
20 about?

21 A Yes.

22 Q Okay. You took a photo of that as well or someone on
23 your team took a photo as well?

24 A CSI would have photographed it.

25 Q Okay. Under your supervision?

1 A Correct.

2 Q Okay. Now I'm showing you Q; does that appear to
3 your recollection to be a press release talking about Janet
4 Solander's new book Digging into Foster Care Downfalls and
5 Solutions?

6 A Yes.

7 Q Okay. Someone on your team took that picture as
8 well?

9 A Correct.

10 Q I'm showing you now R. This appears to be the back
11 of the letter that talks about royalty rates for a book --
12 seems to be the same exact book; is that correct?

13 A Yes.

14 Q Okay. And someone on your team took that picture as
15 well?

16 A Correct.

17 Q Okay. Showing you now T; does that appear to be
18 medication prescribed to Ms. Solander -- is that maybe one
19 that's already been introduced or similar to one that's already
20 been introduced?

21 A It's medication. I don't -- what do you mean by
22 introduced -- is it --

23 Q Oh, I'm sorry, that was already a photo that was
24 shown to you? It might be redundant if it --

25 A I don't think it was shown to me already, no.

1 Q Okay. And that's something that would have been
2 taken by a team under your supervision?

3 A Correct.

4 Q Okay. And that would be medication for
5 Mrs. Solander; is that correct?

6 A Correct.

7 Q Okay. And did you take that to show that people who
8 live in that house were the people who lived in that house and
9 for no other reason, or did you take a picture of
10 Mrs. Solander's medication for that reason?

11 A Well that and we also listed medication on the search
12 warrant as well.

13 Q Okay. So any prescription medication you would have
14 taken a picture of?

15 A Yes.

16 Q And, in fact, you took a picture of the doctor or the
17 medication document for patient education with regard to that
18 medication I just showed you too; isn't that correct?

19 A It appears to be, yes.

20 Q Okay. And that is medication that someone takes for
21 high blood pressure; right?

22 A I don't know.

23 Q Okay. That's S.

24 A What?

25 THE COURT: For the --

1 MR. FIGLER: I'm sorry, for the record that was S.

2 THE COURT: Okay.

3 MR. FIGLER: That wasn't directed to you.

4 THE COURT: He wouldn't know because it's not in
5 front of him.

6 MR. FIGLER: No. I'm sorry. That wasn't directed at
7 you. I took off my glasses and maybe my eyes were starting to
8 wander. That was not for you; that was for the Court.

9 BY MR. FIGLER:

10 Q And then we have another one; this would be V.
11 Another photo of Janet Solander's medication and instructions
12 and patient education on that; is that correct?

13 A Correct.

14 Q And that appears to be for her type two diabetes; is
15 that correct?

16 A I don't know what it's for. As I said, the
17 photographs on there -- if you'd like me to read it I can tell
18 you what it says on there.

19 Q Okay. Well, it's into evidence, I mean, if you want
20 to I can zoom in for you --

21 THE COURT: Can you see it in order to read what it's
22 for or maybe you can make it bigger because I certainly can't
23 read it.

24 THE WITNESS: My glasses are in the car.

25 / / /

1 BY MR. FIGLER:

2 Q Modern technology.

3 A Did you just lift it up?

4 Q I did.

5 A Okay. Yeah, she used it to treat type two diabetes
6 is what it says.

7 Q Okay. And someone on your team took a picture of
8 that?

9 A Correct.

10 Q All right. And then you, just so the record's clear,
11 you found some additional paint buckets in the garage area;
12 correct?

13 A Correct.

14 Q And it appears that there's other items that one
15 would typically find in a garage surrounding the buckets; is
16 that correct?

17 A Correct.

18 Q Okay. And then finally W, does that also appear to
19 be injectables prescribed to Janet Solander?

20 THE COURT: You might need to blow that up.

21 BY MR. FIGLER:

22 Q Technology again.

23 A Yes.

24 Q Okay, good. And during the course of the search you
25 found other medications for other people in the house as well;

1 correct?

2 A Correct.

3 Q Okay. You weren't personally present at the
4 interview of any of the people associated with this case, were
5 you?

6 A No.

7 Q Okay.

8 MR. FIGLER: Pass the witness.

9 THE COURT: All right. Redirect?

10 MR. HAMNER: Just very briefly.

11 REDIRECT EXAMINATION

12 BY MR. HAMNER:

13 Q You remember when you were asked on cross-examination
14 about the paperwork whether it was in the kitchen or living
15 room; do you remember that?

16 A Yes.

17 Q Sometimes it may be in one box, but doesn't
18 necessarily mean it's in that same geographic location?

19 A Yes.

20 Q If you could, do you remember whether or not there
21 was paperwork found -- DFS paperwork found in actual multiple
22 locations in the house?

23 A I don't remember. I would have to refer to the
24 paperwork.

25 Q Would it help to refresh your recollection to see the

1 officer's report?

2 A Yes.

3 Q Take a look at Item No. 4 --

4 A Okay.

5 Q -- and its location also --

6 A Item --

7 Q -- and then Item No. 16 if you could.

8 A Okay.

9 Q And let me know if that refreshes your memory about

10 where DFS paperwork was actually located.

11 A Well, here Item No. 4 is DFS paperwork was found in

12 the kitchen as well.

13 Q Okay. And so Item No. 16 was where?

14 A In the living room.

15 Q Okay. So there was actually DFS work in the kitchen

16 according to this report?

17 A Yes.

18 Q As well as the living room?

19 A (No audible response.)

20 Q Okay. Lastly, just a point of clarification,

21 remember those questions about the security cameras?

22 A Yes.

23 Q Did you dismantle those cameras?

24 A Did I what?

25 Q Dismantle those cameras?

1 A No, not at all.

2 Q Did you instruct anyone, part of your search team to
3 dismantle those cameras?

4 A No.

5 Q Were you given any instructions by the case agent to
6 dismantle those cameras?

7 A No.

8 Q Okay. And who was present in the home before you
9 arrived to execute your warrant?

10 A Well, me specifically the SWAT team arrived and took
11 people into custody.

12 Q Okay. When the SWAT team -- who were the people that
13 were taken into custody?

14 A Janet, Dwight and Danielle.

15 Q Thank you.

16 MR. HAMNER: No further questions.

17 THE COURT: Anything else, Mr. Figler?

18 MR. FIGLER: Yeah.

19 RECROSS-EXAMINATION

20 BY MR. FIGLER:

21 Q How long did that search last; do you remember?

22 A I can't say specifically how long it was; it was a
23 while.

24 Q By a while could it have been more than five hours?

25 A Oh, I can't say specific -- it's a big house, but I

1 can't say how many hours. I would have to look at our computer
2 aided dispatch to say how long we were out there.

3 Q You don't -- All right. How long would a house like
4 that typically take if you were getting all the items you were
5 looking for?

6 A Couple hours.

7 Q Okay. At least a couple hours?

8 A Yeah.

9 Q Okay. And just to be clear, you take pride that
10 you -- your team did a good search job of that house?

11 A Yes.

12 Q All right. That no nook or cranny that was available
13 to you was undiscovered for potential evidence; is that
14 correct?

15 A Correct.

16 Q Okay. And you took pictures of everything of
17 significance; correct?

18 A Correct.

19 Q Okay. And again you found not only no blood on the
20 paint sticks you found no blood anywhere?

21 MR. HAMNER: Beyond the scope. Objection. It's
22 beyond the scope of redirect.

23 THE COURT: Overruled.

24 BY MR. FIGLER:

25 Q You found no blood anywhere in that house that you

1 photographed; isn't that correct?

2 A No.

3 Q Okay.

4 MR. FIGLER: Pass.

5 THE COURT: Mr. Hamner, any follow-up?

6 MR. HAMNER: No. No further questions.

7 THE COURT: Do we have any juror questions for this
8 witness? Any juror questions?

9 All right, Sergeant, I see no additional questions.
10 Thank you for your testimony. Please do not discuss your
11 testimony with anyone else who may be a witness in this case.
12 Thank you. And you are excused.

13 THE WITNESS: Thank you for seeing me.

14 THE COURT: All right. Ladies and gentlemen, we're
15 going to go ahead and take our lunch break now. We will be in
16 recess for the lunch break until 2:20.

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

24 Please leave your notepads in your chairs and follow
25 the bailiff through the double doors. We'll see everyone back

1 at 2:20.

2 (Jury exiting 1:18 p.m.)

3 THE COURT: Counsel approach on scheduling.

4 MS. BLUTH: Yeah.

5 THE COURT: Just scheduling.

6 MS. BLUTH: Yeah.

7 (Conference at the bench not recorded)

8 (Proceedings recessed 1:19 p.m. to 2:27 p.m)

9 THE COURT: All right. Court is now back in session.

10 The record should reflect the presence of the State through
11 Ms. Bluth, the defendant and her counsel, the officers of the
12 court and the ladies and gentlemen of the jury.

13 And, ladies and gentlemen, Mr. Hamner was excused for
14 the afternoon due to a medical issue.

15 All right. Ms. Bluth, you can call your next
16 witness.

17 MS. BLUTH: Thank you, Your Honor.

18 The State calls Detective Frances Emery.

19 THE COURT: And then just face that lady right there.

20 **FRANCES EMERY**

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

23

24 THE CLERK: Thank you. Please have a seat. State
25 and spell your first and last name for our record.

1 THE WITNESS: Frances Emery. F-r-a-n-c-e-s,
2 E-m-e-r-y.

3 THE COURT: All right. Thank you.
4 Ms. Bluth.

5 MS. BLUTH: Thank you, Judge.

6 DIRECT EXAMINATION

7 BY MS. BLUTH:

8 Q Good afternoon, ma'am, how are you employed?

9 A I'm a detective with the Las Vegas Metropolitan
10 Police Department.

11 Q And how long have you been with the department?

12 A Fourteen and a half years.

13 Q And what section do you currently work in?

14 A Sex offender apprehension detail.

15 Q What does that mean?

16 A We go and check on sex offenders who have been
17 convicted and make sure they're registered at their address
18 that they're supposed to be at. And we're on a task force with
19 the US marshals, so we look for fugitives that have absconded
20 to Las Vegas.

21 Q Okay. Now I want to turn your attention and ask you
22 a few questions in regards to 2014.

23 A Okay.

24 Q What division or section were you working at with the
25 police department then?

1 A Abuse neglect.

2 Q And how long were you in abuse and neglect for?

3 A Four and a half years.

4 Q And in those four and a half years can you give me an
5 approximate amount of cases of child abuse and neglect that you
6 worked investigation?

7 A I would say 150 to 200.

8 Q Were you the main detective or submitting detective
9 in regards to the case regarding Janet and Dwight Solander and
10 Danielle Hinton?

11 A Yes.

12 Q So I'd like to turn your attention now to March 4th
13 of 2014, is that the day Metro, the Metro Police Department
14 gets involved in this investigation?

15 A Yes.

16 Q We've already had previous testimony that there were
17 some children that were foster children in the Solander home by
18 the name of the Diaz-Burnett children and that they were
19 removed from the home on February 28th. So can you kind of
20 give us some back story of how you get involved then on March
21 4th.

22 A Metro got involved when we received a report from CPS
23 detailing extensive abuse with the Solander girls.

24 MR. FIGLER: I'm going to object, Your Honor. Can we
25 approach?

1 THE COURT: Sure.

2 (Conference at the bench not recorded)

3 THE WITNESS: Your Honor, may I get a Kleenex?

4 MS. BLUTH: Yeah. It's actually on the other side of
5 you.

6 THE WITNESS: There it is. Thank you.

7 BY MS. BLUTH:

8 Q So you had received a report or a call from CPS
9 regarding a history or a summary of allegations of abuse and
10 neglect against the Solander children; is that correct?

11 A Correct.

12 Q And due to that, does Metro Abuse and Neglect
13 Division open up an investigation?

14 A Yes.

15 Q Now, early on in the investigation then are you aware
16 that at that time, like, so on the February 28th, that there
17 had been other foster children in the home, the Diaz-Burnett
18 children?

19 A Not on February 28th I was not aware of that.

20 Q But by --

21 A Once I received the report, yes.

22 Q So on March 4th, you were aware that there were
23 foster children in the home?

24 A Correct.

25 Q And for the record, just so I can make it clear, when

1 I say the Diaz-Burnett children, I'm referring to Areahia Diaz
2 and then her younger siblings Kaeshia, Demyer and Novaleih
3 Burnett; is that your understanding?

