

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

2 JANET SOLANDER,                   )

CASE NO. 76228

3           Appellant,                   )

4 vs.                                       )

5 THE STATE OF NEVADA,                   )

6           Respondent.                   )

**VOLUME XIV**

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

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

9 KRISTINA WILDEVELD, ESQ.

Nevada Bar No. 005825

10 CAITLYN MCAMIS, ESQ.

Nevada Bar No. 012616

11 The Law Offices of Kristina Wildeveld  
& Associates

12 550 E. Charleston Blvd., Suite A

Las Vegas, Nevada 89104

13 (702) 222-0007

STEVEN B. WOLFSON

Nevada Bar No. 001565

District Attorney

STEVEN OWENS

Nevada Bar No. 004352

Chief Deputy District Attorney

Office of the District Attorney

200 Lewis Ave., Third Floor

Las Vegas, NV 89155

(702) 671-2750

14 AARON FORD

15 Nevada Bar No. 007704

Nevada Attorney General

16 555 E. Washington Ave., Ste. 3900

Las Vegas, Nevada 89101

17 (702) 486-3420

18 *Attorneys for Appellant*

*Attorneys for Respondent*

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1 little enchiladas. So they ate. Whatever we ate they ate.

2 BY MS. BLUTH:

3 Q Okay. So, I mean, it was hearty food?

4 A Yeah, hearty food and, yeah, and I didn't have --  
5 they never got sick off anything, and they never had an  
6 allergic response to anything.

7 Q Okay. Any toileting issues because of what they were  
8 eating? And when I say that, I mean, like, any constipation or  
9 diarrhea or any gastrointestinal issues?

10 A No.

11 Q All right. Now, and you said Anastasia was 4. So  
12 she didn't go to, like, a kindergarten or first grade at that  
13 point in time; right?

14 A Right. Right.

15 Q But Anastasia -- excuse me, Ava and Amaya, the oldest  
16 two, did go?

17 A Yeah, they went to regular school.

18 Q And once you, you know, had them for a while and  
19 worked with them, how did they do in school?

20 A Well, when I put Amaya in school, she was kind of  
21 scared, you know. Ava, when I got Ava, she had already been  
22 indoctrinated into public school. So but I put Amaya in  
23 school. She was kind of scared, but, you know, she finally  
24 worked through all her fears and everything, and she was kind  
25 of slow in school, but she picked it up and ended up going on



1 the AB Honor Roll.

2 Q Okay. And did they receive, like, awards and stuff  
3 for perfect attendance and things like that?

4 A Yes. Yes.

5 Q So I'm showing you State's 229. Who's that?

6 A That's Jocelyn -- I mean, yeah, Ava.

7 Q Okay. And it looks like an award for perfect  
8 attendance?

9 A Uh-huh. Yes.

10 Q And then showing you State's 230, who's that?

11 A That's Jaqueline -- Amaya.

12 Q Amaya. And also -- or no, so sorry. This is AB  
13 Honor Roll?

14 A Yes.

15 Q And then State's 231, is that also Amaya?

16 A Yes.

17 Q And that's for perfect attendance?

18 A Perfect attendance, yes.

19 Q So they were doing pretty good when they were in  
20 school with that?

21 A Yeah.

22 Q Did you have any issues with them stealing food at  
23 school?

24 A No.

25 Q Eating out of the garbage?

1           A     No.

2           Q     While the children were with you, did they see a  
3     pediatrician, like for well-checks and things like that?

4           A     Yes.  Yes.

5           Q     And did you have any concerns after those  
6     appointments at any point in time that they had any illnesses  
7     or diseases?

8           A     No.

9           Q     While they were with you, were they on any type of  
10    medication?

11          A     No.

12          Q     When you were their foster mother -- and, you know,  
13    they're kind of a young age, I think you said 4, 5 and 6, would  
14    you have to help them bathe?

15          A     No, not -- you know, I taught them how to wash.  You  
16    know how kids don't know how to wash their back and stuff like  
17    that, you know.  So I just taught her -- taught them how to  
18    take the rag and wash their back without having somebody come  
19    in there and, you know, and help them.

20          Q     Okay.

21          A     Because usually kids in foster care, it's, you know,  
22    they're kind of afraid to call for help.  You know, so I say,  
23    well, I'll help you.

24          Q     Okay.  I guess what a better question was did you  
25    have the chance to see them naked at times?

1           A     Yes. Yeah, I do. I'm sorry.

2           Q     No, that's okay. It wasn't a very good question.

3     When you would see them naked, did you ever see any scars  
4     either to the flanks of their body, their buttocks, their upper  
5     thighs?

6           A     No.

7           Q     Were there situations where they were naked where you  
8     did see those areas though?

9           A     Yes.

10          Q     I'm going to ask you to look at some photos. State's  
11     Proposed 232, what's going on in this photo?

12          A     Oh, that was Christmas Eve. They were cooking,  
13     baking cookies for Santa.

14          Q     Okay. And so if I work from the left to the right,  
15     that would be Ava, Anastasia and Amaya; correct?

16          A     Yes.

17          Q     And then same thing, State's 233, still making those  
18     cookies?

19          A     Yes.

20          Q     And left to right would be Anastasia, Ava, Amaya;  
21     correct?

22          A     Yes.

23          Q     Now, you were not what's referred to as an adoptive  
24     resource for these girls?

25          A     Right. No, I wasn't.

1 Q And why weren't you?

2 A Because I was -- I was just being a foster mom. I  
3 had already raised my kids, you know, and other kids, nieces  
4 too. So, you know, I just wanted to just help out, help other  
5 kids to get back to where they need to go, you know.

6 Q Okay. So you were never an adoptive resource for  
7 anyone?

8 A No.

9 Q Okay. You were just a temporary placement for  
10 children --

11 A Right.

12 Q -- until they either were reunified to their parents  
13 or a family member or they were formally adopted?

14 A Right.

15 Q So you stated the girls were with you for somewhere  
16 around a year and a half. When they left you, where did they  
17 go?

18 A To Janet's and Dwight.

19 Q And do you know who Janet Solander is?

20 A Yes.

21 Q And do you see her in the courtroom?

22 A Yes.

23 Q And what type of clothing is she wearing?

24 A She's got on a white lace I guess vest --

25 Q Okay.

1           A     -- and a blue top, long-sleeved top.

2           MS. BLUTH: Thank you. Your Honor, may the record  
3 reflect identification of the defendant?

4           THE COURT: It will.

5           MS. BLUTH: Thank you.

6 BY MS. BLUTH:

7           Q     And so about a year and a half later, I believe we've  
8 had previous testimony that in June of 2010, the girls go to  
9 the Solander home?

10          A     Right.

11          Q     And would you have contact with Janet for a certain  
12 period of time about the girls?

13          A     Yes.

14          Q     And when she would call you, what types of things  
15 would she talk about?

16          A     Well, she called me basically about Amaya and about  
17 her attitude and about -- and then she -- she called me about  
18 each one of them, but Amaya was the main one, you know, about  
19 her attitude and how she's always creating problems, having  
20 problems, and I, you know, told Janet that if she needed help  
21 with Amaya, I'll help her with Amaya because, you know, because  
22 sometimes, you know, I know Amaya has kind of, like, a bad  
23 temper, but, you know, sometimes I'll say, Come on let's talk,  
24 and we'll get up in the mornings. Her and I will have a glass  
25 of tea, and she'll tell me about her worries and the things

1 that went on, you know, the day before, and so, you know, I  
2 know that that's kind of like Amaya. She calms down, you know,  
3 if you --

4 Q So in the mornings you and Amaya would get up early  
5 and have tea together?

6 A Uh-huh.

7 Q Is that a yes?

8 A Yes.

9 Q Did Amaya, did she need a certain level of attention  
10 from you?

11 A Yes. You know what, sometimes, yes, and I think it's  
12 just according to how her day went. You know, like in school,  
13 if she had a bad day in school and, you know, she fighting with  
14 one of her friends or something like that, and then she'll come  
15 tell me, you know, we'll talk and, you know, I'll tell her  
16 well, you know, kids is kids. You know, you guys are going to  
17 fight, but you make up. You know, you're friends. That's why  
18 you called them friends, you know.

19 Q Okay. And were there times when -- you've obviously  
20 spoken to the police about this, everything that we're talking  
21 about today; right?

22 A Yes.

23 Q And in speaking with the police, did you discuss that  
24 there were times when Amaya was dishonest with you?

25 A Yes.

1           Q     And what types of things would she be dishonest  
2 about?

3           A     Well, when Amaya -- let's see. When Amaya would tell  
4 me something about what maybe one of her sisters did to her or  
5 something like that and, you know, she wouldn't be exactly  
6 truthful about it, you know, because she wants to get them in  
7 trouble. You know, and I would tell her Amaya, you know, I  
8 listen to both sides first of all because I can't, you know,  
9 just listen to her and not listen -- I listen to both sides,  
10 and then I would tell her, now, Amaya, that wasn't -- were you  
11 really truthful about what you just said, told me your sister  
12 did you? And she [unintelligible]. She'll tell me no. I did  
13 lie.

14          Q     Okay.

15          A     You know, if you corner her and talk to her right,  
16 she'll tell you whether she lied on them or not.

17          Q     Okay. Was she lying about, you know, kid stuff like  
18 that, like my sister did this to me, or were they like colossal  
19 things?

20                 MR. FIGLER: Can we approach, Your Honor?

21                 THE COURT: Sure.

22                 (Conference at the bench not recorded)

23                 THE COURT: Ms. Bluth, rephrase.

24 BY MS. BLUTH:

25          Q     Okay. Was it those types of things that she would

1 for fib about, the types of things that you were just  
2 discussing?

3 A Yes. And, you know, like one time we had went to  
4 court, and on our way back, my she had threw some soda on one  
5 of her sisters in the car, on both of her sisters in the car,  
6 and when we got home, you know, she, of course, you know, she  
7 was upset, and I told her, I said, come on in the house. No,  
8 I'm not coming in the house, you know, and I'm going to tell  
9 Ms. Heather you hit me, you know, and I'm like, okay. You have  
10 Ms. Heather on speed dial, you know, and you call her and tell  
11 her, and then when Ms. Heather got on the phone, she said,  
12 well, I was going to lie on Ms. Debbie, but she didn't push me,  
13 you know, and so she's pretty -- is more honest, you know.

14 Q Okay. So did Janet -- besides calling to -- because  
15 of Janet's issues with Amaya, did she discuss with you health  
16 issues that the girls were having?

17 A Yes.

18 Q Tell me about those health issues that she talked to  
19 you about.

20 A She told me that Ava had Crohn's.

21 Q Crohn's disease?

22 A Yes. And that Anastasia had -- it was diabetic, and  
23 well, she never told me about Amaya, but then, you know, she  
24 said that Amaya was having seizures or something like that, and  
25 I was, like, I never had that problem because she's asking me



1 did I have. No, I never had that problem with them.

2 Q Had you ever had any of those issues? Like were you  
3 ever concerned that Ava had Crohn's?

4 A No.

5 Q Was there any toileting issues that Ava had that made  
6 you think, oh, maybe there's something wrong with her?

7 A No.

8 Q In regards to Anastasia having diabetes, was there  
9 any health concerns that you thought, oh, I need to see, get  
10 this child checked, that she might be diabetic?

11 A No.

12 Q Did she ever tell you that any of the children were  
13 eating out of the garbage?

14 A Yeah. She told me Anastasia, and I was surprised  
15 because Anastasia was a picky eater. You know, she was the one  
16 that -- Ava and Amaya ate good, but Anastasia was a picky  
17 eater. That's why I was, like, surprised that she told me that  
18 Anastasia was at school eating out of the garbage can. I said,  
19 oh.

20 Q Did she discuss whether or not the girls were being  
21 social with other children at school?

22 A Yes, they were antisocial. They didn't get along  
23 with other kids. They didn't mingle.

24 Q And specifically with Amaya, did she say Amaya was  
25 antisocial in school?

1           A     Yes.

2           Q     And how would you characterize Amaya at school or  
3 around other children when you had her?

4           A     When I had Amaya, Amaya was like the -- she was  
5 always invited to birthday parties. I had pictures of her  
6 going to kids' birthday parties. She had a little boy Teddy  
7 that used like her and chase her around the park. You know, a  
8 couple of a times I'd take them up to the Explorer Park, and  
9 this little boy was up there, and he had a crush on her, and he  
10 introduced her to his parents, you know.

11          Q     Okay.

12          A     And the parents were there, and but she was like a  
13 social butterfly, Amaya was. You know, she had friends.

14          Q     Did she talk to you about -- would she call you  
15 telling you about the girls being constantly constipated or one  
16 of the girls being constipated?

17          A     Which was Ava.

18          Q     Okay. Did she call you about it and tell you that  
19 Ava was constipated?

20          A     Yeah, it was.

21          Q     And what was your response?

22          A     I was like I didn't have that problem, you know, with  
23 her, and I really didn't ask her what, you know, what was she  
24 feeding her, you know, but I told her no, I didn't have that  
25 problem with her.

1 Q Okay. Did you discuss with Janet the children's  
2 pediatrician that you took her to? And let me back up a  
3 second. Who was the children's pediatrician that you took them  
4 to when you had Ava, Amaya and Anastasia?

5 A Dr. Stevens.

6 Q Okay. And did Janet take the children to  
7 Dr. Stephens?

8 A Yes.

9 Q And did you have conversations with Janet about  
10 Janet's feelings regarding Dr. Stephens?

11 A Yes.

12 Q And what were her feelings regarding that doctor?

13 A She said Dr. Stephens was stupid, that she diagnosed  
14 those kids wrong, and I told her I said, Well, they been going  
15 to her since I have.

16 MS. MCAMIS: Objection to hearsay.

17 THE COURT: Well, overruled.

18 MS. BLUTH: It's defendant's statement.

19 BY MS. BLUTH:

20 Q Go ahead.

21 MS. MCAMIS: No, Debbie's testifying as to her own  
22 statement.

23 MS. BLUTH: Oh, well --

24 THE COURT: Well, as part of that conversation.

25 / / /

1 BY MS. BLUTH:

2 Q Go ahead. So she said that Dr. Stephens was stupid  
3 and that she hadn't diagnosed the children --

4 A Yeah. Yeah. Because whatever test she had  
5 Dr. Stephens to do on the girls and --

6 Q Did Janet tell you that the tests that Dr. Stephens  
7 did all came back negative?

8 A Well, it came back negative, but Janet was sure that  
9 Dr. Stephens was wrong.

10 Q And was she going to be taking them to a different  
11 doctor?

12 A Yes.

13 Q Did Janet talk to you about Ava's weight loss?

14 A Yes.

15 Q And had Ava lost some weight, a considerable amount  
16 of weight when she was with Janet?

17 A Yes.

18 MS. MCAMIS: Objection as to considerable, just  
19 vague.

20 MS. BLUTH: And I don't know the pounds. I mean --

21 BY MS. BLUTH:

22 Q Was it noticeable to you?

23 THE COURT: Did you notice Ava had lost weight, or  
24 did Janet tell you Ava had lost weight or both?

25 THE WITNESS: I noticed.

1 THE COURT: You noticed.

2 THE WITNESS: Yeah, because I saw them.

3 THE COURT: Okay. And how would you describe the  
4 weight loss?

5 THE WITNESS: Well, Janet said she just had her chew  
6 her food thoroughly to digest it instead of, you know, like  
7 when you have lumps of food in you and they don't break up, you  
8 know. So she said she had her chew her food thoroughly, and  
9 that's what made her lose the weight because, you know. I  
10 said, oh, that's cool. You know, mean I -- because she did  
11 lose a considerable amount of weight.

12 BY MS. BLUTH:

13 Q But Janet's reason was that was because Janet made  
14 Ava chew up her food thoroughly?

15 A Chew all of her food thoroughly, and so --

16 Q Now, were there a few times where you were invited to  
17 birthday parties of the girls?

18 A Yes.

19 Q And when you saw the girls at the birthday parties,  
20 did they all look thinner than when you had had them?

21 A Yes.

22 Q I'm going to show you State's Proposed 234. Who's  
23 that?

24 A That's Anastasia.

25 Q Okay. And just one second. I'm sorry, Debbie. I'm

1 looking for a specific photo. One second.

2 MS. MCAMIS: Can we just, foundation a year on this.

3 BY MS. BLUTH:

4 Q What would be this time frame? Like whose birthday  
5 party is this that we're seeing?

6 A Ava's birthday party.

7 Q Okay. And when was -- when was Ava's birthday?

8 A October the 21st.

9 Q Okay. So would this be of October 21st of 2010, or  
10 2011?

11 A '10. '10.

12 Q Oh, it says it on the picture. Wow. Apparently I'm  
13 not a detective.

14 MS. MCAMIS: Well, it says October 23rd, not the  
15 21st.

16 BY MS. BLUTH:

17 Q Okay. But it says 2010.

18 A Yes.

19 Q All right. And then showing you a picture which is  
20 already in evidence as State's 227. This says May 4th of  
21 2010. Would the girls still have been in your custody during  
22 that time?

23 A Yes.

24 Q And whose couch is this that they're sitting on?

25 A Mine.

1 Q Okay. And so this would be Anastasia --

2 A At the Grand Prix.

3 Q And that's about four months after she's left your  
4 care; correct?

5 A Yes, about six.

6 Q And then showing you State's 235, whose birthday  
7 party is this?

8 A Anastasia's.

9 Q Okay. And you would go to birthday parties for the  
10 girls?

11 A Yeah.

12 Q And those would be thrown by Janet?

13 A Right.

14 Q Lastly I just want to show State's 237. These are  
15 the same three girls. So it would be Anastasia, Ava and Amaya;  
16 correct?

17 A Yes.

18 Q The time frame on the computer says 10/23 of 2011.  
19 Would that be accurate?

20 A Yes.

21 Q And what was going on on this day?

22 A That was at the bowling alley when I met Janet then.

23 MS. BLUTH: Okay. And then in regards to the dates,  
24 Your Honor, I would just ask that the Court take judicial  
25 notice that October 21st of 2010, was a Thursday, and then

1 October 23rd of 2010, would be a Saturday. Counsel can look  
2 it up, but --

3 THE COURT: Any objection? I'd have to check a  
4 calendar, but --

5 MR. FIGLER: We'll accept the date representations.

6 THE COURT: All right.

7 MS. BLUTH: Okay. Thank you.

8 BY MS. BLUTH:

9 Q First of all, how many times did you physically see  
10 the girls while they were with Janet?

11 A Several times.

12 Q Okay. Let's talk about some birthday parties. Whose  
13 birthday party did you go to?

14 A All three of them.

15 Q All right.

16 A You know, I thought I had pictures of Amaya's  
17 birthday party, but I couldn't find them.

18 Q Okay. So but you would go to the birthday parties.  
19 Now, was this before the children were adopted or after or  
20 both?

21 A Before.

22 Q Okay.

23 A And Amaya's birthday is in January. So, you know, I  
24 think their adoption was completed in January, I think, but I  
25 know I went to all three of them's birthday party while they



1 was in Janet's care.

2 Q And what is Amaya's birthday?

3 A January 23rd.

4 Q Okay. So when you would see the girls at the  
5 birthday party, were they forthcoming? Like would they come up  
6 to you and hug you and be outgoing like you knew them to be?

7 A No. No.

8 MS. MCAMIS: Objection. Leading.

9 THE WITNESS: Amaya would be the only one to talk to  
10 me really.

11 THE COURT: Overruled.

12 BY MS. BLUTH:

13 Q I'm sorry. Say it again.

14 A I said Amaya would be the only one to talk to me  
15 really.

16 Q What would the other girls do?

17 A They kind of -- they just stare. They'll say hi,  
18 Ms. Debbie. That's it. But, you know, Amaya would, like,  
19 she'll make small conversation. Oh, Ms. Debbie, you still  
20 funny, you know, and but she wasn't really -- she would talk to  
21 me, but she wasn't really talking to me, you know, like she  
22 normally do.

23 Q And the other girls --

24 A The other two wouldn't say anything. They'll just  
25 say hi and that's it. They wouldn't really "conversate."

1           Q     Was that behavior inconsistent with how you knew them  
2 to be while they were in your care?

3           A     Yes.

4           Q     Now, were any of the children being disciplined or in  
5 any trouble at any of those birthday parties?

6           A     Amaya.

7           Q     And how was that? How was she being disciplined?

8           A     Amaya, you know, she'll get in trouble when her and  
9 Janet would have a few words, and then Amaya would have to sit  
10 over in the corner or something. You know, she usually got in  
11 trouble, but at the Grand Prix, Anastasia was the one in  
12 trouble, but most of the time Amaya would be the one that's in  
13 trouble.

14          Q     At the Grand Prix, whose party was it?

15          A     Ava's.

16          Q     And Anastasia was in trouble?

17          A     Yes. That's for her eating out of the garbage can at  
18 school.

19          Q     And how was she being disciplined?

20          A     She couldn't indulge with the party. So everybody,  
21 you know -- you know how they have free rides up there, and  
22 everybody gets to ride. She couldn't. She had to sit on a  
23 bench. So that was a picture of her and my husband sitting  
24 there, and he was just talking, talking with her but everybody  
25 else was out riding.

1 Q Oh, okay. So the picture -- let me get it so I know  
2 what you're referring to. Right here, State's 234 --

3 A Yes.

4 Q This is where Anastasia had to stay?

5 A Right. Right. She wasn't allowed to go out and  
6 participate.

7 Q And then you said usually it was Amaya. Where did  
8 you see Amaya when she was being disciplined or when she was in  
9 trouble?

10 A At home. She was made to sit in separate from all  
11 the other kids, and she sat at a little kids, I guess, a table,  
12 a little kid table with chairs.

13 Q And was that at a birthday party?

14 A Yeah.

15 Q Whose birthday party was it?

16 A Anastasia.

17 Q Okay. You said that there was a time at the bowling  
18 alley, and I showed you that picture.

19 A Yes.

20 Q And at that point in time, was it an event at the  
21 bowling alley?

22 A Yes.

23 Q How did you run into them?

24 A It was an event the county had, you know, a bowling  
25 alley, a bowling fest up there, and they sent out letters to

1 all the foster kids and families and adoptive families to bring  
2 their kids up for bowling, and when we got to the bowling  
3 alley, I ran into Janet and the girls.

4 Q And what were the girls' demeanor when they saw you?

5 A Oh, well, Anastasia and Ava would just say hi, and  
6 you know they kind of had their head down, but Amaya, she would  
7 speak to me, you know.

8 Q Okay. Did you --

9 A And she would try to hold little conversations.

10 Q Did Janet ever walk away and allow you any, like,  
11 just one-on-one access with the girls?

12 A Not really, no.

13 Q At some point, does your contact with the girls get  
14 cut off?

15 A Yes.

16 Q How did that happen and when did it happen?

17 A Well, that Christmas, I guess that Christmas of 2011,  
18 I guess after she had adopted them, I had e-mailed her for the  
19 girls, you know, wish the girls a Merry Christmas, and never  
20 got a response back. So I never heard anymore from her.

21 Q Okay. And you're talking about Janet, e-mailed  
22 Janet?

23 A Yeah, e-mailed Janet.

24 Q Okay. Because you never heard a response back from  
25 her, I mean, did you let it go? Like what were you --

1           A     Well, I kind of figured maybe she might want to --  
2     you know, sometimes when you're a new mom, adoptive mom for the  
3     girls, you know, she probably wanted to bond with the girls  
4     herself without me being there because, you know, I was with  
5     the girls for a year and a half, you know. So [unintelligible]  
6     back out, you know.

7           Q     Okay. I understand. Okay. Do you know an  
8     individual by the name of Heather Richardson?

9           A     Yes.

10          Q     And who is Heather Richardson?

11          A     She was the girls' social worker when they were in my  
12     home in foster care.

13          Q     Okay. And I'm not going to ask you about any  
14     specifics that Heather told you, but at some point after the  
15     girls were adopted, did Heather run into Janet, Dwight and  
16     Amaya at a dental appointment?

17          A     Yes. Yes.

18          Q     And did she discuss with you some concerns that she  
19     had over observations --

20                MS. MCAMIS: Objection. Cumulative at this point.

21                THE COURT: Well, overruled.

22                Did she discuss something with you after she'd seen  
23     the girls?

24                THE WITNESS: Yes.

25                THE COURT: Go on, Ms. Bluth.

1 BY MS. BLUTH:

2 Q Did anyone from CPS ever contact you in regards to  
3 any investigation in relating to that?

4 A No.

5 Q So in a second I'm going to talk about some phone  
6 calls you get in March of 2014, but between Christmas time of  
7 2011 and 2014, do you have any contact with Janet or the girls?

8 A No.

9 Q And at one point are you made aware -- you know, at  
10 what point are you contacted about the girls?

11 A I haven't had the girls four years now. I think it  
12 was 2014 when I got a phone call about --

13 Q Sorry, Debbie, I just wanted to make sure of  
14 something. In about -- did you say some time in 2014?

15 A Yes.

16 Q And who were you contacted by?

17 A A social worker at Child Haven.

18 Q Okay. And I don't want to get into the substance of  
19 that conversation but were you made aware that the children  
20 were in protective custody?

21 A Yes.

22 Q And were you contacted by both CPS and police  
23 officers in regards to getting an interview from you?

24 A Yes.

25 Q And did you discuss with them the children's, like,

1 behaviors and how they were when they were with you under your  
2 foster care?

3 A Yes.

4 Q Did you again become their foster mother?

5 A Yes.

6 Q And when they came to you, at what point in what  
7 month, if you remember, did they come back into your care as a  
8 foster mother?

9 A I think I got them back in March.

10 Q Of 2014?

11 A Yes.

12 Q Okay. So right after the investigation opened?

13 A Well, yeah, because when they called me, I think it  
14 was in February, and then it took them almost 30 days to  
15 release them to me.

16 Q Okay. When you received them back into your care,  
17 were they the same little girls that you knew before?

18 A No.

19 Q Okay. Let's talk about Ava. How had she changed?

20 A Oh, gosh. Ava was depressed, or should I say she was  
21 always -- she was -- she wasn't talkative. She didn't really  
22 want to talk about what happened, you know, why they were back  
23 with me, you know, but she wasn't the same Ava. She wasn't a  
24 kid that, you know, liked to play and laugh. It was like she  
25 was more afraid than anything, you know, like, because her and

1 her sisters, there was such division between them now by the  
2 time I got them back. There was such division going on between  
3 them, and they were blaming each other for the reason why this  
4 was happening between them, you know. No, I didn't get the  
5 same kids back.

6 Q Okay. Was Ava more withdrawn?

7 A Yes.

8 Q What about Amaya?

9 A She was very argumentative. You know, she always  
10 blamed everybody, you know, for the abuse that they went  
11 through, you know, that they didn't help her.

12 Q Her sisters?

13 A Yeah. Her sisters didn't help her to -- when Janet  
14 was -- when Janet --

15 MR. FIGLER: I'm going to -- Your Honor, can we  
16 approach?

17 THE COURT: Yeah. Sure.

18 (Conference at the bench not recorded)

19 BY MS. BLUTH:

20 Q And then without getting into anything that they told  
21 you about, you know, abuse, could you just explain to me how  
22 Amaya was different if she was different.

23 A She was different. She was angry, real angry, you  
24 know. So as far as her being there, you know, she was angry  
25 about a lot of things that went on.



1 Q What about Anastasia?

2 A Anastasia was kind of, like, more confused about what  
3 was going on, you know, even though, you know -- they, like I  
4 said, you've got three girls, and you've got three different  
5 personalities, and Ava was more, you know, she was an  
6 introvert, you know. So she held all the stuff, her anger in,  
7 you know, and Anastasia was more or less, like, confused about  
8 what was going on in their lives, you know, and Amaya was just  
9 angry.

10 Q Okay. As their foster mother, I mean, did you sit  
11 down and talk to them, like tell me everything, or what was  
12 your role in, you know, speaking to them about what they had  
13 been through?