4 A Yes.

5 Q Okay. Thank you. So now, are you -- were you aware
6 of where the Solander girls were, Ava, Amaya and Anastasia?

7 A Not initially. Yvette had gone to speak to Janet,
8 Ms. Solander, and asked where those girls were, and she did not
9 give CPS the contact information. So Yvette in turn called a
10 detective with our missing persons detail and had told Janet
11 that if she doesn't get the information she's going to make a
12 missing persons report, contacted Detective Martinez with
13 missing persons. He in turn was able to get ahold of
14 Mr. Solander, who provided the information as to where the
15 girls were.

16 Q And where was that?

17 A At the Marvelous Girls Grace Academy in Pace,
18 Florida.

19 Q Okay. Now, when you use the term Mrs. Solander or
20 Janet, do you see her in the courtroom today?

21 A I do.

22 Q Could you please describe for us a piece of clothing
23 that she's wearing.

24 A The silver sweater.

25 MS. BLUTH: Your Honor, may the record reflect

1 that --

2 THE COURT: It will.

3 MS. BLUTH: Thank you.

4 BY MS. BLUTH:

5 Q So in these types of investigations, like abuse and
6 neglect, is it common for you and CPS to work an
7 investigation -- I don't want to say together, but you're both
8 investigating at the same time?

9 A Jointly, yes.

10 Q And can you explain why that is.

11 A Well, because they -- we work in conjunction with CPS
12 because they are the part that does the protection of the
13 children and the placing, and we are the criminal aspect of it.
14 They go in and make sure the home is safe for the kids, or if
15 it's not safe, then they remove them, and we deal with the
16 criminal part of it.

17 Q Okay. Now, when you were working with CPS, were you
18 working with a specific investigator?

19 A Yes.

20 Q And who was that?

21 A Yvette Gonzalez.

22 Q And she's an investigator that works within the
23 Department of Family Services?

24 A Yes.

25 Q We talked about on February 28th she had removed

1 the Diaz-Burnett children, and then you don't get called in
2 until March 4th.

3 A Correct.

4 Q In between that time period had she already done a
5 few things in regards to the investigation?

6 A Yes.

7 Q And what were those?

8 A She had contacted Areahia Diaz at school. She had
9 removed -- she had taken the Diaz-Burnett children into
10 protective custody. She had found out where the girls -- the
11 Solander girls were in Pace, Florida, and then she -- that's
12 when she notified -- she cross reported to us.

13 Q You being Metro Abuse and Neglect?

14 A Metro, yes.

15 Q Had the Solander girls, Ava, Amaya and Anastasia been
16 interviewed in Florida by anyone?

17 A Yes, Jackie Henry, from Florida CPS.

18 Q Okay. That interview, is that like a formal,
19 sit-down, in-depth interview or a basic information gathering?
20 How would you characterize that?

21 A It was information gathering.

22 Q So when you get involved in the case -- obviously
23 you've discussed the fact that, you know, you made contact with
24 CPS investigator Yvette Gonzalez. As part of your
25 investigation, do you receive CPS records in regards to Janet

1 and Dwight both as foster parents and adoptive parents?

2 A Yes.

3 Q So I want to ask you a few questions. Did you -- as
4 part of your investigation, were you able to review CPS records
5 having to do with Janet and Dwight, both during the period that
6 they had fostered the Solander girls? So they were foster
7 parents to Amaya, Ava and Anastasia as well as through the
8 adoption period?

9 A Yes.

10 Q And why as a Metro Abuse and Neglect detective, do
11 you look into the CPS history?

12 A Well, you want to see the history. You want to see
13 any -- if there's more allegations of abuse. If there's any
14 more written reports that were sent into CPS. You want to get
15 points of contact or sources that reported, seeing if you need
16 to interview them for further information.

17 Q Okay. So when you look into CPS history, and we've
18 heard some testimony from other CPS workers, you know, that
19 talks about if there's an investigation it can either be
20 substantiated or unsubstantiated. So when, as the
21 investigator, as the submitting detective on this case, when
22 you look into CPS records and you say, okay, there has been
23 this many reports, but they're unsubstantiated, does that mean
24 you quit looking?

25 A No.

1 Q Why not?

2 A Because I think they have different -- they have
3 different rules they go by. We have different standards --

4 MR. FIGLER: I'm going to just object as to
5 speculation or foundation. First of all, the witness said, I
6 think, and that there's a suggestion of different rules or
7 something of that nature.

8 THE COURT: I think she can answer.

9 MS. BLUTH: Go ahead. You can answer.

10 BY MS. BLUTH:

11 A It just -- it doesn't mean just because they say
12 unsubstantiated that there is not a crime.

13 Q Okay.

14 A That's what their investigators found. That doesn't
15 mean that that's the end-all and be-all.

16 THE COURT: So you can, in other words, you can still
17 look at it independently.

18 THE WITNESS: Correct. Yeah.

19 THE COURT: There's nothing --

20 THE WITNESS: That's not the end-all and be-all.

21 THE COURT: Okay. So there's nothing prohibiting you
22 from looking at it --

23 THE WITNESS: No.

24 THE COURT: -- independent of what they've done.

25 THE WITNESS: Correct.

1 THE COURT: All right.

2 Go on, Ms. Bluth.

3 BY MS. BLUTH:

4 Q And were you -- as the investigator, did you also
5 look into the CPS records of the Solanders fostering the
6 Diaz-Burnett children?

7 A Yes.

8 Q And why did you do that?

9 A For the same reasons as before, to see what the
10 history is, if there's any other reports that were filed, any
11 similarities between the two -- two different, you know, kids
12 that were in the house.

13 Q Like the two different sets of children?

14 A Families, yes, points of contact.

15 Q And when you say points of contact, tell me what you
16 mean by that?

17 A The reporting sources, who were reporting these
18 allegations.

19 Q Okay. So it --

20 A And looking for them, you know, for interviews to see
21 if it's going to help with my investigation.

22 Q So for instance if in two years ago Teacher A says
23 something, you can then go find Teacher A.

24 A Correct.

25 Q Okay. So at any point were the Solander girls

1 brought back from Pace, Florida and brought to Las Vegas,
2 Nevada?

3 A Yes.

4 Q And I want to focus your attention now between the
5 time period of March 8th and March 13th. Did a series of
6 what's referred to as forensic interviews take place during
7 those time periods?

8 A Yes.

9 Q What is a forensic interview?

10 A A forensic interview is a structured conversation
11 with a child regarding -- or trying to get explicit information
12 regarding a certain event that that child either witnessed or
13 experienced himself, and you want to get that information for a
14 criminal investigation.

15 Q Now, are there certain rules or guidelines that are
16 followed when doing a forensic interview on a child?

17 A Yes. There's -- well, you're supposed to be trained
18 in forensic interview, and then there's -- you don't ask
19 leading questions. You want to develop a rapport with the
20 child first.

21 Q And then what's the purpose of not asking
22 leading-type questions?

23 A So you don't lead them into an answer that you --
24 that you want them to have.

25 Q All right. Is the purpose of that for the child to

1 prepare -- to provide the information?

2 A Correct.

3 Q The Solander girls being Amaya, Ava and Anastasia,
4 did they have a -- did they go through a forensic interview?

5 A They did.

6 Q And where were those forensic interviews? Where did
7 they take place at?

8 A The Children's Advocacy Center.

9 Q And what is that?

10 A That's a center for children. They go and have the
11 forensic interviews done. There's also medical there where
12 they can be seen by a pediatrician.

13 Q And is that on the, like, Child Haven --

14 A Yes.

15 Q -- that same kind of campus?

16 A Yes.

17 Q And when I say Child Haven, explain what Child Haven
18 is.

19 A That's where children go when they've -- there's no
20 supervision or they've been arrested.

21 Q Okay. And if children are abused or neglected, do
22 they go there until CPS can provide them a home?

23 A Yes. Yes.

24 Q Now, was Areahia and Kaeshia and Demyer -- were they
25 also forensically interviewed?

1 A They were.

2 Q At the same place?

3 A Yes.

4 Q And then Autumn and Ivy Stark, were they also
5 interviewed?

6 A Yes.

7 Q And I didn't go -- I didn't ask specific questions in
8 regards to Autumn and Ivy and I apologize. Were you also privy
9 to their CPS history records as well?

10 A Yes.

11 Q You talked about there being medical at the
12 Children's Advocacy Center.

13 A Uh-huh.

14 Q Is there a specific doctor that works there?

15 A Yes.

16 Q And what is her name?

17 A Dr. Sandra Cetl.

18 Q And what does Dr. Sandra Cetl's role at the
19 Children's Advocacy Center?

20 A She is a board certified Child Abuse Forensic
21 Pediatrician.

22 Q Okay.

23 A And she specializes in burns, fractures, head trauma
24 and sex abuse.

25 Q And when the children are brought to the advocacy

1 center, either before or after they do their forensic
2 interviews, will they meet with Dr. Cetl?

3 A Yes.

4 Q And during that does she do, like, a head-to-toe
5 examination?

6 A Yes.

7 Q And you as the detective, what's the purpose in, you
8 know, having a child see Dr. Cetl?

9 A To see if there are any injuries that they had
10 already disclosed, if there's any evidence of those injuries.

11 Q And are you present in the room when Dr. Cetl does
12 her examination?

13 A No.

14 Q Now, are these children also able to be treated, if
15 they need treatment by Dr. Cetl? For instance, let's say they
16 come in with a burn or something, can she also treat them as an
17 emergency pediatrician?

18 A Yes.

19 Q Does she, outside the Children's Assessment Center,
20 or excuse me, Advocacy Center -- does she work as a
21 pediatrician in the hospitals?

22 A Yeah, in the emergency room of Sunrise Hospital.

23 Q Is there a type of an exam that Dr. Cetl does
24 referred to as a SANE exam?

25 A Yes.

1 Q And that is an acronym for Sexual Assault Nurse
2 Examination?

3 A Yes.

4 Q And can you just give us a brief -- some brief
5 information in regards to what that is.

6 A Well, it's to look for any sex abuse that might have
7 occurred.

8 Q And was that done in this case by Dr. Cetl?

9 A Yes.

10 Q And again, did Dr. Cetl do the, you know, head-to-toe
11 examination of all three of the girls, Ava, Amaya and
12 Anastasia?

13 A Yes.

14 Q And I wanted to be more specific in regards to the
15 Sexual Assault Nurse Examination. Did she do that to all three
16 of the girls?

17 A Yes.

18 Q Are there any photos or documentation taken of any
19 injuries to the children during that examination?

20 A Yes.

21 Q And I asked you a compound question. Are
22 there -- are there photos?

23 A Yes.

24 Q And is there also medical documentation?

25 A Yes.

1 Q So you are not present when the exam takes place.
2 Where are you when it happens?

3 A I'm outside in another room.

4 Q And after the exam takes place, do you then have the
5 opportunity to speak with Dr. Cetl in regards to any findings
6 she may have?

7 A Yes.

8 Q And did you do so in this case?

9 A I did.

10 Q As part of your investigation, did you -- were you
11 aware of whether or not the Solander girls, Ava, Amaya and
12 Anastasia, had been in a foster home previous to going to Janet
13 and Dwight's home?

14 A Yes.

15 Q And are you familiar with that individual's name?

16 A Debbie McClain.

17 Q And were you able to interview Ms. McClain?

18 A I did.

19 Q Why did you wish to interview her?

20 A It's important to interview her because she had the
21 girls prior to being placed with Janet, and you want to see if
22 there's any different type of behaviors. If they were having
23 the same behaviors, if they were different regarding any
24 toileting problems, behavior, diet issues, school problems,
25 anything like that.

1 Q Okay. And you were able to do so?

2 A I was.

3 Q So after doing these interviews that we spoke about
4 and after starting your investigation, do you apply for what's
5 referred to as a search warrant?

6 A Yes.

7 Q And what was that search warrant for?

8 A It was to get authorization to go into a house to
9 search for evidence related to this criminal investigation.

10 Q Okay. And do you remember the physical address of
11 the home?

12 A 9500 Wakashan.

13 Q And that's here in Clark County, Las Vegas, Nevada?

14 A Yes.

15 Q And what types of things were you looking for in the
16 home?

17 A We were looking for boards. We were looking for --

18 Q I'm sorry. When you say boards, what do you mean?

19 A Large boards that they slept on.

20 Q The girls?

21 A Yes.

22 Q Okay.

23 A They meaning the girls. Tan paint -- tan Home Depot
24 paint sticks.

25 Q Okay.

1 A A timer, like a kitchen timer.

2 Q Okay.

3 A Fans, any medical prescriptions in the girls' names,
4 medical documentation, catheters -- I might be forgetting a
5 couple things.

6 Q That's okay. Did you list buckets?

7 A Yes, buckets with a toilet seat on the top.

8 Q Were you -- were you aware that there would be any
9 cameras in the home or tried to be getting footage from any of
10 those cameras?

11 A Yes.

12 Q Now, do you get approval for that search warrant?

13 A I did.

14 Q And on what day was that search warrant done?

15 A On March 20th.

16 Q And was it just you during the search warrant or
17 explain how that works.

18 A No, there was my -- just about my entire squad was
19 there. So it was myself; my Sergeant, Josh Bitsko at the time;
20 Detective Angie Christensen; Abuse/Neglect Specialists, Tonya
21 Tavarez [phonetic]; Detective Chris Grivas and our
22 Investigative Specialist, Lori Mikael [phonetic].

23 Q So when you got to the home, did you do what's
24 referred to as a walk-through where you go into the home and
25 look at the overall --

1 A I did. It was quick.

2 Q All right. I'm approaching you with what's been
3 proposed as State's 180, what's been marked as State's Proposed
4 180. If you could look at that, and let me know if you
5 recognize it.

6 A Yes, I do.

7 Q Okay. And is this a fair and accurate depiction of
8 the front area of the home?

9 A Yes.

10 MS. BLUTH: Okay. Your Honor, at this time I'd move
11 to admit into evidence State's Proposed 180.

12 MR. FIGLER: Submitted.

13 THE COURT: All right. That will be admitted.

14 (State's Exhibit Number 180 admitted.)

15 BY MS. BLUTH:

16 Q I'm going to ask you a question about this in a
17 moment. Now, did you actively assist in the search, meaning,
18 like, were you in the room searching?

19 A No.

20 Q What were you doing?

21 A I went back to police headquarters and started my
22 interviews with Danielle --

23 Q So let me -- sorry, let me stop you for one second
24 and ask something. What time did you get to the home?

25 A At approximately 5:00 p.m.

1 Q And what -- I'm going to ask you some questions in
2 regards to an interview you did with Danielle Hinton. What
3 time did that interview start at?

4 A It started at 8:11 p.m.

5 Q Okay. Now, while you were there --

6 MS. BLUTH: And, Judge, I did admit this. May I have
7 permission to publish, please?

8 THE COURT: Yes.

9 BY MS. BLUTH:

10 Q State's 180 -- I'm just going to zoom in for a
11 second. Okay. What are we looking at here?

12 A Cameras, equipment.

13 Q Okay. Were you able to get any type of, for lack of
14 a better term, evidence or film, any recordings from those
15 cameras?

16 A No. Everything was gone.

17 Q Was there anything in the house? I mean, obviously
18 we see the cameras, but was there anything else in the house
19 that you found that you could have downloaded any type of
20 digital media from?

21 A No. There was no recording devices, no cameras other
22 than those. There was nothing hanging.

23 Q Were there any computers or anything that that could
24 have been downloaded to?

25 A No.

1 Q There was nothing there?

2 A Huh-uh.

3 Q Is that a no?

4 A Yes.

5 Q Okay. I want to ask you a few questions about your
6 interview with Danielle Hinton. At any point in your interview
7 did Danielle Hinton appear to be under the influence of any
8 substance or any mind-altering substance?

9 A No.

10 Q Was she able to walk?

11 A Yes.

12 Q Was she able to speak?

13 A Yes.

14 Q Did she speak clearly?

15 A Yes.

16 Q Did you have any problems communicating with her?

17 A No.

18 Q Did she have any problems understanding the
19 questions?

20 A No.

21 Q Did you have any problems understanding her answers?

22 A No, not -- no.

23 Q Why, as the investigator, did you want to
24 interview -- well, first, let me back up. At the time you
25 interviewed Danielle Hinton, was she under arrest?

1 A Yes.

2 Q Was she read what's referred to as her Miranda
3 rights?

4 A Yes.

5 Q And did she still choose to speak with you?

6 A Yes.

7 Q And what was the point in your mind as the detective
8 in this case of interviewing Danielle?

9 A Well, because she was involved. She had been named
10 as one of the persons who had been abusive. All three girls
11 corroborated that as well as witness --

12 MR. FIGLER: I'm going to object, Your Honor. I'm
13 going to object, Your Honor, and move to strike.

14 THE COURT: As to hearsay?

15 MR. FIGLER: Yeah, and also conclusion of
16 corroboration.

17 THE COURT: All right.

18 MS. BLUTH: I'm just --

19 THE COURT: All right. It's sustained.

20 BY MS. BLUTH:

21 Q So were there several reasons of why you wanted to
22 interview Danielle Hinton?

23 A Yes.

24 Q Okay. Now, in the beginning of her interview did you
25 believe her to be forthcoming with information?

1 A No.

2 Q And does there come a point in the interview when you
3 and your partner talk to her about telling the truth or coming
4 forward?

5 A Yes.

6 Q After that conversation, did you -- did she provide
7 information?

8 A Yes.

9 Q And was that recorded?

10 A Yes.

11 Q And was a transcription -- and when I say
12 transcription I mean, did someone listen to that and type out
13 everything that everybody said?

14 A Yes.

15 Q Was one of the purposes in interviewing Ms. Hinton to
16 either corroborate or not corroborate things that you were
17 learning in your investigation?

18 A Yes.

19 Q And in speaking with Ms. Hinton did she corroborate
20 several things that the girls had stated?

21 A Yes.

22 Q We had talked a little bit about CPS records, and you
23 had said one of the reasons why you go into those is because
24 you want to get points of contact, people who have had contact
25 with either Janet and Dwight or the Solander girls.

1 A Correct.

2 Q In regards to the Solander girls, we've talked a
3 little bit about you making contact with Debbie McClain, their
4 foster mother before they went to the Solanders. Were you able
5 to make contact with any other individuals?

6 A Yes, Jan Finnegan.

7 Q Who is Jan Finnegan?

8 A One of their nannies.

9 Q Okay.

10 A And Andrea Lectworth.

11 Q And in looking through the CPS records, did you see
12 that Jan Finnegan had also been one of the reporters?

13 A Yes.

14 Q To CPS?

15 A Yes.

16 Q In your investigation did you see that the -- or let
17 me ask you, Andrea Lectworth, who was she?

18 A She was one of the babysitters as well.

19 Q Okay. And in your investigation did you find that
20 there was a third babysitter or nanny as well?

21 A Yes, her name was Rebecca, but --

22 Q Were you able to sit down and speak with Rebecca?

23 A No.

24 Q And why not?

25 A We couldn't find her.

1 Q Okay. Did you know any information other than her
2 name was Rebecca?

3 A No.

4 Q In regards to contacts of individuals who had been
5 around the Diaz-Burnett children, what people did you find in
6 regards to anybody who had contact with them?

7 A Lori Wells.

8 Q And who is Lori Wells?

9 A She was a therapist at the Behavioral Wellness --
10 Legacy and Wellness Center.

11 Q Okay.

12 A As well as Christina Day, who was a Basic Skills
13 Trainer worker.

14 Q Okay. And after speaking with, you know, those
15 points of contacts for both sets of families, Amaya, Anastasia
16 and Ava and then the Diaz-Burnett children, in your
17 investigation was there any commonalities that stuck out to
18 you?

19 A There were.

20 Q Between the two?

21 A Yes.

22 Q And what were those?

23 MR. FIGLER: Objection, Your Honor. Relevance.
24 Commonalities by this detective.

25 MS. BLUTH: May we approach?

1 THE COURT: Sure.

2 (Conference at the bench not recorded)

3 BY MS. BLUTH:

4 Q In speaking with Diaz-Burnett children and
5 specifically Areahia as well as the points of contact you've
6 spoken about, Lori Wells, and -- I can't remember who you said
7 besides Lori Wells. Excuse me.

8 A Christina Day.

9 Q Oh, Christina Day. Were the things -- some of the
10 things that the Solander girls were saying corroborated by
11 those individuals?

12 A Yes.

13 Q On April 25th, did some information come forward in
14 regards to Dwight Solander's computer?

15 A Yes.

16 Q And how did that information come about?

17 A You had contacted me saying that you had received a
18 phone call from Ashley Rodriguez [phonetic], who's a Human
19 Resource Manager with Source Refrigeration.

20 Q And what's Source Refrigeration?

21 A It's a company that Dwight worked for.

22 Q Okay. And did you, after my phone call, did you then
23 make contact with the people who worked at Source
24 Refrigeration?

25 A Yes.

1 Q And after that -- well, pursuant to that
2 conversation, did you learn that there could be evidence on
3 Dwight's computer?

4 A Yes.

5 Q Or Dwight's e-mail server?

6 A Yes.

7 Q And so did you then request a search warrant for
8 Dwight's e-mail?

9 A I did.

10 Q And what was the probable cause or the reason that
11 you were getting that search warrant?

12 A Because his supervisor had -- Dwight wasn't coming
13 back to work. So he had rerouted Dwight's e-mail to his own to
14 get work stuff off of Dwight's e-mail into his own account, and
15 while he was doing that, he noticed some e-mails, pictures back
16 and forth between -- about catheters and receipts and stuff
17 like that.

18 Q Okay. And because of that -- first of all, at that
19 point you said Dwight wasn't coming back to work. Dwight and
20 Janet had been arrested on the day of the search warrant; is
21 that correct?

22 A Correct.

23 Q As well as Danielle?

24 A Yes.

25 Q And so did you then send what's referred to as a

1 letter of preservation?

2 A Yes.

3 Q And what does that mean?

4 A It's a letter that's sent out to the company so that
5 they can preserve any -- all the stuff that's on the e-mail so
6 it's not erased.

7 Q Okay.

8 A It's not deleted. It keeps it where it's at.

9 Q And then were you in contact with somebody who works,
10 like, the IT site of Source Refrigeration in regards to
11 downloading Dwight's e-mail?

12 A Yes.

13 Q I'm approaching you with what's been marked for
14 purposes of identification as State's Proposed 181. What is
15 this?

16 A This is the preservation letter.

17 Q And is that an actual copy that you provided my
18 office in regards to the preservation letter you sent Source
19 Refrigeration on April 25th; is that correct?

20 A Correct.

21 MS. BLUTH: And, Your Honor, I'd move to admit into
22 evidence State's Proposed 181.

23 THE COURT: Any objection?

24 MR. FIGLER: Is it going to be published?

25 MS. BLUTH: Yes.

1 MR. FIGLER: Can I take a look?

2 THE COURT: Sure.

3 MS. BLUTH: Oh, I'm sorry. I thought you had seen
4 that Dayvid.

5 MR. FIGLER: Uh-uh. Just the other letter.

6 MS. BLUTH: Okay.

7 MR. FIGLER: That's fine. We'll submit it, Your
8 Honor.

9 THE COURT: All right. That will be admitted.

10 (State's Exhibit Number 181 admitted.)

11 BY MS. BLUTH:

12 Q And then after you sent this preservation letter, the
13 IT individual you were working with was, I don't know if I'm
14 pronouncing it right, but it's Johnson Kui, K-u-i?

15 A Correct.

16 Q And did that person then do that download and FedEx
17 to you a flash drive with Dwight's e-mail on it?

18 A Yes.

19 Q And what -- did a letter accompany that flash drive?

20 A Yes.

21 Q Showing you what's been marked for purposes of
22 identification as State's Proposed 182. Is that a fair and
23 accurate copy that you provided my office of the letter that
24 Mr. Kui sent when he sent the -- Dwight's e-mails?

25 A Yes.

1 MS. BLUTH: Your Honor, at this time I'd move to
2 admit into evidence State's Proposed 182.

3 MR. FIGLER: Submitted.

4 THE COURT: All right. That will be admitted.

5 (State's Exhibit Number 182 admitted.)