14 A I let them talk to me at their own pace, let them  
15 explain to me what was going on at their own pace because  
16 sometimes certain things that would happen in the house would  
17 trigger something for them to, you know, get upset about. So  
18 and I just let them at their own pace because, every time when  
19 they go to say something, it would be an argument, you know,  
20 between the girls. You know, it would be a disagreement about,  
21 you know, who had the better life or who didn't have a better  
22 life and, you know --

23 Q When they were with Janet?

24 A Yes.

25 Q Was there anger or resentment between them in regards

1 to who got treated the worst or who was the favorite in regards  
2 to Janet?

3 A Yes.

4 Q When you received the three of them in March, did any  
5 of them have any toileting accidents while under your care?

6 A No.

7 Q Were they on any special diets?

8 A No.

9 Q As of today, do you any of them have any, you know,  
10 stomach issues, trouble digesting food?

11 A No.

12 Q Any problems toileting?

13 A No.

14 Q When you got them back in March of 2014, were there  
15 marks on their bodies, specifically their buttocks and flank,  
16 that were not there previously?

17 A Yes.

18 Q And in regards to Anastasia, were there marks behind  
19 her ear and her neck and shoulder that were not there  
20 previously?

21 A Yes.

22 Q And I apologize. We're doing this out of order, but  
23 the girls and you were -- what would be the right word -- like  
24 shown on -- is it called, like, Wednesday's child?

25 A Yes.

1 Q And what was that? Could you explain it to me.

2 A Oh, Dave Courvoisier, because they were being  
3 adopted, so he had a showing for the girls so an adoptive  
4 parent, potential adoptive parents could see them and, you  
5 know, they could pick them and say, you know, yeah, I would  
6 like to adopt these girls. So we met at the park, and he  
7 filmed it, and he played with the girls and talked with them.

8 Q Okay. And that was shown on the news correct?

9 A Yes, it was on the news.

10 Q And what was shown on the news, was that a fair and  
11 accurate copy of what you guys did that day in the interviews  
12 and discussion of the girls -- or sorry, and of the girls  
13 playing?

14 A Yes.

15 THE COURT: And that was before they went to the  
16 Solanders?

17 THE WITNESS: Yes. Yes.

18 MS. BLUTH: Okay. And, Your Honor, at this time I'd  
19 move to admit into evidence State's Proposed 244.

20 MS. MCAMIS: Defense would just say it's cumulative  
21 and submit.

22 THE COURT: Okay. That'll be admitted.

23 (State's Exhibit Number 244 admitted.)

24 MS. BLUTH: Okay. And then, Your Honor, it doesn't  
25 play as well from the CD. So we just burn it onto our --

1 THE COURT: That's fine.

2 MS. BLUTH: But it's an exact copy.

3 And then, Susie, would you mind turning this over  
4 when you have a chance. Thank you.

5 MR. FIGLER: Before we flip over, can we just  
6 approach?

7 THE COURT: Sure.

8 MR. FIGLER: Great.

9 (Conference at the bench not recorded)

10 THE COURT: Ladies and gentlemen, we're going to go  
11 ahead and take our afternoon recess until 3:40, 3:40.

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

20 Please place your notepads in your chairs and follow  
21 the bailiff through the double doors.

22 (Jury recessed 3:22 p.m.)

23 THE COURT: And, Ms. McClain, please do not discuss  
24 your testimony with anybody else.

25 THE WITNESS: Okay.

1 THE COURT: All right. Thank you.

2 And maybe if Ms. Bluth is leaving to get the witness  
3 and Mr. Hamner is going to be here, we could all, since you had  
4 it cued up, we could watch the Wednesday's Child video.

5 MR. HAMNER: Let's do it.

6 THE COURT: And we're out of the presence of the  
7 jury. For the record, after they had submitted, Mr. Figler  
8 then approached -- asked to approach, and then objected. The  
9 Court said it would watch the video and possibly order the  
10 audio portion to be redacted, but I'm going to listen to it and  
11 watch it.

12 MS. BLUTH: So with the Court's permission, I'm going  
13 to go get Ava.

14 THE COURT: Right. So the video portion will be  
15 admitted as just the kids playing, but the audio, I don't know  
16 what Dave Courvoisier says. Sometimes he editorializes a lot.  
17 That may not be particularly relevant.

18 MR. HAMNER: And just also just for the record, to  
19 the extent that any of this gets played, we just ask to make  
20 sure that they don't record or do the audio of the video  
21 because it would show. If we play this, that they don't film  
22 the playing of it because it's going to put the kids on the TV  
23 show or put the kids on the community broadcast.

24 THE COURT: Oh, I see.

25 MR. HAMNER: I mean, because we have an adult here,

1 and that's fine but if you play that, and they're recording it,  
2 wouldn't you be televising who the kids are and what their  
3 names were and things like that?

4 THE COURT: Previously when they played the tape,  
5 because I think Channel 8 has played the tape before --

6 MR. HAMNER: Okay.

7 THE COURT: Is this -- Dave Courvoisier is Channel 8;  
8 right? Or is he 13?

9 MR. HAMNER: Yes.

10 THE COURT: Okay. So they have the tape, and I think  
11 when the news has played the tape before, they've gone over the  
12 faces.

13 MEDIA REPRESENTATIVE: [unintelligible] so we don't  
14 identify them.

15 MR. HAMNER: Okay. That's all.

16 THE COURT: Right.

17 MEDIA REPRESENTATIVE: Anything that we film on the  
18 screen that's girls' faces, all that gets blurred.

19 MR. HAMNER: Okay.

20 MEDIA REPRESENTATIVE: We never show any of that.

21 THE COURT: And, as I said, they already have this.

22 MR. HAMNER: Sure. Now I know.

23 THE COURT: And they have played it and covered the  
24 girls' faces. So if they wanted to, they could play whatever  
25 they want because it's their -- it's the property of Channel 8.

1 MR. FIGLER: Fair enough.

2 MR. HAMNER: All right.

3 THE COURT: All right.

4 MR. FIGLER: I note that certainly another District  
5 Court Judge was chided for stuff that they already have.

6 THE COURT: All right. But to be clear, we  
7 appreciate that Channel 8 is covering the girls' faces,  
8 although, as I said, that tape is their separate property.  
9 They can play it without my direction.

10 MR. FIGLER: So we would just do this right now and  
11 then the defense wants to put something on the record before  
12 the minor child comes in to testify.

13 THE COURT: All right. Let's watch the video -- I'm  
14 sorry.

15 MR. HAMNER: I was playing it, but I don't think it's  
16 cued, or can you see it?

17 THE COURT: I'm not seeing anything.

18 THE COURT RECORDER: Well, I had turned it off.  
19 Okay. It's on.

20 (Publishing State's Exhibit 244)

21 THE COURT: There's lots of great stuff in there for  
22 the State.

23 MR. HAMNER: Yeah.

24 THE COURT: I mean, there was nothing that Dave  
25 Courvoisier says --

1 MR. HAMNER: Right.

2 THE COURT: -- in my opinion that's prejudicial.  
3 It's some of the comment -- you know, most of the Debbie  
4 McClain has already been testified to.

5 MR. HAMNER: Correct.

6 THE COURT: Just a couple of things are additional,  
7 like they need a happy home or whatever. So --

8 MR. HAMNER: Okay.

9 MR. FIGLER: We submit that it still is irrelevant  
10 and that it is being designed only to engender sympathy for the  
11 children. That's our record.

12 THE COURT: All right. What else, Mr. Figler? Do we  
13 need to wait for Ms. Bluth on the girls?

14 MR. FIGLER: Yes.

15 THE COURT: Okay.

16 MR. FIGLER: We also need to talk to Ms. Solander for  
17 a couple minutes.

18 THE COURT: Okay.

19 (Proceedings recessed 3:29 p.m. to 3:51 p.m.)

20 (Outside the presence of the jury)

21 THE COURT: -- begin with the next witness, wanted to  
22 put something on the record.

23 MR. FIGLER: Thank you, Your Honor.

24 THE COURT: So, Mr. Figler, go ahead.

25 MR. FIGLER: Thank you. As Your Honor knows, the



1 State has made no formal offer in this case at any time. The  
2 defense has made a series of offers to the State to resolve the  
3 case so that we wouldn't have to endure or endeavor upon a  
4 lengthy trial and whatever potential issues may follow that  
5 trial depending on the jury's verdict. I think we have  
6 discussed this at length with the Court, and the Court even had  
7 some input at some point in the proceedings.

8 That said, the defense has been put in an unfamiliar  
9 position of essentially counteroffering against its prior  
10 counteroffer. There have been informal talks, and the State  
11 has indicated certain things that were must haves on any sort  
12 of offer. The defense has tried to fashion an offer that hit  
13 many if not all of those must haves for the end result of  
14 justice.

15 We bring this to the Court's attention now before any  
16 of the little girls have had to testify because, as we all know  
17 from our experiences in practicing criminal law, that saving  
18 the children from the process of having to testify about  
19 alleged abuse and in this case what's being called sexual abuse  
20 in front of a jury is and potentially is a devastating  
21 experience in their lives, and we also know that these girls  
22 have been experiencing a number of very difficult emotional  
23 challenges based on recent CPS reports and reports that Your  
24 Honor has been reviewing.

25 That said, an offer was made again to the

1 prosecution. This offer would guarantee prison time of a  
2 significant nature given Ms. Solander's age, and additionally a  
3 potential for incarceration depending on what the Judge -- Your  
4 Honor, would determine to be an appropriate sentence, of a  
5 possibility of 24 years on the bottom.

6 When we had discussions with the State informally,  
7 they said that they could never accept anything that was going  
8 to be less than 20 years. It would guarantee a minimum of six  
9 years no matter what the Court did, and the State also  
10 indicated that they wanted a sexual offense. We have had many  
11 debates about the propriety of a sexual offense in this  
12 particular case.

13 The defense has offered a sexual offense which would  
14 require lifetime supervision and registry associated with the  
15 offense and a range per count of 2 to 20 years for each count.  
16 We have stipulated that that would be running consecutive, and  
17 we have stipulated that the defense would not be requesting  
18 probation as a part of that negotiation.

19 Finally, the defense had offered to the State that if  
20 there were any additional charges that the State felt needed to  
21 be in there in the interest of justice, that Ms. Solander would  
22 plead to any additional charges with the agreement that that  
23 would run concurrent to whatever the Court had decided for the  
24 three primary sex charges.

25 We offered it to be of a nature of attempt lewdness

1 with a minor under 14. We felt that because of some of the  
2 showering issues and the attempt with the alleged catheter that  
3 that would fit factually in and would waive any defect. If the  
4 State felt that there was another 2 to 20 sexual offense that  
5 better fit the facts, that is not the deal breaker one way or  
6 the other.

7           So that said, Your Honor, that would expose  
8 Ms. Solander at a minimum to 6 years in prison with whatever  
9 the top would be and a maximum, if the Court deemed it to be  
10 fit, 24 years on the bottom with whatever that maximum would  
11 be, which I think if it was 24, that would be about a 60-year  
12 maximum.

13           And we've reached out to Mr. Daskas as well to let  
14 him know that was going on, as Ms. Wildeveld and I have done in  
15 the past when there are contentious issues and there are offers  
16 that are what we feel to be within what the State has been  
17 asking for all along. I conveyed that offer during Debbie  
18 McClain's testimony to Mr. Hamner. Mr. Hamner very recently, I  
19 believe, conveyed that offer to Ms. Bluth. I don't know if  
20 Ms. Bluth has had the opportunity to discuss it with anyone  
21 other than Mr. Hamner, but we feel that this is an absolutely  
22 reasonable resolution to this case.

23           This case is going to go on for at least another week  
24 or more. There are a number of issues the defense has raised,  
25 any of which if they are granted would cause a retrial, and I

1 understand that Ms. Wildeveld has talked to Mr. Daskas, and  
2 maybe Mr. Daskas is communicating with Ms. Bluth. It is our  
3 desire right now to not have to have these children testify if  
4 we can avoid it and to end this right now. So that's our  
5 record.

6 THE COURT: Okay. And, Ms. Bluth, I don't know what  
7 Mr. Daskas has communicated to you or not communicated to you.

8 MS. BLUTH: He asked me if I just had one second to  
9 step out and call him very quickly. He said it would take one  
10 minute.

11 THE COURT: So are you asking to do that now?

12 MS. BLUTH: Yeah. I just got that text right now.

13 THE COURT: Okay.

14 MS. WILDEVELD: And I told Mr. Daskas that our client  
15 was looking at even consenting to a minimum of 24 years.

16 MS. BLUTH: Okay. No, that -- I mean, that's not  
17 true. So if she'll stipulate to 24 years, wow, let's get it  
18 done.

19 MS. WILDEVELD: That she would be exposed to that.

20 MS. BLUTH: No, that's not --

21 MR. HAMNER: No.

22 THE COURT: But she's not agreeing to that. That  
23 wouldn't really, I mean --

24 MS. BLUTH: May I step out --

25 THE COURT: Yeah.

1                   -- make a ton of sense because --

2                               (Ms. Bluth exiting)

3               MS. WILDEVELD: He wouldn't really have a  
4 conversation until he talked to Ms. Bluth.

5               THE COURT: Okay. Well, look, if she is not going to  
6 take the deal or they're not going to offer a deal, then  
7 let's --

8               MR. FIGLER: I get that, but if we can --

9               THE COURT: Right. Let's get started.

10                               (Pause in the proceedings)

11              MS. BLUTH: Okay. Thanks for that, Judge.

12                               Are we still on?

13              THE COURT RECORDER: Yes.

14              MS. BLUTH: Okay. So Mr. Daskas just wanted to ask  
15 me what was going on with the process. I explained to him  
16 where we were. He thought that Ms. Wildeveld was saying her  
17 client would stipulate to 24 years. Now, I'm not saying that  
18 Ms. Wildeveld misrepresented it to Mr. Daskas, but what he  
19 thought was that that was like a stipulation, not exposure  
20 time.

21                               And when there were conversations in regards to any  
22 negotiations, it was downstairs between Mr. Figler and  
23 Ms. McAmis, Mr. Hamner and I. I said I wouldn't be willing to  
24 ever consider anything less than a stipulated sentence to 20 on  
25 the bottom, and that was before this trial even started,

1 before -- before we had called witnesses. So we had that  
2 discussion during jury selection.

3 So here's the deal --

4 THE COURT: It's not resolved.

5 MS. BLUTH: It's not resolved.

6 THE COURT: All right. All right, let's get started.

7 MR. FIGLER: Is there a formal offer? Is there a  
8 counteroffer?

9 MS. BLUTH: Yeah. If she wants to stipulate to 25  
10 years, so that would be a sex assault under 16 and with, you  
11 know, language for all three girls and a child abuse with  
12 substantial concurrent, so 25 years on the bottom, and it would  
13 be done.

14 THE COURT: Counsel, approach.

15 (Conference at the bench not recorded)

16 THE COURT: -- stipulate to consecutive time --

17 MS. BLUTH: No. My offer, and it was downstairs, was  
18 two 10s, right -- two 10s stipulate with the child abuse with  
19 substantial naming all three kids, right to argue.

20 THE COURT: So stipulate to 20 years, but you can  
21 argue for more time?

22 MS. BLUTH: Right.

23 THE COURT: So that they could get -- she would get a  
24 minimum of 20 years --

25 MS. BLUTH: Correct.

1 THE COURT: -- to life, but you could ask for more  
2 time on the bottom?

3 MS. BLUTH: That was what I had discussed pre in  
4 jury.

5 MR. FIGLER: Well, [unintelligible] informal offer.  
6 If it's a formal offer now, then I have a duty to talk about it  
7 with my client for two minutes. Is that a formal offer?

8 MS. BLUTH: Yeah.

9 MR. FIGLER: Okay.

10 THE COURT: Wasn't it a formal offer before?

11 MR. FIGLER: No, it was not.

12 MS. MCAMIS: No.

13 MS. BLUTH: I mean --

14 THE COURT: Take your client into the vestibule,  
15 Mr. Figler.

16 MR. FIGLER: Once the child is out. She can bring  
17 the child into the courtroom.

18 THE COURT: Kenny, would you bring the child, I  
19 guess, into the courtroom. Or into the hallway. I'm assuming  
20 the child did not arrive unaccompanied.

21 MS. BLUTH: No. No. No. But, I mean, she is  
22 unaccompanied right now.

23 THE COURT: Where is she? Is she by herself?  
24 There's no --

25 MR. FIGLER: In the vestibule.

1 THE COURT: There's no VWAC person up here, family  
2 member or anybody?

3 MS. BLUTH: No. No. She's fine though. I mean, I  
4 can go sit with her. Ava is fine. I mean, she's 16.

5 THE COURT: Right. Okay.

6 MS. BLUTH: She's okay.

7 THE COURT: I was just going to say she can go sit in  
8 the hallway if she was with somebody.

9 MR. FIGLER: I'd rather her to sit in the courtroom  
10 with the --

11 THE COURT: All right. Kenny, bring her into the  
12 courtroom.

13 (Pause in the proceedings)

14 (Proceedings recessed 4:07 p.m. to 4:12 p.m.)

15 (Outside the presence of the jury)

16 MR. FIGLER: We can't stipulate to 20 to life.

17 MR. HAMNER: Okay.

18 THE COURT: Why would you?

19 MR. FIGLER: Right.

20 THE COURT: All right. If you need more time to talk  
21 to your client, Ms. Bluth has indicated she'll keep the offer  
22 open tonight as long as we don't start cross of this witness,  
23 but she thinks her direct will take an hour. So let's get  
24 started. We won't finish direct today, and then if you need  
25 more time to confer with your client regarding the offer, you



1 have all night to do it.

2 MR. FIGLER: Thank you, Your Honor.

3 THE COURT: All right. Kenny, bring the jury back  
4 in.

5 (Pause in the proceedings)

6 (Jury entering 4:14 p.m.)

7 THE COURT: All right. Court is now back in session,  
8 and the State has called their next witness to the stand.

9 So please remain standing and face this lady right  
10 here, and she'll administer the oath to you.

11 **AVA MCCLAIN**

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

14 THE CLERK: Have a seat. Now, we'll need you to  
15 state and spell both your first and your last name for the  
16 record.

17 THE WITNESS: [No response.]

18 MS. BLUTH: Ava, can you state and spell your name,  
19 please.

20 THE WITNESS: My name is Ava McClain. A-v-a,  
21 M-c-C-l-a-i-n.

22 THE COURT: All right. Thank you.

23 MS. BLUTH: Okay. Thank you. Is that okay, Judge?

24 THE COURT: Ms. Bluth.

25 MS. BLUTH: Yeah.

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DIRECT EXAMINATION

BY MS. BLUTH:

Q Okay. So, Ava, in front of you is a black microphone. If you don't mind, I'm just going to scoot it a little bit closer to you because sometimes you have a small voice.

THE COURT: And everyone who's testified so far has been very quiet which is why that is already on top of the phone book. So just speak up clearly into the microphone so that everybody in the jury box can hear you, okay?

THE WITNESS: Okay.

THE COURT: All right.

MS. BLUTH: All right, Ava. Thank you.

BY MS. BLUTH:

Q Ava, how old are you as you sit here today?

A Sixteen.

Q All right. And when is your birthday?

A October 21st, 2001.

Q What grade are you in school?

A Tenth.

Q What are some of the subjects that you study in school in tenth grade?

A Geometry, history, English, just the basics.

Q Okay. What's your favorite subject?

A Geometry.

1 Q Geometry. Why?

2 A Because it's easy.

3 Q Okay. Do you like to read?

4 A Sometimes.

5 Q What types of books do you like?

6 A Like, I guess -- I don't know.

7 Q Okay. Do you like reading, like, stuff about that

8 really happened or fake things like vampires and stuff like

9 that?

10 A Real.

11 Q What did you say?

12 A Real stuff that really happened.

13 Q Okay. Do you have any sisters?

14 A Yes.

15 Q And how many sisters do you have?

16 A Two.

17 Q And what are their names?

18 A Amaya and Anastasia.

19 Q How old are they?

20 A Thirteen and 15.

21 Q All right. I know this sounds like a silly question,

22 but if I showed you pictures of them and you, would you

23 recognize them?

24 A Yes.

25 Q Okay. So you're the oldest; right?

1           A     Yes.

2           Q     Does that make you kind of, like, the boss?

3           A     No.

4           Q     Okay. Who would you say is the boss out of the three

5 of you?

6           A     My middle sister.

7           Q     Your what?

8           A     My middle sister.

9           Q     Amaya?

10          A     [No audible response.]

11          Q     Is that a yes?

12          A     Yes.

13          Q     Okay. I'm showing you State's 227. Do you see

14 yourself in this picture?

15          A     Yes.

16          Q     And would that be you on the left?

17          A     Yes.

18          Q     And then who's in the middle?

19          A     Anastasia.

20          Q     And who's all the way to the right?

21          A     Amaya.

22          Q     And I'm going to show you State's 228. We'll start

23 with the left. Who is this woman in the left corner?

24          A     My biological grandmother.

25          Q     Okay. And who is that on her left?

1           A     Amaya.

2           Q     And then who is the adult in the middle?

3           A     Biological aunt.

4           Q     And on her lap?

5           A     Anastasia.

6           Q     And then the adult next on the right?

7           A     My other aunt.

8           Q     Okay. And then who's that?

9           A     Me.

10          Q     All right. So I'm going to ask you some questions.

11   I'll turn your attention way back to, like, 2008 and 2009.

12   Around that time period, did you and your sisters get removed

13   from your biological family?

14          A     Yes.

15          Q     And then at that time, did you move into what we

16   refer to as the foster care system?

17          A     Yes.

18          Q     When you were in foster care, did you live with a

19   woman by the name of Debbie McClain?

20          A     Yes.

21          Q     And did all three of you and your sisters live

22   together with Debbie?

23          A     Yes.

24          Q     And do you know -- I know it's a long time ago. So

25   just approximate if you can. Do you know how long you lived

1 with Ms. Debbie for when you were foster kids?

2 A About a year and a half.

3 Q Okay. And I apologize because I should've started  
4 out with this. If at any point in time I say something that  
5 you don't understand, if you could just let me know and ask me  
6 to repeat it or if you don't hear me; okay?

7 A Okay.

8 Q And then if there's any time where you don't  
9 remember, just let me know that you don't remember; okay?

10 A Okay.

11 Q All right. And so you lived with Ms. Debbie for  
12 about, you said, somewhere around like a year and a half?

13 A Yes.

14 Q And do you know, like, how old you were during that  
15 time period? Do you know?

16 A About 7.

17 Q Okay. While you were living with Ms. Debbie, when  
18 you got there, were you potty trained?

19 A Yes.

20 Q And did you have any accidents when you were living  
21 with Ms. Debbie?

22 A No.

23 Q Were you scared to ask Ms. Debbie to go to the  
24 bathroom?

25 A No.

1 Q Did you have any fear about going to the bathroom  
2 just in general?

3 A No.

4 Q When you went to the bathroom, did you just use like  
5 a normal toilet?

6 A Yes.

7 Q And were you limited in any way in regards to toilet  
8 paper?

9 A No.

10 Q Okay. When you would eat food at Ms. Debbie's, would  
11 you eat regular food, like what everybody else in the house  
12 ate?

13 A Yes.

14 Q So, like, if you remember, what types of foods would  
15 you eat?

16 A Like, steak, vegetables, McDonald's, just what any  
17 other normal person would eat.

18 Q Okay. And then what about your sisters? Would they,  
19 Amaya and Anastasia, would they eat regular food too?

20 A Yes.

21 Q Are there any out of the three of you that you would  
22 say is, like, a pickier eater than the other two?

23 A Yes.

24 Q Who?

25 A Anastasia.

1 Q Okay. And then in regards to Amaya, if you know,  
2 when you guys were at Debbie's house, did Amaya have any issues  
3 with potty training or anything like that?

4 A No.

5 Q And what about Anastasia?

6 A Yes.

7 Q And what was her issue?

8 A She wasn't potty trained yet.

9 Q Okay. Would she wet the bed at night?

10 A Yes.

11 Q Okay. Now, after you left Ms. Debbie's home, what  
12 was the next home you went into?

13 A The Solanders'.

14 Q And who lived at the Solander house?

15 A Janet Solander, Dwight Solander and Danielle, their  
16 daughter.

17 Q Okay. And do you see -- or do you see Ms. Janet in  
18 the courtroom?

19 A Yes.

20 Q And what type of clothing is she wearing?

21 A White and navy blue.

22 MS. BLUTH: Okay. Your Honor, may the record reflect  
23 the identification?

24 THE COURT: It will.

25 MS. BLUTH: Thank you.



1 BY MS. BLUTH:

2 Q Now, did you live with the Solanders as foster  
3 children for a period of time before they formally adopted you?

4 A Yes.

5 Q And if you know, how long did you live with them as  
6 foster children before you were adopted?

7 A I don't know.

8 Q Okay. Do you remember when it was that you were  
9 adopted, like the month and year?

10 A I know it was in January, but I don't remember the  
11 year.

12 Q Okay. Now, how many houses did you live in with the  
13 Solanders?

14 A Two.

15 Q And so I want to break that down. So when you were  
16 foster children -- like you don't have to give me the exact  
17 address, but, like, the street name -- what was that house  
18 called?

19 A Jubilee.

20 Q Jubilee?

21 A Yes.

22 Q Okay. And then when you moved from Jubilee, which  
23 house did you go to?

24 A Wakashan.

25 Q All right. In a moment I'm going to ask you some

1 questions in regards to some things that you talked to the  
2 police about that happened to you once you became adopted.

3 A Okay.

4 Q Okay. So did any of the, you know -- the things that  
5 we're going to talk about, you've already talked about before,  
6 like the toilet and the eating. Did any of that stuff happen  
7 at the Jubilee house?

8 A Yes.

9 Q Okay. Did any of the punishment-type things happen  
10 at the Jubilee house?

11 A No.

12 Q All right. So what types of things were going on at  
13 the Jubilee home before you were -- and this is before you were  
14 adopted; right?

15 A Wait. Can you say that again, please.

16 Q Yeah. So when you were at the Jubilee house, is that  
17 before you were adopted?

18 A Yes.

19 Q Okay. And what types of things in regards to  
20 toileting and eating, if any, were happening while you were at  
21 that house?

22 A Are you asking, like, what happened there?

23 Q Yeah. So let's start with toileting. Were there any  
24 rules about using the bathroom?

25 A Yes.

1 Q Okay. And what were those rules?

2 A We had to ask to go to the bathroom, and there would  
3 be a timer set. I mean, that timer -- that timer was on for  
4 about an hour, just however much time she felt like we had to  
5 hold it for.

6 Q Okay.

7 A And when that timer was up, then we could use the  
8 rest room.

9 Q Okay. And when you say she, who are you talking  
10 about?

11 A Janet.

12 Q All right. And when we talk about a timer, is it  
13 like an actual physical timer, or is it her phone? What are we  
14 talking about?

15 A Both sometimes.

16 Q All right.

17 A So it depends on what she's doing.

18 Q Okay. So you had to ask to use the bathroom?

19 A Yes.

20 Q And if you asked to use the bathroom, could you  
21 always go?

22 A No.

23 Q All right. Explain that.

24 A We could ask to use the bathroom, but we have to wait  
25 till that timer is up.

1 Q Okay.

2 A So we can't really go when we need to go.

3 Q All right. So when the timer goes off, can you go to  
4 the bathroom then?

5 A Yes.

6 Q And when you went to the bathroom -- and we're still  
7 talking about the Jubilee house. When you went to the  
8 bathroom, were you timed while you are going to the bathroom?

9 A Don't remember.

10 Q Okay. Now, let's talk about eating. At the Jubilee  
11 house did you eat regular food?

12 A For a short period of time.

13 Q And what types of foods would you eat when you were  
14 eating regular food?

15 A McDonald's, macaroni.

16 Q Did you say macaroni?

17 A Yeah.

18 Q Okay.

19 A Just simple stuff.

20 Q Okay. And then did there come a point where that  
21 changed?

22 A Yes.

23 Q And how did it change?

24 A It changed because supposedly I had Crohn's disease.

25 Q Okay. And who told you you had Crohn's disease?

1           A     The doctor.

2           Q     Did the doctor tell -- did the doctor, like, while  
3 he's looking at you tell you you had Crohn's disease?