6 MS. BLUTH: Thank you. And may I have permission to
7 publish both, Your Honor?

8 THE COURT: You do.

9 BY MS. BLUTH:

10 Q So State's 181 -- I'm going to zoom out. Is this the
11 preservation letter that you sent on Friday, April 25th of
12 2014, just requesting them, hey, keep the e-mail as it is.
13 Please preserve it, do not delete?

14 A Yes.

15 Q And then showing you 182; is this the document that
16 Mr. Kui sent that discussed the method in which he was able to
17 download Dwight's e-mails?

18 A Yes.

19 Q And in this letter he states, I have enclosed a PST
20 file with the complete e-mail box for Dwight Solander. The
21 mailbox contains e-mails starting from 2008 to the present.
22 Dwight Solander began employment with Source Refrigeration in
23 2008. So the e-mail box that has been provided should be
24 complete. There should not be any archived e-mails located on
25 his laptop.

1 I am unable to provide the other files such as
2 photos, video attachments and other personal information since
3 the requested pieces of data would have been located on
4 Dwight's laptop. He was a remote user who traveled frequently
5 and did not sync his system to our servers. We do not have
6 access to his laptop or his PDA phone since Source has not been
7 able to recover the company equipment. Therefore, I am unable
8 to provide any other information for Dwight Solander.

9 A Yes.

10 Q Is that correct?

11 A Yes.

12 Q Were you ever able to recover Dwight's laptop?

13 A No.

14 Q So when you received the flash drive with Dwight's
15 e-mail on it, what do you do with it?

16 A I put in a request for analysis through our computer
17 forensic lab.

18 Q And I don't want you to go through the process of how
19 they do that, but how do they do that? I mean, like, what are
20 they able to give you when they do something like that?

21 A They're able to give me everything that was on there,
22 to include e-mails sent back and forth, incoming and outgoing
23 mail, photos.

24 Q So if someone sends an e-mail to Dwight and they
25 attach a photo, will you be able to go into the e-mail, read

1 the e-mail and look at the photo?

2 A Yes.

3 Q And then again, I'm not going to ask you exactly what
4 was on that because that's for another witness to do, but as
5 the investigator, are you aware of the e-mails and photos that
6 were located on Dwight's computer?

7 A Yes.

8 MS. BLUTH: Your Honor, at this time that concludes
9 my direct examination, and I'll pass the witness.

10 THE CLERK: All right. Thank you.

11 Cross.

12 MR. FIGLER: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. FIGLER:

15 Q Detective Emery, you're the one who issued the
16 officer's report that led to the arrest of Janet Solander; is
17 that correct?

18 A Yes.

19 Q Okay.

20 A After the search warrant.

21 Q After the search warrant?

22 A Yes.

23 Q Thank you. All right. And so you provided
24 information in your officer's report that is essentially a
25 summary of the testimony you just gave on direct to the jury;

1 is that fair to say? And not to say you said everything single
2 thing that's in there, but a general summary was just covered
3 of what's in your arrest report; correct?

4 A Yes.

5 Q Okay. So I may refer to information that's in your
6 officer's report. I have a copy up here. You probably have a
7 copy with you. You brought your --

8 A I did. I didn't bring my arrest report. So you had
9 originally said officer's report --

10 Q Oh, I said officer's report.

11 A And then you said arrest report.

12 Q I'm sorry.

13 A That's okay.

14 Q There's a lot of shared information between the
15 officer's report and the arrest report; correct?

16 A Correct.

17 Q So I am referring to the officer's report.

18 A Okay.

19 Q Okay?

20 A Okay.

21 Q And the officer's report that would have been dated
22 March 25th, 2014, so it would have been after the search
23 warrant; correct?

24 A Okay.

25 Q I know they make you do a lot of paperwork.

1 A Yes.

2 Q But sometimes you can cut and paste some stuff.

3 A Yes.

4 Q Okay.

5 A A little bit on an officer's report, yeah. It just
6 details the search warrant.

7 Q Right. All right. So let's start with how you
8 became involved in this case. You indicated on direct
9 examination that you essentially got a referral from a person
10 named Yvette Gonzalez over at CPS; is that correct?

11 A Correct.

12 Q Okay. So and I think you also indicated on direct
13 that CPS worker, Yvette Gonzalez, had already done some
14 preliminary things consistent with her part of any
15 investigation of allegations; correct?

16 A Correct.

17 Q Okay. And you shared that information, and I think
18 you said that you were working jointly, but another word would
19 be in conjunction with. Is --

20 A Correct.

21 Q Okay. So some of the things in your officer's
22 report, some of the things even in your search warrant
23 application came from CPS; is that correct?

24 A Well --

25 Q Your communications with Yvette Gonzalez?

1 A Yes, it did.

2 Q Okay. That's a fair statement; right?

3 A Yes.

4 Q All right. If ever I'm saying something that you
5 don't think is a fair statement just say, I don't think that's
6 a fair statement. We're all good.

7 Is it a fair statement to say that you placed -- I
8 don't think you mentioned it on direct -- in your application
9 and affidavit for a search warrant you asked to seize any book
10 titled, *Foster Care: How to Fix This Corrupted System*.

11 A Correct.

12 Q Okay. And isn't it true that you were alerted to
13 that book by a person named Shannon Edwards, who worked over at
14 the Department of Family Services?

15 A I --

16 Q Is that true or not true?

17 A No.

18 Q Okay. So if I could for a moment -- page 10.

19 MS. BLUTH: Arrest or -- oh, search warrant?

20 MR. FIGLER: Yeah.

21 MS. BLUTH: Gotcha. Thank you.

22 BY MR. FIGLER:

23 Q All right. And I might have misstated it. Do you
24 know that the original source was Shannon Edwards of the
25 Department of Family Services?

1 A Yes.

2 Q Okay.

3 A I -- yeah, I personally did not speak to her.

4 Q You got that from Yvette Gonzalez?

5 A Somebody from CPS.

6 Q Someone from CPS?

7 A Yes.

8 Q Okay. See that was a perfect example. But in your

9 search warrant you said that the original provider of that

10 information about this book, *Foster Care: How to Fix This*

11 *Corrupted System*, came from an individual named Shannon Edwards

12 over at the Department of Family Services; correct?

13 A Correct.

14 Q Okay, great. Now, you also indicated on direct that

15 you had reviewed CPS notes because it's important to your

16 investigation to look through prior history of the children,

17 see what's going on; correct?

18 A Correct.

19 Q Okay. Do you know why any of the three Solander

20 children were removed from their biological home in the first

21 place?

22 A I have read that. It's been awhile.

23 Q Okay. Do you remember what --

24 A So it may not be clear.

25 Q Okay. Do you remember the source of that?

1 MS. BLUTH: I'm going to object as to vagueness in
2 regards to source.

3 BY MR. FIGLER:

4 Q Oh, I'm sorry. You said you had read it. What do
5 you remember reading?

6 A Oh, CPS reports.

7 Q Okay.

8 THE COURT: Do you remember when you read those? Was
9 it before the search warrant, after the search warrant, before
10 coming to court today?

11 THE WITNESS: Oh, it was when the investigation was
12 new, fairly new.

13 THE COURT: Okay.

14 THE WITNESS: And during the investigation.

15 BY MR. FIGLER:

16 Q Okay. And did you -- you would agree with me that if
17 the children had been physically abused or sexually abused or
18 severely neglected prior to ever meeting the Solanders that
19 that would be relevant to your investigation; isn't that
20 correct?

21 A Well, I mean, we're talking about two different
22 families, two different -- two completely different series of
23 events that have occurred.

24 Q Okay. Have you ever looked at a photo of the
25 bottoms, and when I say bottoms, the butt area, of any of these

1 children taken before Dr. Cetl took her pictures?

2 A No.

3 Q So you have no frame of comparison as to when
4 those -- let me rephrase. You don't know if some of those
5 injuries were sustained years and years ago; do you?

6 A No.

7 Q Okay. And you indicated you have only seen, the only
8 photos of the butts of those children you've seen were taken in
9 March of 2014 with Dr. Cetl; is that correct?

10 A Correct.

11 Q Okay. Did you ever read the disclosures that the
12 Solander children made to the H.O.P.E Counseling Group before
13 they ever met the Solanders?

14 A You know, I'm sure I did, but I can't recall the --
15 what exactly was in there.

16 Q So if they reported or disclosed being beaten with
17 belts on their butts; do you remember that or not?

18 A No.

19 Q Okay. And that doesn't show up any --

20 MS. BLUTH: Judge, I apologize. I'm going to object
21 as to misstates the testimony. I don't think was any testimony
22 that they were beaten with belts on the butt. They were beaten
23 with the belts.

24 THE COURT: Okay. So if there was a disclosure
25 regarding being beaten somewhere about the body with the belt,

1 then you didn't know that?

2 THE WITNESS: Correct.

3 BY MR. FIGLER:

4 Q Okay. And if there were disclosures that they were
5 abused about the ears, any one of them; do you remember that?

6 A No, not off the top of my head.

7 Q And in either your officer's report or your
8 application for a search warrant or your arrest report does it
9 ever appear that the children previously disclosed, before even
10 meeting the Solanders, that they were abused with belts or had
11 their ears pulled?

12 A No.

13 Q Okay. Now, you said that it's very important to talk
14 to sources. You said that it's your belief that criminal
15 investigations have different rules than CPS investigations.
16 That was your testimony; correct?

17 A Correct, that you objected to.

18 Q Right. And then you were able to answer it; right?

19 A [No audible response.]

20 Q You did answer it.

21 A Okay.

22 THE COURT: His objection was overruled. So you did
23 answer it.

24 THE WITNESS: Okay.

25 MR. FIGLER: So we get to still talk about it.

1 THE WITNESS: Oh, great.

2 MR. FIGLER: When she says overruled, that just means
3 I get to ask, like, three more questions on cross.

4 THE WITNESS: I know. I know.

5 BY MR. FIGLER:

6 Q So have you ever been a CPS investigator?

7 A No.

8 Q Okay. And in order for you to make an arrest, you
9 have something called probable cause; correct?

10 A Correct.

11 Q Okay. And that is a relatively low standard. You've
12 heard it referred to as that before; correct?

13 A No.

14 Q Okay. You don't -- you need something more than
15 slight or marginal evidence to move forward?

16 A I mean, I've never heard it called low.

17 Q Okay. It's not a trial; is it?

18 A It's not a what?

19 Q A trial.

20 A No.

21 Q Okay. You're not subject to cross-examination on
22 your officer or arrest reports; correct?

23 A No.

24 Q Okay. There's not a Judge on your arrest report with
25 a jury making determinations; right?

1 A No. They can be NCF though.

2 Q Okay. And that's a prosecutor decision too; isn't
3 that true?

4 A Yes.

5 Q Okay. And ultimately the prosecutor has the decision
6 exactly what charges to move forward with?

7 A Correct.

8 Q Okay. So you reviewed reports, and you talked to
9 people of interest. Did you ever talk to Crystal Rosas?

10 A No.

11 Q Okay. Did you ever speak with Nona Ocloo?

12 A I personally did not.

13 Q Okay. Did you ever speak with Heather Richardson?

14 A No.

15 Q All right. So you testified on direct that Yvette
16 Gonzalez had identified that the Solander children were in a
17 behavioral school in Pace, Florida, called the Marvelous Girls
18 Grace or Grace Girls Academy, something along those lines;
19 right?

20 A Correct.

21 Q All right. And you had also indicated on direct
22 testimony that an individual with the Florida Department of
23 Children and Family Services had interacted with the Solander
24 children in Florida; is that correct?

25 A Correct.

1 Q Okay. And in your officer's report you had indicated
2 that this person, Jackie Henry -- that's her name; right?

3 A Yes.

4 Q Okay. That Jackie Henry took the sisters into
5 protective custody and conducted interviews on Ava, Amaya and
6 Anastasia Solander on March 1st, 2014. Did you write those
7 words in your officer's report?

8 A Yes.

9 Q Okay. Now, ultimately you used information gleaned
10 from those interviews and placed it in your officer's report;
11 isn't that correct?

12 A Yes.

13 Q Okay. And --

14 MS. BLUTH: Okay.

15 BY MR. FIGLER:

16 Q Did you receive any documents or reports from the
17 Florida Department of Children and Families?

18 A I received that through CPS.

19 Q Okay. And I'm going to approach you right now, just
20 giving you warning, and you can tell me if this appears to be
21 the document that you received through CPS originating from the
22 Florida Department of -- well, we can call them the Department
23 of Family Services just to make it easy. Does that look like
24 the document you received?

25 A Yes.

1 Q Okay. Did you receive any other document from any
2 other source from Florida?

3 A Not that I can remember.

4 Q Okay. Now, that's a multipage document; correct?

5 A Yes.

6 Q And in it does it purport to be those interviews that
7 you refer to in your officer's report with Ava, Amaya and
8 Anastasia?

9 A Yes.

10 Q Does that -- looking at that document refresh your
11 recollection that that is where you were able to say, during
12 the course of the interview all three girls disclosed, colon,
13 and you list some things. Would that be the source?

14 A Yes.

15 Q Okay.

16 A But that wasn't the only --

17 Q From Florida?

18 A Yes. No, that wasn't the only -- that wasn't the
19 only thing I used.

20 Q In your officer's report?

21 A No. I used -- I believe I used part of some of their
22 interviews from the CAC when they were here.

23 Q Oh, okay. And I'll get to that in a second.

24 A Oh, okay.

25 Q Let's just -- and just so the jury doesn't get

1 confused, I'm going to break these into little time frames.

2 A Okay.

3 Q We're going to go through it chronological, as
4 quickly as we can, but we're going to go through a
5 chronological order. So right now I'm just focused on the
6 disclosures made by Amaya, Ava and/or Anastasia in Florida.

7 A Okay.

8 Q Okay. And that's all we're focusing on, and then
9 some of those disclosures were translated into your officer's
10 report; that's fair to say?

11 A Yes.

12 Q Okay. Besides that document, was there any other
13 source of the disclosures from Florida?

14 A No.

15 Q Okay.

16 A Not that I can recall.

17 Q Okay. So from the interviews by Florida CPS or DFS
18 of the sisters while they were in protective custody, can you
19 go through there and find any page where catheters are
20 mentioned at all? Take your time.

21 A Can I see my officer's report?

22 Q Sure.

23 MR. FIGLER: I'm going to approach her with the
24 officer's report as well.

25 MS. BLUTH: Sure.

1 BY MR. FIGLER:

2 Q I know it's lengthy so take your time.

3 A My glasses.

4 THE COURT: Do you need your --

5 THE WITNESS: No, I'm okay. I just have to hold it
6 further.

7 THE COURT: We might be able to locate a magnifying
8 glass or --

9 THE WITNESS: Oh, no. That's okay.

10 THE COURT: -- we can give you one
11 of -- Ms. Schofield's been --

12 MR. FIGLER: That wasn't a trick. That's the same
13 size I got it.

14 THE COURT: -- been kind enough to volunteer her
15 glasses if you'd like to try her glasses. They might be
16 helpful.

17 THE WITNESS: Sure.

18 THE COURT RECORDER: They might be dirty too.

19 MR. FIGLER: I'll bring them up [unintelligible].

20 Good luck with these.

21 THE WITNESS: Oh, they may --

22 MR. FIGLER: I'm not giving you mine. I'll go blind.

23 THE WITNESS: Oh, yes. This is great. Thank you.

24 MR. FIGLER: Sisters. They do look alike, Judge.

25 THE COURT: Vaguely.

1 MR. FIGLER: Vaguely.

2 THE COURT RECORDER: [unintelligible] younger.

3 THE COURT: So you should be complimented then,
4 Ms. Schofield.

5 THE COURT RECORDER: Thank you.

6 BY MR. FIGLER:

7 A Okay. I -- can I say something?

8 Q Well, I'm asking you the question. The question is,
9 is there anything there about catheters?

10 A Not from the --

11 Q Florida DFS?

12 A -- Florida report.

13 Q That's all I'm asking you about is Florida.

14 A Oh, okay.

15 Q Any disclosure from Florida about catheters?

16 A No.

17 Q Okay. Well, I can take both of those back.

18 A One -- okay.

19 Q I'll ask you more questions and you know --

20 A Okay.

21 THE COURT: Keep the glasses because I have a feeling
22 there will be more reports to look at.

23 BY MR. FIGLER:

24 Q And you know that the prosecution will be able to ask
25 you --

1 A Well, you know I didn't put that in there about the
2 catheters.

3 Q No. I know that. I'm not accusing you of anything.

4 A Oh, okay. Okay. Okay.

5 Q I just want to make it really clear that there was no
6 disclosures from those children to the Florida CPS or DFS
7 worker about catheters at all, and you agree with me on that?

8 A Yes. That is true. Correct. Yes.

9 Q Okay. And there's no disclosure in there either
10 about a paint stick in the vagina; is there? Now, I know it's
11 in your officer report, but did you see it in that CPS report?

12 A I did not read it.

13 Q Okay.

14 A Just now -- I --

15 Q But there are --

16 A I would have to read -- I would have to --

17 THE COURT: Wait. Do you want to -- Mr. Figler, she
18 said she didn't see it just now. Do you want her to look at it
19 to see whether there's anything about the paint stick in the
20 vagina from Florida?

21 MR. FIGLER: To save time, the State is going to
22 stipulate that there was nothing in the Florida disclosures
23 about a paint stick in the vagina.

24 MS. BLUTH: That's correct.

25 THE COURT: All right.

1 BY MR. FIGLER:

2 Q Okay. So you will accept if we're both agreeing,
3 it's probably right?

4 A Yes. Yes.

5 Q Okay. But there were the bulk of the disclosures
6 that ultimately wound up in your arrest report come from that
7 Florida interviews, so the Florida interviews with those three
8 girls; right? They talk about paint sticks?

9 A I wouldn't -- I don't think that's a fair statement.

10 Q Okay.

11 A I would say that they came from both the interviews
12 from Florida and here because they corroborated.

13 Q Okay. And I appreciate that, but again, let's just
14 focus on the timeline. So you remember in your officer's
15 report you summed up the disclosures that came from the
16 Florida --

17 A Correct.

18 Q Okay. And so you listed 13 disclosures that came
19 from the Florida CPS.

20 A Okay.

21 Q Do you remember that?

22 A Yes.

23 Q Okay. And so from the Florida CPS there was
24 disclosure about paint sticks; correct?

25 A Yes.

1 Q Okay. And there were disclosures about bathroom --
2 bathroom timers; correct?

3 A Uh-huh.

4 Q There was disclosures about blended food?

5 A Yes.

6 Q There were disclosures about buckets? There was
7 disclosures about buckets of ice; correct?

8 A Yes.

9 Q Okay. There was disclosures about boards?

10 A Yes.

11 Q There was disclosures about cameras?

12 A Yes.

13 Q Okay. So quite a few disclosures that ultimately
14 wound up in your arrest report as well were disclosed in
15 Florida; correct?

16 A Okay. Correct.

17 Q So that's a fair assessment?

18 A Okay. Yes.

19 Q Okay. That was March 1, 2014; correct?

20 A Correct.

21 Q The forensic interview that you referred to that was
22 done over at the center, who conducted it? Did you conduct
23 that forensic interview?

24 A I did not.

25 Q Who was the individual who conducted that interview,

1 or was there more than one person?

2 A Faiza Abraham.

3 Q Did one.

4 A She did the Solander girls.

5 Q Okay.

6 A Separately.

7 Q Okay.

8 A Kristina Bernat did Areahia Diaz.

9 Q Okay. Okay. So we had Faiza doing the Solander
10 girls, and we had Bernat doing --

11 A Areahia.

12 Q -- the other girl, Areahia --

13 A Yeah, Areahia.

14 Q -- and the Starks?

15 A Yeah. I don't recall who did the Starks.

16 Q Okay. Fair enough, but someone over there in that
17 center?

18 A Yeah. I did not do them.

19 Q You didn't do it. I guess that's the whole good
20 point.

21 A No.

22 Q Okay. All right. So that occurred on March 11th,
23 2014; correct?

24 A Correct.

25 Q And sometime between March 1st, 2014, and March

1 11, 2014, those three girls were transported from Florida back
2 to Las Vegas; is that fair to say?

3 A On March 8th.

4 Q On March 8th. So those girls were presumably
5 together between March 1st and March 7th in Florida. March
6 8th, they come back to Las Vegas, presumably still together,
7 and then on March 11th they're all taken to be forensically
8 interviewed at CPS; is that fair?

9 A Yes.

10 Q Okay. No one ensured that the girls were kept
11 separate between March 1st and March 8th when they were
12 picked up; correct?

13 MS. BLUTH: Objection as to girls. Can we just know
14 exactly which ones you're talking about.

15 MR. FIGLER: Sorry, the Solander girls.

16 MS. BLUTH: Thank you.

17 BY MR. FIGLER:

18 Q Do you have any information on if the Solander girls
19 were separated from each other?

20 A No.

21 Q Okay. Do you know how they were transported back?

22 A I believe they were on an airplane.

23 Q Do you know if they went alone or if somebody from
24 here went out to go get them?

25 A Yvette Gonzalez went to go get them.

1 Q So she flew from Nevada to Florida, got the girls and
2 then brought them back?

3 A On the same day.

4 Q Okay. So on that day do you personally know if the
5 girls were kept apart or if they were together?

6 A I'm not sure.

7 Q Okay. And then where were they between March 8th,
8 when they arrived back in Las Vegas, and March 11th, when
9 they were in Las Vegas?

10 A They were at --

11 Q I'm sorry, when -- 11th at the CPS.

12 A -- Child Haven.

13 Q So they were at Child Haven. Do you know if they
14 were separated at Child Haven or if they were allowed to be
15 together in Child Haven?

16 A I don't know.

17 Q Okay. So there was no additional interviewing of the
18 girls to your knowledge between March 1st with Jackie Henry
19 and March 11th with the forensic interview of the Solander
20 girls that you described; correct?

21 A Not that I'm aware of.

22 Q Okay. Now, I'm going to get to that March 11th
23 forensic interview in a second. You indicated that you had
24 identified through your investigation a number of what you
25 referred to as points of contact to see if they had information

1 that corroborated the Solander girls. That was your testimony
2 on direct; correct?

3 A Correct.

4 Q All right. So you made a nice convenient list
5 because you had a good summary in your officer's report of
6 everyone that you talked to.

7 A Okay.

8 Q Okay. March 14th, 2014, you talked to Debbie
9 McClain. Do you remember that?

10 A Yes.

11 Q Okay. Did Debbie McClain corroborate to you in any
12 way anything about catheters?

13 A I would have to review her statement to me.

14 Q Okay. If she had corroborated something about
15 catheters in her statement, certainly that would be important
16 to put in your officer's report?

17 A I would hope so.

18 Q Okay. So I'm going to approach with that -- you made
19 summaries and can you tell me if there was anything about the
20 Debbie McClain interview that corroborated the existence of
21 catheters, let alone the insertion of catheters?

22 A Okay. Deborah McClain was their foster mom prior to
23 ever going to the Solanders. So she wouldn't have that
24 information.

25 Q So is it your testimony that Deborah McClain never

1 spoke to the girls during the time that they were in the
2 Solander home?

3 A No, I'm not saying that.

4 Q Okay. So did Debbie McClain tell you that there was
5 any disclosure made to her at any time from the Solander girls
6 about catheters?

7 A Let me read this real quick.

8 Q Sure.

9 A They did not, but it does state in here that Janet
10 would not allow Ms. McClain to speak to the girls in private.

11 Q Oh, okay. But there was no disclosure about anything
12 to do with catheters; correct?

13 A No.

14 Q Okay. You interviewed Lori Wells on March 26th,
15 2014. Did she tell you that she had any disclosures from any
16 of the Solander girls about catheters being inserted into them?

17 A If it's not there, she probably didn't.

18 Q Okay. Christina Day, the BST worker, did she reveal
19 any disclosures or information about catheters being inserted
20 into any of the little girls?

21 A Can I go back? I don't know if -- I don't -- Lori
22 Wells was the therapist for the Diaz-Burnett children, not the
23 Solander kids.

24 Q Okay.

25 A So she did not speak to them.

1 Q So she didn't have any relevant information about the
2 Solander kids?

3 A Not direct.

4 Q Okay. Did any of the children, Diaz-Burnett
5 children, that she saw make any disclosures to her that the
6 Solander kids had catheters inserted in them?

7 A I don't believe so.

8 Q Okay. Jan Finnegan, she was one of the nannies;
9 correct?

10 A Yes.

11 Q She actually made a report to CPS; isn't that
12 correct?

13 A Correct.

14 Q Did she, in your interview with her or at any other
15 time to your knowledge, reveal a disclosure or corroborate that
16 catheters were inserted into the children's urethras?