4           A     No.

5           Q     Who told you you had Crohn's disease?

6           A     Janet.

7           Q     So now I want to -- I had asked you some questions  
8 about, you know, was there punishment at the Jubilee house, and  
9 you stated no; is that right?

10          A     [No audible response.]

11          Q     And when I say punishment, I mean, like, we're going  
12 to start talking about specifics in regards to sticks and  
13 things like that.

14          A     No.

15          Q     Once you are adopted in January of 2011, do things  
16 start to change in regards to punishment and things like that?

17          A     Yes.

18          Q     All right. So I want to -- now my questions are  
19 going to be focused in regards to after the adoption. And  
20 during that time period, are you at the Wakashan home?

21          A     For a short time we're at the Jubilee, but for most  
22 of the things that happen, we're at the Wakashan.

23          Q     Okay. And that Wakashan address, that's here in  
24 Clark County in Las Vegas; right?

25          A     Yes.

1 Q Okay. So I know this seems like I'm asking the same  
2 questions, but I want to talk about toileting again, but now  
3 after you're adopted; okay?

4 A Okay.

5 Q Did you still have those same rules in regards to did  
6 you have to ask Ms. Janet to use the bathroom?

7 A Yes.

8 Q And when you had asked, did you always get to go?

9 A After the timer was over.

10 Q Okay. So the timer was used, and when the timer was  
11 up, that's when you could go?

12 A Yes.

13 Q All right. When the timer would go off and you asked  
14 to use the bathroom, were there ever times when you would get  
15 in trouble for not asking to have gone earlier?

16 A Rephrase it, please.

17 Q Sure. So you had to wait until the timer went off to  
18 use the bathroom; right?

19 A Yes.

20 Q Okay. So let's say you're, you know, you're waiting,  
21 and then the timer goes off, and then you have to go use the  
22 rest room, okay. Did you ever get in trouble with Ms. Janet  
23 for not telling her earlier or asking, saying, hey, I had to  
24 go?

25 A Yes.

1 Q Okay. So you weren't allowed to go until the timer  
2 went off; right?

3 A Yes.

4 Q And then you got in trouble for having to go when the  
5 timer did go off?

6 A Yes.

7 Q Did that confuse you?

8 A Yes.

9 Q When you went to the bathroom, was there the same  
10 rules about toilet paper in regards to how much you could have?

11 A No.

12 Q You could use as much toilet paper as you wanted?

13 A No.

14 Q Okay. What were the rules?

15 A We had three if we had to pee, and then two -- I  
16 mean, six sheets of toilet paper, like six squares if we had to  
17 go Number 2.

18 Q Okay. And whose rule was that?

19 A Janet's.

20 Q Now, sometimes if you had gone Number 2, were you not  
21 able to get everything wiping with just the six pieces of  
22 toilet paper?

23 A Yes, that's true.

24 Q And then sometimes would that leave marks in your  
25 underwear?

1           A     Yes.

2           Q     At nighttime, were you allowed to use the bathroom  
3 freely?

4           A     No.

5           Q     What were the rules in regards to that?

6           A     We had to go and knock on Janet and Dwight's bedroom  
7 door.

8           Q     All right.

9           A     If we had to use the rest room.

10          Q     Okay.

11          A     And then she'd get mad, and obviously we'd get in  
12 trouble because it's the middle of the night, and then she  
13 would let us go.

14          Q     Okay. At any point in time, were you just not  
15 allowed to go at night anymore, period?

16          A     Yes.

17          Q     So if you had to go to the bathroom in the middle of  
18 the night, what would happen?

19          A     I would just end up peeing on myself and get in  
20 trouble in the morning.

21          Q     Were there any gates or alarms up in the house?

22          A     Yes.

23          Q     Where were the gates?

24          A     One gate was on the loft bathroom, and there was an  
25 alarm on the door too.



1 Q Okay.

2 A Another gate was on the stairs.

3 Q Okay. So I want to talk about the gate on the

4 stairs. If you know, who put the gate up on the stairs?

5 A I don't remember that one.

6 Q Okay. Did you know the purpose of why the gate was

7 there?

8 A No.

9 Q Did you feel like you could go past the gate?

10 A No.

11 Q The gate on the -- you said there was a gate and a

12 bathroom -- I'm sorry, a gate and alarm on which bathroom?

13 A The loft bathroom.

14 Q Okay. And do you know who placed those there?

15 A Dwight.

16 Q All right. And do you know why Dwight put those

17 there?

18 A So we couldn't go and sneak in the bathroom when we

19 had to go.

20 Q Okay. And the alarm, like is it -- explain to me,

21 like, where is the alarm exactly?

22 A I believe it was at the top somewhere, like, on the

23 top of the door. We couldn't see it, but if we opened it, it

24 would go off.

25 Q Okay. Now, did you think anything would happen to

1 you if you touched any of those gates?

2 A No.

3 Q Because of the situation with, like, the timer and  
4 getting in trouble if you asked, at any point were you scared  
5 to ask to go to the bathroom?

6 A Yes.

7 Q And because of that, did you begin having accidents  
8 in your pants?

9 A Yes.

10 Q How often would you say you were having accidents in  
11 your pants?

12 A More than twice a day.

13 Q When you would have accidents in your pants, were you  
14 punished?

15 A Yes.

16 Q And can you explain how you were punished.

17 A There was a yardstick -- I think that's what it was  
18 called -- with Home Depot, and we'd have to assume the  
19 position, which means like I'm about to, like, get spanked  
20 basically.

21 Q Okay.

22 A So that would be our punishment.

23 Q Who would -- you said, like, "assume the position."  
24 Is that what you said?

25 A Yes.

1 Q And who would say that?

2 A Either Janet or Dwight.

3 Q Okay. And can you explain to me what the yardstick  
4 looked like?

5 A It was long. It was wooden, and it had Home Depot,  
6 like, written on it.

7 Q Okay. And did it have any other writing on it, like  
8 not from the store, but anything else that someone had written  
9 on it?

10 A Yes, only one of them.

11 Q What did it say?

12 A It said Board of Education.

13 Q And who wrote Board of Education on it?

14 A Dwight.

15 Q When one of them would say, "assume the position,"  
16 can you explain to me what type of position that was?

17 A So you bend down basically, like you're about to do a  
18 push-up.

19 Q Okay.

20 A But instead of your butt being down, it's in the air.

21 Q Kind of, like, an upside down V?

22 A Yeah.

23 Q Okay. And would you have pants or underwear on when  
24 that would happen?

25 A No, we'd have to be butt naked.

1 Q Okay. And then who would use the stick?

2 A Janet or Dwight.

3 Q And was it just, like, one spank, or explain how many  
4 times you'd be hit with a stick.

5 A Repeatedly, more than five times.

6 Q Would your skin ever break, or would you bleed?

7 A Yes.

8 Q And I know this sounds like a silly question, but our  
9 bottoms are behind us; right? So how would you know that you  
10 were bleeding?

11 A Because there would be blood on the stick, and I  
12 could feel the scars like if your skin busted open, like I  
13 could feel it.

14 Q Okay. Did you ever see any blood, like, on your  
15 underwear or on any of your clothes?

16 MS. MCAMIS: Objection. Leading.

17 MS. BLUTH: It doesn't suggest an answer.

18 THE COURT: I'm sorry?

19 MS. MCAMIS: Leading.

20 MS. BLUTH: I asked her if she ever saw blood on any  
21 of her clothes.

22 THE COURT: Overruled. She can answer.

23 THE WITNESS: Can I answer it?

24 MS. BLUTH: Yeah, you can.

25 THE WITNESS: Yes, on my underwear, but I only

1 remember once.

2 BY MS. BLUTH:

3 Q Only remember one time seeing blood?

4 A Yes.

5 Q Okay. You said that you could feel like your skin,  
6 like the broken skin, or you said you could feel a scar or  
7 something?

8 A Yes.

9 Q Were you allowed to look in mirrors?

10 A No.

11 Q Whose rule was that?

12 A Janet's.

13 Q Did she tell you why you couldn't look in the mirror?

14 A No. I don't remember.

15 Q Okay. So from the time you were adopted in January  
16 of 2011 until the time you leave for Marvelous Girls Grace  
17 Girls Academy (sic), which we'll talk about in a second, how  
18 often were you getting hit with the sticks?

19 A Every day.

20 Q Would it be once a day, multiple times a day?

21 A Multiple times.

22 Q Were there any other times -- or were there any other  
23 ways of physical punishment besides the sticks?

24 A Yes.

25 Q And what were those?

1           A     She would kick me. She would slap me. She banged my  
2 head against the counter one time.

3           Q     Where would she kick you?

4           A     In my stomach or in my butt.

5           Q     We're going to talk about the eye incident in a  
6 second; okay?

7           A     Okay.

8           Q     Did you say she would -- the other thing you said was  
9 she would slap you?

10          A     Yes.

11          Q     And where would she slap you?

12          A     In my face.

13          Q     You said that you could feel your skin breaking. You  
14 said you could feel the scars. Where were those scars located?

15          A     Like, my lower butt.

16          Q     Do you still have those scars?

17          A     I don't know.

18          Q     You haven't checked out your butt in the mirror?

19          A     No.

20          Q     Okay. At some point though, photographs were taken  
21 when you went and saw a doctor; is that right?

22          A     Yes.

23          Q     Okay. When you were beaten with the sticks --

24               MR. FIGLER: Objection, Your Honor.

25               Characterization.

1 BY MS. BLUTH:

2 Q When you were struck with the sticks --

3 THE COURT: Okay.

4 BY MS. BLUTH:

5 Q -- when you were hit with the sticks, did the sticks  
6 ever break?

7 A Yes.

8 Q And what would happen when the sticks broke?

9 A She would keep hitting me, or she would just -- Janet  
10 would keep hitting me, or Janet would get a new stick.

11 Q Okay. So was there a lot of sticks in the house?

12 A Yes.

13 Q Do you know where they were kept?

14 A No.

15 Q If you had an accident, would you be allowed to eat  
16 or drink your next meal?

17 A No.

18 Q Like how would that work? What was that about?

19 A Depending on how Janet felt, we couldn't eat or  
20 drink, and we couldn't eat the next meal, or it would be we  
21 couldn't eat for the next day. It was just dependent on how  
22 she was feeling.

23 Q Okay. Did you ever have to put any clothes inside  
24 your mouth?

25 A Yes.

1 Q What kind? What part of your clothes?

2 A My underwear.

3 Q Who made you do that?

4 A Janet.

5 Q And were those underwear clean or dirty?

6 A Dirty.

7 Q And when I say dirty, how were they dirty?

8 A I had an accident. I had peed myself.

9 Q And did you have to put the pee underwear in your  
10 mouth?

11 MS. MCAMIS: Well, leading.

12 THE COURT: Ask her what she had to do with it.

13 BY MS. BLUTH:

14 Q What did you have to do with the underwear that had  
15 your pee in it?

16 A She had stuffed it in my mouth, and I had to keep it  
17 in there until she wanted to take it out of my mouth.

18 Q Was that Janet you're talking about?

19 A Yes.

20 Q Did you ever have to -- we talked about the underwear  
21 in your mouth. Did you ever have to put any of your accidents  
22 in your mouth? Does that make --

23 MS. MCAMIS: Objection. Leading.

24 MS. BLUTH: It's not leading.

25 THE COURT: State your question.



1 MS. BLUTH: I said to her, you just talked about  
2 putting underwear in your mouth. Did you ever have to put any  
3 urine or any other accidents in your mouth?

4 THE COURT: Well, that is a little bit leading.

5 Was there anything else that you were -- had to put  
6 in your mouth besides your underwear?

7 THE WITNESS: Yes.

8 THE COURT: Okay. Tell us about that.

9 THE WITNESS: One day I had to use the bathroom.  
10 This was in the upstairs loft bathroom. I had asked to go. My  
11 time was up. The timer went off basically so I could go to the  
12 bathroom. I sat on the toilet, and Janet had told me to open  
13 my legs. So that's exactly what I did, and when I open my  
14 legs, pee was squirting out towards her, and that pee ended up  
15 on the floor. When that pee ended up on the floor, and since  
16 it got on her too, she had gotten mad. She slapped me in the  
17 face, and then she told me to get off the toilet and lick my  
18 pee up off the floor.

19 BY MS. BLUTH:

20 Q Did you lick your pee up off the floor?

21 A No.

22 Q What did you do?

23 A I resisted. Like, I just refused to do that.

24 Q Ava, do you know what a catheter is?

25 MR. FIGLER: Can we approach, Your Honor?

1 THE COURT: Sure.

2 (Conference at the bench not recorded)

3 MS. BLUTH: I'm going to rephrase, Your Honor, if  
4 that's okay with the Court.

5 THE COURT: Okay. Thank you.

6 BY MS. BLUTH:

7 Q Okay. So, Ava, sometimes would there be times when  
8 Janet left the house and you guys were left at the house?

9 A Yes.

10 Q And, first of all, when she left the house and you  
11 guys were by yourselves, where would you be?

12 A In the bathroom.

13 Q Which bathroom?

14 A Loft.

15 Q The loft bathroom?

16 A Yes.

17 Q And is that where you would stay while Ms. Debbie was  
18 away -- sorry, while Ms. Janet was away from the house?

19 A Yes.

20 Q And was that a rule or were you told to stay in  
21 there?

22 A She just told us to go in there, and I just do what  
23 she asked.

24 Q Before Ms. Janet left the home, like if it was going  
25 to be a long period of time, would she ask you if you had to go

1 to the bathroom?

2 A Yes.

3 Q And if you told her, no, what would she do?

4 A She didn't care.

5 Q Okay. Like would she -- if you told her, no, would  
6 she do something to check to see if you had any pee?

7 A No.

8 Q Was there ever a time in the bathroom where you had  
9 to lay down on a towel?

10 A Yes.

11 Q Can you explain that to me.

12 A I don't remember why I was on the towel.

13 Q Okay.

14 A But all I know is that I was on the towel. Janet had  
15 a catheter, and I guess I had told her I didn't have to pee,  
16 and she put it in me.

17 Q Okay.

18 A And this pee came out.

19 Q Okay. So I want to --

20 THE COURT: Where did the pee go?

21 THE WITNESS: Into the catheter, the little bag, the  
22 clear bag with the tube.

23 BY MS. BLUTH:

24 Q Okay. Can you explain to me what a catheter looks  
25 like.

1           A     It's a clear bag like about this big.

2           Q     Okay. About like -- show me again, Ava, because I  
3     didn't see. I'm not very good. I don't know. I'm not good at  
4     this. 6 to 8 inches?

5           A     Yeah, I guess.

6           Q     Okay. Now, you're up to, I think, like a ruler.

7           A     And then it was about I would say about this wide,  
8     about like that.

9           Q     Okay.

10          A     And then it had a tube attached to it, a clear long  
11     tube attached to it.

12          Q     Okay.

13          A     And then it had measurements on the bag.

14               THE COURT: It had what on the bag?

15               THE WITNESS: Measurements.

16               THE COURT: Okay.

17     BY MS. BLUTH:

18          Q     And so where did that take place when you and I are  
19     talking about this? When the catheter was used on you, where  
20     did that take place within the house?

21          A     The other upstairs bathroom.

22          Q     And was there anybody in the bathroom with you when  
23     it happened besides you and Janet?

24          A     It depends on which time. Like, yeah, one time.

25          Q     Okay. So this happened more than one time?

1 A Yes.

2 Q Okay. So let's talk about the first time first,  
3 okay, just so I can really understand what you're saying.

4 A Okay.

5 Q Were they both in the bathroom?

6 A Who?

7 Q No. Both incidents of the catheter --

8 THE COURT: Why don't you just ask her tell us what  
9 happened the first time.

10 MS. BLUTH: Okay. Fine.

11 BY MS. BLUTH:

12 Q Tell us what happened the first time.

13 A So the first time it was me, Anastasia and Amaya, so  
14 my two younger sisters, and Janet. We're all lined up. I  
15 can't remember who went first who went last, but I know I went,  
16 and my two younger sisters were in there with me.

17 Q Okay. So to your knowledge, if you know, could they  
18 see what was going on or --

19 A Yes.

20 Q Okay. And I apologize if you said it. Was this the  
21 loft bathroom?

22 A The other upstairs bathroom.

23 Q The other upstairs bathroom. Okay. And were you --  
24 and this time were you standing up, laying down?

25 A Laying down.

1 Q Just on the floor or on the towel?

2 A On the towel.

3 MS. MCAMIS: Leading.

4 MS. BLUTH: It doesn't suggest an answer. It's two  
5 different --

6 THE COURT: It's okay. Overruled.

7 BY MS. BLUTH:

8 Q And explain when you said that Ms. Janet put it in  
9 you. What do you mean?

10 A She put the tube attached to the catheter in my  
11 private area.

12 Q Okay. And I'm going to ask you some questions about  
13 your private, okay. So when Ms. Janet stuck the catheter in  
14 your private, the outside of your private is referred to as the  
15 labia, like the bigger lips. Did the catheter go beyond the  
16 bigger lips?

17 MS. MCAMIS: Well, objection. Calls for medical --

18 MS. BLUTH: Judge, it's a --

19 MS. MCAMIS: -- and leading.

20 MS. BLUTH: -- it's an element.

21 THE WITNESS: Oh, God.

22 THE COURT: Can you maybe describe for -- well, could  
23 you see -- first of all, could you see what was going on, or  
24 could you feel what was going on, or how could you tell what  
25 was going on?

1 THE WITNESS: I could feel the tubing stuck inside  
2 me, but I don't know what part. I just know it was stuck  
3 inside me and peeking out.

4 THE COURT: Okay. Counsel, approach.

5 (Conference at the bench not recorded)

6 THE COURT: So rephrase.

7 BY MS. BLUTH:

8 Q Ava, I'm going to ask you for some clarification.  
9 When you said that the catheter went inside of you, okay,  
10 explain to me what you felt.

11 A The catheter go inside my private area.

12 Q Okay. And so you felt -- did you -- when you felt  
13 the catheter going inside your private area, was that outside  
14 of your big lips or inside?

15 A [No response.]

16 Q And do you know what I mean when I say big lips?

17 A No, unfortunately.

18 Q Okay. Okay. When you wipe yourself to go to the  
19 rest room, okay, when you wipe yourself after you've gone to  
20 the rest room, in that area, was the catheter in that area?

21 A Sorry. I wasn't paying attention. Can you rephrase  
22 it, please.

23 Q Yeah, that's okay. When you use the rest room, okay,  
24 and you wipe yourself after your done going pee, did you feel  
25 the catheter go in that area?

1           A     Oh, my God.  So basically I don't know the answer to  
2 that because I don't know.  I just can't concentrate right now.

3           Q     Okay.

4           THE COURT:  It's actually time to take our evening  
5 recess.

6           MS. BLUTH:  Okay.

7           THE COURT:  So it's like two or three minutes of  
8 5:00.

9                     So, ladies and gentlemen, we have a brief matter,  
10 unrelated matter tomorrow morning at 9:00 a.m.  So we will  
11 reconvene at 9:30 a.m., 9:30 a.m. tomorrow.

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

20                    Please place your notepads in your chairs and follow  
21 the bailiff through the double doors.

22                    (Jury recessed for the evening 4:57 p.m.)

23           THE COURT:  I don't know if the DAs want to talk to  
24 you about scheduling or whatever, but you can't talk about your  
25 testimony with them.



1           So do you want her to wait for you guys in the  
2 vestibule?

3           MS. BLUTH: Yeah. I just have to walk her over.  
4 I'll have to walk you back over, Ava. So if you  
5 can --

6           THE COURT: So why don't you have a seat in the  
7 vestibule. We're going to be in here talking about scheduling  
8 and some legal things.

9           MR. FIGLER: Can you just give her the general  
10 admonishment for -- it's a subpoena.

11          THE COURT: I just did.

12          MR. FIGLER: Oh, no. You said about the DA, but I  
13 mean her sisters or anything.

14          THE COURT: Oh, right.

15          Don't talk to anybody about your testimony.

16          THE WITNESS: Yeah, okay.

17          THE COURT: Your sisters may say, oh, what did they  
18 ask you or what were the questions, and you are not to talk  
19 about that; okay?

20          THE WITNESS: [No audible response]

21          THE COURT: And so, Kenny, would you take her into  
22 the vestibule for a moment.

23          MR. FIGLER: Is that unrelated matter for us or for a  
24 different --

25          THE COURT: No. No. The unrelated matter at

1 9:00 o'clock is a different case.

2 MR. FIGLER: Okay. So we are 9:30.

3 THE COURT: You are 9:30.

4 MR. FIGLER: Thank you.

5 THE COURT: Okay. I just had the witness excused  
6 because on the record there was an objection from the defense  
7 on leading. So I asked the State if they could maybe ask the  
8 question more open-ended, what did she feel and then follow up  
9 with was it in the big lips, beside the big lips, inside the  
10 big lips, what have you. Obviously the witness is I think  
11 embarrassed --

12 MS. BLUTH: Yes.

13 THE COURT: -- and kind of shy about talking about  
14 these things, as a teenage girl would typically be. So the  
15 State can -- I think it's fine if they, you know, get more  
16 description, but I'd like to see first what she's able to  
17 convey herself before they follow up with big lips, little lips  
18 and all of that.

19 MR. FIGLER: I mean, the defense wouldn't mind if the  
20 Court did an examination on the client to make sure that she --  
21 or the victim if she is understanding whatever, just a gentle  
22 Court inquiry, and then that might give --

23 THE COURT: What do you mean understanding?

24 MR. FIGLER: Well, I'm not sure what the reaction was  
25 related to. It could be embarrassment. It could be any number

1 of different things, but we certainly don't want to resort to  
2 leading if not necessary with a 16-year-old young woman, and so  
3 if the Court outside the presence of the jury maybe made those  
4 two or three questions to just kind of see if the witness could  
5 articulate it in the most unleading way, then that would give  
6 some --

7 THE COURT: Well, the other way to do it, which the  
8 defense would probably object to, is if you showed her a  
9 picture.

10 MS. BLUTH: Well, that's what I'm going to have to  
11 do.

12 THE COURT: And asked her from the picture, okay,  
13 well, where did Janet touch you --

14 MS. BLUTH: That's absolutely what I'm doing.

15 THE COURT: -- when she inserted the catheter --

16 MS. BLUTH: Right. But I do --

17 THE COURT: -- but like I said, I don't think it's  
18 abnormal for a 16-year-old girl to be completely embarrassed to  
19 have to come in and talk about these things.

20 MS. BLUTH: Right. So, I mean, that is what it is,  
21 and we'll do it, but I guess what my question is is I keep  
22 getting an objection for leading, and a leading question is  
23 isn't it true that it went into your vagina; isn't it true that  
24 it went past your big lips? If I say, did it go past your big  
25 lips or not, that's not suggesting the answer. It's giving her

1 options.

2 With these kids, when they have been abused for that  
3 long, I can't just say what happened to you when you were  
4 punished? I mean, we would literally be here for years.

5 MR. FIGLER: Okay. So the difference of that is is  
6 that there has to be a foundational question, and if you ask  
7 the child, did you feel anything, and she says, no, well, you  
8 didn't feel something either big lips or little lips? I mean,  
9 that sort of suggests that there's more to the answer than no.  
10 So she said no. It went inside of me.

11 MS. BLUTH: She said, It went inside me.

12 MR. FIGLER: It went inside of me.

13 MS. BLUTH: So I have to establish what "inside of  
14 me" is, which is always very difficult with children. I don't  
15 care she's 16 years old. Children do not know labia majora and  
16 labia minora, which is why we have to use the words --

17 THE COURT: Well, I think inside me though, I mean,  
18 I'm just saying, and you don't have to do this, but one way to  
19 first clarify it is, okay, did it go in your vagina or above  
20 your vagina?

21 MS. BLUTH: She's never going to know. Like did it  
22 go in your urethra? I mean, she's not going to know.

23 THE COURT: Right. I mean --

24 MS. BLUTH: She's a kid. I'm bringing a picture. If  
25 that's, I mean --

1 THE COURT: I just think that might be an easier way  
2 to do it is with a picture.

3 MS. BLUTH: Yeah. That's how it's coming.

4 THE COURT: I just felt like not that you can't ask  
5 her to go here or there, but since this is so critical, it  
6 might be better to hear it from her own voice first, like what  
7 she felt, like I said, because this is --

8 MS. BLUTH: But she's not going to give you more than  
9 from her own voice than it went inside my private. That's not  
10 going to be -- I mean, she's not going to say it went past my  
11 labia majora, past my labia minora into my urethra.

12 THE COURT: But then she's probably not going to be  
13 able to say big lips, little lips.

14 MS. BLUTH: Oh, but that's not -- no. I mean, do you  
15 know the difference between your big lips and little lips? Did  
16 it go beyond either one of those or not? I mean, that's a very  
17 foundational easy question, but it's fine. I'll bring a photo.

18 THE COURT: Well, I mean, if she can answer that  
19 but --

20 MS. BLUTH: At this point she's so mortified she  
21 doesn't even want to -- I mean, she's -- which is fine. That's  
22 what happens with kids. I mean, it is what it is.

23 THE COURT: All right. Well, like I said, I just  
24 think this is such -- I mean, this element is critical. You  
25 can prove it up with the doctor, but --

1 MS. BLUTH: Oh, and it'll come in through the doctor  
2 to, but I -- normally if they say it went inside my privates,  
3 it's enough.

4 THE COURT: Yeah, but usually it's like in a sexual  
5 context. Usually it's a fondling --

6 MS. BLUTH: Yeah, or a penis or a --

7 THE COURT: -- or a touching the vagina, or a penis  
8 or something like that.

9 MS. BLUTH: Right.

10 THE COURT: So, I mean, they've already gotten the  
11 aspect of the vaginal touching out of the way with him putting  
12 his penis or his finger or his whatever. This is -- I mean,  
13 okay, in 28 years, this is my first catheter case.

14 MS. BLUTH: Right. Right.

15 THE COURT: I don't know if it's your first  
16 catheter --

17 MR. FIGLER: It's my first urethra case, yes.

18 THE COURT: Yeah. And so I think it's, to be fair to  
19 everybody, it is a little different than when the kid's been  
20 saying oh, well, he rubbed my breasts, and then he put his  
21 finger on my, you know, wee wee or woo woo or whatever they  
22 call it, and then you follow up. This is different because it  
23 is again a catheter and, you know, usually the purpose of the  
24 touching isn't the urethra.

25 MS. BLUTH: Got it.

1           So just scheduling issues, would you guys prefer me  
2 to bring Debbie back and finish her up? I mean, I don't care,  
3 either way.

4           MR. FIGLER: Oh, do we have --

5           THE COURT: Okay. I'm looking at these records. So  
6 far you get three pages which is really a lot of -- the only  
7 thing in is there's talk of what they want to have happen to  
8 Janet. So I thought, okay, you can get that.

9           MR. FIGLER: Thank you.

10          THE COURT: And then also somebody has a stomach  
11 ache, and they went to the doctor. So I thought, okay, you can  
12 get that, and so far I haven't seen anything else that would be  
13 discoverable.

14          MR. FIGLER: All right. Well, we'll be here tomorrow  
15 morning.

16          MS. BLUTH: Okay. So I won't call Debbie back yet.

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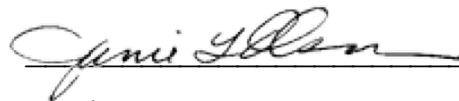
1 THE COURT: I mean, I haven't gone through all the  
2 records. Like I said, so far there's really almost nothing.  
3 I'm giving you these out of an abundance of caution.

4 MS. BLUTH: Okay.

5 (Proceedings recessed for the evening 5:05 p.m.)