17 A Can you remind me when she was the nanny, the years?

18 Q Sure. It was just a short period of time at the end
19 of January 2013.

20 A Okay. She did not.

21 Q Okay. And in fact you also spoke with Andrea
22 Lectworth; isn't that correct?

23 A Yes.

24 Q And she indicated to you that she was a nanny for the
25 Solanders from October 2011 through October 2012; correct?

1 A Yes.

2 Q Okay. So she was there for a year. If October to
3 October adds up to a year; right?

4 A Yes.

5 Q Okay. Jan Finnegan was only there for three weeks;
6 isn't that correct?

7 A Yes.

8 Q Okay. So Andrea would have seen a lot more just by
9 timewise than Jan would have presumably? Which is probably why
10 you talked to Andrea; right?

11 A Yes.

12 Q Okay. Did Andrea tell you that she had any direct
13 knowledge of anything to do with catheters?

14 A No.

15 Q Did Andrea tell you that any of those little girls
16 had told her or disclosed to her that a catheter was put into
17 their urethras?

18 A No, and --

19 Q Okay. That's the question before you. If a
20 testimony has come out that many individuals who worked with
21 CPS and DFS were in the Solander home between 2011 and 2013 for
22 a myriad of reasons, you don't have any reason to disagree with
23 that, that there were a lot of foster workers, CPS, DFS, there
24 were open investigations, people inside the Solander home;
25 correct?

1 A Correct.

2 Q Did any one of those CPS or DFS workers give you any
3 corroboration that there was either visual personal knowledge
4 or a disclosure made to them of a catheter being placed into
5 the urethra of any of those children?

6 A No, but I --

7 Q Okay. The first time that you hear about the
8 allegation of a catheter comes from Anastasia on March 11,
9 2014; isn't that correct?

10 A Yes.

11 Q Okay. And Amaya was interviewed that same day; isn't
12 that correct?

13 A Yes.

14 Q And Amaya, on that date, does not reference a
15 catheter being stuck into her or anyone else's urethra, Amaya.

16 A I would have to go through her entire interview.

17 Q If Amaya had said it, that would have been important
18 for you to put into your summary as well. I mean, I can give
19 you Amaya's statement. It's rather lengthy.

20 A I would hope so. I have her statement.

21 Q Okay. But isn't it true --

22 A I thought they were being called to testify.

23 Q Okay.

24 THE COURT: Well, ma'am, if Ms. Bluth thinks that one
25 of Mr. Figler's questions is inappropriate then she can make an

1 objection.

2 THE WITNESS: No, I agree.

3 THE COURT: Otherwise, and I sustain the objection,
4 you don't have to answer the question. Otherwise you have to
5 answer the question.

6 BY MR. FIGLER:

7 Q You think I remember that question? You did do an
8 officer's report, and you did a summary of those forensic --

9 A Okay.

10 Q Okay. And you noted that Anastasia and Ava referred
11 to the word catheter. That Anastasia described a catheter
12 being inserted but nothing about Amaya.

13 A Okay.

14 Q Is that fair?

15 A Yes. I believe you.

16 Q All right.

17 A I just don't like not having my officer's report here
18 where I can see it.

19 Q I'm sorry about that.

20 A It's okay.

21 Q If anytime you do want to see it, I'll bring it over.
22 I mean, it's not a big deal.

23 A Okay.

24 Q Okay. We're pretty close. All right. And then
25 there was the forensic interviews of Areahia Diaz and her

1 siblings and the Stark girls as well. Do you recall
2 disclosures made to them that there was a catheter stuck into
3 the urethras of any of those girls? In other words, did any of
4 those girls disclose to the foster kids that they had catheters
5 placed in them during that forensic interview?

6 A No.

7 Q Okay. Now, do you recall a time during Ava's
8 forensic interview -- now, presumably you have, like, a two-way
9 mirror, I mean, like, they do in the movies, is that how that
10 worked, that you were watching it?

11 A Yeah, a camera.

12 Q Camera?

13 A Video camera.

14 Q Okay. So you weren't in the room with the forensic
15 interviewer, but you were observing the entire interview; isn't
16 that correct?

17 A Correct.

18 Q Okay. And do you recall that Ava didn't necessarily
19 remember anything about a catheter, but that her memory had to
20 be jogged by the forensic interviewer?

21 A I don't remember that.

22 MS. BLUTH: Can I have a page number, please?

23 MR. FIGLER: Sure, page 65.

24 MS. BLUTH: Thank you.

25 THE WITNESS: Can I look at what you're looking at?

1 I have --

2 MR. FIGLER: Yeah.

3 THE COURT: Mr. Figler's going to approach with that
4 in a minute.

5 THE WITNESS: Okay. Okay.

6 BY MR. FIGLER:

7 Q Sure. See if you remember that series of questions.

8 A Okay.

9 Q Okay. In fact, the forensic interviewer had to
10 prompt her before she used the word catheter about her sister
11 telling her something about some kind of tube thing with a bag;
12 right?

13 A Correct.

14 Q Okay.

15 THE COURT: I'm sorry. What was the question?

16 MR. FIGLER: No, there's nothing else. She said,
17 yes -- she -- oh, sorry. I asked about the --

18 THE COURT: Something about a bag and I didn't hear
19 the --

20 MR. FIGLER: -- transcript and -- I think the
21 response was, yes. Am I -- is that correct?

22 THE COURT: Okay.

23 THE WITNESS: You're right.

24 THE COURT: I didn't hear you. I'm sorry.

25 MR. FIGLER: Okay.

1 BY MR. FIGLER:

2 Q All right. So now the interviews are done, and it
3 seems like shortly thereafter you put together the search
4 warrant request, and you picked it up with Sergeant Bitsko?

5 A Yes.

6 Q Okay. With the exception of Dwight's e-mail, did you
7 interview anyone associated with this case after -- or talk --
8 do any additional investigation in this case after Janet was
9 arrested?

10 A Danielle.

11 Q Okay. So you talked to Danielle?

12 A Correct.

13 Q Okay. After that day, and with the exception of the
14 stuff dealing with Dwight's e-mail, did you do any further
15 investigation in this particular case that you recall?

16 A No. I think the e-mail -- oh, I ended up -- I ended
17 up submitting a search warrant for Janet's phone on --

18 Q Okay. And besides that?

19 A No.

20 Q Okay. So you didn't interview anyone else after --
21 Danielle would have been your last interview, and that would
22 have been around the same time of the search warrant in 2014;
23 correct?

24 A Correct.

25 Q Okay. Now, you also received some information from

1 the Marvelous Girls Grace Academy or Grace Girls Academy;
2 correct? About a guy named Mark Blanken --

3 MS. BLUTH: Steve.

4 MS. MCAMIS: Steve Blankenship.

5 BY MR. FIGLER:

6 Q Blankenship, Steve Blankenship. Do you remember
7 that?

8 A I remember his name. I don't remember the
9 information that was given.

10 Q Was it given to you, or was it possibly given to
11 Yvette Gonzalez?

12 A It was probably given to her.

13 Q Okay. So I'll ask her about that then. If you're
14 comfortable with that or you're confident that you didn't speak
15 to -- you don't remember speaking to Steve Blankenship, I'll
16 ask Ms. Gonzalez about that.

17 A No, I don't.

18 Q Okay. If Mr. Blankenship had said there was a
19 disclosure to him that the girls had told him that catheters
20 were stuck into their urethras, you would have put that into
21 your report though; correct?

22 A Yes.

23 Q Okay. And you would agree with me that that's not in
24 your report, no disclosure given to Mark Blankenship about --

25 MS. BLUTH: Steve.

1 MS. MCAMIS: Steve.

2 BY MR. FIGLER:

3 Q Sorry. I went to high school with a kid named Mark
4 Blankenship. Steve Blankenship. You would have put that into
5 your report; correct?

6 A Yes.

7 Q Okay. And you would agree with me that it's probably
8 not in your report because it didn't happen. He didn't make a
9 disclosure?

10 A I believe you.

11 Q Thank you. All right. Did you personally as the --
12 can I call you the lead detective on this case; is that fair to
13 say?

14 A Yes.

15 Q Okay. As the lead detective on this case, did you
16 talk to any doctors who had interacted with the Solander kids?

17 A Other than Dr. Cetl, no.

18 Q Other than Dr. Cetl. And Dr. Cetl is, well, we've
19 already referred to her as she's -- she works for this entity
20 which has government funding or something like that; is that
21 right?

22 A [No audible response.]

23 Q You don't know the specifics of that? Or --

24 A No.

25 Q Okay.

1 A I know that Yvette Gonzalez handled a lot of the
2 medical stuff.

3 Q Okay.

4 A So she might have --

5 Q If anyone would have talked to doctors, it would have
6 been Yvette Gonzalez?

7 A And the other people that you mentioned earlier,
8 Heather Richardson and --

9 Q CPS workers, DFS people.

10 A Yes.

11 Q Okay. That would have been Yvette Gonzalez?

12 A Yes.

13 Q Okay. But again, Yvette Gonzalez isn't the one who
14 submits --

15 A Right.

16 Q -- criminal charges.

17 A True.

18 Q That's the lead detective; right?

19 A Correct.

20 Q Okay. So you don't recall talking to any other
21 doctors besides the expert for the State, Dr. Cetl; correct?

22 A Correct.

23 Q Okay. Now, did you do any investigation about the
24 Marvelous Grace Academy at all? Did you look into them?

25 A Just briefly, just about what they were and what kind

1 of school it was. That's it.

2 Q Okay. Nothing about their past or history?

3 A No.

4 Q Okay. And if a doctor, a pediatrician in Las Vegas,
5 examined all three girls before they went to the Marvelous
6 Grace Academy, would that doctor be important to talk to?

7 A Yes.

8 Q Why?

9 A To see if he saw any injuries.

10 Q Okay. And if you found out that that was the last
11 doctor who saw those girls in the transition from the Solanders
12 to the Marvelous Grace Academy, that would make him an
13 important witness; isn't that correct?

14 A Yeah, and it would depend on what he saw, what they
15 were there for.

16 Q Sure.

17 A What were the circumstances under which they went.

18 Q Okay. All that's important. That's --

19 A Were they clothed, unclothed -- yes. Yes.

20 Q Right. Okay. So to your knowledge has anyone talked
21 to Dr. Crispin, the pediatrician?

22 A Crispin?

23 Q Crispin, yes.

24 A No.

25 Q Have you ever heard that name before?

1 A No.

2 Q Okay.

3 MR. FIGLER: Court's indulgence.

4 BY MR. FIGLER:

5 Q Just really quickly, did you ever have any indication
6 that those cameras were anything other than realtime cameras?
7 In other words, was there ever an indication that there was a
8 recording device that was eliminated, or did you have no
9 information about whether those cameras were realtime or
10 otherwise?

11 A I'm not sure to be honest.

12 Q Okay. That's fair.

13 MR. FIGLER: Pass the witness, Your Honor.

14 THE COURT: All right. Any redirect?

15 MS. BLUTH: Yes, please. Thank you.

16 THE COURT: Do we need another pen over there?

17 (Pause in the proceedings)

18 REDIRECT EXAMINATION

19 BY MS. BLUTH:

20 Q In regards to the book that Ms. Solander authored,
21 *Foster Care: How to Fix the Corrupted System*, you put that in
22 a search warrant as something that you wanted to look for and
23 possibly seize; is that right?

24 A Yes.

25 Q Why did you want the book?

1 A Well, we're talking -- she's talking about DFS,
2 fostering and the problems that are in the system. So I
3 thought that it would be maybe something that would give me
4 some type of information regarding my case.

5 Q Okay. Do you personally care that she wrote that
6 book about CPS?

7 A No.

8 Q Do you have any ties to CPS where you, you know, want
9 to protect them?

10 A Other than being a police officer, no.

11 Q Yeah. But I mean you can't -- when I say --

12 A No. You're talking about the entity?

13 Q Yes.

14 A No.

15 Q Are there times in your investigations when you are
16 at odds with CPS?

17 A Yes.

18 Q Do you always see eye to eye with CPS?

19 A No.

20 Q Now, in regards to Mr. Figler had asked you some
21 questions about some of the CPS investigators, Crystal Rosas
22 and Nona Ocloo. You stated that you did not speak to them?

23 A Correct.

24 Q But were you -- did you access the CPS records that
25 discussed their previous investigations?

1 A Yes.

2 Q When children are taken to the Children's Advocacy
3 Center, are they interviewed separately?

4 A Yes.

5 Q And then are they allowed to, let's say, you know,
6 let's say there's five children there to be interviewed, like,
7 let's say there's a multi-sibling family. So there's five or
8 six kids. While one's being interviewed, are the others
9 allowed to sit and talk about the case and what they're going
10 to tell the investigator?

11 A No. They're usually -- there's more than one
12 forensic interviewer. So there's two or three. So if that
13 happens we usually try and get them done at the same time.

14 Q Okay. And then we talked about the Stark children
15 being forensically interviewed, the Diaz-Burnett children being
16 forensically interviewed, and the Solander girls being
17 forensically interviewed. Those interviews -- those three
18 families were not all done on the same day?

19 A Correct.

20 Q I want to ask you some questions in regards to the
21 putting on the search warrant, you know, paint sticks. When
22 you were doing that search warrant, was it your understanding
23 that, like, you are only going to be finding one paint stick,
24 or that there would be multiple paint sticks, like, without the
25 house?

1 A Probably multiple, more than one.

2 Q Okay. So, I mean, it wasn't your understanding that
3 there was this one paint stick, and that was the only paint
4 stick that was used, like, the entire time these kids were
5 talking about that?

6 A No. No, because they mention that there was a paint
7 stick that -- one of the kids, I'm not sure which one, said
8 that they got hit, and the paint stick broke. So it couldn't
9 have been just one.

10 Q Okay. And then you had previously interviewed, both
11 on direct and cross-examination, that you did speak or
12 interview Christina Day. Do you interview Christina more than
13 once?

14 A Yes.

15 Q And what was the reason for that?

16 A She contacted, I believe, Yvette Gonzalez, saying she
17 had further information --

18 Q Okay.

19 A -- that she had remembered and wanted to give to us.

20 Q Okay. And you sat down with her and did a subsequent
21 interview?

22 A Yes.

23 Q Mr. Figler had asked you several questions in regards
24 to, you know, speaking to a lot of people, and they had never
25 said anything about a catheter. Remember those lines of

1 questioning; did Mr. Blankenship ever say that the girls told
2 him about a catheter, all those questions?

3 A Yes.

4 Q During your investigation did you, other than what
5 the children were saying, did you find evidence that
6 corroborated the girls' statements about a catheter?

7 MR. FIGLER: I'm going to object, Your Honor. That's
8 vague because we'll stipulate the existence of but the
9 statement --

10 THE COURT: All right. Well, did you find evidence
11 of catheters or the use of catheters?

12 MS. BLUTH: And I'm being specific to Dwight's
13 e-mails.

14 THE WITNESS: Oh, yes.

15 MR. FIGLER: And those are two different --

16 THE COURT: Oh, okay. I didn't understand the
17 question -- via the e-mails.

18 MR. FIGLER: Oh, no, no, no. That's a compound --
19 we'll approach, and we can sort it out real easy.

20 THE COURT: Sure. Well, I wanted to take a break
21 anyway.

22 Ladies and gentlemen, let's just take a break. It'll
23 put us right at five minutes after 4:00.

24 And during the brief recess you are reminded that
25 you're not to discuss the case or anything relating to the case

1 with each other or with anyone else. You're not to read, watch
2 or listen to any reports of or commentaries on the case, person
3 or subject matter relating to the case. Do not do any
4 independent research by way of the Internet or any other
5 medium, and please don't form or express an opinion on this
6 case.

7 Please place your notepads in your chairs and follow
8 the bailiff through the double doors.

9 And, Detective, please do not discuss your testimony
10 with anybody else during the break.

11 THE WITNESS: Okay. Okay.

12 MR. FIGLER: We worked it out.

13 THE COURT: I needed a break anyway.

14 (Proceedings recessed 3:53 p.m. to 4:06 p.m.)

15 (Jury entering 4:06 p.m.)

16 THE COURT: All right. Court is now back in session.

17 And, Ms. Bluth, you may resume your redirect
18 examination.

19 MS. BLUTH: Okay. Thank you.

20 BY MS. BLUTH:

21 Q So where we were was the questions about the
22 catheters, if you were able to corroborate that with any other
23 individuals, but my question is, is in looking through Dwight's
24 e-mails were you able to corroborate the purchase of catheters?

25 A Yes.

1 Q And you were asked some questions about whether or
2 not you gathered medical records, and you stated that Yvette
3 was the person who was gathering the medical records?

4 A Correct.

5 Q Let's say you had, you know, looked through those
6 medical records. Would there have been anything in those
7 medical records that would have changed your opinion in regards
8 to filing charges in this case?

9 A No.

10 Q Mr. Figler had asked you some questions in regards to
11 Dr. -- an individual by the name of Dr. Crispin who had done
12 some physicals on the children before they had gone to
13 Marvelous Grace Girls Academy. Do you remember those
14 questions?

15 A Yes.

16 Q Were you ever told by anybody that the children had
17 gone and got physicals?

18 A No.

19 Q So would you have any way to know that Dr. Crispin
20 saw the girls just before they left?

21 A No.

22 Q And then you were -- again, going back to the --
23 Mr. Figler had asked you some of the things that the girls had
24 said in the interview and specifically to catheters. My
25 question is the girls did talk to you about the buckets?

1 A Well, they spoke to --
2 Q So --
3 A Yes.
4 Q You were present on the other side of the -- you
5 could view the forensic interview while it was going on?
6 A Right.
7 Q And in that forensic interview they did talk about
8 buckets?
9 A Yes.
10 Q They did talk about the discipline for toileting?
11 A Yes.
12 Q They did talk about sleeping on boards?
13 A Yes.
14 Q They talked about their food was blended?
15 A Yes.
16 Q And that water and food was withheld from them?
17 A Yes.
18 Q They talked about the showers?
19 A Yes.
20 Q And how they dried off?
21 A Yes.
22 Q And they talked about how they slept, not only on the
23 boards, but fans, et cetera, those types of things?
24 A Yes.
25 Q And in their forensic interviews they were also shown

1 photos of the residence taken by CPS in September of 2013;
2 correct?

3 A Correct.

4 Q And were they able to point out certain items in
5 those photos that they were discussing in their interview?

6 A Yes.

7 Q Mr. Figler had asked you some questions in regards
8 to, you know, your officer's report isn't subject to, you know,
9 to a Judge and a jury. Do you remember those questions?

10 A Yes.

11 Q Now, within a certain period of arresting someone,
12 does a Judge have to look at an arrest warrant or that someone
13 was arrested?

14 A A Judge?

15 Q Yes.

16 A An arrest -- not an arrest report.

17 Q An arrest warrant? Is there any time before filing
18 charges that a Judge has to look at --

19 A A search warrant? I'm not sure what you're asking.
20 I'm sorry.

21 MR. FIGLER: Can we approach, Your Honor?

22 THE COURT: Sure.

23 (Conference at the bench not recorded)

24 BY MS. BLUTH:

25 Q Okay. So in this case you've already stated that on

1 March 20th, the defendant Janet Solander, her husband Dwight
2 Solander and her daughter Danielle Hinton were arrested.

3 A Correct.

4 Q Now, within a certain time period of being arrested,
5 does a Judge look at your arrest report?

6 A I --

7 Q To your knowledge.

8 A Not to my knowledge. I know a lieutenant does, my
9 sergeant.

10 Q Okay.

11 A As far as a Judge I don't -- I've never heard of a
12 Judge reading an arrest report.

13 Q Okay. Okay. And have you ever heard of, like, a 72
14 hour hearing?

15 MR. FIGLER: Objection, Your Honor. I mean, now
16 we're going beyond the scope.

17 THE COURT: All right. But within your department
18 your supervisor would be reviewing whatever it is you wrote.

19 THE WITNESS: Correct. Correct. Yeah, and then the
20 lieutenant.

21 THE COURT: And his -- his or her. That was sexist
22 of me.

23 THE WITNESS: Well, not my lieutenant, but the --

24 THE COURT: Right. The sergeant's lieutenant would
25 then review what the sergeant had approved.

1 THE WITNESS: Correct.

2 THE COURT: Is that how that works?

3 THE WITNESS: Yeah. And then the --

4 THE COURT: So you're reviewed by a sergeant, and
5 then that person is then reviewed by a lieutenant?

6 THE WITNESS: Yes.

7 BY MS. BLUTH:

8 Q Okay. And then you said, I think you used the term
9 it could always be NSF'd. What did you mean by that?

10 A NCF'd.

11 THE COURT: NCF'd.

12 THE WITNESS: No charges filed.

13 MS. BLUTH: Oh, NCF. What'd I say?

14 THE COURT: NSF.

15 BY MS. BLUTH:

16 Q Oh, NCF.

17 A Correct.

18 Q No charges filed.

19 A No charges filed. If it didn't meet -- if there was
20 not PC for an arrest.

21 Q PC means probable cause?

22 A Yes.

23 Q So your arrest report goes to the District Attorney's
24 office; correct?

25 A Correct.

1 Q And in the District Attorney's office that's a
2 screening unit?

3 A Correct.

4 Q And then the screening unit either approves or
5 denies?

6 A Correct.

7 Q And in this case they approved it?

8 A Yes.

9 Q And the case came to me.

10 A Yes.

11 Q Okay.

12 MS. BLUTH: Nothing further. Thank you.

13 THE COURT: Mr. Figler, any follow up to that?

14 MR. FIGLER: Just very briefly.

15 RECROSS-EXAMINATION

16 BY MR. FIGLER:

17 Q I wrote it down. When Ms. Bluth asked you on
18 redirect, were you looking for more than one paint stick, your
19 response was there couldn't be just one because one of the
20 children reported that it was broken; correct?

21 A There could be --

22 MS. BLUTH: I'm sorry. I'm sorry, Mr. Figler, did
23 you say there could be just one or there couldn't?

24 MR. FIGLER: Couldn't -- couldn't be just one.

25 MS. BLUTH: Okay. Yeah. That's right. Thank you.

1 BY MR. FIGLER:

2 Q Correct?

3 A Yes.

4 Q Okay. Now, if that child exaggerated that the paint
5 stick was broken, then there could be just one; right?

6 A No.

7 Q Okay.

8 A I'm going off --

9 Q What the child said.

10 A -- several interviews.

11 Q Okay.

12 A There wasn't just one.

13 Q Fair enough. Okay. So again, if you were -- you're
14 saying that there's more that you're basing it on, but when you
15 responded to the question you said, there couldn't be just one
16 because the child told me that it was broken. I'm saying that
17 you don't know that it was broken; do you?

18 A No.

19 Q The child could very well be exaggerating to you;
20 correct -- could be?

21 A I mean, anything is possible.

22 Q You want to believe the children. I get that, but
23 anything is possible. The child could be exaggerating, and did
24 you ever find corroboration of a broken paint stick anywhere?

25 A No.

1 Q Okay. In fact, the children told you or disclosed a
2 lot of things. I'm going to ask you if you found any
3 corroboration of those things too in line with the paint stick.
4 One or more of the children told you that they were forced to
5 eat rats or mice. Do you remember that disclosure?

6 A Yes.

7 Q Okay. Did you ever find any corroboration that these
8 children were fed rats or mice?

9 A That's because they were told that.

10 Q Okay. Did you ever find any corroboration that the
11 children actually ate rats or mice?

12 A No.

13 Q Okay. No rat meat in the house anywhere?

14 A No. I wasn't there.

15 Q Okay. You haven't heard that any rat meat was put
16 into evidence?

17 A No.

18 Q Okay. The children disclosed to you that when they
19 were put in timeout, they went three days without food or
20 water. Do you remember that disclosure?

21 A They are children.

22 Q Okay.

23 A And they are young.

24 Q So they could exaggerate it?

25 A Of course.

1 Q Okay.

2 A Or what they believe is correct.

3 Q That was my question to you.

4 MR. FIGLER: There's no question for the witness,
5 Your Honor.

6 THE COURT: Is that it, Mr. Figler? Pass the
7 witness?

8 MR. FIGLER: I think so. Yes.

9 THE COURT: All right.

10 Ms. Bluth, any follow-up?

11 MS. BLUTH: Just one.

12 FURTHER REDIRECT EXAMINATION

13 BY MS. BLUTH:

14 Q Did the -- I wanted to ask you about some
15 clarification. Did the children say that they were eating rats
16 and cow privates and mice or whatever it was?