6 -oOo-

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

10  
11 

12 Janie L. Olsen  
13 Transcriber  
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**BY MR. FIGLER: [5]**  
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**BY MS. BLUTH: [60]**  
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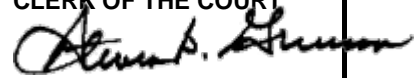
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TRAN

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

THE STATE OF NEVADA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JANET SOLANDER, )  
 )  
Defendant. )

CASE NO. C299737-3  
DEPT NO. XXI

**TRANSCRIPT OF  
PROCEEDINGS**

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 14**

FRIDAY, MARCH 2, 2018

APPEARANCES:

FOR THE STATE:

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

FOR THE DEFENDANT:

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

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

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1 LAS VEGAS, CLARK COUNTY, NEVADA, MARCH 2, 2018, 9:31 A.M.

2 \* \* \* \* \*

3 (Outside the presence of the jury)

4 THE COURT: -- anything. So --

5 MR. FIGLER: This isn't the last incident?

6 THE COURT: Yes. It's everything -- everything that  
7 we requested, the last incident, and then all of the additional  
8 records that were requested two days ago by Ms. Bluth that came  
9 in yesterday. I reviewed all of those last night, and there  
10 was nothing in them, but I will give you a copy of the petition  
11 and these three pages that really say nothing, but just about a  
12 doctor's appointment, and that's it.

13 MR. FIGLER: Okay.

14 MS. BLUTH: And then --

15 MR. FIGLER: So can you confirm then just generally  
16 that the only open CPS investigation was the one about those?

17 THE COURT: Yes. I can confirm that, and I can  
18 confirm that there was nothing other than what I stated that  
19 was inconsistent with what Ms. Bluth told us, and nothing  
20 relating to any questions regarding Ms. McClain or anything  
21 like that.

22 MR. FIGLER: Okay.

23 THE COURT: So there's nothing that --

24 MR. FIGLER: Okay. And no doctor's appointments  
25 noted anywhere --

1 THE COURT: That's what you're getting.

2 MR. FIGLER: Okay.

3 (Pause in the proceedings)

4 (Outside the presence of the jury)

5 MR. FIGLER: One issue before Debbie McClain comes  
6 back on. As you may recall --

7 THE COURT: I thought we were starting with Ava.

8 MR. FIGLER: We are. We are. So that's why I  
9 thought I would bring it up right now. I appreciate the Court  
10 going through all of these Unity notes and going through the  
11 new CPS stuff and the new case reports. The defense had  
12 previously asked and were denied access or production of the  
13 Unity notes during Debbie McClain's fostering time with the  
14 children.

15 THE COURT: Prior to --

16 MR. FIGLER: Going to the Solanders, but now the  
17 State in their direct has really elicited quite a bit of  
18 information during that time which may or may not be  
19 contradicted by entries in the Unity notes.

20 THE COURT: So can we cut to the chase. You're  
21 asking for the CPS records from Debbie McClain when she was  
22 fostering the girls prior to their placements with the  
23 Solanders?

24 MR. FIGLER: Yes, Your Honor.

25 THE COURT: And then you want the Court, once I get

1 that, to go over all of those notes and see if there is  
2 anything in them that is inconsistent with what Debbie McClain  
3 testified to regarding the I'm going to call it the  
4 gastrointestinal health --

5 MR. FIGLER: And/or behavioral issues.

6 MS. BLUTH: The toileting.

7 THE COURT: -- of the children.

8 MR. FIGLER: And behavioral issues. Yeah.

9 THE COURT: Okay. Do you have any objection to the  
10 Court signing an order directing DFS to provide those records  
11 to the Court for in-camera review?

12 MS. BLUTH: No, although I do want to say, in regards  
13 to the behavioral issues, I do think that she did discuss that  
14 there were -- I mean, they weren't perfect kids. There were  
15 issues. So --

16 MR. FIGLER: The Court heard the testimony. So the  
17 Court will know what's relevant.

18 THE COURT: Right. And, I mean, like I said,  
19 everything in the subsequent records is consistent with what  
20 she's testified to thus far, some fighting between the girls,  
21 but there's nothing relevant in that. So --

22 MS. BLUTH: So can I go back and provide Crystal with  
23 a date range?

24 THE COURT: Sure.

25 MR. FIGLER: That would be great.

1 MS. BLUTH: For the order.  
2 THE COURT: Sure.  
3 MR. FIGLER: Thank you, Your Honor.  
4 And thank you, Jacqueline.  
5 MS. BLUTH: You are welcome.  
6 (Pause in the proceedings)  
7 MR. FIGLER: Your Honor, I think we're still on the  
8 record or are we off?  
9 THE COURT RECORDER: Yes.  
10 THE COURT: No, we're on the record.  
11 MR. FIGLER: Okay.  
12 THE COURT: Mr. Hamner is now here. Ms. Bluth went  
13 in the back to aid the JEA in preparing the order for DFS that  
14 was requested by Mr. Figler.  
15 Go on.  
16 MR. FIGLER: So with regard to the incident that both  
17 Ms. Bluth and the Court has referred to and what I'm going to  
18 call the runaway incident.  
19 THE COURT: Okay.  
20 MR. FIGLER: So there was an active CPS  
21 investigation. There was an allegation that was represented to  
22 the defense that Ms. McClain turned out 16-year-old Ava and  
23 that Ava was saying that she had to live in the desert for a  
24 couple of days.  
25 THE COURT: No, that's not what it said. If that was

1 what I suggested, that was not correct.

2 MR. FIGLER: I think that's what Ms. Bluth suggested.

3 THE COURT: Okay. She ran away, and then Ms. McClain  
4 refused to take her back into the home, and the two girls were  
5 at the school or some school event. I can't remember exactly  
6 where it was, and they -- Ms. McClain wouldn't take them in to  
7 her car.

8 MR. FIGLER: I'm talking about prior to that. How  
9 long had Ava been outside the --

10 THE COURT: Two days.

11 MR. FIGLER: Two days. So that is consistent with  
12 Ms. McClain not allowing the minor under her care to come back  
13 into the home and the minor indicated to someone, that we heard  
14 it from Ms. Bluth because we haven't seen a single one of those  
15 documents, that she had lived out in the desert.

16 THE COURT: Well, that's according to the child, said  
17 she slept in the desert.

18 MR. FIGLER: Okay.

19 MR. HAMNER: And it's --

20 THE COURT: But I don't think --

21 Poor Mr. Hamner. I always step over him, but I know  
22 what you're going to say, or I think I know, and I don't think  
23 it's relevant. So that's I why cut you off because rather than  
24 let you talk for 5 or 10 minutes and me doing what I'm going to  
25 do anyway, which is telling Mr. Figler that I don't think if

1 Ms. McClain did something wrong, it's certainly not relevant to  
2 Ms. Solander's trial. So --

3 MR. FIGLER: But it is relevant to the credibility of  
4 Ms. McClain or Ava. So it's one or the other. So if Ava lied  
5 that Ms. McClain kept her out for two days, then that goes to  
6 credibility of Ava. If Ava is telling the truth that  
7 Ms. McClain locked her out for two days, then that is not being  
8 this gregarious and great and kindly person, as she is  
9 representing herself to be, taking care of the children and  
10 that the children are, you know, in a situation with  
11 Ms. McClain that's not dissimilar from -- because that's the  
12 point the State is trying to make.

13 THE COURT: Okay. This is why I told you about the  
14 information, as I think Ms. Bluth told you, because if  
15 Ms. McClain were to testify, oh, these kids are a joy. They're  
16 no problem. Then I think that would open the door. But if  
17 Ms. McClain did something inappropriate in locking the kid out,  
18 then that is irrelevant as to whether Janet did something  
19 inappropriate in caring for these kids. So that's why I don't  
20 see it as relevant.

21 Is that essentially what you were going to say,  
22 Mr. Hamner?

23 MR. HAMNER: Yes, Your Honor.

24 THE COURT: Do you feel like there's anything else  
25 you need to add for the record that the Court didn't, I don't



1 know, think of itself.

2 MR. HAMNER: No. I think I -- thank you, Your Honor.

3 MS. BLUTH: Just so you guys know, I actually asked  
4 for all Unity notes and then reports prepared for court.

5 THE COURT: Okay.

6 MS. BLUTH: For the I believe it's January of 2009 to  
7 I know it's June 2nd of 2010, but I put to July 1st just so  
8 if there was any overlap.

9 THE COURT: Right. And I think the report I gave  
10 concerned the termination of the Solanders' parental rights.  
11 Everything in that should already be based on the Unity notes,  
12 but the reason -- and the CPS records, but the reason I gave  
13 that also is because if there's something else in there that's  
14 not backed up by the records, then I think the defense will  
15 wonder, well, where did this come from, was there some other  
16 interview that wasn't memorialized or is it just poor -- is it  
17 just the person isn't a good historian when they made the  
18 report. So that was my thinking in giving all of that.

19 All right. So if there's nothing else, Kenny, bring  
20 them in.

21 And do we want to get the witness.

22 MS. BLUTH: Yes.

23 (Pause in the proceedings)

24 (Jury entering 9:49 a.m.)

25 THE COURT: All right. Court is now back in session.

1 The record should reflect the presence of the State through the  
2 deputy district attorneys, the presence of the defendant and  
3 her counsel, the officers of the court, and the ladies and  
4 gentlemen of the jury. And we interrupted Ms. Bluth's direct  
5 examination yesterday.

6 So, Ms. Bluth, you may resume your questioning.  
7 And you are still under oath. Do you understand  
8 that?

9 THE WITNESS: Yes.

10 THE COURT: All right. Thank you.

11 Ms. Bluth, you may proceed.

12 MS. BLUTH: Thank you.

13 CONTINUED DIRECT EXAMINATION

14 BY MS. BLUTH:

15 Q All right, Ava. I want to ask you a couple questions  
16 about the dynamics in the house, okay.

17 A Okay.

18 Q So, Janet, what did you believe she did for a living,  
19 like, what was her job?

20 A I believe that she was a nurse.

21 Q And why did you think that?

22 A Because she told me she was a nurse.

23 Q Okay. And what did Mr. Dwight do?

24 A A refrigeration company.

25 Q Now, would he be home during the week?

1 A Not much.

2 Q Where would he be?

3 A He'd be at work, like out-of-state.

4 Q So he traveled for his job?

5 A Yes.

6 Q Okay. And then between the two of them, who was --  
7 like, was there one of them that was more like the boss of the  
8 home?

9 A Yes.

10 Q And who was that?

11 A Janet.

12 Q Now, you said that there was also another person that  
13 lived in the house which would be you said Danielle; right?

14 A Yes.

15 Q And then how much was Danielle at the house?

16 A She was there pretty much every day.

17 Q Okay. And did there come a point in time when she,  
18 like, went to college or moved out?

19 A Yes. So she wasn't there every day.

20 Q Well, no, I'm just asking.

21 A No. So she was there but until she moved out of the  
22 house.

23 Q Okay. All right. When you originally got to the  
24 Solander house, so like when you were a foster child, did you  
25 have any conversations or did Janet have any conversations with

1 you about your weight?

2 A Yes.

3 Q And what did she say?

4 A I was overweight basically.

5 Q Okay.

6 A I mean, I was. So it didn't matter.

7 Q You were overweight. Is that what you said?

8 A Yeah.

9 Q Okay. And so did she do anything to help you to lose  
10 weight?

11 A Yes.

12 Q What would she do?

13 A She started feeding me more healthier foods, and I  
14 would get more exercise.

15 Q How would you exercise?

16 A On their Wii system.

17 Q And was that something you did every day?

18 A No. I did it I would say every other day.

19 Q Okay. And I don't really -- I don't know about the  
20 Wii exercise system. So is it a video? Help me understand.

21 A I don't know. You just play -- I don't even remember  
22 how it works, but I know that's what I used.

23 Q Okay. And then when you -- during that time period  
24 when you were trying to lose weight or Janet was helping you  
25 try to lose weight, during that period of time, were you timed

1 when you ate?

2 A Yes.

3 Q Okay. Explain that process to me.

4 A So there's a little timer. At this time it was,  
5 like, I don't know, it was like a square, but it's just like a  
6 speed timer. I can't remember what it's called, but it would  
7 be put on, and I have a certain amount of time to eat my food,  
8 and if I ate too fast, then she'd, like, yell at me, but then  
9 if I ate too slow, she'd yell at me too. There was never a  
10 time where, like, it was perfect I guess.

11 Q Okay. So when you were -- if you were timed -- if  
12 you were eating too slowly and, like, the timer went off, did  
13 you still get to continue eating, or was the food taken away?

14 A The food was taken away.

15 Q Okay. And then if you were eating too quickly, how  
16 would she slow down your eating if she did?

17 A She just tell me to stop eating so fast, and then,  
18 like, gave me a slap on the wrist or a pop in the mouth.

19 Q When you say pop in the mouth, what does that mean?

20 A Like, it's like a slap, but it's not as hard. So  
21 it's like when you tell a baby to stop doing something, and  
22 they just like slap you in your mouth or something.

23 Q Okay. Now, with the timing of you eating and the  
24 exercise, did you start losing weight?

25 A Yes.

1           Q     I had asked you some questions briefly yesterday  
2 about going to the bathroom. In the Wakashan home, when you  
3 went to the rest room, could you go -- could you use any  
4 bathroom in the house?

5           A     No.

6           Q     Okay. What bathroom could you use?

7           A     Whichever one she told us to use. We didn't really  
8 get to use the bathroom --

9           Q     Speak a little bit louder, Ava.

10          A     It's whichever bathroom she wanted us to use. So if  
11 she was upstairs, then most likely the upstairs loft bathroom.  
12 If it was downstairs, then the downstairs bathroom.

13          Q     Okay. So it's whatever Janet wanted?

14          A     Yes.

15          Q     We had talked a little bit yesterday about when you  
16 would go to the bathroom, you know, and when you would use the  
17 rest room. In between those times, you would be timed by  
18 Ms. Janet, okay. So I want to ask you a few questions about  
19 that. If you had an accident, were you forced to hold it for  
20 longer periods of time?

21               MS. MCAMIS: Objection. Vague.

22               THE COURT: Overruled.

23               THE WITNESS: So can you rephrase it.

24               MS. BLUTH: Yeah.

25               THE COURT: I guess it was vague.

1 MS. BLUTH: You're not helping. I'm just teasing  
2 you.

3 BY MS. BLUTH:

4 Q Okay. So let's say, you know, the timer was set, and  
5 you had an accident on yourself before the timer went off,  
6 okay. At any point in time, did you have to hold your urine or  
7 Number 2 for a period of time or a longer period of time?

8 A So you're asking me if I had an accident before the  
9 timer went off --

10 THE COURT: What would happen?

11 THE WITNESS: What would happen? Oh. I'd get  
12 slapped or kicked. I'd get -- or with the little stick, the  
13 long stick. I get hit by that.

14 BY MS. BLUTH:

15 Q Okay. And was there any -- as part of that  
16 punishment, were you then forced to hold your pee or your  
17 Number 2 for a longer period of time after that?

18 MS. BLUTH: Objection. Leading. Foundation.

19 THE COURT: Overruled. She can answer.

20 THE WITNESS: No.

21 BY MS. BLUTH:

22 Q So but you couldn't go to the bathroom whenever you  
23 wanted though; right?

24 A No. Yes, that's true.

25 Q Okay. Were there times that Janet wasn't at the

1 house, and it would just be you guys and Mr. Dwight?

2 A Yes.

3 Q What rules applied, if any, if it was just  
4 Mr. Dwight?

5 A It was pretty much the same rules.

6 Q Okay.

7 A What Janet wanted.

8 Q Whatever Janet wanted. And what do you mean by that?

9 A So if I had to use the bathroom, then I could ask  
10 Mr. Dwight, and he would call Janet or text her, and then if  
11 she didn't want us to go to the bathroom, then we couldn't go  
12 to the bathroom. We had to wait until she came back home or  
13 another scenario. It's just basically what Janet wanted to  
14 do --

15 Q Okay.

16 A -- he had to do.

17 Q But Mr. Dwight, he adopted you. He was your dad;  
18 right?

19 A Yeah.

20 Q Did you ever know why he had to call and ask  
21 Ms. Janet permission?

22 A No.

23 MS. MCAMIS: Objection -- all right.

24 BY MS. BLUTH:

25 Q Yesterday I had asked you some questions about your



1 underwear, and just if I get anything wrong, just correct me,  
2 but I believe you had discussed the fact that sometimes you  
3 wouldn't have enough toilet paper, and your underwear would  
4 have stains; is that right?

5 A Yes.

6 Q And you said that you would get punishments for those  
7 stains?

8 A Basically.

9 Q Okay. What do you mean by basically?

10 A Because it looked like I had peed myself or I had,  
11 you know, pooped my pants, but I didn't.

12 Q Okay. So you hadn't pooped yourself, but it was  
13 just, like, stains from earlier?

14 A Yes.

15 Q And did Ms. Janet or Mr. Dwight ever take pictures of  
16 the stains in your underwear or just your underwear in general?

17 A Yes.

18 Q Did either of them ever tell you why they were taking  
19 photos of that?

20 A No.

21 Q We talked a little bit yesterday about when you would  
22 get hit with the sticks, and you said that both Ms. Janet and  
23 Mr. Dwight would do that. When Ms. Janet was away from the  
24 home and you had an accident and you needed to be punished,  
25 would Mr. Dwight still hit you with the sticks?

1           A     Yes.

2           Q     Did he do that -- if you know, did he do that on his  
3 own accord, or did he make phone calls to Janet?

4           A     Phone calls.

5           Q     And after those phone calls with Janet, would he then  
6 hit you with the sticks?

7           A     Yes.

8           Q     Would there ever be times when both Janet and Dwight  
9 were at home, and would Janet ever direct Dwight to hit you  
10 with the sticks?

11          A     No.

12          Q     Was there ever times when Dwight hit you and wanted  
13 to stop and Janet directed him to keep going?

14          A     Yes.

15          Q     How would that go? Explain that to me.

16          A     So it was only one time.

17          Q     Okay.

18          A     I guess when he -- when Mr. Dwight hit me with a  
19 stick, I wasn't crying, and I was supposed to be crying. In  
20 Ms. Janet's eyes, I was supposed to be crying. So she took it  
21 as if I was being smart, a smart aleck. So he had stopped, and  
22 Ms. Janet said, Keep hitting her with the stick, until I start  
23 crying. So then I just ended up crying the second time he hit  
24 me.

25          Q     After moving into the Wakashan home, we had discussed

1 a little bit yesterday in regards to you stopped getting  
2 regular food; is that right?

3 A Yes.

4 Q Okay. I want to ask you some questions about the  
5 food that you were given. Can you describe it to me.

6 A For any meal or just one specific.

7 Q You tell me. Just start from the top. Start from  
8 breakfast.

9 A Right. For breakfast, we would usually have baby  
10 formula and milk. We would put milk in there, sometimes bread.

11 Q In where?

12 A In the -- she would blend it up, and we'd have it in  
13 a cup.

14 Q Okay. All three of you?

15 A Yes. And then sometimes we'd have a big bowl of  
16 oatmeal mixed with some type of fish.

17 Q Fish? Are we still on breakfast?

18 A Yes.

19 Q Okay.

20 A We'd have quinoa in it, collard greens and then a  
21 bunch of other type of meat that I didn't know.

22 Q And are we still on breakfast?

23 A Yeah. For lunch we have -- I don't remember having  
24 lunch. For lunch and dinner we have collard greens, beans.  
25 She'd put horseradish in there and then fish and then like

1 several other types of meat that I don't know what they are. I  
2 still don't know what they are.

3 Q And so everything that you've just talked about, is  
4 that always blended?

5 A Yes.

6 Q And is it put in a cup or a bowl, or how would you  
7 eat it?

8 A Sometimes it would be put in a bowl. Other times it  
9 would be put in a cup.

10 Q Okay. And was this every day?

11 A Yes, if we had a meal.

12 Q Right. Okay. So I'm going to ask you some questions  
13 about that in a moment, but when you would be given meals,  
14 those were the meals that you would get?

15 A Yes.

16 Q Okay. When you ate, where would you eat your blended  
17 food?

18 A In the kitchen where the sink area was, but not by  
19 the sink.

20 Q Okay. In fact, let me -- if you don't mind, I'm just  
21 going to get a picture, and maybe you can show me. Okay.

22 Just one second, Ava.

23 I'm going to go back to the pictures in one second,  
24 okay, Ava.

25 A Okay.

1           Q     So you would sit in the -- I'm sorry. Would you be  
2 sitting or standing?

3           A     Standing.

4           Q     Okay. And it would be over in the kitchen area over  
5 by the sink; is that right?

6           A     Yes.

7           Q     All right. And would all three of you eat at the  
8 same time?

9           A     Yes.

10          Q     Yeah. Okay. Now, we've got it. I'm going to show  
11 you -- if I showed you a picture of --

12                   MS. BLUTH: Is 113 in, Jill?

13                   THE CLERK: No.

14 BY MS. BLUTH:

15          Q     Okay. If I showed you a picture of the kitchen at  
16 Wakashan, would you recognize it?

17          A     Yes.

18          Q     Okay. I'm approaching you with what's been marked  
19 for purposes of identification as State's Proposed 113. What's  
20 that look like?

21          A     The kitchen.

22          Q     Okay. Is that a fair and accurate depiction of what  
23 the kitchen looked like?

24          A     Yes.

25                   MS. BLUTH: Okay. Your Honor, at this time, I'd move

1 to admit into evidence State's 113.

2 THE COURT: Any objection?

3 MS. MCAMIS: Submitted.

4 THE COURT: All right. 113 is admitted.

5 (State's Exhibit Number 113 admitted.)

6 MS. BLUTH: And may I have permission to publish,  
7 please?

8 THE COURT: You do. You may. And then just look at  
9 your monitor there.

10 BY MS. BLUTH:

11 Q Okay. There's the kitchen. All right. So can you  
12 see in this photo where you would stand?

13 A Yes.

14 Q All right. So that monitor in front of you you can  
15 actually X or circle or however you want to mark it. Could you  
16 show me where you would stand.

17 THE COURT: Yeah. If you run your finger on the  
18 monitor, it'll make a mark. So just run your finger like to  
19 make an X or a circle or whatever in the area where you would  
20 be.

21 THE WITNESS: All right. So I'd be like (inaudible).  
22 All right. It was actually supposed to be like behind that  
23 little counter or right here or here.

24 BY MS. BLUTH:

25 Q Okay. So in one of those three spots?

1           A     Yes.

2           Q     Okay. And so every meal, did you eat it standing in  
3 one of those spots?

4           A     Yes.

5           Q     And what about your sisters?

6           A     They'd be in one of those spots.

7           Q     While you were eating the blended food, were you  
8 timed?

9           A     No.

10          Q     Whose rule was it that you stood while you drank the  
11 blended food?

12          A     Don't know.

13          Q     Would you stand and eat while Janet was there?

14          A     Can you say it again, please.

15          Q     Yeah. Let me ask it a different way. If Ms. Janet  
16 was there and she blended your food, could you go sit down at a  
17 table and drink your blended food?

18          A     No.

19          Q     If Mr. Dwight was there, could you sit down at a  
20 table and drink your blended food?

21          A     No.

22          Q     If Ms. Danielle was there, could you sit down at a  
23 table and drink your blended food?

24          A     No.

25          Q     Did Janet ever tell you that certain things were in

1 that blended food?

2 A Yes.

3 Q What would she tell you was in it?

4 A I know she told me there was some mouse, like mouse  
5 in there.

6 Q Mouse, like ground up mouse or something?

7 A Yeah, like just mice, like just a regular mouse, like  
8 a rat.

9 Q Okay.

10 A The fish, she said that the fish that was in there  
11 was alive.

12 Q A live fish?

13 A Yeah, like basically it wasn't dead, like it was  
14 alive.

15 Q Okay.

16 A That's all I remember.

17 Q When you were little, like, did you believe that?

18 A Yeah, I did.

19 Q Okay. As you sit here today, do you believe it?

20 A I don't even know.

21 Q Okay. When you were drinking the blended food and  
22 Ms. Janet was there, if you didn't drink it fast enough, would  
23 anything happen to you?

24 A No, not necessarily.

25 Q Okay. What do you mean by not necessarily?



1           A     Sometimes it would be drinking too slow just to waste  
2 time, and she would be -- she would just yell at us and tell us  
3 to hurry up. That was about it.

4           Q     Okay. Now, what about water? Were you given any  
5 water?

6           A     Sometimes.

7           Q     And when you say sometimes, explain to me what you  
8 mean.

9           A     With medicine, and then at one point in time we had  
10 water after every bathroom break.

11          Q     Okay.

12          A     With the nannies.

13          Q     All right. So I'm going to ask you some questions  
14 about the nannies in a little bit. But I want to talk to you  
15 specifically if Janet was there, would you get water?

16          A     I don't remember.

17          Q     You said that you would get water with medicine?

18          A     Yes.

19          Q     What do you mean by that?

20          A     I had medicine that I would take. I don't remember  
21 what it was though.

22          Q     Okay. Would you take it in the morning?

23          A     Yes.

24          Q     All right. And would Ms. Janet give you water then  
25 with the medicine?

1           A     Yes.

2           Q     And you have a little cup of water in front of you.

3     Would it be like a cup like that were bigger or smaller?

4           A     Smaller.

5           Q     Can you show me on the cup how much water you would

6     get.

7           A     How much water I would get?

8           Q     Like on the outside of the cup.

9           A     About how much, I have to, like, right here.

10          Q     Could you lift the cup up for me.

11          A     Right here.

12          Q     Okay. So like a half-inch of water maybe?

13          A     Yeah, just enough to make sure it gets down.

14          Q     Okay. But, like, when you got your blended food in

15     the morning, did you get, like, a cup of water with it, like

16     not in the blended food, but I'm saying like here's your

17     blended cup, and then did you get a cup of water with that?

18          A     No.

19          Q     And then at one point, were you getting three blended

20     meals a day?

21          A     Yes.

22          Q     All right. So let's say at lunch time would you get

23     any water beside your cup of blended food then?

24          A     No.

25          Q     And then at dinner would you get any water?

1           A     No.

2           Q     So besides water with your medicine, did you get any  
3 water from morning until night?

4           A     No.

5           Q     And was that while Janet was taking care of you?

6           A     Yes.

7           Q     What about Mr. Dwight?

8           A     Same thing.

9           Q     Were there any ways that you used to sneak water or  
10 to get water?

11          A     Yes.

12          Q     What would you do?

13          A     I would take showers. I think it was once that I had  
14 sneaked it but she had saw me. So I had been in trouble, but  
15 mainly when I would brush my teeth.

16          Q     When you would brush your teeth, what would you do?

17          A     I'd rinse my mouth out, and then I would put more in  
18 there at the end, but I still had toothpaste in my mouth, and  
19 then I'd just swallow a little bit at a time.

20          Q     Okay. When you say she caught you in the shower and  
21 you got in trouble, who is she?

22          A     Janet.

23          Q     And what did she catch you doing?

24          A     Trying to open my mouth so I could get water in  
25 there.

1 Q And when you say you got in trouble, what did she do?  
2 A She just slapped me in my face.  
3 Q With her hand?  
4 A Yes.  
5 Q Did Janet ever wear any jewelry on her hands?  
6 A Yes.  
7 Q What did she have?  
8 A Rings.  
9 Q And what would happen when she would slap you in your  
10 face with the rings on?  
11 A It gave me bruises or a cut.  
12 Q Where would the bruises and cuts be?  
13 A Mainly on my lip.  
14 Q I had asked you if there was a time when you got  
15 three blended meals a day, and you said, yes.  
16 A Yes.  
17 Q At some point, did it change from three meals?  
18 A Yes.  
19 Q And what did it change to?  
20 A Two.  
21 Q And when did you get those meals?  
22 A Usually breakfast and then dinner.  
23 Q Okay. Between breakfast and dinner were you hungry?  
24 A Yes.  
25 Q Were you thirsty?

1           A     Yes.

2           Q     In the kitchen, I assume there's like cupboards with  
3 food or, like, a pantry with food in it?

4           A     Yes.

5           Q     Did you feel like you could go into that pantry and  
6 grab something if you needed a snack?

7           A     No.

8           Q     Why did you not feel like you could do that?

9           A     I just knew that I wasn't allowed to do that.

10          Q     But why did you think you weren't allowed to do that?  
11 Did someone tell you that?

12          A     Huh-uh. No, nobody told me that, but I'm always  
13 smart enough to figure out on my own what I could and couldn't  
14 do.

15          Q     Okay. Who did you think would be upset with you or  
16 mad at you if you went and got food?

17          A     Janet.

18          Q     Did you ever get caught trying to sneak food out of  
19 the pantry?

20          A     No. But --

21          Q     Okay. Did you sneak food out of the pantry?

22          A     Yes. But there was this one time she said --  
23 Ms. Janet said that my little sister Anastasia and me had went  
24 into the pantry, and I guess we stuck our finger in some  
25 frosting, but I don't remember that.

1 Q Okay.

2 A I don't physically remember going in and eating  
3 frosting.

4 Q Okay. That you and Anastasia had?

5 A Yes.

6 Q Did you get in trouble for doing that?

7 MS. MCAMIS: Well, objection. She doesn't remember  
8 doing this.

9 MS. BLUTH: I'm asking --

10 THE WITNESS: But I still got in trouble for it.

11 THE COURT: I'm sorry?

12 THE WITNESS: I still got in trouble for doing it  
13 even though I didn't do it because she said that she looked on  
14 the cameras, and those cameras supposedly had me -- recorded me  
15 going in there and taking it.

16 BY MS. BLUTH:

17 Q Okay. So did you get in trouble for eating the  
18 frosting that you didn't remember you ate?

19 A Yes.

20 Q And what was your trouble -- what was your  
21 punishment?

22 A The stick.

23 Q The --

24 A The board, the ruler, the yardstick.

25 Q Okay. And when that was used on you that time, was

1 that Janet, Dwight or Danielle?

2 A Janet.

3 Q The blended food, when you would eat that, did it  
4 make your stomach feel better? Did it hurt? What did it do to  
5 you?

6 A It actually made me have to use the bathroom more.

7 Q When you say "use the bathroom more," I want you to  
8 explain to me what you mean by that.

9 A There were times I would have to pee more than usual,  
10 or, like, just flush out. Like, I'd have a bunch of bowel  
11 movements.

12 Q Okay. Like diarrhea?

13 A Not like diarrhea, but they were really, like, soft.

14 Q Okay. Did it ever make you really constipated as  
15 well?

16 A No.

17 Q Were there times at Janet's house where it was hard  
18 to go Number 2 for you?

19 A Yes.

20 Q Was that before the blended food or during the  
21 blended food?

22 A Before the blended food.

23 Q Did the blended food ever give you any stomach  
24 problems, like made your stomach hurt?

25 A One time it did for me.

1 Q Okay. A couple of minutes ago I had asked you some  
2 questions about the blended food, and you said, Well, if we got  
3 the blended food, if we got food that day. What did you mean  
4 by that?

5 A Well, we originally started with 3 meals of blended  
6 food. Then it went down to two. Then it went down to one.  
7 Then it went down to none.

8 Q And so let's say on Saturday you didn't eat any food.  
9 Was that a punishment? Like had you done something to deserve  
10 not getting any food?

11 A Yes.

12 Q Okay. And, like, give me an example of something you  
13 did.

14 A I peed my pants.

15 Q Okay. So that would be, like, let's say you peed  
16 your pants on Friday, and then Saturday you didn't get any  
17 food. On Sunday would you get food?

18 A Depending on if she wanted to give it to me or not.

19 Q And when you say "she," that would be Janet?

20 A Yes.

21 Q While you were at the Solander house, were there  
22 different sets of foster kids that were in and out of the house  
23 at certain periods?

24 A Yes.

25 Q Can you tell me the names of foster kids that you



1 remember.

2 A Autumn, Ivy, Areahia, Demyer, Kaeshia, and then they  
3 had respite for a girl named June [phonetic].

4 Q They had what?

5 A I don't know what it's called, but it starts with an  
6 R. June didn't really stay there, but she did for, like,  
7 maybe -- I think it was called respite. I don't remember.

8 Q Oh, respite.

9 A Yeah.

10 Q Is that where, like, if somebody's foster family  
11 wants to go on vacation?

12 A Yeah.

13 Q Then someone else can watch them; is that right?

14 A Yeah, I believe that's what it is.

15 Q Okay. So when Autumn and Ivy were there, when they  
16 ate, where did they eat?

17 A At a pink small princess table.

18 Q Did you ever ask Janet, like, why do Autumn and Ivy  
19 get to sit at that table and I have to stand?

20 A No.

21 Q Why not?

22 MS. MCAMIS: Well, relevance.

23 THE COURT: Overruled.

24 THE WITNESS: Because I knew that I would get in  
25 trouble.

1 BY MS. BLUTH:

2 Q What types of food, if you know, did Autumn and Ivy  
3 get when they were there?

4 A They got Banquets.

5 Q Banquets?

6 A Like from the store. They're just, like, small  
7 dinner.

8 Q Oh, like TV dinners?

9 A Yeah, TV dinners.

10 Q Okay.

11 A McDonald's, just regular stuff that we didn't have.

12 Q When they would eat that, would they eat it in front  
13 of you? Like would you see them eating that?

14 A No. Actually [unintelligible].

15 Q What did you say?

16 MS. MCAMIS: Your Honor, can we approach?

17 THE WITNESS: Oh, my God.

18 (Conference at the bench not recorded)

19 THE COURT: The objection, I believe, is relevancy  
20 and cumulative; is that right?

21 MR. FIGLER: Correct, Your Honor.

22 THE COURT: All right. That's overruled, but you're  
23 continuing objection to this, I guess, line of questioning is  
24 noted on the record.

25 MR. FIGLER: Thank you, Your Honor.

1 THE COURT: All right. Boy, I forget the question  
2 was.

3 MR. FIGLER: We were talking about the Stark kids.

4 THE COURT: Right. And I think she actually answered  
5 and said she didn't know. So move on to your next question.

6 MS. BLUTH: Wait. I'm sorry. She didn't know what?

7 THE COURT: Oh. I don't know if there was a question  
8 pending.

9 BY MS. BLUTH:

10 Q Oh. Did you say you didn't know something?

11 A No.

12 Q Okay. If I showed you a picture of Autumn and Ivy,  
13 would you recognize them?

14 A Yes.

15 Q Showing you State's 130, do you recognize those  
16 little girls?

17 A Yes.

18 Q And who's the one on the left?

19 A Autumn.

20 Q And the one in the back on the right?

21 A Ivy.

22 Q Okay. Now I want to show you State's 218. Do you  
23 see the table that Autumn and Ivy would set at when they would  
24 eat?

25 A Yes.

1 Q And just you don't have to circle it. Just describe  
2 to us what it is.

3 A It's pink.

4 Q This little one?

5 A It's that one.

6 Q Okay. Now, when you would do your homework -- I want  
7 to ask you some questions about your homework. You were  
8 homeschooled; correct?

9 A Yes.

10 Q Before you were homeschooled, did you go to regular  
11 school?

12 A Yes.

13 Q What school did you go to?

14 A Heckethorn Elementary School.

15 Q What was it called?

16 A Heckethorn Elementary School.

17 Q Heckethorn. Okay. And what grade were you in before  
18 you were homeschooled?

19 A Second.

20 Q Second grade. And whose decision was it to  
21 homeschool you?

22 A Janet's.

23 Q Did she tell you why?

24 A We were stealing food.

25 Q That you were stealing food?

1           A     Yeah, I was.

2           Q     Okay. And were you, in fact, stealing food?

3           A     Not necessarily stealing it, but I wasn't supposed to

4 have it.

5           Q     Okay. Were you asking for food?

6           A     Yes.

7           Q     And who were you asking?

8           A     The people in the cafeteria.

9           Q     And why were you asking them for food?

10          A     Because I was hungry.

11          Q     During that time period, were your little sisters at

12 that same school?

13          A     Yes.

14          Q     And when you would go and ask for food, would they be

15 with you?

16          A     Yes.

17          Q     Did the lunch lady give all three of you food?

18          A     Yes.

19          Q     Did Janet find out about that?

20          A     Yes.

21          Q     How?

22          A     Because I had took a cinnamon roll, and I had saved

23 it for later on. As we were walking to lunch, I had shoved it

24 in my mouth because I had found out that they were there.

25          Q     Who was there?

1           A     Ms. Janet and Mr. Dwight.

2           Q     Do you know why they were there?

3           A     They would come and sit with us at lunch for some  
4 reason and watch us eat our food. Like they would bring us  
5 food from the house.

6           Q     Were there any other parents in the lunch room?

7           A     No.

8           MS. MCAMIS: Objection. Relevance.

9           THE COURT: Overruled.

10          THE WITNESS: No.

11 BY MS. BLUTH:

12          Q     Would you sit with kids, or would you sit with Janet  
13 and Dwight?

14          A     Sometimes with the kids, sometimes with Janet and  
15 Dwight.

16          Q     Okay. And you said that they wanted to watch you eat  
17 your food?

18          A     Yeah.

19          Q     Okay. Did they tell you why?

20          A     No.

21          Q     Okay. And so they were there on that day that you  
22 were eating the cinnamon roll?

23          A     Yeah. I had ended up choking on it because I was,  
24 like, trying to get it down as quick as possible, but I choked  
25 on it.

1 Q Okay. And what happened when you choked on it?

2 A I had to go to the nurse, and they had told the  
3 nurse -- people, the people and the nurse told Janet and Dwight  
4 what had happened. So that's how they found out that I was  
5 taking food that I wasn't supposed to be having.

6 Q Okay. And so shortly after that, did you get  
7 homeschooled?

8 A Yes.

9 Q Did your sisters get homeschooled as well?

10 A Yes.

11 Q Explain to me when we use the term homeschool, like  
12 how would you be homeschooled? Tell me about your typical day.

13 A I do paper -- not paperwork. I do school work like  
14 from this book that they got at the -- I don't remember the  
15 name of it, but they got it from a store, a learning center or  
16 something like that, and they would rip out the pages. Well,  
17 first, at first, I was able to go through the books and read it  
18 on my own, but then I started cheating, and --

19 Q How were you cheating?

20 A Because I couldn't find one answer. So I went to the  
21 back, and then I put it. Like, I copied it word for word, and  
22 I only changed one word, and so it was obvious that I was  
23 cheating.

24 Q Okay. And who caught you?

25 A Janet.

1 Q Did you get any discipline for that?

2 A I got in trouble.

3 Q What was --

4 A What was that?

5 Q What was your trouble?

6 A I just got slapped. That was it.

7 Q Where did you get slapped?

8 A Just in my mouth.

9 Q Okay.

10 A And then after that, she just ripped the -- Ms. Janet

11 ripped the pages out so we wouldn't be able to cheat, and then

12 we just had to keep doing pages on pages on pages.

13 Q Okay. So at what time in the day would that start?

14 A When we woke up?

15 Q All right. And then what time would it stop?

16 A Past midnight.

17 Q And when you were doing your schoolwork, like did you

18 ever get, like, a recess like you would get at school?

19 A Recess like you mean outside?

20 Q Yeah.

21 A No.

22 Q Did you ever get, like, a little snack like you might

23 get it school?

24 A No. Are we still on Wakashan?

25 Q Yeah.



1           A     Okay.  No.

2           Q     At Jubilee did you get to go outside and stuff?

3           A     Yeah, at one point.

4           Q     Okay.

5           A     But that was when we were foster kids.

6           Q     Okay.  When you guys were doing your homework, could

7 you ask for help from Ms. Janet or Mr. Dwight?

8           A     We did.  Well, I'm going to say I did one time.

9           Q     Okay.

10          A     That's because I kept getting it wrong, but it was

11 right.

12          Q     Okay.  And, I mean, let's say you were doing some

13 homework and you felt like you couldn't get it or that you

14 didn't understand it.  Like, could you raise your hand and say,

15 Ms. Janet, I need help?

16          A     Yeah.  I felt like I could.

17          Q     But you didn't need any help?

18          A     No.

19          Q     All right.  While you were sitting and doing your

20 homework, could you turn and talk to Ava -- or sorry.  Could

21 you turn and talk to, like, Amaya and Anastasia and, like, just

22 talk freely?

23          A     No.

24          Q     Were you allowed to talk at all?

25          A     No.

1 Q Whose rule is that?

2 A I believe that was Janet's rule.

3 Q When you were doing homework, whether it be either

4 during the day or late at night, would it be difficult for you

5 to stay awake?

6 A Yes.

7 Q And would Janet do anything to keep you awake?

8 A She would either put the fans on or get a spray

9 bottle and spray me in the face.

10 Q I'm going to show you a picture of the kitchen again

11 which is State's 129. Do you see here in this photo where you

12 would do your homework?

13 A Yes.

14 Q Okay. Can you tell us where or point where.

15 A At that, at the island counter.

16 Q This thing right here?

17 A Yeah.

18 Q All right. And then would you sit in the same spot,

19 or would you sit in a different spot every day?

20 A The same spot.

21 Q All right. Tell me how you guys would be seated.

22 A I got always right here. Right here.

23 Q So you were on the left?

24 A Yeah.

25 Q Okay. And where was Anastasia?

1           A     In the middle.

2           Q     Okay. And where was Amaya?

3           A     Right -- right.

4           Q     On the right?

5           A     Yeah, right there.

6           Q     Okay. Now, so when you would sit in that area and do  
7 your homework, what would you sit on?

8           A     We were standing at first, but then later on we ended  
9 up sitting on those orange buckets.

10          Q     So when you say you were standing at first, like just  
11 standing and doing your work?

12          A     Yeah, at one point we just had to stand.

13          Q     Okay. So at first did you have regular chairs?

14          A     No.

15          Q     Okay. So it just went from standing to sitting on  
16 buckets?

17          A     Yes.

18          Q     All right. And I want you to explain the buckets to  
19 me.

20          A     Like, what they were like or --

21          Q     Yeah, what they looked like.

22          A     It was an orange Home --

23          Q     I'm sorry. Would you put your hands down.

24          A     It was an orange Home Depot bucket with a white  
25 toilet seat -- toilet seat attached to it.

1 Q Do you know where those buckets came from?

2 A Yeah.

3 Q Where?

4 A Mr. Dwight bought them from Home Depot.

5 Q How did the toilet seats get on them?

6 A He bought those too.

7 Q Were you there when he put them together?

8 A Yes.

9 Q When you would sit on the buckets, tell me what

10 clothing you had on or didn't have on.

11 A [Makes noise in microphone] Oh, that was me?

12 Q Yeah.

13 A I can't remember what I had on actually.

14 Q Okay.

15 A I know I had a shirt on.

16 Q Okay. And you remember having a shirt on?

17 A Yeah, that's -- yeah.

18 Q Would you be sitting on these buckets when the foster

19 kids were around?

20 A Yes.

21 Q Could you speak to the foster children when you were

22 doing your homework?

23 A No.

24 Q Or actually at any time?

25 A No.

1 Q And why couldn't you speak to them?

2 A I don't know. That was just a rule. Like, I  
3 couldn't speak to anyone.

4 Q Whose rule?

5 A Janet's.

6 Q Now, how long would you have to sit on these buckets  
7 for?

8 A All day.

9 Q Like when you were doing your homework, like you  
10 discussed before?

11 A Yes.

12 Q Would you ever go to the bathroom on the buckets --  
13 in the buckets, I guess?

14 A Yeah, I was going to say in the buckets. Yes.

15 Q And were you supposed to do that?

16 A No.

17 Q Okay. So how was it that that would happen?

18 A Because I couldn't hold it. So I thought I was  
19 slick, and I just went in there, but they checked.

20 Q Who checked?

21 A Janet.

22 Q And what would happen if she saw either pee or poop  
23 in the bucket?

24 A I would get hit with the yardstick, and then I'd have  
25 to clean it out.

1 Q Where would you clean it out at?

2 A I know I had to go outside in the backyard in the  
3 rocks.

4 Q The other children that were in the home -- like,  
5 let's talk about Areahia and her kids -- did they ever have,  
6 like, therapists or, like, skills trainers? Did they ever come  
7 in the home?

8 A I know they had this one guy. I don't know who he  
9 was, but I know he came over to the house for one of the kids.

10 Q Okay. When people like that would -- when people  
11 like that would come in the home, would you be out and about,  
12 or where would you be?

13 A Janet would take me and my sisters upstairs into one  
14 of the bedrooms, and she'd lock --

15 Q I interrupted you. Go ahead.

16 A And then she would lock the door in there, and we'd  
17 have to stay in there until whoever came left.

18 Q Did she ever tell you why you had to go up there when  
19 they were there?

20 A No.

21 Q Did Janet ever talk to you about what you could or  
22 couldn't say to people outside the house, you know, like either  
23 if you saw people you knew at the store or something like that?

24 A No. We just had to act like -- she just told us --  
25 Janet told us to act like we were happy, I guess, and nothing

1 was wrong with us.

2 THE COURT: That's the wind that's causing the doors  
3 to just open like that because of the fabulous construction of  
4 the Regional Justice Center. Well, it is not a -- well, I hope  
5 not anyway, and I don't believe it's a Department 21 ghost.  
6 It's just the wind that causes that to happen. So I'm sorry,  
7 Ms. Bluth. But the doors keep opening.

8 MS. BLUTH: It happens all the time when it's windy.

9 BY MS. BLUTH:

10 Q Were there some things that you had to do in front of  
11 the foster kids that were embarrassing to you?

12 A Yes.

13 Q Can you explain that.

14 A Sure. Janet would put a diaper on me, and it would  
15 be cloth. It wasn't an actual diaper, but it was a diaper.  
16 You know, it was like cloth, not one you buy at the store  
17 though.

18 Q Okay.

19 A And I'd have to have a pacifier or my thumb in my  
20 mouth, and I would have to get on the floor, like, the carpet,  
21 the little walkway into the kitchen, but it was carpet. I'd  
22 have to crawl like a little baby, and I had to do it until she  
23 wanted me to stop.

24 Q Okay. Did you have to say anything when that was  
25 going on?

1 A Yes.

2 Q What did you have to say?

3 A Something like I'm a little baby. Just I can't  
4 remember it. I know there was something before that, but I  
5 can't remember exactly what it is. So I'm not going to say.

6 Q Okay. But who told you what you had to say?

7 A Janet and Dwight.

8 Q So Dwight was there too when that was happening?

9 A Yes.

10 Q Did that happen to you only, or what about your  
11 sisters?

12 A It happened to all of us.

13 Q What would the foster kids do?

14 A Janet would tell them to stand there and watch us and  
15 laugh and just tease us.

16 Q I want to ask you some questions about showering or  
17 bathing while you were there.

18 A Okay.

19 Q How would you shower or bathe? Tell me how you would  
20 get clean.

21 A We'd either have really cold showers with buckets  
22 with a pitcher of ice, a pitcher of ice dumped on us while we  
23 were in the shower, and the water was already cold, or the  
24 water would be boiling hot.

25 Q Okay. So when the water would be boiling hot, who



1 controlled the temperature of the water?

2 A Janet.

3 Q What if Janet wasn't there, and it was just Dwight?

4 A That was never the case.

5 Q Okay. And so tell me about -- you said it would

6 either be boiling hot, but tell me about when it was cold.

7 Tell me about that.

8 A She would go downstairs and get a pitcher of ice and

9 fill it to the top, and then she would come back upstairs and

10 dump it on us.

11 Q While you were showering?

12 A While we were taking a shower, yes.

13 Q Would you shower all together or one at a time?

14 A One at a time.

15 Q Was this just when you were in trouble, or was this  
16 every day?

17 A Pretty much every day when we did take a shower.

18 Q Did she tell you why that she was doing that?

19 A No.

20 Q When you were done taking a shower, how would you dry  
21 off?

22 A First we dried off with a towel, but then it went  
23 down to these big fans.

24 Q Okay. When was it you were getting the towel?

25 A If she was tired and she just didn't feel like

1 waiting for us to air dry with the fan on.

2 Q Okay. And then you said, but then it moved to fans.  
3 Like explain that process to me of drying off with a fan.

4 A Like, how we got to that process?

5 Q Yeah. Or just I don't know what you mean. Like, is  
6 it a small fan, a big fan? Tell me about it.

7 A It's a big fan. It'd be on full high, high, full  
8 speed. I don't know what to call it. We'd have to stand in  
9 front of it, and basically just stand there until we would dry  
10 off with our arms in the air.

11 Q When you say arms in the air, like this?

12 A Yes.

13 MS. BLUTH: Okay. And, Judge, just for the record, I  
14 put my arms in the air. I just want to make sure I had a clear  
15 record of it.

16 THE COURT: All right. Arms up above your head  
17 like --

18 THE WITNESS: Yeah.

19 BY MS. BLUTH:

20 Q And whose rule was that?

21 A Janet's.

22 Q So let's say you were the first one to shower. When  
23 you dried off, would you dry off in the bathroom?

24 A Yeah.

25 Q Like with the fan?

1           A     Yes.

2           Q     And then so could you see your sisters getting the  
3 same type of shower that you got?

4           MS. MCAMIS: Well, objection.

5           THE COURT: Well, when your sisters showered, could  
6 you see them showering? Would you still be in the bathroom, or  
7 did you go to another room or --

8           THE WITNESS: I was still in the bathroom with them.

9           THE COURT: Okay.

10          BY MS. BLUTH:

11          Q     And what would you see happening to your sisters?

12          A     The same thing that I got, ice getting poured on me  
13 if we did have a cold shower.

14          Q     Okay.

15          A     And they'd have to come out and do the same thing I  
16 do.

17          Q     When you're in the shower and you're getting the ice  
18 and the cold water on you, what's your demeanor? Like, how are  
19 you acting?

20          A     Sometimes I would just cry and move away from the  
21 ice. As soon as she would come pour it on me, like I'd move  
22 slowly towards the other side of the tub.

23          Q     What would she do when you did that?

24          A     She told me to quit moving, and then she would slap  
25 me in the face.

1           Q     After you got out of the shower and you had the fan  
2 to dry, did Janet or Dwight do anything to the shower after you  
3 had left it?

4           A     Yes.

5           Q     What would they do?

6           A     They would check. They got this flashlight.

7           Q     What did it look like?

8           A     It was black. The color, when you turn the  
9 flashlight on and you turn off all the lights, it would be  
10 purple.

11          Q     And did they tell you what they were doing with it?

12          A     They were checking for yellow stains in the tub to  
13 see if we had peed in the tub.

14          Q     And was there ever a time when they found anything in  
15 the tub?

16          A     Yeah.

17          Q     And what would happen then?

18          A     We would get in trouble.

19          Q     What did trouble mean?

20          A     We'd either get slapped, or we'd go downstairs and  
21 have to get the yardstick used on us.

22          Q     Were you ever cleaned -- when I say cleaned, like,  
23 you know, water on your body, anywhere besides the shower?

24          A     In the backyard one time.

25          Q     How was that?

1           A     We had a hose. We would get the -- Janet -- Janet  
2 and -- Janet and Dwight were outside in the backyard, and I  
3 don't remember if I had peed or pooped myself, but it was  
4 messy. So I had to go outside and get spray down with the  
5 hose, and then I went back inside.

6           Q     Did you ever see any of your sisters get sprayed down  
7 outside with the hose?

8           A     Yes.

9           Q     Who was that?

10          A     Anastasia.

11          Q     Was that one time or more than one time?

12          A     One time that I remember.

13          Q     Okay. I just want to ask you some questions about  
14 when you would go to bed at night. Where would you sleep?

15          A     Upstairs in the loft, mainly in the loft.

16          Q     All right. And what would you sleep on?

17          A     On a board, a gray board.

18          Q     Can you explain to me what the gray board looked  
19 like.

20          A     It was flat. It was kind of thick, and then it was  
21 gray.

22          Q     Was there a time either at Jubilee or Wakashan that  
23 you slept, like, in regular beds?

24          A     Yes.

25          Q     And then after the beds, did you go immediately to

1 the board, or was there something in between?

2 A Something in between.

3 Q And what was that?

4 A A towel on the carpet by the stairs.

5 Q When you went to sleep, what would you wear on your  
6 body as in regards to clothes?

7 A I know I had underwear on and a shirt.

8 Q Were there any times where you didn't have a shirt  
9 on?

10 A I don't remember.

11 Q Okay. Before bed were you, like, I'm not talking  
12 about a shower, but before bed were you cleaned in any way by  
13 Janet?

14 A What do you mean by that?

15 Q Like was any water put on you before bed?

16 A I mean, if I was falling asleep, I would get sprayed.

17 Q While you were doing your homework?

18 A Yeah, but that was about it.

19 Q Okay. And then while you slept on the towels, you  
20 talked about -- you talked about fans being downstairs in the  
21 bathroom. Were there any fans upstairs?

22 A No. The fans were upstairs.

23 Q Oh, sorry. You talked about fans being in the  
24 bathroom upstairs; right?

25 A Yes.

1 Q Okay. I apologize. Thank you for clarifying that.  
2 Were there any fans in the area that you slept?

3 A If you're talking about when we had the towels, yes.

4 Q Explain that to me.

5 A I know I was on the little landform like because  
6 there was steps, and then there was this big landform. So I  
7 was sleeping there on a towel, and there was a fan on me.

8 Q Okay. And who would turn the fan on?

9 A Janet.

10 Q And when you slept on the board, did you have any,  
11 like, blankets or sheets or pillows?

12 A No. It was just the board.

13 Q Were you cold?

14 A Yes.

15 Q Where did the foster children sleep?

16 A In one of the rooms upstairs.

17 Q Did you ever ask Ms. Janet, like, why do the foster  
18 kids get a room upstairs and I sleep in the loft?

19 A No.

20 Q A little bit ago you talked about Janet had told you  
21 she saw something on the cameras that you did. Do you remember  
22 talking about that?

23 A Yes.

24 Q Okay. So were there cameras in the house?

25 A Yes.

1           Q     Where were the cameras that you physically saw with  
2 your own eyes?

3           A     There was one in the -- I think it's the dining room,  
4 the dining room like right before you get into the kitchen. So  
5 there was another table, and there was a camera right there.

6           Q     That camera, was it faced towards the dining room, or  
7 was it faced into the kitchen?

8           A     Dining room because there was a wall to separate it.

9           Q     Okay.

10          A     And that's the only camera I remember to be honest.

11          Q     Okay. Did Janet tell you about where cameras were in  
12 the house?

13          A     I only remember one thing she told me about.

14          Q     What did she say?

15          A     It was in one of the -- there was a picture on the  
16 wall where we did our homework, and it was a tiger. Yeah, it  
17 was a tiger. I think it was a tiger, and it was in one of the  
18 eyes.

19          Q     Janet told you that one of the Tiger's eyes was a  
20 camera?

21          A     Yeah. There was a camera in there.

22          Q     Did you think that there were cameras watching you in  
23 the kitchen when you did your homework?

24          A     Yeah, I did.

25          Q     Did you think that there were any cameras upstairs by



1 the bathrooms?

2 A No.

3 Q Were you scared of like -- I know this is kind of  
4 ironic, but were you scared of, like, ghosts or demons in the  
5 house?

6 A Yes.

7 Q And why?

8 A Because that was another form of punishment.

9 Q In what way?

10 A Because I know I was scared of it, and I showed her  
11 that I was scared of it. So she would put me by a door because  
12 somehow they always came through a door, and she would tell me  
13 that they were coming for me and that they were just going to  
14 take me.

15 Q Who was going to take you?

16 A The demons.

17 Q And who would say that?

18 A Janet.

19 Q Did you believe her?

20 A Yeah, I did.

21 Q Were you allowed to move freely around the house? So  
22 what I mean by that is, like, could you get up from your bucket  
23 and go to the dining room or go upstairs?