17 A They -- two of them said that's what they thought was
18 being blended up.

19 Q And why did they think that?

20 A Because they were told that.

21 Q By whom?

22 A Janet Solander.

23 Q Thank you.

24 MS. BLUTH: Nothing further.

25 THE COURT: Any follow-up, Mr. Figler?

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FURTHER RECROSS-EXAMINATION

BY MR. FIGLER:

Q Did you ever find anyone to corroborate that the kids went three days without food or water?

MS. BLUTH: Outside -- objection. Outside the scope of my redirect.

MR. FIGLER: I just follow (unintelligible).

THE COURT: It is, but --

MR. FIGLER: May I ask that question?

THE COURT: Go ahead.

MR. FIGLER: That's my only one question.

THE COURT: I think you asked it already.

MR. FIGLER: No, because she -- the response was they're kids.

THE COURT: All right. It's easier just to --

MS. BLUTH: Let him do it.

THE WITNESS: No, I did not.

BY MR. FIGLER:

Q You never found any corroboration of that even though the kids that did make that disclosure to you?

A Yes.

Q Okay.

THE COURT: Anything else, Ms. Bluth, based on that?

MS. BLUTH: No.

THE COURT: Do we have any juror questions for this

1 witness?

2 May I see counsel at the bench.

3 (Conference at the bench not recorded)

4 THE COURT: We have a juror question.

5 THE WITNESS: Okay.

6 THE COURT: A juror asks, in the photos that we
7 looked at with another witness, it looks like there are boxes
8 and stuff all over the floors. Were the Solanders preparing to
9 leave or move from that house? Do you know?

10 THE WITNESS: Yes. That's what we had been advised.

11 THE COURT: All right. By?

12 THE WITNESS: By Mr. Solander in the interview I did
13 with him.

14 THE COURT: Okay. Ms. Bluth, any follow-up to that?

15 MS. BLUTH: No, Your Honor.

16 THE COURT: Mr. Figler, any follow-up to that?

17 MR. FIGLER: Yeah.

18 FOLLOW-UP EXAMINATION

19 BY MR. FIGLER:

20 Q You were told they were downsizing because they
21 didn't have the foster kids anymore. They had a big house.

22 A I don't know if those were his exact words.

23 Q Something to that effect though; correct?

24 A That they were moving.

25 Q Right.

1 A They were in the process of moving.

2 Q All right. Thank you.

3 MR. FIGLER: Nothing further.

4 THE COURT: Ms. Bluth, anything else?

5 MS. BLUTH: No.

6 THE COURT: Any additional juror questions before I
7 excuse this witness?

8 No? All right.

9 Ma'am, thank you for your testimony.

10 THE WITNESS: Thank you.

11 THE COURT: Please do not discuss your testimony with
12 any other witnesses in this case, and you are excused.

13 THE WITNESS: Thank you very much.

14 THE COURT: And you're returning the glasses.

15 And does the State have another witness available?

16 MS. BLUTH: Yes. Christina Day.

17 THE COURT: All right.

18 And then just face this lady right here, the court
19 clerk, and she will administer the oath to you.

20 **CHRISTINA DAY**

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

23 THE CLERK: Thank you. Please have a seat. State
24 and spell both your first and last name for the record.

25 THE WITNESS: Okay. Christina Day.

1 C-h-r-i-s-t-i-n-a. Last name Day, D-a-y.

2 THE COURT: All right.

3 Ms. Bluth.

4 MS. BLUTH: Okay. Thank you.

5 Christina, you have a very quiet voice so would you
6 just do your best -- the black thing to your left is a
7 microphone, and so you don't have to, like, bend over and speak
8 into it --

9 THE COURT: And you can move it.

10 THE WITNESS: Oh, okay.

11 THE COURT: If you could just move that over.

12 MS. BLUTH: Yeah. There you go.

13 THE COURT: Yeah, great. Thank you.

14 MS. BLUTH: So you can just talk normal, but it will
15 pick up your voice just like this one's picking up mine; okay?

16 THE WITNESS: Okay. Okay.

17 DIRECT EXAMINATION

18 BY MS. BLUTH:

19 Q So thank you for coming. Good afternoon. How are
20 you employed right now?

21 A I work for CCSD.

22 Q And CCSD is the Clark County School District?

23 A Yes.

24 Q And what's your position with --

25 A I teach.

1 Q You teach?

2 A Uh-huh.

3 Q What grade do you teach?

4 A Third grade.

5 Q All right. Turning your attention back to

6 2013 -- 2014, what was your employment then?

7 A I was a BST worker.

8 Q And what does BST stand for?

9 A Basic Skills Trainer.

10 Q And where did you work?

11 A I worked for Legacy Health and Wellness.

12 Q Okay. And we've already heard some testimony in
13 regards to Basic Skills Trainer so I'm not going to ask you to
14 get too in-depth, but could you just kind of explain to me your
15 role of what you did.

16 A Uh-huh. So we help whoever's getting service, if
17 it's a child or adult, with cognitive or behavioral skills. So
18 it could range from academic skills, working with the teacher
19 or coping skills, working with a therapist or myself and the
20 caregiver.

21 Q Okay. So in this time period that I've been talking
22 about, did you work with some children that I'm going to refer
23 to as the Diaz-Burnett children?

24 A Okay.

25 Q And did you work with them?

1 A I did.

2 Q And who primarily did you work with?

3 A Kaeshia Burnett.

4 Q And Kaeshia was about 4 years old; is that right?

5 A Uh-huh.

6 Q And did you know or were you around Kaeshia's older
7 sister, Areahia Diaz?

8 A I was around them, yes, I was around her.

9 Q And her younger brother, Demyer, and younger sister,
10 Novaleih?

11 A Yes.

12 Q But your main work and focus was with Kaeshia?

13 A Kaeshia, uh-huh.

14 Q All right. And when you worked with Kaeshia, did you
15 work with her outside the home or inside the home?

16 A Primarily outside.

17 Q Would there be occasions when you would be inside the
18 home?

19 A The only time I was going in the home is when I would
20 pick the kids up and drop them off.

21 Q And how long, if you remember, did you work with
22 Kaeshia?

23 A I believe it was three days a week from around
24 9:00 to 9:30 to 12:00 o'clock.

25 Q Okay. And how many months did you work?

1 A I believe it was four or five.

2 Q Okay.

3 A Uh-huh.

4 Q And in those months that you worked there and you
5 would do the pick up and the drop off --

6 A Uh-huh.

7 Q -- three days a week, did you ever see the Solander
8 girls?

9 A I did.

10 Q And when I say that Solander girls, you don't know
11 them by name; right?

12 A I do not.

13 Q But I'll tell you. I'm referring to Amaya, Ava and
14 Anastasia.

15 A Yeah. Uh-huh.

16 Q How many times do you think you saw them in that
17 period?

18 A Quite often I would see them when I would pick them
19 up. If they were downstairs, I would see them.

20 Q Okay. So I want to ask you some specific questions
21 about some times when you saw them in a moment, but I want to
22 ask you some questions about Kaeshia. You -- while Kaeshia was
23 at the home, would you sometimes have interactions with Kaeshia
24 for periods of time while she was still inside the home?

25 A Yes.

1 Q And then there would be times when you take her from
2 inside to outside; correct?

3 A Uh-huh. Yes.

4 Q Would there be a change in her demeanor either way?

5 A Yes.

6 Q And explain that.

7 A In the home Kaeshia was pretty quiet, and when I
8 would take her out it was like she lit up. She had fun. She
9 laughed. We played. It was -- it was like night and day.

10 Q Okay. Was Kaeshia -- when you would work with
11 Kaeshia, did she ever have any peeing or pooping accidents?

12 A No. No.

13 MR. FIGLER: Can we approach, Your Honor?

14 THE COURT: When you say you took her out, did you --
15 you just take her out, like, in the front yard or the backyard?

16 THE WITNESS: No.

17 THE COURT: Or do you go to different locations or
18 what do you --

19 THE WITNESS: So my job had a center for children,
20 and so I would take her -- I would do the transportation for
21 her there, and then we worked together at the center.

22 THE COURT: At the center?

23 THE WITNESS: And then we -- yes. Yes.

24 THE COURT: Okay. All right. Thank you.

25 MS. BLUTH: Mr. Figler asked to approach.

1 THE COURT: Counsel.

2 MR. FIGLER: Oh, thank you, Your Honor. I don't want
3 to interrupt the witness. [unintelligible].

4 (Conference at the bench not recorded)

5 THE COURT: The defense's objection relevancy grounds
6 is noted for the record --

7 MS. BLUTH: Okay.

8 THE COURT: -- and overruled. The State is allowed
9 to briefly inquire on this topic of Kaeshia.

10 MS. BLUTH: Okay.

11 BY MS. BLUTH:

12 Q And then in regards to Kaeshia, if she was outside of
13 the home, could you explain her reaction to food if she was
14 offered it?

15 A So any time I gave her food she was -- she would
16 devour it quickly, yeah.

17 Q And did -- we've already heard testimony that for a
18 period of time Kaeshia goes to Montevista for some treatment.

19 A Uh-huh, yes.

20 Q Before Kaeshia went to Montevista, how would you
21 describe the way she looked?

22 A Extremely thin, black under her eyes, like, gaunt.

23 Q I'm sorry. Black like what?

24 A She was, like, gaunt, her face.

25 Q Oh, gaunt.

1 THE COURT: Oh, gaunt.

2 BY MS. BLUTH:

3 Q Gaunt. Gaunt, okay. Like black -- like circles?

4 A Uh-huh, yes.

5 Q And then when she got out of the hospital, how would
6 you say that she looked?

7 A Her cheeks were full. She was round. She was happy.
8 She looked healthy.

9 Q Okay.

10 A Uh-huh.

11 Q After she had been out of Montevista for a period of
12 time, did she continue looking, like, healthy and well?

13 A No. No.

14 Q Did she go back to looking the way you said?

15 A Yes.

16 Q Now, because of these things that you and I have been
17 talking about, did you speak to Lori Wells regarding some of
18 your concerns?

19 A Yes.

20 Q And did you speak to her one time or more than once?

21 A Multiple times.

22 Q And did you have several or a lot of personal
23 interactions with Janet Solander?

24 A I did.

25 Q And I apologize, it's been a really long day. Did I

1 already ask you if she's in the room?

2 A No.

3 THE COURT: You did not.

4 BY MS. BLUTH:

5 Q Okay. I apologize. Do you see Ms. Solander in the
6 room?

7 A I do.

8 Q And can you just describe an article of clothing that
9 she's wearing.

10 A A gray sweater.

11 MS. BLUTH: Your Honor, may the record reflect
12 identification of the defendant?

13 THE COURT: It will.

14 MS. BLUTH: Thank you.

15 BY MS. BLUTH:

16 Q When -- while you were working with Janet, did you
17 have a good relationship with her?

18 A We did in the beginning, yes.

19 Q Okay. At some point did that --

20 A It did. It changed, yes.

21 Q And how did that change?

22 A Towards the middle of us working together she became
23 controlling from what we did with the -- from our interaction
24 with the children. When they were in the center, that was
25 controlled, the different aspects with food, and then towards

1 the end it was -- the -- yeah, the relationship was not good at
2 all during the end.

3 Q Did you choose to not treat Kaeshia anymore because
4 of that?

5 A Yes. At a certain point I talked to my supervisor to
6 take me off the case because it was just uncomfortable. Yeah,
7 it was just an uncomfortable situation.

8 Q Did you make the decision to get back on the case?

9 A I did. Uh-huh.

10 Q Why?

11 A Solely for Kaeshia because I felt -- well, I felt
12 guilty about leaving. It was just a few days.

13 Q So you came back and continued to work with Kaeshia?

14 A Within two or three days, yes.

15 Q Okay. Was there a time when you were present when
16 Kaeshia went pee -- when she peed in the home in the toilet?

17 A Yes.

18 Q And was Janet upset with the time that she took?

19 A Yes.

20 Q And did Kaeshia pee too fast or too slow?

21 A It wasn't -- she went to the restroom with the door
22 open, and you could hear the sound of her urinating, and it
23 wasn't long enough. So she was -- Janet became upset and put
24 her in time out for not urinating long enough.

25 Q Okay. The -- I want to ask you some questions about