24 A No.

25 Q And whose rule was that?

1 A Janet's.

2 Q Was there a time that you -- your eye got hurt pretty  
3 badly?

4 A Yes.

5 Q Can you explain to me how that happened.

6 A We were in the kitchen where we do our homework. I  
7 can't remember if I was sitting or -- no, I was actually  
8 sitting on a bucket, the orange bucket. Janet was right behind  
9 us watching us do our homework, and she was on the phone with  
10 her sister Kim, and I had asked her at some point if I could  
11 use the rest room. I said I have to go to the bathroom, and  
12 then she said, okay. She put the timer on. I don't know for  
13 how long it was.

14 I couldn't hold it. So I ended up peeing in the  
15 bucket, and she heard it. So she told her sister Kim that she  
16 had to go. She came up from behind me, and she had kicked me,  
17 and then after that, she kept kicking me towards the counter,  
18 and she had grabbed me by my -- I can't remember how she  
19 grabbed me, but I know she grabbed me.

20 Q Okay.

21 A And she slammed my head into the counter repeatedly.

22 Q Okay.

23 A And, yeah.

24 Q Where on your face did the counter hit?

25 A I believe it was on my side, like right here.

1 Q Okay. And you said she was slamming it repeatedly?  
2 A Yes.  
3 Q Where were your sisters when that was happening?  
4 A They were in the same room.  
5 Q When that is happening to you, after it's done,  
6 explain to me the injury to your eye.  
7 A It was green and purple, and it was pretty much about  
8 to close up.  
9 Q And I know this seems like a silly question, but did  
10 it hurt?  
11 A Yes.  
12 Q We talked about, you know, Janet was kicking you  
13 towards the counter. In that house, there was an upstairs and  
14 a downstairs; correct.  
15 A Yes.  
16 Q Did she kick you in any other areas of the house?  
17 A She kicked me down stairs.  
18 Q Down the stairs?  
19 A Yes.  
20 Q Was that one time, more than one time?  
21 A It was that exact same day.  
22 Q Explain to me how it happened.  
23 A She took me upstairs.  
24 Q After the eye thing had happened?  
25 A Yes.

1 Q Okay.

2 A After the eye thing had happened, I had to go  
3 upstairs. I went into the loft bathroom. I think that was the  
4 first time I looked at myself in the mirror, and I had looked  
5 at it, and I kept looking at it, and she told me to stop  
6 looking at it.

7 Q Okay.

8 A And then after that, she told me to get back  
9 downstairs.

10 Q Okay.

11 A And at the time, Danielle was upstairs. On my way  
12 there, I guess I was walking too slow, and she had kept kicking  
13 me, and then that last kick, she had kicked me down to the  
14 landform where I used to sleep, and Danielle told her to stop.

15 Q When she kicked you down the stairs, did that hurt?

16 A Yes.

17 Q Where did it hurt?

18 A In my butt and my lower back.

19 Q You have very long black hair as you sit here today;  
20 right?

21 A Yes.

22 Q And when you got to Janet's, did you have long black  
23 hair?

24 A Yes.

25 Q While living with Janet, did you remain having long

1 black hair?

2 A No.

3 Q What happened to it?

4 A She had cut it.

5 MS. MCAMIS: Objection. Relevance.

6 THE COURT: Overruled.

7 THE WITNESS: She had cut it as a form of punishment  
8 because that was the one thing I liked about myself.

9 BY MS. BLUTH:

10 Q Your hair was the one thing you liked about yourself?

11 A Yeah.

12 Q What did she say to you when she cut it?

13 A I honestly don't remember. I just know she cut it  
14 several times.

15 Q When we say "cut it," like, would she trim it? Would  
16 she shave it, chop it off? You tell me.

17 A It would get cut down to, like, about here.

18 Q And you're pointing just a little bit below your ear?

19 A Just a little bit below.

20 Q Okay. When your eye you said it was almost shut, and  
21 it was hurting you, how long did that last for?

22 A About a week.

23 Q I'm going to show you State's 200. Do you recognize  
24 that little girl?

25 A Yes.

1 Q Who's that?

2 A Anastasia.

3 Q Okay. Did her hair get cut too?

4 A Yes.

5 Q Who cut it?

6 A Janet.

7 Q Showing you State's 191. Who's that?

8 A Amaya.

9 Q Did her hair get cut too?

10 A Yes.

11 Q Who did that?

12 A Janet.

13 Q Showing you State's 202. Who's that?

14 A Anastasia.

15 Q Is that another time her hair got cut?

16 A Yes.

17 Q You see how Anastasia looks in this photo right here.

18 A Yes.

19 Q Minus her hair, I'm just talking about her body, is

20 this what she looked like when she lived with Debbie?

21 A No.

22 Q How is she different?

23 A She had more weight on her.

24 Q Was there a time that Anastasia got pretty seriously

25 hurt by water?

1           A     Yes.

2           Q     If I showed you a picture of that, would you  
3 recognize it?

4           A     Yes.

5           Q     I'm showing you State's 192. Do you remember this  
6 event?

7           A     Yes.

8           Q     Can you tell me what you remember about it.

9           A     Janet and Anastasia were in the bathroom downstairs,  
10 and Anastasia was supposed to be washing her hands in hot  
11 boiling water. I had went in there. I wasn't supposed to, but  
12 I still did, and I had pretended like I had a question about  
13 some dictionary, and I had saw Janet pushing Anastasia's head  
14 underneath the sink, and she told me to go back and sit down.

15          Q     Okay. Did you go back and sit down?

16          A     Yeah.

17          Q     Why did you pretend like you had a question and went  
18 into the bathroom?

19          A     Because I wanted to see what was going on.

20          Q     Were you hearing something that made you want to go  
21 see?

22          A     I know she was crying, and she was saying that the  
23 water was really hot.

24          Q     Anastasia?

25          A     Yes.

1 Q Did Anastasia eventually come out of the bathroom?

2 A Yes.

3 Q And did you see those injuries on her?

4 A We just glanced.

5 Q And did you see what you just saw in that picture?

6 A Yes. Can I take a break, please?

7 THE COURT: Sure. I need a break.

8 Ladies and gentlemen, we're going to take a recess.

9 Let's just go -- it's a little bit after -- a little bit before  
10 11:00. Let's go till about 11:10 for the brief break.

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

19 Please place your notepads in your chairs and follow  
20 the bailiff through the door.

21 (Jury recessed 10:57 a.m.)

22 THE COURT: And please don't discuss your testimony  
23 with anybody else during the break, okay.

24 (Proceedings recessed 10:57 a.m. to 11:13 a.m.)

25 (Outside the presence of the jury)



1 THE COURT: All right. Is everybody ready?

2 MS. BLUTH: Yes, ma'am.

3 (Jury entering 11:14 a.m.)

4 THE COURT: All right. Court is now back in session.

5 And, Ms. Bluth, you may resume your direct  
6 examination.

7 MS. BLUTH: Okay. Thank you.

8 (Pause in the proceedings)

9 BY MS. BLUTH:

10 Q I want to ask a few more questions about Anastasia.  
11 Do you remember another time where you witnessed something in  
12 the bathroom having to do with Anastasia and the toilet in the  
13 bathroom?

14 A Yes.

15 Q What do you remember about that?

16 A She had pooped, and her head got like -- it went  
17 between the toilet seat and then like the actual toilet. Her  
18 head was getting smashed in between it.

19 Q And who was doing that?

20 A Janet.

21 Q And then when Amaya, during the period of time after  
22 you guys were adopted until you left in November to The  
23 Marvelous Grace Girls Academy, was Amaya on some type of  
24 medications?

25 A Yes.

1 Q And explain how that would affect Amaya's demeanor.

2 A She seemed a little bit more I don't want to say  
3 crazy, but she was like a bit not slow. I don't know how to  
4 explain it, but obviously it changed her whole process of  
5 thinking and everything.

6 Q You know how you and I are talking right now and  
7 we're able to communicate, and we're kind of crisp in the way  
8 that we're speaking?

9 A Uh-huh.

10 Q Could Amaya do that?

11 A No.

12 MS. MCAMIS: Well, objection. Calls for medical  
13 assessment.

14 MS. BLUTH: Medical assessment. I'm asking her if  
15 her sister could communicate with her.

16 THE COURT: Yes.

17 MS. MCAMIS: Can we approach?

18 THE COURT: Yeah, she can answer, I mean, how she  
19 observed her communicating.

20 I'll see counsel up here.

21 In terms of linguistic ability. That's --

22 (Conference at the bench not recorded)

23 BY MS. BLUTH:

24 Q I'm going to rephrase, okay, Ava. So explain to me  
25 like how would Amaya behave on the medication, or how would she

1 be able to communicate?

2 A When she would talk, her words would slur. Like you  
3 couldn't understand one thing she was saying. I know one time  
4 she wasn't able to stand up on her own.

5 Q And what would Janet do in, like, a situation like  
6 that?

7 A She would just treat her like she would when she peed  
8 herself. So she would slap her in the face and tell her to  
9 stop acting stupid.

10 Q Okay. You talked about yourself being kicked down  
11 the stairs by Janet. Did you ever see either Anastasia or  
12 Amaya being either kicked up the stairs or down the stairs?

13 A Not -- it wasn't relevant to the stairs. I seen them  
14 getting kicked and other stuff, but it wasn't --

15 Q Not the stairs though?

16 A Yeah.

17 Q Okay. Out of the three of you, did Janet treat one  
18 of you worse than the other two?

19 A Yes, she did.

20 MS. MCAMIS: Well, objection.

21 THE COURT: State the question.

22 BY MS. BLUTH:

23 Q Out of the three of you, did Janet treat one of you  
24 worse than the other two?

25 THE COURT: She can answer.

1 THE WITNESS: Yes, she did.

2 Q And who was that?

3 A She treated Amaya.

4 Q How did she treat Amaya?

5 A Worse. She just didn't like Amaya.

6 THE COURT: How is that different from the way Janet  
7 treated you?

8 THE WITNESS: She had more -- I guess when she was,  
9 like, hitting us with the yardsticks, she had more anger put  
10 into it because she simply just did not like Amaya. She would  
11 get more --

12 MS. MCAMIS: Objection. Speculation.

13 THE COURT: All right. Don't speculate, but just  
14 tell us what you saw that was different about how Janet treated  
15 Amaya from you and your other sister.

16 THE WITNESS: She'd get in trouble more easily than  
17 us.

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

19 BY MS. BLUTH:

20 Q Showing you State's 197, who is this a picture of?

21 A Amaya.

22 Q There are some marks on Amaya's face; is that right?

23 A Yes.

24 Q Do you remember this day?

25 A I don't.

1           Q     Okay. The way Amaya looks in this photo, did she  
2 look -- like did she have injuries to her face like this on  
3 more than one day when you were with Janet?

4           A     Yes.

5           Q     And how would she get those marks?

6           A     Because Janet would slap her with her rings on or hit  
7 her with the ruler.

8           Q     Okay. Did you ever try to talk to Dwight about the  
9 things that Janet was doing to you?

10          A     I did once.

11          Q     And what did you say to him?

12          A     Dwight had asked me how I got a mark on my face. It  
13 was purple, and it was on my eye, and this isn't the time of  
14 the counter. This was -- this happened another time, and I had  
15 told him that Janet had did it to me, and he went and told  
16 Janet if that was true, and Janet came over, and then she  
17 slapped me because I lied, but I didn't lie.

18          Q     You had told Dwight what had happened to your eye?

19          A     Yes.

20          Q     And what had happened to your eye?

21          A     I got hit with the plastic ruler, not a yardstick, a  
22 ruler.

23          Q     What did it look like?

24          A     Purple.

25          Q     A purple plastic ruler?

1 A [No audible response.]

2 Q Is that a yes?

3 A Yes.

4 Q And who hit you?

5 A Janet did.

6 Q While you were living with Janet after you were  
7 adopted, did you go to several different doctors?

8 A What do you mean? No.

9 Q Did you go to any doctors?

10 A Yeah.

11 Q Do you remember any of their names?

12 A Yes.

13 Q Could you tell me some of them.

14 A Dr. Reed [phonetic], Dr. Bernstein. That's the only  
15 two I remember.

16 Q Okay. When you would go to the doctor, would you  
17 talk, or would Janet talk?

18 A Janet would talk.

19 Q Did Janet in those appointments with the doctor --  
20 did Janet ever discuss what she did for a living with the  
21 doctors?

22 A I believe she did once.

23 Q Okay. Would she give an accurate statement of what  
24 was going on in the home in regards to, you know, eating,  
25 toileting, how much sleep you were getting, et cetera?

1 A No.

2 MS. MCAMIS: Objection compound?

3 THE COURT: She can answer.

4 BY MS. BLUTH:

5 Q What would Janet say to the doctors?

6 A When they would ask us the normal questions, like how  
7 many hours of sleep do you get, she would lie and say we got  
8 eight hours of sleep, but we didn't even get eight hours of  
9 sleep.

10 Q Okay.

11 A When asked if our eating habits were good and if  
12 there was any problems, she would just lie and say that we ate  
13 all of our meals, but we didn't even get fed.

14 Q Okay.

15 A It was simple stuff like that that she would just say  
16 what you were supposed to say.

17 Q Was there a point after you got adopted that you got  
18 very thin?

19 A Yes.

20 Q And did you see a doctor, Not necessarily about that,  
21 but did you see a doctor about certain issues?

22 A Yes.

23 Q And at any point in time did the doctors tell Janet  
24 to give you PediaSure?

25 A Yes, they did.

1 Q And did Janet give you PediaSure?

2 A No, not like she was supposed to.

3 Q Okay. Explain that to me.

4 A It was meant for me, and she would put it in the  
5 blended food and give it to all of us, or she would just not  
6 give me it at all. She would just give me a little bit.

7 Q When you say a little bit, like how big is a  
8 PediaSure bottle? I don't know.

9 A Like this. Like this tall. I can't remember.

10 Q Okay. Kind of like a -- probably smaller than my  
11 Smart Water; right? Like a regular bottle of water?

12 A A little bit smaller than, like, a regular water  
13 bottle.

14 Q Okay. And for those of us who don't know what  
15 PediaSure is, like explain to me the consistency of it.

16 A It's not thin. Well, it's I don't know. It's just  
17 like milk.

18 Q Like creamy?

19 A Yeah, it's just like milk.

20 Q Okay. And so if we have, like, a regular water  
21 bottle, explain to me like how much of that bottle she would  
22 give you. Show me with your fingers.

23 A I got this much in a cup.

24 Q Like about an inch?

25 A Yeah.



1 Q Were you ever present at any doctor's appointment  
2 where a doctor told Janet to use catheters on you?

3 A No.

4 Q I want to ask you a few questions about some  
5 babysitters or nannies. Did you have any babysitters or  
6 nannies while you lived with Janet?

7 A Yes.

8 Q Do you remember any of their names?

9 A Yes.

10 Q Tell me their names.

11 A Ms. Andrea, Ms. Rebecca and Ms. Jan.

12 Q Okay. Do you remember any of their last names?

13 A No.

14 Q Okay. If I showed you a picture of Ms. Jan, do you  
15 think you'd recognize her?

16 A Yes.

17 Q I'm showing you what's been marked for purposes of  
18 identification as State's Proposed 183.

19 A Yes, that's her.

20 Q That's Jan?

21 A Yes.

22 Q Okay. Is that what she looked like back then?

23 A Yes, somewhat.

24 MS. BLUTH: Okay. Your Honor, I'd ask to move to  
25 admit into evidence State's Proposed 183.

1 MS. MCAMIS: Submitted.

2 THE COURT: Any objection?

3 MS. MCAMIS: I just submitted.

4 THE COURT: I'm sorry? Submitted?

5 MS. MCAMIS: Submitted.

6 THE COURT: All right. That'll be admitted.

7 (State's Exhibit Number 183 admitted.)

8 MS. BLUTH: And permission to publish, Your Honor?

9 THE COURT: You may.

10 BY MS. BLUTH:

11 Q Is that Ms. Jan?

12 A Yes.

13 Q Okay. So when you guys had babysitters or nannies --

14 like let's talk about Ms. Jan -- would she be there all day,

15 all night? Or explain to me the hours that she would be with

16 you.

17 A She would be there all day.

18 Q Okay. And did you have the same strict rules when

19 the nannies were with you?

20 A No.

21 Q Okay. How were things different?

22 A I was able to sleep on a cot with blankets. I had

23 pajamas. We were still getting blended food, but the nannies

24 didn't give us that food. They would give us different food.

25 Q How would they give you different food?

1           A     Not specifically Ms. Jan, but I know Ms. Rebecca  
2 would take us to the store in her car and buy us whatever we  
3 wanted, and we would sit outside the store and eat it.

4           Q     Okay. Would any of the nannies sneak you food in the  
5 house?

6           A     Yes.

7           Q     Do you know why Ms. Jan didn't work there anymore?

8           A     All I know is that she got fired.

9           Q     Okay. And how do you know that she got fired?

10          A     Because I was listening to Dwight's conversation and  
11 Janet's conversation.

12          Q     Dwight and Janet's conversation?

13          A     Yeah.

14          Q     And what were they talking about?

15          A     How she -- how Ms. Jan -- Ms. Jan had wrote a report  
16 to CPS. I guess she was writing a report, and at the time, we  
17 were doing our homework, and she had a laptop sitting at the  
18 kitchen table, the roundtable, and she had put a shirt over it  
19 because she didn't want anyone to see it, and she went to the  
20 bathroom. Danielle came down the stairs and asked me what Jan  
21 was doing, and I said I don't know. Danielle lifted it up, and  
22 she took a picture of it and sent it to someone.

23          Q     Okay. And so shortly after that was Jan fired?

24          A     Yes.

25          Q     And then do you know why Rebecca wasn't working there

1 anymore?

2 A She was giving us food.

3 Q Did she get fired?

4 A Yes.

5 Q Who fired her?

6 A I don't know about all that.

7 Q Okay. And what about Andrea?

8 A Andrea, I don't remember what happened with her.

9 Q Okay. Were there any times that CPS came to the home  
10 and interviewed you in regards to any allegations or reports  
11 that you guys were being abused?

12 A Yes.

13 Q How many times do you remember?

14 A Twice.

15 Q In those two times, did you tell them what was going  
16 on?

17 A No.

18 Q Why?

19 A Because I was told by Janet not to say anything.

20 Q What did you think would happen to you if you told?

21 A If I told, I felt like they would've -- the CPS  
22 wouldn't have done anything, and I would've stayed at the  
23 house.

24 Q Would things have gotten worse or better for you in  
25 your mind if you told and CPS didn't do anything?

1           A     Worse.

2           MS. MCAMIS:  Objection.  Speculative.

3           MS. BLUTH:  In her mind.

4           THE COURT:  Yeah.  What in your mind were you afraid  
5 of happening, or what did you think would happen?

6           THE WITNESS:  That I was going -- that I was going to  
7 get beat.

8 BY MS. BLUTH:

9           Q     After CPS left, would Janet ask you any questions?

10          A     Only ones that I remember.

11          Q     Like what?

12          A     She just asked me what I said, and I told her what I  
13 said.

14          Q     Okay.  If you did leave the Solander house, like if  
15 CPS did do something and did take you out of the Solanders'  
16 house, were you ever scared of what would happen to you and  
17 your sisters?

18          A     I was just -- I think I would've -- wait, what are  
19 you trying to ask?  Like --

20          Q     So if you did get taken out of the Solanders' home,  
21 were you scared about whether or not your sisters and you would  
22 be separated?

23          A     I felt like we would've been separated, and it would  
24 have happened again.

25          Q     What would happen again?

1           A     The -- I don't want to -- I don't know if I should  
2 say it, but I guess I'm going to say the abuse that was  
3 happening in the home.

4           Q     Okay. Like you didn't want it to happen in a  
5 different home, in a new home?

6           A     Yeah, without me being there.

7           Q     To protect your sisters?

8           A     Yes.

9           Q     Okay. What did Janet tell you about your biological  
10 family?

11          A     Janet had told me that --

12                   MS. MCAMIS: Objection. Relevance.

13                   THE COURT: Overruled.

14 BY MS. BLUTH:

15          Q     Go ahead. You can answer.

16          A     Janet had told me that they didn't, my biological  
17 family, they didn't want to see me, and when they went for a  
18 meeting on this specific day, I don't remember what day it was,  
19 but they went for a meeting, and my biological family was  
20 supposed to show up, but they never showed up, and they said  
21 that they never wanted to see us again.

22                   THE COURT: Can I see counsel.

23                   (Conference at the bench not recorded)

24 BY MS. BLUTH:

25          Q     I want to ask you about The Marvelous Grace Girls

1 Academy. Am I saying it right?

2 A Yes.

3 Q Okay. Before you went there, did you have to have a  
4 physical done?

5 A Before I went to the academy?

6 Q Yeah.

7 A Yes.

8 Q And who went with you to have the physical done?

9 A Janet did.

10 Q And when you went for the physical, did you do the  
11 talking, or did Janet do the talking?

12 A I don't remember who did the talking.

13 Q Okay. Did you get -- like, was the doctor able to  
14 see, like, your full body naked? Did he do any checking of  
15 your body?

16 A No.

17 Q And after the doctor did your physical, did you come  
18 out with, like, a clean bill of health? You were able to go to  
19 the academy?

20 A Yeah.

21 Q In that meeting, did Janet ever discuss any of the  
22 other issues you had had with that doctor, like Crohn's disease  
23 or bowel issues or anything like that?

24 A I don't remember.

25 Q Okay. Now, how did you get to The Marvelous Grace

1 Girls Academy in November of 2013?

2 A We took a flight.

3 Q And who is we?

4 A Me and my two younger sisters and Janet, and Dwight  
5 took a separate flight.

6 Q And then -- and I apologize. Did I ask you where it  
7 was located in the United States?

8 A Florida.

9 Q And did all three of you go to the same school?

10 A Where?

11 Q In Florida.

12 A Yeah, it was the academy.

13 Q Academy. Ava, Amaya and Anastasia, all of you went?

14 A Yes.

15 Q All right. And while you were there at the school,  
16 were you on any special diets?

17 A No.

18 Q Were you on any medications?

19 A No.

20 Q Did you have any toileting issues, like accidents or  
21 anything like that?

22 A I didn't.

23 Q When you had the babysitters, did you ever have  
24 accidents with the babysitters?

25 A No.



1           Q     Why was it you were having accidents with Ms. Janet  
2 and Mr. Dwight, but not at this academy or not with the  
3 babysitter?

4           A     Because we weren't being timed. Like we were allowed  
5 to go when we have to go. We didn't have to ask.

6           Q     Were you ever scared with the babysitters about  
7 going?

8           A     No, not really.

9           Q     Were you ever scared at the academy about going to  
10 the bathroom?

11          A     No.

12          Q     While you were at the academy, did you open up to  
13 anybody who worked there about some of the things that had  
14 happened in Las Vegas with your parents?

15          A     Yes.

16          Q     And who did you talk to?

17          A     I talked to one of the staff, and then the manager I  
18 guess you would call him.

19          Q     Is that Mr. Blankenship?

20          A     Yes.

21          Q     Now, while you were there in Florida, at some point,  
22 does someone from, like, the CPS division of Florida come and  
23 speak with you?

24          A     Yes.

25          Q     And do you remember what it was you told them?

1           A     I don't remember.

2           Q     Okay. And would looking at a copy of your statement,  
3 would that help refresh your recollection?

4           A     Yes.

5           MS. BLUTH: Just one second, Ava.

6           Hold on one second, Ava. I have a lot of documents  
7 up here.

8           All right. Just one second, Ava. Mr. Hamner will  
9 find it, and then I'll go back to it; okay.

10          BY MS. BLUTH:

11          Q     Now, at some point were you informed that you are  
12 going to be leaving Florida and going back to Las Vegas?

13          A     Yes.

14          Q     Did you want to go back to Las Vegas?

15          A     Not really.

16          Q     Okay. Why not?

17          A     Because I liked it where I was in Florida.

18          Q     And at any point in time were you scared to come back  
19 to Las Vegas?

20          A     Yeah. I thought it was going to go back to the  
21 Solanders' home.

22          Q     When you came back to Las Vegas, did you have to sit  
23 down and do an interview with somebody from -- someone at,  
24 like, the Child Haven area?

25          A     Yes.

1           Q     Did you have to have a medical examination done where  
2 they kind of checked your body and took photos?

3           A     Yes.

4           Q     When you came back to Las Vegas, did you move into a  
5 foster home?

6           A     Yes.

7           Q     And whose foster home did you move into?

8           A     Deborah's.

9           Q     Is that Ms. Debbie?

10          A     Yeah, Ms. Debbie. I'm going to call her Ms. Debbie.

11          Q     What did you say?

12          A     I'm going to call her Ms. Debbie.

13          Q     Okay. And that's Ms. Debbie McClain; right?

14          A     Yes.

15          Q     And did all three of you move in together?

16          A     Yes.

17          Q     And when I say all three of you, I mean Ava, Amaya  
18 and Anastasia.

19          A     Yes.

20          Q     And did Ms. Debbie formally adopt you?

21          A     No. She -- wait what?

22          Q     Did she formally adopt you? Like are you and Amaya  
23 Anastasia were adopted by 2015?

24          A     Yes.

25          Q     Okay. Once you moved back to Las Vegas, did you have

1 any -- did you have any stomach issues?

2 A No.

3 Q Were you on a special diet?

4 A No.

5 Q Did you have any accidents?

6 A No.

7 MS. BLUTH: Thank you, Mr. Hamner.

8 And, Judge, may I approach in regards to what she had  
9 stated to the Florida CPS?

10 THE COURT: Okay.

11 BY MS. BLUTH:

12 Q Okay. If you could read this paragraph and then that  
13 paragraph, and then I just have a few questions for you. Just  
14 read it to yourself okay.

15 THE COURT: Just quietly.

16 BY MS. BLUTH:

17 Q Just take your time, and whenever you're done. Can  
18 you see?

19 A Yeah.

20 MS. BLUTH: She doesn't have her glasses, but she can  
21 see she said.

22 THE COURT: Okay.

23 BY MS. BLUTH:

24 Q Okay. Did you read it all?

25 A Yes.

1 Q Does that help refresh your recollection?

2 A Yeah.

3 Q Okay. In regards to did you talk to them about, you  
4 know, not being allowed to go to the bathroom?

5 A Yes.

6 Q What did you tell the Florida CPS people about what  
7 would happen if you didn't go to the bathroom fast enough?

8 A I'd get hit with the paint stick.

9 Q Okay. What did you tell them happened in regards to  
10 food if you had accidents?

11 A Please say that again.

12 Q What did you tell them would happened in regards to  
13 food and water if you had accidents?

14 A I wouldn't be able to eat the next day or so.

15 Q Okay. Did you discuss with them the cold showers and  
16 the ice water?

17 A Yes.

18 Q What did you describe in regards to the gate?

19 A That it was black.

20 MS. MCAMIS: Well, Your Honor, can we approach?

21 THE COURT: Sure.

22 (Conference at the bench not recorded)

23 BY MS. BLUTH:

24 Q What did you --

25 THE WITNESS: My bad.

1 THE COURT: That's what I feel like doing. All  
2 right.

3 BY MS. BLUTH:

4 Q What did you tell them in regards to the black gate?

5 A That it was metal, and it was black and heavy.

6 Q Okay. Did you discuss why it was put up?

7 A No, I didn't in there.

8 Q Did you state, At times they were locked in the black  
9 gate, and they were not able to get out?

10 MS. MCAMIS: Well, objection. She just said that,  
11 no, she didn't discuss the --

12 MS. BLUTH: Right. And its impeachment.

13 THE COURT: She said she didn't remember, and so then  
14 she could read from it if she's had an opportunity to refresh  
15 her recollection.

16 THE WITNESS: Yeah, that's what it said in the paper.

17 MS. MCAMIS: Well, objection then. Best evidence.

18 MS. BLUTH: What?

19 MS. MCAMIS: She's testifying to what it says in the  
20 paper, and she didn't --

21 THE COURT: As you sit here today, do you remember  
22 whether or not you told them that?

23 THE WITNESS: I don't know. I had a bunch of  
24 statements to tell to everyone.

25 THE COURT: I'm sorry.

1 THE WITNESS: So I'm mixing them up.

2 THE COURT: Okay.

3 BY MS. BLUTH:

4 Q Have you had to tell this statement many times?

5 A Yes.

6 Q Okay.

7 A The same story.

8 Q Okay. When you spoke with CPS in Florida, did you  
9 discuss with them who you blamed for the abuse?

10 A I blamed myself.

11 Q And why did you blame yourself?

12 A Because I felt like I could have done something.

13 Q What could you have done?

14 A Told the truth to the people who came and  
15 investigated.

16 Q You just said that you had to tell this event a  
17 couple of different times; right?

18 A Yes.

19 Q So you had to testify back in I think it was 2014 in  
20 what's referred to as a preliminary hearing; is that right?

21 A Yes.

22 Q And at that preliminary hearing, do you remember what  
23 you said in regards to what you would be allowed to wear at  
24 night when you slept?

25 A I'm sorry. I dozed off. Can you say that again.

1 Q Yeah. And I think we're almost done, and we're going  
2 to get a lunch soon. So just stick with me for just a second,  
3 okay.

4 A All right.

5 Q Because I can tell you're getting tired. At the  
6 preliminary hearing, do you remember what you said when you  
7 were asked about whether or not you could wear clothes at  
8 nighttime?

9 A Going to bed?

10 Q Yeah.

11 A No, I don't remember that.

12 Q Okay. Would looking at your report help you -- or  
13 looking at your previous testimony help refresh your  
14 recollection, help you remember?

15 A Yeah.

16 Q Okay. Okay. So just start right here on page 11 --  
17 I mean, not page 11, but line 11 and go to 19.

18 Does that help refresh your recollection?

19 A Yes.

20 Q And what did you say in regards to when you were  
21 asked the question, What about the times that she didn't let  
22 you wear pajamas? What were you allowed to wear? What did you  
23 say?

24 A I said underwear, just underwear. Just underwear.

25 Q Okay. And then do you remember what you said in



1 regards to the question about having to lick your urine off of  
2 the floor?

3 A Yes.

4 Q And what did you say?

5 A Like, if I licked it or what?

6 Q Yeah. Do you remember what you said, or do you need  
7 to look at the paper?

8 A No, I remember what I said, but I don't know where  
9 you want me to start. Like, do you just want me to tell you  
10 how I got to there?

11 Q No. Just in regards to your answer, did you actually  
12 have to lick your pee?

13 A Oh, I said, yes, back then.

14 MS. MCAMIS: Well, objection. She's already  
15 testified to this.

16 MS. BLUTH: Okay. And now this is impeachment?

17 THE COURT: Right. Is that what you said then?

18 THE WITNESS: I said, yes, back then.

19 THE COURT: Okay. Was there a reason that you  
20 said -- you started saying -- do you remember saying that back  
21 then?

22 THE WITNESS: Yeah, I do.

23 THE COURT: I'm sorry?

24 THE WITNESS: Yes, I do.

25 THE COURT: You do remember saying that. Okay.

1 THE WITNESS: Yes.

2 BY MS. BLUTH:

3 Q So as you sit here today and remember, did you have  
4 to -- did Janet make you lick your own pee?

5 A No, I didn't lick it.

6 Q You did not lick it?

7 A No.

8 Q Okay. Explain to me what happened then.

9 A I just refused to lick it. Like, I just didn't want  
10 to. It was disgusting.

11 Q Okay. So did your mouth touch the pee at all?

12 A No.

13 Q Okay. And then I just have a few -- I'm showing you  
14 what's been marked for purposes of identification as State's  
15 Proposed 100C, 94F, 100A and 100B. Do you recognize these  
16 things?

17 A Yes.

18 Q What do you recognize them to be?

19 A The yardsticks that I would get hit with.

20 Q Okay. And is this how they looked, with this orange  
21 Home Depot writing?

22 A I can't see [unintelligible].

23 Q Okay. I'll come up.

24 A Can I turn it over?

25 Q Yeah. You can touch them if you want, or if you want

1 me to.

2 Is this how they looked?

3 A No, they looked different.

4 Q How did they look?

5 A I thought it had Home Depot, like, written all over

6 it in big lettering.

7 Q Okay.

8 A It was about that size.

9 Q Okay. And it had, like, big Home Depot writing on

10 it?

11 A Yeah.

12 Q Okay. And were they brown and orange like this?

13 A Yes.

14 Q And when you say they were about the size, were they

15 about as long as this?

16 A [No audible response.]

17 Q Is that a yes?

18 A Yes.

19 Q And were they about as thick as this?

20 A Yes.

21 Q Okay. All right. And then lastly, okay, I want to

22 talk to you lastly -- well, two more things. Showing you

23 what's in evidence as State's 129. Do you see this orange

24 thing in the bottom of the paper in the picture of the kitchen?

25 What is that?

1           A     The bucket I would sit on.

2           Q     And when you, Amaya and Anastasia would be sitting in  
3 this area, would all three of you have buckets --

4           A     Yes.

5           Q     -- or would someone have something different?

6           A     We'd all have buckets.

7           Q     Okay. Showing you State's 189, when you were talking  
8 about the fan being in front of you and being sprayed to stay  
9 up, is that what -- is that what's being shown in this photo?

10          A     Yeah, but sometimes it would be bigger fans.

11          Q     Okay. And then I want you -- the last thing I want  
12 to talk to you about is where we kind of left off yesterday  
13 okay, and that's the catheter, okay. So I just want to ask you  
14 a few follow-up questions, okay.

15               MS. BLUTH: Judge, we need to approach.

16               (Conference at the bench not recorded)

17               MS. BLUTH: Okay. Your Honor, so is it okay to  
18 publish the demonstrative aid?

19               THE COURT: Well, show it to her first and see if she  
20 recognizes what's depicted.

21               BY MS. BLUTH:

22               Q     Okay. So, Ava, I'm showing you this demonstrative  
23 aid. Could you look at it for me.

24               A     Yeah.

25               Q     Okay. What do you recognize that to be?

1           A     A female's private part.

2           Q     A female's private part?

3           A     Yeah.

4           Q     Okay. And in this female's private part, did the  
5 catheter go anywhere you see on this photo?

6           A     Yeah.

7           Q     Okay. Can you point to me please where it went.

8           A     It was right here.

9           MS. MCAMIS: Your Honor, can I approach just to --

10          THE COURT: Sure.

11          MS. BLUTH: And, Ms. McAmis, to save you the walk, I  
12 am actually going to put it over here so she could document it  
13 on the camera.

14          MS. MCAMIS: I just wanted to watch how she did it.

15          THE COURT: She can watch.

16          MS. BLUTH: Okay.

17          THE COURT: I mean, if Ms. McAmis wants to watch,  
18 that's fine too.

19          MS. BLUTH: Okay. Yeah, that's fine. She's pointing  
20 to it still.

21          BY MS. BLUTH:

22               Q     Okay. Where did it go?

23               A     Right here.

24               MS. BLUTH: Okay. And now may I use it as a  
25 demonstrative aid, Your Honor?

1 THE COURT: You may.

2 BY MS. BLUTH:

3 Q Okay. Ava, I'm going to zoom it in. We're almost  
4 done. Okay. Ava, could you just circle on there real quick,  
5 and I'll take it down.

6 A Yeah. Sure. Do I just tap on it?

7 Q Maybe circle.

8 A I can't circle it.

9 Q Okay. Is the red dot around the area?

10 A Yeah.

11 Q Okay. Now, how many times did Ms. Janet put the  
12 catheter in that area?

13 A Several, but I only remember two times -- well, no,  
14 not two, one, one time clearly.

15 Q Okay. But it happened more than one time?

16 A Yes.

17 Q And the one time you remember it clearly you were  
18 talking about yesterday; is that right?

19 A What?

20 Q You were talking about that time yesterday? When you  
21 were talking about in the loft bathroom?

22 A The loft bathroom.

23 Q So what do you remember clearly? You tell me.

24 A It was in the upstairs bathroom, not the loft  
25 bathroom, but the other bathroom.

1           Q     Okay. And did it happen anywhere else in the house  
2 besides the upstairs bathroom?

3           A     No.

4           Q     Okay. So the times that you remember were in the  
5 same bathroom?

6           A     Yes.

7           Q     And the times that you remember, was the catheter put  
8 in the same area that you just circled?

9           A     Yes.

10          Q     Were you ever threatened with anything either before  
11 or during or after the catheter?

12          A     Yes.

13          Q     What were you threatened with?

14          A     She threatened me with the razor blade.

15          Q     Can you explain to me what the razor blade looked  
16 like.

17          A     It was silverish -- oh, my God -- it was silverish.  
18 It was kind of shiny, and it was small.

19          Q     Okay. And explain to me how she would threaten you  
20 with it.

21          A     She told me that if I didn't quit moving that she  
22 would cut my private part out.

23          Q     How many times did that happen if it happened more  
24 than once?

25          A     I only remember that one specific time.

1 Q Okay. And how did you feel when she was holding the  
2 razor blade?

3 A How did I feel when she was holding it?

4 Q Yeah.

5 A I was scared.

6 Q The last time we were at court, you know, at the  
7 preliminary hearing --

8 MR. HAMNER: Sorry. Just Court's indulgence.

9 BY MS. BLUTH:

10 Q -- when you testified at the preliminary hearing, did  
11 you draw what you remember the razor looking like?

12 A I don't remember.

13 Q Okay. The time that you remember Ms. Janet  
14 threatening you with the razor, was that, like, right after you  
15 got adopted, or was that closer to when you moved to the  
16 Marvelous Grace Girls Academy?

17 A Closer to when I moved to Marvelous Grace Girls  
18 Academy.

19 Q Like in that same year?

20 A Yeah.

21 Q All right. Okay.

22 MS. BLUTH: And, Your Honor, these are marked with  
23 the Justice Court. So how do I remedy that?

24 THE COURT: We would have our court clerk mark it.

25 MS. BLUTH: Okay. Could you mark it as evidence,



1 please.

2 THE COURT: And that's next in order.

3 MS. BLUTH: Okay. Thank you.

4 THE COURT: So that would be exhibit what?

5 THE CLERK: 246.

6 THE COURT: All right. That'll be marked as Proposed  
7 246.

8 BY MS. BLUTH:

9 Q Ava, do you remember testifying in a preliminary  
10 hearing on May 22nd of 2014?

11 A Yeah.

12 MS. MCAMIS: Your Honor, can we approach?

13 THE COURT: Sure.

14 (Conference at the bench not recorded)

15 BY MS. BLUTH:

16 Q Okay. Ava, I'm showing you what's proposed as  
17 State's Proposed -- okay. Let's start over. I'm showing you  
18 what's been marked as State's Proposed Exhibit 246. What are  
19 we looking at?

20 A I don't remember drawing that.

21 Q Okay. You don't remember drawing it?

22 A No.

23 Q Do you see your name on the paper?

24 A Yes.

25 Q Is that your, like, name? Is that your writing?

1 A No.

2 Q Okay. And the date is May 22nd of 2014?

3 A Uh-huh.

4 MS. BLUTH: Okay. And, Your Honor, Court's  
5 indulgence.

6 I am going to pass the witness with just the caveat  
7 that I be given an opportunity on redirect to find this in the  
8 preliminary hearing transcript if it's okay with the Court.

9 THE COURT: All right. Or you could -- all right.

10 All right. State is passing the witness?

11 MS. BLUTH: Yes, Your Honor.

12 THE COURT: All right. I guess we could take our  
13 lunch break now.

14 Ladies and gentlemen, we're going to go ahead and  
15 take our lunch break. That'll put us right at 1:10. So we  
16 will reconvene at 1:10.

17 During the lunch break, you're reminded you're not to  
18 discuss the case or anything relating to the case with each  
19 other or with anyone else. You're not to read, watch or listen  
20 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 place your notepads in your chairs, and we'll  
25 see you back at 1:10.

1 (Jury recessed 12:08 p.m.)

2 THE COURT: And do not discuss your testimony with  
3 anybody at the lunch break.

4 (Proceedings recessed 12:08 p.m. to 12:10 p.m.)

5 THE COURT: -- and the witness redraw the razor blade  
6 here in court. I didn't think it was impeachment with prior  
7 testimony if she identified the razor blade as something that  
8 reflected the razor blade that she's talking about, but she was  
9 unable to do that, and Ms. Bluth did not at that point move for  
10 its admission.

11 MR. FIGLER: That's correct, Your Honor. I mean, we  
12 feel that it's an improper direct examination of any sort to  
13 just begin with a prior court statement on any topic and say  
14 didn't you testify this way in a prior proceeding. There needs  
15 to be a bases for bringing in prior testimony, which would  
16 include --

17 THE COURT: Well, let's be clear though. It wasn't  
18 her prior testimony. It was a prior drawing --

19 MR. FIGLER: That she made in a testimonial setting.

20 THE COURT: Well, right.

21 MR. FIGLER: As a result of the answers to certain  
22 questions.

23 THE COURT: Of a question.

24 MR. FIGLER: Absolutely. And so the State's  
25 objection was they can't tell me how to run my direct, and my

1 response at the bench was that there needs to be a proper basis  
2 for them to bring in prior testimony before establishing with a  
3 witness that either, A, they don't remember anything about the  
4 subject matter, B, that they testify in a way that's different,  
5 or, C, when there are times when prior consistent statements  
6 are appropriate depending on the rules of evidence. It's all  
7 about the rules of evidence, not my desire on how they do it.

8 THE COURT: Well, Mr. --

9 MR. FIGLER: And so --

10 THE COURT: Can I just interject something.

11 MR. FIGLER: I just felt they hadn't provided a  
12 basis.

13 THE COURT: Can I just interject something. She  
14 didn't move to admit it. Now, she's trying to find it in the  
15 preliminary hearing transcript. I would just note, as opposed  
16 to bringing it in now as prior testimony from the preliminary  
17 hearing transcript, because the question was, Do you remember  
18 drawing this at the preliminary hearing, and she said, no.

19 You didn't say, well, do you recognize what this is,  
20 or can you draw a razor blade or whatever. So I think you need  
21 to follow up on that before we now go to the preliminary  
22 hearing transcript to authenticate that.

23 MS. BLUTH: Sure.

24 THE COURT: Meaning the question wasn't do you  
25 remember the razor blade, or could you --

1 MS. BLUTH: It was.

2 THE COURT: The question was, Do you remember drawing  
3 this.

4 MS. BLUTH: No. Before that, I said what did the  
5 razor look like. She described what it looked like.

6 THE COURT: Here?

7 MS. BLUTH: Yes. And then my follow-up was because I  
8 was going to say did you draw it, but I knew she already drew  
9 it. So this whole idea that I just opened this whole thing up  
10 and was like did you draw this? No. I said to her what did  
11 the razor -- can you describe to me what the razor looked like,  
12 and then I followed up with, Did you previously describe this  
13 in a preliminary hearing. So, I mean, fine I'll have her draw  
14 it.

15 My whole point is, like, that's not a legal  
16 objection. He wants to talk about the rules of evidence.  
17 There's not one rule of evidence he could point to that says  
18 what I'm doing is wrong. She described the item, and then I  
19 was asking her to draw it, but, Judge, there are plenty of --  
20 I've had cases where kids draw out crime scenes before.

21 THE COURT: No, I mean there is --

22 MS. BLUTH: And those are admissible.

23 THE COURT: Right. I mean there is no rule that says  
24 the child or any other witness has to draw it in open court as  
25 opposed to drawing it prior to court not even in a proceeding,

1 but, like, sitting at home drawing something if they can  
2 authenticate this is what I drew. This is what it represents.  
3 So I don't see a problem with using the prior drawing. I just  
4 don't think enough of a foundation was laid based on my  
5 recollection of the question which was, Do you remember drawing  
6 this -- she said no -- as opposed to do you recognize what this  
7 is or whatever, but I think that's a minor point, but I don't  
8 see it as prior testimony, per se. So your objection to that  
9 is overruled.

10 The second issue --

11 Did you have anything else?

12 MR. FIGLER: No, nothing, Your Honor.

13 THE COURT: Okay. The second issue going backwards  
14 was Mr. Figler wanted to have the record reflect that the  
15 witness had pointed to the vaginal area -- opening, the vaginal  
16 opening on the demonstrative picture, and I said, Well, maybe  
17 it's distorted on the monitor because sometimes it is  
18 distorted, but Ms. McAmis and Ms. Bluth both indicated that  
19 when they saw the witness point to the area on the diagram  
20 before it was published that she pointed to the same area.

21 Is that consistent with what you saw?

22 MS. MCAMIS: Yes, Your Honor.

23 MS. BLUTH: Yes.

24 THE COURT: Is that consistent with what you saw?

25 MS. BLUTH: Yes.

1 THE COURT: Okay.

2 MR. FIGLER: And what I would like to do for the  
3 record, for the written record is if the parties can agree to  
4 point to the area because for my belief of looking, and I  
5 didn't go up with Ms. McAmis but from what it looked like on  
6 the monitor, she was pointing square in the middle of the  
7 vaginal opening.

8 MS. BLUTH: Yes.

9 THE COURT: The vaginal opening, right.

10 MR. FIGLER: Right. And not near the or none of the  
11 dots that she pointed to, et cetera, nothing was near the  
12 urethra on the limited area of the genitalia.

13 THE COURT: I mean, I think that's fair. I mean, my  
14 comment is, you know, she was how old when this would've  
15 occurred?

16 MR. FIGLER: The defense position is something that  
17 takes a different position on why she would point to the  
18 vagina, and you know that, Your Honor.

19 MS. BLUTH: Oh --

20 MR. FIGLER: Really. So just because she pointed out  
21 the vagina, that makes it truthful that it happened, that it  
22 was inserted. No, that's a jury question.

23 THE COURT: Right.

24 MR. FIGLER: And if she pointed to an area that does  
25 not discharge urine, that is also argument for a jury question,

1 and so we do not give a child a pass because they're pointing  
2 to an area if it's possible that they are not being totally  
3 truthful about a subject.

4 THE COURT: Which you can argue.

5 MR. FIGLER: Right. So that's it.

6 THE COURT: Okay. All right.

7 MS. BLUTH: But that's all argument.

8 MR. FIGLER: So that's the significance of it.

9 MS. BLUTH: That's all argument.

10 MR. FIGLER: Right.

11 THE COURT: Okay. Let's move on to the prior issue  
12 which I forget. Oh, I know. That was objecting to --

13 MR. FIGLER: The question eliciting the comment from  
14 Ms. Solander that her parents don't love her anymore.

15 THE COURT: Right.

16 MR. FIGLER: So this is a line of questioning that we  
17 have the conduct and the statements of Ms. Solander that have  
18 no direct bearing on the existence or nonexistence of any of  
19 the facts that are charged in the Amended Information, have  
20 been a consistent source of objection from the defense  
21 throughout the course of the trial.

22 The last incident we objected to contemporaneous  
23 before the question was answered. We had a strong suspicion  
24 that it was trying to elicit this highly emotional and what we  
25 believe to be ultimately so prejudicial comment to paint



1 Ms. Solander as an inappropriate mean person who would even go  
2 in addition to everything else that has been brought in over  
3 objection, that would tell a little child that her parents  
4 don't love her anymore.

5 Now, Your Honor had noted at the bench that there is  
6 ample record that suggests and supports that her parents had  
7 completely abandoned her, that Ms. Solander had taken the  
8 children to the meetings with the parents, and the parents  
9 didn't show up.

10 MS. MCAMIS: Well, the biological.

11 MR. FIGLER: Biological.

12 THE COURT: Well, and just to be clear, the  
13 biological mother is in Mexico. I think the biological father  
14 was what, in prison or in Mexico, and so my concern at the  
15 bench was that it presented a misleading picture that  
16 Ms. Solander was lying about the parents or biological family's  
17 interest in the children where in the records there is ample  
18 evidence, not just about abandonment by the biological parents,  
19 but that the grandparents and the aunts, who had taken the  
20 children at one point, the grandmother did and the grandfather  
21 didn't follow through with the directives of DFS in terms of  
22 being able to provide a home for the kids.

23 So I said, Ms. Bluth, you need to clean it up, that  
24 this is -- it's true. Now, Ms. Bluth said, Well, I'm trying to  
25 show that, you know, it was inappropriate for Ms. Solander. I

1 said, Well, that may be, but it has to be clear on the record  
2 that Ms. Solander isn't just lying and making it up that the  
3 family doesn't want this kid, that there is ample evidence that  
4 that, in fact, was true, that the biological grandparents and  
5 the aunts were unwilling and/or unable to follow through with  
6 the classes and other things that they had to do in order to  
7 have these children. So --

8 MR. FIGLER: Right. So if I could just finish  
9 because I'm going to at the end of this make a motion for  
10 mistrial based on the cumulative error of placing into the  
11 record evidence about Ms. Solander's actions and character, et  
12 cetera, that are absolutely irrelevant, such as the last one,  
13 to any of the facts in the case that we cannot undo.

14 You had told Ms. Bluth to clean it up. Ms. Bluth has  
15 had the last 40 minutes of her examination --

16 MS. BLUTH: You told me to clean it up with Debbie  
17 McClain.

18 MR. FIGLER: -- to clean it up.

19 MS. BLUTH: Yeah.

20 MR. FIGLER: And she didn't clean it up with Ava, and  
21 so that lingers with the jury in a way that cannot be unrung,  
22 that can no longer be fixed, and this is the accumulation. The  
23 State knew exactly what they were doing when they asked that  
24 little girl the question. So that little girl, with her big  
25 eyes, turned to that jury and said --

1 MS. BLUTH: Oh, come on.

2 MR. FIGLER: -- Ms. Janet told me that my parents  
3 didn't love me anymore. We objected --

4 THE COURT: Okay. Well, let's be clear --

5 MR. FIGLER: -- and that was improper.

6 THE COURT: -- first of all, she didn't turn to the  
7 jury with her big eyes. I'm not commenting on whether her eyes  
8 are big or not, but she's been squinting throughout this whole  
9 proceeding --

10 MR. FIGLER: Yeah, except for that moment, which the  
11 defense noted to be a very emotional and intentionally  
12 emotional moment --

13 MS. BLUTH: Oh, my gosh.

14 MR. FIGLER: -- that has no place in this type of  
15 proceedings.

16 THE COURT: Well, Mr. Figler --

17 MR. FIGLER: So based on the entirety of the --

18 THE COURT: -- you can make a record, but you can't  
19 distort the record, and to me --

20 MR. FIGLER: That was my perspective.

21 THE COURT: -- first of all, the child has been  
22 squinting, and it came out that she didn't have her glasses  
23 which we were wondering about, us chickens, me and my staff in  
24 the back because she's been squinting through this whole thing,  
25 and it did appear she was having trouble seeing, which now has

1 come out. So, you know, don't distort the record that she  
2 opens her big brown eyes real wide and gazes at the jury. In  
3 fact, she was squirming in her seat.

4 MR. FIGLER: Yeah, except for that moment.

5 THE COURT: -- she kept yawning --

6 MR. FIGLER: -- which was emotional in our opinion --

7 MS. BLUTH: No.

8 THE COURT: Oh, come on.

9 MR. FIGLER: -- just as it was when Heather  
10 Richardson cried, and everyone's saying she didn't cry. Have  
11 we looked at those JAVS yet? Have we put those JAVS in? The  
12 woman was choking back tears.

13 MS. BLUTH: I actually said -- okay. There's a  
14 difference between crying and choking back tears. Mr. Figler  
15 likes to exaggerate.

16 THE COURT: Okay.

17 MR. FIGLER: Oh --

18 THE COURT: And may I just say this, Mr. Figler. You  
19 know, the child, the witness, she was squirming in her seat --

20 MR. FIGLER: For most of the testimony.

21 THE COURT: -- yawning --

22 THE MARSHAL: Hold on. Stop interrupting.

23 THE COURT: Excuse me.

24 -- at one point the jury even laughed because she  
25 looked over and yawned. She's been taking the sweatshirt on

1 and off. At one point she pulled the sweatshirt up over her  
2 face --

3 MR. FIGLER: I don't disagree with any of that.

4 THE COURT: -- as she sat there. So you are  
5 suggesting that this child, who squirmed and wiggled and  
6 covered her face and did everything else, is so I guess  
7 sophisticated --

8 MR. FIGLER: No, that's not my point.

9 MS. BLUTH: Manipulative.

10 THE COURT: -- that she's able to look at the jury at  
11 that point with her big wide open eyes and say this.

12 MR. FIGLER: No, that was not my --

13 THE COURT: -- that is not my recollection.

14 MR. FIGLER: That is not -- that is not what I was  
15 implying. What I was implying is that when the State  
16 intentionally asked an emotional-packed question, that they  
17 knew what the response would be. There was a change in the  
18 disposition of the witness that I noted. Now, if the Court  
19 didn't note that, that's fine. I don't disagree with the  
20 Court's depiction. 100 percent the Court is correct about  
21 depiction, but that emotionally laden response to the question  
22 that was intended. So I'm not putting this on that little  
23 girl. I am putting this absolutely 100 percent on the State  
24 knowing they shouldn't have asked that question, eliciting an  
25 improper response, and this being the accumulation of this

1 entire effort where they have a very straightforward case to  
2 present.

3           They keep telling me well don't tell us how to do the  
4 case. Well, if they do the case in a way that crosses the  
5 line, I will be asking for a mistrial, and now I am.

6           I am asking for a mistrial based on the accumulation.  
7 I know the Court is not inclined to grant that but that for the  
8 record this is the mistrial that we've asked for. They've had  
9 the ability to put this forward as a straightforward case, and  
10 it would have been very straightforward for that jury to make  
11 the determination --

12           MS. BLUTH: Okay. At some point can I talk?

13           MR. FIGLER: -- but the record is so clouded -- the  
14 record is so clouded with extraneous and superfluous  
15 information that is far more prejudicial than it could ever be  
16 proven to be probative for a single count in the Information  
17 that we have no choice, but to ask for a mistrial based on the  
18 State's conduct.

19           THE COURT: Look, I think, personally, I think the  
20 State could have proven this case with the photos from the  
21 computer --

22           MR. FIGLER: Absolutely, Your Honor.

23           THE COURT: -- the, I think, Ms. Christina Day, the  
24 nanny, the children, but --

25           MR. FIGLER: I don't disagree.

1 THE COURT: -- but some of the allegations, having  
2 said that, some of the allegations in this case are so bizarre,  
3 the sitting on buckets in the kitchen --

4 MR. FIGLER: Which was admitted to by Ms. -- by  
5 Ms. --

6 MS. BLUTH: Can I talk?

7 THE COURT: Wait a minute.

8 MR. FIGLER: Solander.

9 THE MARSHAL: You all don't have to talk at one time,  
10 please. No more interrupting.

11 THE COURT: -- are so bizarre or beyond the realm of  
12 ordinary practice, let's say that, that I think the State  
13 rightfully wants to give them some context because I think a  
14 juror, an ordinary juror, would be thinking, well, could this  
15 be true? Would somebody really do this? Would somebody, and I  
16 think even one of the jurors were like -- a question that we  
17 asked, weren't you -- wasn't there -- or maybe we didn't ask  
18 it, I don't remember, but had a question, Isn't there a health  
19 risk to have people using the toilet in the kitchen?

20 So I think the State's entitled to give this some  
21 context without just saying, oh, okay, these kids were sitting  
22 on buckets doing their homework, and, I don't know. Someone  
23 might think, well, wow, they must have had really bad, you  
24 know, gastrointestinal issues that they needed to sit on these  
25 buckets or, you know, were they soiling the furniture, that

1 they were having these accidents and staining all of the  
2 furniture. Is that what's going on here? I mean, I think the  
3 State is allowed to put some context there --

4 MS. BLUTH: Can I make a record?

5 THE COURT: -- in terms of why they're doing it. So  
6 that's my impression.

7 Ms. Bluth. I don't know. It was --

8 MS. BLUTH: Mr. Figler has for four weeks now told me  
9 how to put on my case, and the fact of the matter is is I'm the  
10 one who has to prove this beyond a reasonable doubt. The  
11 defenses in this case have been and will be, are today the fact  
12 that there were plenty of CPS people in this home that were in  
13 and out and that these kids were sick. So I am in no other  
14 position but to bring in all the CPS people that were there and  
15 show that they were absolutely derelict in their duties and  
16 also bring in the doctors to say that these kids weren't sick.  
17 So I actually can't do it with photos and just the girls.

18 But, in fact, in regards to a specific question and  
19 answer that Mr. Figler has a problem with is that he has this  
20 thing where I am only allowed to talk about the counts that are  
21 in the charging document. I have also been criticized for  
22 charging too many counts, and my response to that with  
23 Mr. Figler was if I don't charge these counts that I find to be  
24 criminal, then your position is is that I don't get to get into  
25 them, and so I'm damned if I do with them, and I'm damned if I



1 don't.

2           If I charge it and I can get into it, then I've  
3 charged too much. If I haven't charged them, if I haven't  
4 charged her -- did Ms. Janet tell you that your parents didn't  
5 want you anymore -- I'm not even allowed to speak about it in  
6 regards to Mr. Figler. So I cannot win in one spot or another  
7 with them.

8           That question was in a line of questioning in regards  
9 to why she felt she could not go to people for help. She said  
10 that CPS people came into the home once or twice. I didn't  
11 tell them because I didn't think they would believe me. Even  
12 if they did believe me, I wasn't sure that they were going to  
13 bring me out, but she was also afraid that if she did get out  
14 she would be separated from her sisters. She wouldn't be able  
15 to go back to her biological parents, and she wouldn't be able  
16 to protect her sisters in a new home if it happened, and part  
17 of the reason that she felt that way is because Ms. Solander  
18 told them and the other sisters will say it too, that their  
19 biological family didn't want them.

20           So it's not for the relevance that their biological  
21 parents didn't want them it's that's what Ms. Solander has put  
22 in their heads --

23           THE COURT: No. No. Everybody knows that. The  
24 point the Court was making is, you know, it's fine that  
25 Ms. Solander said it, but just don't suggest that she was

1 lying --

2 MS. BLUTH: That it's not true; right.

3 THE COURT: -- and making stuff up because it is true  
4 unfortunately.

5 MS. BLUTH: And you told me to clean that up with  
6 Ms. McClain. And I said that I would.

7 THE COURT: Well, I said that clean it up, and you  
8 said you'd clean it up with Ms. McClain.

9 MS. BLUTH: Right. Because I can't clean it up with  
10 Ava --

11 THE COURT: -- and I said fine.

12 MS. BLUTH: -- because she doesn't know.

13 THE COURT: Right. She's not going to know --

14 MS. BLUTH: Right. That's what I'm saying.

15 THE COURT: -- that, you know, grandma and grandpa  
16 wouldn't do this or that. She's not going to know what the  
17 aunt's involvement was. We only know some of this from the  
18 Unity records.

19 MS. BLUTH: But Mr. Figler's point was that I had 46  
20 minutes to clean it up, and I didn't --

21 THE COURT: Right.

22 MS. BLUTH: -- was because Ava doesn't know. She  
23 only knows what Janet told her. And to be honest with you,  
24 they do have a lot of contact with their aunts, and I can't  
25 remember if their grandma, but I know with their aunts, and

1 they have throughout the years. So in their mind, their aunts  
2 did want to be with them and did want contact with them. So I  
3 don't think it was -- it definitely wasn't said in order to  
4 evoke sympathy from the jury.

5 It was about why she was scared to talk and who she  
6 thought could help her and who she thought wouldn't help her,  
7 and at the end of the day, she spoke to CPS. She didn't think  
8 they would do anything, and she was scared of what would happen  
9 to her. She was even scared of what would happen to her if she  
10 left their house because she thought they might go to another  
11 house and get abused, be separated, and she wouldn't be able to  
12 protect her sisters.

13 MR. HAMNER: And just to add one point, and that  
14 directly rebuts the defense which is multiple times these  
15 children were seen by doctors or CPS workers, and none of them  
16 reported any abuse, and that just directly refutes that.

17 MS. BLUTH: So that's our record.

18 THE COURT: Are we done?

19 MR. FIGLER: Yeah. I mean, the defense feels that  
20 the record has been made. The Court has very detailed -- in a  
21 very detailed fashion expressed why Your Honor believes that  
22 the State can proceed on those various lines of questions that  
23 the defense finds objectionable. The State has made  
24 representations which the defense would suggest are somewhat  
25 pretextual with regard to their actual intent, and there's a

1 pending motion for a mistrial based on cumulative misconduct.

2 THE COURT: Which is I guess I should deny that.

3 MS. BLUTH: Wait, I'm sorry.

4 MR. FIGLER: Cumulative misconduct of the  
5 prosecution.

6 THE COURT: Well, there's been no misconduct. What  
7 you're saying is, you know, the Court's rulings on the evidence  
8 have been incorrect. Okay --

9 MR. FIGLER: No, I am --

10 THE COURT: -- you're saying that, and that's fine.  
11 The Supreme Court may agree with that.

12 MR. FIGLER: Let me make -- no, I appreciate that.  
13 That record has already been made. What the motion for the  
14 mistrial is is that the prosecution over the continued  
15 objection of the defense has continued to elicit information  
16 that is either outside the scope of the Court's prior ruling on  
17 Petrocelli with regard to bad acts or with absolutely  
18 irrelevant information and evidence that does not make more  
19 probative any single count of the Amended Information versus  
20 its prejudicial impact and that cumulatively culminating with  
21 that last question and response has given us grounds for a  
22 mistrial based on that prosecutorial misconduct, very distinct  
23 from our disagreement from the Court's rulings. That's  
24 different. So that's what this mistrial is about.

25 MS. BLUTH: Judge, where did I violate the ruling on

1 the Petrocelli hearing?

2 MR. FIGLER: Repeatedly, Your Honor, and there have  
3 been some that have been sustained, and some have been  
4 overruled, but we have had numerous bench conferences regarding  
5 the defense's objection to the State exceeding the scope of  
6 what the Court allowed on Petrocelli. That is part of the  
7 record. I mean, that should be clear.

8 THE COURT: Well, it's already part of the record,  
9 but just because the State asks a question that the Court  
10 sustains an objection to doesn't mean the State's engaged in  
11 misconduct.

12 MR. FIGLER: Until the defense feels that it has  
13 crossed the threshold, and we feel that threshold has been  
14 crossed now cumulatively, and that is the bases for our motion  
15 for a mistrial, so it's clear what we asked a mistrial for.

16 THE COURT: Well, and I would just note, you know, on  
17 your whole argument about uncharged misconduct in this and  
18 that, whether this was a robbery case or a sex case or  
19 whatever, the State is allowed to put into evidence without  
20 having specifically charged an offender's ongoing efforts to  
21 conceal the crime, and to the extent that they are asking  
22 about, you know, keeping the child from disclosing to CPS or  
23 disclosing or whatever, you know, that's part of this.

24 And that's why I've let in some of the questions  
25 regarding what Mr. Solander said about, oh, the kids have

1 Crohn's. They have this. They have that. They have the other  
2 thing. So, you know, I think that's perfectly admissible  
3 regardless of the charge. So I'll just say that.

4 MR. FIGLER: Well, that would be a new bases that has  
5 not been discussed and certainly was not raised by the State.

6 MS. BLUTH: In regards to what?

7 MR. FIGLER: So our motion for a mistrial --

8 THE COURT: Well, I think it's --

9 MR. FIGLER: -- we need a ruling on.

10 THE COURT: It's denied. I said denied already.

11 MR. FIGLER: Well, I just want to make sure it was  
12 the same one.

13 THE COURT: No, it's denied. I mean, like I said,  
14 you know, part of all this is concealing the crime, which, like  
15 I said, if this was a robbery case and they're working to  
16 conceal the crime, they'd be able to get into that. So I don't  
17 really see why this should be any different if you look at it  
18 in that way.

19 MR. FIGLER: Well, of course, that they're not  
20 concealing any part of the crime when the record is chock-full  
21 of people witnessing or discussing with them the paint sticks,  
22 the buckets and never in any case do they deny that they're  
23 using paint sticks or buckets to anyone who asked them.

24 THE COURT: Well, I have one final thing to say  
25 because this is all eating, pardon the pun, eating into our

1 lunch hour, but, you know, here's the thing. There's two ways  
2 to look at this. There's the way that Ms. Solander rightfully  
3 or wrongly really believed that these children had all of these  
4 medical issues and was treating them accordingly kind of, like,  
5 the Munchausen's by proxy idea.

6 Or, the second spin you could take is that for  
7 whatever reason, you know, the relationship with these kids  
8 deteriorated, and she started, you know, feeding them  
9 differently and this and that and not allowing them to go to  
10 the bathroom which then caused some accidents, and in a way to  
11 explain that, she says, oh, they have this, that and the other  
12 thing.

13 Now, I think probably it could be a combination if  
14 you believe the evidence the State has presented of the two  
15 things, that she really thought maybe there was something wrong  
16 with this. I don't know. I think it's complex but certainly  
17 two possibilities are, like I said, she's saying, oh, they have  
18 all these things, and she really thinks it, or she's saying all  
19 these sayings as a way to explain her conduct, and it could be  
20 a combination of those things. So if you're looking at it that  
21 way, I think it's all relevant.

22 (Proceedings recessed 12:33 p.m. to 1:18 p.m.)

23 (In the presence of the jury)

24 THE COURT: All right. Court is now back in session.  
25 The record should reflect the presence of the State, the

1 defendant and her counsel, the officers of the court, and the  
2 ladies and gentlemen of the jury.

3 And you are still under oath.

4 All right. Ms. McAmis, you may proceed with your  
5 cross-examination.

6 MS. MCAMIS: All right.

7 CROSS-EXAMINATION

8 BY MS. MCAMIS:

9 Q All right. Ava.

10 A Yes.

11 Q Where are you living right now?

12 MS. BLUTH: Judge, can we approach very briefly?

13 THE COURT: Sure.

14 (Conference at the bench not recorded)

15 THE COURT: Go on.

16 MS. MCAMIS: Okay. And just for the record --

17 THE COURT: Sustained.

18 MS. MCAMIS: Thank you.

19 BY MS. MCAMIS:

20 Q All right. Ava, do you remember being beaten with a  
21 belt before you lived at Ms. Debbie's?

22 THE COURT: Can you say that again.

23 MS. MCAMIS: Yes.

24 BY MS. MCAMIS:

25 Q My question was do you remember being beaten with a



1 belt before Ms. Debbie's?

2 THE COURT: Okay.

3 THE WITNESS: Before being with Ms. Debbie's. I'm  
4 going to say no because I don't.

5 BY MS. MCAMIS:

6 Q Okay. Do you remember going to therapy while you  
7 were living with Ms. Debbie for the first time?

8 A Yes.

9 Q Okay. And do you remember that you did therapy  
10 before you lived with Ms. Debbie as well?

11 A No.

12 Q Now, you testified on direct examination about the  
13 different, like, foods and food rules that were in the Solander  
14 house. So I'm going to direct your attention to that okay.

15 THE COURT: Is it just me, or your voice sounds quiet  
16 today.

17 MS. MCAMIS: Oh, I think this might have been moved.

18 THE COURT: Okay.

19 MS. MCAMIS: I also thought I sounded a little  
20 different, but --

21 THE COURT: Okay. All right. Well, now we can hear  
22 you.

23 BY MS. MCAMIS:

24 Q Ava, are you able to hear me?

25 A Yes.

1           Q     If you're not able to hear me, can you just say I  
2 can't hear you?

3           A     Yes.

4           Q     All right. So, Ava, you testified about different  
5 foods that you had and the food rules that you had while you  
6 lived at the Solanders' home. So I wanted to direct your  
7 attention to that; okay?

8           A     Okay.

9           Q     Okay. So you testified that after you got --  
10 actually I'll ask it this way. Isn't it true that after you  
11 got adopted you still had regular food until the doctors  
12 thought that you may have Crohn's disease?

13          A     No.

14          Q     Okay. So it's your testimony that you did not still  
15 have regular food before the time where the doctor thought you  
16 may have Crohn's disease?

17          A     You just asked if I had regular food after I was  
18 adopted?

19          Q     Yes.

20          A     No.

21          Q     And before the doctor believed you may have Crohn's  
22 disease?

23          A     No.

24          Q     Okay. Now, you remember that you spoke with, like,  
25 someone from CPS in March of 2014; right?

1           A     Yes.

2           Q     Okay. And at that time they asked you a lot of the  
3 same questions, like tell me what happened; can you explain the  
4 different rules and what you ate when you lived at the  
5 Solanders' home; right?

6           A     Yes.

7           Q     And at that time, when you were giving the statement,  
8 you promised to be truthful about giving the statement and the  
9 answers to their questions; right?

10          A     Yes.

11          Q     And you remember that the CPS investigator back in  
12 March of 2014 also asked about the food that you ate in the  
13 home at the Solanders' home after you got adopted and then also  
14 asked you questions about the doctor and how that may have  
15 changed your food intake; right?

16          A     What's that last part you said? The doctor --

17          Q     It's a lot. I'll break it down. How about we do  
18 that. So CPS asked you about the different food that you ate  
19 at the Solanders' home; right?

20          A     Yes.

21          Q     And they also asked you about the food that you ate  
22 before and after you were adopted; right?

23          A     Yes.

24          Q     And they also asked you about the food that you ate  
25 after you were adopted, but before you started seeing the

1 doctors for stomach problems; right?

2 A Yes.

3 Q Okay. And at that time, isn't it true that you told  
4 CPS that you still had regular food after you were adopted  
5 until the doctors thought you had Crohn's disease?

6 A I don't remember telling them that.

7 Q Okay. Would looking at your statement help?

8 A Yes.

9 Q Okay. Now, you understand that that statement to the  
10 CPS investigators was, like, recorded; right?

11 A Yes.

12 Q Okay. And so later everything that you said and  
13 everybody else said was typed up; right?

14 A Yes.

15 Q Okay. So I'm going to approach with that statement  
16 if you give me just a moment.

17 Okay. Ava, I'm going to have you look at page 49 of  
18 your statement to police that you gave back in March of 2014,  
19 and my questions are about this section here. So if you'd  
20 like, please read that all the way until the bottom, and let me  
21 know when you're done, but read that section to yourself first.

22 Did you have an opportunity to review that, to read  
23 all of that, Ava?

24 A When? Just now?

25 Q Just right now.

1           A     Yes.

2           Q     Okay. And did that refresh your memory about what  
3 you told the CPS investigator back in March of 2014 about the  
4 food that you ate after adoption?

5           A     Yes.

6           Q     Okay. And so isn't it true that you told the CPS  
7 investigator that after you got adopted you still had regular  
8 food until the doctor thought that you may have Crohn's  
9 disease?

10          A     Yes.

11          Q     Okay. All right. Now, the doctors thought that you  
12 may have had Crohn's disease after it was reported you had  
13 blood in your stool, poop?

14               MS. BLUTH: Judge, I apologize. I'm going to object  
15 because it misstates. There's no "may" in any of these pages.  
16 It's that she had Crohn's disease. There's no may --

17               THE COURT: Well, I don't know also that she would  
18 know what the doctors had reported unless it was told to her by  
19 a doctor.

20               MS. MCAMIS: Right. My question was not for the  
21 veracity of whatever doctor's report. It was for what she said  
22 timewise between postadoption and premeeting with the doctor.

23               MS. BLUTH: Well, and my --

24               THE COURT: Okay. Well, counsel approach.

25               (Conference at the bench not recorded)

1 THE COURT: Ms. McAmis, if you would just read the  
2 transcript verbatim.

3 MS. MCAMIS: Understood, Your Honor.

4 BY MS. MCAMIS:

5 Q All right. So I'm going to reask that question this  
6 way. Ava, isn't it true that when you spoke to CPS in March  
7 of 2014 about the food after the adoption you said, quote, And  
8 then after we got -- when -- once we got adopted, and after  
9 that still did it, but then once we -- because we -- our  
10 doctors thought we -- I had Crohn's disease; is that what the  
11 statement that you gave to CPS at that time says?

12 A Yes.

13 Q Now, my other question was going into the reason that  
14 the doctors were testing you to see if you had Crohn's disease.  
15 So you were taken to see a doctor after there was blood in your  
16 poop; right?

17 A Yes.

18 Q Okay. And you actually saw blood in your own poop  
19 more than once; right?

20 A I only remember once.

21 Q Okay. And you remember talking to the CPS  
22 investigators about the blood in your poop back in March  
23 of 2014; right?

24 A Yes.

25 Q Okay. All right. And so at that time, do you

1 remember saying that blood actually came into your poop, and it  
2 came out more than once?

3 MS. BLUTH: I'm so sorry to interrupt. May I have a  
4 page number.

5 MS. MCAMIS: Of course. 51.

6 MS. BLUTH: Thank you.

7 BY MS. MCAMIS:

8 Q Do you remember the question? Do you remember saying  
9 to CPS back in March of 2014 that blood came or that blood was  
10 in your poop that came out more than once?

11 A No.

12 Q Would reviewing your statement from that time period  
13 refresh your memory about what you said?

14 A Yes.

15 Q Okay. So I'm going to have you look at page 51, and  
16 if I could have you just read that top part. When you've had  
17 an opportunity to read that, please let me know.

18 A Okay.

19 Q Okay. Did that refresh your memory about the  
20 information you gave to CPS back in March of 2014 about the  
21 blood in your poop?

22 A Yes.

23 Q Okay. And at that time, you were asked how many  
24 times did that happen to you, and your answer was more than  
25 once?

1           A     Yes.

2           Q     Okay. All right. And so that's why Ms. Janet took  
3 you to the doctor was because there was blood in your poop, and  
4 then after, she took you to the doctor; right?

5           A     Say that again, please.

6           Q     My question was after blood was in your poop and that  
7 came out, Janet took you to the doctor specifically for that  
8 reason?

9           A     Yes.

10          Q     All right. All right, Ava, I'm going to ask you  
11 about some questions from your direct examination today; okay?

12          A     Okay.

13          Q     You testified that you actually did not have to lick  
14 the pee up off the floor in that one incident; right?

15          A     I was supposed to, but I didn't.

16          Q     Right. Your testimony, if I understood correctly,  
17 was I didn't; I refused?

18          A     Yes.

19          Q     Okay. Now, you were asked why you testified at the  
20 preliminary hearing that you actually did lick the pee up off  
21 the floor. Do you remember that?

22          A     Yes.

23          Q     Okay. So why did you testify in the past that you  
24 actually did lick the pee up off the floor?

25          A     Because I was confused.



1           Q     Okay. But as you sit here today, you are testifying  
2 that you never licked pee up off of the floor after Janet told  
3 you to?

4           A     Yes, that's what I'm saying.

5           Q     Now, you testified that there were timers to let you  
6 know when you could use the bathroom at the Solander house.

7           A     Yes.

8           Q     Okay. And these timers went off for every hour;  
9 right? While you were at home school.

10          A     I don't know how many hours.

11          Q     Okay. Now, every time that the timer went off, you  
12 would have an opportunity to go to the bathroom; right?

13          A     Yes.

14          Q     So every time the timer went off, Janet actually  
15 asked, Do you need to go to the bathroom?

16          A     Not every time.

17          Q     Okay. But when the timer went off, she did ask you  
18 if you needed to go to the bathroom?

19          A     Maybe once or twice.

20          Q     Once or twice in the entire years that you lived  
21 there; is that correct?

22          A     The entire time she decided to ask.

23          Q     Okay. Now, isn't it true that you testified at a  
24 preliminary hearing in this matter and were asked questions  
25 about the bathroom timers?

1           A     Yes.

2           Q     Okay. And isn't it true that when you testified  
3 previously at the preliminary hearing you explained the rules  
4 about the bathroom timers going off?

5           A     Yes.

6           Q     Isn't it true at that time that you said every time  
7 that the timer went off Janet would ask if you needed to go to  
8 the bathroom?

9           A     Yes.

10          Q     Okay. And the timers for the bathroom were used  
11 during your home school hours; right?

12          A     I mean, I was in school for, like, 24/7.

13          Q     Okay. So when you were in school for 24/7, and just  
14 so I understand what you mean, what is 24/7 to you?

15          A     Meaning I was doing school work until literally,  
16 like, after midnight.

17          Q     Okay.

18          A     So the timer was being used. It wasn't just being  
19 used during school work.

20          Q     Okay. Now, isn't it true at the preliminary hearing  
21 in this matter when you testified and you were asked, When  
22 school was not in session, the timers were not used, your  
23 answer was, Sometimes?

24          A     Say that again, please.

25          Q     Of course. You remember testifying at the

1 preliminary hearing in this matter about the bathroom timers;  
2 right?

3 A Yes.

4 Q Okay. Now, isn't it true that when school was not in  
5 session the timers were not always used, and your answer was,  
6 Sometimes, when you testified at the preliminary hearing?

7 A I don't know why I said that.

8 Q Okay. My question to you was isn't it true that you  
9 said that?

10 A I don't know.

11 Q Do you not know just because you don't remember  
12 because it's been a while?

13 A Yeah, basically I don't remember what I said back  
14 then.

15 Q Okay. Now, you remember that when you testified at  
16 the preliminary hearing in this matter you also had to take the  
17 stand and raise your hand and promise to tell the truth at that  
18 time; right?

19 A Yes.

20 Q Okay. And so your testimony at that time was also  
21 you promised to be truthful when you said it?

22 A Yes.

23 Q And you understand that, just like this recording  
24 today, your preliminary hearing testimony was transcribed,  
25 meaning recorded and then typed up; right?

1           A     Yes.

2           Q     Okay.  So would looking at a copy of your testimony  
3 that you gave on this issue of the bathroom timers refresh your  
4 memory about what you said?

5           A     Yes.

6           Q     Okay.  So I'm going to approach with your preliminary  
7 hearing testimony from May 22nd, 2014, and I'm directing  
8 everyone to page 65, and you [unintelligible], please.  Okay.  
9 And if you could look at this section right here about the  
10 questions, read that silently to yourself and then just look up  
11 when you're done.

12                   Did you have a chance to read that?

13          A     Yes.

14          Q     Did that refresh your memory about what you testified  
15 to back at the preliminary hearing in this matter?

16          A     Yes.

17          Q     Okay.  So, Ava, when you were asked when school was  
18 not in session, were the timers used, and your answer was  
19 sometimes?

20          A     Yes, that's what I said.

21          Q     Okay.  And so your answer at that time was not that  
22 they timers were used 24/7 because you were in school 24/7;  
23 correct?

24          A     What I'm trying to say is that the timers were used  
25 when we had to use the bathroom.  It wasn't just during school

1 time.

2 Q Okay.

3 A If we had to use the bathroom --

4 Q But my question to you --

5 A -- then the timers were on.

6 Q -- is when you testified back at the preliminary  
7 hearing, your answer was that only sometimes the timers were  
8 used?

9 A That's what I said.

10 Q Okay. So I have some questions for you about the  
11 buckets okay. All right. And you testified that you had to  
12 sit on the Home Depot orange buckets all day long; correct?

13 A [No audible response.]

14 Q Okay. And if I could ask you to answer out loud,  
15 please, just because they record this.

16 A Yes.

17 Q Okay. And that was for all of you; you and your  
18 sisters had to sit on the buckets; right?

19 A Yes.

20 Q And you sat on the buckets at the kitchen table while  
21 you were homeschooled; right?

22 A Yes.

23 Q Okay. Now, isn't it true that before there were  
24 buckets you actually sat on a black cloth chair during the  
25 school day?

1 A A black what?

2 Q Cloth, like fabric?

3 A I don't remember that.

4 Q Okay. You remember testifying at the preliminary  
5 hearing about sitting on buckets though; right?

6 A Yes.

7 Q Okay. And do you remember testifying at the  
8 preliminary hearing that you sat on the cloth chair during the  
9 school day?

10 A Um --

11 Q It's okay if it's no. Do you not remember that?

12 A I don't remember that, and which house are we talking  
13 about?

14 Q Well, I'm asking you actually what your memory is  
15 about sitting on cloth chairs and what your prior testimony  
16 about that was?

17 MS. BLUTH: Judge, objection. Vague. I mean, she  
18 doesn't know. We talked about the Jubilee house and Wakashan.  
19 So --

20 MS. MCAMIS: Okay.

21 THE COURT: All right. It's compound.

22 First is do you remember sitting on a cloth chair?

23 THE WITNESS: Yes, when we were foster kids.

24 BY MS. MCAMIS:

25 Q Okay. Do you remember sitting on a cloth chair when

1 you were also homeschooled though?

2 A No.

3 Q And you were homeschooled when you were an adopted  
4 child; right?

5 A Yes.

6 Q Okay. Now, at the preliminary hearing, you testified  
7 that when you were homeschooled, before you sat on buckets, you  
8 sat on a cloth chair, and that's when I asked if you remember  
9 that, and you said no.

10 A No, I don't.

11 Q Okay. Would looking at your testimony refresh your  
12 memory about what you testified for in the past?

13 A Yes.

14 Q Okay. Actually why don't we do it this way. Ava,  
15 I'm going to read this to you, and if it is incorrect, we'll  
16 have a discussion about it. So isn't it true that when you  
17 testified back at the preliminary hearing you were asked a  
18 question. You were asked actually a couple of questions about,  
19 And all three of your sisters had to sit on the buckets all day  
20 long, and you answered, Yes.

21 Then you were asked another question, Okay. Now,  
22 this bucket that you talked about, it was -- it was you would  
23 have an accident during the school day; correct? The answer  
24 was, Yes.

25 And then the next question was, And you were sitting

1 on a cloth chair; correct? And your answer was, Yes.

2 A That doesn't even sound like me.

3 Q I'm just trying to save you a little bit of reading,  
4 but if you would, I'm going to have you look at the preliminary  
5 hearing transcript in the section I was talking about right  
6 here, and if you would read through to at the bottom. Okay.

7 A I still don't know what we're talking about.

8 Q Okay. So how about this. Did you have an  
9 opportunity to read all of this?

10 A No.

11 Q Okay. So go ahead and please read it to yourself.

12 A Right. Yeah, I read it.

13 Q Okay. Now, isn't it correct that at the time you  
14 were asked questions about sitting on buckets during the school  
15 day, and you answered, Yes. And then there was a question, And  
16 you were sitting on a cloth chair; correct? Yes. And you  
17 would get the cloth chair wet and dirty; correct? And you  
18 answered, Yes?

19 A I still don't know what cloth chair we're talking  
20 about.

21 Q Okay. But at the preliminary hearing, you agree that  
22 I read this -- this page correctly; right?

23 A Yes.

24 Q You just had an opportunity to look through this and  
25 see what you testified to previously?



1 A Yes.

2 Q And that's what the page said?

3 A All right.

4 Q I'm asking --

5 MS. BLUTH: Counsel, I'll stipulate that that's what  
6 the page said.

7 MS. MCAMIS: Okay.

8 MS. BLUTH: Thank you.

9 BY MS. MCAMIS:

10 Q Now, out of all three of you and your sisters,  
11 Anastasia had the most potty accidents; right?

12 A Yes.

13 Q Okay. And Anastasia had a training potty in the  
14 kitchen; right?

15 A I don't know.

16 Q You don't know. Okay. All right. So and we've been  
17 talking about what you testified to previously at the  
18 preliminary hearing. I've asked you several questions about  
19 that; right?

20 A Yes.

21 Q Okay. So if at the preliminary hearing you were  
22 asked questions that -- actually, let me ask it this way. You  
23 were asked specifically, Okay, and so Anastasia was told to sit  
24 on a little training potty, correct, and you answered, yes; is  
25 that fair to say?